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U.S. Department of Homeland Security
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**U.S. Citizenship
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Services**

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FILE: EAC 07 264 52451 Office: VERMONT SERVICE CENTER Date: **NOV 29 2007**

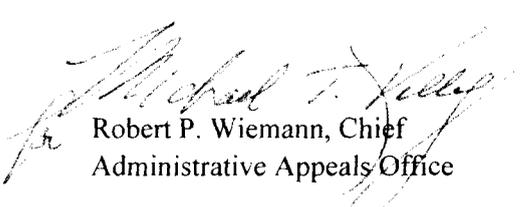
IN RE: Petitioner:
Beneficiaries:

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 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.

The petitioner is a shipbuilding company whose principal business is to build commercial vessels for the offshore oil industry operating in the Gulf of Mexico. It desires to employ the beneficiaries as shipfitters from October 1, 2007 to September 30, 2008. 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 peakload and temporary.

The petitioner states that it currently employs over 600 workers in various occupations. Recently, the company finalized contracts worth over \$200 million to construct 29 new ships. The destruction of many shipbuilding facilities along the Gulf region of Mississippi and Louisiana by Hurricane Katrina has led to an increased demand at facilities that were not damaged, such as the petitioner's facility. The petitioner has submitted evidence of its contractual obligations.

After review of the evidence contained in the record, the decision of the director is found to be correct. The petitioner has established a temporary peakload need for shipfitters to complete construction of these new vessels. The Vermont Service Center will issue the appropriate approval notice.

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