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# Legal foreign workers caught in immigration stalemate

**By Pamela Brogan, Gannett News Service**

WASHINGTON — Foreign workers like software expert Vikas Chowdhry from India and Roberto Villarauz, a janitor from Mexico, abide by the nation's immigration laws.

They have skills their employers say are necessary to meet industry demands for highly skilled workers or for jobs Americans don't want.

Yet both are among hundreds of thousands of legal foreign workers, including software engineers, hotel employees, seafood processors, landscapers and vegetable pickers, who are in the U.S. temporarily but are caught in the polarizing debate over illegal immigration that casts uncertainty over their livelihood and future.

Legal foreign workers like Chowdhry and Villarauz might not get help until after next year's elections because Congress is deadlocked on any changes to the nation's immigration laws.

Congress defeated legislation this year to overhaul the immigration system, which would have extended and improved seasonal, high-tech and agriculture guest worker programs. About 575,000 legal foreign workers are currently in the U.S. under these guest worker programs, according to the Department of Homeland Security.

These temporary workers hold U.S. government-issued "H-visas" that proponents argue should be revised by Congress to help legal foreign workers and their employers.

For example, tens of thousands of seasonal workers at hotels, resorts and other small businesses could lose their jobs unless Congress renews a separate law that allows the government to issue more than the 66,000 H-2B visas it is supposed to be limited to. The exemption expired Sept. 30.

High-tech workers and their employers want improvements in the H-1B program, which has an annual cap of 65,000 visas. For the 2008 fiscal year, which began Oct. 1, the limit would drop to 58,200 unless Congress says otherwise.

Agriculture workers, growers, and farmers are pushing to streamline the H-2A visa program by supporting yet another bill that would offer legal status and possible U.S. citizenship for 1.5 million farm workers.

Four members of Roberto Villarauz's family from Veracruz, Mexico, who work at the Grand Oaks Hotel in Branson, Mo., are affected by the H-2B impasse.

"I don't want to go back to Veracruz, but I (might) have to," said Roberto Villarauz, 33, a janitor who makes \$7.75 an hour.

In May, he arrived with his wife, Mayra Hernandez, and cousin, Alonso Villarauz, and Alonso's wife, Cristel Hernandez — all janitors or housekeepers making the same wage. In Mexico, janitors earn \$9 per day, Alonso said. The family would have to return to Mexico on Dec. 15 when their visa expires.

Lee Thomas, general manager of the Grand Oaks Hotel, said 17 of his 51 employees are temporary foreign workers.

"If I don't have enough housekeepers and workers, I can't expand and I might have to scale back my services," Thomas said. "There is not enough (of a) workforce in this area."

Last year, there were 97,279 seasonal H-2B workers, according to the Department of Homeland Security. Unless Congress acts, all of them would have to compete for 66,000 H-2B visas that would be allowed next year.

Other foreign workers like Chowdhry say they are frustrated by Congress' unwillingness to improve the H-1B visa program for high-tech workers.

It's like a "sword hanging around our necks," said Chowdhry, who works in Madison, Wis., and has lived in the U.S. six years as a worker and student.

Under current rules, H-1B workers cannot change jobs easily. They are free to work anywhere once they receive a green card granting permanent legal status, which Chowdhry has applied for. Meanwhile, he said, he can't accept a promotion or start a business and hire Americans. He also could be deported within weeks if he is laid off.

Nearly 80% of H-visa holders are employed in 16 states, with California, Florida and New York containing the largest numbers.

High-tech workers are concentrated in California, New Jersey, New York and other states. Seasonal workers operate ski lifts in Colorado, are housekeepers at hotels in the national parks and work at coastal resorts from Delaware to Florida. Agriculture foreign workers are found throughout the country. For example, they pick lettuce in California and milk cows in Missouri.

Employers and lawmakers who support the H-visa programs say the workers are needed because they take jobs Americans don't want and fill critical labor shortages.

"The mania in Congress over illegal immigrants has spread into the area of legal immigration," said Maryland immigration lawyer Donald Mooers. He represents Save Small Business, whose 1,000 members employ foreign workers. The group is lobbying Congress to extend the exemption for the H-2B visa caps.

Some Democrats and Republicans, including members of the Congressional Hispanic Caucus, don't want to renew or improve any temporary worker programs until lawmakers address broader immigration reform to resolve the status of the estimated 12 million undocumented immigrants now living and working in the United States.

Supporters of the guest worker programs acknowledge the stalemate in Congress.

"I would say that Congress is skittish" about any immigration bills said Democratic Rep. Zoe Lofgren, whose California district includes Silicon Valley and its many high-tech firms.

Lofgren, chairwoman of the Judiciary Committee's immigration panel, is pushing for reforms to improve legal immigration and guest worker programs but faces an uphill battle.

Critics of guest worker programs say they bring in cheap foreign labor that keeps U.S. wages low. Others say there is insufficient enforcement of the laws to ensure workers return home after their visas expire. Some unions oppose these programs because they say there are not enough protections for workers.

"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 workforce."