

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

D4

**PUBLIC COPY**



FILE: EAC 07 189 50893 Office: VERMONT SERVICE CENTER

Date: JUL 30 2007

IN RE: Petitioner:  
Beneficiaries:



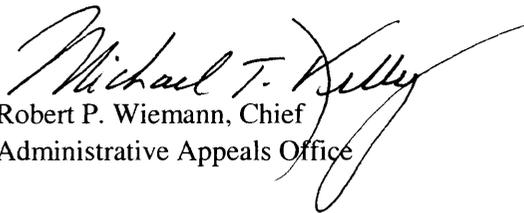
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(b)

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.

*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, with the substitution of the workers [REDACTED] and [REDACTED] for these two workers initially named in and subsequently withdrawn from the petition: [REDACTED] and [REDACTED]

The petitioner operates a commercial shrimping business. It desires to employ the beneficiary as shrimp boat deckhands/headers from May 1, 2007 to March 1, 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.

Subsequent to the director's decision and at the AAO's request, the petitioner withdrew [REDACTED] and [REDACTED] from consideration for the benefits of the petition. In place of these two withdrawn persons, the petitioner has substituted the workers [REDACTED] and [REDACTED] to join the other named beneficiaries of the petition.

Upon review of the evidence contained in the record, the decision of the director is found to be correct. The petitioner has provided sufficient evidence to establish that the need for the beneficiaries' services is seasonal and temporary. The Vermont Service Center will issue the appropriate approval notices, which are to include the substitution of beneficiaries noted above.

**ORDER:** The decision of the director is affirmed. The nonimmigrant visa petition is approved for [REDACTED] and [REDACTED] and all the workers named in the petition except [REDACTED] and [REDACTED] who have been withdrawn from the petition.