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Foreign labor visa denials matter heard in federal court

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By Ken Quintanilla [CONNECT](#)

If they don't reach a resolution, it will become a big problem for the entire island. "I think it went as well as we could have hoped," said Attorney Jeff Joseph. "I think we clearly laid out the case why we are entitled to relief and all the claims we presented. I think we established that absent some change that there's a lot of problems; the military buildup is going to come to a halt and we're going to reach critical mass very soon."

Today, a lawsuit over the denial of H-2b visas was heard in the District Court of Guam. The lawsuit was filed by the Guam Contractors Association and about one dozen local companies against the federal government. Over the last year, Guam Department of Labor has noticed drastic drops in approvals of H-2b workers with nearly a 100% denial rate. In court today, Joseph, the plaintiffs' attorney, noted Guam went from nearly a thousand approvals to just four in the last year.

"Without relief, everyone one of us, all of you, will be impacted what we heard today in court," he proclaimed.

During the hearing, Joseph says there would be about 10-thousand imported workers for the military buildup however with the H-2b denials, there's "no way to fulfill the need." He ultimately said the denial of H-2b visas will have "unbelievable impact on Guam's economy across the board."

Meanwhile, Glenn Girdharry representing the Department of Justice reiterated repeatedly that the practical aspects of the denial of petitions was "unfortunate". He noted USCIS has a longstanding interpretation of what 'temporary' means adding the plaintiffs case doesn't meet the statute of a temporary need. He added the approval of a petition one year didn't necessary require or guarantee the approval the next. He ultimately says the plaintiffs have "failed to demonstrate they suffered from irreparable harm."

Joseph responded by saying, "And we wouldn't be in this position if the agency continue to adjudicate cases as they have in the past 30 years; unfortunately the way things are and the impact is not the result of the plaintiffs, or abuse of the system, which is what they've alleged is the agency has changed longstanding policies in regards to these adjudications without explanation."

Meanwhile, District Court Judge Joaquin Manibusan said its "disturbing" if Congress approved the relocation of US Marines and expect certain things done here on Guam without having workers. While DOJ reiterated that the agency's interpretation of temporary has been what has always been, Manibusan questioned whether that's justified, if we don't have the buildup because we don't have the manpower.

In regards to the buildup he said, "This is for our country, our country is at stake."

At the end of the nearly three-hour hearing, Manibusan says he would take the matter under submission and submit a recommendation to the chief judge. Meanwhile Joseph indicated that both parties are in discussions about a possible settlement agreement that would best serve the interest of the government.

Details of the settlement agreement will be presented to the court in two weeks.

Joseph will be presenting his arguments again during a meeting with the Guam

Contractors Association on Thursday at noon at the Hilton Hotel.



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