



**Tech Mahindra (Americas) Inc.**  
5700 Democracy Drive  
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FAX: +1 (888) 501 0298  
www.techmahindra.com

October 10, 2021

U.S. Citizenship and Immigration Services  
Vermont Service Center  
Attn: I-129 H-1B Regular Cap  
38 River Road  
Suite 1000 Essex Junction, VT 05479-0001

**Re: H-1B Petition for Non immigrant Worker**

**Petitioner:Tech Mahindra (Americas) Inc.**

**Beneficiary: Gohokar,Parikshit**

Dear Sir or Madam:

This letter is in support of Tech Mahindra (Americas) Inc.'s request for a new H-1B petition for the beneficiary to work in the United States as Computer Programmer at PLANO,TX for a period of 3 years.

**ITINERARY, COMPANY INFORMATION AND PROFESSIONAL BACKGROUND**

Location of Work	Dates	Hours of Work
Client:AT&T Services Inc. City:PLANO,TX Address:AT&T Services Inc. 3400 W Plano Parkway 75075	For the entire period of H1 Approval	40 hours/per week

Tech Mahindra (Americas), Inc., is a wholly - owned subsidiary of Tech Mahindra Limited Limited, a leading provider of software development and related information technology services.

Tech Mahindra (Americas), Inc is engaged in the development and delivery of global information technology business solutions through its sales and marketing operations in the United States and through its international network of affiliates located in Europe, Africa, Australia and Asia. In the United States Tech Mahindra (Americas) Inc. has more than four thousand four hundred (4,400) employees, including professional information technology experts providing customized strategies and business solutions to our diverse client base.

Tech Mahindra represents the connected world, offering innovative and customer-centric information technology services and solutions, enabling Enterprises, Associates and the Society to Rise™. We are a USD 5.2 billion company with 123,000+ employees across 90+ countries, helping over 950 global customers including Fortune 500 companies. Our convergent, digital, design experiences, innovation platforms and reusable assets connect across a number of technologies to deliver tangible business value and experiences to



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our stakeholders. Tech Mahindra is the highest ranked Non-U.S. company in the Forbes Global Digital 100 list (2018) and in the Forbes Fab 50 companies in Asia (2018).

We are part of the USD 21 billion Mahindra Group that employs more than 200,000 people in over 100 countries. The Group operates in the key industries that drive economic growth, enjoying a leadership position in tractors, utility vehicles, after-market, information technology and vacation ownership.

### **NATURE OF PETITIONER'S BUSINESS OPERATIONS**

The Petitioner is engaged in the development and delivery of global information technology business solutions for Enterprises across diverse industries. Petitioner and its global network of affiliates provide products, platforms, services and solutions related to Enterprise Business Solutions cutting across verticals, like Telecom, Manufacturing, Banking, Financial Services & Insurance, Retail, Travel & Logistics, Healthcare & Life Sciences, Energy & Utilities and Public Services.

The Petitioner and its affiliates have decades of experience in providing innovative and customer-centric IT solutions that give them a unique understanding and experience with technological changes, market pressures as well as regulatory and billing environments. This in turn enables the Petitioner to identify critical business processes immediately without the need to interview dozens of client personnel. It is this expertise and experience that provides the Petitioner with their competitive advantage in the North American market.

### **WHO WILL BE THE BENEFICIARY'S EMPLOYER IN THE UNITED STATES?**

Tech Mahindra intends to hire the services of the beneficiary as an employee and will provide the beneficiary with the LCA wage for the duration the beneficiary is in the US. The Petitioner will fulfill all rights and obligations as a legal employer including paying the LCA wage, making appropriate tax contributions on behalf of the employee and providing the beneficiary with W-2 form. The beneficiary will be employed per the terms of the LCA. The petitioner has filed a duly approved LCA as per the current regulations and this is the only obligations on the petitioner.

The beneficiary will be employed by Tech Mahindra (Americas) Inc. in accordance with the terms of the LCA and will be paid the salary as out in the LCA.

In terms of 8 C.F.R the definition of an US employer is:

"Employer means a person, firm, corporation, contractor, or other association, or organization in the United States which:

1. Engages a person to work within the United States,



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2. Has an employer-employee relationships with respect to employees under this part, as indicated by the fact that it may hire, pay, fire, supervise or otherwise control the work of any such employee and
3. Has an Internal Revenue Service Tax Identification number."

Based on the aforesaid definition you will note that Tech Mahinda is a bona fide employer in the U.S., and not only do they engage people to work in the U.S. but have a full-fledged human resource department, which is responsible for the management of its employees, they have an organized hierarchy in the company, and all employees are supervised and the supervisors have control over the work of the employees. The beneficiary will be working on project for which delivery responsibility lies with Tech Mahindra. Tech Mahindra retains the right to hire and fire its employees. Tech Mahindra also has a federal identification number, which is indicated on LCA and H1-B petitions.

Below document is being enclosed to demonstrate that the Petitioner meets the criteria detailed above:

Copy of the employment agreement between the Petitioner and beneficiary detailing terms and conditions of employment. The agreement letter clearly describes nature of employer- employee relationship.

Based on the aforesaid definition you will note that Tech Mahindra is a bona fide employer in the U. S., and not only do they engage people to work in the U. S. but have a full -fledged human resource department, which is responsible for the management of its employees, they have an organized hierarchy in the company, and all employees are supervised and the supervisors have control over the work of the employees. The beneficiary will be working on project for which delivery responsibility lies with Tech Mahindra. Tech Mahindra retains the right to hire and fire its employees. Tech Mahindra also has a federal identification number, which is indicated on its LCA and H-1B petitions.

### **CONTRACTS WITH CLIENTS & ITINERARY**

The Petitioner provides software development services to several companies located in various parts of The United States and also works on several client projects for various clients where the work is done at the client offices. While an individual may be temporarily located at a client site no contractual obligation exists between the beneficiary and the client.

Each software professional at all times remains a full time employee of Tech Mahindra (Americas) Inc. and operates under the control and supervisions of Tech Mahindra. Please note that our firm is a computer consulting firm and not an "employment agency". While some of the employees may perform part of their programming and software development duties at the client site, Tech Mahindra is their only employer. Whether the employee is working at client site, all control over the day to day activities of the employees is retained by Tech Mahindra and discretionary decision making such as hiring and firing, performance evaluations are done by Tech Mahindra. Tech Mahindra employees do not fill vacant positions at client site; rather they are professionals with specialty occupation skills who design, develop and implement customized software. Tech Mahindra provides software development services to clients where the services are provided at the client site.

We are attaching client contract. Due to the confidentiality of the agreements, Tech Mahindra (Americas) Inc is obligated and able to share only the relevant pages of the document.



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### **QUALIFICATIONS OF BENEFICIARY**

Beneficiary has earned Bachelor of Engineering Degree from Sant Gadge Baba Amravati University, India in 2009. The beneficiary is well qualified to do his job duties as Computer Programmer. The beneficiary meets the educational & professional experience requirement for job position. Beneficiary currently is working with Tech Mahindra since Jun 2019 to till date.

### **FOREIGN EDUCATION CREDENTIALS EVALUATION**

Please find attached an academic credential evaluation report stating the beneficiary has attained the equivalent of a Bachelor of Engineering from an accredited U.S. University as a result of the academic background. We have also enclosed copies of Beneficiary's academic degrees and transcripts.

### **TECHNICAL JOB DESCRIPTION**

Pursuant to the Regulations at 8 C.F.R. 214.2(h)(4)(ii), a specialty occupation is defined as "an occupation that requires theoretical and practical application of a body of highly specialized knowledge in fields of human endeavor which requires the attainment of a bachelor's degree or higher in a specific specialty, or its equivalent, as a minimum for entry into the occupation in the United States." To qualify to perform services in a specialty occupation we are attaching the detailed Job Description (JD) as an Annexure. The Job Description outlines the specialized & complex projects or work assignments that the beneficiary will work on supporting the need to hold a Bachelor's Degree in a related field of study. The actual duties of the beneficiary clearly outlines the day-to-day activities & tasks to be performed by overall responsibilities which is duly attested by the respective Manager.

Refer to Annexure A for duly attested Job Description satisfying the above regulation on Specialty Occupation.

### **THE POSITION OFFERED IS A SPECIALTY OCCUPATION**

Given the nature of our business, in particular the type of specialized services we provide to our clients, we require the person who perform specialized duties have specialized knowledge. As per the Industry standards, to perform such highly technical and specific job-duties, a Computer Programmer must have solid background in Computer related baccalaureate Degree such as [Bachelor of Engineering(information technology)], or a closely related degree. Please note that the Information technologies are finding an application in an infinite variety of human endeavors. In so far that such endeavor entail a specific field of study. For an individual attempting to create customized computer based solutions to "a particular problem/issue", it is imperative that the individual possess specialized knowledge underlying such endeavor, in addition to substantial knowledge of Computer Fundamentals/Basics. Degree equips an individual with the broad knowledge and technical skills necessary in the comprehension of complex/advanced computer concepts and theoretical principles that is involved in the evaluation/analysis of operating procedures and applications. Accordingly, we require a minimum of a Bachelor's degree in Computer Science, Engineering or a related field for the offered position. The foregoing clearly establishes that specialized knowledge of a computer-related field is absolutely necessary to perform such highly technical and specialized duties, and the offered position clearly qualifies as a specialty occupation by meeting all four criteria as specified in 8 CFR § 214.2(H)(4)(iii)(A).



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#### **EMPLOYER-EMPLOYEE RELATIONSHIP**

The Petitioner and the Beneficiary share an employer-employee relationship. The Petitioner is responsible for hiring, paying, firing, supervising, and controlling the employment of the Beneficiary. As evidence of said relationship, we are attaching the following: Master Service Agreement, Purchase Order, Statement of work; Annual Appraisal; Employer Letter; Recent pay-stubs; W-2s (as applicable).

#### **TERMS OF EMPLOYMENT**

Tech Mahindra would like to continue Beneficiary's employment in the Computer Programmer position at an annual salary of \$89565 until LCA validity. The beneficiary will be expected to work full-time, five days per week. It is expressly intended that Beneficiary will work for us on a temporary basis and we will continue to comply with all regulations of Department of Homeland Security. As Beneficiary's employer, we will continue to be responsible for hiring, paying, supervising and terminating Beneficiary during employment. Beneficiary will be supervised by and receive instructions from Tech Mahindra's supervisor. Please be note the ultimate authority over Beneficiary's employment remains with Tech Mahindra Americas Inc.

#### **CONCLUSION**


We understand the temporary nature of the H-1B status we seek on behalf of Beneficiary and upon approval of our H-1B petition; we fully intend to comply with all of the regulations regarding employment of individuals in H-1B status. We are submitting a copy of the Certified Labor Condition Application for an H-1B Nonimmigrant Worker as defined by the formula and regulations established by the American Competitiveness and Workforce Improvement Act (ACWIA), which Tech Mahindra (Americas), Inc. Further, we confirm that in the unlikely event that Beneficiary is dismissed before the end of the period of authorized employment, we will be responsible for the reasonable cost of his return abroad.

A review of the Beneficiary's education and experience demonstrates that they qualify as a professional as that term is defined by INA§101(a)(15)(H). We wish to assure your office that our firm is not in the business of holding idle workers in reserve until employment exists. This practice is simply not the way we operate and completely antithetical to a competitive rendering of professional services. Our professionals are fully productive from the first date of their employment.

On the basis of the forgoing, we respectfully request the favorable adjudication of H-1B petition filed on behalf of the above Beneficiary as soon as possible.

Thank you for your expeditious adjudication of this petition.

Sincerely,

 Tech Mahindra (Americas) Inc.



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