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FILE: EAC 07 222 51735 Office: VERMONT SERVICE CENTER

Date: **AUG 29 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.

*Michael T. Kelly*  
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. In order to continue employing the beneficiaries as electricians, the petitioner filed the present petition to continue their previously approved H-2B classification and extend their stay from August 1, 2007 to June 1, 2008.

The Department of Labor (DOL) determined that unique, complex, and persistent circumstances generated in the Gulf Region by Hurricanes Katrina and Rita made it impossible to determine whether a temporary labor certification should be issued in the present case.

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.

Upon review of the evidence contained in the record, the decision of the director is found to be correct. It is supported by the totality of evidence, including the evidence presented with the petition about 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 this extension of the beneficiaries' H-2B employment 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.