



May 17, 2023

Via Department of State Online Portal

Kellie N. Robinson
Chief, Requester Liaison Division
FOIA Program Manager/FOIA Public Liaison
Office of Information Programs and Services
Department of State
2201 C Street, NW
Washington, DC 20520

Freedom of Information Act Request: Microsoft Data

Dear Ms. Robinson:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's email list contains over 75,210 unique addresses, our Twitter page has 90,100 followers, the Twitter page of our Founder and President has over 441,600 followers, our Facebook page has 127,000 followers, and we have another approximately 31,800 followers on GETTR.

I. Requested Records

AFL requests disclosure of the following records:

- 1) Communications or documents related to any audits conducted by the Department of Labor's Employment and Training Administration's Office of Foreign Labor Certification (OFLC) of permanent labor certification program (PERM) applications for Microsoft Corporation ("Microsoft"). This includes any communications with the Department of Labor or any related internal Department communications.

- 2) Communications with Microsoft (or its attorneys or agents) about the audits in #1, or about any potential violations or abuses of the PERM, petition, or visa processes for current or potential Microsoft employees who are not U.S. citizens.
- 3) Communications with any current or former Microsoft employees complaining about abuses or potentially unlawful conduct by Microsoft in relation to obtaining labor certification, petition approval, H or L non-immigrant visas, EB3 immigrant visas, or OPT status for current or potential Microsoft employees who are not U.S. citizens.
- 4) All records of communications about Microsoft applicants or employees related to the same subject matter as #3 that were made to the following email addresses: PassportVisaFraud@state.gov, guangzhoutips@state.gov, FPUHK@state.gov, hydfpu@state.gov, support-india@ustraveldocs.com, ConsularKolkata@state.gov, and mumbaif@state.gov

To the official contact forms at the following URLs:

<https://china.usembassy-china.org.cn/visas/shanghai-contact-us/>,
<https://china.usembassy-china.org.cn/visas/beijing-contact-us/>,
<https://china.usembassy-china.org.cn/visas/Shenyang-contact-us/>,
<https://hk.usconsulate.gov/visas/visa-report-fraud/>

And to the following phone number: +91-040 6932 8000 (Hyderabad Fraud Prevention Unit tipline).

- 5) Internal communications related to #s 3-4.
- 6) Communications and documents related to internal fraud or petition revocation investigations related to H or L non-immigrant visas, EB3 immigrant visas, or OPT status for current or potential Microsoft employees.
- 7) The relevant time frame is January 1, 2021, through the date of production.

II. Custodians

A. Bureau of Diplomatic Security (DS):

- All political appointees, members of the Senior Executive Service, members of the Senior Foreign Service, or employees at the GS-15 or FS-01 level assigned to the Assistant Secretary's Office and to the following DS offices: DS/DSS, DS/PA, DS/TIA, and DS/IP.
- All Assistant Regional Security Officer-Investigators (ARSOIs) assigned during the relevant time frame to the following posts: Embassy Beijing,

Consulate General Chengdu, Consulate General Guangzhou, Consulate General Shanghai, Consulate General Shenyang, Consulate General Wuhan, Consulate General Hong Kong, Embassy New Delhi, Consulate General Mumbai, Consulate General Chennai, Consulate General Hyderabad, and Consulate General Kolkata.

B. Bureau of Consular Affairs (CA)

- All political appointees, members of the Senior Executive Service, members of the Senior Foreign Service, or employees at the GS-15 or FS-01 level assigned to the Assistant Secretary's Office and to the following CA offices: CA/FPP, CA/P, and CA/VO.
- Any individual who, during the relevant time period, received, evaluated, or processed the communications in request #4 above.

C. Personnel assigned to Missions China and India

- All persons who, during the relevant time period, received, evaluated, or processed the communications in request #4 above.

III. Processing and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines. If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org.

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF

format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ James Rogers

America First Legal Foundation