

Adelup: Visa denials could create 'labor crisis'

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(Photo: PDN file)

Gov. Eddie Calvo plans to meet with several off-island officials this week to discuss the growing number of visa denials for skilled foreign workers in Guam, the governor's office announced Monday.

The governor's office said Calvo would discuss solutions for what could become a "labor crisis."

"Despite the attempt to dialogue, it seems Guam's calls are ignored," Oyaol Ngirairikl, Adelup's communications director, said in a press release. "Thus far, there has been no indication that the feds will reverse denial rates, which is at nearly 100 percent."

Ngirairikl said there have been monthslong attempts of reaching out to President Barack Obama and officials from the U.S. Citizenship and Immigration Services to bring their attention to the sudden change in approval rates for H-2B visas.

In a June letter to Obama, Calvo wrote: "With the severe lack of skilled workers, as a result of being an isolated island economy, Guam needs additional temporary workers to keep up with the pace that will far exceed organic growth."



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(<http://www.guampdn.com/story/news/2016/03/01/bordallo-denied-work-visas-impact-buildup-grmc/81140904/>)

Calvo, who'll be in San Francisco this week, plans to meet with representatives from the U.S. Department of Labor and Office of Economic Adjustment in the hopes that they can find alternative solutions, both short and long term, to address the island's impending shortage of H-2B workers, Ngirairikl said.

Guam Delegate Madeleine Bordallo had also reached out to CIS Director Leon Rodriguez in February, notifying him of the adverse impact the high rate of denials will have on the island's construction jobs as it relates to the military build-up and relocation of thousands of U.S. Marines to Guam.

"I hope you can provide a very clear rationale for these rejections and discuss options to rectify this matter so that we can avoid adverse impacts to our health care and construction sectors in Guam," Bordallo [wrote \(https://bordallo.house.gov/sites/bordallo.house.gov/files/wysiwyg_uploaded/BORDALLO-to-USCIS-on-Visa-Rejections-26-Feb-2016.pdf\)](https://bordallo.house.gov/sites/bordallo.house.gov/files/wysiwyg_uploaded/BORDALLO-to-USCIS-on-Visa-Rejections-26-Feb-2016.pdf).

Since January, U.S. CIS has denied nearly 100 percent of all H-2B visas, according to Greg Massey, administrator of the Guam Department of Labor's Alien Labor Processing and Certification Division.

Of the 670 visa applications between filed between Jan. 1 and July 31, the U.S. CIS only approved one, meaning there has been a 99 percent denial rating, Massey said. He added that as of early this week, there'd been a total of two approvals.

"This leaves Guam in a precarious situation where projects for both military and private sector will be a standstill without an adequate labor force," Ngirairikl said in the release.

In fiscal 2014, the approval rating for H-2B visa applications was 100 percent, according to Massey. The following fiscal year, there was a small decline as Guam's employers had a 98.65-percent approval rate.



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As of July, Guam had a total of 1,263 H-2B workers, with 1,038 of them hired for construction work, according to the Alien Labor division. Most of those construction workers were positions such as cement masons, carpenters, electricians and metalworkers.

Massey agreed with the Adelup's concerns that the situation could soon become a labor crisis.

"We have 1,263 H-2B's still on island; now we expect those to dwindle down in December, January. That's when we're going to start to feel it," Massey said. "Construction projects will start grinding to a halt. We don't know how fast or slow that will happen. Any construction project you have is going to suffer."

There's been no change in H-2B visa laws, Massey explained. The reason for the sudden approval flip is likely because of new adjudicators reviewing the applications at CIS.

Ladd Baumann, a longtime immigration attorney, recently explained to Pacific Daily News that the previous desk officers who reviewed Guam's applications and understood the island's needs were cycled out and replaced. The new adjudicators likely had differing perspectives from the previous officers.

Massey mentioned Congresswoman Bordallo's recent amendment to the fiscal 2017 National Defense Authorization Act, which has passed the U.S. House of Representatives and is before the U.S. Senate awaiting approval.

Bordallo's amendment gives the CIS office flexibility to approve and renew H-2B visas for those who would be working with the Defense Department as well as for health care workers in Guam and the Northern Marianas, news files state.

Massey is hopeful the Senate passes the Defense Act so it doesn't stall or slow down the construction projects for the island's military build-up. But even if all goes well, he added, the island won't see H-2B visa approvals pick up until next spring.

Furthermore, while the amendment does prevent adverse impact to the build-up, there will still be a stall in public construction projects, many of which address the island's infrastructure to meet the demands of the build-up.



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