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H-1B RFE for Confidential Project

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Submitted by Chief Editor on May 13th 2013

We were retained for an H-1B petition. USCIS issued a Request for Evidence asking for proof that the beneficiary would be employed in-house and that the petitioner has sufficient specialty level work available for the beneficiary. No project information or agreements entered into with the clients could be provided to USCIS as evidence because of the confidential nature of the projects that the beneficiary would be required to work on in-house. Therefore, we relied on secondary evidence supported by legal arguments. USCIS accepted our arguments and approved the application. Albeit inconsistently, USCIS does understand that sometimes it is impossible for an H-1B employer to provide expected documents because of confidentiality requirements in their contracts with end-clients.

Nonimmigrant Visas:

H-1 Visa ^[2]

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[1] <https://immigration.com/sample-cases/h-1-visa/h-1b-rfe-confidential-project>

[2] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-1-visa>