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Visa provision for NDAA to be considered next week

By John O'Connor | Post News Staff Updated 1 hr ago

As Guam companies manage with the denials of H-2B visas for foreign workers and the general lack of movement overall for such petitions since December, an amendment proposed for the fiscal 2017 National Defense Authorization Act by Guam Delegate Madeleine Bordallo has been proffered. Next week the House will decide if the provision will be included in the bill.

The amendment proposes to extend Guam and the CNMI's exemption from the nationwide quota of H-visa workers to Oct. 1, 2029. The amendment would apply to workers brought in for "services or labor required for performance of the contract or subcontract in direct support of all military-funded construction, repairs, renovation and facilities services, or to perform services or labor on Guam as a health care worker."

Greg Massey, administrator of the Guam Department of Labor's Alien Labor Processing and Certification Division, said there were 1,514 H-2B visa workers on island as of March. But since December, there have been virtually no approvals of H-2B visa petitions. Nearly 2,000 petitions are awaiting decision from the U.S. Citizenship and Immigration Services. About 400 petitions were denied from June 2015 through February 2016.

The denials have affected mostly construction companies but have also affected the health industry as the Guam Regional Medical City has seen 40 of its nurses denied visa extensions so far.

"We make the case that our health care industry helps to support the realignment and broader (defense) mission on Guam by providing specialty services that may not be provided on base," Bordallo's office stated.

A statement from USCIS stated that no changes have occurred at the office so far and pending petitions were being reviewed as required.

"While we can't discuss individual cases due to privacy concerns, I can tell you that USCIS is aware of the importance of the H-2B program to Guam and is committed to ensuring the H-2B program functions as it is intended within the statutory and regulatory framework," a representative from USCIS told the Post.

"USCIS has not made any recent changes in policy or procedure regarding H-2B petitions," the representative said. "In all H-2B petitions, USCIS must determine whether an employer has demonstrated a temporary need for a worker with regard to respective regulations. Each case is independently reviewed according to the evidence provided."

Bordallo's office stated that the House Rules Committee will meet next week Monday to determine what amendments can be offered for the floor debate later in the week.

John O'Connor

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