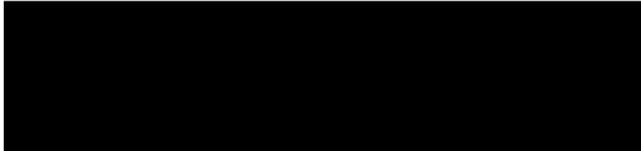


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prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**

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FILE: EAC 07 207 50204 Office: VERMONT SERVICE CENTER Date: **AUG 09 2007**

IN RE: Petitioner: [Redacted]
Beneficiaries: [Redacted]

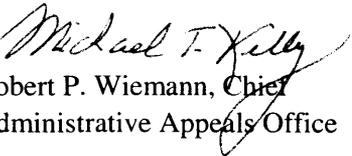
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(b)

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.

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will be approved, with the substitution of the worker [REDACTED] for the worker initially named in and subsequently withdrawn from the petition: [REDACTED]

The petitioner operates a commercial prestressed cement manufacturing business. It desires to employ the beneficiaries as laborers from May 15, 2007 to December 30, 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 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] from consideration for the benefits of the petition. In place of the withdrawn person, the petitioner has substituted the worker [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 peakload and temporary. The Vermont Service Center will issue the appropriate approval notice, which is to include the beneficiary substitution noted above.

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visa petition is approved for [REDACTED], and all the workers named in the petition except [REDACTED], who has been withdrawn from the petition.