



Vermont Service Center  
 Attn: Premium Processing Unit  
 30 Houghton Street  
 St. Albans, VT 05478-2399

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To: Arda Beskardes  
 Company : ██████████  
 Fax Number : 1-██████████  
 Phone Number :  
 From : Vermont Service Center- Premium Processing Unit  
 Fax Number : ██████████  
 Phone Number : ██████████  
 Email: ████████████████████  
 Time Sent : Tuesday, Nov 15, 2011 09:06AM  
 Pages : 5  
 Subject : ██████████

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Attached you will find a request for evidence (RFE) concerning your case.

When responding, be sure to include a copy of the RFE immediately following your cover page. Please state the total number of pages included as well.

\*\*\*IMPORTANT\*\*\*IMPORTANT\*\*\*IMPORTANT\*\*\*IMPORTANT\*\*\*

Title 8 CFR Section 103.2(b)(11) Submission of evidence in response to a Service request states:

All evidence submitted in response to a Service request must be submitted at one time. The submission of only some of the requested evidence will be considered a request for a decision based on the record.

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 Correspondence and/or RFE responses may be faxed to the number above for Premium Processing cases only. All other faxes received at the number above will be discarded upon receipt. Please state the total number of pages faxed.

The address above may be used for postal and courier deliveries, for Premium Processing cases only.

Be sure to include the case receipt number (e.g. EAC-01-000-12345) with all correspondence.

Cases not properly identified may not be processed within the timeframes expected from the Premium Processing Unit and may not be subject to refund.

EFTA01130888

U.S Department of Homeland Security  
U. S. Citizenship and Immigration Services

Notice of Action  
Page 1 of 4

<b>Applicant/Petitioner A #</b>	<b>Application/Petition</b> PETITION FOR A NONIMMIGRANT WORKER (Form I129)
<b>Notice Date</b> November 15, 2011	<b>Response due by</b> February 10, 2012



ARDA RESEARCHERS  
[Redacted]



\*EAC1202350999\*

<b>Applicant/Petitioner</b> [Redacted]
<b>Beneficiary</b> [Redacted]
<b>Receipt Number</b> [Redacted] (I129)

PREMIUM PROCESSING

**IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER AND MUST BE SUBMITTED IN THE ORIGINAL WITH THE REQUESTED EVIDENCE.**

1. The evidence submitted with your form is insufficient. U. S. Citizenship and Immigration Services (USCIS) requires certain additional evidence to process your form. Please respond with the evidence listed on the attached page(s).
2. Your response must be received in this office on or before **February 10, 2012**. Please note the required deadline for providing a response to this Request for Evidence. The deadline reflects the maximum period for responding to this RFE. However, since many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible but no later than the date provided on the request.
3. All requested evidence should be submitted at the same time. Incomplete submission of the requested evidence will be considered a request for a decision on the record [8 CFR 103.2(b)(11)].
4. An extension of time will not be granted for you to submit the requested evidence.
5. You will be notified separately about any other applications or petitions you have filed.
6. You should save a copy of this notice for your records.
7. From the date this office receives your resubmission, a minimum of 14 days will be required to process your form. If you have not heard from USCIS within **30 days**, you may contact this office at [Redacted].
8. Responses, inquiries or correspondence must include this notice and be mailed to:

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U.S Department of Homeland Security  
**U. S. Citizenship and Immigration Services**

Notice of Action  
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[REDACTED]

VSC Premium Processing  
 Vermont Service Center  
 30 Houghton Street  
 St. Albans, VT 05478-2399  
[vsc-premium.processing@dhs.gov](mailto:vsc-premium.processing@dhs.gov)

Responses (for Premium Processing cases only) may be faxed to [REDACTED]. Include a copy of this notice. The e-mail address may only be used for inquiries. Do not send responses to the e-mail address.

**Documents Pertaining To Your Company or Organization**

USCIS has reviewed the evidence you provided at the time of filing and has attempted to validate your company or organization, [REDACTED] [REDACTED], in its Validation Instrument for Business Enterprises (VIBE) system. VIBE uses commercially available data to validate basic information about companies and organizations petitioning to employ alien workers. For more information about this program, please visit USCIS's website at: [www.uscis.gov/VIBE](http://www.uscis.gov/VIBE).

You are responsible for submitting sufficient evidence to establish that you meet all requirements to qualify for the requested classification. This request provides suggested evidence that you can submit to provide clarification regarding the issues listed below. In response, you may submit one or more of these suggested items. You may also submit any other relevant evidence you feel will overcome the issues and explain why or how the evidence in the record already establishes eligibility.

**Your Company or Organization's Name and Location**

The information you provided about your company/organization's name, [REDACTED] [REDACTED], and address, [REDACTED], is insufficient for USCIS to match your company/organization to information in USCIS's VIBE.

Submit documentation to confirm your company/organization's official name and address. Additionally, if the location provided on your Form I-129 is used instead of, or in addition to, the official business address, explain. Below are examples of evidence that may be submitted, including copies of your company/organization's:

- current rental agreement, lease, or mortgage that is signed and dated by all parties;
- valid city, county, state or federal government business licenses;
- articles of incorporation or other corporate documentation, if applicable;
- letter from the U.S. Internal Revenue Service (IRS);
- state quarterly wage reports;
- federal tax statements;
- invoices or payment receipts.

**Specialty Occupation**

U.S. Citizenship and Immigration Service (USCIS) does not use a job title, by itself, when determining whether a particular position qualifies as a specialty occupation. The specific duties of the offered position, combined with the nature of the petitioning entity's business operations, are factors that USCIS considers.

Documentation submitted with your petition indicates that your organization is a interior design business. You currently employ 8 individuals and you wish to employ the beneficiary as Business Development Manager.

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**[REDACTED]**

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You have not provided sufficient evidence to establish that an individual must have a bachelor's degree in a specific field of study in order to perform the duties of the position. Also, it is not clear how the beneficiary will be relieved from performing non-qualifying functions because you have only 8 employees. Further, the duties described seem to indicate that the beneficiary will be performing non-qualifying duties such as sales, administrative, bookkeeping, and general managerial, which are not considered as specialty occupation duties. Therefore, additional evidence is required.

Submit documentation highlighting the nature, scope, and activity of your business enterprise along with evidence to establish the beneficiary will be employed with the duties you have set forth. Such evidence could include, but is not limited to:

- Documentation describing your business, such as business plans, reports, presentations, promotional materials, newspaper articles, web-site text, news copy, etc.
- A detailed description of the proffered position, to include approximate percentages of time for each duty the beneficiary will perform;
- Copies of written contractual agreements or work orders from each of the companies who will utilize the beneficiary's services to show the beneficiary will be performing duties of a specialty occupation;
- Documentation of how many other individuals in your establishment are currently employed in this position, supported by copies of the employees' degrees and evidence of employment such as pay stubs or Form W-2s, W-3s, or 1099s.

Submit evidence showing that:

- A baccalaureate or higher degree, or its equivalent, in a specific field of study is normally the minimum requirement for entry into the particular position; or
- The proffered position is so complex or unique that it can be performed only by an individual with a degree in a specific field of study; or
- In your company or industry, a baccalaureate degree in a specific field of study is a standard minimum requirement for the job offered. Attestations to industry standards must be for similar positions among similarly situated companies; or
- The nature of the specific duties for the proffered position are so specialized and complex that the knowledge required to perform the duties is usually associated with the attainment of a baccalaureate or higher degree in a specific field of study.

If you publicized the job opening, submitting tear sheets or other advertising documentation may help establish the educational requirements for the proffered position of Business Development Manager.

If you have previously employed individuals in the position of Business Development Manager, submit documentary evidence such as W-2 Forms and copies of degrees and transcripts to verify:

- The number of individuals you have employed in this position in the past;
- The level of education held by each individual and
- The field of study in which the degree was earned.

Also, submit a listing of all of your current employees, the position they hold, the education level required for their position, the education level they have attained and the field of study.

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[REDACTED]

**Beneficiary's Qualifications**

The record does not contain an evaluation of the beneficiary's foreign education by a reliable education credentials evaluation service which specializes in evaluating foreign education credentials.

Please submit an acceptable evaluation as follows:

- 1) State if the collegiate training was post-secondary education, i.e., whether the applicant completed the United States equivalent of high school before entering college;
- 2) Provide a detailed explanation of the material evaluated rather than a simple conclusory statement;
- 3) Briefly state the qualifications and experience of the evaluator providing the opinion.

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