



Visa cap strains Cape worker supply again

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For the second year in a row, the Cape's regular corps of foreign, seasonal workers — and the businesses that employ them — are out of luck.

But area employers may benefit from their experiences tackling a similar problem last summer — and from the weak economy's effects.

U.S. Citizenship and Immigration Services announced yesterday that it will accept no further H-2b visa applications for this fiscal year, which runs through September.

As of Jan. 7, enough applications to reach the congressionally mandated cap of 33,000 visas for the second half of the fiscal year had been received, the agency reported yesterday.

The number of H-2b visas that can be issued annually is limited to 66,000; half are issued for the winter season and half for the summer.

Historically, between 5,000 and 6,000 of these workers have come to the Cape and Islands, many returning to the same employer year after year.

In the past, legislative action has loosened the visa limit for previous H-2b workers returning to the country, but, since the second half of 2007, the cap has been strictly enforced.

Federal regulations prohibit employers from applying for H-2B visas until 120 days before the position will begin. On the Cape, therefore, virtually no employers were able to submit their visa applications before the limit was reached yesterday.

Cape employers and business owners said the probable lack of H-2b workers will create problems again this summer.

"If we don't get our H-2bs, it will be approximately as hard as last summer," said Patrick Patrick, the manager of Marine Specialties, a Provincetown army-navy store that has traditionally employed 10 to 15 H-2b workers from eastern European countries.

Last year, the visa cap was reached on Jan. 2, causing widespread alarm in the area's hospitality industry.

Employers generally adopted a patchwork approach, hiring what few locals they could find, using foreign college students on a different type of visa and pressing family members into service.

Most businesses survived intact, but strained; some had to shelve plans for expansion and others wondered if they could endure a second season without their usual help.

Last year's staffing struggles, however, may have better prepared some employers to face this year's difficulties.

"Some of the businesses have prepared themselves for this because they knew it was coming," said Candice Collins-Boden, the executive director of the Provincetown Chamber of Commerce. "They've all looked into what they can do to make this year easier than last year."

Though Provincetown is a small community, its highly seasonal businesses employ hundreds of H-2b workers every year.

The sagging economy may also help alleviate the burden on employers this summer. Higher unemployment could lead to a larger pool of local labor from which to draw.

As of November, there were approximately 7,800 unemployed Cape Codders, as opposed to 5,000 without jobs at the same time the previous year, according to data from the state Executive Office of Labor and Workforce Development.

"Unfortunately, I believe there will be a lot of restaurants and a lot of business that will have laid off people or will not be in business come the summer," said William Zammer, the owner of three Cape restaurants that have, historically, employed more than 100 Jamaican H-2b workers each year. "The availability of labor may increase at that point."

Because of the nature of the available positions, however, a greater supply of job seekers may still not be enough to fill the demand, cautioned Wendy Northcross, the CEO of the Cape Cod Chamber of Commerce.

"They're not the jobs people here are lining up to fill because they're seasonal and they're entry-level and they're not skilled," she said.

Legislative action is still a possibility, said Mark Forest, chief of staff for Rep. William Delahunt, D-Mass. Discussion is already under way among members of Congress, he said.

"There is likely to be a legislative effort again in this Congress to address this issue," he said.

Delahunt has been a consistent supporter of legislation that would allow workers who have entered the country on an H-2b visa in the past three years to return without counting against the cap.

Efforts to pass such a measure have been thwarted repeatedly by members of the of the Congressional Hispanic Caucus, who are seeking a comprehensive immigration reform package rather than piecemeal changes.

Cape employers, however, are not optimistic about the chances of obtaining legislative relief in time for this year's tourist season.

"Obviously, this new Congress is not going to do immigration reform at this early stage. They've got so much on their plate," Zammer said.