

INTEL CONTINGENT WORKER GLOBAL IMMIGRATION GUIDELINES

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I. BACKGROUND

These guidelines explain the support Intel will provide to suppliers on immigration matters and how suppliers may seek information from Intel to comply with their immigration compliance obligations under local laws.

Suppliers remain responsible for ensuring their workers and subcontractors are in proper immigration status when assigned to render services at an Intel site. If suppliers require legal assistance, they must retain their own immigration legal counsel. They should work with their immigration providers to understand country specific visa/work permit requirements and processing timelines for immigration related petitions and factor those requirements into their planning as well as any local travel or entry national security or health related restrictions due to [Covid 19 or other matters](#). Neither Intel nor its immigration counsel can provide legal guidance to suppliers or their employees.

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II. Intel's Support of CW Immigration Matters

There are three areas where Intel will provide suppliers with immigration assistance in regard to

the assignment of contingent workers (CW) at an Intel site¹:

- A. CW international travel to Intel manufacturing sites in China, Costa Rica, Ireland, Israel, Malaysia, United States (U.S.), or Vietnam for “after-sales service” of capital equipment²;
- B. Letters from Intel confirming the contractual or business relationship between Intel and the supplier for a scope of services or inviting a supplier representative to Intel for meetings; or
- C. Other U.S.-specific issues for suppliers with CWs assigned to render services at Intel U.S. site including, but not limited to Labor Condition Application (LCA) posting and Request for Evidence (RFE) support.

In all cases, Intel’s support is limited to suppliers of Outsourced (OS) CWs. OS CWs are employed by the supplier and selected for assignments with no input or only very limited technical screening from Intel. Suppliers supervise, manage, and direct OS CW work. They are responsible for hiring and dismissing OS CWs as well as any performance management issues including those that arise while the OS CW is on Intel assignments. Suppliers pay the OS CW salary, benefits, and taxes.

Foreign national OS CWs must be sponsored by the supplier or must have work authorization that is not dependent on employer sponsorship.

Suppliers must satisfy all immigration requirements for placing OS CW at Intel, including, where necessary, posting LCA notices for the Intel sites where the OS CWs will work. They are not permitted to place a subcontractor’s foreign national employees on non-immigrant visas at Intel sites whom the supplier—and not the immigration sponsor—supervises and directs the work. (These situations are commonly referred to as second sources or third-party placements.)

Intel does not provide immigration support to CWs in staff augmentation (SA) roles. Staff SA CWs are contingent workers used to temporarily fill in for or augment the performance of functions that are usually or may have historically been performed by blue badge employees (BBs).

¹ There may be other bases on which a CW may need to travel internationally to an Intel site and the traveler may need more than simply the invitation letters referenced in these guidelines. In those cases, the supplier is urged to connect with their immigration providers for support.

² After-sales service is typically contractually required support provided to a customer after the product or service has already been purchased. Examples include equipment installation, repair, maintenance, or training.

The SA CWs are employed by a supplier. The supplier, as the SA CW's employer, is responsible for paying their salary, benefits, and taxes; hiring and dismissing the SA CW; and any performance management issues including those that arise while the SA CW is on Intel assignments.

A foreign national with temporary work authorization is not eligible for CW SA work at a U.S. Intel site due to U.S. Citizenship and Immigration Service requirements. Only "U.S. Workers" may fill SA roles. "U.S. Workers" are U.S. citizens, U.S. nationals (from Samoa or the Northern Mariana Islands), Legal Permanent Residents (e.g. "Green Card" holders), or persons granted asylum or refugee status by the U.S. government.

A. CW International Travel to Intel Manufacturing Sites for After-Sales Service of Capital Equipment

Suppliers may request Intel Sponsors or Commodity Managers to provide invitation letters to travel to Intel sites in connection with after-sales service of capital equipment. This occurs where the purchase agreements between Intel and suppliers require suppliers to install and qualify, service and repair, and/or train Intel personnel on the operation and maintenance of capital equipment. To request a letter, follow the process outlined in [Section III](#) below.

OS CWs traveling internationally to Intel sites should carry the following documents with them to facilitate immigration clearance at the port of entry for the host country:

- Intel invitation letter.
- An excerpt of the Intel/Supplier contract that contains the after-sales service provision to support the basis for the worker's activities in the host country. (NOTE: Pricing data or other confidential information should be redacted from the contract.)
- When traveling to the U.S., an excerpt of the Foreign Affairs Manual [9 FAM 402.2-5\(E\)\(1\) \(U\) Commercial or Industrial Workers](#) regarding after sales service exception.

Suppliers should check with their immigration providers regarding any additional documents their workers may need for travel to the host country.

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B. General Invitation Letters from Intel

Suppliers may request Intel Sponsors or Commodity Managers to provide general invitation letters for suppliers' employees to travel as business visitors (e.g., meeting attendance). If needed, Intel will provide letters that invites the suppliers' employees to Intel sites. To request a letter, follow

the process outlined in [Section III](#) below.

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C. Other U.S.-Specific Issues for CWs at Intel U.S. Sites

1. Client Letters and Requests for Evidence

Suppliers may ask Intel Sponsors or Commodity Managers to provide letters and requests for evidence relating to U.S. visa/work permit application on behalf of its employees serving as an OS CW at an Intel site. In this context, client letters are correspondence from Intel addressed to government agencies in which Intel confirms that it has a contractual relationship with the supplier and that the supplier has assigned an employee to perform services at an Intel site to fulfill the scope of work the supplier is managing. When this type of letter is requested, Intel Immigration confirms the contractual relationship with the supplier, the contracted scope of work, and the supplier's designation of the contingent worker to perform services related to the scope of work. Intel will provide the signed letter to the supplier to use in support of the supplier's visa/work permit application on behalf of the supplier's employee. No other type of immigration support letter is appropriate. For example, Intel would not provide details as to what type of degree might be required for the role. The supplier—not Intel—sets the hiring standards and is responsible for explaining why its worker meets the qualifications for the role and the visa/work permit. To request a letter, follow the process outlined in [Section III](#) below.

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2. Labor Condition Applications Posting for U.S. H-1B Visa Compliance

A Labor Condition Application (LCA) is a document approved by the U.S. Department of Labor where an employer of an H-1B visa worker discloses the work location of the H-1B worker and promises to pay the published salary. This information must be posted and accessible to all workers at the work location, including suppliers' or customers' employees.

Intel facilitates supplier LCA obligations by allowing the supplier to post the LCA on Intel's electronic posting program. To post LCA notices at Intel premises, follow the process outlined in [Section III](#) below.

In circumstances where the supplier's foreign national employee is not yet assigned to Intel because their work visa is contingent upon being selected for an H-1B visa in the annual lottery, the supplier should contact intelCW@fragomen.com to discuss the supplier's special H-1B cap-

related process requests. H-1B cap-related requests should be initiated no later than 30 days before the petition is filed. Intel's immigration law firm will coordinate with the Intel Commodity Managers on the supplier's request.

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3. U.S. Government Site Visits

On occasion, representatives from the U.S. Citizenship and Immigration Service (USCIS) make random, unannounced visits to the worksites of visa workers to verify information contained in immigration petitions. These visits are routine and are not cause for concern.

Intel sponsors should not answer questions about the terms and conditions of any CW's employment because Intel is neither the employer nor immigration petitioner for the CW. If a sponsor or other Intel manager learns of a site visit for a Contingent Worker, notify the Supplier so it may interact with USCIS regarding its employee and contact intelCW@fragomen.com with any questions.

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III. How to Request Letters of Support from Intel

A. Capital Equipment After-Sales Service or General Invitation

To obtain a letter supporting Capital Equipment After Sales-Service or a General Invitation to Intel sites in the U.S., Costa Rica, Israel, and Ireland, follow these steps:³

- The supplier must request a letter from the Sponsor or Commodity Manager.
- The Sponsor or Commodity Manager will access the letter template for the relevant country on the [Intel Circuit Business Visitor Visa page](#) to initiate the letter which is then sent to the supplier via DocuSign to complete.
- The supplier will need the following information to complete the letter it receives through DocuSign:
 - Full Name(s) of traveler
 - Passport Number for each traveler
 - Name of country issuing the passport for each traveler
 - Supplier Company Name
 - Country from which the supplier's employees are traveling

³ For sites in Malaysia, China, or Vietnam, the Sponsor or Commodity Manager should contact Intel's immigration services provider directly.

- Supplier's Type of Business
- Purpose of Trip (e.g., installation, qualification, service, repair, training, etc.)
- Start and end dates of trip
- Intel location(s) to be visited
- Once the supplier has entered all the above information into the letter template, they will send the letter back to the Intel Sponsor or Commodity Manager through DocuSign for review and signature. The Sponsor or Commodity Manager is responsible for signing the letter or getting the letter signed by the appropriate Intel employee with knowledge of the intended scope of the activities of the CW.
- Once signed and completed, DocuSign will ensure that both Intel and the supplier have copies.
- The Supplier may then provide the signed letter to the CW to bring with them along with any other required documents for their travel.
- Intel should delete the CW's passport number from any copy of the letter it retains.

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B. Client Letters and Requests for Evidence

To request a client letter and response to request for evidence (RFE) relating to Visa/Work Permit Application on behalf of a supplier's employee, the supplier must complete a [Client Letter Request Questionnaire](#) and email it to intelCW@fragomen.com. The supplier must include a copy of its completed [LCA Posting Request template](#) or explain why no posting request was submitted to Intel. In the case of a RFE, the supplier must include a copy of the RFE as it pertains to the CW's Intel assignment.

intelCW@fragomen.com will confirm the CW assignment through Intel's CW database. No client letter will be provided until Intel confirms the assignment.

Intel's Commodity Manager or Sponsor will sign the client letter and return the signed letter to the supplier.

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C. U.S. Labor Condition Application Postings

To post LCA notices at Intel premises, suppliers must use the process below.

- Complete the [LCA Posting Request template](#), which includes information about the supplier, the CW, the Intel sponsor, and the Intel cost center for the CW project. (If

the supplier has not previously posted LCAs at Intel, then the supplier must also provide the location where it retains required H-1B visa public access files.)

- Email the completed template to intelCW@fragomen.com. Incomplete questionnaires will be returned to the supplier for completion.
- Fragomen, Intel's immigration services provider, will post the LCA on Intel's electronic posting site.
- Upon posting, intelCW@fragomen.com will confirm the posting dates to the supplier representative named in the posting request.
- Contact intelCW@fragomen.com for questions or escalations about the application of these guidelines.

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IV. Additional U.S. H-1B Visa Related Information

Suppliers may wish to ensure they are familiar with the following USCIS policy guidance on establishing the employer-employee relationship for third party site placements and the provision of contracts and worker itineraries for third party site placements.

- [USCIS June 17, 2020 Policy Memorandum PM-602-0114](#)
- [USCIS Archived Content: Questions & Answers: Memoranda on Establishing the "Employer-Employee Relationship" in H-1B Petitions](#)

[Intel CW Training Slides/Materials](#)

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V. Frequently Asked Questions:

Q. Will Intel's immigration team support the supplier on CW immigration matters?

A. Suppliers are responsible for ensuring their workers and subcontractors are in proper immigration status when assigned to render services at an Intel site. Suppliers must understand visa/work permit requirements and processing timelines for immigration related petitions to ensure they factor in those requirements into their planning. If suppliers require legal assistance, they must retain their own immigration legal counsel. Intel Sponsors or Commodity Managers will provide invitation letters as needed.

Q. How will Intel provide assistance to suppliers on immigration matters?

- A. Intel will provide assistance as follows:
- After sales service support letters for CW international travel to Intel manufacturing sites in China, Costa Rica, Ireland, Israel, Malaysia, United States (U.S.), or Vietnam in connection with the installation, service, repair, maintenance, or training for capital manufacturing equipment.;
 - Letters confirming the contractual relationship between Intel and the supplier for a scope of services in support of the supplier's application for a visa or work permit.
 - Invitation letters for supplier representative attendance at Intel meetings; or
 - U.S.-specific issues for suppliers with CWs assigned to Intel U.S. site including LCA postings, Client Letter of Support, Requests for Evidence (RFE) responses, and Government site visits.
- Q. I am an Intel Sponsor or Commodities Manager and I sent my supplier a letter through the DocuSign process on [Circuit for Business Visitor Visas](#). They have not received it. What should I do?**
- A. First check that you have entered their email address correctly into the letter template in DocuSign. Second, advise the supplier to check their Spam folder to ensure that they timely receive the email. The email will be coming directly from DocuSign.
- Q. I am a supplier and my employees need to travel internationally to an Intel site to provide after-sales service on capital equipment. I am waiting to receive a template letter from DocuSign from my Intel Sponsor or Commodities Manager. They indicated that they sent it, but I have not received it. What should I do?**
- A. Confirm with the Intel Commodity Manager or Sponsor what email address they entered into DocuSign. Check the email addressee's Spam folder. The email will be coming directly from DocuSign rather than in the name of the Intel Commodity Manager or Sponsor. If you still have not received it, please follow up with your Intel Sponsor or Commodities Manager to ensure that they typed your email address correctly and ask them to re-send the DocuSign letter.
- Q. I am a supplier and my employees need to travel internationally to an Intel site to provide after-sales service on capital equipment. My Intel Sponsor or Commodities Manager sent me the template letter for my employee to travel. What information do I need to complete the template?**
- A. Once you receive the Intel letter template via DocuSign, you will need to enter the following information regarding your employee who is traveling to an Intel site:
- Name(s) of traveler
 - Passport Number for each traveler
 - Name of the Country issuing the passport for each traveler
 - Supplier Company Name
 - Country from which the supplier's employees are traveling
 - Supplier's Type of Business
 - Purpose of Trip (e.g., installation, qualification, service, repair, training, etc.)
 - Start and end dates of trip
 - Intel location(s) to be visited

Q. I am a supplier, and my employees need to travel internationally to an Intel site to provide after-sales service on capital equipment. My Intel Sponsor or Commodities Manager sent me the signed invitation letter for my employee to travel. Now what should I do?

A. OS CWs traveling internationally to Intel sites should carry the following documents with them to facilitate immigration clearance at the port of entry for the host country: (1) Intel invitation letter; (2) an excerpt of the Intel/Supplier contract that contains the after-sales service provision to support the basis for the worker's activities in the host country. (NOTE: Pricing data or other confidential information should be redacted from the contract.); and (3) when traveling to the U.S., an excerpt of the Foreign Affairs Manual [9 FAM 402.2-5\(E\)\(1\)\(U\)](#) Commercial or Industrial Workers regarding after sales service exception. Suppliers should check with their immigration providers regarding any additional documents their workers may need for travel to the host country as well as any remaining questions they may have regarding international travel. Neither Intel nor its immigration counsel can provide legal guidance to suppliers or their employees.

Q. I am a supplier and I need to request a Client Letter in support of a response to a Request for Evidence (RFE). What do I do?

A. Please complete a Client Letter Request Questionnaire and email it to intelCW@fragomen.com. The supplier must include a copy of its completed [LCA Posting Request template](#) or explain why no posting request was submitted to Intel. In the case of a RFE, the supplier must include a copy of the RFE as it pertains to the CW's Intel assignment.

Q. I am a supplier and I need to post LCA notices at Intel premises. What do I do?

A. Please complete the [LCA Posting Request template](#), which includes information about the supplier, the CW, the Intel sponsor, and the Intel cost center for the CW project. (If you have not previously posted LCAs at Intel, then you must also provide the location where it retains required H-1B visa public access files.); email the completed template to intelCW@fragomen.com. Upon posting, intelCW@fragomen.com will confirm the posting dates to the supplier representative named in the posting request.

Q. I am a supplier, and I was informed that USCIS is on an Intel campus making an unannounced visit to the worksite to verify information contained in our immigration petitions on behalf of our employee is correct. What do I do?

A. You should contact your immigration legal counsel or immigration providers for guidance. Intel Sponsors or Commodity Managers may contact intelCW@fragomen.com with any questions Intel has.

Q. In the U.S., what is a visa worker for the purposes of these guidelines?

A. A visa worker is a foreign national who is sponsored for an employment-based visa that authorizes the individual to work in another country. Typical employment-based visas in the

U.S. are H-1B, L-1, TN, and O-1.

Q. What does “second-sourced” or “third-party placement” mean?

A. “Second-sourced” or “third-party placement” refer to situations where the supplier is not the employer sponsoring the foreign national CW for an employment-based visa. Rather, a subcontractor of the supplier or an employment agency who placed the foreign national CW with the supplier is the sponsor of the employment-based visa.

Q. Is it permissible to have a foreign national in the U.S. with an EAD to work in an outsourced capacity for a supplier as part of a “second-sourced” or “third-party placement”?

A. Yes, this arrangement is permissible under Intel’s CW Immigration Guidelines because USCIS does not require the immigration sponsor to supervise and direct the work of the individuals with EADs.

Q. What is the reason a supplier’s U.S. employee on an employment-based visa cannot work at Intel in a staff augmentation capacity?

A. USCIS generally requires visa sponsoring employers to supervise and direct its workers on visas for those workers to remain in lawful immigration status. If Intel were to supervise and direct a supplier’s visa worker in a staff augmentation capacity, this arrangement would violate USCIS policy guidance and cause the worker to violate their lawful status.

Q. I am an Intel Commodity Manager or Sponsor. Where can I go for more information about business visitor immigration requirements?

A. Intel Sponsors and/or Commodity Managers should review content on [Circuit for Business Visitor Visas](#).

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