

8 CFR 214.2(h)(2)(i)(A)

Sec. 214.2 Special requirements for admission, extension, and maintenance of status.

(h) *Temporary employees*

(2) Petitions--

(i) Filing of petitions--

(A) General. A United States employer seeking to classify an alien as an H-1B, H-2A, H-2B, or H-3, temporary employee shall file a petition on Form I-129, Petition for Nonimmigrant Worker, only with the USCIS Service Center which has jurisdiction in the area where the alien will perform services, or receive training, even in emergent situations, except as provided in this section or as specifically designated by USCIS via notice in the Federal Register.

8 CFR 214.2(h)(8)(iii)(A)(1)

Sec. 214.2 Special requirements for admission, extension, and maintenance of status.

(h) *Temporary employees*

(8) *Numerical limits*—(i) *Limits on affected categories*. During each fiscal year, the total number of aliens who can be provided nonimmigrant classification is limited as follows:

(iii) *H-1B numerical limitations*—(A) *Registration*—(1) *Registration requirement*. Except as provided in paragraph (h)(8)(iv) of this section, before a petitioner can file an H-1B cap-subject petition for a beneficiary who may be counted under section 214(g)(1)(A) of the Act (“H-1B regular cap”) or eligible for exemption under section 214(g)(5)(C) of the Act (“H-1B advanced degree exemption”), the petitioner must register to file a petition on behalf of an alien beneficiary electronically through the USCIS website (www.uscis.gov). To be eligible to file a petition for a beneficiary who may be counted against the H-1B regular cap or the H-1B advanced degree exemption for a particular fiscal year, a registration must be properly submitted in accordance with 8 CFR 103.2(a)(1), paragraph (h)(8)(iii) of this section and the form instructions. A petitioner may file an H-1B cap-subject petition on behalf of a registered beneficiary only after the petitioner's registration for that beneficiary has been selected for that fiscal year. USCIS will notify the petitioner of the selection of the petitioner's registered beneficiaries.

101(a)(15)(H)(i)(b) [8 U.S.C. 1101(a)(15)(H)(i)(b)]

INA: ACT 101 - **Definitions**

(a) As used in this Act-

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens

(H) an alien (i) 3a/ 3b/ (b) subject to section 212(j)(2), who is coming temporarily to the United States to perform services (other than services described in subclause (a) during the period in which such subclause applies and other than services described in subclause (ii)(a) or in subparagraph (O) or (P)) in a specialty occupation described in section 214(i)(1) or as a fashion model, who meets the requirements for the occupation specified in section 214(i)(2) or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under section 212(n)(1)

214(c)(1) [8 U.S.C. 1184(c)(1)]

INA: ACT 214 - ADMISSION OF NONIMMIGRANTS

(c) (1) The question of importing any alien as a nonimmigrant under **10a/** subparagraph **(H)**, **(L)**, **(O)**, or **(P)(i)** of section 101(a)(15) (excluding nonimmigrants under section **101(a)(15)(H)(i)(b1)**.) in any specific case or specific cases shall be determined by the Attorney General, after consultation with appropriate agencies of the Government, upon petition of the importing employer. Such petition shall be made and approved before the visa is granted. The petition shall be in such form and contain such information as the Attorney General shall prescribe. The approval of such a petition shall not, of itself, be construed as establishing that the alien is a nonimmigrant. For purposes of this subsection with respect to nonimmigrants described in section **101(a)(15)(H)(ii)(a)**, the term "appropriate agencies of Government" means the Department of Labor and includes the Department of Agriculture. The provisions of section **218** shall apply to the question of importing any alien as a nonimmigrant under section **101(a)(15)(H)(ii)(a)**.

214(g) [8 U.S.C. 1184(g)]

INA: ACT 214 - ADMISSION OF NONIMMIGRANTS

(g) Temporary workers and trainees; limitation on numbers