

Our View: H-2B ruling is a victory for Guam

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(Photo: Pacific Marketplace file photo)

Guam businesses scored a legal victory Wednesday with District Court of Guam Chief Judge Frances Tydingco-Gatewood's ruling in the H-2B issue.

Tydingco-Gatewood issued a preliminary injunction prohibiting the federal government from denying nearly every request by Guam businesses for the use of temporary skilled foreign labor.

Read: [Businesses score temporary victory in foreign labor lawsuit \(/story/news/2018/01/24/businesses-score-temporary-victory-foreign-labor-lawsuit/1060213001/\)](http://www.guampdn.com/story/news/2018/01/24/businesses-score-temporary-victory-foreign-labor-lawsuit/1060213001/)

The Guam Contractors Association and a group of local businesses that have used foreign workers under the federal H-2B visa program sued the federal government in October 2016.

"The employers have established near certain substantial and irreparable harm, and the balance of the equities and public interest factors weigh heavily in their favor," Tydingco-Gatewood stated in the ruling.

"These rare circumstances call for rare relief," she said.

By denying visas for skilled workers, the federal government has harmed businesses and the island as a whole. A few years ago, there were more than 1,000 temporary foreign laborers constructing houses, stores, offices and commercial buildings on the island. Now there are fewer than 50.

The shortage has driven up the cost of construction projects and caused lengthy delays. Landscapers and health care providers have also been affected.

The federal government argued that the program has been abused in the past. If that is the case, the abuses should be identified and corrected. To effectively shut down the entire program and saddle the people of Guam with higher prices and delayed services is simply wrong.

The judge's decision can be appealed, and it would still take time to get the workers here and on the job. But this is a critical issue for Guam's economy, and the actions of the federal government have already caused significant harm.

The high denial rate of H-2B visas has failed to benefit the island or the nation. Wednesday's ruling is a step toward making things right.

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