

OFFICE OF THE GOVERNOR  
GOVERNMENT OF GUAM  
AGANA, GUAM

EXECUTIVE ORDER NO. 85-15

**WHEREAS,** section 101 (A) (15) (h) (ii) of the Immigration and Nationality Act provides for a non-immigrant classification of aliens who are coming temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such services or labor cannot be found; and

**WHEREAS,** 8 CFR 214.2 (h) (3) (ii) mandates the Governor of Guam to establish systematic methods for determining the prevailing wage rates and working conditions for individual occupations of Guam and for making determinations as to availability of qualified United States residents; and

**WHEREAS,** 8 CFR 214.2 (h) (3) (ii) does not prohibit the Governor from issuing pre certifications for the importation of temporary alien workers; and

**WHEREAS,** the operations instructions section 212 (b) of the Immigration and Naturalization Service exempts the entertainment industry from the classification of B-1 VISA; and

**WHEREAS,** the operations instructions section 212 (I) of the Immigration and Naturalization Service specifically provides that camera persons and other workers engaged in producing films for a commercial entertainment or advertising purpose must qualify under section 101 (A) (15) (h) of the Immigration and Nationality Act, and

**WHEREAS,** encouragement of the film industry to produce commercials and movies, and to produce pictures for magazine circulations, is beneficial to Guam, because it offers exposure of Guam and advertises our island to all who view them;

**WHEREAS,** the entry of foreign film making or commercial

advertisement crewmen will enhance the tourism industry of Guam by way of free publicity of the island; and

**WHEREAS,** the Tourism industry is vital to the economy of Guam,

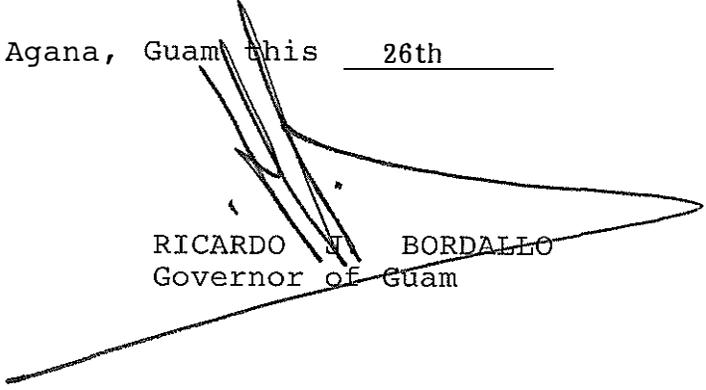
**NOW, THEREFORE, I, RICARDO J. BORDALLO,** do hereby order as follows:

1. That there be established a Joint Committee for the Facilitation of Temporary Alien Labor certification process for foreign motion picture production or commercial advertisement crewmen. The Joint Committee shall be composed of the Legal Counsel to the Governor, a staff assistant to the Governor, Director of Commerce, the General Manager of Guam Visitor's Bureau and the Director of Labor, or an authorized representative of each official. The chairman of the Joint Committee shall be appointed by the Governor and shall preside at all meetings of the Committee. The purpose of this committee is to efficiently facilitate the processing of foreign film crewmen as temporary alien labor workers in order to allow foreign commercial film or advertisement crewmen to enter into Guam for the sole purpose of performing foreign motion picture or commercial advertisement.
2. That the Department of Commerce and the Guam Visitor's Bureau shall pool its available resources to assist the foreign commercial film making or advertisement companies in filling out necessary application forms, supporting documents and other requirements for the processing of these personnel under the classification of temporary alien laborers coming into Guam to perform temporary work or service. This joint effort includes, but is not limited to the following:
  - (a) identifying the entities desiring to engage in commercial film making or advertisement;
  - (b) assisting the entities abroad and on Guam in the filling out of necessary forms for processing
  - (c) advising the entities abroad and Guam on the requirements of the alien labor certification process
  - (d) acting as liaison between the entities, representatives and the coordinators and the Department of Labor and the Governor's Office
  - (e) assuring that the companies desiring to engage in commercial filmmaking or advertisement will benefit Guam's tourist economy
  - (f) performing any other acts as are necessary to facilitate the processing of alien labor certification.
3. That the Guam Department of Labor review Executive Order 85-5, relative to the Governor's systems for the determination of available U.S. workers

and prevailing wage rates for alien labor certification, the administration policy of the Guam Department of Labor, and to suggest to the Joint Committee for the facilitation of temporary labor certification process for foreign motion picture production or commercial advertisement crewmen methods to conduct a precertification process consistent with the applicable laws, rules and regulations as promulgated. This pre certification process shall provide for the expeditions handling of alien labor certification for film and print media industry crewmen.

4. That the Department of Commerce process the labor certifications and immigration documents for foreign film and print media industry crewmen, and to help prepare the I129 (B) forms for said industries, and to be responsible for these documents to be delivered to INS;
5. That the Joint Committee recommend and advise the Governor of Guam whether to grant or to deny the temporary labor certification for foreign motion picture or commercial advertisement crewmen.

Signed and promulgated at Agana, Guam this 26th  
day of September, 1985.

  
RICARDO B. BORDALLO  
Governor of Guam

COUNTERSIGNED:

  
EDWARD D. REYES  
Lieutenant Governor of Guam