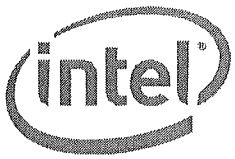


April 2, 2018

Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Policy and Strategy
Chief, Regulatory Coordination Division
20 Massachusetts Avenue, N.W.
Washington, DC 20529-2140

VIA ONLINE SUBMISSION AT WWW.REGULATIONS.GOV
DOCKET ID # USCIS-2006-0050

RE: OMB Control Number 1615-0010
U.S. Citizenship and Immigration Services (USCIS)
Department of Homeland Security (DHS)
Agency Information Collection Activities
Revision of a Currently Approved Collection:
Nonimmigrant Petition Based on Blanket L Petition

Dear Sir/Madam:

Thank you for the opportunity to submit comments in connection with the above-referenced notice.

About Intel

Intel designs and manufactures advanced integrated digital technology platforms. A platform consists of a microprocessor and chipset, and may be enhanced by additional hardware, software, and services. Intel sells these platforms primarily to original equipment manufacturers (OEMs), original design manufacturers (ODMs), and industrial and communications equipment manufacturers in the computing and communications industries. Our platforms are used in a wide range of computing applications, such as notebooks (including Ultrabook(TM) devices and 2 in 1 systems), desktops, servers, tablets, smartphones, automobile infotainment systems, automated factory systems, and medical devices. Intel also develops and sells software and services primarily focused on security and technology integration. Intel was incorporated in California in 1968 and reincorporated in Delaware in 1989.

Intel currently employs approximately 106,000 employees throughout the world. Its 2017 revenue was $62.8 billion, and its 2017 net income was $9.6 billion.

Request for Extension of Notice and Comment Period

Although the Federal Register notice relating to changes to Form I-129S was published on January 31, 2018, announcing that the comment period would end 60 days later on April 2, 2018, the proposed revised form and instructions were not posted until one and one-half months later on March 16, 2018. The current comment period deadline allows

Intel Corporation
4500 S. Dobson Road
Mailstop CH3-170
Chandler, AZ 85248

interested parties a little over two weeks to review and evaluate the changes and to propose comments.

Since Form I-129S is used by employer petitioners in connection with their requests to sponsor intracompany transferees for work authorization under the L-1 blanket process, those companies are typically the same companies that are filing H-1B visa petitions on April 2, 2018 under the annual H-1B lottery. The combination of having only 17 days to respond coinciding with the H-1B cap filings is certain to reduce the number and quality of comments provided from the primary stakeholders: The U.S. business community. Intel therefore respectfully requests that the notice be republished to allow interested parties a full sixty days to respond.

Contexts in Which Form I-129S is Used

It is important to understand the origins of Form I-129S, its historical usage at consular posts and CBP ports of entry, and how it is currently being used by USCIS in conjunction with other forms for certain individual L-1 petitions, to fully understand the redundancies inherent in the current 2016 version of the form, as well as in the context of the 2018 proposed changes.

Congress created the L blanket to facilitate the entry of executives, managers and specialized knowledge professionals of trusted employers by allowing them to apply for a visa directly at a U.S. Consular post abroad[1] without having to first apply to USCIS for an approval of an individual L-1 petition. The corporate blanket L approval notice (Form I-797) substantiates the relationship between the employing entity abroad and the U.S. parent, subsidiary or affiliate, while the Consulate determines whether the one year employment abroad and executive, managerial or specialized knowledge capacity requirements have been satisfied, based on information contained in Form I-129S.

Form I-129S currently has three uses. Its principal use has been in connection with applications for L-1 visas under the L blanket process at U.S. Consulates abroad. The form has also traditionally been used by Canadian citizens, who are visa exempt, in making their blanket L applications before U.S. Customs and Border Protection (CBP) at ports of entry. More recently, following the 2016 revisions to the form, USCIS now requires petitions to extend or amend L-1 status for beneficiaries who initially entered under the L blanket program to include a copy of the endorsed Form I-129S from the blanket L application[2] as well as a completed 2016 version of Form I-129S, in addition to submitting Form I-129, including the L Classification Supplement.

The Information Requested in Form I-129 and its L Classification Supplement is Duplicative of the Information Requested in Form I-129S

The fields contained in Form I-129 and its L Classification Supplement and Form I-129S are duplicative and redundant. The current process requires CBP officers to take one copy of the endorsed Form I-129S at the time of the applicant's initial entry in L-1 status and submit it to USCIS. While we do not believe that this is happening regularly, the burden or providing that form in the context of an L-1 extension should not then fall to petitioners. It is burdensome to require submission of a newly completed Form I-129S as well as the I-129 and L Classification Supplement in the context of applications for an extension or amendment of L-1 status acquired through

[1] For visa exempt Canadian citizens, the application is made directly to CBP without the need for an individual L-1 approval notice specific to the beneficiary.
[2] Or in the case of a Canadian citizen, the I-129S Form endorsed by CBP.

an L blanket. The fact that an initial individual L-1 filed with USCIS, and the extension or amendment of an L-1 initially obtained through an individual USCIS filing, do not require submission of Form I-129S underscores that the information contained in Form I-129 and L Classification Supplement is sufficient to determine L-1 eligibility, thereby admitting to this redundancy.

While Intel realizes that OMB's evaluation of the proposed changes is limited to the form and instructions, it is critical to understand the contexts in which USCIS has used and intends to use Form I-129S, in considering whether the collection of information is appropriate. When information requested is already included on another required form, this duplication raises doubt whether the information requested on Form I-129S is necessary for the proper performance of the functions of USCIS and whether that information will have practical utility or will burden petitioners.

USCIS May Require Appearance at an Interview

Filings of Form I-129S before U.S. Consulates

The form instructions indicate that USCIS may require appearance of the beneficiary at an interview. First, since Form I-129S is primarily used in the context of L-1 blanket applications at U.S. consular posts abroad, which already require the visa applicant to attend an interview, suggesting that a second interview could possibly be required by USCIS would be redundant and burdensome. Second, the policy of expeditious processing of blanket L-1s by avoiding a USCIS individual filing would be rendered moot. This is a significant issue which, if intended by USCIS, should be developed through formal notice and comment and not hidden within the context of changes to Form I-129S and its instructions.

Filings of Form I-129S in Connection with USCIS Filings

As noted above, Intel objects to USCIS's requirement that petitioners include the endorsed Form I-129S, plus a completed 2016 Form I-129S in addition to Form I-129 and the L Classification Supplement when extending or amending L status for intracompany transferees who initially entered under an L blanket. Intel similarly objects to the extent that the proposed instructions would reference a possible USCIS interview before the individual L petition could be approved. To Intel's knowledge, USCIS does not conduct interviews prior to approving petitions for any other nonimmigrant classification. To impose one in this context would be inappropriate and a major change requiring publication of a regulation with notice and the opportunity for public comment. USCIS already has the power to interview L-1 beneficiaries and petitioners through the Fraud Detection and National Security Directorate (FDNS) site visit program, which is funded by petitioners' $500 fraud prevention fee.

Filings of Form I-129S in Connection with Canadian CBP Filings

Intel understands that on March 26, 2018, USCIS Director L. Francis Cissna and CBP Assistant Director Michael Freeman held a stakeholder meeting at the Peace Arch in which they announced a pilot program that would start at the Blaine Port of Entry and require the filing of Canadian blanket Ls with USCIS before the beneficiaries could be admitted. Although the pilot will be limited to the Blaine Port of Entry, this change is significant, in that Canadian blanket L applicants at that port will not be able to make a quick entry through a border application. This is contrary to the intent of Congress to allow for expeditious processing of blanket L applications and superimposes USCIS involvement where it has not previously existed in the blanket L process. This is of

great concern to Intel. If the proposal of a possible USCIS interview requirement in the instructions is somehow linked to this pilot program, Intel finds it objectionable and worthy of a full regulatory notice and comment period in order to comply with the rule making process.

Possible Requirement of USCIS Biometrics Appointments

In addition to the possibility of a USCIS interview, the proposed Form Instructions also reference the possibility of USCIS biometrics. As with the possible interview requirement, requiring biometrics would be duplicative and unnecessary. Blanket L applicants at the Consulate are routinely required to undergo biometrics processing. To require such processing again through USCIS would be duplicative, add no value, and be unnecessarily burdensome. If USCIS plans to insert itself into the blanket L process, a formal regulation with notice and comment would be more appropriate than references on a proposed form.

Requirement of a United States Address

Since Form I-129S is largely used by applicants for L-1 visas at U.S. consulates abroad, who by definition, do not yet have a U.S. address, requiring that the beneficiaries list a U.S. address does not have any practical utility and can only serve to frustrate and confuse petitioners and beneficiaries. Canadian blanket L applicants will similarly not have a U.S. address in many cases, but elicit the intended U.S. address on the I-94 upon entry.

To the extent that USCIS wants this information in connection with extensions or amendments of L-1 status for individuals already in the U.S., that information is already elicited on Form I-129.

Admonition that Failure to Provide a Social Security Number May Result in Delays or a Denial

While some individuals applying for a blanket L at a Consulate or port of entry may have worked in the U.S. previously and possess a social security number, many will not. It is unnecessary and potentially confusing for the disclosure to warn that failure to provide "the beneficiary's Social Security Number (if applicable)" could delay a final decision or result in a denial of the petition. Individuals who have a U.S. social security number should provide one in response to the question without this instruction. Individuals who do not have a U.S. social security number may be confused and worried about not providing one, which might result in provision of a national ID or other number in an attempt to be responsive and to avoid a delay or denial. Adding this language does not help USCIS, the Consulate or CBP in their adjudicatory functions and is more likely to frustrate the agencies and the beneficiaries. As Form I-129S already requests prior work history, the officer will know whether the applicant should already have a social security number or not.

Proposed Form Section 3, Page 2, Part 2

Section 3, Page 2, Part 2 of the proposed form asks "(w)as the beneficiary of this petition in the United States during the last seven years? Y/N." This question is followed by a question asking for a listing of all prior stays in a work authorized capacity in the past seven years. It is unclear what USCIS seeks to elicit from this question. The only difference between the first question and the subsequent one is that the first question asks for "any" entries during the past seven years, not just those that were in a work

authorized capacity, whereas the second question asks for a listing the specific work related entries.

If USCIS seeks to obtain information on all entries in any nonimmigrant status for the purpose of understanding whether the beneficiary worked for a qualifying entity abroad for at least one year out of the three year qualifying period, then the question can be asked more specifically. For example, the form can ask the petitioner to define the three year period prior to the initial L-1 entry and add a chart in which the petitioner can list the entry and exit date for all U.S. entries during this period and list the corresponding status for each. If that is USCIS's desired result, they should further ask for the specific entry and exit dates and the nonimmigrant status pertaining to each trip. If instead, USCIS merely wants to know whether the beneficiary was in the U.S. in a work authorized capacity within the last seven years, this question is not needed because that information is elicited in the following question.

Petitioner's or Authorized Signatory's Declaration and Certification

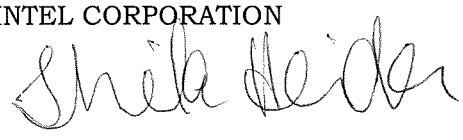
Intel is concerned that the proposed language in this section would authorize release of "any information contained in this petition, including supporting documents, in my USCIS records, and in the petitioning organization's USCIS records, to USCIS or other entities and persons where necessary to determine eligibility for the immigration benefit sought or where authorized by law."

Significant amounts of private, confidential, and proprietary information are required to establish L-1 eligibility. Establishing specialized knowledge often requires providing information regarding highly proprietary and secret information, which if leaked to Intel's competitors, could significantly harm our competitiveness. Establishing managerial capacity often requires listing all reports, their positions, educational and salary levels, and performance evaluations, all of which is private and confidential and should not be shared beyond the agency to which it was submitted and for the limited purpose of adjudicating the petition. The suggestion that all information contained in the petition and supporting documents could be released for a broader purpose within USCIS or possibly be made available to "other entities or persons" such as to the general public or a competitor through a Freedom of Information Act (FOIA) request or other means should not be allowed. Intel urges that this language be stricken.

Conclusion

Intel appreciates the ability to comment, and underscores our request to publish a new notice in the Federal Register allowing for a full 60 day comment period. To the extent that the form changes may relate to broader significant policy changes at the agency, Intel urges USCIS to publish a full regulation and to allow for notice and meaningful comment by the U.S. stakeholders that would be impacted by such changes.

Sincerely yours,
INTEL CORPORATION



Sheila R. Heider
U.S. Immigration Operations Manager