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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: EAC 07 166 52782 Office: VERMONT SERVICE CENTER Date: AUG 10 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was approved by the Acting 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)(i). The director's decision will be affirmed, and the petition will be approved.

The petitioner is a resort and casino in Connecticut. It desires to employ the beneficiaries as housepersons from April 1, 2007 to January 14, 2008. The Department of Labor determined that a temporary certification by the Secretary of Labor could not be made because the petitioner had not established the peakload need that it asserted as the basis for the petition.

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.

Based upon its review of the evidence contained in the record, the AAO finds that director's decision is correct, as the petitioner has established that its need for the beneficiaries' services is peakload and temporary. The Vermont Service Center will issue the appropriate approval notice.

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