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Worker-visa clampdown threatens racetrack

Over 100 Turf Paradise workers facing deportation

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More than 100 immigrants working as grooms and exercisers at the Turf Paradise racetrack in Phoenix may lose their jobs and face deportation because of a failure to obtain work permits.

Scores of the undocumented employees remain on the job even though the government last year turned down their so-called H-2B visas because applications exceeded a federally mandated cap.

If the grooms leave, Phoenix racing experts say, the multimillion-dollar Turf Paradise operation will shrivel or get shut down for the season.

"If they take everybody out of here, it'll close the racetrack," said Tom Metzen, executive director of the Horsemen's Benevolent and Protective Association, which handled the visa applications on behalf of trainers, who employ the grooms.

Amid a national political furor about immigration, the dilemma reflects the growing problems faced even by employers who attempt to hire foreign workers legally. Congress last year placed greater limits on the number of H-2B visas for seasonal workers, at the same time failing to adopt a comprehensive immigration-reform bill.



Umberto Grijalva, who has worked under the H-2B visa program for 15 years, grooms horses at Turf Paradise in Phoenix. "Nobody's explained anything to me," Grijalva says. "I haven't had papers since May."

The Turf Paradise grooms, nearly all Mexican nationals, could face prosecution or expulsion from the country if caught and may not be able to reapply for legal work visas if the government learns of their unauthorized employment. The Arizona Department of Racing also could revoke the grooms' licenses for failure to verify work status.

Some of those affected have been employed each spring and summer at the track for nearly two decades, raising families in Arizona.

"Nobody's explained anything to me," said Umberto Grijalva, 61, a groom who has worked under the H-2B program for 15 years. "I haven't had papers since May. I don't know what happened." Asked what he will do if federal agents or county sheriff deputies raid the track, Grijalva shrugged: "Go back to Mexico. . . . What can I say?"

Another groom, who declined to be identified, said he started working at Turf Paradise 18 years ago and has two children in Phoenix schools. He said he has no idea what's going to happen.

Labor permits

Turf Paradise has 222 licensed grooms, according to Department of Racing records, and they play a critical role in equestrian care: feeding, bathing and taping the horses, as well as cleaning stalls.

Under U.S. law, non-citizens can obtain H-2B labor permits to fill temporary jobs if American workers refuse to take the positions. The visas can be good up to 11 months, and only 66,000 are issued annually.

For decades, Congress allowed those who had been in the program during the previous three years to receive visas even if the cap was exceeded. Last year, that exemption was removed and the horsemen's group, not anticipating the change, filed visa applications after the limit had been met.

Linda Osborne, a trainer who handled applications, said the visa shortage was compounded by bureaucratic delays and

confusion at federal agencies. "The Department of Labor messed up our stuff," she said.

Osborne said some grooms have returned to Mexico, but scores remain on the job, hoping for a change in the law.

The problem is not unique to Turf Paradise. News reports document similar issues at horse tracks in New York and New England, where trainers also failed to apply for seasonal visas on time.

Sharon Rummery is a spokeswoman for the U.S. Bureau of Citizenship and Immigration Services. She said the number of H-2B permits rejected last year because of the cap was not immediately available. Asked about the status of longtime workers who were denied visas, she said, "You can't employ someone who is not in good status. That's all there is to it. If you don't have status, you can't stay in the United States."

Even without renewed visas, the Department of Racing in June authorized many of the undocumented grooms to work at Arizona tracks by giving them new licenses.

Geoffrey Gonsher, department director, said the licenses were granted based on verification of H-2B applications, rather than approved visas. Under a new procedure, certified H-2B papers must be presented for licensing.

Gonsher said he learned of the problem in October and ordered grooms to document their work status a month later. He said 112 failed to do so and have been directed to appear at a license-revocation hearing today.

A judge will make recommendations and Gonsher will issue a final decision, which may be appealed to the state Racing Commission. Until then, Gonsher said licenses have not been suspended because the workers are entitled to due process.

Metzen, of the horsemen's association, said his group is providing an attorney for the sanctions hearing. However, he acknowledged, "they really don't have a defense" against allegations of working without visas.

Marshall Whitehead, a Phoenix immigration attorney, said a number of the grooms came to him in October seeking help.

"They said, 'What can you do for us?' I said, 'Not a damned thing. You're all out of status,' " Whitehead recalled. "Somebody made a major screw-up over there and cost these guys all their jobs."

Because the grooms continued working and have been identified in administrative records as unauthorized employees, they may be ineligible for new visas, Whitehead said.

Bobbie Grissom, a Turf Paradise trainer with 15 horses, said she'll be unable to race without grooms. "I'll quit. Can't do it by myself," she said. "It's got to be fixed, or I'm going home to Cave Creek to look for something else to do."

Congress at fault

Metzen said the grooms are caught in a legal trap through no fault of their own, victims of a national failure to enact reform laws recognizing the need for seasonal workers. Hotels, restaurants, construction companies and other firms have suffered acute worker shortages because of the new cap in America's H-2B law.

"I blame Congress," he said.

He said the horsemen's association puts out help-wanted ads for grooms to no avail. The few U.S. citizens who respond either refuse the jobs or quit within days of learning about the long hours of dirty labor.

"They can tell you there are people who would do these jobs, but there aren't," Metzen said.

Grooms and exercisers are typically employed by trainers, who work under contracts with horse owners. At Turf Paradise, grooms earn \$300 to \$500 per week and have the option of living rent-free in austere dormitories amid the stables. They rise before dawn and work seven days a week during race season from October to May.

"Some of these guys have been on this program for 25 years," said Ricki Hinrichs, president of the Arizona Horsemen's Association, an employment service for some racetrack workers.

Hinrichs, who represents 115 track workers, said she obtained H-2B visas for about half of her clients and instructed the rest to return to Mexico until new permits are approved this April. She and others said they are hoping Congress will deal with the mess during the winter.

"Everybody's worried. They don't really know what's going to happen," said Armando Ramos, a horse exerciser who worked under the H-2B program for years before marrying an American citizen. "They all realize that *la migra* could come and take them away."