

Seasonal foreign workers in short supply this year

By Kevin McCoy, USA TODAY

For four generations, Robin Hall's family overcame competition, bad weather and shifting economic tides that threatened to swamp their Chesapeake Bay crab-processing business.

But 2005 could be the year the Maryland business goes under — vanquished not by the forces the Halls managed to outlast, but by a U.S. labor visa program they viewed as salvation in their battle.

Fierce competition claimed all the available visas by Jan. 3, creating a crisis that's blocked G.W. Hall & Son Seafood from rehiring foreign workers who had returned season after season.

While he holds out hope for federal approval of an emergency fix, Robin Hall says his processing plant will almost certainly have to stay closed when the blue crab season opens April 1. "It's a whole way of life here on Maryland's Eastern Shore that's going to be gone," says Hall, a 52-year-old Hoopers Island businessman. "And it's not coming back."

From Hamptons resorts to Western foresters, from Midwestern tourist centers to Sun Belt landscaping firms, thousands of businesses are being squeezed by the same, unprecedented labor crunch this year as they scramble to hire employees needed for busy spring and summer seasons.

For more than a decade, they have relied on foreign workers with H-2B visas, a 1990 immigration program that allowed businesses to look outside U.S. borders for workers to fill temporary, non-agricultural jobs Americans increasingly shun.

But in 2005, amid rising business demand, the 66,000 visas authorized each federal fiscal year were gone by Jan. 3, barely three months after the program's annual start. The door slammed shut so early that many business owners say they are unable to hire the foreign workers they recruit to shuck oysters, plant trees, cut lawns, staff kitchens, wait tables and fill dozens of other jobs.

Seasonal jobs go begging

Even at a time when the U.S. economy has shed thousands of well-paid positions and is creating year-round jobs relatively slowly, the business owners say temporary, seasonal posts remain the most difficult jobs to fill.

"These are employers that have tried to hire — would prefer to hire — U.S. workers, but have not been able to get the personnel they need," says Brendan Flanagan, legislative affairs director of the National Restaurant Association.

Many are in vacation areas or isolated pockets of the USA with local labor markets too small or unsuited for the seasonal positions. Many of the jobs are specialized, or else tedious or back-breaking.

"Most people these days don't want to take the time to get training to be a crab picker or an oyster shucker," says Bill Sieling, executive director of the Chesapeake Bay Seafood Industries Association.

But foreign workers often will. Thousands return each year for the \$10 an hour and more they can earn in jobs such as those offered by Hall. To hire them, employers must show they've run newspaper ads unsuccessfully seeking U.S. workers. They must also navigate a bureaucracy that runs from state and federal labor agencies through U.S. immigration offices and the State Department.



Robin, left, Derek and Brian Hall have been unable to get visas for Mexican workers.
By H. Darr Beiser, USA TODAY

Employers' demand for foreign workers

Number of labor certifications approved for employers in fiscal year 2004 (Oct. 1, 2003, to Sept. 30, 2004). Total of the 66,000 H-2B visas available annually because some employers apply for more certifications than they use:

State	Workers
Alaska	386
Alabama	1,445
Arkansas	11,047
Arizona	1,136
California	4,205
Colorado	14,388
Connecticut	1,795
District of Columbia	145
Delaware	825
Florida	8,548
Georgia	2,592
Iowa	112
Idaho	1,870
Illinois	2,254
Indiana	1,459
Kansas	1,383
Kentucky	963
Louisiana	5,971
Massachusetts	6,768
Maryland	7,790
Maine	3,196
Michigan	5,500
Minnesota	2,503
Missouri	4,872
Mississippi	7,648
Montana	620
North Carolina	5,660
North Dakota	172
Nebraska	253
New Hampshire	1,112
New Jersey	5,722
New Mexico	368
Nevada	502
New York	7,565
Ohio	2,489
Oklahoma	812
Oregon	23
Pennsylvania	5,559
Rhode Island	819
South Carolina	1,725
South Dakota	1,173
Tennessee	1,036
Texas	19,549
Utah	1,900
Virginia	7,848
Vermont	1,019
Washington	622
Wisconsin	1,064
West Virginia	76
Wyoming	1,982

Source: U.S. Department of Labor

The winners qualify to seek a share of the 66,000 visas. By law, business owners can't apply more than 120 days before foreign hires would start. Since the federal fiscal year starts Oct. 1, that means landscaping and forestry firms and ski resorts, many of which need workers in late fall and winter, were eligible to get in line first.

Early applicants, such as Vail Resorts, owner of the Breckenridge Ski Resort and three similar facilities in Colorado, won approval for roughly 1,350 of the 66,000 available visas before many summer and fall seasonal businesses were even eligible to apply.

"You hear a lot of foreign accents on the slopes," says Vail Resorts spokeswoman Kelly Ladyga, who explained that the company's foreign hires included many ski and snowboard instructors from Australia and New Zealand.

Jack Brooks got lucky. His fifth-generation Chesapeake Bay business, the region's oldest crab-picking plant, got approvals just under the visa cap this year. But Brooks' good fortune was shared by just four of the 20 to 25 other Maryland Eastern Shore seafood processing businesses that were counting on the return of 1,200 Mexican workers to process the region's prized crabs and oysters.

Karen Oertel didn't get any of the 20 visas she sought for W.H. Harris Seafood, her 60-year-old business that ships processed oysters nationwide. As a result, Oertel says, she will rely more on shipping oysters shucked before they reach her plant.

Hall, who unsuccessfully filed for 60 visas for his crab-picking operation, doesn't have that option. "I don't know what I'm going to do," he says. "I've been trying to put it out of my mind, hoping that people in government will wake up and realize what a problem this is."

Employers, workers anxious

Restaurant, landscaping, hospitality firms and other top users of the visa program are joining the lament — as are foreign workers.

On Michigan's Mackinac Island, a Midwest vacation mecca, Patti Ann Moskwa says she didn't get approvals for the 15 visas she'd sought for workers to fill jobs at Horn's Gaslight Bar before the federal program maxed out.

"It's not like we're not trying to hire U.S. citizens. I would if I could," Moskwa says.

But in 10 years of running newspaper ads for seasonal jobs, Moskwa says she has received only three applications. Her recruiting trips to colleges came up dry. "It probably means I'll be washing a lot more dishes," Moskwa says.

In Franklin, Ga., operators of Eller & Sons Trees worry that they won't be able to get the extra 20 or so foreign workers they're likely to need this fall. The forestry and landscaping business will be busy planting thousands of trees to replace those destroyed in Western wildfires.

"It has me sweating over some of the contracts. We could get into a crunch," Jerry Eller says.

At The Cliff House Resort & Spa, a renowned vacation center in Ogunquit, Maine, owner Kathryn Weare says she will have to cobble together a crew to replace the 22 workers from Jamaica for whom she was unable to get visas this year.

"They call us on the phone, extremely upset," Weare says.

Why? Simple economics. Jody Arsenault, the resort's human resources director, says waiters earn at least \$20 per hour, most of that in tips on summer weekend shifts.

that would pay as much. Now, instead of preparing for the trip north, the 32-year-old father of three says he's unemployed, with limited prospects. "It's hard. I was counting on that job," Dias said in a telephone interview. "I don't know what I'm going to do."

But small business owners from all parts of the USA have mapped out a course of action. Dozens traveled to Washington before the Easter congressional recess to lobby for passage of the "Save Our Small and Seasonal Businesses Act," an emergency plan introduced by Sen. Barbara Mikulski, D-Md., and Rep. Wayne Gilchrest, R-Md.

The plan, introduced in companion Senate and House measures, would create a two-year period to overhaul the visa program. During that time, foreign employees who had worked in the USA with H-2B visas during at least one of the past three years would be exempt from the 66,000 quota.

"Without these temporary workers, many businesses could be forced to limit services, lay off permanent U.S. workers or worse yet, close their doors," Mikulski wrote in a statement announcing the Senate bill. "We can't let this happen."

More than 20 senators from both sides of the political aisle have signed on as co-sponsors. An ad hoc coalition of business executives such as Cindy Clark, director of human resources at The Broadmoor, a famed Colorado Springs resort, are seeking swift approval. Clark recently flew to Washington twice to press the group's cause. Other coalition members fanned out on Capitol Hill, explaining their problem to key congressional staff aides.

"This is the top priority for us," says Clark, who explained that the vacation spot at the base of Pikes Peak got not even one of the 250 visas it applied for this year. "We're still trying to figure out what we're going to do to fill those jobs."

Quick-fix bill opposed

Approval in a Republican-controlled Congress wary of making significant changes in immigration law is hardly assured. Moreover, the legislation lacks universal support.

Mark Krikorian, executive director of the Center for Immigration Studies, a Washington think tank that favors tighter borders, says allowing firms to use cheaper, low-skilled foreign workers in place of American workers represents a questionable government subsidy. "Immigration represents a thumb on the scale on the side of employers," he says. "Are these businesses a compelling national interest that deserve a federal subsidy?"

Joanna Hedvall, an analyst at the American Immigration Lawyers Association, says the visa program is a business issue, not an immigration matter. She says the foreign workers who participate enter the country legally, stay temporarily and pay taxes on their earnings. There have been few complaints about workers overstaying visas, Hedvall says.

"This is a far better system than having businesses hiring undocumented workers," says Melinda Rubin, a New York immigration lawyer seeking visas for temporary foreign workers hoping to return to summer jobs in the Hamptons, on Long Island's East End. "It puts more money in our tax coffers, and it's a good form of foreign aid because the people who work here bring money home."

Even if Congress approves an emergency bill, Hall worries that the help would come too late for his crab-picking business. Even a temporary shutdown would likely force loyal restaurant clients to turn elsewhere for crabmeat.

"You've worked years to build those markets up," Hall says, "and it will be lost in an instant."

Occupation	FY 2003	FY 2004*	Pct. change
Landscape laborer	36,299	48,590	33.9%
Forest worker	20,174	24,185	19.9%
Maid, housekeeping cleaner	10,572	11,546	9.2%
Construction worker	5,362	7,543	40.7%
Stable attendant	7,542	6,718	-10.9%
Sports instructor	3,387	3,714	9.7%
Crabmeat processor	3,498	3,537	1.1%
Circus laborer	2,380	3,186	33.9%
Dining room attendant	2,546	3,103	21.9%
Kitchen helper	2,873	2,667	-7.2%

* for federal fiscal years Oct. 1-Sept. 30

Source: U.S. Department of Labor, Employment & Training Administration