From:	Sweeney, Shelly A
Sent:	Thursday, January 21, 2010 1:13 PM
To:	Fitzsimmons, James; Johnson, Bobbie L; Peck, Denis R
Cc:	McConnell, James E
Subject:	RE: GAO 130916: H-1B Visa Cap - information requests

My response in green.

From: Fitzsimmons, James
Sent: Thursday, January 21, 2010 1:53 PM
To: Johnson, Bobbie L; Sweeney, Shelly A; Peck, Denis R
Cc: McConnell, James E
Subject: FW: GAO 130916: H-1B Visa Cap - information requests

Bobbie/Shelly/Denis
My comments are highlighted below:
Jim

From: Jackson, Holly Jo
Sent: Thursday, January 21, 2010 12:55 PM
To: Zwiener, Sandra J; Kruszka, Robert F; Velarde, Barbara Q; Holick, Heather D; Fitzsimmons; James; McConnell, James E; Johnson, Bobbie L; Young, Claudia F
Cc: Nemeth, Carmen M; Kvortek, Lissette E
Subject: RE: GAO 130916: H-1B Visa Cap - information requests

Good afternoon-

Thank you Sandra and OIT for you quick response and for all the information you have provided.

The 2 sub-bullets regarding the December 16th meeting have been addressed. The GAO is looking for further information regarding the following from December 16th:

- GAO is looking for standard operating procedures or regulations or guidance that describes the lottery process. During the meeting in December, it was mentioned that DHS has specific procedures for running a lottery in years such as April 2008 when a great deal more petitions were received beyond the number that were eligible for the cap. Further, it was stated that we would see what other guidance there might be for other years, such as those in which the cap has not been reached. The GAO is looking for documentation that would describe these types of processes in greater detail. At this meeting, it was pointed out that SOP doesn't exist for lottery since only one person performs this task.
  Below is a summary explanation of lottery process:

H-1B Lottery:

Can you explain the process? How are H-1B applications allocated to adjudicators?

All I-129s are sorted upon receipt into 5 categories: regular cap, master's cap, premium regular cap, premium masters and Chile/Singapore. A bar code with a unique number identifier is placed on each case (the numeric series is specific to the sort). The random number generator is run against the bar code numbers that are used. The number generator places the bar code numbers into a random sequence of numbers, and the cases are pulled in that order for acceptability review. Once the cases are

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found to be acceptable, they are data entered, fee receipted and routed to the division for adjudication. Premium cases are processed first.

The below information is still needed regarding the January 19th meeting:

- Information on whether an employer is required to complete the fields on part C of the H-1B Data Collection and Filing Fee Exemption Supplement (these questions pertain to the numerical limitation exemption information) (Shelly)
  Petitioners should fully complete the form, including the H-1B Data Collection and Filing Fee Exemption Supplement (Denis, correct me if I am wrong, but I do not believe that a petition would be rejected for failure to complete these questions). If a petitioner leaves the questions that would identify the petition as exempt from the cap blank, the petition would be assumed subject to the cap and handled accordingly.
- Regulations, standard operating procedures, or guidance used to determine who is counted against the cap (See attachment.)
- Data for fiscal year 2000 through 2008 on the number of manual rejections of I-129 petitions for H-1B workers (Denis)

Thanks everyone for your assistance and please let me know if you have any questions or concerns.

Holly Jo

Holly Jo Jackson
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holly.j.jackson@dhs.gov

From: Zwiener, Sandra J
Sent: Thursday, January 21, 2010 10:29 AM
To: Jackson, Holly Jo; Kruszka, Robert F; Velarde, Barbara Q; Holick, Heather D; Fitzsimmons, James; McConnell, James E; Johnson, Bobbie L; Young, Claudia F
Cc: Nemeth, Carmen M; Kvortek, Lissette E
Subject: RE: GAO 130916: H-1B Visa Cap - information requests

December 16, 2010 Meeting (OIT)
     In regards to question 1, are you looking for OIT to provide this information? The I-129 form captures the same fields no matter which "type". However, I do not think I have the information on how the business team DE's these cases.

January 19, 2010 Meeting (OIT)
- Name of variable in CLAIMS3 mainframe data used to determine whether a petition is new, an extension, etc. The data is associated with the R2NISTAT table.
  The field is FSRRCPT-APP-PART-2-2 which can be found in the RCPT.txt file.

- Name of variable in CLAIMS3 mainframe data used to determine whether an individual is eligible for the higher education cap, and the associated table values for this variable.
  This would be the field where the Data would be stored on the Mainframe. However, the upload process does not capture this data. In reviewing the upload process, only data from questions 4, 5, and 6 of Part C (Numerical Limitation Exemption Information) would be uploaded question 7 is not.

     This data is captured in CLAIMS 3 LAN but it NOT uploaded to the MF.

Thanks,

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