



Issue Date: 29 September 2011

Case No.: 2011-LCA-10

In the Matter of

PHANINDRA NAGUMANTRI,
Prosecuting Party

vs.

ECCONTENT MANAGERS USA, INC.
Respondent

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

This proceeding arises under the Immigration and Nationality Act (INA), with respect to nonimmigrant workers entering the U.S. on H-1B visas, establishes an annual ceiling of 65,000 on the number of aliens (excluding spouses and children) who may be issued H-1B visas. The INA also defines the scope of eligible occupations for which nonimmigrants may be issued the visas and specifies the qualifications that are required for entry as an H-1B nonimmigrant. Employers seeking to employ H-1B nonimmigrants must file a labor condition application with the INA and have it certified by DOL before an alien is given H-1B status. The Department of State issues the visa. The INA establishes the system for the receipt and investigation of complaints, and for the imposition of fines and penalties for misrepresentation or for failure to fulfill a condition of the labor condition application. 29 C.F.R. §507.700 *et seq.*, 20 C.F.R. Part 655, Subparts H and I. A Settlement Agreement signed by the Parties has been presented to the undersigned and the Parties have requested that the Settlement Agreement be approved.

I have carefully considered the facts involved in this case and the difficult legal and factual questions in dispute, as well as the criteria set forth in 29 CFR § 18.9. Upon careful evaluation of same, I conclude that the settlement is fair, in the best interest of both parties and was arrived at without duress and only after full exploration by the parties of all issues in dispute and the difficult legal and factual questions involved.

ORDER

IT IS HEREBY ORDERED that the terms of the Settlement Agreement are hereby **APPROVED**. The complaint is **DISMISSED** with prejudice. The Settlement Agreement shall be treated as confidential financial information pursuant to 29 C.F.R. § 70.26 and handled as set forth in the regulations.

ORDERED this 29th day of September, 2011 at Covington, Louisiana.

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PATRICK M. ROSENOW
Administrative Law Judge