

Higher rate of worker visa rejections and delays could affect buildup

Gaynor Dumat-ol Daleno, gdumat-ol@guampdn.com 11:13 p.m. ChST February 28, 2016



(Photo: PDN file)

Some of Guam's construction contractors have hit bureaucratic walls in their petitions to hire foreign workers, two immigration attorneys said.

And a possible solution is unlikely — until after a new president is seated at the White House, one of the attorneys, Ladd Baumann, said.

In anticipation of military buildup projects ramping up starting this year, Guam received an exemption from the annual nationwide limit on how many foreign workers can be brought in under H-1B and H-2B visas.

This exemption was made possible through Congress and the White House.

However, employers are seeing increasing rejection rates, or delays at rates higher than what Guam employers have seen in past years, attorney Catherine Bejerana Camacho said.

As an example, one Guam contractor received a federal immigration denial on its petition to hire 100 foreign construction workers recently.



[PACIFIC DAILY NEWS](#)

[New federal limit shrinks foreign worker visas for CNMI](#)

(<http://www.guampdn.com/story/news/2015/10/23/new-federal-limit-shrinks-foreign-worker-visas-cnmi/74445968/>)

The rejection occurred after the company had secured a contract for which the workers would be needed, Camacho said.

The company isn't her client, but she is as concerned about the issue, she said, because she has clients that may face similar challenges.

The issue also has far-reaching effects on the military buildup projects, the construction sector in general and the local economy's ability to grow, she said.

As more of the buildup projects get awarded, more local workers will be hired for those projects, so non-military projects would face a shortage of workers, she said.

Guam simply doesn't have enough construction workers to handle an increase in projects related to the military buildup and the private sector, she said.

Guam could see the construction of three new hotels, two in Tumon Bay and a third one has been proposed along Agat Bay.



[PACIFIC DAILY NEWS](#)

[Select construction jobs get pay boost](#)

(<http://www.guampdn.com/story/news/2016/02/17/select-construction-jobs-get-pay-boost/80490088/>)

"The impact of this is greater because now you have a situation in which a company will be more hesitant in entering into a contract because there simply isn't enough workers in Guam," she said.

A meeting was held Wednesday involving some of the island's immigration attorneys to discuss how to respond to the problem.

Delays in the processing of temporary foreign worker visas mean the paperwork processing at a U.S. Citizenship and Immigration Services could take months or even longer than a year, Baumann said.

There's a way around the delay, but it would cost an extra \$1,250 — per worker — for a “premium processing” fee. The premium fee gets a response in 15 days, whether the petition has been approved, denied or needs more supporting documents.

Similar delays occurred about five years ago, and the processing time usually improves when officials in Guam openly call attention to the problem, Baumann said.

The other problem, which involves higher-than-usual denial rates for temporary worker visa applications, looks impossible to fix without a change in law giving Guam an exemption from stringent immigration law, he said.

No immigration-related issue is expected to pass Congress until after the election, Baumann said.

Changing immigration law, he said is a “very, very difficult sell with the presidential election” on the horizon.



[PACIFIC DAILY NEWS](#)

[Leaders review military buildup pace](#)

[\(http://www.guampdn.com/story/news/2016/02/20/leaders-review-military-buildup-pace/80656378/\)](http://www.guampdn.com/story/news/2016/02/20/leaders-review-military-buildup-pace/80656378/)

The immigration attorneys said they're not exactly clear on what caused the higher rejection rates for Guam foreign worker visas. However, Baumann said an immigration examiner or examiners at a processing center in California had questioned certain companies' petitions for hiring temporary foreign workers because they've shown a history of repeat hiring of foreign workers for the same job categories in past years.

While Guam is exempted from the annual limit on H2 foreign worker visas, the exemption doesn't give companies a free pass on meeting the requirements under immigration law of what foreign workers can be hired by certain companies.

There's a section in the law that says if the hiring is for a temporary worker for a temporary job, and an employer's record shows a history of prior foreign worker hiring in past years for the same job category, it allows an immigration examiner to reject the petition, Baumann said.

The rejections are tougher, if not impossible, to challenge, he said.

The delays are “fixable and improvable,” Baumann said, and if the governor, Del. Madeleine Bordallo and the military leadership choose to, they can speak up for the review process to speed up.

Reforming immigration law to address the high rejection rates for foreign worker hires, is a different story, he said.

Read or Share this story: <http://www.guampdn.com/story/news/2016/02/28/higher-rate-worker-visa-rejections-and-delays-could-affect-buildup/80955462/>

APPLY NOW!!!

02 - BRIDAL STYLIST • [CLICK HERE FOR MORE INFORMATION](#)