



December 15, 2014



Re: Petitioner: [redacted]
Beneficiary: [redacted]

I-129 Extension Petition for Employment of H-1B Temporary Worker Beyond the Sixth Year Based on Approved I-140 Petition

Dear Director:

[redacted] hereby submits the attached H-1B Temporary Worker Visa Petition on behalf of [redacted] a citizen of [redacted] [redacted] seeks to continue his employment as a Software Developer in H-1B status. Software Developer is a specialty occupation requiring the expertise of a professional, such as [redacted] who holds at least a bachelor's degree.

Itinerary

[redacted] headquarters are located at [redacted] However, [redacted] will be working at our end-client site, [redacted] which is





ERP (Enterprise Resource Planning): [REDACTED] has extensive experience in Core Business Processes that drive enterprises, in both, commercial and public sectors. ERP systems continue to deliver on the objective of streamlining business operations and standardizing corporate IT environments. By investing in leading information technology and focusing resources on rethinking the enterprise, companies today are reducing costs, increasing efficiencies and improving logistics.

CRM (Customer Relationship Management): [REDACTED] is focused on delivering high-impact customer care solutions encompassing all interactions with customers across multiple channels. We provide highly skilled technology services, backed up with Siebel certified consultants, to implement a range of CRM initiatives including Sales Force Automation, Marketing Automation, Customer Service, Call Centers and CTI Integration and Product Configuration. There is also an emphasis on leveraging our partnership model to build and deliver expertise in industry templates. [REDACTED] COE works in terms of creation of prototypes for different industry situations, evaluation of integration approaches and identification of rapid deployment methodologies.

For more information, a copy of our company profile is attached as **Exhibit 5**. We can also be found on the Internet at [REDACTED]. In addition, we have attached a copy of [REDACTED] 2013 Tax Return as **Exhibit 6**. [REDACTED] has sufficient revenues to support an employee of [REDACTED] caliber.

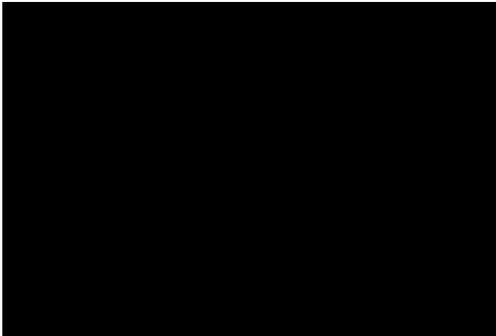
The Position Offered: Software Developer

[REDACTED] is being offered temporary employment in the position of Software Developer. [REDACTED] will provide technical support for the latest in computer software

[REDACTED]

[REDACTED]

[REDACTED]



technology. This position requires a minimum of a bachelor's degree or its equivalent as the duties involved are of a complex and high-level nature.

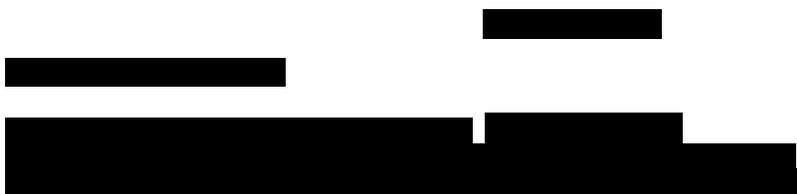
The general duties and responsibilities for Software Developer include:

- Designing and developing various software applications using Mainframes, COBOL, Natural, JCL, Windows and DB2.
- Gathering and analyzing system requirements to develop and implement necessary software applications.
- Communicating and interacting with the application business areas and users.
- Designing, developing and testing project and maintenance deliverables.
- Developing test collateral for project and maintenance deliverables.
- Performing root cause analysis and recommending solutions for application defects and enhancement requests.
- Assisting in moving application deliverables through the release process (Development, Test, Pre-Prod and Production).

This Software Developer position is a demanding one, and requires a minimum of a bachelor's degree or its equivalent in Engineering, Computers or IT related field, and hardware and software skills to perform the above detailed duties, as well as some prior IT related work experience. With this level of educational attainment, we believe that we can trust the major responsibilities of Software Developer for our clients to 

Specialty Occupation

At all times  will be working in a specialty occupation as the minimum requirement is a bachelor's degree. In addition to having provided our job description above we have also, attached as **Exhibit 7**, a description of Software Developer taken from





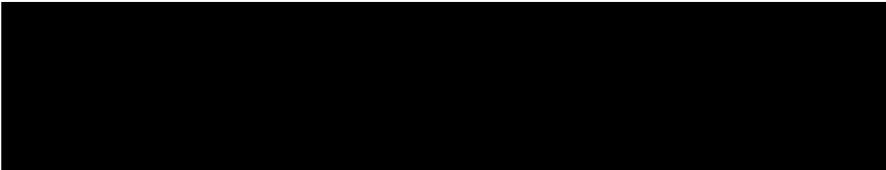
the Occupational Outlook Handbook and the O*NET which clearly demonstrates that the position of Software Developer as typically a position requiring a minimum of a bachelor's.

The case of Unico American Corp. v. Watson _F.Supp., Case No. CV 89-6958 (C.D. Cal. Mar. 19, 1991), reported in 68 Interpreter Releases 1161 (9/19/91), emphasizes that the Service should give deference to the employer's view and should consider fully the employer's evidence and should not rely simply on standardized government classification systems. In the instant case, [REDACTED] requires a person of bachelor's degree caliber and can only employ a Software Developer who has earned at least a bachelor's degree or its equivalent as the individual will need to have the analytical and functional ability obtained through a minimum of a bachelor's degree or its equivalent. The skills obtained through having at least a bachelor's degree help to refine analytical and industry programming skills necessary to design, develop, implement and maintain the above applications. In addition, for an individual to be successful as a Software Developer in the IT industry they must have a at least a bachelor's degree or its equivalent as most people in this industry who are developing applications of this nature have at least a bachelor's degree in Engineering, Computers or IT related field.

Job Offer / Salary / Worksite

[REDACTED] has and will continue to comply with all labor condition statements contained in said attestation and will make available for examination a copy of the LCA, all required supporting documents and this petition. At all times, [REDACTED] will pay [REDACTED] a wage equal or greater than the [REDACTED] per hour referenced on the Labor Condition application. [REDACTED] will be working at the end-client site in [REDACTED] salary exceeds the Level Two prevailing wage requirements for a professional Software Developer as described in the OES/SOC Wage Survey. Please see **Exhibit 8**. [REDACTED] intends to continue the employment of [REDACTED] on a temporary basis as a full-time Software

[REDACTED]



[REDACTED]

Developer upon filing the application of this H-1B petition. [REDACTED] will be reporting directly to the Director of HR of [REDACTED] and will be consulting the organization's clients.

Employer / Employee Relationship

As per the Neufeld Memorandum dated January 8th 2010, [REDACTED] can thoroughly define their relationship with employee, [REDACTED] is a United States employer that specifically is defined as a person, firm, corporation, contractor, or other association or organization in the U.S. which engages a person to work in the U.S., has an employer-employee relationship with respect to employees as indicated by the fact it may hire, pay, fire, supervise, or otherwise control the work of such employee. USCIS relies on common law principles to determine what constitutes an employer-employee relationship. As per the Darden Case, the USCIS should consider the following and weigh no one factor more than the other:

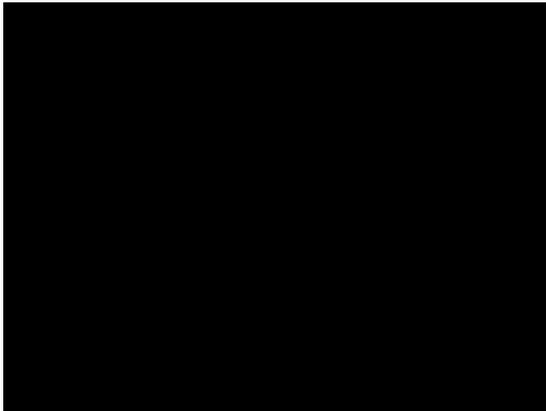
[W]e consider the hiring party's right to control the manner and means by which the product is accomplished. Among the other factors relevant to this inquiry are the skill required; the source of the instrumentalities and tools; the location of the work; the duration of the relationship between the parties; whether the hiring party has the right to assign additional projects to the hired party, the extent of the hired party's discretion over when and how long to work; the method of payment; the hired party's role in hiring and paying assistants; whether the work is part of the regular business of the hiring party; whether the hiring the party is in business; the provision of employee benefits; and the tax treatment of the hired party.

[REDACTED] retains the sole ability to hire, fire, pay, review the performance of, and maintain supervision over [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



The Beneficiary: [REDACTED]

[REDACTED] is well qualified to fill the specialty occupation position of Software Developer. He has earned a [REDACTED] which is equivalent to a U.S. [REDACTED]. See Exhibit 9, for a copy of [REDACTED] evaluation, degree and related transcripts. [REDACTED] also has relevant work experience as a Software Developer. [REDACTED] resume is attached as Exhibit 10 and outlines [REDACTED] skill sets and experience in detail.

In conclusion, [REDACTED] is an exceptional Software Developer who has the knowledge and experience required by our company and its clients. [REDACTED] employment is temporary in scope and we will pay reasonable costs of transportation abroad if [REDACTED] employment is terminated prior to expiration of [REDACTED] authorized period of stay. As [REDACTED] meets, and exceeds, all the requirements for the position, we respectfully request your expeditious approval of our H-1B petition.

Sincerely yours,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]