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Visa Rule spells out help wanted for some businesses

By Emily Bazar, USA TODAY

Businesses that rely on seasonal workers are scrambling to fill positions, and some are shutting down, because there are fewer visas for the foreign workers who usually fill the jobs.

Industries from coast to coast say the reduction in visas for temporary workers will hurt them and the economy.

"We're thinking about shuttering the daggone thing," says John Graham of his crab processing company Graham & Rollins in Hampton, Va. Graham couldn't get visas this year for 110 Mexican workers who work from April to November alongside 18 locals.

Graham says he's the last crab processor in town. "I've survived where the other 17 didn't," he says. "Now something out of my control is going to take me out."

Exemption expires

Each year, 66,000 visas are designated for temporary workers in non-agricultural labor. They're called H-2B visas. Temporary agricultural workers have their own category, H-2A.

For the past three years, Congress allowed businesses to get H-2B visas for some returning workers without counting them against that 66,000 cap. In 2006, that exemption allowed visas to be issued to 51,000 returning workers, the State Department says. In September, after immigration overhaul legislation failed, that exemption expired. As a result, the limit was reached before some businesses were allowed to apply.

"As of this moment, we're not even going to be able to place one worker," says John Gallo, a consultant who helps businesses find up to 2,000 temporary workers each year.

Gallo says the H-2B program isn't controversial and offers businesses a legal way to bring in needed workers.

"This has nothing to do with immigration," he says. "Homeland Security knows who these people are. Social Security keeps on top of them. When their visa expires, they return home."

'We may have to scale back'

Gallo works with Gurney's Inn Resort, Spa & Conference Center in Montauk, N.Y., which applied for 90 workers from Jamaica, Ecuador and elsewhere for housekeeping, landscaping and other jobs. Most would have been returning workers. "We may have to scale back some on the amount of business we can accept in the prime season," general manager Paul Monte says.

Sen. Barbara Mikulski, a Maryland Democrat, and other lawmakers have tried to renew the exemption, but the Congressional Hispanic Caucus opposed it. Democrat Joe Baca, chairman of the caucus, says the caucus doesn't object to H-2B visas but believes they should be part of overall immigration changes.



By Todd Plitt, Special to USA Today

Gurney's Inn Resort, Spa & Conference Center, located on the beach front of the resort town of Montauk, New York, on Jan. 30. The inn relies heavily on seasonal workers who come to the United States with the help of H-2B visas.



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Businesses that apply for H-2Bs must take steps such as advertising jobs locally to give Americans first crack.

Roy Beck of NumbersUSA, a group that advocates reduced immigration, believes H-2Bs hurt American workers. "Businesses should recruit from their own country," he says.

'You don't get a deal'

Michael Loukonen of Loukonen Bros. Stone in Lyons, Colo., which mines sandstone, says locals don't want the backbreaking jobs that seasonal workers take. Loukonen couldn't get visas this year for 30 workers who make up about 60% of the company's peak workforce. "In the last five years, we've had three (local) people apply," he says. "Two of them didn't show. One showed and worked one day and said it was too hard and quit."

Jonathan Zeyl, president of Landscape Creations of Rhode Island, says businesses that use H-2B visas pay fair wages and the workers pay taxes. Zeyl wasn't able to get visas for 40 workers, nearly all of his peak-season labor.

"My wife and I and my managers have fairly strong feelings about operating within the law," he says. "I'm bitter about having the rug pulled out from under me."

"My payroll can run over \$25,000 a week," he says. "You don't get a deal on the labor. What you do get is ... guys who work all day long and don't complain about the heavy, monotonous work."

Circus Chimera canceled its season this year. James Judkins, owner of the no-animal circus, which performs mostly in the Southwest and West, had to lay off local, year-round employees because he couldn't get 50 visas for workers who perform, put up tents and do other jobs. They were 90% of his staff.

Canceling his season will hurt other businesses, too, he says. "I'm not going to be buying circus posters from the printing company," he says. "I'm not going to be buying advertising in the newspaper."