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FILE: EAC 07 110 51107 Office: VERMONT SERVICE CENTER

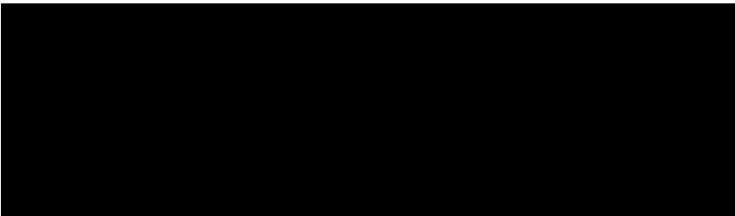
Date: **NOV 29 2007**

IN RE: Petitioner:
Beneficiary:



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 decision of the director will be affirmed.

The petitioner is a specialty envelope manufacturer and commercial printer. It desires to employ the beneficiary as a [REDACTED] Adjuster from April 2, 2007 to April 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 DOL have been observed and that the need for the services to be performed is temporary.

After review of the evidence contained in the record, the decision of the director is found to be correct. The petitioner explains that the beneficiary will be responsible for installing, bringing into production and training existing staff to operate, two W&D custom envelope converting machines. The petitioner states that it cannot meet current production requirements and perform the installation project simultaneously and thus needs a temporary expert to install the machines. The petitioner states that it has sufficient permanent staff to maintain current and anticipated production with the two W&D envelope converting machines once they are up and running and the staff is trained. The petitioner established through documentary evidence its temporary one-time occurrence for a W&D converter installer and production adjuster from April 2, 2007 to April 1, 2008. The Vermont Service Center will issue the appropriate approval notice.

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