

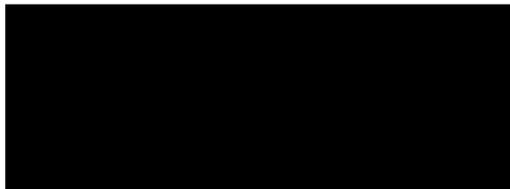
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



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



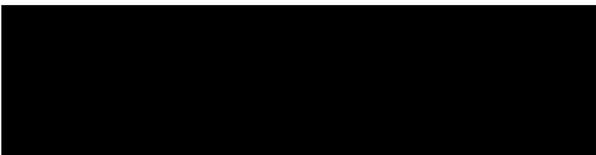
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FILE: WAC 11 002 50804 Office: CALIFORNIA SERVICE CENTER Date: **APR 06 2011**

IN RE: Petitioner: 
 Beneficiaries: 

PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(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.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained and the petition will be approved.

The petitioner is a resort/hotel that seeks to employ the beneficiaries as housekeepers pursuant to section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(H)(ii)(b) for the period from December 1, 2010 until September 30, 2011.

The director denied the petition on November 24, 2010, concluding that the petitioner had not established a temporary need for the beneficiaries' services.

On appeal, the petitioner has overcome the concerns addressed in the director's decision. The petitioner presented staffing charts that indicated it employs permanent housekeepers all year round and temporary housekeepers from December until September each year and does not employ temporary housekeepers in October and November. The petitioner also submitted occupancy rates for the 2008 and 2009 that indicate a peakload need from December until September of each year. Thus, sufficient evidence has been submitted to establish the petitioner's temporary need for housekeepers.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. Here, the petitioner has met that burden.

ORDER: The appeal is sustained. The petition is approved.