

DELAWARE: Businesses feel effects of work visa cap

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Al Parker misses his Mexican workers. All honest, hardworking and quick learners, they did the paving and excavating work in half the time it takes most U.S. workers to do the same job, said Parker, who owns A. Parker Paving Inc., in Sussex County.

"I left \$500 in the truck one day, in the visor, I didn't even know it was there, and this boy tapped me on the shoulder and handed it to me," he said. "I doubt an American worker would have done that; he would have stuck it in his pocket."

That is, if Parker could find an American worker.

Parker is among thousands of construction, landscaping and hospitality business owners across the country who, now at the height of their busy seasons, say they are unable to find American workers to do the jobs they have come to rely on legal, temporary immigrant labor to fulfill.

By law, these immigrants must be paid prevailing wages, they pay taxes and then at the end of the season they return home, expecting to be back the following year.

But after playing by the rules and resisting the lure of cheap unauthorized workers, business owners like Parker say the government is punishing them. Congress has refused to allow more than 66,000 seasonal work visas, known as H-2B visas, to be issued this year. Doled out twice a year, every one was snatched up the first day they became available this spring, leaving thousands of workers -- and employers -- out of luck.

In previous years, the visa cap was extended by not counting the number of returning workers against the limit. In 2006, 122,541 workers came into the country on H-2B visas.

"You can't get nobody to do the hard work," said Parker, who last year was denied all five of the H-2B workers he had employed the previous few years. "Americans want to work with computers. No one knows how to use a shovel or pick anymore, no one wants to do manual labor anymore. So we're hurting. Some are going to go out of business. It's sad to say, you go through hundreds of white workers to find three or four good men."

Parker is caught up in a temporary worker standoff that has become mired in the immigration debate that has paralyzed Congress.

The Congressional Hispanic Caucus and others have thwarted any attempts to again extend the cap, holding the H-2B visas hostage in exchange for comprehensive immigration reform.

Delaware companies suffer

Michael Glah, president of IPR International Personnel Resources Inc., a West Chester, Pa., labor recruiter, estimated that Delaware companies this year were denied about 50 percent of their requested seasonal workers.

Even Delaware Park has suffered, with more than 320 grooms and stable attendants denied temporary visas to return to the horse track this year.

Although they're denied workers, employers aren't refunded the thousands of dollars they spent to apply for the visas.

"You're out \$4,000, you've got no men, your business is suffering and you're going backwards," Parker said. "I don't understand it."

Critics of the seasonal visa program say companies should be using American workers, and if they paid more, they wouldn't have to turn to foreign -- mostly Mexican -- labor. Last year, the Southern Poverty Law Center issued a report

titled "Close to Slavery -- Guest Worker Programs in the U.S."

Jessica Vaughan, senior policy analyst for the restrictionist Center for Immigration Studies, has said seasonal workers are not about filling a labor shortage, but about using cheap labor.

Companies aren't doing enough to recruit locally, or to train U.S. workers, she said.

"If these workers were not available, companies would have to pay more or do it themselves," she said. "We have a lot of unemployed Americans, and I'm sure many of them would want to be working, rather than on the dole."

But company owners say they've tried, without success, to find U.S. employees.

Jill Wright, who owns Wright's Lawn Care & Landscaping Inc. in Milton with her husband, said landscaping work is hard, hot and dirty, and most U.S. workers quit once they get their first paycheck. Even her own son would rather be selling water ice at Dewey Beach, she said.

"I would rather have Americans doing the work, it's killing me to think we're sending this work to Mexico and Guatemala," Wright said.

And there's no magic dollar number that suddenly will make the jobs more attractive to U.S. workers, especially not when they can go work at the mall, she said.

Raising wages also doesn't mean that suddenly there are more workers available, Glah said.

"We can't get workers today, and we're not replacing them via the birth rate, so what are we going to do?" he said. "We either import labor or shut down."

Mark Miller, a University of Delaware political science professor who specializes in immigration, said there's no independent, objective way to determine whether there's a labor shortfall and a clear need for imported labor.

"It's always a political process," he said.

Politics is costing small companies billions of dollars in lost business, said Tom Delaney, director of government affairs for the Professional Landcare Network.

But before business owners lose their companies or their homes, many will turn to illegal labor, Delaney said.

"This will force companies to use whatever workers they can find, which might not be properly documented," he said.

Glah said he's built his business convincing companies there is a legal way to hire workers.

"Then you get that pulled out from under you and you go back to what you used to do," he said. "People who run businesses in the real world are going to do anything they can to make this work, and 'anything' means hiring undocumented workers."

Wright said she knows that other companies, frustrated that they couldn't get their H-2B workers or find American replacements, have had to hire unauthorized workers.

And that hurts everyone, she said, as it undercuts the companies trying to do the right thing.

This is the second year in a row her company didn't get the five H-2B workers it requested, she said.

Gridlock in Congress

With Republicans in Congress insisting on border security first, and any sort of comprehensive reform unlikely until at least 2009, members of Congress demanding reform while forsaking seasonal workers are "throwing out the baby with the bathwater," Delaney said.

"The engine that runs our country is small business," he said. "If they lose their employees, then they lose their customers, and there's not much left to their business."

It's too soon to say how much the landscaping industry has lost in terms of dollars, Delaney said.

Parker estimated he's losing thousands of dollars each month, turning down jobs because he doesn't have enough workers.

Business owners say the customers, too, are suffering. Whereas the H-2B workers weren't causing trouble, now owners are hearing from customers upset that U.S. workers are drinking on the job, or that the work is taking too long to be completed.

Jobs that are supposed to take five or 10 hours now are lasting 20 hours, Wright said.

"You have to watch because they'll pretend to be working, but not really be working," she said. "If you catch them, they'll just walk away from the job."

Parker said he knows his workers would prefer to come back to the United States legally.

They just want to make an honest living, he said.

But the government has pulled the rug out from under them, leaving many with no choice but to try to sneak across the border.

"They'll come through the sewers, or hide in the back of trucks," he said. "That's not the way to do it."