

Applicant/Petitioner A #	Application/Petition Petition For A Nonimmigrant Worker (form I129)
Notice Date October 14, 2014	Response due by January 9, 2015

SLK DESIGNS LLC
ARDA BISKARDES
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417 BERGEN STREET
BROOKLYN NY 11217



EAC1422550779

Applicant/Petitioner SLK DESIGNS LLC
Beneficiary [REDACTED]
Receipt Number EAC1422550779(I129)

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

1. U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence listed on the attached page(s). Include duplicate copies when consular notification is requested.
2. Your response must be received in this office on or before **January 9, 2015**. 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. You will not be granted an extension of time to submit the requested evidence.
3. You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider it a request for a decision on the record [8 CFR 103.2(b)(11)].
4. You will be notified separately about any other applications or petitions you have filed.
5. From the date this office receives your submission, it will take a minimum of 14 days to process your form. If you have not heard from USCIS within 60 days, you may contact the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-[REDACTED].
6. Mail this notice and your response to:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
ST. ALBANS, VT 05479-0001



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U.S. Citizenship and Immigration Services (USCIS) has reviewed your I-129 Petition for a Nonimmigrant Worker and supporting evidence. You did not submit sufficient evidence to establish your eligibility for the benefit sought. Therefore, additional evidence is needed.

Continuation of Employment

Petitions involving an extension of status for the same beneficiary with the same petitioner may be given deference; however, USCIS is not required to give deference to a prior approval where: 1) it is determined that there was a material error with regard to the previous approval; 2) a substantial change in circumstances has taken place; or 3) there is new material information that adversely impacts the petitioner's or beneficiary's eligibility.

This request for evidence seeks to establish that: 1) the proffered position qualifies as a specialty occupation; 2) there will be specialty occupation work available for the beneficiary for the requested validity period; and 3) the beneficiary is being remunerated for her services at the prevailing wage. If your previous petition was approved based upon the same evidence contained in this record, the approval would constitute material USCIS error. The instant petition must be supported by its own documentation since factors can vary from one petition to another.

Specialty Occupation

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 company is an "interior design business." You currently employ two (2) individuals and you wish to employ the beneficiary as Business Development Manager.

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 only have two employees. 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.
- 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, or were, 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.

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.

Availability of Specialty Occupation Work

A search of publicly available Internet resources reveals that the place of employment, 301 E 66th Street, Apt. 14G, New York, NY 10065, exists in a residential apartment building. This raises questions as to whether it is a place of employment that can accommodate the beneficiary. Although the accuracy of Internet resources is not always

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guaranteed, the information summarized above casts significant doubt upon the legitimacy of your business and the validity of the employment offered.

Please provide additional evidence to rebut this information and evidence to support your contention that the residence listed in the petition is a fully functioning place of employment that can accommodate your current employees. Such information may include:

- Photographs of the business property and operations;
- Affidavits from neighbors, other businesses, civic organizations, local government entities and/or customers (including phone numbers or other contact information for verification by USCIS);
- Signed copies of your two or three most recently filed Federal income tax returns to include all required schedules and statements; and
- Any other evidence to support your claim that this is a bona fide employer and an ongoing business entity.

Indicate whether your business property is owned or leased. If owned, submit documentation to establish the owner(s) and the relationship to your petitioning business. If leased, submit a copy of the lease or rental agreement; the lease or rental agreement must clearly specify the date the lease began, subsequent renewal dates, the amount of space rented, and the monthly charge.

Submit a copy of your municipal business license. Provide documentation from the local municipal authority to establish that employees are permitted to work at your business location.

Submit evidence that you have registered your business within the last year with the authority in the state(s) in which you operate.

Beneficiary's Remuneration

You are seeking to employ the beneficiary as Business Development Manager on a full time basis. The labor condition application you submitted in support of your petition indicates that the beneficiary's occupation title is Marketing Research Analyst. By signing the labor condition application, you attested that you will pay the beneficiary at least the local prevailing wage or the actual wage at your company, whichever is higher. The labor condition application indicates that the prevailing wage for the beneficiary's occupation and location is \$44,824. You have stated on your petition and the labor condition application that the beneficiary's salary is \$45,000 at your company.

In support of your petition you submitted copies of the beneficiary's three pay statements, from March 8, 2014 to April 18, 2014. The pay statements indicate that the beneficiary is getting remunerated on biweekly basis at the rate of \$961.54. Based on the beneficiary's pay statements, it does not appear that you are compensating the beneficiary for her services at least at the local prevailing wage level. Therefore additional evidence is required.

Please submit a copy of the beneficiary's most recent Form W-2 and/or Form 1099, if one was issued. Submit copies of the beneficiary's pay statements for the past six months.

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