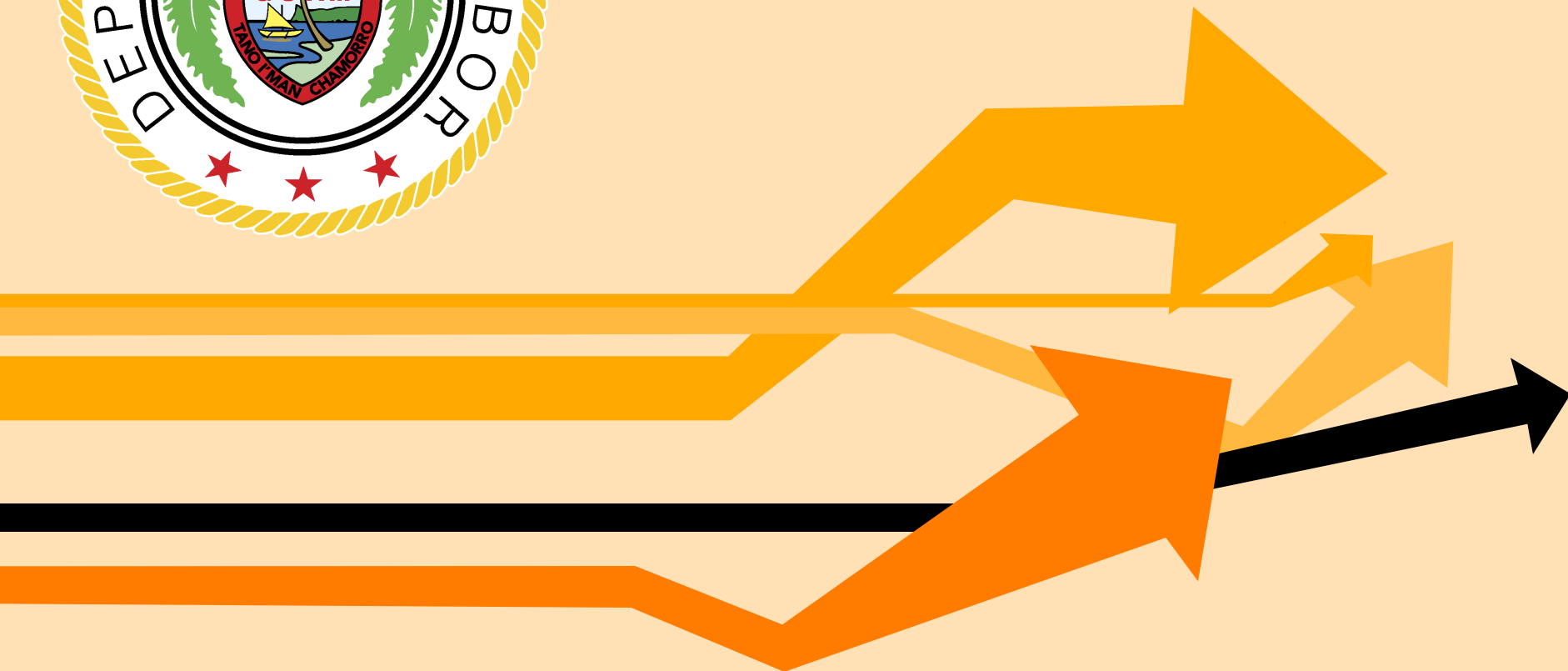
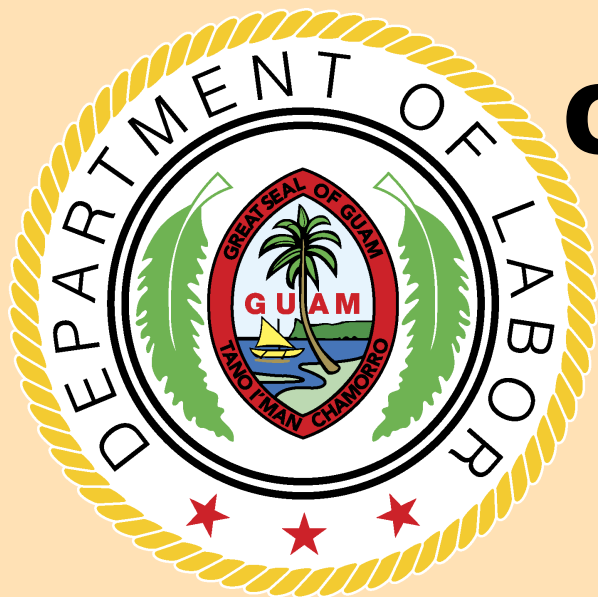


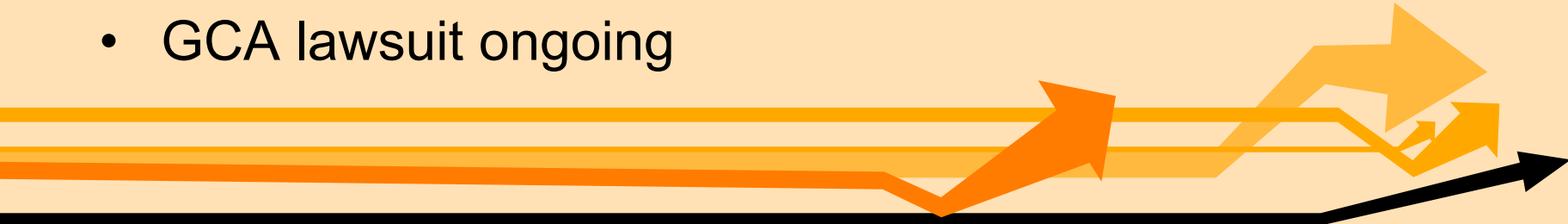
# UPDATE ON THE GUAM H-2B PROGRAM

Guam Chamber of Commerce Meeting  
3/28/18



# H-2B Denial Situation:

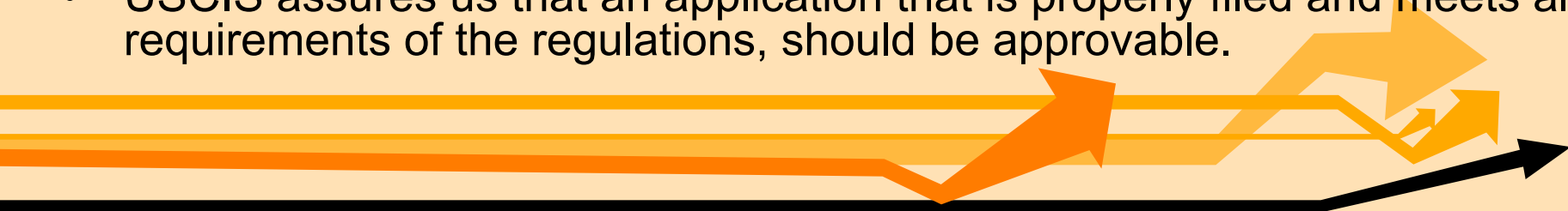


- H-2B workers are temporary foreign workers
    - Typically skilled craft workers – for Guam
    - Approvals up to 1 year, renewable up to 3 years with justification
    - Monitored by Guam DOL
  - Since October 2016 Guam employers have experienced a 0% H-2B approval rate from USCIS.
  - Chilling effect from denials has crippled construction industry and affected costs and capacity.
  - Extensive efforts to resolve the issue through governmental channels have yielded limited success with 2018 NDAA.
  - GCA lawsuit ongoing
- 

# Key Issue:



## USCIS RULES JUSTIFICATION FOR TEMPORARY NEED INSUFFICIENT

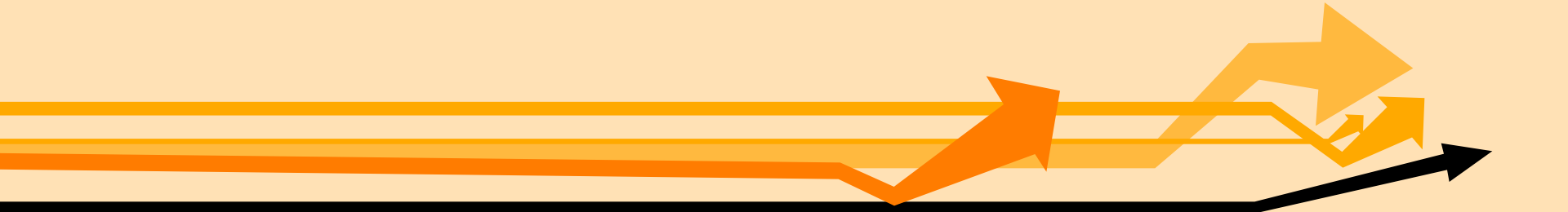
- Regulations limit temporary need to strict legal definitions associated with Peakload, One-time Occurrence, Intermittent & Seasonal.
  - Claim each petition adjudicated on a case by case basis
  - Claim there have been no changes in rules or policy...in spite of a decline from aprox 95% approval rates since 1990 to 0% approval rate starting on 2016
  - Infer that Guam employers have abused the system for years, but have never before alleged any systemic impropriety and have been the sole approving authority during that time.
  - USCIS assures us that an application that is properly filed and meets all requirements of the regulations, should be approvable.
- 

# **New Flavors of H-2B:**



---

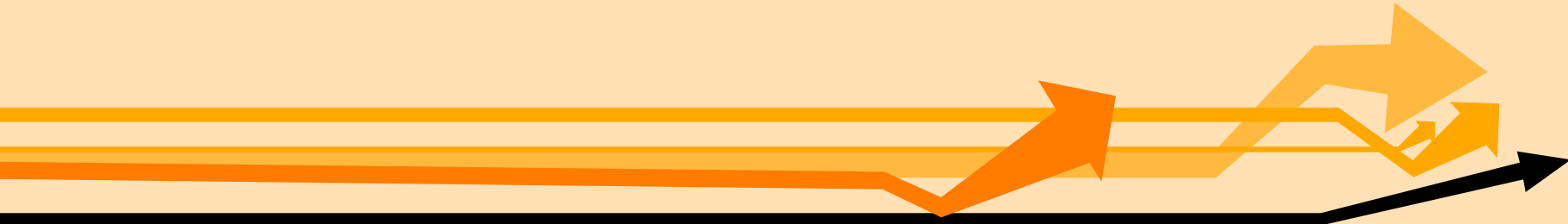
**As a result of prolonged efforts from all sectors of Guam's community, some temporary relief has been secured:**

- Regular H-2B
  - Military Realignment H-2B
  - GCA Lawsuit H-2B
- 

# Special Characteristics:






- **Regular H-2B**

- **Subject to Temporary Need justification**
  - **Exempt from 66,000 p/yr National H-2B Cap limitations until end of 2019**
  - **Limited to countries on the list of approved H-2B countries**
- 

# Special Characteristics:

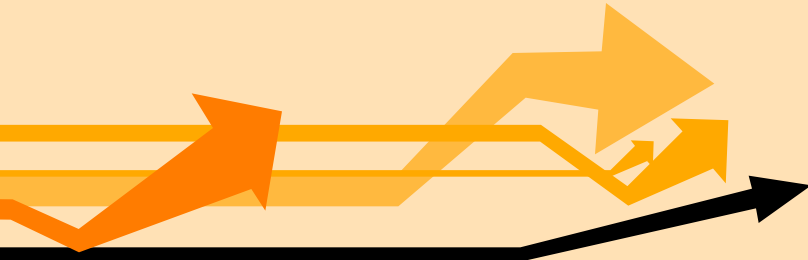


## • Military Realignment H-2B

- Directly connected & associated contracts
    - DPRI funded must meet special recruitment standards
  - Exempt from Temporary Need justification
    - 4000 slots per fiscal year / extended workers not counted against next fiscal year
    - Must get DOD verification through Contracting Officer
  - Exempt from 66,000 p/yr National H-2B Cap limitations until end of 2019
  - Limited to countries on the list of approved H-2B countries
- 
- 
- 

# Special Characteristics:



- **GCA Lawsuit H-2B** -Temporary Injunction
    - Currently applies only to named plaintiffs- may expand if class certification is granted.
    - USCIS restricted from using Temporary Need as a basis for denial.
    - Injunction likely to last until case decided.
    - Exempt from 66,000 p/yr National H-2B Cap limitations until end of 2019
    - Limited to countries on the list of approved H-2B countries
- 

# Current Statistics:



Current Number of Workers on island:

**23**

Number of Employers with pending applications:

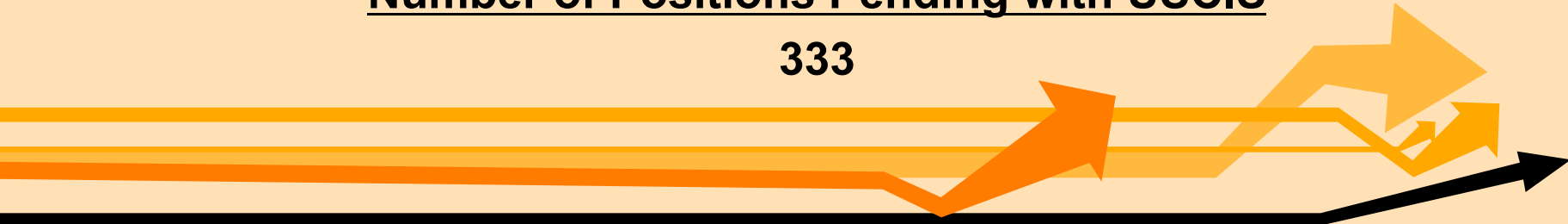
**10**

Number of workers covered on pending applications:

**1,120**

Number of Positions Pending with USCIS

**333**





# Short Term Outlook:



End Of FY18:

**Expect at least 1,500 landed workers**

Expected arrival of first workers:

**June or July 2018**

End of FY 19:

**Project 4,500 workers**

