

Looking abroad for workers

Owners of seasonal businesses at the Shore say an ongoing debate about a visa program could leave them shorthanded this summer.

BY [MICHAEL L. DIAMOND](#) • BUSINESS WRITER • FEBRUARY 18, 2008

The peak season for Comfort Lawn Service Inc. in Manchester is still a couple of months away, but owner Jeff Comerford already doesn't know how he will handle the crush.

Nearly half of his work force can't get a visa to come back to the United States because of political wrangling in Washington, D.C., he said, and finding American replacements has been a fruitless task.

"To be honest, I also try to get American workers because I still need them every spring," Comerford said. "But it's gotten to the point over the last 10 years that I hardly get a response."

Comerford and other seasonal business owners might be in a bind this year. Congress has failed to renew an exemption tucked away in immigration law, essentially cutting off a key supply of foreign labor to seasonal businesses.

The move could hit the Shore hard, given its dependence on seasonal workers to meet the demand of the summer tourism season. And it has added fuel to the already-simmering debate about whether businesses that need labor are doing enough to attract U.S. workers.

"It's a convenient program. It's not a necessary program," said Jessica Vaughan, a policy analyst for the Center of Immigration Studies, a Washington, D.C.-based think tank that advocates lower immigration.

Many industries

At issue is the H-2B visa program that allows foreign workers to come to the United States for up to a year and provide temporary help to businesses, whether a landscaping company in Manchester or a ski resort in Vermont.

New Jersey businesses first need to try to find U.S. workers by advertising job openings in a newspaper and working with the New Jersey Department of Labor and Workforce Development.

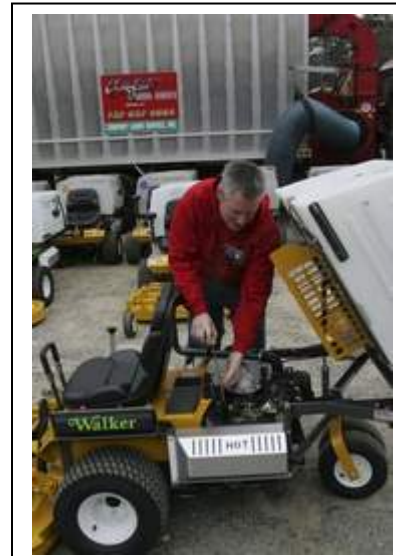
With no American takers, they can turn to the H-2B program, which has become popular. Congress in fiscal 2008 allocated 66,000 H-2B visas — 33,000 for workers for the first six months of the fiscal year and 33,000 for workers for the second six months of the fiscal year.

The demand in the summer is so high that the United States reached its cap for the second half of the year on Jan. 2, said Shawn Saucier, a spokesman for the U.S. Citizenship and Immigration Services.

To alleviate the demand, Congress provided an exemption and ruled that any worker who had received an H-2B visa in any of the previous three years didn't count toward the cap. It cleared the way for an extra 16,044 workers in 2005; 50,854 workers in 2006; and 69,320 workers in 2007, Saucier said.

Congress this year, though, did not include the exemption, despite intense lobbying by the business community. U.S. Sen. Barbara Mikulski, D-Md., sponsored a bill that would provide the exemption for the next five years. U.S. Rep. Bart Stupak, D-Mich., sponsored a bill that would make the exemption permanent.

Observers say a coalition of congressmen have refused to act on the exemption unless it is part of comprehensive immigration reform.



Jeff Comerford, owner of Comfort Lawn Service Inc. in Manchester, fears he will not be able to find enough seasonal workers if Congress does not ease restrictions on visas for foreign unskilled laborers. (STAFF PHOTO: BRYAN FERRIERA)

Business owners say the move could hit them hard. Comerford, for example, said the program gave him a steady supply of reliable help; 8 of his 18 employees had H-2B visas, and the exemption assured him they could return the next season.

He's not alone. Deborah Dowdell, president of the New Jersey Restaurant Association, said she heard complaints last year when the cap was reached so quickly. And she expects to hear complaints again when the summer gets closer.

"There's not enough seasonal work force to cover the needs of industry," Dowdell said. The summer "is such a short window for an abundance of business that's conducted here, and there's a shortage of workers."

They said the H-2B program allows employers to hire trusted foreign workers and avoid turning to undocumented workers to fill a void.

"You have employers trying to play by the rules, and they can't find workers," said Kelly Hunt, senior manager of immigration policy for the U.S. Chamber of Commerce in Washington, D.C. The employers are left with a dilemma: "Do I go out of business, or do I look for other types of workers?"

"A crutch"

In the contentious immigration debate, not everyone agrees with that interpretation. Vaughan from the Center for Immigration Studies said the H-2B visa program has given employers a crutch to lean on. Rather than increase wages and search harder for U.S. workers, they simply hire agencies to find foreign workers.

"I think there is a lot of hysteria among these employers about having access to these workers, and I think it's important to try to take an objective look and say, are these a convenience or is there a need?" Vaughan said. "I haven't seen a single economist say there is a shortage of unskilled workers (in the United States). It simply isn't true."

Comerford, however, said his experience has been different. He said his season lasts from March until the first week of December — a time that virtually rules out students, a segment of the work force that otherwise might be well suited for the manual labor.

So he searched outside the United States and found a group of workers to come to the Shore for several months and return home year after year.

"None of the people on this program — not one — wants to move to the United States," he said. "Some see no difference between H-2B and illegals standing on the corners in Lakewood. They want to do it the legal way. They all have families at home. They want to come here and work."

Michael L. Diamond (732) 643-4038 or mdiamond@app.com