

**DRAFT TEMPLATE FOR COMMENT**

Posted: 07-17-2015

Comment period ends: 07-31-2015

L-1B RFE Notice

**NOTE: This RFE template reflects the March 24, 2015 version of the L-1B Adjudications Policy Memorandum (PM-602-0111). Stakeholder feedback on the memo is under review by USCIS. The final version of this template will reflect the final version of the memo.**

**REQUEST FOR EVIDENCE**

**Form I-129, Petition for a Nonimmigrant Worker  
L-1B Intracompany Transferee  
Specialized Knowledge**

Your organization, [insert name of petitioner], filed a Petition for a Nonimmigrant Worker (Form I-129) with U.S. Citizenship and Immigration Services (USCIS), seeking to classify the beneficiary [insert beneficiary name] as a nonimmigrant intracompany transferee (L-1).

Documentation submitted with your petition indicates that your organization provides [insert type of business indicated in Part 5 of the Form I-129]. You seek to employ the beneficiary as [insert position title] from [insert start date] to [insert end date].

*Specialized knowledge* is defined as:

- special knowledge possessed by an individual of the petitioning organization's product, service, research, equipment, techniques, management, or other interests and its application in international markets, or
- an advanced level of knowledge or expertise in the organization's processes and procedures.

"Special" knowledge is knowledge of your organization's product, service, research, equipment, techniques, management, or other interests and its application in international markets that is:

- Demonstrably distinct or uncommon in comparison to that generally found in the particular industry, **OR**
- Demonstrably distinct or uncommon in comparison to that generally found within your organization.

"Advanced" knowledge is knowledge or expertise in your organization's specific processes and procedures that is:

- Not commonly found in the relevant industry, **AND**
- Greatly developed or further along in progress, complexity and understanding than that generally found within your organization.

To process your petition and determine if your organization and the beneficiary are eligible, additional information is required. This request provides suggested evidence that you may submit to satisfy each of the eligibility criteria described below. You may:

- Submit one, some, or all of these items.
- Submit none of the suggested items and instead submit other evidence to satisfy the request.
- Explain how the evidence in the record already establishes eligibility.
- Request a decision based on the record.

Please note that you are responsible for providing evidence which shows your organization and the beneficiary meet all requirements and are eligible for the requested benefit at the time you filed the Form I-129. Also, note that statements made in cover letters should be supported with additional evidence.

With your response, please do not include copies of documentation previously submitted.

USCIS checks all petitions filed for this classification in its Validation Instrument for Business Enterprises (VIBE) system. VIBE uses commercially available data to validate basic information about organizations petitioning to employ foreign workers. For more information about this program, please visit USCIS's website at [www.uscis.gov/VIBE](http://www.uscis.gov/VIBE).

#### **Request for Translations**

**[NOTE TO ISO: Only use this subsection if you are requesting an English translation (with the required translator certifications) of a foreign language document submitted without one. DELETE, if you are not requesting a specific English translation.]**

**English Language Translation:** All foreign language documents must have a complete English translation to establish eligibility.

You submitted the following documents which contain a language other than English:

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In order for USCIS to consider this evidence, submit the English language translation(s) for the document(s) noted above. In addition, the translator must certify that:

- The translations are accurate and complete; and
- He or she is competent to translate from the foreign language into English.

#### **Petitioner Requirements**

To qualify for the L-1 classification, you must show that your organization and the organization which either employed the beneficiary abroad or will employ the beneficiary in the United States are qualifying organizations.

Qualifying organization means a United States or foreign firm, corporation, or other legal entity which:

- Has a qualifying relationship with either the transferring foreign entity or the receiving United States entity, as applicable, and;
- Is or will be doing business as an employer in the United States AND in at least one other country for the duration of the alien's stay in the United States as an intracompany transferee.

**Qualifying Relationship:** To transfer an employee from a foreign entity to the U.S. entity as an L-1 nonimmigrant, a qualifying relationship must exist between the U.S. entity and the foreign operation that employs or employed the beneficiary abroad. Qualifying relationships may occur between branches of the same employer, or amongst parent companies, affiliates, or subsidiaries. To show this relationship, you must provide evidence of *ownership and control* of the U.S. entity and the beneficiary's foreign employer.

For the purposes of L-1 classification, *ownership* means the direct or indirect right of possession of an organization or its assets. *Control* means the direct or indirect legal right and authority to direct the establishment, management and operation of an entity.

[NOTE TO ISO: IF ONLY ONE OF THE FOLLOWING SUBSECTIONS IS APPLICABLE, DELETE THE ONE WHICH DOES NOT APPLY]

**Ownership and Control of the Foreign Employer:**

You did not submit any evidence for this requirement.

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is insufficient. [NOTE TO ISO: Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**-AND-**

[Insert if applicable: Additionally, USCIS's VIBE system was unable to validate a relationship between the U.S. entity and the foreign employer.]

**-AND-**

You may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to: [Delete any of the following items that were already provided by the petitioner and listed in this subsection or are not applicable to the foreign entity.]

- The most recent Securities and Exchange Commission Form 10-K filed by the U.S. entity or its parent, which lists all U.S. and foreign affiliates, subsidiaries, and branch offices, and shows percentage of ownership.
- The most recent filing with a foreign government agency, including any annual report, filed by the foreign employer, which lists all parent companies, affiliates, subsidiaries, and branch offices, and shows percentage of ownership.
- The U.S. entity's most recent federal tax returns, including all attachments and schedules.
- The foreign entity's governing and formation documents, which identify the details of the foreign entity's formation, management and ownership.
- Any meeting minutes of the foreign entity which list the shareholders, members, etc. and the type, amount and percentage of shares, membership, etc. owned.
- Stock purchase agreements between the foreign entity and its shareholders, providing the type, amount and price of shares purchased.
- The foreign entity's share certificates issued up to the date of filing.
- The foreign entity's stock ledger, which shows all stock certificates issued up to the date of filing and includes total shares sold and the names of all shareholders.
- Evidence from the appropriate foreign government agency that shows the U.S. entity is authorized to operate as a branch office in the foreign country where your organization is located.
- A current capitalization table or detailed list of owners, which includes the foreign entity's owners' names, ownership type and what percentages they own.
- A franchise purchase agreement, and documentation as evidence of the right and authority to direct the management and operation of the foreign entity.

If the foreign entity is a non-profit organization, evidence may include, but is not limited to: [Delete any of the following items that were already provided by the petitioner and listed in this subsection, or are not applicable to the foreign entity. Delete all if the foreign entity is for-profit.]

- A copy of the bylaws or other governing document of the foreign entity.
- A list of the foreign entity's board of directors, board of governors or board of trustees.
- Documentation showing who or what entity has the right to possession of, or the right to direct the disposition of, the assets of the foreign entity.
- Documentation showing who or what entity provides the full or primary source of funding to the foreign entity.
- Any documentation regarding the right to appoint a director or board member of the foreign entity.

#### **Ownership and Control of the U.S. Entity:**

You did not submit any evidence for this requirement.

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is not sufficient. [Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**-AND-**

You may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to: [Delete any of the following items that were already provided by the petitioner and listed in this subsection or are not applicable to the U.S. entity.]

- The most recent Securities and Exchange Commission Form 10-K filed by the U.S. entity or its parent, which lists all U.S. and foreign affiliates, subsidiaries and branch offices, and shows percentage of ownership.
- The most recent annual report filed by the U.S. entity, which lists all parent companies, affiliates, subsidiaries, and branch offices, and shows percentage of ownership.
- The U.S. entity's most recent federal tax returns, including all attachments and schedules.
- Any meeting minutes of the U.S. entity, which list the shareholders, members, etc. and the type, amount and percentage of shares or membership owned.
- Subscription or other stock purchase agreement(s) between the U.S. entity and its shareholders, which provides the type, amount and price of shares purchased by shareholders.
- The U.S. entity's share certificates issued up to the date of filing.
- The U.S. entity's stock ledger, which shows all share certificates issued up to the date of filing and includes total shares sold and the name of the shareholders.
- The U.S. entity's current bylaws and articles of incorporation, including all amendments as applicable, listing the type and amount of stock authorized to be issued by the U.S. entity.
- The U.S. entity's current operating agreement and articles of organization, including all amendments as applicable, and listing the names of members and the type and percentage of membership interests issued by the U.S. entity.
- The U.S. entity's current partnership agreement and registration documents, including all amendments, and listing the names of partners, type and percentage of interests in the partnership, and the extent of the partners' liabilities.
- The U.S. entity's sole proprietorship registration documents, which identify the individual operating the sole proprietorship.
- Evidence from the appropriate state agency that shows the foreign entity has been authorized to operate as a branch office in the state where your organization is located.

- A current capitalization table or detailed list of owners, which includes the U.S. entity's owners' names, ownership type and what percentages they own.
- The franchise purchase agreement, and documentation of the right and authority to direct the management and operation of the U.S. entity.

If the U.S. entity is a non-profit organization, evidence may include, but is not limited to: [Delete any of the following items that were already provided by the petitioner and listed in this subsection, or are not applicable to the foreign entity. Delete all if the foreign entity is for-profit.]

- A copy of the bylaws or other governing document of the U.S. entity.
- A list of the U.S. entity's board of directors, board of governors or board of trustees.
- Documentation showing who or what entity has the right to possession of, or the right to direct the disposition of, the assets of the U.S. entity.
- Documentation showing who or what entity provides the full or primary source of funding to the U.S. entity.
- Any documentation regarding the right to appoint a director or board member of the U.S. entity.

**Doing Business:** You must show that your organization is or will be doing business as an employer in the United States and in at least one other country, directly or through a qualifying relationship, for the duration of the beneficiary's stay in the United States in the L-1 classification.

Doing business means the regular, systematic, and continuous provisions of goods and/or services by a qualifying organization.

[Option 1: for initial L-1 petitions only]

**Foreign Entity is Doing Business:** You must show that the qualifying foreign entity which employed the beneficiary is doing business.

[Option 2: for L-1 extensions only]

**Foreign Entity is Doing Business:** You are filing to extend a previously approved L-1 classification. Therefore, you must show that a qualifying foreign entity continues doing business. The foreign entity need not be the same entity that employed the beneficiary abroad. However, if the foreign employer is no longer doing business, you must establish a qualifying relationship between the U.S. entity and a different foreign entity which is doing business.

You did not submit any evidence for this requirement.

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is not sufficient. [Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**-AND-**

*[Insert if applicable: Additionally, USCIS was unable to match the foreign entity to an active organization in its VIBE system. OR USCIS's VIBE system indicates that the foreign entity is inactive and may be out of business.]*

**-AND-**

You may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to: [Delete any of the following items that were already provided by the petitioner and listed in this subsection.]

- The most recent annual report, which describes the state of the foreign entity's finances.
- Tax documents.
- Audited financial statements.
- Purchase orders.
- Invoices.
- Bills of lading.
- Third party license agreements.
- U.S. customs documentation.
- Vendor, supplier, or customer contracts.

**U.S. Entity is Doing Business:**

You did not submit any evidence for this requirement.

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is not sufficient. [Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**AND**

*[Insert if applicable: Additionally, USCIS was unable to match the U.S. entity to an active organization in its VIBE system. OR USCIS's VIBE system indicates that the U.S. entity is inactive and may be out of business.]*

**-AND-**

You may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to: [Delete any of the following items that were already provided by the petitioner and listed in this subsection.]

- The most recent annual report, which describes the state of the U.S. entity's finances.
- Securities and Exchange Commission Form 10-K, if applicable.
- Federal or state income tax returns.
- Audited financial statements, including balance sheets and statements of income and expenses describing the U.S. entity's business operations.
- Major sales invoices supporting the gross sales amount reported on the income and expenses statement or on corporate income tax returns.
- Shipper's export declaration or shipper's export declaration for in-transit goods or evidence of electronic filing of export data through the Automated Export System, if applicable.
- The U.S. entity's U.S. Customs and Border Protection forms, Entry Summary and Customs Bond that show business activity.
- Business bank statements that show business activity.
- Vendor, supplier, or customer contracts.
- Third party license agreements.
- Loan and credit agreements.

#### **Beneficiary Requirements**

To qualify a beneficiary for L-1B classification, you must show that he or she:

- Will be employed in a specialized knowledge capacity in the United States;
- Has prior education, training, and employment that qualifies him or her to perform the intended services in the United States; and
- Has at least one continuous year of full-time employment abroad with a qualifying organization:
  - Within the three years before application for admission to the United States; and
  - In a position that was managerial or executive, or involved specialized knowledge.

**One Year of Employment Abroad:** You must show that the beneficiary has at least one continuous year of full-time employment with a qualifying organization within the three years prior to his or her application for admission to the United States.

You did not submit any evidence for this requirement.

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is not sufficient. [Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**-AND-**

You may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to: [Delete any of the following items that were already provided by the petitioner and listed in this subsection.]

- Copies of the beneficiary's pay records.
- Copies of the beneficiary's personnel records.
- Copies of the beneficiary's training records.
- A letter from the beneficiary's supervisor(s) describing the beneficiary's experience with the foreign entity.
- A letter from the foreign entity's Human Resource Department that discusses the beneficiary's work history there.

**Managerial, Executive, or Specialized Knowledge Position Abroad.** The beneficiary must have at least one continuous year, within the three years prior to his or her application for admission to the United States, of full-time employment with a qualifying foreign organization. The foreign position must have been primarily managerial or executive in nature, or involved specialized knowledge. Any combination of requirements for one of these position types may not be combined with another. Hybrid positions that combine requirements will not establish eligibility.

You did not submit any evidence for this requirement.

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is not sufficient. [Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**-AND-**

You may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to: (Delete any of the following items that were already provided by the petitioner and listed in this subsection.)

- Copies of the beneficiary's training, pay, or other personnel records.
- An organizational chart or diagram, showing the foreign entity's organizational structure and staffing levels. Clearly identify the beneficiary's position in the chart.
- A list of all employees in the beneficiary's immediate division, department, or team, by name, job title, summary of duties, education level, and salary.

**Foreign position primarily managerial:**

- A letter from an authorized representative of the foreign entity describing the beneficiary's managerial position abroad. The letter should describe the beneficiary's typical managerial duties, and the percentage of time spent on each. In addition, the letter should address:
  - How the beneficiary managed the organization, department, subdivision, function, or component of the organization he or she oversaw.
  - How the beneficiary supervised and controlled the work of other supervisory, professional, or managerial employees, or managed an essential function, department, or subdivision of the organization. A "professional" is an individual who is a member of the professions, which includes but is not limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries. If the beneficiary was a first-line supervisor, submit evidence showing the supervised employees were professionals.
  - Whether the beneficiary had the authority to hire and fire, or recommend similar personnel actions (such as promotion and leave authorization), if other employees were directly supervised (or if no employees were directly supervised, how the beneficiary functioned at a senior level within the organizational hierarchy or with respect to the managed function).
  - How the beneficiary made decisions on daily operations of the activity or function under his or her authority.
- If the beneficiary managed a function, explain and provide documentary evidence to establish that the specific function is critical or essential to your business and that the beneficiary was in a high-level position within your organization, or in an elevated position with respect to the function managed. Your explanation should identify the function with specificity and describe the critical or essential nature of the function. In addition, provide a proportional and detailed description of the beneficiary's duties to demonstrate that the beneficiary primarily managed the function rather than primarily performing the non-qualifying day-to-day duties of the function.
- If the beneficiary supervised other employees, submit copies of performance appraisals or reviews conducted by the beneficiary for any subordinate employees.

**Foreign position primarily executive:**

- A letter from an authorized representative of the foreign entity describing the beneficiary's executive position abroad. The letter should describe the beneficiary's

typical executive duties, and the percentage of time spent on each. In addition, the letter should address:

- How the beneficiary directed the management of the organization, or a major component or function of the organization;
- How the beneficiary established the goals and policies of the organization, component, or function;
- How the beneficiary exercised wide latitude in discretionary decision-making; and
- Whether the beneficiary received only general supervision or direction from higher level executives, the board of directors, or stockholders.

**Foreign position involved specialized knowledge:**

- A letter from an authorized representative of the foreign entity describing the specialized knowledge duties of the position abroad. The letter should also describe the percentage of time spent on each duty. In addition the letter should:
  - Identify which of your organization’s products, services, tools, research, equipment, techniques, management, processes or procedures involved in the beneficiary’s job duties required specialized knowledge;
  - Explain how the knowledge or expertise identified was either “special” or “advanced”;
  - State the minimum time required to obtain this knowledge, including training and actual experience accrued after the completion of training;
  - Explain the knowledge required to perform the duties of the foreign position and how it compares to that of similarly employed individuals within your organization and within the industry.
- Additional documentary evidence to support the claims made in your letter and to show the knowledge involved in performing the duties of the beneficiary’s foreign position was special and/or advanced.

**Beneficiary’s Specialized Knowledge:** You must establish that the beneficiary attained the specialized knowledge through prior education, training, and employment which qualifies him/her to perform the intended services in the United States; however, the work in the United States need not be the same work which the alien performed abroad.

You did not submit any evidence for this requirement.

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is not sufficient. [Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**-AND-**

You may still submit evidence to satisfy this requirement. Please submit:

- Documentary evidence to show that the beneficiary attained the specialized knowledge through prior education, training, and employment.
- A comparison of the beneficiary's knowledge to that of other employees and workers in the same field.

Other evidence you may submit includes, but is not limited to:

- An explanation of the beneficiary's knowledge or expertise. Please identify the beneficiary's knowledge as either "special" and/or "advanced."
- Documentation of training, work experience, or education establishing the number of years the individual has been utilizing or developing the claimed specialized knowledge as an employee of the organization or in the industry;
- Evidence of the impact, if any, the transfer of the individual would have on the organization's U.S. operations;
- Evidence that the alien is qualified to contribute to the U.S. operation's knowledge of foreign operating conditions as a result of knowledge not generally found in the industry or the petitioning organization's U.S. operations;
- Contracts, statements of work, or other documentation that shows that the beneficiary possesses knowledge that is particularly beneficial to the organization's competitiveness in the marketplace;
- Evidence, such as correspondence or reports, establishing that the beneficiary has been employed abroad in a capacity involving assignments that have significantly enhanced the organization's productivity, competitiveness, image, or financial position;
- Personnel or in-house training records that establish that the beneficiary's claimed specialized knowledge normally can be gained only through prior experience or training with that employer;
- Curricula and training manuals for internal training courses, financial documents, or other evidence that may demonstrate that the beneficiary possesses knowledge of a product or process that cannot be transferred or taught to another individual without significant economic cost or inconvenience;
- Evidence of patents, trademarks, licenses, or contracts awarded to the organization based on the beneficiary's work, or similar evidence that the beneficiary has knowledge of a process or a product that either is sophisticated or complex, or of a highly technical nature, although not necessarily proprietary or unique to the petitioning organization;

- Payroll documents, federal or state wage statements, resumes, organizational charts, or similar evidence documenting the positions held and the wages paid to the beneficiary and parallel employees in the organization; and
- Any other evidence that shows the beneficiary has specialized knowledge.

Please note that merely stating the beneficiary’s knowledge is somehow different from others or greatly developed does not, in and of itself, establish that he or she possesses specialized knowledge. Ultimately, it is the weight and type of evidence that establishes whether the beneficiary possesses specialized knowledge.

**Evidence of Specialized Knowledge Position in the United States:** You must show that the position in the United States involves specialized knowledge.

You did not submit any evidence for this requirement.

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is not sufficient. [Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**-AND-**

You may still submit evidence to satisfy this requirement. Please submit:

- A detailed description of the services to be performed.
- A letter explaining;
  - the specific nature of the industry or field involved,
  - the nature of the petitioning organization’s products or services,
  - the specialized knowledge required to perform the beneficiary’s duties, and
  - the need for the beneficiary’s specialized knowledge.
- The letter may also include:
  - The percentage of time spent on each duty.
  - The products, services, tools, research, equipment, techniques, management, processes, or procedures of your organization of which the beneficiary has specialized knowledge;
  - An explain of how the knowledge or expertise identified is “special” and/or “advanced”;

- The minimum time required to obtain this knowledge, including training and actual experience accrued after the completion of training;
  - An explanation of the knowledge required to perform the duties of the U.S. position and how it compares to that of similarly employed individuals within your organization and within the industry.
- You may also submit additional documentary evidence to support the claims made in your letter and to show the knowledge involved in performing the duties of the beneficiary's U.S. position is special and/or advanced.

**Off-Site Work with an Unaffiliated Employer:** You indicated, on the L Classification Supplement to Form I-129, section 1, question 13, that the beneficiary will be stationed primarily offsite (at the worksite of an employer other than the petitioner or its affiliate, subsidiary, or parent).

**-OR-**

You left question 1, section 13 of the L Classification Supplement to Form I-129 blank and information in the supporting documentation shows that the beneficiary will be stationed primarily offsite (at the worksite of an employer other than the petitioner or its affiliate, subsidiary, or parent).

**-AND-**

Therefore, USCIS must also determine whether the beneficiary remains eligible for L-1 classification through his/her placement at an unaffiliated employer's worksite.

When the beneficiary will be "stationed primarily" at an organization that is outside the location of the petitioning organization or one of its affiliates, subsidiaries, branches, or parent organization you must establish that:

- The beneficiary will be "principally" under the "control and supervision" of the petitioning organization (or its affiliate, subsidiary, parent, or branch); **and**
- The placement at the unaffiliated worksite is a placement in connection with the provision of a product or service for which specialized knowledge specific to your organization is necessary and not essentially an arrangement to provide labor for hire for the unaffiliated employer.

**Control and Supervision:** You must show the beneficiary will be principally controlled and supervised by the petitioning organization (or its affiliate, subsidiary, parent, or branch).

**You did not submit any evidence for this requirement.**

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is not sufficient. [Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**-AND-**

You may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to: [Delete any of the following items that were already provided by the petitioner and listed in this subsection.]

- A copy of your organizational chart, showing current organizational hierarchy and staffing levels at the unaffiliated employer's worksite.
- A detailed explanation indicating who will primarily supervise and control the beneficiary and identifying the means by which that supervision and control will be carried out.
- A copy of any contracts, statements of work, end-client letters, work orders, and/or service agreements between you and the employer where the beneficiary will be primarily stationed that describes the relationship between the unaffiliated employer and your employees working on the project.
- A copy of the beneficiary's most recent performance appraisal or evaluation for work performed on the project, if applicable.
- A copy of the beneficiary's pay receipts, Forms W-2, and documentation related to the provision of employer-provided benefits such as health insurance.

**Labor for Hire:** You must show the placement of the beneficiary at the unaffiliated employer is a placement in connection with the provision of a product or service for which specialized knowledge specific to your organization is necessary and not essentially an arrangement to provide labor for hire.

You did not submit any evidence for this requirement.

**-OR-**

To satisfy this requirement, you submitted:

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The evidence you submitted is not sufficient. [Officer must insert the reason(s) why the evidence listed under this subsection is not sufficient to meet this requirement.]

**-AND-**

You may still submit evidence to satisfy this requirement. Evidence may include, but is not limited to: [Delete any of the following items that were already provided by the petitioner and listed in this subsection.]

- Copies of press releases that discuss the product or service to be provided by you to the unaffiliated employer/client.
- A copy of any contracts, statements of work, end-client letters, work orders, and/or service agreements between you and the employer where the beneficiary will be primarily stationed that describes the work to be performed.
- A detailed description of the specific job duties that will be performed by the beneficiary at the unaffiliated employer's site.
- A detailed explanation, in layman's terms, of exactly what product or service you will provide to the unaffiliated employer, and why the activities the beneficiary will perform are not just labor for hire.

### **General Reminders**

If you are submitting evidence in response to this request also submit the following:

- An index of the evidence and include corresponding tabs for each section of evidence.
- Clear and legible copies of the evidence. If clear and legible copies are not possible, submit the original documents. These originals will be returned, if requested.
- Duplicate copy if you are requesting consulate notification. You must provide a duplicate copy of: Form I-129 and initial evidence (if not previously provided); and any evidence submitted in response to this request. If the beneficiary is in the United States and you are requesting a change of status or extension, you may also choose to submit a duplicate copy of the Form I-129 and supporting evidence in case the beneficiary decides to seek a visa at a consular office abroad.
- Full English language translation(s) of evidence submitted to USCIS containing a foreign language. The translator must certify that the translations are accurate and complete and that he or she is competent to translate from the foreign language into English.