



September 21, 2017

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010

Via Email: uscis.foia@uscis.dhs.gov

Re: Freedom of Information Act Request

Dear Sir or Madam:

The American Immigration Lawyers Association (AILA) submits this letter as a request for information under the Freedom of Information Act (FOIA), 5 USC §552, et. seq.

RECORDS SOUGHT

AILA requests any and all records¹ which were prepared, received, transmitted, collected and/or maintained by U.S. Citizenship and Immigration Services (USCIS) and which relate or refer in any way to the following:

- Records that describe, explain, or interpret how the wage level (Level 1, Level 2, Level 3, or Level 4), as identified in the Foreign Labor Certification Data Center Online Wage Library (www.flcdatacenter.com) and annotated on the Labor Condition Application, may impact the adjudication of petitions for H-1B classification.
- Records that describe, explain, or interpret how the use of a private wage survey, including an "N/A" annotation on the Labor Condition Application in lieu of an assigned wage level, may impact the adjudication of petitions for H-1B classification.
- Records that describe, explain, or interpret how the wage/salary offered to the beneficiary by the employer may impact the adjudication of petitions for H-1B classification, including but not limited to, the relevance of any and all Department of Labor guidance on prevailing wage determinations.

¹ The term "records" as used herein includes all records or communications preserved in electronic or written form, including but not limited to correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, training manuals, technical specifications, training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

- Records that describe, explain, or interpret the rescission of the INS Memorandum, “**Guidance Memo on H-1B Computer Related Positions,**” NSC 70/44.4 (Dec. 12, 2000), and the implementation of the USCIS Policy Memorandum, “**Rescission of the December 22, 2000 ‘Guidance memo on H-1B computer related positions,’**” PM-602-0142 (Mar. 31, 2017).

Founded in 1946, the American Immigration Lawyers Association (AILA) is an association of more than 15,000 attorneys and law professors who practice and teach immigration law. AILA is a nonpartisan, not-for-profit organization that provides its members with continuing legal education and information, primarily through a public website that is updated daily with the latest immigration news and information, including agency guidance, interpretations and policy memoranda. AILA publishes newsletters and other print and electronic publications, and is contacted frequently by national print and news media. AILA seeks the requested information for the purpose of disseminating it to its members and the general public and not for the purpose of commercial gain.² As such, AILA is a “representative of the news media,”³ and fees associated with the processing of this request should therefore be “limited to reasonable standard charges for document duplication.” 5 USC §552(a)(4)(A)(ii)(II). The records requested are not sought for commercial use, and AILA plans to disseminate the information disclosed as a result of this FOIA request through the channels described above.

Pursuant to 5 USC §552(a)(4)(A)(v), please inform us if said charges will exceed \$25.00. If you have any questions, please feel free to contact me at (202) 507-7600 or by e-mail at blawrence@aila.org.

Sincerely,



Betsy Lawrence
Director of Government Relations
American Immigration Lawyers Association

² The term “commercial use request” refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester. *See* 52 Fed. Reg. 10011, 11017–18 (Mar. 27, 1987).

³ The term “representative of the news media” refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. *See* 52 Fed. Reg. at 11018.