



Issue Date: 24 November 2014

Case No.: 2014-LCA-12

In the Matter of

ADMINISTRATOR, WAGE AND HOUR DIVISION,
Prosecuting Party

vs.

ADVENT GLOBAL SOLUTIONS, INC.,
Respondent

DECISION AND ORDER

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.

Pursuant to 29 C.F.R. § 18.9, the parties to this action, the Prosecuting Party, the Administrator of the Wage and Hour Division of the United States Department of Labor (Administrator), and Respondent, Advent Global Solutions, Inc. (Advent), have negotiated and executed these Consent Findings (a copy of which is appended hereto and the recitations of which are deemed to constitute any findings and conclusions). These Consent Findings constitute a full and final resolution of this action and of all issues raised by the Determination Letter issued to Advent on April 11, 2014 with respect to the employment of one of its H-1B employees Mr. Sayi Babu Battula, and the H-1B provisions of the Immigration and Naturalization Act, as amended, under 8 U.S.C. § 1182(n) as well as its corresponding regulation requirements at 20 C.F.R. §§ 655.700 *et seq.*

Accordingly, it is **ORDERED**:

- (1) That the Consent Findings be and the same hereby are **APPROVED**,
- (2) That the parties be and are bound by the terms of said instrument and shall comply therewith; and
- (3) That \$31,148.82 be paid by Advent to the Department of Labor in six payments beginning on November 30, 2014 and ending on April 30, 2015 and shall be deemed to be full and final satisfaction of all contested issues arising out of Advent's employment of Mr. Battula as alleged by the April 11, 2014 Determination Letter.

Finally, it is **ORDERED** that the Consent Findings be made part of the record.

In view of the foregoing, the hearing scheduled on **8 Jan 15** in **Houston, Texas** is hereby **CANCELLED**.

ORDERED this 24th day of November, 2014 at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge