

# USCIS now accepting H-2B petitions for military projects

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(Photo: Pacific Marketplace file photo)

Guam employers can begin filing petitions to use skilled foreign workers for military projects on island, according to a memo issued this week by federal immigration officials.

The defense budget includes a provision that allows Guam contractors for military projects to bring in as many as 4,000 temporary skilled workers to the island a year, under the H-2B visa program.

U.S. Citizenship and Immigration Services, in a Feb. 15 policy memo, said it is now accepting those H-2B petitions, but only for workers that will be required after April 11, 2018. That's when the provision to free up the use of foreign labor takes effect, which is 120 days since the defense budget was signed into law.

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"Under the NDAA, an employer's need for these specific types of service or labor is not required to be temporary in nature if the employment start date is on or before September 30, 2023," according to the USCIS policy memo.

The memo covers qualified H-2B workers who would work on construction, repairs, renovations, or facility services directly connected to, or directly associated with, the military realignment happening on Guam.

The military plans to relocate about 5,000 U.S. Marines from Okinawa and elsewhere to a new base that will be built in Dededo.

An H-2B worker under the NDAA may be admitted for a consecutive period of up to three years, depending on the specific need stated in the H-2B petition, USCIS said in its policy memo, which takes effect immediately.

Since late 2015, USCIS has been rejecting nearly all H-2B petitions for Guam.

## Visa rejections

The Guam Contractors Association and nearly a dozen other businesses sued the federal government in 2016 because of the visa rejections, which they said have been impacting construction on the island, including those related to military projects, and other industries that have used foreign labor.

The provision in the defense budget provides labor relief only for businesses working on military projects.

Chief Judge Frances Tydingco-Gatewood on Jan. 24 issued an order that grants at least temporary relief for employers who need foreign labor.

She issued a temporary injunction which prohibits U.S. Citizenship and Immigration Services 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.

Guam's H-2B worker population has dwindled from more than 1,000 a year to fewer than 50.

Reporter Haidee Eugenio covers Guam's Catholic church issues, education, business and more. Follow her on Twitter [@haidee\\_eugenio](https://twitter.com/haidee_eugenio) ([https://twitter.com/haidee\\_eugenio](https://twitter.com/haidee_eugenio)). Follow Pacific Daily News on Facebook/GuamPDN (<http://www.facebook.com/guampdn/>) and Instagram [@guam](http://instagram.com/GuamPDN) (<http://instagram.com/GuamPDN>)mpd (<http://instagram.com/GuamPDN>)n.

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