

Vermont Service Center  
Attn: Premium Processing Unit  
30 Houghton Street  
St. Albans, Vermont 05478-2399



U.S. Citizenship  
and Immigration  
Services

## Facsimile Transmission

**To:**

**Fax Number:**

**Number of pages including cover:**

**Date:** November 21, 2011

**From:**

Vermont Service Center – Premium Processing Unit

**Fax Number:** 802-288-1778

**Email:**

VSC-PREMIUM.PROCESSING@DHS.GOV

**Phone:**

1-866-315-5718

**Receipt Number:**

Attached you will find a copy of our decision concerning your case.

The original decision will follow via mail. If eligible to appeal our decision appeal forms will be included.

\*\*\*Important\*\*\*Important\*\*\*Important\*\*\*Important\*\*\*

If responding to a Request for Evidence or Intent to Deny, ensure you include a copy of the decision immediately following your cover page and indicate the total number of pages included with your response. Please include the case receipt number (e.g. EAC01 000 12345) with all correspondence.

Ensure when responding to this request that you fax your response to our **NEW FAX NUMBER - 802-288-1778**.

If you wish to mail a response, it must be sent to the VSC Premium Processing Unit at 30 Houghton Street, St. Albans, VT 05478-2399. Do not send your response to the 75 Lower Welden Street address, as that will cause delays and will not restart the premium processing clock until the response is identified as a premium processing case.

Title 8 CFR Section 103.2(b)(11) Submission of evidence in response to a Service request states:

All evidence submitted in response to a Service request must be submitted at one time. The submission of only some of the requested evidence will be considered a request for a decision based on the record.

This communication is intended for the sole use of the individual to whom it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent for delivering the communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication may be strictly prohibited. If you received this communication in error, please notify the sender immediately by telephone and return the communication at this address above via United States Postal Service. Thank you.

[www.uscis.gov](http://www.uscis.gov)

U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services

Notice of Action  
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Applicant/Petitioner A #	Application/Petition PETITION FOR A NONIMMIGRANT WORKER (Form I129)	
Notice Date November 21, 2011	Response due by February 16, 2012	



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Applicant/Petitioner	
Beneficiary	
Receipt Number	
EAC	

PREMIUM PROCESSING

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER AND MUST BE SUBMITTED IN THE ORIGINAL WITH THE REQUESTED EVIDENCE.

1. U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence listed on the attached page(s).
2. Your response must be received in this office on or before . Please note the required deadline for providing a response to this Request for Evidence. The deadline reflects the maximum period for responding to this RFE. However, since many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible but no later than the date provided on the request. You will not be granted an extension of time to submit the requested evidence.
3. You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider it a request for a decision on the record [8 CFR 103.2(b)(11)].
4. You will be notified separately about any other applications or petitions you have filed.
5. From the date this office receives your resubmission, a minimum of 14 days will be required to process your form. If you have not heard from USCIS within 30 days, you may contact this office at (866) 315-5718.
6. Mail this notice and your response to:

VSC Premium Processing  
Vermont Service Center  
30 Houghton Street  
St. Albans, VT 05478-2399  
[vsc-premium.processing@dhs.gov](mailto:vsc-premium.processing@dhs.gov)

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U. S. Citizenship and Immigration Services

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EAC [REDACTED] (I1 29)

Responses (for Premium Processing cases only) may be faxed to (802) 288-1778. Include a copy of this notice. The e-mail address may only be used for inquiries. Do not send responses to the e-mail address.

Provide additional evidence of the ownership and control of the foreign and U.S. entities. Such evidence may include, but is not limited to:

- All share certificates
- Stock ledgers
- Articles of Incorporation
- Joint venture agreements

Submit copies of your foreign Articles of Incorporation and Bylaws.

It is unclear whether the date listed on the petition for the year your business was established is for the foreign or the U.S. business. Submit a copy of the stock ledger for the U.S. entity that shows all of the stock transactions since its incorporation date.. In addition, submit copies of all stock certificates that have been issued by the U.S. entity.

Submit a copy of the Certificate of Incorporation for your United States company.

Provide a letter from an authorized representative of the foreign employer that describes the nature of the beneficiary's employment. The letter should contain the following information:

- The beneficiary's position title and a complete position description that identifies all of the duties performed by the beneficiary for the foreign employer
- An outline of all of the positions held by the beneficiary during his or her employment with the foreign employer, and
- If the beneficiary has worked for another affiliated company abroad, identify the dates of employment and the nature of the position.

Please provide a letter from an authorized representative of the foreign company articulating the managerial decisions made by the beneficiary on behalf of the foreign organization. Also describe the typical managerial responsibilities that were performed by the beneficiary abroad, such as the method of evaluating the employees under the beneficiary's supervision.

In addition, please provide a short answer to each of the following questions:

- How many subordinate supervisors were under the beneficiary's management? \_\_\_\_\_
- What were the job titles and job duties of the employees managed? \_\_\_\_\_
- What executive/managerial and technical skills were required to perform the overseas duties? \_\_\_\_\_
- How much of the time spent by the beneficiary was allotted to executive/managerial duties and how much to other non-executive/managerial functions? \_\_\_\_\_
- What degree of discretionary authority in day-to-day operations did the beneficiary have in the overseas job? \_\_\_\_\_

Provide payroll documents as evidence of the beneficiary's employment abroad. The payroll documents should establish that:

- The beneficiary was employed by a qualifying foreign organization.

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EAC [REDACTED] (I129)

- The position was in an executive capacity and
- The employment was full-time for one continuous year within the three years prior to November 8, 2011, the filing date of this petition.

Submit evidence that the United States and foreign entities are still qualifying organizations.

According to the information on the petition your organization has [REDACTED] employees. The organizational chart submitted does not differentiate the foreign employees from the U.S. employees. Please submit a chart listing the employee that have been retained for each country in which you are doing business.

In addition, submit an original letter from an official of your foreign bank that would confirm your company's bank balance as of November 8, 2011.

The copies of bank documents submitted are from the beneficiary's [REDACTED]. Provide complete copies of the U.S. business' bank statements for the months of September and October of 2011.

The income tax return submitted was for 2009. Please submit the U.S. Corporate Income Tax Return for 2010. Please also include the Quarterly Federal Tax Returns for the end of 2010 and the first three quarters of 2011.

Provide additional evidence that the U.S. organization has been and is presently engaged in the regular, systematic, and continuous provision of goods and services.

Provide additional evidence to establish that the beneficiary will be employed in a(n) executive capacity with the U.S. entity.

Submit a breakdown of the number of hours devoted to each of the beneficiary's proposed job duties on a weekly basis.

The beneficiary's duties, as described in the record, do not appear to be primarily executive or managerial in nature. Provide a letter from an authorized representative of the U.S. entity stating the managerial decisions to be made by the beneficiary on behalf of the U.S. entity. Also describe the typical managerial responsibilities to be performed by the beneficiary, such as the method of evaluating the employees under the beneficiary's supervision.

In addition, provide a short answer to each of the following questions:

- How many subordinate supervisors will be under the beneficiary's management?
- What are the job duties of the employees managed?
- What executive/managerial and technical skills will be required to perform the duties of the U.S. position?
- How much of the time spent by the beneficiary will be allotted to executive/managerial duties and how much to other non-executive/managerial functions?
- What degree of discretionary authority will the beneficiary have in day-to-day operations?

Provide a list of your U.S. employees that identifies each employee by name and position title. In addition, provide a complete position description for all of the employees and include a breakdown of the number of hours devoted to each of the employees' job duties on a weekly basis, including one for the beneficiary.