

EXHIBIT 3



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

April 14, 2015

COW2014000817

Betsy Lawrence
American Immigration Lawyers Association
1331 G Street, Suite 300
Washington, DC 20005

Dear Betsy Lawrence:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office December 04, 2014 regarding the operating procedures for administration of H-1B.

Specifically, you have requested USCIS operating procedures and policies on the administration of the annual H-1B random selection process (or "lottery,"), as described in 8 CFR §214.2(h)(8)(ii)(B), (C), and (D) including, but not limited to:

- Records that describe and/or explain the intake procedures for cap-subject cases, including how such cases are identified upon intake, received, and processed (either accepted or rejected) at each filing location;
- Records that describe the reasons why a cap-subject petition might be rejected upon receipt, returned to the petitioner, and not included in the lottery pool;
- Records which explain how USCIS determines when it has received a sufficient number of H-1B petitions to reach the statutory cap of 65,000 regular H-1B visas and 20,000 master's cap H-1B visas for the relevant fiscal year, including how USCIS determines the "final receipt date;"
- Records that describe and/or explain how the random selection process is conducted for the master's cap lottery, how such petitions are randomly selected, how each service center is notified of lottery "winners," and how master's cap cases are then reassigned to the regular cap lottery;
- Records that describe and/or explain how the random selection process is conducted for the regular cap lottery, how such petitions are randomly selected, and how each service center is notified of lottery "winners."
- Records that describe how USCIS tracks and counts unused H-1B's for each fiscal year and takes into account such unused numbers during the appropriate fiscal year in accordance with 8 CFR §214.2(h)(8)(ii)(C).

We have completed the review of all documents and have identified 521 pages that are responsive to your request. Enclosed are 166 pages released in their entirety and 228 pages released in part. We are withholding 127 pages in full. In our review of these pages, we have determined that they contain no reasonably segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(3), (b)(4), (b)(5) and (b)(6) of the FOIA.

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The following exemptions are applicable:

Freedom of Information Act 5 U.S.C. § 552 (b)(3)

Exemption (b)(3) provides protection for information specifically exempted from disclosure by statute, provided that such statute establishes particular criteria for withholding or refers to particular types of matters to be withheld. The statute allows us to withhold this information pursuant to 26 U.S.C. 6103 of the Internal Revenue Code.

Freedom of Information Act 5 U.S.C. § 552 (b)(4)

Exemption (b)(4) protects trade secrets and commercial or financial information that is privileged or confidential. The types of documents and/or information we have withheld may consist of unit pricing, business sales statistics; research data; technical designs; customer and supplier lists; profit and loss data; overhead and operating costs; and information on financial condition.

Freedom of Information Act 5 U.S.C. § 552 (b)(5)

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing pre-decisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Freedom of Information Act 5 U.S.C. § 552 (b)(6)

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.4(a)), USCIS uses a "cut-off" date to delineate the scope of a FOIA request by treating records created after that date as not responsive to that request. Therefore, in determining which records are responsive to your request, we will only include records in the possession of this agency as of December 4, 2014, the date we began the search for records.

The enclosed record consists of the best reproducible copies available. Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

If you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

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All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Please include the control number listed above on all correspondence with this office. Requests may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead, or sent by fax to (816) 350-5785. You may also submit FOIA/PA related requests to our e-mail address at uscis.foia@uscis.dhs.gov.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

Enclosure(s)