

Labor shortage sparks growing concern

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(Photo: PDN file photo)

The shortage of carpenters, masons and other skilled, blue-collar workers has heightened Guam officials' concerns over how long it will take to build roads, houses and buildings — as well as the planned Marine Corps base.

Some of these local officials have looked to the U.S. Citizenship and Immigration Services for a solution, via the temporary hiring of foreign workers on H-2B visas, but they've hit a bureaucratic puzzle.

Gov. Eddie Calvo and other officials have said there has been a nearly 100-percent rejection of petitions for H-2B visas this year, but USCIS doesn't share that view.



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(<http://www.guampdn.com/story/news/2016/08/23/adelup-visa-denials-could-create-labor-crisis/89153404/>)

USCIS' top boss, director Leon Rodriguez, in a recent letter to the governor has called it a “perceived” problem. USCIS hasn't changed the way it reviews petitions for foreign workers on H-2B visas, he stated in the letter.

“Although there have been no recent policy changes, USCIS has heard concerns from several stakeholders, including employers on Guam, this year about a perceived increase in denials and requests for evidence for H-2B petitions,” Rodriguez wrote last month. The governor's office received the letter on Sept. 13.

Rodriguez wrote that the H-2B program is meant to fill a temporary labor shortage, and a foreign worker on such visa usually works for a U.S. employer for several months, to no longer than a year.

Under certain circumstances, workers on H-2B visas can work in the United States for no more than three years, according to Rodriguez's letter.

USCIS has learned, according to Rodriguez, that certain Guam employers “have expressed a need for H-2B workers spanning over a period of several years, which has cast doubt on whether these employers' needs can be properly characterized as 'temporary,' within the regulatory definition of that term.”

‘Something had to have changed’

“It's mind-boggling to hear USCIS saying its policy hasn't changed when you're looking at a 180-degree change in approvals,” according to a statement from the governor's office. “We went from a nearly 100 percent approval of requests from local employers to a nearly 100 percent rejection. Something had to have changed.”

Guam's Department of Labor projects that if the high rate of denials continues, Guam would be left with a skeleton pool of less than 100 H-2B workers by the end of the year, from more than 2,000 just a year ago, and 1,197 as of August this year. That number does not yet take into account the previously reported planned repatriation of almost 400 H-2B workers under one Guam construction company, Core Tech International.



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Rodriguez did say to the governor that USCIS understands the importance of the H-2B program to Guam, and that federal immigration officials are committed to working with the governor, according to Calvo's statement.

The governor's office is also reaching out to Defense Department leadership, so the Pentagon can help lobby for legislation that allows Guam's construction companies to continue hiring H-2B workers if they provide military construction work.

The local workforce isn't large enough to handle the multiple projects that are ongoing and those anticipated, according to the governor's office.



(Photo: Rick Cruz/PDN, Rick Cruz/PDN)

Regional migrants

Guam officials, the local construction industry and the Defense Department have to figure out a way to help Guam meet a future need for more skilled workers, especially when the military expansion projects start to ramp up, possibly next year, said Mark Mamczarz, vice president at Black Construction for 28 years.

Black Construction hasn't relied on H-2B foreign workers to meet its projects' labor demand, but the construction industry overall needs additional skilled workers who aren't available on Guam, he said.

"I believe it is important to sort this out," Mamczarz said, while the construction industry is still waiting for the major military construction contracts, including for the Marine Corps base construction, to get awarded.

While Black Construction stands proud that it doesn't rely on a majority of its labor from foreign sources, the reality for the construction industry in general is it needs to supplement the local labor force with imported labor, he said.

In addition to Black Construction's hiring of mostly local workers, the company has cultivated a pool of workers from the Micronesia region, who don't need H-2B visas, he said.

Regional migrant workers now make up about nearly one-fourth of the company's labor pool of a few hundred, he said.

Black Construction invested years, lots of patience and skills training to help its regional migrant workers improve their job skills, work ethic, English-language skills and ability to adapt to living on Guam, he said.

Waiting for Congress

Ladd Baumann, a longtime Guam immigration attorney, said he hopes Guam gets help through congressional action.

Guam Del. Madeleine Bordallo sponsored a rider provision in the proposed fiscal 2017 National Defense Authorization Act, which has cleared the House, but awaits House and Senate conference committee negotiators' talks to iron out differences between two versions.

"The USCIS decisions are subjective and unpredictable and bad for the economy since businesses cannot plan for labor needs in the future," Baumann said.

Changes to the visa processing, if handled by Congress, would be public and subject to comment by businesses and other stakeholders, Baumann said.

In comparison, USCIS' decisions are made in secret with no public comment and are revealed only when, as is the case with the H-2B visa program, 90 percent approvals turn into 90 percent denials, Baumann said.

During the first eight months of the year, most of the H-2B visa petitions Baumann had submitted for employers were denied.

However, just a few days ago, Baumann said he received USCIS approval for 13 H-2B visas for one construction business, from just two approved petitions for the first eight months of the year for all of his clients.

Despite the 13 approvals in one day, Baumann is holding back on feeling optimistic.

"Whether this reflects a change in policy at USCIS or is an aberration, only time will tell," he said.

H-2B workers breakdown

Here is a breakdown of the number of H-2B workers in Guam as of August this year. This doesn't take into account almost 400 workers who were scheduled for repatriation to the Philippines because petitions for their visa renewals were denied, according to the Guam Department of Labor.

- Cement mason: 370
- Carpenter: 374
- Electrician: 92
- Reinforcing metal worker: 87
- Structural steel worker: 3
- Plumber: 29
- Sheet metal worker: 1
- Heavy equipment operator: 29
- Camp cook: 6
- Aircon and refrigeration mechanic: 9
- Heavy equipment mechanic: 12
- Plasterer: 2
- Welder: 19

Foreign workers outside construction

- Aircon mechanic: 4
- Aircon maintenance technician: 7
- Assistant solar panel installer: 9
- Automotive mechanic: 1
- Automotive repairer: 13
- Baker: 6
- Bakery equipment mechanic: 1
- Biomedical equipment specialist: 1
- Bridal stylist: 2
- Chef: 1
- Cook: 17
- Crew leader: 1
- Diving instructor: 1
- Registered nurse: 1
- Executive manager, food and beverage: 1
- Coffee shop supervisor: 1
- Guest host/hostess: 1
- Heavy equipment mechanic: 4
- Heating, ventilation and aircon technician: 1
- Landscape gardener: 22
- Laundry maintenance technician: 2
- Exercise instructor: 1
- Machinist: 2
- Maintenance machinery worker: 5

- Marine maintenance mechanic: 10
- Market research analyst: 1
- Massage therapist: 8
- Motor repairer: 2
- MRI technician: 1
- Pipe fitter: 10
- Quality control inspector: 2
- Ultrasound technician: 2
- Wedding service attendant: 2
- Welder: 4
- Welder-fitter: 17
- **TOTAL:** 1,197

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