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U.S. Citizenship
and Immigration
Services

H3



FILE: EAC 07 264 53055 Office: VERMONT SERVICE CENTER Date: NOV 28 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:



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. Kelly*
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 pipe welders 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 lead 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 pipe welders to complete construction of these new vessels. The Vermont Service Center will issue the appropriate approval notice.

The Vermont Service Center should ensure that its approval notice is for 11 beneficiaries, and that it includes [REDACTED] who appears to have been inadvertently excluded from the certified decision's attached list of approved beneficiaries.

ORDER: The decision of the director is affirmed. The nonimmigrant visa petition is approved for all 11 of the beneficiaries named in the petition.