

Exhibit 1

DHS - USCIS

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Eric Fan

Affiliation: Bloomberg News

Address: , New York, NY 10022

Email: xfan134@bloomberg.net

Phone: 212-

RECORDS SOUGHT

All complaints received via the USCIS Tip Form (<https://www.uscis.gov/report-fraud/uscis-tip-form>) from 2020 to the day this request is processed. For each complaint, I request the following information corresponding to fields on the USCIS Tip Form:

1. Date of the report.
2. Location of the reporter (inside/outside of the US).
3. Type of suspected fraud or abuse (immigration program type).
4. Suspected Violator Information (company/individual).
5. Name and location of suspected individual or business.
6. Summary of suspected fraud or abuse.
7. A description of when and how the report was resolved.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

The USCIS should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

FORMAT

I request that the agency produce responsive records in the native electronic format in which they were created. I request that data be made available in computer-readable formats such as CSV, XLS, JSON, or XML.

To the extent that the agency is unable to produce the responsive records in the requested format, I request confirmation that the record does not exist in native format and production of the documents in the following format, listed in order of our preference: (1) PDF format; or (2) paper copy.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I ask that the fees be waived because I am a reporter for Bloomberg News, and any information will be used to inform the public about pressing government policy issues.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), “Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Disclosure in this case meets the statutory criteria, as the records sought to detail the operations and activities of government. This request is also not primarily in my commercial interest, as I am seeking the records as a journalist to analyze and freely release information to members of the public.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

REQUEST FOR EXPEDITED PROCESSING

I ask that my request receive expedited processing because of urgent and serious concerns about fraud in the new H-1B lottery system USCIS started in FY2021. A recent surge in beneficiaries with multiple registrations, from less than 30k for FY2021 to over 400k for FY2024, has plunged the selection rate below 15%, causing a public outcry. The USCIS itself “has raised serious concerns that some may have tried to gain an unfair advantage,” according to its [website](#). The DOJ has brought [criminal cases](#) against some companies that facilitated fraudulent registrations. But problems have persisted.

This is an urgent and crucial matter concerning a key program in the US immigration system. There is a compelling public interest to inform the public about government policies on immigration programs, including H-1B, and the results of those policies.

Expedited processing is appropriate here because a “compelling need” exists for disclosure of the requested information under 5 U.S.C. § 552(a)(6)(E)(i)(I). With respect to a request made by a person primarily engaged in disseminating information to the public, a compelling need exists when there is “an urgent need to inform the public about an actual or alleged Federal Government activity.” 45 C.F.R. §5.27(b)(2).

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

Control Number: COW2024001428

February 15, 2024

Eric Fan

New York, NY 10022

Dear Eric Fan:

We received your request for information relating to all complaints received via the USCIS Tip Form (<https://www.uscis.gov/report-fraud/uscis-tip-form>) from 2020 to the day this request is processed.

Your request was received in this office on February 14, 2024. We may need to contact you at a later date to discuss the scope of your request.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: COW2024001428. Please cite this number in all future correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the simple track (Track 1).

Based on the information you provided, we have determined that expedited processing of your request is not warranted. The Department of Homeland Security Freedom of Information Act regulation at 6 C.F.R. § 5.5(e)(1) requires that you demonstrate that your request warrants expedited treatment because it involves:

- (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information;
- (iii) The loss of substantial due process rights; or
- (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

Additionally, 6 C.F.R. § 5.5(e)(3) requires that a requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. Furthermore, requests for expedited processing that are based on paragraph (e)(1)(iv) of this section must be submitted to the Senior Director of FOIA Operations, the Privacy Office, U.S. Department of Homeland Security, 245 Murray Lane SW STOP-0655, Washington, D.C. 20598-0655. If you can demonstrate any further showing as to the nature and degree of (i), (ii), or (iii) of the above categories, please submit this additional information to this office for reconsideration.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. You may file an administrative FOIA appeal by mail to USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute

COW2024001428

Page 2

without going through the appeals process, you may contact our USCIS FOIA Public Liaison at U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010, or by email at FOIAPAQuestions@uscis.dhs.gov.

A USCIS FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. USCIS FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency, and understanding of the status of requests, and assisting in the resolution of disputes.

If you are unable to resolve your FOIA dispute through our USCIS FOIA Public Liaison, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email ogis@nara.gov; telephone 202-741-5770; toll free 877-684-6448; or facsimile 202-741-5769.

In your request, you seek a fee waiver. Under the Freedom of Information Act's (FOIA) fee waiver standard, 5 U.S.C § 552 (A)(4)(iii), two requirements must be met prior to a grant of a fee waiver. As stated, documents shall be furnished without any charge or at a charge reduced below the fees established, where the requester has demonstrated that:

- (i) disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government; and
- (ii) disclosure is not primarily in the commercial interest of the requester.

Since you have not met the necessary requirements for a fee waiver, we are denying your fee waiver request.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our USCIS FOIA Public Liaison at U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010, or by email at FOIAPAQuestions@uscis.dhs.gov.

A USCIS FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. USCIS FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency, and understanding of the status of requests, and assisting in the resolution of disputes.

If you are unable to resolve your FOIA dispute through our USCIS FOIA Public Liaison, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email ogis@nara.gov; telephone 202-741-5770; toll free 877-684-6448; or facsimile 202-741-5769.

Consistent with 6 C.F.R. § 5.5(a) of the Department of Homeland Security (DHS) FOIA regulations, USCIS processes FOIA requests according to their order of receipt. Although USCIS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Additionally, due to the scope and nature of your request, USCIS will need to locate, compile, and review responsive records from multiple offices, both at headquarters and in the field. USCIS may also need to consult with another agency or other component of the Department of Homeland Security that have a substantial interest in the responsive

COW2024001428

Page 3

information. Due to these unusual circumstances, USCIS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). Please contact our office if you would like to limit the scope of your request or to agree on a different timetable for the processing of your request. We will make every effort to comply with your request in a timely manner.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

How to Check the Status of Your Request

You may check the status of your FOIA request online at first.uscis.gov/#/check-status. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

How to Submit Questions or Changes

Questions concerning this FOIA/PA request may be mailed to U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010 or emailed to FOIAPAQuestions@uscis.dhs.gov. All FOIA/PA related requests, including address changes must be submitted in writing, and signed by the requester. Please include the control number listed above on all correspondence. For more information regarding the USCIS FOIA Program, please visit the USCIS website at www.uscis.gov/FOIA.

Sincerely,



Jarrod T Panter

Acting Chief FOIA Officer

Freedom of Information Act & Privacy Act Unit

FOIA/PA STATUS CHECK

DOCUMENT LIBRARY

Request Details

Request Description

ALL COMPLAINTS FROM THE USCIS TIP FORM

Date Submitted

02/14/2024

Request Type

FOIA Request

Request Status

Place in Queue

671 of 923 pending requests

Status

Files Received

Estimated Completion Date

03/26/2024

Note: This is an estimated date based on average processing times. Availability of records and complexity of request may effect completion date.

For more information about making a FOIA/PA request or submitting an Administrative Appeal, please see the link [How to Request Records through the Freedom of Information Act or Privacy Act \(uscis.gov\)](#).

USCIS FOIA/PA Headquarters Office

USCIS Contact Center

1-800-375-5283 or TTY 800-767-1833

FOIAPAQuestions@uscis.dhs.gov

Exhibit 2

DHS - USCIS

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Eric Fan

Affiliation: Bloomberg News

Address: , New York, NY 10022

Email: xfan134@bloomberg.net

Phone: 212

Date: Mar 6, 2024

RECORDS SOUGHT

I request a copy of employer-level statistics on L1 (including L-1A and L-1B) visa petitions and approvals in FY2018 and FY 2020-2024. If any item listed below is not yet unavailable/complete for FY2024, please provide partial statistics. For each employer, I request the following information:

1. Employer name, industry, last four digits of employer tax number;
2. Number of initial L-1A visa petitions submitted.
3. Number of initial L-1B visa petitions submitted.
4. Number of continuing L-1A visa petitions submitted.
5. Number of continuing L-1B visa petitions submitted.
6. Number of initial L-1A visa petitions approved.
7. Number of initial L-1B visa petitions approved.
8. Number of continuing L-1A visa petitions approved.
9. Number of continuing L-1B visa petitions approved.

The USCIS has previously released similar statistics from FY2014 to FY2017 via its Electronic Reading Room

(https://www.uscis.gov/sites/default/files/document/data/Approved_I129_L-1_Petitions_by_Employer_for_Fiscal_Year_2014.xlsx) and has posted FY2019 data publicly on its website (https://www.uscis.gov/sites/default/files/document/data/2-L1Report_Excel.pdf).

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

The USCIS should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

FORMAT

I request that the USCIS produce responsive records in the native electronic format in which they were created. I request that data be made available in computer-readable formats such as CSV, XLS, JSON, or XML.

To the extent that USCIS is unable to produce the responsive records in the requested format, I request confirmation that the record does not exist in native format and production of the documents in the following format, listed in order of our preference: (1) PDF format; or (2) paper copy.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I ask that the fees be waived because I am a reporter for Bloomberg News, and any information will be used to inform the public about pressing government policy issues.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), “Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Disclosure in this case meets the statutory criteria, as the records sought to detail the operations and activities of government. This request is also not primarily in my commercial interest, as I am seeking the records as a journalist to analyze and freely release information to members of the public.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



**U.S. Citizenship
and Immigration
Services**

Control Number: COW2024001998

March 6, 2024

ERIC FAN

NEW YORK, NY 10022

Dear ERIC FAN:

We received your request for information relating to a copy of employer-level statistics on L1 (including L-1A and L-1B) visa petitions and approvals in FY2018 and FY 2020-2024.

Your request was received in this office on March 6, 2024. We may need to contact you at a later date to discuss the scope of your request.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: COW2024001998. Please cite this number in all future correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the simple track (Track 1).

Consistent with 6 C.F.R. § 5.5(a) of the Department of Homeland Security (DHS) FOIA regulations, USCIS processes FOIA requests according to their order of receipt. Although USCIS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Additionally, due to the scope and nature of your request, USCIS will need to locate, compile, and review responsive records from multiple offices, both at headquarters and in the field. USCIS may also need to consult with another agency or other component of the Department of Homeland Security that have a substantial interest in the responsive information. Due to these unusual circumstances, USCIS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). Please contact our office if you would like to limit the scope of your request or to agree on a different timetable for the processing of your request. We will make every effort to comply with your request in a timely manner.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively

COW2024001998

Page 2

identify the subject of the record we may be unable to provide records responsive to your FOIA request.

How to Check the Status of Your Request

You may check the status of your FOIA request online at first.uscis.gov/#/check-status. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

How to Submit Questions or Changes

Questions concerning this FOIA/PA request may be mailed to U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010 or emailed to FOIAPAQuestions@uscis.dhs.gov. All FOIA/PA related requests, including address changes must be submitted in writing, and signed by the requester. Please include the control number listed above on all correspondence. For more information regarding the USCIS FOIA Program, please visit the USCIS website at www.uscis.gov/FOIA.

Sincerely,

A handwritten signature in blue ink that reads "Jarrod T Panter". The signature is written in a cursive style with a large initial "J".

Jarrod T Panter
Acting Chief FOIA Officer
Freedom of Information Act & Privacy Act Unit

FOIA/PA STATUS CHECK

DOCUMENT LIBRARY

Request Details

Request Description

I request a copy of employer-level statistics on L1 (including L-1A and L-1B) visa petitions and approvals in FY2018 and FY 2020-2024.

Date Submitted

03/06/2024

Request Type

FOIA Request

Request Status

Place in Queue

709 of 923 pending requests

Status

Files Requested

Estimated Completion Date

04/15/2024

Note: This is an estimated date based on average processing times. Availability of records and complexity of request may effect completion date.

For more information about making a FOIA/PA request or submitting an Administrative Appeal, please see the link [How to Request Records through the Freedom of Information Act or Privacy Act \(uscis.gov\)](#).



Received

The request was received by USCIS.



In Process

USCIS is performing activities such as reviewing the request, searching for records, and preparing records for release.



Completed

USCIS completed processing the request, and a letter was sent to the requester explaining the actions taken.

USCIS FOIA/PA Headquarters Office

USCIS Contact Center

1-800-375-5283 or TTY 800-767-1833

FOIAPAQuestions@uscis.dhs.gov

Exhibit 3

DHS - USCIS

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Eric Fan

Affiliation: Bloomberg News

Address: , New York, NY 10022

Email: xfan134@bloomberg.net

Phone: 212-

Date: Mar 15, 2024

RECORDS SOUGHT

I request a copy of records on Blanket L petitions received by USCIS from FY 2014 to FY 2024. For each petition, I request all non-exempt information maintained in USCIS' database, including but not limited to the following:

1. The US employer name.
2. Number of employees at the U.S. employer.
3. Date of Blanket L petition.
4. The USCIS decision, such as approval or rejection.
5. Date of USCIS decision.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

The USCIS should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

FORMAT

I request that the USCIS produce responsive records in the native electronic format in which they were created. I request that data be made available in computer-readable formats such as CSV, XLS, JSON, or XML.

To the extent that USCIS is unable to produce the responsive records in the requested format, I request confirmation that the record does not exist in native format and production of the

documents in the following format, listed in order of our preference: (1) PDF format; or (2) paper copy.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I ask that the fees be waived because I am a reporter for Bloomberg News, and any information will be used to inform the public about pressing government policy issues.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), “Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Disclosure in this case meets the statutory criteria, as the records sought to detail the operations and activities of government. This request is also not primarily in my commercial interest, as I am seeking the records as a journalist to analyze and freely release information to members of the public.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



**U.S. Citizenship
and Immigration
Services**

Control Number: COW2024002314

March 18, 2024

Eric Fan

New York, NY 10022

Dear Eric Fan:

We received your request for information relating to a copy of records on Blanket L petitions received by USCIS from FY 2014 to FY 2024.

Your request was received in this office on March 15, 2024. We may need to contact you at a later date to discuss the scope of your request.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: COW2024002314. Please cite this number in all future correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the simple track (Track 1).

Your request for a fee waiver has been granted.

Consistent with 6 C.F.R. § 5.5(a) of the Department of Homeland Security (DHS) FOIA regulations, USCIS processes FOIA requests according to their order of receipt. Although USCIS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Additionally, due to the scope and nature of your request, USCIS will need to locate, compile, and review responsive records from multiple offices, both at headquarters and in the field. USCIS may also need to consult with another agency or other component of the Department of Homeland Security that have a substantial interest in the responsive information. Due to these unusual circumstances, USCIS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). Please contact our office if you would like to limit the scope of your request or to agree on a different timetable for the processing of your request. We will make every effort to comply with your request in a timely manner.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

How to Check the Status of Your Request

You may check the status of your FOIA request online at first.uscis.gov/#/check-status. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

How to Submit Questions or Changes

Questions concerning this FOIA/PA request may be mailed to U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010 or emailed to FOIAPAQuestions@uscis.dhs.gov. All FOIA/PA related requests, including address changes must be submitted in writing, and signed by the requester. Please include the control number listed above on all correspondence. For more information regarding the USCIS FOIA Program, please visit the USCIS website at www.uscis.gov/FOIA.

Sincerely,

A handwritten signature in blue ink that reads "Jarrod Panter". The signature is written in a cursive style.

Jarrod T Panter
Acting Chief FOIA Officer
Freedom of Information Act & Privacy Act Unit

FOIA/PA STATUS CHECK

DOCUMENT LIBRARY

Request Details

Request Description

I request a copy of records on Blanket L petitions received by USCIS from FY 2014 to FY 2024.

Date Submitted

03/15/2024

Request Type

FOIA Request

Request Status

Place in Queue

742 of 923 pending requests

Status

Files Received

Estimated Completion Date

04/24/2024

Note: This is an estimated date based on average processing times. Availability of records and complexity of request may effect completion date.

For more information about making a FOIA/PA request or submitting an Administrative Appeal, please see the link [How to Request Records through the Freedom of Information Act or Privacy Act \(uscis.gov\)](#).



Received

The request was received by USCIS.



In Process

USCIS is performing activities such as reviewing the request, searching for records, and preparing records for release.



Completed

USCIS completed processing the request, and a letter was sent to the requester explaining the actions taken

Exhibit 4

DHS - USCIS

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Eric Fan

Affiliation: Bloomberg News

Address: , New York, NY 10022

Email: xfan134@bloomberg.net

Phone: 212-

Date: Mar 18, 2024

RECORDS SOUGHT

I request a copy of employer-level statistics on L1 (including L-1A and L-1B) visa petitions in FY 2014-2017 and FY 2019. For each employer, I request the following information:

1. Employer name, industry, last four digits of employer tax number;
2. Number of initial L-1A visa petitions submitted.
3. Number of initial L-1B visa petitions submitted.
4. Number of continuing L-1A visa petitions submitted.
5. Number of continuing L-1B visa petitions submitted.

The USCIS has previously released *approval* statistics from FY2014 to FY2017 via its Electronic Reading Room

(https://www.uscis.gov/sites/default/files/document/data/Approved_1129_L-1_Petitions_by_Employer_for_Fiscal_Year_2014.xlsx) and has posted FY2019 data publicly on its website

(https://www.uscis.gov/sites/default/files/document/data/2-L1Report_Excel.pdf). This is a request for L1 *petitions* data by each employer.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

The USCIS should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

FORMAT

I request that the USCIS produce responsive records in the native electronic format in which they were created. I request that data be made available in computer-readable formats such as CSV, XLS, JSON, or XML.

To the extent that USCIS is unable to produce the responsive records in the requested format, I request confirmation that the record does not exist in native format and production of the documents in the following format, listed in order of our preference: (1) PDF format; or (2) paper copy.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I ask that the fees be waived because I am a reporter for Bloomberg News, and any information will be used to inform the public about pressing government policy issues.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), “Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Disclosure in this case meets the statutory criteria, as the records sought to detail the operations and activities of government. This request is also not primarily in my commercial interest, as I am seeking the records as a journalist to analyze and freely release information to members of the public.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

Control Number: COW2024002360

March 18, 2024

Eric Fan

New York, NY 10022

Dear Eric Fan:

We received your request for information relating to a copy of employer-level statistics on L1 (including L-1A and L-1B) visa petitions in FY 2014-2017 and FY 2019.

Your request was received in this office on March 18, 2024. We may need to contact you at a later date to discuss the scope of your request.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: COW2024002360. Please cite this number in all future correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the simple track (Track 1).

Your request for a fee waiver has been granted.

Consistent with 6 C.F.R. § 5.5(a) of the Department of Homeland Security (DHS) FOIA regulations, USCIS processes FOIA requests according to their order of receipt. Although USCIS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Additionally, due to the scope and nature of your request, USCIS will need to locate, compile, and review responsive records from multiple offices, both at headquarters and in the field. USCIS may also need to consult with another agency or other component of the Department of Homeland Security that have a substantial interest in the responsive information. Due to these unusual circumstances, USCIS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). Please contact our office if you would like to limit the scope of your request or to agree on a different timetable for the processing of your request. We will make every effort to comply with your request in a timely manner.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

How to Check the Status of Your Request

You may check the status of your FOIA request online at first.uscis.gov/#/check-status. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

How to Submit Questions or Changes

Questions concerning this FOIA/PA request may be mailed to U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010 or emailed to FOIAPAQuestions@uscis.dhs.gov. All FOIA/PA related requests, including address changes must be submitted in writing, and signed by the requester. Please include the control number listed above on all correspondence. For more information regarding the USCIS FOIA Program, please visit the USCIS website at www.uscis.gov/FOIA.

Sincerely,

A handwritten signature in blue ink that reads "Jarrod Panter". The signature is written in a cursive style.

Jarrod T Panter
Acting Chief FOIA Officer
Freedom of Information Act & Privacy Act Unit

Control Number: COW2024002360

FOIA/PA STATUS CHECK

DOCUMENT LIBRARY

Request Details

Request Description

I request a copy of employer-level statistics on L1 (including L-1A and L-1B) visa petitions in FY 2014-2017 and FY 2019.

Date Submitted

03/18/2024

Request Type

FOIA Request

Request Status

Place in Queue

743 of 923 pending requests

Status

Files Requested

Estimated Completion Date

04/25/2024

Note: This is an estimated date based on average processing times. Availability of records and complexity of request may effect completion date.

For more information about making a FOIA/PA request or submitting an Administrative Appeal, please see the link [How to Request Records through the Freedom of Information Act or Privacy Act \(uscis.gov\)](#).



Received

The request was received by USCIS.



In Process

USCIS is performing activities such as reviewing the request, searching for records, and preparing records for release.



Completed

USCIS completed processing the request, and a letter was sent to the requester explaining the actions taken

Exhibit 5

DHS - USCIS

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name: Eric Fan

Affiliation: Bloomberg News

Address: , New York, NY 10022

Email: xfan134@bloomberg.net

Phone: 212-

Date: Mar 18, 2024

RECORDS SOUGHT

I request a copy of all Fraud Detection and National Security Directorate reports created in association with H1B and L1 employer site visits from 2014 to 2024. For each FDNS report, I request a release of all non-exempt information maintained by USCIS, including but not limited to the following:

1. Date of site visit.
2. Address of the site.
3. Name of the employer.
4. Whether the site visit was part of an Administrative Site Visit Program or Targeted Site Visit Program.
5. Whether the site visit found noncompliance or indications of fraud. If yes, please provide the nature of noncompliance found, including information on which visa programs and how many visa petitions were involved.
6. Any USCIS action against the employer for their noncompliance.

In proposed regulations published in October 2023, USCIS stated: "The site visits conducted by USCIS through its compliance review program have uncovered a significant amount of noncompliance in the H-1B program. For instance, during FYs 2019-22, USCIS conducted a total of 27,062 H-1B compliance reviews and found 5,037 of them, equal to 18.6 percent, to be noncompliant or indicative of fraud." <https://www.federalregister.gov/d/2023-23381/p-493>. This FOIA request seeks records generated during those site visits.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

The USCIS should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

FORMAT

I request that the USCIS produce responsive records in the native electronic format in which they were created. I request that data be made available in computer-readable formats such as CSV, XLS, JSON, or XML.

To the extent that USCIS is unable to produce the responsive records in the requested format, I request confirmation that the record does not exist in native format and production of the documents in the following format, listed in order of our preference: (1) PDF format; or (2) paper copy.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I ask that the fees be waived because I am a reporter for Bloomberg News, and any information will be used to inform the public about pressing government policy issues.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), “Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Disclosure in this case meets the statutory criteria, as the records sought to detail the operations and activities of government. This request is also not primarily in my commercial interest, as I am seeking the records as a journalist to analyze and freely release information to members of the public.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

Control Number: COW2024002375

March 19, 2024

Eric Fan

New York, NY 10022

Dear Eric Fan:

We received your request for information relating to all Fraud Detection and National Security Directorate reports created in association with H1B and L1 employer site visits from 2014 to 2024.

Your request was received in this office on March 18, 2024. We may need to contact you at a later date to discuss the scope of your request.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: COW2024002375. Please cite this number in all future correspondence about your request.

We respond to requests on a first-in, first-out basis and on a multi-track system. Your request has been placed in the simple track (Track 1).

In your request, you seek a fee waiver. Under the Freedom of Information Act's (FOIA) fee waiver standard, 5 U.S.C § 552 (A)(4)(iii), two requirements must be met prior to a grant of a fee waiver. As stated, documents shall be furnished without any charge or at a charge reduced below the fees established, where the requester has demonstrated that:

- (i) disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government; and
- (ii) disclosure is not primarily in the commercial interest of the requester.

Since you have not met the necessary requirements for a fee waiver, we are denying your fee waiver request.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our USCIS FOIA Public Liaison at U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010, or by email at FOIAPAQuestions@uscis.dhs.gov.

A USCIS FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. USCIS FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency, and understanding of the status of requests, and assisting in the resolution of disputes.

If you are unable to resolve your FOIA dispute through our USCIS FOIA Public Liaison, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email ogis@nara.gov; telephone 202-741-5770; toll free 877-684-6448; or facsimile 202-741-5769.

COW2024002375

Page 2

Consistent with 6 C.F.R. § 5.5(a) of the Department of Homeland Security (DHS) FOIA regulations, USCIS processes FOIA requests according to their order of receipt. Although USCIS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Additionally, due to the scope and nature of your request, USCIS will need to locate, compile, and review responsive records from multiple offices, both at headquarters and in the field. USCIS may also need to consult with another agency or other component of the Department of Homeland Security that have a substantial interest in the responsive information. Due to these unusual circumstances, USCIS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). Please contact our office if you would like to limit the scope of your request or to agree on a different timetable for the processing of your request. We will make every effort to comply with your request in a timely manner.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

The National Records Center (NRC) has the responsibility to ensure that personally identifiable information (PII) pertaining to U.S. Citizenship and Immigration Services (USCIS) clients is protected. In our efforts to safeguard this information, we may request that additional information be provided to facilitate and correctly identify records responsive to your request. Though submission of this information is voluntary, without this information, your request may be delayed while additional steps are taken to ensure the correct responsive records are located and processed. Further, if we are unable to positively identify the subject of the record we may be unable to provide records responsive to your FOIA request.

How to Check the Status of Your Request

You may check the status of your FOIA request online at first.uscis.gov/#/check-status. If you have any questions concerning your pending FOIA/PA request, or to check the status of a pending application or petition, please call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

How to Submit Questions or Changes

COW2024002375

Page 3

Questions concerning this FOIA/PA request may be mailed to U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010 or emailed to FOIAPAQuestions@uscis.dhs.gov. All FOIA/PA related requests, including address changes must be submitted in writing, and signed by the requester. Please include the control number listed above on all correspondence. For more information regarding the USCIS FOIA Program, please visit the USCIS website at www.uscis.gov/FOIA.

Sincerely,

A handwritten signature in blue ink that reads "Jarrod Panter". The signature is written in a cursive style with a large, sweeping initial "J".

Jarrod T Panter

Acting Chief FOIA Officer

Freedom of Information Act & Privacy Act Unit

FOIA/PA STATUS CHECK

DOCUMENT LIBRARY

Request Details

Request Description

all Fraud Detection and National Security Directorate reports created in association with H1B and L1 employer site visits from 2014 to 2024.

Date Submitted

03/18/2024

Request Type

FOIA Request

Request Status

Place in Queue

744 of 923 pending requests

Status

Files Received

Estimated Completion Date

04/25/2024

Note: This is an estimated date based on average processing times. Availability of records and complexity of request may effect completion date.

For more information about making a FOIA/PA request or submitting an Administrative Appeal, please see the link [How to Request Records through the Freedom of Information Act or Privacy Act \(uscis.gov\)](#).



Received

The request was received by USCIS.



In Process

USCIS is performing activities such as reviewing the request, searching for records, and preparing records for release.



Completed

USCIS completed processing the request, and a letter was sent to the requester explaining the actions taken