

A #		Application/Petition I-129, Petition for A Nonimmigrant Worker
Receipt # <b>WAC1613451706</b>		Applicant/Petitioner <b>Experis Us Inc</b>
Notice Date <b>May 12, 2016</b>	Page <b>1 of 3</b>	Beneficiary <b>Siva Subramani, Naren</b>

**WHITE, ROBERT S  
MASUDA FUNAI EIFERT & MITCHELL LTD  
RE: EXPERIS US INC  
200 N MARTINGALE RD STE 800  
SCHAUMBURG, IL 60173-2033**



**WAC1613451706**

**I-907/G-28 Fax No: 847 734 1089**

**PREMIUM PROCESSING CASE  
REQUEST FOR EVIDENCE  
CSC-Premium.Processing@dhs.gov  
Fax: (949) 389-3460**

It has been determined that the above petition requires additional information. Please see attached page(s) for specific information. If the response to this notice contains more than 15 pages, please send your response to: **California Service Center, Premium Processing Team, P.O. Box 10825, Laguna Niguel, CA 92607-0825**. If you choose to send by express delivery, the address is 24000 Avila Rd., 2nd Floor, Room 2302, Laguna Niguel, CA 92677. Clearly mark the envelope with the words **"PREMIUM PROCESSING"**. If your response will be 15 pages or less, please reply by fax. If you have any questions, you may contact the Premium Processing Team via e-mail at **CSC-Premium.Processing@dhs.gov** or call our toll free number (866) 315-5718.

You are given until **August 4, 2016** to submit the additional information.

Thank you,

Officer **CSC3751/WS22642-A EB2-3**

**Please include this cover page with your response to the CSC.**

Sent by: **KD**  
(initials)

**You will be notified separately about any other applications or petitions you filed. Save this notice. Please enclose a copy of it if you write to us about this case, or if you file another application based on this decision. Our address is:**

**USCIS - CALIFORNIA SERVICE CENTER  
P.O. BOX 10590  
LAGUNA NIGUEL, CA 92607-0590  
800-375-5283**

## **Request for Evidence**

### **Form I-129, Petition for a Nonimmigrant Worker H-1B, Temporary Worker in a Specialty Occupation**

If you are requesting consulate/embassy notification, provide the following evidence in duplicate. Any document submitted to the Service containing a foreign language, must be accompanied by a full English language translation that has been certified by the translator as complete and accurate, and that the translator is competent to translate from the foreign language into English.

#### **The Petitioner**

Documentation submitted with your petition indicates that your type of business is professional resourcing and project-based workforce solutions.

#### **Right to Control**

As an employer who seeks to sponsor a temporary worker in an H-1B specialty occupation, you are required to establish by a preponderance of the evidence that a valid employer-employee relationship will exist between you and the beneficiary, and that you have the right to control the beneficiary's work, which may include the ability to hire, fire, or supervise the beneficiary. Also, you should be able to establish that the above elements will continue to exist throughout the duration of the requested H-1B validity period. You have requested a validity period from October 1, 2016 to September 1, 2019.

In support of the petition, the following evidence was submitted to establish an employer-employee relationship:

- A letter of support

However, this evidence is insufficient to establish that a valid employer-employee relationship will exist for the duration of the requested validity period.

Your petition does not establish when, where, or for whom the beneficiary is assigned to work pursuant to an end-client engagement for the requested validity period. You have not documented the end-client, the end-client's vendor through whom the beneficiary is assigned to work (if applicable), the physical work location, or the contracted dates of service. Part 5 of your petition indicates the work location as 1111 Polaris Parkway, Columbus, Ohio 43240, with no other information about the employer at this address.

USCIS must determine if you have the right to control the employee through evidence that describes (with no one factor being decisive or exhaustive):

- the skill required to perform the specialty occupation;
- the source of the instrumentalities and tools required to perform the specialty occupation;
- the location of the work;
- the duration of the relationship between you and the beneficiary;
- whether you have the right to assign additional work to the beneficiary;
- the extent of the beneficiary's discretion over when and how long to work;
- the method of payment of the beneficiary's salary;

- the beneficiary's role in hiring and paying assistants;
- whether the specialty occupation work is part of your regular business;
- whether you are in business;
- the provision of employee benefits;
- the tax treatment of the beneficiary;
- whether you can hire or fire the beneficiary or set rules and regulations on the beneficiary's work;
- whether, and if so, to what extent you supervise the beneficiary's work; and/or
- whether the beneficiary reports to someone higher in your organization.

As such, it is requested that you demonstrate an employer-employee relationship with the beneficiary through the right to control the manner and means by which the product or services are accomplished for the duration of the requested H-1B validity period by providing a combination of the following or similar types of evidence. This list is not inclusive of all types of evidence that may be submitted. You may submit any and all evidence you feel would meet the employer-employee requirement.

- Copy of signed Employment Agreement between you and the beneficiary detailing the terms and conditions of employment;
- Copy of an employment offer letter that clearly describes the nature of the employer-employee relationship and the services to be performed by the beneficiary;
- Copy of relevant portions of valid contracts between you and a client (with whom you have entered into a business agreement for which your employees will be utilized) that establishes that while your employees are placed at the third-party work site, you will continue to have the right to control your employees;
- Copies of current and complete statements of work, work orders, and/or detailed beneficiary-specific letters between you and the authorized officials of end client where the work will actually be performed by the beneficiary, which provide information such as a detailed description of the duties the beneficiary will perform, the duration the beneficiary's services will be required, the qualifications that are required to perform the job duties, salary or wages paid, hours worked, benefits, a brief description of who will supervise the beneficiary and their duties, and any other related evidence;
- Copy of the position description or any other documentation that describes the skills required to perform the job offered, the source of the instrumentalities and tools needed to perform the job, the product to be developed or the service to be provided, the location where the beneficiary will perform the duties, the duration of the relationship between you and beneficiary, whether you have the right to assign additional duties, the extent of your discretion over when and how long the beneficiary will work, the method of payment, your role in paying and hiring assistants to be utilized by the beneficiary, whether the work to be performed is part of your regular business, the provision of employee benefits, and the tax treatment of the beneficiary in relation to you;
- A description of the performance review process; and/or
- Copy of your organizational chart, demonstrating the beneficiary's supervisory chain.