



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 19684871

Date: FEB. 28, 2022

Appeal of Texas Service Center Decision

Form I-129, Petition for Nonimmigrant Worker (H-1B)

The Petitioner seeks to employ the Beneficiary under the H-1B nonimmigrant classification for specialty occupations. See Immigration and Nationality Act (the Act) section 101(a)(15)(H)(i)(b), 8 U.S.C. § 1101(a)(15)(H)(i)(b).

The Texas Service Center Director denied the Form I-129, Petition for a Nonimmigrant Worker, concluding that the Petitioner filed multiple registrations for the Beneficiary in the same fiscal year, thus invalidating all registrations filed by the Petitioner on behalf of the Beneficiary. The matter is now before us on appeal. On appeal, the Petitioner contends that while some information on the second registration was inadvertently duplicated, the error was harmless.

Before filing an H-1B cap-subject petition on behalf of a beneficiary subject to section 214(g)(1)(A) of the Act (“H-1B cap”) or exempt under section 214(g)(5)(C) of the Act (“H-1B advanced degree exemption”), a petitioner must first register with the U. S. Citizenship and Immigration Services (USCIS) website as described at 8 C.F.R. § 214.2(h)(8)(iii)(A)(1). The registration must be properly submitted in accordance with 8 C.F.R. § 103.2(a)(1), 8 C.F.R. § 214.2(h)(8)(iii), and the form instructions. A petitioner may file the H-1B petition only after its registration for that beneficiary has been selected. 8 C.F.R. § 214.2(h)(8)(iii)(A)(1).

In addition, 8 C.F.R. § 214.2(h)(8)(iii)(A)(2) specifies that a petitioner may submit only one registration per beneficiary per fiscal year, and if a petitioner submits more than one registration per beneficiary per fiscal year, all registrations filed by that petitioner relating to that beneficiary for that fiscal year will be considered invalid.

The Petitioner filed an H-1B petition seeking exemption from the H-1B cap under the advanced degree exemption along with a USCIS receipt notice showing that its registration for the Beneficiary had been selected. However, because USCIS records indicated that the Petitioner submitted two registrations for the Beneficiary in the same fiscal year, the Director issued a request for evidence (RFE) explaining that the multiple registrations had rendered both registrations invalid, and therefore, the Petitioner lacked a valid registration to file an H-1B cap-subject petition on behalf of the Beneficiary. The Director listed the personal identifying information contained in the registrations, noting the registrations had different given names, but the family name, date of birth, country of birth, and

passport number were identical on both registrations. The Director requested a letter with supporting documentary evidence explaining how the beneficiaries and the registrants for these registrations were not the same. In response, counsel for the Petitioner stated that his office erroneously duplicated the Petitioner's family name, date of birth, country of birth, and passport number for a different beneficiary. Counsel further asserted that because the regulations do not define which information on the registration must match to create a duplicate record, the different given names on the registrations demonstrated they were not duplicate entries. The Director found the response insufficient and denied the petition.

On appeal, the Petitioner makes the same assertion it made in its RFE response regarding different given names and states that filing of two similar names is harmless because neither beneficiary would have been able to use the second registration, had it been selected, because the full name on the second registration does not match either beneficiary.

A registration is not a petition within the meaning of section 214(c)(1) of the Act, 8 U.S.C. § 1184(c)(1), and thus, does not confer any of the appeal rights normally associated with a petition.¹ Accordingly, we must reject the appeal.

ORDER: The appeal is rejected.

¹ The authority to adjudicate appeals is delegated to us by the Secretary of the Department of Homeland Security (DHS) pursuant to the authority vested in him through the Homeland Security Act of 2002, Pub. L. 107-296. See DHS Delegation Number 0150.1 (effective March 1, 2003); see also 8 C.F.R. § 2.1 (2003). The regulations limit our jurisdiction over petitions for temporary workers to those described under 8 C.F.R. § 214.2 and 214.6. See 8 C.F.R. § 103.1(f)(3)(iii)(J) (2003).

USCIS provides further guidance in its answer to a frequently asked question that a registrant will not be able to appeal an invalidated registration. See H1B Electronic Registration Frequently Asked Questions, at <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-electronic-registration-process> (last visited Feb. 28, 2022).