



**Praying for a visa answer** - June 6, 2008

## *Processors, restaurants anticipate drastic changes if H2B visa limit isn't changed*

**By Lauren Kramer**

Many U.S. seafood processors rely on seasonal labor to get them through the busy season, and H2B visas have allowed businesses to hire workers from overseas. Americans are increasingly shunning short-term, low-paying, manual labor jobs, so processors and some seasonal seafood restaurants have turned to H2B visas to find the labor they need to get the job done. Until now, that is. Today, H2B visas are in such high demand that seafood processors who need them are simply out of luck.

Congress mandates an annual limit of 66,000 visas, 33,000 in each half of the year. Employers cannot apply for the visas until 120 days before their workers begin work, and this year the cap was reached on Jan. 2.

Over the past three years, the Save Our Small Businesses Act meant returning workers were exempted from counting against the annual H2B visa limit. It almost doubled the number of visa holders, but when it expired on Sept. 30, 2007, most seafood businesses were left without a hope of procuring the visas they needed for the busy summer period.

Muffy Grant, H2B program manager at the Center for Cultural Exchange in Chicago, is hoping Congress will extend the Save Our Small Businesses Act. Grant says the main impediment to the extension of this act has been the 24-member Congressional Hispanic Caucus.

"The Caucus is saying 'There are 21 million undocumented workers in the United States — what are we going to do about them?' But this is not an immigration issue. It's a temporary fix to the fact that there are not enough Americans who are able or willing to do this seasonal work.

"Right now we're waiting, but if it doesn't get extended by mid-April, most likely it will be a bust," she says.

As they wait for an answer, many in the seafood industry are apprehensive and anxious. "It's been a miserable three to four months for our company, not knowing how to budget, what items to repair and if we're even going to be around to need them," says John Graham III, president of Graham & Rollins, a blue crab processor in Hampton, Va.

The company employs between 70 and 100 Mexican workers to pick crab between June and October each year.

"We don't have a contingency plan," he says. "If we can't get any H2B visas we'll have to downsize, sell one of our two plants, cull three-quarters of our major customers and tell them we can't supply them this year."

The problem, says Graham, is that Americans don't want his seasonal jobs and the temporary wage they offer, which, in the state of Virginia is \$6.19 per hour.

"Some people argue we need to pay more money to attract Americans, but if I did I wouldn't be competitive and those people would still be jobless five months of the year. Paying more money is not the answer," he says. "Americans don't want this temporary, seasonal job because no one wants to work only half the time, no matter what the pay is."

When locals have come to pick crab, they've not lasted long at the company. "This is not a glorified job," explains Graham. "You go home smelling. It's tedious. You're using your hands and wrists to cut crab all day long, getting paid on your production and being evaluated on your performance."

The handful of Americans who have responded to newspaper classified ads for crab pickers have not endured and the company has come to rely heavily on the seasonal labor of Mexicans hailing from Los Mochis and Sinaloa.

The company has treated them well, providing its seasonal staff with vehicles and furnished accommodations in Hampton, Va. Graham & Rollins has a pool of some 300 Mexican laborers competing for 80 jobs and eagerly awaiting news of their H2B visas.

"This program works," says Graham. "When the work is done, few of our seasonal laborers try to stick around. They make the money, wire some of it home to support their family and live through the winter waiting for this job to open up again, rather than working in Mexico for \$15 a day."

Sean McKeon agrees. The president of the North Carolina Fisheries Association has many members who are affected by the dearth of H2B visas, particularly crab processors. "If they can't access those workers, those industries can't survive," says McKeon.

"H2B is the type of program that shows how things can be done legally, and it should be encouraged. People are accountable, there's need and there is real documentation. It encourages the rule of law and the proper channels for migrant workers to come to the United States."

Change will come rapidly to the industry should H2B visa legislation remain unchanged. At Atwood Lobster Co. in Spruce Head Island, Maine, eight to 10 seasonal workers are needed each year to supplement the handful of locals that work for the company during the summer months.

"We hook up our local summer labor with our trained labor from the H2B program," says Jim Dayboch, Atwood's CFO.

"If we don't get those 10 people on the H2B program we can't hire another 10 locally because they can't work unsupervised. That means all production is significantly curtailed, and during that time of the year, it's our bread and butter. If we can't go high production in the summer, we can't make money."

During the four summer months, Atwood realizes 70 percent of its sales with a peak workload of more than three times the average during the other eight months of the year.

"If the H2B program ceases to be available to us, I believe we'll have to change our business model dramatically and I don't know what the outcome of that change would cause," says Dayboch.

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