

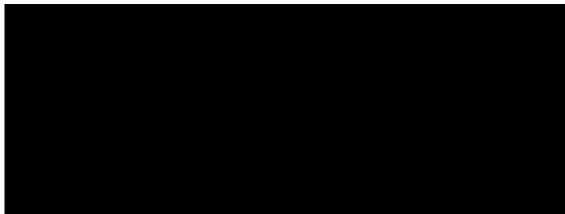
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**U.S. Citizenship
and Immigration
Services**

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FILE: EAC 07 189 50480 Office: VERMONT SERVICE CENTER Date: **JUL 25 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:

SELF-REPRESENTED

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 Michael T. Kelle
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 46 workers. These workers are comprised of (1) all the workers initially named in the petition except [REDACTED] (who has been withdrawn from the petition), and (2) [REDACTED] whom the petitioner submitted as a substitute for [REDACTED]

The petitioner engages in commercial shrimping. It desires to employ the beneficiaries as headers for eight and one-half months. 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. Subsequent to the director's decision and at the AAO's request, the petitioner withdrew [REDACTED] from consideration for the benefits of the petition. The petitioner has timely substituted [REDACTED] for [REDACTED]

After 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 seasonal and temporary. The Vermont Service Center will issue the appropriate approval notice to all the workers initially named in the petition except [REDACTED] who was withdrawn from the petition and replaced by [REDACTED]

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petition is approved for [REDACTED] and all the workers originally named in the petition except [REDACTED], who was withdrawn from the petition.