



## INDEX TO USCIS FOIA PRODUCTION ON L-1B INSTRUCTION/TRAINING/GUIDANCE MATERIALS

Pg range	Agency Office	Document	Description	Date	Key Information Included
Council FOIA 1	USCIS	Email from Tinnina Lauver, Adjudication Officer, Service Center Operations Directorate, Business Employment Services Team	Email from Tinnina Lauver to VSC/CSC about how to calculate 1 year of employment abroad in preceding 3 years	7/22/2011	OCC was asked what analysis to use when beneficiary currently in another NIV status in U.S. working for the qualifying company. There is a (b)(5) exemption, followed by instructions to adjudicators to "follow the statute by counting back from the time of admission" to the U.S.
Council FOIA 2-34	USCIS	DRAFT of "Policy Guidance on the Interpretation of the L-1B Specialized Knowledge Classification", Office of Policy and Strategy, Service Center Operations, Office of Chief Counsel, USCIS	L-1B specialized knowledge guidance, including statutory and regulatory definitions of specialized knowledge, distinction between advanced and special knowledge, USCIS L-1B interpretation policy, and other factors, "key" personnel/process and "essential process," standard and burden of proof.	Unknown	Legend at 4: "Draft-Do Not Disclose-Pre-Decisional." Following "Reasons for Refresher Training" on page 4, pages 4 - 33 withheld under (b)(5).
Council FOIA 35-181	DHS	Appears to be a PowerPoint presentation, entitled " <b>I-129 L-1 Adjudication</b> "	Training slides for L-1 petition adjudication, including individual and blanket, qualifying relationships, manager/executive capacity, specialized knowledge, new office, validity periods (extensions), other L-1 issues.	9/2011	<b>At 113: Describes the Puleo memo as "one of the agency's policy memos" re: specialized knowledge interpretation. "Officers must follow this interpretation."</b> At 113-14: Includes Puleo memo definitions of "special" and "advanced", noting it need not be proprietary or unique; only different or uncommon. At 122: Expects documented evidence, includes examples.
Council FOIA 182-184	USCIS	Emails.	<b>Internal emails with Tinnina Lauver, Service Center Operations Directorate giving instructions to VSC &amp; CSC.</b>	7/18/2011 & 9/12/2011	<b>CBP L cases. USCIS to obtain more information unless CBP clearly articulates reasons for recommending denial or petition revocation and USCIS agrees w/CBP.</b>

Council FOIA Part 1 185-187	USCIS	Emails.	Internal emails with Tinnina Lauver, Service Center Operations Directorate giving instructions to VSC & CSC. See 188-191 below	7/5/2011 & 12/8-12/9/2011	Third Party Placement Denials. At 186-87: Confirmed CSC & VSC RFE issuance when L-1B offsite petition for "continuation of previously approved employment" but documentation indicates otherwise. Relies on 4/23/2004 memo re: factors for deference and requirements of L-1 Visa Reform Act. At 185: VSC authorized to use same labor for hire language CSC using.
Council FOIA Last email 187	USCIS	Emails.	Email from Karla Moran, SISO, CSC to Tinnina Lauver, with copy to Catherina Sun.	6/8/2011, 7/5/2011	Moran, responding to Lauver request (188), says <b>CSC does not have L SOP</b> , but she has <b>almost finished a national L SOP</b> (from her time at SCOPS).
Council FOIA 188-189			Emails between Tinnina Lauver and Karla Moran. (Others copied on some emails.) See 186-187 above	5/19 & 5/31/2011, 6/6 & 6/8/2011	Moran requested guidance on behalf of Director Melville about whether still okay for CSC to give deference on extensions only to L-1B on-site, but not off-site. (Context: follow-up meeting to "L-1B Stakeholder call;" that call is probably the 5/12/2011 USCIS Public Engagement.) <b>Lauver requested clarification as to when deference not given;</b> Moran responded, only when evidence for "continuation of previously approved employment" indicates not properly adjudicated initially. <b>Lauver also requested copy of CSC L SOP.</b>
Council FOIA Last email 189	USCIS	Email.	Internal email from Karla Moran, SISO, CSC (see 190-91 below)	5/19/2011	<b>Moran response</b> (for Brokx) to Ammerman email (at 190) requesting RFE template. <b>Says template sent, but template not produced.</b>
Council FOIA 190-191	USCIS	Emails.	Internal emails among Michael Ammerman, Karla Moran (SISO, CSC), John Brokx & Tinnina Lauver (identified at 1 above)	5/18 & 19/2011 (190 only)	At 190-91, Email from Brokx to Ammerman, Lauver, "cc" Moran <b>re: "L-1B, RFE, Suggested Evidence,"</b> text withheld (b)(5), then text "Suggested Evidence to Establish the Beneficiary has Specialized Knowledge," then text withheld under (b)(6) & (b)(5); at 190 top, <b>email from Ammerman</b> to Moran, Brokx, Lauver, same subject, <b>requesting from Brokx copy of RFE template currently used;</b> at 190, <b>see response at 189 above</b> , followed by second response from Moran to Ammerman, also to Brokx and Lauver, <b>with RFE language</b> ("We also suggest in the beginning of the RFE") remainder withheld under (b)(5).
Council FOIA 192-269	USCIS	"Basic Nonimmigrants Instructor Guide"	Guide to 8 hour course on nonimmigrant visa classifications, criteria for EOS & COS, visa waiver classifications. Course #207/209.	5/2012	
Council FOIA 270-288	USCIS	"Basic Ancillary Benefits Instructor Guide"	Guide to 2 hour course on employment authorization and advanced parole. Course #214.	7/2010	

Council FOIA 289-312	USCIS	"Basic Employment-Based Petitions, Course 213 Instructor Guide"	Guide to 4 hour course on employment-based immigration.	3/2011	
Council FOIA 313-329	USCIS	"Basic Burden and Standards of Proof Instructor Guide"	Guide to 1 hour course on burden of proof and standards of proof concepts as related to adjudication process. Course #261.	1/2012	
Council FOIA 330-369	USCIS	<b>"Basic Administrative and Judicial Appeals Instructor Guide"</b>	Guide to 4 hour course on appeals process as related to a USCIS decision. Course #236.	12/2011	At 337: AAO precedent decisions are binding on all USCIS employees in the administration of the INA. <b>At 338: "Adjudicators are not bound by non-precedent decisions but are encouraged to discuss the case with their supervisors before issuing a decision that may conflict with the non-precedent AAO decision "</b>
Council FOIA 370-384	USCIS	"Basic Responsibilities of Employers and Employment Verification, Course 212 Instructor Guide"	Guide to 1 hour course on U.S. employers' responsibilities to verify employee status and work authorization.	12/2011	
Council FOIA 385-444	USCIS	"Basic Adjustment of Status, Course 220 Instructor Guide"	Guide to 12 hour course on adjustment of status eligibility requirements.	1/2012	