



N.H.'s resorts face summer employment crunch

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As New Hampshire's hospitality industry gears up for the busy summer season, they face difficulties in being unable to fill seasonal positions left vacant by foreign workers unable to obtain temporary work visas due to the repeal of a critical exemption in a key federal visa program.

The visas, known as H-2B, allow employers to hire foreign workers for non-agricultural jobs as a one-time occurrence, to fill a seasonal need, a peak load need or an intermittent need.

The Save Our Small and Seasonal Businesses Act of 2005 maintained the cap of H2-B visas at 66,000 -- roughly 33,000 each six months — but also exempted the visas of foreign workers who had come to the United States to work under a previous H-2B visa within the last three years from being counted against the cap.

But the act expired in 2007, and an extension exempting returning foreign workers from the cap expired Sept. 30, 2007.

A business must now count all of its H-2B visa applicants — new as well as returning workers — against the cap.

When the U.S. House of Representatives convened for its winter break, it did not include the bill — known as HR 1843/S 988 — among its final actions, leaving an extension up in the air.

And because employers can file for an H-2B visa only during a 120-day window before the date on which the workers are required, many companies have been closed out of the process by a glut of filings, adding to their frustration.

As a case in point, the caps for the first and second halves of fiscal 2008 were reached in a just a few days.

New Hampshire employers requested a total of 1,950 workers through the H-2B visa program, and had 1,723 certified in fiscal 2007 (Oct. 1, 2006, through Sept. 30, 2007), although these numbers do not reflect requests after the expiration of the returning foreign worker exemption.

These statistics looked positive compared to some states, such as Alabama, whose employers requested nearly 12,400 H-2B workers but had only 5,836 approved.

Michelline Dufort, president of the New Hampshire Lodging and Restaurant Association, said there is little advice that the organization can give its members to help them deal with the cap and expired exemption.

"All we can tell them is to get their paperwork ready and as complete as they can and be ready to file on the deadline days," she said.

Dufort also echoed Gruenfelder's belief that, although the process was difficult and cumbersome, the H-2B visa program did its job.

"This is legal immigration. This is a system that works," said Dufort.

While this coming summer season might run smoothly for the Mount Washington, Gruenfelder said she is concerned for the future.

"Next winter and summer will be very tough if things don't change," she said. — CINDY KIBBE/NEW HAMPSHIRE BUSINESS REVIEW