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https://www.postguam.com/news/local/h--visa-approvals-resume/article_8e59592a-33ea-11e8-9fc0-03c4975b2acd.html

H-2 visa approvals resume

Daily Post Staff 5 hrs ago



DEFENSE SPENDING: These box trusses, shown in September 2016, are part of a military construction project to house the MV-22B Osprey tilt-rotor aircraft hangar, to support the relocation of U.S. Marines to Guam. Congress has passed the National Defense Authorization Act for Fiscal 2018, which would authorize \$354 million for a variety of Guam construction projects. Photo courtesy of the U.S. Marine Corps

A Guam company has received U.S. Citizenship and Immigration Services approval to bring in 162 temporary workers under the H-2B visa program – a first for any Guam employer since November 2016, when USCIS started rejecting petitions for foreign labor under this category.

The 162 temporary worker petitions USCIS approved Wednesday are for carpenters, construction-

equipment mechanics, electricians, plumbers and welders, the local labor department confirmed.

The employer, PHC Corp., is a subcontractor for Core Tech International, which is building two hangar projects on Andersen Air Force Base. The Guam Daily Post is an affiliate of Core Tech.

Guam has seen labor shortages in the construction sector for both military and civilian projects after USCIS began a near-100 percent rejection of petitions for temporary foreign workers on H-2B visas for more than a year now.

It took inclusion of legislation in the National Defense Authorization Act for Fiscal Year 2018 for the USCIS to reverse its yearlong record of rejecting petitions for foreign labor on H-2B visas before this recent approval occurred.

The Department of Defense lobbied for the inclusion of language in the defense spending bill that would allow Guam to bring in up to 4,000 temporary foreign workers each year for the next several years as construction projects for the military, including the development of a Marine Corps base and housing for the Marines' families, are expected to ramp up. The relocation of about 5,000 Marines and about 1,500 dependents to Guam from Japan is expected to occur in 2022.

'What's significant about this'

These are the first H-2B approvals from USCIS since November 2016, said Greg Massey, administrator of the Labor Department's Alien Labor Processing and Certification Division.

"What's significant about this one is that this is the first H-2 workers approved," Massey said of the approval since the 2018 defense spending law, which essentially relaxed the requirement for employers to bring in temporary workers on H-2B visas.

PHC Corp. petitioned for 333 workers on H-2B visas and received approval for 162 positions, Massey said.

"Probably the next few days we'll see what's happened on those.

"If these got approved, it's pretty much likely that the rest got approved also," Massey said. "We're hoping for some more."

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Gov. Eddie Calvo said the USCIS approval is good news.

"This is the first test case of the NDAA visa approval process and we weren't certain how USCIS would respond to these petitions," the governor said.

'Outside-the-fence' projects

Guam still awaits USCIS action on petitions for H-2B visas for projects on the civilian side, and not related to the military buildup. The Guam Contractors Association and certain employers have filed a federal lawsuit that challenged the USCIS' denials of petitions for H-2B workers. Chief Judge Frances Tydingco-Gatewood recently issued a decision favorable to the employers.

"The second big test would be the federal agency's response to petitions for skilled workers for outside-the-fence projects," the governor stated. "Just this week, I signed a petition for the first of those projects by a contractor that was involved in the GCA lawsuit."