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USCIS asks judge to reject sanctions

Kevin Kerrigan | The Guam Daily Post 8 hrs ago



MEN AT WORK: A construction crew works on a project in Dededo. Attorney Jeff Joseph recently filed a motion in the District Court of Guam asking the judge to hold the U.S. Citizenship and Immigration Service in contempt and impose sanctions on the federal agency for its continued denial of H-2B petitions from Guam employers. Post file photo

The attorney for the Justice Department Office of Immigration Litigation maintains the U.S. Citizenship and Immigration Service is in compliance with the District Court's preliminary injunction and should not be held in contempt or sanctioned for its continued denial of H-2B petitions.

Assistant U.S. Attorney Glenn Girdharry filed his response Friday in answer to a motion filed Wednesday by attorney Jeff Joseph, who represents the Guam Contractors Association

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and 11 other plaintiffs.

Joseph wants Chief Judge Frances Tydingco-Gatewood of the District Court of Guam to impose sanctions on USCIS and hold the immigration agency in contempt after its denial earlier this month of three H-2B petitions from Guam Advance Enterprises.

21	v.	PLAINTIFFS' REQUEST FOR CLARIFICATION
22	JEFFERSON B. SESSIONS, III,	
23	Attorney General of the United States, et al.,	
24	Defendants,	Hon. Frances M. Tydingco-Gatewood
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Guam Advance Enterprises is not one of the original plaintiffs, but Joseph describes the company as a "potential class member," whose petitions were denied after Gatewood's March 31 decision to grant class-action certification to the lawsuit and despite her Jan. 24 preliminary injunction ordering USCIS to reverse its previous denials of H-2B worker petitions, and to stop the blanket denial of future petitions.

Girdharry argues that the preliminary injunction doesn't apply to H-2B petitions filed by companies that are not among the original 12 plaintiffs and the court hasn't issued any order to expand the scope of its preliminary injunction beyond those 12 plaintiffs.

Girdharry points out that the preliminary injunction refers repeatedly to "the plaintiffs," which he maintains "means precisely that – the named plaintiffs in this lawsuit."

He argues "there is no reference anywhere in the (preliminary injunction) to a 'class' or 'proposed class,' confirming (USCIS') reading that the injunction does not apply to unidentified third parties that may claim membership in the putative class."

Girdharry says Joseph's request for sanctions against USCIS "is highly inappropriate and should be rejected outright." He added "the court should not expand the scope of the preliminary injunction to the certified class."

Kevin Kerrigan