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

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FILE: EAC 07 198 53214 Office: VERMONT SERVICE CENTER Date: AUG 24 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:

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 Acting 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). The director's decision will be affirmed, and the petition will be approved.

The petitioner, a construction company that desires to employ the beneficiaries as framers, asserts that each year it requires the services of H-2B temporary workers to supplement its permanently employed framers on a seasonal basis from April through October. The Department of Labor determined that a temporary certification by the Secretary of Labor could not be made because the petitioner had not established an H-2B temporary need for framers.

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.

Based upon its review of the evidence contained in the record, the AAO finds that director's decision is correct. The Vermont Service Center will issue the appropriate approval notice.

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