

NEWS

GCA drops suit over H2B visa certification

Monday, May 23rd 2022, 3:39 PM ChST

By **Nestor Licanto**



The Guam Contractors Association has dropped its lawsuit against the U.S. Citizenship and Immigration Service over H2B worker visa certification. The case was first filed in 2016, but with subsequent exemptions passed by Congress the GCA's attorneys filed for dismissal of the case as moot.

The contractors had filed suit against the USCIS for not following a court order to revert back to a previous H2B certification process that was more favorable for approvals. But Congress later passed a provision to the National Defense Authorization Act granting H2B visa exemptions for workers directly related to military projects. It was later expanded to include workers on "supporting projects" such as local housing developments.

Companies who were negatively impacted by a lack of workers due to military projects were also included.

Guam Department of Labor administrator for alien labor processing and certification Greg Massey told KUAM News, "One of the things that we did negotiate successfully, which was a big win for Guam, is that DOL would be able to do the supporting letter for the adversely affected. So it would be us that would be making the decision as to whether they're adversely affected."

The exemption does not apply to other industries that rely on the H2B program such as hospitality, landscaping, education. Those employers would still be required to prove temporary need in order to pursue H2B visas, although the GCA attorneys indicated they had contacted such clients and none were interested in continuing.

The current NDAA exemption expires at end of next year, although DOD is expected to seek an extension through 2029 when the buildup is set to wind down. Massey says currently there are more than 2,600 H2 workers in Guam, the most since 1995.

MOST POPULAR

1-year-old's death prompts investigation (prompts-investigation)

Motorcycle chase nets more than 50 grams of meth (an-50-grams-of-meth)

2 lbs of meth found in package mailed to Dededo residence (dededo-residence)

Man was apparently drinking, livestreaming before serious Macheche Road crash (ad-crash)