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U.S. Department of Homeland Security
20 Mass. Ave. N.W., Rm. A3042,
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



FILE: LIN 04 235 52298 Office: NEBRASKA SERVICE CENTER

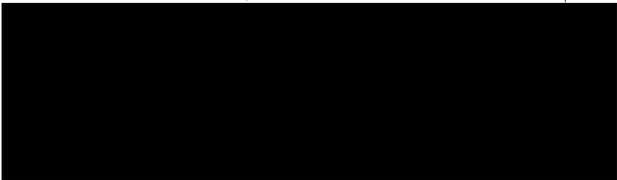
Date: SEP 02 2004

IN RE: Petitioner:
Beneficiary:



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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Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

DISCUSSION: The nonimmigrant visa petition was approved by the Director, Nebraska 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 an amateur ice hockey club and member of the Ontario Hockey League. It seeks to employ the beneficiaries as ice hockey players for nine 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 seasonal 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.