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USCIS declines to make H-2B settlement offer

John O'Connor | The Guam Daily Post 8 hrs ago

Despite an invitation from the court to look at resolving the H-2B lawsuit against the federal government through settlement, it appears an out-of-court resolution will not be on the table after all.

The case stems from a near 100-percent denial by the U.S. Citizenship and Immigration Services of petitions for temporary foreign workers for Guam employers on H-2B visas.

In a filing with the District Court of Guam yesterday, the attorney for the Guam Contractors Association and several contractors suing the U.S. government stated that he received an email on Tuesday indicating federal authorities had no settlement proposal to offer.

The plaintiffs in this case had made two prior offers for settlement and still consider those offers desirable. They did not make any new offers as a result.

'Not a viable option at this time'

"As such, unless the defendants are willing to consider the plaintiffs' previous offers of settlement, it appears that settlement is not a viable option at this time," Jeff Joseph, counsel for the plaintiffs, stated in the filing.

The plaintiffs then requested that the court decide on their motion for preliminary injunction and other requests for court orders, including a motion that would allow the plaintiffs to look at federal documents and internal policy changes related to the H-2B program.

Chief Judge Frances Tydingco-Gatewood of the District Court of Guam suggested on Tuesday that the parties look into settlement before she decided on the pending motions.

GCA, along with several contractors, sued federal officials in October 2016 after the USCIS went from approving more than 1,000 H-2B visas in a year to near-zero this year.

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