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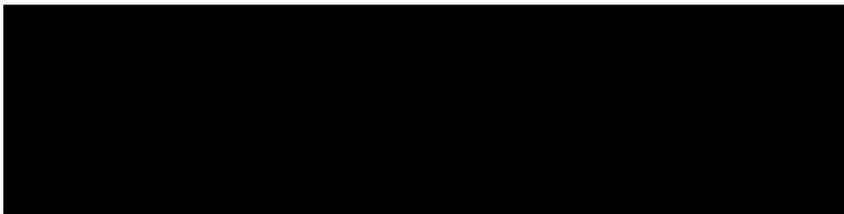


FILE: WAC 06 132 53119 Office: CALIFORNIA SERVICE CENTER Date: MAY 11 2006

IN RE: Petitioner: [Redacted]
Beneficiaries: [Redacted]

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, Chief
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was approved by the Director, California 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 and the petition will be approved.

The petitioner is a contract drilling company providing services to the mining and gas industries. The petitioner seeks to employ the beneficiaries as core drill operators for eight months. The Department of Labor (DOL) determined that a temporary certification by the Secretary of Labor could not be made because the employer failed to articulate any job-related reason for not hiring the United States worker that responded to the employer's job offer.

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. The California Service Center will issue the appropriate approval notice.

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