

More Guam employers trying to hire H-2B workers again

Haidee V Eugenio, heugenio@guampdn.com Published 4:38 p.m. ChT April 9, 2018



(Photo: Pacific Marketplace file photo)

The federal government's decision to approve all 333 of PHC Corp.'s petitions for H-2B visa workers is boosting the confidence of other Guam employers who plan to hire skilled foreign workers for military or civilian projects.

A provision in the defense budget and a recent federal court order are expected to provide relief for contractors who lost most of their foreign workforce during the past couple of years after the federal government denied nearly all requests for H-2B visas.

More: [Feds approve 162 H-2B workers for Guam \(/story/news/2018/03/30/feds-approve-162-h-2-b-workers-guam/472207002/\)](#)

More: [More visas approved for military projects \(/story/news/2018/04/05/more-visas-approved-military-projects/488468002/\)](#)

The defense budget allows contractors on Guam to hire as many as 4,000 foreign workers under the program, but only for military projects.

Skilled foreign labor lawsuit

District Court of Guam Chief Judge Frances Tydingco-Gatewood in January issued a preliminary injunction, prohibiting the federal government from continuing its current practice of denying nearly every request by Guam businesses for the use of temporary skilled foreign labor.

According to the judge's order, the U.S. Citizenship and Immigration Services is prohibited from applying the reasoning it used during fiscal 2015 and fiscal 2016 to reject visa applications for foreign workers. That is, it cannot rely on "peakload" or "one-time occurrence" conditions as reasons to deny visa applications, the order states.

The injunction is part of an ongoing lawsuit brought by the Guam Contractors Association and nearly a dozen Guam businesses, challenging the nearly 100 percent denial of petitions for worker visas.

GRC petitioning for technicians

Roy Adonay, chief executive officer and administrator for Guam Radiology Consultants, one of the businesses involved in the lawsuit, on Friday said it is petitioning for visas for three ultrasound technicians. He said the company filed the H-2B petitions with the U.S. Citizenship and Immigration Services

Guam Radiology Consultants, lost all of its foreign ultrasound and magnetic resonance imaging technicians because of the visa denials during the past couple of years.

"We are very hopeful that they will approve our petitions. We are very elated they are starting to approve petitions again," Adonay said. Guam Radiology has had difficulty hiring personnel because few people in the medical field want to fly all the way to Guam from the U.S. mainland, he said.

Orion Construction petitions for 42 workers

Orion Construction's petitions for 42 H-2B workers have also been sent to USCIS, according to its finance manager, Evelyn Pernites.

Orion Construction is a subcontractor for P&S Construction, which is working on a multi-million dollar project contract for fuel system hardened structures at Andersen Air Force Base, Pernites said on Friday.

More: [Lawyer: Judge's H-2B class-action certification a significant victory \(/story/news/2018/04/02/lawyer-judges-h-2-b-class-action-certification-significant-victory/477120002/\)](#)

More: [As Guam starts hiring H-2B workers, fees may increase by \\$1,000 \(/story/news/2018/03/27/guam-starts-hiring-h-2-b-workers-fees-may-increase-1-000/460941002/\)](#)

"It's a huge project," she said. "Our petitions were submitted to USCIS. We have more confidence now that our petitions will be approved because USCIS has been approving petitions for military projects."

Inland Builders, one of the local businesses which sued the federal government, said on Friday that it is finalizing application packets for submission to

the Guam Department of Labor for temporary labor certification.

Inland Builders said it is seeking visas for 57 workers, including 15 for carpenters, 20 metal workers, 10 cement masons, five plumbers, five electricians and two air-conditioner mechanics.

48% approval rate

Gov. Eddie Calvo, in his latest weekly address, said, based on the number of positions that have been approved and other petitions submitted to USCIS from various contractors to date, Guam is looking at a visa approval rate of about 48 percent.

"That's an improvement from the zero approvals we've been facing for the last two years," Calvo stated. "So things are looking better, but we are not celebrating just yet."

Greg Massey, administrator for the Guam Department of Labor's Alien Labor Processing Certificate Division, said there are currently eight employers with pending labor certification applications for a total of 200 workers.

These are in addition to others previously granted, including the 333 for PHC Corp.

"The (approved H-2B visas for PHC Corp.) are an initial indication that the legislative relief provided in the 2018 National Defense Authorization Act is being adhered to by USCIS. We optimistically wait for more test cases to run through the system to determine if the trend holds," Massey said.

Companies seek to hire 1,500 H-2B workers

PHC Corp. is a new construction company that Core Tech International subcontracted for two hangar projects on Andersen Air Force Base, totaling more than \$200 million.

Core Tech and Ace Builders are seeking to hire hundreds of H-2B workers for their projects, military and otherwise. These include a charter school, Summer Towers, phase 3 of Summer Town and a wastewater upgrade.

Massey has estimated that by the end of fiscal 2018, if USCIS starts issuing approvals in a reasonable manner, Guam will be back to about 1,500 H-2B workers. The number of H-2B workers on Guam had dwindled to about 20 in March this year because of the visa denials.

The Calvo administration said, based on Marine buildup studies, Guam would need about 4,000 additional skilled workers to help with construction related to the military buildup and civilian projects.

Calvo: Local, regional labor pool

Calvo in 2017 withdrew his public support for the military buildup, citing the federal government's denial of worker visas.

"On the one hand, the federal government was telling us we're important to national security, but on the other hand they were denying our community the ability to support national security or our own growing economy," Calvo.

Calvo said Guam needs the federal government to help by approving H-2B petitions that Guam requesting for non-military projects.

"But make no mistake, we continue to work on building a local and regional labor pool," he said.

The Guam Department of Labor, Calvo said, continues to work with local companies and training schools to connect job seekers to construction jobs and training opportunities.

"I am encouraged by the continued confidence of businesses in Guam. In light of the continued challenges of recruiting foreign laborers, I highly recommend employers to invest in our local workers through training programs," he added.

BBR Micronesia Corp.

Nathaniel Catolos, general manager for BBR Micronesia Corp., whose last H-2B worker left Guam in November 2016, said he remains cautiously optimistic since the initial H-2B approvals are only for military construction projects and none so far for other projects.

"I have been able to stay in business with only U.S. workers, including those from Micronesian islands, unless I start working on much bigger projects that would require more workers than I need now. The biggest issue with workers from Micronesia is transportation to and from the project site," Catolos said.

He also said he has yet to find prime contractors that really take care of their subcontractors.

"BBR just completed a \$115,000 project in March, and all workers I had were U.S. and Micronesian workers, so for now I am not filing for any H-2B petitions," he said.

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