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Defense agreement opens door to H-2B petitions

Louella Losinio | The Guam Daily Post Nov 16, 2017 Updated 17 min ago



'REALLY GOOD NEWS': Greg Massey, of the Guam Department of Labor, called the passage of the conference agreement on H.R. 2810 or the National Defense Authorization Act for Fiscal Year 2018 "really good news" during a meeting of the Guam Contractors Association yesterday at the Westin Resort Guam. Massey is the administrator of the department's Alien Labor Processing and Certification Division. Post file photo

Bolstered by the passage of the conference agreement on H.R. 2810 or the National Defense Authorization Act for Fiscal Year 2018, which has an H-2B supportive provision, the Guam Department of Labor yesterday

encouraged local contractors to file their H-2B petition at the department.

Greg Massey, the administrator of the department's Alien Labor Processing and Certification Division, spoke about the developments in the NDAA before members of the Guam Contractors Association at the Westin Resort Guam.

On Tuesday, Guam Delegate Madeleine Bordallo announced that the U.S. House of Representatives had passed the NDAA conference agreement by a vote of 356-70.

What the agreement does

The agreement allows the U.S. Customs and Immigration Services the flexibility to administer the H-2B visa program on Guam. The agreement allows up to 4,000 H-2B temporary workers per year to support construction or facility services that are directly connected to, or associated with, the Marine realignment, according to Bordallo's office. The provision additionally extends Guam's exemption from the national H-2B visa cap until 2023.

Another provision of the agreement authorizes \$692.1 billion for the Department of Defense and defense-related programs with an additional \$65.7 billion for Overseas Contingency Operations (OCO) funds for war operations and other anti-terror activities.

"This is really good news," Massey said. "The NDAA provision has to go

through Congress, but we don't expect this to change. This will probably be the final."

While the final version of the NDAA is signed around December or January, implementation of the provisions occurs 120 days following its enactment.

"We are looking at probably at around May before we start to see some workers," Massey said. As of this month, he said Guam's H-2B visa approval rate is still at 0 percent, with only 41 H-2B workers left on island.

Strategies for petition filers

Massey indicated several strategies for filing an H-2B petition at the GDOL. First, he said the worker petitions should indicate requests for short duration of work, which is typical in petitions filed in other states.

Utilizing the term "military buildup" in the H-2B petition also denotes a longer time frame. Massey said petitioners should instead use the Defense Posture Review Initiative in their application justification. Providing information on specific military realignment projects could also bolster a company's application.

Massey also encouraged petition filers to seek legal guidance before filing their petitions at GDOL.

41 workers left

Guam's H-2B visa approval rate is at 0 percent, according to Greg Massey, the administrator of the Guam Department of Labor's Alien Labor Processing and Certification Division. He said there are just 41 H-2B workers left on island.

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