



U.S. Citizenship
and Immigration
Services

November 14, 2016

Leslie K. Dellon
American Immigration Council
1331 G Street, NW, Suite 200
Washington, DC 20005

Re: *American Immigration Lawyers Assoc. v. U.S. Citizenship and Immigration Servs.*,
16-cv-956-RJL

Dear Ms. Dellon:

In accordance with the parties' agreement in the joint status reports filed on September 13, 2016 and October 13, 2016, the United States Citizenship and Immigration Services (USCIS) is making its final supplemental records production in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request dated November 30, 2014.

In the complaint filed on May 20, 2016, you allege that USCIS failed to conduct an adequate search relating to a portion of the November 30, 2014 request. Specifically, the complaint states that the agency failed "to identify any records relating to 'how USCIS tracks and counts unused H-1Bs for each fiscal year and takes into account such unused numbers during the appropriate fiscal year in accordance with 8 C.F.R. § 214.2(h)(8)(ii)(C).'" Complaint, pp. 10-11. Following further review of the records compiled in response to your request, and in light of our ongoing good faith negotiations, USCIS agreed to conduct a further search for responsive records.

Based on the nature and scope of the request, USCIS determined that the following agency offices could have potentially responsive records because of their involvement in the H-1B petition process: USCIS's Front Office, Office of Chief Counsel, Office of Policy and Strategy, and Service Center Operations Directorate. Each office was provided with a copy of the request, and was told to search for any records responsive to the portion of the request specified in the complaint, including any records relating to "how USCIS tracks and counts unused H-1Bs for each fiscal year and takes into account such unused numbers during the appropriate fiscal year in accordance with 8 C.F.R. § 214.2(h)(8)(ii)(C)." The offices were also instructed to provide the FOIA Office with a copy of any potentially responsive record, including, but not limited to process descriptions, standard operating procedures, emails, reports, and memoranda. In addition to searching its own records, those offices were also asked to identify any other Agency offices that it believed could have potentially responsive records.

As a result of this search, USCIS's Front Office, Office of Chief Counsel, and the USCIS Office of Policy and Strategy informed the USCIS FOIA Office that they had not located any further responsive records. While Service Center Operations Directorate did not locate any additional information, the office informed the USCIS FOIA Office that it had submitted records in response to a previous FOIA request that sought similar information, and some of those records could be responsive to this request. Accordingly, USCIS FOIA Office reviewed the records responsive to the previous FOIA request to identify any records that were responsive to this request.

Please find enclosed 3584 pages of records that USCIS located as a result of this additional search. 2512 pages are being released in their entirety and 1072 pages are being withheld in part, pursuant to 5 U.S.C. § 552 (b)(5), (b)(6), and (b)(7)(E). No pages have been withheld in full. This production constitutes USCIS's final production of records responsive to your request.

The enclosed record consists of the best reproducible copies available. Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

Enclosure(s)