

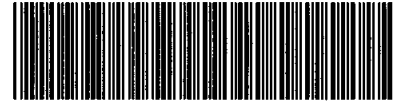
July 24, 2017

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
75 Lower Welden St.  
St. Albans, VT 05479



U.S. Citizenship  
and Immigration  
Services

FXCM GLOBAL SERVICES LLC  
c/o MATTHEW PAUL HELLRUNG  
MELTZER HELLRUNG LLC  
79 W MONROE STREET STE 1312  
CHICAGO, IL 60603



EAC1714250442

RE: IVA JURKOVIC  
I-129, Petition for a Nonimmigrant Worker

**\*STUDENT\* REQUEST FOR EVIDENCE**

**IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER. THIS PAGE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE. MAIL THIS NOTICE AND YOUR RESPONSE TO THE ADDRESS ABOVE.**

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence listed on the attached page(s). Include duplicate copies if you are requesting consular notification. **Your response must be received in this office by October 19, 2017.**

Please note that you have been allotted the maximum period allowed for responding to a Request For Evidence (RFE). The time period for responding cannot be extended. 8 CFR 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. 8 CFR 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.**

Processing of your form or benefit request will resume upon receipt of your response. If you have not heard from USCIS within **60 days of responding**, you may contact the USCIS National Customer Service Center (NCSC) at **1-800-375-5283**. If you are hearing impaired, please call the NCSC TDD at **1-800-767-1833**.

U.S. Citizenship and Immigration Services (USCIS) is in receipt of a petition for a Nonimmigrant Worker (Form I-129) that was filed on April 7, 2017. In order to process your petition, additional evidence is needed.

Documentation submitted with your petition indicates that your company or organization is an foreign currency exchange. You currently employ 500 individuals and you wish to employ the beneficiary as a financial analyst, accounting.

### **Maintenance of Status**

Additional documentation is required to establish that the beneficiary was maintaining a valid F-1 nonimmigrant status at the time of filing.

### **Full Course of Study**

To demonstrate that the beneficiary was maintaining a full course of study, you submitted a copy of the beneficiary's U.S. Bachelor of Science in Business Administration with concentration in Finance, transcripts, and copies of her I-120. However, this evidence does not demonstrate that the beneficiary was engaged in a full course of study as designated by Harrisburg University of Science & Technology Designated School Official (DSO). In addition, the beneficiary has been living and working her Curricular Practical Training (CPT) in the New Jersey, NY area and Harrisburg University of Science & Technology is located in Harrisburg, PA.

The types of evidence that you may submit include, but are not limited to:

- Copies of all pages of all SEVIS Certificates of Eligibility for Nonimmigrant Student Status (Forms I-20) issued to the beneficiary from Harrisburg University of Science & Technology if others were issued;
- Official copies of the beneficiary's transcripts issued by Harrisburg University of Science & Technology;
- Receipts for tuition payments made by the beneficiary to Harrisburg University of Science & Technology;
- Receipts for books, parking passes, and school supplies, for the period of time that the beneficiary was a student at Harrisburg University of Science & Technology;
- The beneficiary's student ID for Harrisburg University of Science & Technology;
- The beneficiary's course syllabi or outlines for his or her program at Harrisburg University of Science & Technology;
- Documentary evidence to show that the beneficiary was physically attending the courses in which he or she was enrolled, including transportation receipts, confirmed transportation reservations, attendance records, etc.;
- Evidence of the beneficiary's U.S. residence (utility bills, rental contracts or receipts, etc.);
- Evidence showing the number of online or distance education class credits the beneficiary was/is enrolled in for each session, term, semester, trimester, or quarter of study, for the duration of the time he or she was a student at Harrisburg University of Science & Technology; Evidence to show the beneficiary is or was making progress toward completion of a program of study.

Any other documentary evidence to establish the beneficiary has been engaged in a full course of study and working towards program completion.



## Curricular Practical Training

Since the evidence of record indicates that the beneficiary is or was participating in CPT, provide the following:

The name of the course and course code in which the beneficiary is or was enrolled that requires CPT;  
Documentary evidence that immediate participation in CPT was required for the beneficiary's studies;

- Documentary evidence establishing both the beneficiary's current major and that CPT is an integral (essential) part of the beneficiary's degree program at Harrisburg University & Technology;;
- A letter from the beneficiary's CPT employer(s), explaining the beneficiary's job duties, pay, and period of employment relevant to the CPT;
- Evidence of the cooperative agreement(s) between the beneficiary's CPT employer and Harrisburg University of Science & Technology;
- A detailed statement explaining how the beneficiary obtained CPT employment at FXCM Global Services LLC.; whether individually, through the school, or through an outside company or consultancy;
- Evidence that the beneficiary's CPT is or was directly related to his or her major area of study.

## Labor Condition Application

You must establish that your petition is supported by a Form ETA 9035(E) Labor Condition Application (LCA) which corresponds with the proffered position described in the petition.

On your LCA you have designated the proffered position as a Level I wage (the lowest of four assignable wage levels). The "Prevailing Wage Determination Policy Guidance" issued by the Department of Labor provides a description of the wage levels. A Level I wage is defined as:

Level I (entry) wage rates are assigned to job offers for beginning level employees who have only a basic understanding of the occupation. These employees perform routine tasks that require limited, if any, exercise of judgment. The tasks provide experience and familiarization with the employer's methods, practices, and programs. The employees may perform higher level work for training and developmental purposes. These employees work under close supervision and receive specific instructions on required tasks and results expected. Their work is closely monitored and reviewed for accuracy. Statements that the job offer is for a research fellow, a worker in training, or an internship are indicators that a Level I wage should be considered.

By designating the proffered position at a Level I wage, you indicate that the proffered position is an entry-level position of a comparatively low level relative to other positions within the occupation.

Moreover, you indicate that the beneficiary will perform duties such as:

- Perform a range of financial analysis in support of internal operations and external activities involving investor and mergers & acquisitions;
- Design and prepare analytics reports for internal management and presentation to Board of Directors, investors and others;
- Due diligence on potential M&A transactions;
- Conduct primary & secondary industry research;

- Build financial models forecasting business profitability;
- Design & build FRX based financial reports.
- A letter explaining how the Level I wage designation LCA that you have provided corresponds to the proffered specialty occupation position.
- Documentation to support that the Level I wage designation on the LCA corresponds to the proffered position.

These duties do not correspond to the Level I wage description as they do not appear to encompass "only a basic understanding of the occupation." The duties described appear to contain more than "routine tasks that require limited, if any, exercise of judgment."

Therefore, the position, as described in your petition, does not appear to be an entry-level position despite the wage classification you have selected on the LCA. As such, you have not sufficiently established that the petition is supported by a certified LCA that corresponds to the petition.

You may submit additional evidence to satisfy this requirement. Evidence may include, but is not limited to:

- A letter explaining how the Level I wage designation LCA that you have provided corresponds to the proffered specialty occupation position.
- Documentation to support that the Level I wage designation on the LCA corresponds to the

