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## Foreign workers and employers facing visa crisis

*Future uncertain after congressional program expired.*

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Branson — In May, two cousins and their wives traveled from Veracruz, Mexico, to work at a Branson hotel.

When their work visas expire in December, the four will return to Mexico not knowing whether they can return for the 2008 tourist season.

Roberto Villarauz, his wife, Mayra Hernandez, his cousin Alonso Villarauz and Alonso's wife Cristel Hernandez earn \$7.75 an hour as housekeepers and janitors at the Grand Oaks hotel.

They are four of about 700 foreign workers at hotels, resorts and small businesses in Branson — and thousands more across the nation — who may lose their jobs unless Congress renews a federal law that expired Sept. 30.

It exempts them from a cap on the number of visas for seasonal workers, who are vital to businesses in Branson, their employer said.

The issue is creating angst for workers and employers: Workers may not be able to return to the U.S. next year if Congress doesn't act; employers say they need the foreign workers for seasonal jobs that Americans don't want.

Bipartisan proposals in Congress would allow seasonal foreign workers who return annually to the United States, under the H2B guest worker program, to be exempt from a national cap that limits the number of visas for such workers to 66,000. The House bill would permanently exempt seasonal workers from the cap; the Senate bill extends the exemption from the cap for five years.

But the bills are stalled in Congress, caught up in the national debate over immigration and guest worker programs.

"I don't want to go back to Veracruz (indefinitely), but I (might) have to," said Roberto, 33.

In Mexico, he and his relatives rely on income from driving buses — about \$30 a day for Roberto and about \$100 a day for Alonso, who owns his own bus.

Neither Mayra nor Cristel will have jobs when they return.

In Mexico, janitors earn \$9 a day, said Alonso, who described himself as a "good worker."

He's hoping the law will be extended so that the family can return in 2008.

### **How program works**

In 2006, there were 97,279 seasonal H2B workers in the U.S., including 36,792 returning workers, according to the Department of Homeland Security. In Missouri, there were 1,698 seasonal workers and 1,208 returning workers.

Employers must pay the foreign workers competitive wages and file immigration and labor forms with the state and federal departments of labor, the State Department and the Department of Homeland Security.

They also must advertise the job to U.S. workers first. The foreign workers can be employed in the U.S. for up to 10

months and then must return home with one exception. They can work in the U.S. for up to three years if they have employers who will sponsor them in successive, seasonal jobs.

There is more demand for the workers than the number of allowable visas.

On Oct. 1, the first day of the 2008 fiscal year, the U.S. Citizen and Immigration Service announced that the H2B visa cap — 33,000 — had been reached for the first six months of the fiscal year.

Employers can apply for the visas up to four months before the workers are hired. Foreign workers who start their jobs on or after Oct. 1 will be subject to the national caps unless Congress extends the exemption, the service said.

Lee Thomas, general manager of the Grand Oaks, said the foreign workers account for 17 of his 51 employees and are vital to his business.

"If I don't have enough housekeepers and workers, I can't expand and I might have to scale back my services," Thomas said.

The foreign workers are needed, he said, because he can't find anyone else to do the work.

"I don't do it because I want to. I do it because I can't hire workers," Thomas said.

And the Villarauz-Hernandez families will not have jobs at the Grand Oaks next year unless the law is changed, he said.

Thomas was part of a group organized by the Branson Lakes Area Chamber of Commerce that lobbied Missouri lawmakers Sept. 18, urging them to support the bills.

### **Blunt, Bond differ**

Sen. Christopher "Kit" Bond, R-Mo., one of 28 co-sponsors of the Senate bill, said the measure would help businesses that face labor shortages.

"These workers want to play by the rules; these employers want to follow the law, and none of us, including me, favors allowing illegal immigration for any reason," Bond said.

Rep. Roy Blunt, the minority whip, supports the program but is not a co-sponsor of the House bill that would permanently exempt returning seasonal workers from the visa cap. Instead, Blunt supports extending the exemption for two years.

"The H2B program applies some of the strictest conditions possible for hiring the seasonal help that businesses in my district need to remain competitive," said Blunt, R-Springfield.

"That's the situation we face in Branson and elsewhere in my district, where these workers are needed to keep our businesses and local economy growing," Blunt said.

"I have spent time looking into this process and am confident that these temporary workers leave the country when their term of employment is finished," he said.

But some skeptics in Congress, including Sen. Claire McCaskill, D-Mo., want more oversight of the program.

"There are certainly more built-in accountability measures with this program than with other guest worker programs, and that's promising," McCaskill said.

"However, I want to ensure that American workers truly are getting a first crack at these jobs, as required by the current law, and that we know for sure that these foreign guest workers are returning to their countries, as they're

supposed to. If I don't see that proof, I can't support this program."

### **Worker treatment**

Critics of the program say it amounts to cheap foreign labor that keeps U.S. wages low. Some unions oppose it because they say there are not enough protections to ensure that workers are not abused.

"There is no doubt in my mind that some of these workers are abused because there is not enough enforcement," said Eliseo Medina, executive vice president for the Service Employees International Union. "The workers are powerless and the employers want a captive work force."

But Daniel Musser, president of the Grand Hotel on Mackinac Island, Mich., disagrees.

Musser, who said his foreign staff accounts for about 50 percent of his work force between May to October, said he treats his employees well because he needs them.

Musser is part of a 1,000-member group called Save Small Business that employs foreign workers and is lobbying Congress to exempt the workers from visa caps.

"We have about 50 employees who have returned for 20 years," he said. "Some employers might treat them bad, but there are always some exceptions in any government-run program. If the government needs more enforcement authority (to protect the workers), I think the legislation should include that."

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*News-Leader reporter Brittany Breidenbach contributed to this story.*