

Waiting game: Feds expected to rule on H-2B petitions soon

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(Photo: Rick Cruz/PDN)

Should U.S. Citizenship and Immigration Services approve any or all initial petitions for 333 H-2B workers submitted to the federal government, Guam will begin seeing a new batch of skilled foreign workers around June or July 2018, a labor official said.

"That's that test case we're waiting on," said Greg Massey, administrator for the Guam Department of Labor's Alien Labor Processing and Certificate Division, at the Guam Chamber of Commerce's general membership meeting Wednesday at Hilton Resort & Spa.

So far, 10 employers have filed applications for 1,120 H-2B workers with the Guam Department of Labor, but they have not yet gone to USCIS, Massey said.

"333 positions have been submitted by the employer to USCIS for consideration of their H-2B petition," he later said.

At the Chamber meeting, Massey said Guam should know in about two weeks whether USCIS approves or disapproves the initial petitions that have already been sent to the federal agency.

'Chilling effect'

Massey said approval of the initial 333 H-2B petitions will give confidence to the rest of the employers who want to bring in skilled foreign workers for construction and other industries.

He said Guam Labor expected there will be a rush in application for H-2B workers by now, but that hasn't happened.

"That chilling effect is still happening right now. People are still holding their cards, I guess to see what happens. It does cost money to file these petitions, not necessarily with us," Massey said at the Chamber meeting.

Masons, carpenters and iron workers are the top three categories of H-2B workers needed on Guam.

Gov. Eddie Calvo on Wednesday signed letters of support for 555 skilled foreign worker positions that Ace Builders wants to apply for. Ace Builders seeks to bring in workers for civilian projects, according to the governor's spokesperson, Oyaol Ngirairikl.

Military projects

The other companies that earlier got letters of support from the governor included Core Tech Construction Corp., PHC Corp. and Orion Construction, which are expecting to get H-2B workers for military projects.

Orion Construction's Leo Pena said his company is applying for 42 H-2B worker positions to help with a project on Andersen Air Force Base. Pena said Orion Construction is a subcontractor for the military project.

The governor's office earlier said the more than 700 H-2B workers that three employers wanted to hire are for military projects, such as hangars and hardening of infrastructure.

"We are estimating that, should USCIS approve these petitions, workers will begin arriving around June or July 2018," Massey said.

This is the first attempt by Guam employers to hire a large number of H-2B workers since the federal government started a nearly 100 percent rejection of all H-2B petitions for Guam.

Massey said the last employer to file a labor certification and subsequent USCIS filing was in August 2017, and that is still pending adjudication with USCIS.

Back to status quo

The island used to host more than 1,500 H-2B workers annually. There were 23 as of this week, Massey said.

Massey estimates that by the end of fiscal 2018, if USCIS starts issuing approvals in a reasonable manner, Guam will be back to status quo with at least 1,500 H-2B workers. He said based on a recent industry forum, if the military projects progress on schedule, Guam may see up to 4,500 H-2B workers arrive. These estimates are subject to change based on how matters progress in the coming months, Massey added.

The latest National Defense Authorization Act allows Guam to have up to 4,000 H-2B slots every year. A preliminary injunction in the lawsuit filed by the Guam Contractors Association also provided temporary relief for the named plaintiffs, which can start submitting H-2B petitions without having USCIS deny them based on the temporary need requirement, among other things.

Al Yanger, a member of the Guam Chamber of Commerce's board, said it's not only a lack of desire for young people to not take jobs in construction, but also that their focus lies somewhere else.

"I don't think it's so much that we can't train them, but it's their focus and desires are elsewhere. So, how do you manage that? You manage that by bringing in other skilled workers. I think the H2 program is critical. It's very important. I don't think it'll break the bank," he said at the Chamber meeting.

Pacific Daily News reporter Swetha Kotwal contributed to this report.

Reporter Haidee Eugenio covers Guam's Catholic church issues, education, government, business and more. Follow her on Twitter [@haidee_eugenio](https://twitter.com/haidee_eugenio) (https://twitter.com/haidee_eugenio). Follow Pacific Daily News on Facebook/GuamPDN (<http://www.facebook.com/guampdn/>) and Instagram [@gua](http://instagram.com/GuamPDN) (<http://instagram.com/GuamPDN>)mpd (<http://instagram.com/GuamPDN>)n.

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