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Fate of the H-2B visa program still uncertain

BUSINESS

BY MARY LANCASTER INDEPENDENT WRITER

Attendees of last Wednesday's Washington, D.C. hearing on the H-2B visa program for foreign workers, and stakeholders in the outcome of a vote to maintain the program, are cautiously optimistic that a bill to that effect will pass. Even so, they doubt such action will happen in time to help businesses this season. The annual cap of 66,000 permitted visas was reached at the start of January this year, earlier than usual and before island and regional employers could file their applications. A 2005 law was enacted to exempt returning workers from being counted for the cap, but it has expired.

At the April 16 House Immigration Subcommittee hearing, there were two panels - one of members of Congress and the other a mix of opponents to the visa program and business owners who have depended on foreign workers because too few Americans want seasonal jobs. Opponents are concerned about immigrants illegally overstaying their visas and that jobs are being withheld from U.S. citizens. Two of the witnesses on the second panel who were allowed to speak included a businessman from Michigan and Bill Zammer, who owns inns and restaurants on the Cape.

"We had a very productive meeting. [Congressman William] Delahunt was exemplary. We were able to refute the testimony of the witnesses against it," said Zammer. "There is a glimmer of hope, but it has to go to the Senate and one senator could put their hand up and block it. They need to attach this bill to another bill, but even if they approved the bill in the next two weeks the embassy in Jamaica would have to process [employer's applications]."

"Is there a 10 percent chance of it passing this year? Yes. There are 60 more days in the session before the summer break, and that would lift the returning exemption for this year. Next year it goes to a new president," Zammer added. "I felt a lot better after the hearing than I did before the hearing. It's a totally political football."

Though Jane Nichols Bishop did not attend the hearing, she has heard the results and is crossing her fingers that help will be forthcoming for the businesses. Bishop is owner of Peak Season Workforce in West Dennis, Mass. and for years has aided Nantucket employers in their need for seasonal immigrant labor. She knows from experience how much resort employers rely on these people, many of whom come back year after year and are trusted and well trained. Bishop could not predict how understaffed the local labor force will be this summer because she is still finding workers in other areas with visas allowing them to extend their season and relocate here.

"I guess I'm not done till I fall down. I found new workers today for Nantucket," she said on Friday.

Don Mooers, an attorney for Save Small Business in Maryland which counsels employers on the status and actions occurring with the H-2B program, said though qualifying H-2B visa holders may remain in the country for up to three years working for various employers who have immigration service approval to hire them, they are hard to find in large numbers because resort schedules may conflict or the workers may want to go home to their families with their earnings.

"We're talking about a very small part of the whole immigration thing, but it's a huge thing to Nantucket and the Cape," he said of the movement to keep the worker program intact and extend the returning worker exemption that expired last fall.