

Republicans Meet Resistance in Sending H-2B Bill to House Floor

Democratic leadership opposes action; foreign nationals who claim exploitation by employers using H-2B visas call for a hearing on abuses.

April 2, 2008

Republicans Meet Resistance in Sending H-2B Bill to House Floor

Republican lawmakers are trying to jump-start a bill that would raise limits on visas for foreign workers who staff seasonal industries, a move they say would aid faltering businesses in their districts.

Rep. Charles Boustany Jr., R-Louisiana, introduced a measure on Tuesday, April 1, that would send directly to the House floor a bill that would almost double the number of workers who can enter the country on temporary [H-2B visas](#).

Also on Tuesday, foreign nationals who say they have been exploited by employers using H-2B visas held a briefing for congressional staff. They called for a hearing to explore abuses in the system.

Capitol Hill activity has been spurred by complaints from hospitality, seafood processing, landscaping, construction and other industries that say they can't find enough workers.

The 66,000 limit for H-2B visas was hit in early January. Last year, a total of 120,000 workers entered the country because those returning to their jobs didn't count against the 66,000 cap. That provision expired this year.

A bill written by Rep. Bart Stupak, D-Michigan, would restore the returning worker rule. It has 146 bipartisan co-sponsors but has been stalled by tensions surrounding immigration policy.

The Congressional Hispanic Caucus doesn't want the H-2B bill to move forward alone because it is pursuing comprehensive immigration reform. Last year, a broad immigration bill died in the Senate during a rancorous debate about enforcement and a path toward residency for illegal workers.

Republicans blame Democratic leadership for holding up the H-2B bill. Boustany needs 218 House members to sign a "discharge petition" that would allow the bill to bypass committee action and go straight to the House floor.

Stupak is one name that won't be appearing on the document. "My discussions with House leadership continue and I remain hopeful that they will lead to the quick action needed for seasonal businesses in northern Michigan and across the country," Stupak said in a statement.

Rice, sugar, shellfish producers and construction firms are suffering in Louisiana, according to Boustany.

"They can't find the workforce," Boustany said at a Capitol Hill press conference. "They depended on H-2B visas over the years to meet these needs. This is good policy that's being held hostage by politics."

Some foreign workers who have been brought to the U.S. on H-2B visas, however, contend that the program exploits workers lured here by false promises of good jobs.

In a meeting with about 80 congressional staff, they said that employers can lord over H-2B holders because the visas are for a short duration, only about six to 10 months. During that time, they have no freedom to leave a bad employer, live under constant threat of deportation and lack access to lawyers.

Sabul Vijayan is among 100 Indian guest workers who are suing the Signal International shipyard in Pascagoula, Mississippi, for alleged human trafficking.

Vijayan sold his wife's jewelry and used money he had been saving for a home in India to pay a recruiter \$20,000 to secure a position as a pipe fitter. Once he arrived, he was forced to bunk with 24 workers in one room.

When they complained about living conditions and the poor quality of food, they were subject to verbal abuse. When a few of the workers tried to organize, they were locked in a room for six hours. During the ordeal, Vijayan tried to kill himself and was later fired.

"The H-2B visa as it is structured now is an instrument to create servitude and modern-day slavery," said Daniel Castellanos, a Peruvian H-2B worker and a leader of the Alliance for Guest Worker Dignity. Castellanos is suing his former employer, the Decatur Hotel in New Orleans.

Castellanos and Vijayan spoke at an event hosted by the House Education and Labor Committee. The chair of the panel, Rep. George Miller, D-California, has introduced a bill that would increase the transparency of H-2B jobs, make employers jointly liable for the actions of recruiters and impose heavy fines for misconduct.

Miller's H-2B skepticism is another obstacle to raising the program caps. Miller is a close ally of House Speaker Nancy Pelosi, D-California.

—Mark Schoeff Jr.