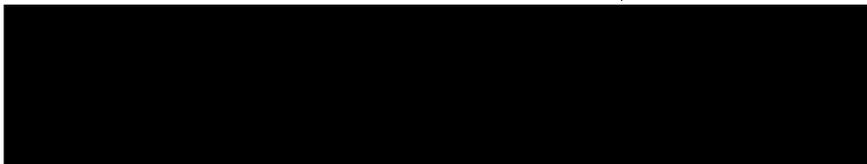


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and Immigration  
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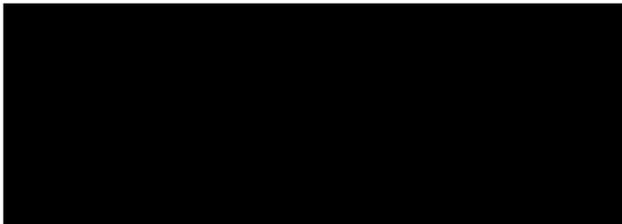
FILE: EAC 07 092 50951 Office: VERMONT SERVICE CENTER Date:

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*  
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 director's decision will be affirmed and the petition will be approved although the matter is moot due to the passage of time.

The petitioner is a roofing contractor. It seeks to extend its authorization to employ the beneficiaries as laborers from January 16, 2007 to February 15, 2007. 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 DOL have been observed and that the need for the services to be performed is temporary and approved the petition.

After review of the evidence contained in the record, the decision of the director is found to be correct. The petitioner has established that the beneficiaries' services are needed an additional month and that the need for the services to be performed is peakload and temporary. The petitioner provided evidence of its contractual obligations. The Vermont Service Center will issue the appropriate approval notice.

The regulation at 8 C.F.R. § 214.2(h)(9)(ii)(B) states that, if a petition is approved after the date the petitioner indicates that the service will begin, the approved petition and approval notice should show a validity period commencing with the date of approval and ending with the date requested by the petitioner.

It is noted that the petitioner requested the beneficiaries' services from January 16, 2007 until February 15, 2007. Therefore, the matter is moot as the period of requested employment has passed.

**ORDER:** The decision of the director, dated October 30, 2007, is affirmed. The petition is approved although the matter is moot due to passage of time.