THE H-2B PROCESS FOR GUAM

Flow Chart

1. The employer must advertise the job opportunity prior to filing for a Temporary Labor Certification with the Governor of Guam.

2. The employer must file the Application for Temporary Labor Certification with the Guam DOL, Alien Labor Processing & Certification Division (ALPCD).

3. The employer places Job Order with the Guam Employment Service (GES) to test the local labor market for a period of 30 days.

4. The employer places an ALPCD approved 3 day advertisement in the Pacific Daily News announcing the job opportunity and directing applicants to apply directly through GES.

5. If applicants are identified by GES, monitored interviews are conducted at the GES office. The employer would then decide on applicants and report the results to GES.

6. After testing is completed, GES will forward a report to ALPCD on the results of the labor market testing.

7. ALPCD caseworkers will then adjudicate the application and prepare a synopsis on the application for review by the ALPCD Administrator, Director of Labor and Governor of Guam.

8. The synopsis and application is reviewed and concurred by the ALPCD Administrator.

9. The Application is reviewed by Director of Labor and her recommendation and signature are affixed on the application form.

10. The Governor's Legal Counsel conducts a review of the application.

11. The application is then Approved or Denied and signed by the Governor of Guam.

12. The application is then released to the employer for use as a supporting document with their I-129 petition to the U.S. CIS.

13. The employer submits form I-129 to petition for admittance of H-2B workers into the United States.

14. The employer pays fees and submits all necessary documentation to the USCIS.

15. The application is adjudicated at the California Service Center. Delays may occur due to the H-2B worker cap.

16. If the petition is approved, it is sent to the US Embassy of whatever country the worker originates from.

17. Visas are issued by the Department of State after various checks are done to ensure there are no fraud or security issues with the workers who will be issued visas.

18. Once the visa is issued the worker may enter the United States.

19. Within 24 hours from their arrival on Guam, the employer must report the presence of the worker by registering him with ALPCD.

20. Registration is accomplished by filing an Application for Temporary Non-Immigrant ID card (H-2 ID Card) at the ALPCD office. Copies of the passport, employment contract, approval from DHS and the application are received. There is currently a yearly fee of $1,000.00.

21. After the application for ID is processed, the alien worker is photographed and issued an ID card, which must be in his possession at all times and conspicuously displayed during working hours.

22. The worker is now clear to begin work for the employer.

23. Should the duration of work last more than a year, the employer would need to apply for an extension of stay with USCIS. In order to accomplish this, the employer would need to apply for a new labor certification with ALPCD.

24. Once the extension of stay is approved, by the U.S. CIS, the employer must renew the H-2 ID Card.

25. When the worker is ready to depart the U.S., the employer must submit an Application for Exit Clearance with ALPCD and subsequently a Notification of Departure form after the actual departure.