

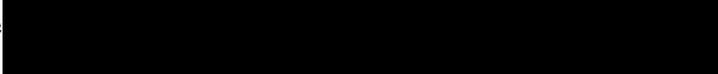


U.S. Citizenship
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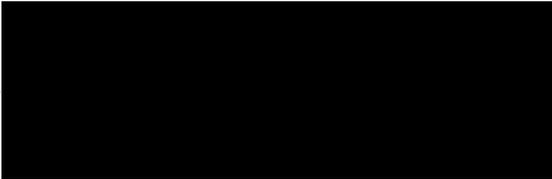


FILE: SRC 04 097 52974 Office: TEXAS SERVICE CENTER Date: **AUG -6 2004**

IN RE: Petitioner: 
Beneficiaries: 

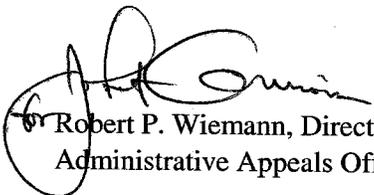
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii)(b) of the
Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(b)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

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prevent clearly unwarranted
invasion of personal privacy

DISCUSSION: The nonimmigrant visa petition was approved by the Director, Texas Service Center, and certified to the Administrative Appeals Office (AAO) for review as required by 8 C.F.R. § 214.2(h)(9)(iii)(B)(2)(ii). The decision of the director will be affirmed.

The petitioner is a construction company. It seeks to employ the beneficiaries as construction workers for ten months. The Department of Labor determined that a temporary certification by the Secretary of Labor could not be made.

The director determined that sufficient countervailing evidence has been submitted to show that qualified persons in the United States are not available, that the employment policies of the Department of Labor have been observed and that the need for the services to be performed is peakload and temporary.

After review of the evidence contained in the record, the decision of the director is found to be correct.

ORDER: The decision of the director is affirmed. The nonimmigrant visa petition is approved.