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## GDOL: '80 percent of H-2 visas denied by US Immigration'

Jasmine Stole | Post News Staff Updated Mar 15, 2016



**DENIED:** Greg Massey, administrator of the Department of Labor's Alien Labor Processing and Certification Division, says about 80 percent of visa applications from employers that have been filed since July last year have either been denied or issued a request for evidence. Post file photo

### By the numbers

- [293 positions denied visas](#)
- [1,960 positions issued request for evidence for visa](#)
- [45 employers' visa applications pending](#)

*Source: Greg Massey, Department of Labor*

More than 2,200 employment positions, mostly for construction jobs, have been affected by U.S. Citizenship and Immigration Services' denials for renewals of H-2B visas, according to officials of the Guam Department of Labor.

Greg Massey, administrator of the Department of Labor's Alien Labor Processing and Certification Division, said about 80 percent of visa applications from employers that have been filed since July last year have either been denied, or employers issued a request for evidence (RFE).

"(RFEs) are pretty much a precursor to a denial," Massey said. Guam has had issues more so with H-2B visas, than H-1 or H-2A visas, he said. "H-2B is the one we're having problems with."

Massey said 33 employers have been issued RFEs, which represents 1,960 positions. Another 293 positions have been denied. "A lot of these employers are working on federal contracts, a lot of them are construction workers that are working on local infrastructure, local GovGuam projects," Massey said. "The nonconstruction workers are nurses up at (Guam Regional Medical City)."

While employers can appeal a denial of a visa, Massey said the process typically takes about a year. "In essence, you pretty much lost your workforce if you get a denial," he said.

In his 25 years in the division, he said he has not seen this many denials for H-visa applications.

DOL is hoping the problem is worked out as soon as possible, especially with upcoming construction projects for the military buildup on the horizon. Massey said without the ability to bring in the foreign workers, it's not clear how contractors will be able to complete construction projects.

## **Hurt**

"That's really going to hurt everybody because the economy is counting on these contracts and the associated activity and money that comes in with these contracts," he said.

Massey said since mid-February, while RFEs are still being issued to employers, essentially no other action has been taken on visa applications. USCIS has not issued any denials or any approvals, after top government officials asked the head of USCIS about the issue, Massey said. "We're not getting any approvals, we're not getting denials either, everyone is just kind of in this holding pattern, which is worse," he said.

DOL officials have voiced their concerns. The governor and the Guam delegate have also sent letters to USCIS and all are still waiting on official word from U.S. Immigration explaining the visa

denials. Immigration lawyers and DOL have also been looking for a change in policy that might explain the denials, but have found nothing. "It's left a really big question mark as to what's going on," Massey said.

### **Nationwide problem**

Other employers in Florida, Washington state and other places in the mainland have also reported an unusual spike in visa denial rates, Massey said, adding that stakeholders have since found out that it is not just happening in Guam.

In a letter dated Feb. 26, Guam Delegate Madeleine Bordallo wrote to USCIS Director Leon Rodriguez about "increasing rates of denial for renewing H-1 and H-2 visas."

Bordallo said the denials of visa renewals for GRMC workers "pose a significant impact and challenge to GRMC's ability to provide patient care to the people of Guam."

The letter from USCIS also did not give a clear reason for denying the H-2B visa renewals for those GRMC employees.

"We are working with both the congresswoman and the governor to resolve this issue. Beyond that, because it is a personnel issue, we cannot make any further comment," said Charlotte Huntsman, director of human resources at GRMC. She was unable to provide estimates of how many of their employees were denied visa renewals.

Bordallo said Guam has a shortage of qualified nurses.

The Guam delegate also wrote to the USCIS director about the impact these visa denials will have on buildup construction.

"It is expected that Guam would need to leverage H-2B visa workers to help keep the construction pace on track to accomplish this strategic endeavor. In fact, this is the reason Congress has

kept Guam and CNMI's H-2B visa quota separate from the national quota," Bordallo wrote in her letter.

Massey said employers are waiting for some resolution.

"All the employers are kind of in a limbo right now. They're definitely concerned," Massey said. "Potentially, they're going to lose their workforce."

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## Jasmine Stole

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