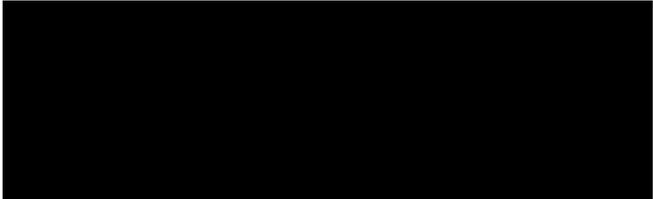


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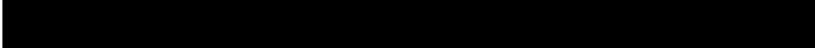


**U.S. Citizenship  
and Immigration  
Services**



*D* *4*

FILE: EAC 07 138 52392 Office: VERMONT SERVICE CENTER Date: **AUG 13 2007**

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:

SELF-REPRESENTED

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*  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was approved by the Director, Vermont 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). Upon review, the AAO withdrew the director's decision and remanded it to the director for further action and consideration. The director has now issued a new decision and certified it to the AAO for review. The AAO notes that the original petition was for 11 beneficiaries, but the petitioner withdrew 10 of the original beneficiaries. The petitioner subsequently added another beneficiary [REDACTED] [REDACTED]. Therefore, the petition now includes two beneficiaries: [REDACTED] and [REDACTED]. The director's decision will be affirmed and the petition will be approved for the two beneficiaries.

The petitioner operates a restaurant business in New Orleans, Louisiana. It desires to employ the beneficiaries as food preparation workers from April 1, 2007 to January 31, 2008. The Department of Labor (DOL) 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 temporary. The director's decision to approve the petition has now been certified to the AAO for review.

Upon careful review of the entire record of proceeding, the AAO finds that the evidence of record does support the director's decision to approve the petition. The AAO finds 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 DOL have been observed, and that the need for the services to be performed is peakload and temporary. The Vermont Service Center will issue the appropriate approval notice.

**ORDER:** The decision of the director is affirmed. The nonimmigrant visa petition is approved for the two beneficiaries: [REDACTED] and [REDACTED].