



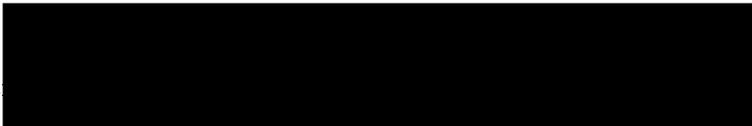
U.S. Citizenship
and Immigration
Services



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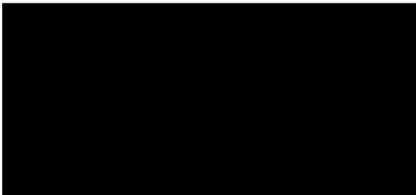
FILE: EAC 07 227 52434 Office: VERMONT SERVICE CENTER Date: **SEP 20 2007**

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.

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 and the petition will be approved for 65 of the 66 workers initially named in the petition, that is, for all the named workers except Rafael Benitez Sosa.

The petitioner is a general contractor with over 15 years experience in the marine staffing industry. It currently has been contracted by Elevating Boats, LLC and Marine Electric, LLC, both located in Houma, La, to provide skilled construction laborers to work in the shipyards and repair and maintenance yard for a period of five months. The petitioner explains that due to Hurricane Katrina, the price of crude oil has risen and resulted in a need for drilling and explorations, which resulted in a higher demand for oil rig supply vessels and platforms. The petitioner states that another contributing factor is the regulatory conversion¹ of single-hulled tankers and that a large part of its business is allocated to the conversion of these vessels.

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 DOL 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] from consideration for the benefits of the petition.

After review of the evidence contained in the record, the decision of the director is found to be correct. The petitioner has provided letters from its clients, Elevating Boats, LLC and Marine Electric, LLC, confirming their intent to contract the petitioner's services until December 15, 2007. The petitioner has established that the need for the beneficiaries' services is a one-time occurrence and temporary. The Vermont Service Center will issue the appropriate approval notice.

ORDER: The decision of the director is affirmed and the nonimmigrant visa petition is approved for all the workers originally named in the petition except Rafael Benitez Sosa, who was withdrawn from the petition.

¹ The petitioner states that following the Exxon Valdez oil spill in 1989, Congress passed a law to phase out or convert all single-hulled tankers by 2015.