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**U.S. Citizenship
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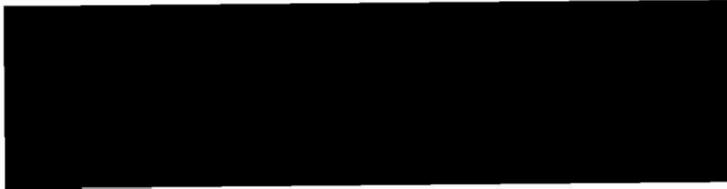


FILE: EAC 07 228 53462 **Office:** VERMONT SERVICE CENTER **Date:** **APR 24 2008**

IN RE: **Petitioner:** 
 Beneficiary: 

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, for
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). Upon review, the AAO withdrew the director's decision and remanded it to the director for further action and consideration. The director has now issued a new decision and certified it to the AAO for review. The director's decision will be affirmed and the petition will be approved.

The petitioner is a Junior-B level hockey team and a member of the Western States Hockey League that consists of 13 teams from throughout the southwestern and western areas of the United States. It desires to extend its authorization to employ the beneficiary as a head coach pursuant to section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(ii)(b) from July 30, 2007 to July 29, 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 Department of Labor have been observed and that the need for the services to be performed is temporary. The director approved the petition and certified the case to the AAO for review.

Upon review, the AAO withdrew the director's decision because the record of proceeding did not contain evidence that the beneficiary possessed the minimum amount of experience to perform satisfactorily the job duties described in the proffered position. The AAO remanded the case to the director for further action.

On January 4, 2008, the director requested that the petitioner submit documentary evidence to support its claim that the beneficiary possessed the requisite experience, as specified on the Form ETA 750.

On March 10, 2008, the director received the petitioner's response to its request for additional evidence. The petitioner submitted the requested experience letters for the worker named in the petition. Therefore, on April 4, 2008, the director approved the petition and certified his decision to the AAO for review.

Section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(H)(ii)(b), defines an H-2B temporary worker as:

an alien having a residence in a foreign country which he has no intention of abandoning, who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country

The regulation at 8 C.F.R. § 214.2(h)(6)(vi) requires the petitioner to submit:

(C) *Alien's qualifications.* Documentation that the alien qualifies for the job offer as specified in the application for labor certification, except in petitions where the labor certification application requires no education, training, experience, or special requirements of the beneficiary.

The regulation at 8 C.F.R. § 103.2(b) states:

(3) *Translations.* Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

The Application for Alien Employment Certification (Form ETA 750) at Part A, item 14 indicates that the minimum amount of experience needed to perform satisfactorily the job duties is two years of experience in a related occupation, specifically, as a "professional hockey player or assistant coach at junior-B or higher level."

Upon careful review of the entire record of proceeding, the AAO finds that the record of proceeding contains sufficient evidence to establish that the beneficiaries possess the minimum amount of experience, specifically, two years of experience in a related occupation, specifically, as a "professional hockey player or assistant coach at junior-B or higher level." The petitioner submitted a letter from the owner and President of the [REDACTED] hockey Club stating that the beneficiary served as head coach of the [REDACTED] club from April 2003 until May 2005.

The petitioner has established that the beneficiary possesses the requisite experience to satisfactorily perform the duties of the proffered position. Accordingly, the petition will be approved.

ORDER: The director's decision of April 4, 2008 is affirmed. The petition is approved.