

Worley, Jordan P

From: Stern, Kimberly M (Kim) [REDACTED] (b)(6)
Sent: Friday, March 09, 2018 2:33 PM
To: BEST_H1BGuidance@sptaas.dhs.gov
Subject: "Clearly Inconsistent" Clarifying Guidance
Attachments: H-1B Wage levels-Clearly Inconsistent_022218.docx

From: Doumani, Stephanie M
Sent: Friday, March 09, 2018 3:27 PM
To: Fierro, Joseph; Martin, Evelyn M; Boudreau, Lynn A
Cc: Baran, Kathy A; Lee, Danielle L; Crandall, Kristine R; Brennan Seng, Mary Elizabeth (MB); Zuchowski, Laura B; Selby, Cara M (Carrie); Neufeld, Donald W; Colucci, Nicholas V; Hutchings, Pamela G; Nicklaw, Nicole C; Stern, Kimberly M (Kim); McMahon, Matthew E; Collins, Richard A
Subject: "Clearly Inconsistent" Clarifying Guidance

Good afternoon,

Attached please find clarifying internal guidance titled, "Additional Guidance Regarding Wage Level Analysis."

This guidance for adjudicators discusses wage levels in relation to the memorandum, "Rescission of the December 22, 2000 'Guidance memo on H-1B computer related positions,'" which was published on March 31, 2017. This guidance has been drafted in response to questions raised during the November 2017 Rescission Memo Workshop at the CSC. During the workshop, officers requested specific guidance regarding when the wage level does not appear to correspond to the proffered position.

This guidance delineates a detailed approach to assist adjudicators in determining whether the wage level listed on the LCA is "clearly inconsistent" with the proffered position. This guidance also provides additional information regarding DOL's process, and can be utilized as a resource when writing denials.

Our intent in crafting this guidance is to be responsive to the questions raised and assist the centers in their consistent and efficient adjudications related to the underlying memo. You are invited to provide additional thoughts and feedback on this document, as well as any follow-up questions. Please direct any correspondence relating to this guidance to me and my team (copied here). We will also be reaching out shortly to schedule a meeting to field additional questions and concerns.

Thank you,

Stephanie Doumani
Branch Chief
Service Center Operations
Business Employment Services Team

(b)(6)

[REDACTED] Desk
[REDACTED] Cell