

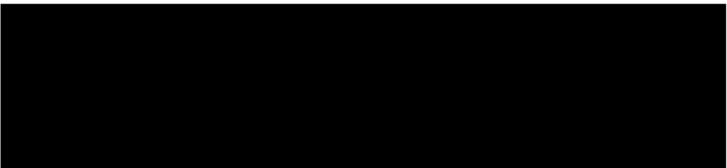
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**U.S. Citizenship  
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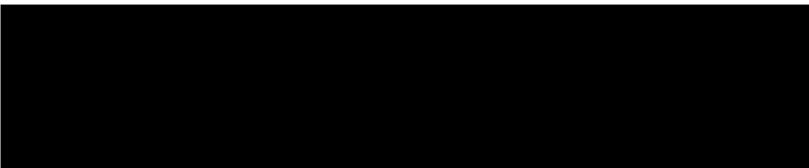


FILE: EAC 07 217 52961 Office: VERMONT SERVICE CENTER Date: **AUG 27 2007**

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.

*Michael T. Kelly*  
for 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). The decision of the director will be affirmed and the petition will be approved.

The petitioner operates a shipbuilding business. It has recently entered into contracts and begun to build a series of new-generation platform supply vessels that support offshore oil and gas companies in their efforts to produce hydrocarbons (oil and gas) from the new frontier areas of the deepwater United States Gulf of Mexico. The petitioner desires to extend its authorization to employ the beneficiaries as pipefitters for 10 months. The Department of Labor (DOL) determined that, due to complexities incident to the damage caused by Hurricanes Katrina and Rita in the employer's geographical area, 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 AAO finds that the director's decision is correct, based upon the totality of evidence, including the evidence presented with the petition about the labor shortage in the areas affected by Hurricanes Katrina and Rita and the need to continue employment of the beneficiaries in order to complete construction of vessels to support deepwater drilling to reach energy reserves in the United States Gulf of Mexico. The record establishes a one-time occurrence as defined in the H-2B regulations and extraordinary circumstances that justify the petitioner's request to extend employment of the beneficiaries beyond the normal one-year limit, in accordance with 8 C.F.R. § 214.2(h)(6)(ii)(B). The Vermont Service Center will issue the appropriate approval notice.

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