

H-1B Lottery Operating Procedures and Policies FOIA

Supplemental Production by USCIS after lawsuit filed				
Page range	Agency Office	Date	Document	Key Information Included
pp 1-4	Service Center Records Management , Service Center Operations (SCOPS)	12/22/2009	Email from Denis R. Peck, Branch Chief and earlier emails in chain	Emails about 5 cases that had to be researched as to whether received in time to be included in the lottery (RNG). Emails show that VSC and CSC prepare barcoding spreadsheets, which must be complete before USCIS performs the random selection.
5-127		Various dates	Various emails from James Fitzsimmons and others	Primarily emails discussing petition counts toward the cap ("H-1B cap counts") and H-1B cap numbers on various dates for FY2010-FY2012, Fitzsimmons H-1B cap updates for various dates, and CSC and VSC bar coding and mail receipts charts 4/1-9/2009 (p.124). <ul style="list-style-type: none"> •Includes a few 1/24 and 1/27/2011 emails that are indexed at pp.1418-1441 with other emails from those dates. •D. Neufeld 1/28/2011 email (p.101) providing bullet points to A. Mayorkas re: reaching the FY2011 H-1B cap, indexed at pp.1613-17 with related emails.
128-131	SCOPS	12/24/2009	Email from Shelly A. Sweeney followed by earlier emails in string	Discussion of draft responses to CIS Ombudsman's questions [which are at pp.130-131]. Draft response discusses that Chile/Singapore numbers are held in reserve, with unused numbers added to next FY's regular cap.
132-137	SCOPS	1/29/2010	Email from Shelly A. Sweeney followed by 1/28 emails from James Fitzsimmons and others	At p.133, Fitzsimmons forwarded a 3/4/2008 email with templates for daily cap reports for FY2009. Fitzsimmons explains in 1/28 email that his design was not implemented. The templates (which according to the email were not adopted by USCIS are redacted (pp.134-137).
138-145	SCOPS	2/2/2010	Email from James Fitzsimmons followed by earlier emails in string	Fitzsimmons circulated templates for daily cap reports for FY2011. Sweeney circulated documents from VSC re: FY2010 acceptability criteria for cap cases seeking comments for use in FY2011. The documents, which follow at 140-145, are CSC's.
146-149		6/14/2011	Email from Shelly A. Sweeney followed by later emails in string	Emails about draft of Policy Council Briefing Paper on H-1B Cap Exemption for Related or Affiliated Nonprofit Entities raising Sweeney's concern about creating two separate definitions for cap exemption and ACWIA fee purposes. The draft (at 148-149) is redacted.

150-153		4/12/2010 12/6/2010 9/13/2010	Various emails	Emails about FY2011 H-1B cap count including charts for 4/9, 9/10 and 12/3/2010.
154-155		8/17/2010	Email from James Fitzsimmons	Includes chart (p.154) comparing FY2010 and FY2011 cap counts (as of 8/13/2010 and 8/14/2009) for CSC and VSC by regular and master's cap
156-157	Service Center Records Management, SCOPS	2/1/2010	Email from Denis R. Peck and earlier emails in string	Emails re: number of FY2010 petition rejections after cap reached in response to reporter's inquiry
158-161	Internal Review Div., Office of Security & Integrity	1/21/2010	Emails (pp.158, 160) from Holly Jo Jackson, Program Support Analyst and later emails in string	Emails respond to Jackson request as to information requested by GAO (see Jackson e-mails), including request for lottery process standard operating procedures.
162-240		Various dates	Emails from James Fitzsimmons and others	Emails containing discussions of H-1B cap counts. FY2010 (pp. 160-165, 168-177 (including mail receipts by day 4/1 through 4/17 CSC and VSC) 180-240 (including CSC and VSC cap reports for various dates)), FY2011 (pp.166-167, 178 (cap count as of 1/7/2011 showing # of eligible petitions), 179 (same of as 12/31/2010))
241	ILW.com	4/7/2010	Blog by Christopher Musillo, private practitioner	Blog re: H-1B filing numbers for 2010 being down. (Note pp.242-43 are not related to H-1Bs)
244-735		Various dates	Various emails and website pages (drafts and possibly final versions)	Discussions of H-1B cap counts FYs 2010 through 2012 and charts of cap counts and mail receipts for various dates. Emails re: drafts of FY 2011 acceptability criteria documents and of FY 2011 cap documents for public, including cap gap. Also drafts of, and what may be finals of, website pages (public updates) for FY2010.
736-742	SCOPS	5/21/2009	Email from Barbara Q Velarde, Chief and later emails in string	Discussion of how to handle potential duplicate filings and legal authority for denying multiple filings (including if duplicate filings denied and then employer tries to file a third petition). Discussion by C. Salem, Chief Counsel's office re: 8 CFR 214.2(h)(2)(i)(G) when lottery has not been run yet is redacted (pp. 738-39).
743-766		4/7/2009 4/8/2010 9/22/2010 10/13-15 and 11/4/2010	Various emails	Discussion of H-1B cap counts for FY2010 and FY2011 and about providing public notice (through website updates). Some charts as to the number of petitions pending adjudication on various dates in 2010.

767-770		4/21/2009	Email from Carol L Williams and earlier emails in string	Discussion of a potential rule to establish a registration system for petitioners who file "otherwise eligible" petitions, following up on a 4/17/2009 meeting. [Note that under this proposal, USCIS would not guarantee that registrants would receive an H-1B number.]
771-772	Service Center Records Management SCOPS	12/24/2009	Email from Denis R. Peck, Branch Chief and related e-mails	Results for FY2010 H-1B lottery run on 12/23/2009
773-774		4/7/2009	Email from Paola Rodriguez Hale and related e-mails	H-1B TARP Plan and "PP clock" (referring to the date on which H-1B premium processing will resume). See 4/6/2009 Robert M. Perkins email to D. Peck and others (p.774) re: whether PP clock legally could be delayed until 4/9 to allow for "full and accurate count" and allow contractor to "get a jump on" post-lottery acceptability review procedures as trying to manage 8,000-10,000 premium processing petitions.
775-1315			Various emails	More discussions of progress toward reaching the cap in FYs 2010 and 2011, with cap number charts and processing charts as of certain dates. Also drafts of update documents for website and documents ready for posting (see pp.890-1289 and 1294-1304 for FY2011, pp.1290-1294 for FY2010). See J. Fitzsimmons 8/23/2010 email (pp.1307-1308, update as of 8/20), which discusses surge in FY2011 regular cap petitions the week before and states that the analysis in Greg Siskind's 8/19/2010 blog (included in the e-mail) is "sound."
1316-1324		8/17/2010	Email from James Fitzsimmons and related emails between 8/16-19/2010	Discussions about H-1B processing times, including comparison with FY2010 cap numbers, including explanation of FY2011 larger number pending late July 2010 due to later filings. Unrelated 1/10/2011 email exchange at p.1322 re: need to update the cap webpages.
1325-1349		Over the period from Feb. 2010 through Jan. 2011 (not every month)	Various emails	Topics include planning for FY2011 cap season and as of 4/1/2010 cap numbers, processing times, cap reports, public updates for website. 4/1/2010 email (p.1345) has first day CSC cap count and estimate. 4/2/2010 emails (p.1344) has first day CSC cap numbers for FYs 2009 and 2010. 3/19/2010 email from Tanya L. Howrigan, VSC re: "magic numbers" for FY2010.
1350-1355		9/28/2010	Email from Shelly A. Sweeney to Barbara A. Velarde and Greg Richardson and related emails during the period from 9/20-29/2010	Discussions of importance of processing H-1B petitions with change of status from F-1 as 10/1 approaches, and plan for accomplishing including overtime authorization.

1356-1379		Over the period from Feb. 2010 through Jan. 2011 (not every month)	Various emails	Topics include planning for FY2011 cap season and as of 4/1/2010 cap numbers, processing times, obtaining comments and clearances for cap-season materials for USCIS website including the cap numbers chart, actual cap numbers charts and Service Center processing time reports for certain days.
1380-1382		See 1316-1324 above		
1383-1393	Business Employment Services Team - SCOPS	10/15/2010, 10/19/2010, 11/4/2010 and then weekly until 1/12/2011 (except no summary during first week in Jan. 2011)	Emails from Shelly Sweeney, Adjudications Officer to Barbara Velarde, Gregory Richardson, Frank Harton	Synposes of that week's processing time reports from CSC and VSC, including approvals, denials, RFEs and pending petitions.
1394-1413		Various dates during the period from 10/18/2010 until 2/16/2011	Various emails from CSC and VSC to Shelly Sweeney	H-1B processing time reports for various dates, mostly from CSC. 2/17/2011 email from Joseph Fierro, CSC to Mark Harvey and others (p. 1408) describes changes he made to the CSC report. <ul style="list-style-type: none"> •Fierro explains why some cases appear to be "pending" when closed and other "anomalies." •Some may be interested in the third paragraph, where Fierro gives examples of "anomalies" that may appear on the report as being past reported processing times, including "cases that have gone to BCU for IBIS resolution or CARRP review" or "CFDO for fraud".
1414-1417		9/21/2010, 9/23/2010, 9/28/2010	Various emails	Discussing 9/23/2010 meeting so SCOPS can obtain more information about CSC and VSC plans to get within 60 days on H-1B adjudication. See p.1414 for data from VSC responding to SCOPS' questions and pp.1415-16 for CSC data.
1418-1441		1/24/2011 and 1/27/2011	Various emails	1/24/2011 emails discuss the target number of petitions for FY2011, number of petitions received as of 1/24 and projections for next few days; 1/27/2011 emails discuss procedures for handling "last day" petitions as cap reached 1/26/2011. See 1/24/2011 email from D. Peck (p.1420) explaining advice from J. Fitzsimmons to suspend data entry on 1/26 for contractor numerical count and to have barcodes ready for lottery, 1/27/2011 email from J. Fitzsimmons (p.1419) advising that 1/26 is "final receipt date," with barcoding instruction, and 1/27/2011 email from D. Neufeld (p.1432) that the H-1B cap was reached and a "mini-lottery" will be conducted from the last day's [1/26] filings.

1442-1470		Various dates during the period from 4/19/2010 through 12/27/2010	Various emails	Emails include a table with the FY2011 H-1B Cap Count, separately for regular cap and master's exemption, including cap amount, cap-eligible petitions and date of last count. 9/7/2010 email also includes Greg Siskind's 8/19/2010 blog (p.1465)
1471-1480	Mostly VSC	Various dates during the period from 9/22/2010 through 1/31/2011	Various emails	Mostly emails from VSC with H-1B processing "snapshots." <ul style="list-style-type: none"> • 9/22/2010 email from James Fitzsimmons (p.1471) with chart for number of H-1B petitions pending adjudication at VSC and CSC 4/1-7/31/2010, including F-1 to H-1B. • 9/27/2010 email from Peter Shuttle, VSC Ass't Dir. with chart (p.1474), reporting on "push" to adjudicate F-1 COS to H-1B. • 1/31/2010 email from James Fitzsimmons (p.1475) announcing FY2011 cap reached on 1/26/2011.
1481-1496	Mostly VSC	4/22, 28-29/2011 (pp.1481-1485); other pages are various dates during the period from 4/8/2010 through 1/18/2011	Various emails	Mostly emails with VSC H-1B FY2011 processing reports as of various dates, showing number pending, actions taken, etc. , for premium and "regular" processing. Some CSC reports. Two VSC reports covering April 2011 appear to be for FY2012 (pp.1481-1485). See 1/18/2011 email exchange (p.1492) re: questions about processing withdrawal requests and how that relates to calculating the petition count for the cap. Also 1/18/2011 email from James Fitzsimmons (p.1493) with FY2011 H-1B cap count update for regular and master's cases as of 1/14/2011.
1497-1502	SCOPS	Various dates from 5/24/2010 through 10/12/2010	Emails from James Fitzsimmons	FY2011 H-1B cap updates for regular and master's cases on various dates from 5/21/2010 through 10/8/2010
1503-1513		1/24/2011, 1/27/2011	Various emails	Covers same subject matter as pp.1418-1441. Same emails can be found within the earlier pages.
1514-1527		Various dates during the period from 9/29 through 12/7/2010, and 2/25/2011	Various emails	Emails with processing updates, including "snapshots" for weekly processing of FY2011 cap filings and H-B petitions with EOS filed in FY 2010. Also 12/7/2010 emails between J. Fitzsimmons and S. Sweeney re: creating a chart for FY2011 that will be clear to the public that regular cap numbers will still be available when the master's exemption is reached (p.1516) and 9/29/2010 emails re: F- COS to H-1B cap processing (pp.1524-1526).
1528-1529	SCOPS and CSC	Emails 9/20, 9/21/2010	Various emails reacting to National Production Report (see pp.1529-32)	D. Neufeld expresses concern and seeks information from VSC and CSC re: Sept. 2010 (p.1529); Rosemary Melville, CSC Director responds (p.1528) with plan by Joseph Fierro (see pp.1533-1537)

1529-1532	Office of Performance and Quality (OPQ), USCIS	9/17/2010	Email from Joseph Moore, OPQ Chief, followed by report	National Production Report, Aug. 2010 Preliminary Data, which triggers concerns about adjudications at pp.1528-1529
1533-1537	CSC	Sept. 2010 (see p.1528)	Division I Adjudicative Process Plan, prepared by Joseph Fierro	Plan (see p.1528) to reduce backlog in adjudicating non-premium H-1B cap cases at CSC, with flow charts of adjudicative processes and goals
1538-1542		4/8/2011	Email from Luz Irazabal followed by USCIS announcement for posting on uscis.gov	Transmitting final of 4/8/2011 USCIS Update, USCIS Continues to Accept FY2011 H-1B Petitions (at p.1542)
1543-1543	Service Center Records Management, SCOPS	2/19/2010	Email from Denis R. Peck, Branch Chief to Shelly Sweeney and others	Transmitting copies of VSC Cap Plan Draft documents, probably for FY2011. See Reprocessed Production Index for FY2015 VSC and CSC Actions Plans.
1544-1546* and 1549-1612		Emails 4/1-8, 4/28, 5/16, 7/5 and 8/1/2011	Various emails	Emails about processing of H-1B petitions at VSC and CSC for FY2012, including charts covering various time periods and some estimates. Emails from James Fitzsimmons with FY2012 H-1B cap count updates for regular and master's cases as of 7/29 (p.1544), 7/1 (p.1545), 5/13 (p.1546). See pp.1550-1551 for numbers of petitions during first 5 business days of April 2011. Some concerns expressed that the total number of petitions filed during the first five days of April 2011 (FY2012) was lower than April 2010 (FY2011).
*1547-1548	Service Center Records Management, SCOPS	4/28/2011	Email from Denis R. Peck, Branch Chief to Barbara Q, Velarde and others followed by earlier 4/28/2011 emails re: distribution of March 2011 "OCFO" monthly fiscal status report	D. Peck comments that "aside from" H-1B cap, USCIS is "doing pretty well revenue wise," attributable to premium processing revenue, which is "tied to significant growth" in premium processing for I-140 petitions.
1613-1617		1/28-29/2011	Various emails	Emails gathering information for Alejandro Mayorkas, then-Director, USCIS about FY2011 H-1B cap season, such as target number of petitions (85,500), number of petitions received final day. See 1/28/2011 email from D. Neufeld to A. Mayorkas (pp.1615-1616) for the bullet points provided, which can be compared with information supplied to D. Neufeld to see what he selected.
1618-1638		1/24/2011, 1/27/2011	Various emails	Covers same subject matter as pp.1418-1441. Same emails can be found within the earlier pages.

1639-1648	Unknown	Unknown but probably for use during FY2012	Chapter, possibly from training materials or a reference manual for USCIS adjudicators	"Chapter 3: Numerical Limitations and Limits on Periods of Stay." Includes a chart for FY1992 through FY2011 (pp.1639-1640), which includes the number of H-1B visas available and the date the cap was met, if applicable. Also introductory discussion of petitions not subject to H-1B cap (pp.1641-1642); limits on periods of stay and exceptions, including AC21 provisions (pp.1643-1647); recapture of H-1B time (pp.1647-1648).
1649-1660		Various dates during the period from 11/18 through 11/25/2011 and 10/12/2011	Various emails	Discussing when the FY2012 cap will be reached and cap count updates for various dates. See 11/23/2011 email from D. Peck (p.1652) reporting cap reached 11/22 and 11/25/2011 email from J. Fitzsimmons (p.1650) advising that cap reached 11/22 and no lottery needed.
1661-1662	SCOPS	11/18/2011	Email from Denis R. Peck, Branch Chief, followed by chain of earlier 11/18 emails	Not H-1B related. Discussing volume estimates for "E13" premium processing, based on approximately 10,000 "E13" filings in FY2011 and premium processing percentages for other EB-1 petitions. [Possibly to consider premium processing for intracompany managers or executives ("E13") since USCIS does not provide PP for that category.]
1663-1676	SCOPS	Various dates during the period from 7/25/2011 through 11/15/2011	Emails from James Fitzsimmons transmitting H-1B cap updates	FY2012 H-1B cap updates for regular and master's cases on various dates from 7/22/2011 through 11/14/2011. See 9/26/2011 email from J. Fitzsimmons (p.1671) noting that after a "relatively slow start," the combined regular and master's petitions caught up with FY2011 volume. Also predicts, if trend continues that "cap" will be reached mid-January 2012, about two weeks earlier than FY2011.
1677-78		7/12/2012	Emails from Jessy J. Benavente to Bobbie L. Johnson and others, followed by chain of earlier 7/12 emails	J. Benavente, AACD, responds to email from B. Johnson, VSC/CSC Liaison SCOPS, who requested, in response to a "high level inquiry," the number of petitions filed and fees collected per Pub. L. No. 111-230 [the "50/50" fee]: 1096 petitions in June 2012, for \$2,203,250 in fees [\$2,000 H-1B, \$2250 L-1]
1679-1688	SCOPS	Various dates during the period from 5/2/2011 through 7/8/2011	Emails from James Fitzsimmons transmitting H-1B cap updates; 5/16 email from Denis R. Peck, Branch Chief	FY2012 H-1B cap updates for regular and master's cases on various dates from 4/29/2011 through 7/7/2011. See 5/16 D. Peck email (p.1685) commenting that the master's to bachelor's ratio is "higher than ever" and that "probably" the trend will continue in future years. See 5/9 J. Fitzsimmons email (p.1687) noting regular cap higher the year before:18,000 compared with 10,200.
1689-1706		4/1/2011 through 4/7/2011	Various emails	Estimates and actual counts for FY2012 cap season for VSC and CSC. See 4/2/2011 D. Peck email (p.1704) that "[i]nitial reports on H-1B filing season are that it was very light."

1707-1717		Various dates.	Various emails	FY2010 emails. Cap numbers as of 5/8/2009 (p.1707) and 4/1-4/8/2009 (pp.1711-1718). Discussion 12/22/2009 (pp.1708-1710) re: handling filings received 12/21 so that lottery can be run.
1718-1780*		Various dates	Various emails	Discussions of H-1B cap updates FYs 2010 through 2012, and some charts. All charts referenced here include number of petitions received in 4 categories: regular premium and non- and master's premium and non-. VSC and CSC 4/1-12/2009 (pp.1720-1723), VSC 4/7-14/2011 (p.1755), CSC 4/1-4/13/2011 (pp.1759-1760). Also Fitzsimmons H-1B cap updates as of 4/17/2009 (p.1778) and 1/21/2011 (p.1771). See also D. Peck, Branch Chief, SCOPS 1/24/2011 email to Fitzsimmons (p.1769) as to whether "target" is still 85,500 combined; 1/27/2011 SCOPS emails (p.1727) re: lottery on last day for FY2011; S. Sweeney, Adjudications Officer, 12/22/2009 email (p.1772) re: FY2010 cap reached 12/21.
*1774-1775		11/20/2009	Email from Shelly A. Sweeney to James Fitzsimmons and others re:11/20 email (p.1774) from Chris Rhatigan, Office of Communications	Emails concern a chart (p.1775), <i>H-1B Statistics</i> , Nov. 2009, USCIS Office of Communications, for FYs1992-2010, including the annual limit, whether limit reached, and if so, the date when reached. C. Rhatigan requested the dates for FY2010 to complete the chart. Includes master's exemption, beginning FY2005.
1781-1819	SCOPS	Various dates during the period from 4/19/2010 through 1/24/2011.	Emails from James Fitzsimmons transmitting H-1B cap updates	FY2011 H-1B cap updates for regular and master's cases on various dates from 4/15/2010 through 1/21/2011. See also Fitzsimmons 10/12/2010 email (p.1812, update as of 10/8) that the count (regular and master's combined) is a "20% decline" from prior year. (Fitzsimmons email pp.1783-1784 is a duplicate of pp.1307-08.)
1820-1834		Various dates	Various emails	More discussions of H-1B cap updates FYs 2010 through 2012 and more charts. Fitzsimmons 12/8/2009 email (p.1822) with chart of monthly volume of H-1B petitions based on mailroom date, May-Nov. 2009. Also, Fitzsimmons H-1B cap updates as of 4/15/2011 (p.1832), 1/14/2011 (p.1834), and 1/21/2011 (p.1833). (Fitzsimmons 8/16/2010 email with chart (p.1820) is a duplicate of pp.154-155.)
1835-1874	SCOPS	Various dates during the period from 6/1/2009 through 12/18/2009	Emails from James Fitzsimmons transmitting H-1B cap updates	FY2010 H-1B cap updates for regular and master's cap cases on various dates from 5/29/2009 through 12/17/2009. These charts differ from later FYs by also listing pending petitions, petitions "touched" and "untouched," percentage "touched," and RFE and denial rates. Updates provided nearly every day in December 2009.

1875-1849*		Various dates	Various emails	More discussions of H-1B cap updates for FYs 2010 through 2012 and some charts. See 1/24/2011 Fitzsimmons email with H-1B cap count chart comparing 12/24/2010, 1/14/2011 and 1/21/2011 (pp.1920-1921). See also 1/27/2011 Fitzsimmons email (p.1938 bottom) re: "rejects" list and petition "replacement" selection and related 1/28 and 1/31/2011 emails (pp.1937-1938). (There are duplicates of emails from Jan. 2011, during period when FY2011 cap was approaching and then reached. See pp.1418-1441. Also duplicates of FY2010 emails and cap numbers. See pp.1707-1717.)
*1888-1918		Various dates during the period from 4/26/2011 through 11/21/2011	Emails from James Fitzsimmons transmitting H-1B cap updates	FY2012 H-1B cap updates for regular and master's cap cases on various dates from 4/22/2011 through 11/18/2011. May be some overlap with pp.1663-1676.
1950-2165	Primarily SCOPS	Various dates	Various emails and charts. Most pages are duplicates of emails discussing H-1B cap updates for FYs 2010 through 2012, and of Fitzsimmons cap updates for various dates during FYs 2010-2012	<ul style="list-style-type: none"> •Ombudsman's Dec. 2009 questions about the number of filings USCIS will accept and how the Chile/Singapore H-1B1 numbers affect the H-1B cap, S. Sweeney's 12/24/2009 draft response and related emails (pp.1952-1955). •1/13/2011 email (p.2106), D. Peck, Branch Chief Service Center Records Mgmt to S. Loughlin and others stressing importance of contractor keeping current as to withdrawal requests because withdrawals affect the number of petitions USCIS can accept for the cap. See also 1/18/2011 email exchange (pp.2124-2125, and at p.1492) raising questions about tracking the withdrawal requests. •8/24/2010 email exchange (p.2160) re: problem with depositing "new fraud fee."
2166-2167	Office of Public Engagement, Community Relations	12/10/2010	Email from Mary K. Herrmann to Mariela Melero	Response to questions raised by AILA in Suzanne B. Seltzer's 12/7/2010 email to M. Melero (p.2167) seeking updates on 1) transfer of files from one Service Center to another and 2) AFM 10.1, indicating that petitions should not be rejected if sent to wrong office. As to #1, M. Herrmann expresses concern that the online case status system only shows a file transfer without location and without further updates. As to #2, M. Herrmann states SCOPS confirmation that petitions and applications are transferred except for premium processing cases and submissions during a "lottery window."

2168-2207		Various dates during the period from 1/21/2010 through 6/11/2010	Various emails, including several duplicates	<p>Discussions of GAO data request re: petitions manually rejected from FYs 2000-2008.</p> <ul style="list-style-type: none"> •S. Sweeney 2/5/2010 email (pp.2176-2177) to Mark E. Lundquist and others identifies GAO Project 130916, as a congressionally-mandated review of the impact of the H-1B cap on U.S. competitiveness and describes key GAO objectives. •Updated chart with number of manually-rejected petitions by Service Center for FYs 2000-2010 (pp.2166-2169, apparently the attachment to 6/11/2010 email (p.2173) from M. Lundquist, Mgmt & Program Analyst/COTR, SCOPS/Records Mgmt to Richard E. Nicholson and others). •See also 1/21/2010 email exchange between Holly Jo Jackson, Program Support Analyst, USCIS Office of Security & Integrity, Internal Review Div. and Sandra J. Zwiener, C3/IPCS Program Mgr (DHS?) re: GAO questions about whether certain data is captured in CLAIMS3 as to the master's exemption; regulations, SOPs or guidance as to who is counted against H-1B cap; and the manual rejects question.
2208-2218 & 2220		11/12 and 16/2009 (re: an 11/9 fee applicaton processing problem) and various dates during the period from 12/9/2009 through 2/28/2009	Various emails and some charts. (Page 2208 is not relevant as an intentionally blank page from the 2013 version of the Employer Handbook M-274.)	Discussions about numbers of filings received and cap counts as FY2010 cap approaches, about the H-1B results of the 12/21/2009 lottery, and about the number of petitions rejected after the cap was reached. Charts of lottery results for CNMI and Guam petitions (pp.2215-2216).
2219, 2221, 2223-2231		8/9/2009, 8/11/2009, 11/18/2009, 4/15/2010, 5/26/2010	Various emails and a VSC FY2011 H-1B cap reports (pp.2224-2231)	Discussions about a SCOPS 2009 request to CSC and VSC about specific deliverables the Service Centers want to be included in the request for proposal (RFP) to the contractor. See CSC Specific Deliverable dated 8/11/2009 re: I-129 H-1B CRIS (CAP Receipt Information System) Database (p.2221) requiring daily contractor data entry to help CSC track and process H-1B petitions. Describes the information to be entered about H-1B cap cases. 2010 emails (p.2223) appear to relate to a VSC request for a particular type of H-1B cap report in spreadsheet format (also used by CSC) to be included in a later RFP.

2222, 2232-2279*		Various dates	Various emails	Primarily discussions about FY2011 cap numbers during the period from 4/1 through 4/15/2010, with various VSC and CSC charts. Also 4/30/2010 emails about premium processing service (pp.2132-2133) and 7/8/2010 emails (p.2222) re: H-1B mailroom hold. Also 2/1/2010 emails (pp.2277-79) re: rejects after FY2010 cap reached.
*2274-2276	SCOPS	2/22/2010	S. Sweeney email to Carolyn Q. Nguyen and others followed by email chain 2/22 and 2/25/2010	S. Sweeney raises question about whether premium processing web page is accurate as to forwarding I-907s filed with the wrong Service Center (SC) for I-129s. C. Nguyen forwards a D. Peck 12/15/2009 email (p.2275) describing a pilot program for forwarding I-129s/I-539s filed at wrong SC except for premium processing and "imminent reaching of H-1B cap." D. Peck 2/25/2010 email (p.2274) suggests expanding to premium processing except during "initial 5 day H-1B lottery season." But see pp.2166-2167: expansion did not occur.
2280-2281	SCOPS	10/8/2009	Email from Barbara Q. Velarde, Chief to Ronnie D. Cox and others and email chain with responses	B. Velarde requests input (p.2281) as to her accomplishments for her Senior Executive Service rating. D. Peck 10/9/2009 email (p.2280) has text from B. Velarde's draft, which includes overseeing the realignment of Service Center workloads. Financial data includes \$1 billion in receipts, \$133 million in premium processing revenue and information about "prompt payment interest."
2282-2358*		Various dates	Various emails including some duplicates of prior pages	More discussions about FY2010 H-1B counts and VSC and CSC charts for various dates. •8/24/2009 email from Shannon P. Doherty to D. Peck and Kurt G. Gooselaw and Gooselaw's reply (p.2287) re: VSC review checklist for H-1B petition acceptability as to LCA 10/1 start date and exceptions. •5/12/2009 email exchange (pp.2290-91) between C. Nguyen, Sayres & Associates Contractor [not Longview JV] and D. Peck re: Option Year 1 projection costs based on data from 12/2008-3/2009. •4/1/2009 email from Lisa F. Manahan, Ass't Center Dir. Records/CORT, VSC to D. Peck (p.2330) re: 135 H-1B cap petitions "filed" early (3/31) and rejected, although noting that UPS called mailroom requesting they be "pulled" due to early delivery.

*2335-2350		3/3/2009. Attachments include Federal Register Notice and various USCIS updates from 2008.	Email from Robert M. Perkins to Carol L. Williams and Denis R. Peck and others	<ul style="list-style-type: none"> •Email discussing when to start the premium processing 15-day "clock." References 3/19/2008 USCIS Fact Sheet (first year for the lottery), which stated premium processing would not start until after lottery occurred. Email also recommends waiting until after the 5-business day period to start premium processing even if no lottery needed. •Attachments include the 3/24/2008 Federal Register notice for the interim final rule that includes the lottery, the 3/19/2008 USCIS Fact Sheet (pp.2343-2344), 5/9/2008 Qs & As re: the interim rule (pp. 2343-2347), various USCIS updates for FY2008, including the 4/18/2008 announcement (p.2349) allowing F-1 students to apply for change of status to take advantage of the new "cap gap" provision in the interim rule.
2359-2401		Various dates	Various emails	<p>Emails follow a page (2359) that reads "FY09 H1B Related." Discussions about FY2009 cap reports and H-1B numbers.</p> <ul style="list-style-type: none"> •Pages 2372-2376 concern a USCIS announcement of a preliminary count of 163,000 H-1B petitions received during the initial 5-day period. 4/11/2008 email from Chris Rhatigan to Carol L. Williams and others (p.2373) re: responding to Computerworld magazine inquiry triggered by incorrect statement from Sen. Grassley's office that the count included non-cap H-1B petitions. •4/11/2008 email from C. Williams to C. Rhatigan and others (also p. 2373) about when USCIS keeps fees if USCIS finds duplicate petitions were filed. •4/10/2008 email from Barbara Q. Velarde to Luz F. Irazabal and others (p.2377), explaining, as part of an email "chain" addressing a Senate staff inquiry, that determining how many petitions to accept "is based on complex algorithms taking into account abandonment and denial rates to get us as close to the approval at the cap levels as possible." •4/4/2008 Sandra T. Bushey email to D. Peck and others (pp. 2387-88) describing random review of 100 cap cases to see what percentage would pass eligibility review if selected in lottery; 85% were acceptable.
2402-2520		Various Dates	Various emails, including some duplicates. Also a USCIS Update 4/8/2010 re: USCIS continuing to accept H-1B petitions (pp.2519-2520)	Primarily discussions of FY2011 H-1B cap counts and processing times on various dates for VSC and CSC. Some discussions of processing times for H-1B extensions. A 4/29/2011 email from K. Canney (pp.2466-67 and 2490) with a VSC report also includes FY2012.

2521-2870*		Various dates	Various emails, including Fitzsimmons FY2012 cap updates for various dates. Updates on various dates to USCIS FY2012 H-1B cap count web page. Many duplicate pages.	<p>Emails follow a page (2521) that reads "Shelly Sweeney Disc FY12 Cap." Discussions about FY2012 H-1B cap reports. Also charts showing CSC and VSC H-1B petition processing as of various dates [60 day goal].</p> <ul style="list-style-type: none"> •S. Sweeney 10/3/2011 email (p.2591) re: processing time disparity with CSC within goal and VSC beyond due to influx of premium processing receipts and the need to commit resources to L's, O's and P's. •J. Fitzsimmons 8/22/2011 email (pp.2796-2797) with chart including predictions that FY2012 master's will be reached by 11/10/2011 and regular cap by 2/19/2012. •One FY2011 document: VSC I-129 Status Report (pp.2839-2842), probably by a contractor (SAM), possibly a draft. States that to comply with 8/12/2011 instruction to prioritize F-1 to H-1B COS and "keep up" with premium processing receipts increase, resources diverted from working "older" H-1B non-premium cap and EOS (p.2842).
*2641-2648	Primarily SCOPS	8/8/2011 through 8/10/2011	8/10/2011 email from Claudia F. Young to S. Sweeney followed by chain of earlier emails.	<p>Emails discuss processing disparity between VSC and CSC, with CSC being within 60 day goal, but VSC approaching 3 months for initial H-1B petitions.</p> <ul style="list-style-type: none"> •8/8/2011 S. Sweeney email to C. Young and others (p.2641) re: the disparity, noting an FY2011 policy prioritizing F-1 COS (cap gap) petitions outside processing goal, and suggesting that be the policy for FY2012. B. Velarde approved (also p.2641). •8/8/2011 K. Canney email to S. Sweeney and others noting VSC's primary focus on L backlog and the need to "temporarily divert a few H-1B ISOs" to the L's, which prompted S. Sweeney's email.

2871-3092		Various dates	Various emails	<p>Primarily emails discussing FY2013 cap reports and cap numbers with some Fitzsimmons cap updates. (Note that some updates have "FY2011" heading, but they are FY2013.)</p> <ul style="list-style-type: none"> •9/4/2012 email exchange in which J. Fierro notifies S. Sweeney (p.3026) that CSC is "pulling all the large [H-1B] filers" to streamline and process faster, and indicates VSC also does this. S. Sweeney replies that "SCOPS management had some concerns" as "gives the appearance of preferential treatment" to large over small employers. •3/15/2012 S. Sweeney email to Brian Pasternak at ETA [DOL] (p.3033) inquiring about LCA filing volume as SCOPS gets ready for H-1B cap season. 9/27/2012 email from S. Sweeney to B. Velarde and others (pp.3035-3036) re: greater processing backlog at CSC than VSC, and Sweeney's review of the Service Centers' plans to process pending H-1B petitions. •4/5/2012 email exchange (p.3062) re: VSC progress in reducing L backlog, including "pulling some resources from the H-1B" since cap volume "lower than expected." 2/6/2012 email from S. Sweeney to T. Lauver (pp.3084-3085) that appears to contain the data for the FYs1992-2011 chart at .pp.1639-1640.
3093-3167		<p>Various dates Note: 3093-3162:FY2009 3163, 3166-67: FY2013 3165: FY2011</p>	Various emails including some duplicates of prior pages	<p>Primarily emails discussing FY2009 cap numbers and cap reports, and VSC cap reports for certain dates.</p> <ul style="list-style-type: none"> •3/31/2008 Laurel Hooper-Halliburton email (pp.3108-3109) with count of early-filed H-1B and H-2B cap petitions, which USCIS rejected. •5/22/2008 email from Mary Lou E. Collins to D. Peck and others (p.3112) re: 321 files that received "a 'free' CAP number" because they had not been barcoded.
3169-3197				<p>Not relevant. Apparently from a FOIA production to attorney David Rubman. Includes a "Quick Guide" to a flash drive (in several languages) and a Feb. 2005 V-Safe 100 User Guide.</p>

3198-3585		Various dates	Various emails including some duplicates of prior pages	<p>Mostly emails discussing H-1B cap counts and cap numbers for FYs 2010 and 2011, and VSC and CSC cap reports for certain dates.</p> <p>3/9/2010 Denis R. Peck, Branch Chief, Service Center Records Mgmt, SCOPS, informing Walter W. Peacock, Stanley Assocs. [contractor] (p.3206) that the contractor's daily H-1B cap production goal is "inadequate," and that H-1B cap form data entry is "more important" during "this time period" as they "have far more money attached to them than other forms."</p> <p>3/25/2009 D. Peck email to W. Peacock and others (p.3238) that SCOPS now thinks H-1B cap filing volume will be lower than 2008 and "at most" like 2007, when 120,000 filings received.</p> <p>Contractor (Stanley Assoc.) flow chart, apparently initial sorting (pp.3402-3403, undated).</p>
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