

GDOL: 100% approval rate for H-2B visas under the National Defense Authorization Act

Anumita Kaur, Pacific Daily News Published 6:40 a.m. ChT Jan. 16, 2020 | Updated 6:40 a.m. ChT Jan. 16, 2020

The Guam Department of Labor is seeing a 100% success rate for contractors applying for H-2B visas under the National Defense Authorization Act, including for projects off-base, said Greg Massey, administrator, alien labor processing division with the agency.

"Not one single denial, this is what works. This is why we've got 1,176 workers back on island right now, which is almost our normal levels in a slower state, and they were all used as (National Defense Authorization Act) exceptions," Massey said.

As of January 2020, 2,442 H-2B positions have been filed with United States Citizenship and Immigration Services. Of those, 2,064 have been approved and the rest are pending USCIS processing. All applications used the National Defense Authorization exception, Massey said.

"From what's been submitted and what's pending, we expect to see 2,000 to 2,400 (H-2B) workers on the ground in the next 12 months," he said.

The act, signed into law by President Trump in December 2017, permits up to 4,000 H-2B workers to support military buildup projects on Guam.

To make use of this exception off base, contractors must show how a private, civilian project supports the region's military realignment. Tsubaki Tower was granted skilled foreign workers for its construction last year under this exception, citing the need for more hotel rooms to support the soon-to-spike military population.

"They're interested in building hotel capacity, they're interested in building rental unit capacity," Massey said. "Housing inventory is huge on the military's radar right now."

Projects related to hotels or large housing developments are likely to be approved for H-2B visas, according to Massey, in addition to federal projects and local infrastructure improvements.

"It all depends on your justification," Massey said. "We don't blur the line too much, because what we don't want is UCSIS coming back and saying it's an abuse."

Apprenticeships

"Single family homeowners are left out," he said. "You're not going to be able to tie that to the military realignment."

This is where apprenticeships may be able to fill the gap. The Guam Department of Labor has [prioritized investing in skill-building apprenticeships \(/story/money/2019/10/09/apprenticeships-offer-path-beyond-university-and-military/2361013001/\)](https://www.guampdn.com/story/money/2019/10/09/apprenticeships-offer-path-beyond-university-and-military/2361013001/) in construction, which contractors may be able to utilize to supplement private home projects, Massey said.

"That's a training ground for our apprentices, that's a place for U.S. workers to really thrive in," he said. "Apprenticeships are more important than ever right now."

Philippines ban

The Department of Homeland Security announced January last year that the Philippines is removed from the list of countries eligible to send workers to the U.S. under the H-2A and H-2B programs.

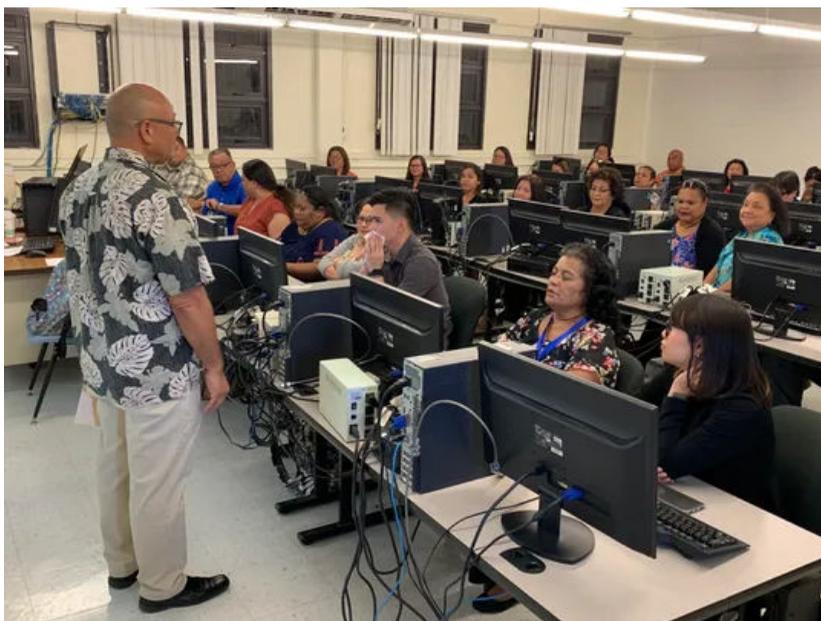
The list of approved countries will most likely be revisited and revised late this month, and the ban on the Philippines may be lifted, but it isn't likely, according to Massey.

"We hope the Philippines is back on the list, but I'm not going to hold my breath. We probably won't get Philippines back on the list for a few years," he said.

However, if H-2B visas are granted under the National Defense Authorization Act, it is still possible to source employees from the Philippines, Massey said.

Read more related Guam news:

- [Tsubaki Tower receives approval for H-2B workers \(/story/money/2018/11/14/tsubaki-tower-receives-approval-h-2-b-workers/1993965002/\)](/story/money/2018/11/14/tsubaki-tower-receives-approval-h-2-b-workers/1993965002/)
- [H-2B bans have far reaching impact, says Guam Contractors Association \(/story/money/2019/02/06/h-2-b-bans-have-far-reaching-impact-says-guam-contractors-association/2775204002/\)](/story/money/2019/02/06/h-2-b-bans-have-far-reaching-impact-says-guam-contractors-association/2775204002/)
- [Guam Department of Labor working with college, businesses to launch apprenticeships \(/story/money/2019/10/09/apprenticeships-offer-path-beyond-university-and-military/2361013001/\)](/story/money/2019/10/09/apprenticeships-offer-path-beyond-university-and-military/2361013001/)
- [New wage rates approved for H-2B workers \(/story/money/2019/12/15/new-wage-rates-approved-h-2-b-workers-take-effect-2021/2660614001/\)](/story/money/2019/12/15/new-wage-rates-approved-h-2-b-workers-take-effect-2021/2660614001/)



Guam Department of Labor acting Director Gerard Toves addresses the trainees of the online case management system, part of a grant meant to better serve dislocated workers, the Reemployment & Systems. (Photo: Courtesy of the Guam Department of Labor)

Reporter Anumita Kaur covers military, business and tourism on Guam. Follow her on Twitter [@anumitakaur](https://twitter.com/anumitakaur) (<https://twitter.com/anumitakaur>). Reach her at akaur@guampdn.com (<mailto:akaur@guampdn.com>).

Read or Share this story: <https://www.guampdn.com/story/money/2020/01/15/h-2-b-visa-approval-guam-national-defense-authorization-act/4463218002/>