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## Guam exempt from H-2B cap

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Guam is now exempt from the national annual cap on the hiring of foreign workers under H-2B visas, the Guam Department of Labor announced yesterday.

However, local program filing requirements and procedures remain the same, the release stated.

Guam's exemption from the visa limit was allowed under the law that phased in U.S. immigration law in the Northern Marianas. The federal law went into effect on Nov. 28.

The same law allows Guam employers to apply — with the Guam Department of Labor — for a Temporary Labor Certification and au-

thorization to import H-2B workers, said Greg Massey, Guam Labor's Alien Labor Processing and Certification Division administrator. The approval comes from the U.S. Department of Homeland Security.

Massey said the exemption from the national cap is a "good thing," because it gives employers on Guam the opportunity to file applications on a needs basis rather than trying to "jump through a window to get in the cap," he said.

Prior to Guam's exemption, applications had to be filed prior to the October and April cap openings to be considered for approval by the U.S. Department of Homeland Security. Massey said that each year about 66,000 foreign workers enter the country each year under the H-

2B visas.

The new legislation was enacted to give employers the ability to temporarily meet increased manpower needs that will come as Guam ramps up for the military buildup, the release stated.

But Massey said the program's procedures and requirements have not changed.

"Does that mean people can, wholesale, just bring (H-2B workers) in? No. We still regulate how many they're allowed to bring in, and it's based on what that project amounts are and some other factors," Massey said.

There are some safeguards in place to ensure that employers hire local workers first, he said.

Before employers file an appli-

cation, they have to put out an advertisement and make efforts to recruit locally before applying to the department to hire foreign labor, he said.

Once they've filed an application with the department, there are a series of advertisements they have to place, and the department places the job in the Guam online job bank. After a 30-day period, if there are still openings left, the department issues a labor certification allowing the employer to bring in the H-2B workers to fill in the remaining positions, Massey said.

"All the protections are still in place," Massey said. "It's the same protections that have been in place for the last 15 to 20 years."