



May 17, 2023

**Via USCIS Portal**

Cynthia “Cindy” Munita, FOIA Officer  
USCIS

Attn: Initial Processing Operations Unit

Record/Information Dissemination Section

U.S. Citizenship & Immigration Services, National Records Center, FOIA/PA Office

P.O. Box 648010

Lee's Summit, MO 64064-8010

**Freedom of Information Act Request: Microsoft Data**

Dear FOIA Officers:

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 potential 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 to the USCIS tip form at <https://www.uscis.gov/report-fraud/uscis-tip-form> about Microsoft applicants or employees and related to the same subject matter as #3.
- 5) Internal communications related to #s 3-4.
- 6) Records showing the Number of Microsoft Form I-360 applications for EB-4 Special Immigrants.
- 7) Records showing the number of all non-immigrant visa holders employed by Microsoft in addition to H-1Bs to include:
  - i) Canadians
  - ii) H-4 dependent spouses
  - iii) O-1A visas
  - iv) L-1A visas
  - v) L-1B visas
  - vi) F-1 visas, to include student visa employees working off campus
    - (a) or in Curricular Practical Training (CPT)
    - (b) or Optional Practical Training (OPT)
    - (c) or STEM (Science, Technology, Engineering, and Mathematics)
    - (d) or case-by-case for special situations.
- 8) Records showing the Number of Microsoft Form I-140 applications not otherwise among the data request in #s 6-7, including:
  - i) EB-1 (Priority Workers)
  - ii) EB-2 (Professionals with Advanced Degrees or Persons With Exceptional Ability)
  - iii) EB-3 (Professional or Skilled workers)

The relevant time frame is January 1, 2021 through the date of production.

## II. Custodians

### A. U.S. Citizenship and Immigration Services

#### i. For request subparts 1-5 above:

##### *Fraud Detection and National Security Directorate*

- Matthew D. Emrich
- All members of the Senior Executive Service in the Fraud Detection and National Security Directorate

##### *Field Operations Directorate*

- Michael Valverde
- All members of the Senior Executive Service in the Field Operations Directorate

##### *External Affairs Directorate*

- Carrie M. Selby
- All members of the Senior Executive Service in the External Affairs Directorate

##### *Immigration Records and Identity Services Directorate*

- Tammy Meckley in the Immigration Records and Identity Services Directorate
- All members of the Senior Executive Service in the Immigration Records and Identity Services Directorate.

##### *Office of Investigations*

- Kristinn Coleman in the Office of Investigations
- All members of the Senior Executive Service in the Office of Investigations.

##### *Service Center Operations Directorate*

- Connie Nolan in the Service Center Operations Directorate
- All members of the Senior Executive Service in the Service Center Operations Directorate.

- ii. **For request subparts 4-5 above**, any individual who receives, evaluates, or processes submissions received at the USCIS tip form at <https://www.uscis.gov/report-fraud/uscis-tip-form>.

#### iii. For request subparts 6-8 above:

- Matthew D. Emrich in the Field Operations Directorate
- Connie Nolan in the Service Center Operations Directorate.

### 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