

## H-2B visa reform 'dead' for now

By **Sarah Shemkus**  
sshemkus@capecodonline.com  
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WEST BARNSTABLE — Reservation requests for next spring are already starting to come in at the Corsair and Cross Rip resorts in Dennisport.

But partners Mark Downey and Ian Ryan are wary about accepting them.

At the end of a summer full of staffing struggles and facing another season of the same, the pair is just not sure how much business they will be able to take on next year.

"Our season is contracting because we don't have the staffing to handle it," Downey said yesterday, following a presentation on the issues surrounding the popular H-2B visa program.

About 30 area business people attended the event, which was organized by the Cape Cod Chamber of Commerce and presented by Matthew Lee, a Centerville immigration attorney. Another five people on Martha's Vineyard joined the forum at Cape Cod Community College via video conferencing.

This past summer, hundreds of Cape and Islands businesses were unable to hire the foreign workers on whom they have traditionally depended when the government enforced strict limitations on the number of H-2B visas that could be issued.

For employers already starting to agonize about next summer's staffing, the future is anything but certain.

It is unlikely that Congress will act to loosen the annual limit of 66,000 visas, Lee said.

In previous years, last-minute legislation allowed workers who had previously entered the country on an H-2B visa to return without counting against the cap. Several attempts were made to extend this exemption, but all languished in Congress.

No further action is likely for at least two years, said Lee, who recently visited Washington.

"We went to various congressional offices to see if there is going to be any action whatsoever on the H-2B," he said. "And it is dead. Dead, dead, dead."

And growing unemployment, he said, will probably diminish legislators' enthusiasm for reforming a program that brings foreign workers into the country.

"I don't think there's going to be too much appetite for H-2B reform," Lee said.

Lee also outlined two sets of proposed federal regulations that could significantly change the process of applying for H-2B visas.

Potential rule changes at the Department of Labor are intended to streamline the process by essentially eliminating the role of state workforce agencies. Some of the work currently done by the state would be taken on by the employer; paperwork processing would be handled by a federal processing center in Chicago.

"It should be faster," Lee said. "The problem is that now we have one agency that could bottleneck everything."

Proposed regulatory changes at U.S. Citizenship and Immigration Services contain provisions that would curtail the activities of large-scale recruiting companies — what Lee called "job shops."

These businesses apply for hundreds of visas at one time. When the authorizations are approved, the company then places the workers with seasonal businesses across the country, generally charging fees to both employers and employees.

"It's 100 percent legal, but kind of against the spirit of the act," Lee said.

The rules would disallow employers or recruiting agents from charging fees to workers or passing on any of the application costs.

Several presentation attendees asked questions indicating concern that the new regulations could drive up the cost of applying for H-2B visas.