

serve as an acceptable identification substitute for the passport number, in combination with other beneficiary information provided during the registration process (i.e. name, date of birth, country of birth).

For those beneficiaries who are not in the United States, we recommend that USCIS assign a unique identification number that can be used, again in conjunction with identifying information such as name, date and country of birth. For those stateless individuals selected in the H-1B lottery, USCIS could run a separate query of selected beneficiaries using their individual identifying data to determine if the individual was the beneficiary of duplicate petitions. While this will require an extra validation step for stateless individuals that will occur post H-1B petition filing, we believe the burden on USCIS should be minimal given that USCIS data indicates an average of fewer than 8 stateless H-1B petition approvals annually.

The registration system should not adversely impact stateless persons or others who may not have access to valid passports. We appreciate that our recommendations create an additional layer of authentication by the USCIS for stateless individuals but we believe these are necessary both to address any discrimination concerns and to further the agency's goal of registration integrity.

Conclusion

We appreciate the opportunity to comment on the proposed revisions to the H-1B registration process and we look forward to a continuing dialogue with USCIS on this important matter. As previously noted, AILA and the Council will submit comments on the remaining sections of the notice of proposed rulemaking in accordance with the instructions in the Federal Register.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION
THE AMERICAN IMMIGRATION COUNCIL