

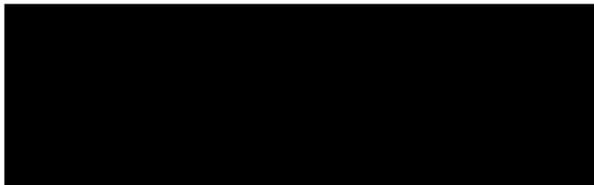
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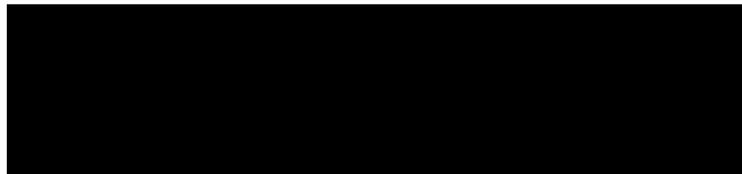
FILE: EAC 07 104 53166 Office: VERMONT SERVICE CENTER Date:

IN RE: Petitioner: [Redacted]  
Beneficiary: [Redacted]

**JUL 08 2007**

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 denied by the Director, Vermont Service Center. In a subsequent Service motion to reopen, the director approved the nonimmigrant visa petition and certified it 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.

The petitioner engages in the publishing and marketing of educational reference books and software. It desires to employ the beneficiary as a team manager for its summer sales program from March 5, 2007 until October 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 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 team managers beginning in March and continuing through April and early May are responsible for thoroughly researching the sales areas where their teams will be deployed. The petitioner states that it recruits college students to sell its books door-to-door for the summer season. The petitioner has provided sufficient evidence to show the increase in its net sales during that time period. The petitioner has established that the services or labor are traditionally tied to a season of the year and that the need for the beneficiaries' services is 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.