

Dear Sir/Madam,

Its encouraging to see some steps DOL and USCIS has taken in recent months to protect American workers, following are the ones.

Federal register publications for additional information collection enhancing ETA–9035, Labor Condition Application(LCA) for Nonimmigrant Workers (OMB Control Number 1205–0310) and WH4 form change to collect additional information of violations

For LCA form changes, have some <u>below suggestions(Point a, b & c)</u>, can you please add data collection to have below information filled by company if its not a direct clinet

- a) 9035 Form Section G please add Current Number of Employees who are in H1B/L1 deputed at the LCA listed secondary employer at this place of employment
- b) 9035 Form Section G Along with "legal business name of the secondary employer" please ask for additional Department and Project Name
- c) 9035 Form Section G Make Level of Wage Mandatory, now when non-OES Wage Source is chose, Wage levels 1,2,3,4 are not chosen always by Employers.
  - USCIS Initiating more scrutiny on H1B petitions filed with Level 1/Entry Level Wages ,

hoping 115th congress will enchant laws soon to protect American workers. In the meanwhile, I want to <u>highlight some of fraud(Point 1 &2)</u> going on in Wage part of LCA, can you please address and plug the gaps.

## Point 1:

Want to highlight current Fraud in Wage Levels

Note:I am highlighting and and both H1B dependent outsourcing company as an Example at their Client — based on my knowledge and exposure of fraud going on at this location.

1. Using Occupation Title in Labor Condition Application (LCA) which has the lower/least wage at the work location for a Technology jobs, the job title however sounds similar to the work their resources/employees deployed at secondary employer do. The candidate during visa interviews are taught to misreprent and explain the job duties in line with LCA even if he is not. For E.g a Java Developer/Programmer or Middle Tier Java Developer/programmer is brought in with a lower wage level Occupation Title as below. You probably with this information have solved the puzzle how the wages levels are higher filed by Outsourcing companies in last 1 year. There are 87LCA's of the 92 in lower Job/Occupation title filed by in Zip Code (out of overall 92 LCA at this location) for their Client is developing a Enterprise Java based product/application for not a webpage or Internet webpage creation portal. Hope you are able

Example: Ideally a Java Developer who work in Front end technologies wither in UI lever or Mid-Tier or backend java server side need to be filed in below cateogy,

Area Code:33874

Area Title: Montgomery County-Bucks County-Chester County, PA Metropolitan Division

OES/SOC Code:15-1132

OES/SOC Title:Software Developers, Applications

Level 1 Wage:\$33.76 hour - \$70,221 year Level 2 Wage:\$41.94 hour - \$87,235 year Level 3 Wage:\$50.13 hour - \$104,270 year Level 4 Wage:\$58.31 hour - \$121,285 year

to relate what I am telling.

rather cell files H1B petitions using LCA of as web developer. I don't know a single Java Developer working in working as Web Developer and it very less resources are required. and have over 400 consultants working in ...

Area Code:33874

Area Title:Montgomery County-Bucks County-Chester County, PA Metropolitan Division

OES/SOC Code:15-1134

OES/SOC Title:Web Developers

Level 1 Wage: \$21.00 hour - \$43,680 year

Level 2 Wage:\$27.53 hour - \$57,262 year

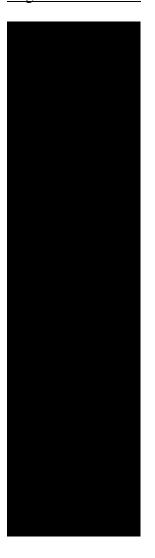
Level 3 Wage:\$34.06 hour - \$70,845 year

Level 4 Wage:\$40.59 hour - \$84,427 year

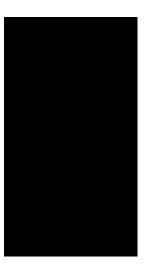
2. <u>Using Prewailing Wage Source of Other than Standard OES Wage levels. The other sources generally have significant wage lower than Federal Government mandate[OFLC ONLINE DATA CENTER].</u>

and outsourcing company located in in have raised in FY2017, 223 Labor Condition Application (LCA) out of this 83 LCA is used with Wage Level provided by alternate source like TOWERS WATSON SURVEY. How I came to know of the FY2017 LCA of 3 quarters, 52 are raised for consultants to be deployed at 34 out of 52 is having Wage Source as TOWERS WATSON SURVEY. Please note have over 200 Onsite consultants deployed for in 2 locations and 88% of them fall in Level 1 wage.

Point 1: Sample LCA Case Number of FY2017 are as below where misrepresentation of LCA Using Occupation/Job Title in Labor Condition Application (LCA) which has the lower/least wage in that location







Point 2: Sample LCA Case Number of FY2017 are as below where Non OES wages/alternate wages are used by for their client





Thanking You Yours Sincerely Anonymous