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## Chamber: H-2B rule change 'could be catastrophic'

Daily Post Staff Jan 23, 2019 Updated 1 hr ago



**CATASTROPHIC:** The Guam Chamber of Commerce fears the decision by the Department of Homeland Security to remove the Philippines from the list of countries eligible to take part in the H-2B program “could be catastrophic to our economic development.” Post file photo

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The Guam Chamber of Commerce fears the decision by the Department of Homeland Security to remove the Philippines from the list of countries eligible to take part in the H-2B visa program “could be catastrophic to our economic development.”

“The island's other professional needs such as healthcare and tourism could be additionally impacted by this new ruling by DHS and USCIS,” stated a release from the Chamber issued Wednesday morning.

The release says that “current construction needs” on Guam demand skilled workers who are “not

readily available” on island.

The Chamber also argues that because of “Guam's geographical distance from the continental United States,” there would be a “considerable increase” in construction costs if island contractors were forced to recruit “an all U.S. workforce” from the mainland.

On Saturday, the U.S. Department of Homeland Security, “with the concurrence of the Secretary of State,” posted a notice in the Federal Register that the Philippines no longer meets “the regulatory standards” for its citizens to apply for H-2B visas.

The Philippines will remain off the list for at least 12 months until DHS updates the list one year from now.

The notice was prompted by what Homeland Security called a high number of Filipinos who have stayed behind in the United States after their temporary work authorization expired, as well as those who became human trafficking victims after being issued H-2B visas.

“This new rule is an unwelcome development for the local economy on so many levels,” said Chamber Board Chairman Joe Arnett. “We need to do a little work on the federal government's claim for over-stayers and see how our numbers compare to the U.S.,” he states in the Chamber release.

Chamber President Catherine Castro is quoted as saying that “the Chamber has been pro-actively working with the local and federal governments to change the denial rates for the past few years,” and “we need to continue discussions to ensure that our local projects and needs receive the same consideration.”

On Tuesday Guam immigration attorney Jennifer Davis said the DHS notice may not have a major impact on the military’s need for skilled foreign labor.

“They’re not guaranteeing it,” said Davis, but her reading the notice indicates that DHS and USCIS are “signaling to us that they are going to allow us to bring H-2B workers from the Philippines if the petitions are filed” under the 2019 National Defense Authorization Act.

The administrator of the Guam Department of Labor Alien Labor Processing Division agrees.

“It’s a matter of concern, it needs attention,” said Greg Massey, but “I don’t think we’re going to take too big of a hit,” on petitions for H-2B visas to work on military buildup-related projects.

However Massey and Davis agree it's a different story for private contractors seeking H-2B workers for non-military related projects. Those petitions are already at a standstill, and the DHS notice removing the Philippines from eligibility sets them back even further.