

Potential worker visa crisis a threat to East End

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At Gurney's Inn in Montauk, one of the largest private employers in the Hamptons, general manager Paul Monte is looking to the summer with high anxiety.

He's got popular cottages, suites and rooms to let. But if he doesn't have enough staff to clean the rooms, Monte can't rent them. He's got a restaurant and a cafe. But if there isn't enough wait staff and cooks, people will be turned away.

The serious problem of 2007 has become worse in 2008, and it is national in scope: For years, an estimated 66,000 to 70,000 people have been allowed into the United States as temporary nonagricultural workers on an H-2B visa. In each of the past three years, the number of H-2Bs granted increased substantially, thanks to a special exemption, rising last year to a high of nearly 130,000.

But for various reasons - prime among them the debate over immigration reform - those formerly allowed to come here under the program, regulated by the U.S. Department of Labor, cannot return unless Congress acts promptly.

So the hotels, inns, restaurants and landscaping businesses that have relied on those seasonal employees don't know how or where they will find replacements.

Monte's staff increases from about 200 full-time workers to 325 as the foreign nationals come in to work Gurney's busiest season. "If I can't bump up my housekeeping staff by 30 percent in the summer, who's going to clean the rooms? If my dining room staff can't increase by 45 percent, who's going to wait on the tables?" he asked. "The more you think this through ... you realize the impact this is going to have."

The same kind of potential worker shortages are a headache for luxury hotels in Arizona and Colorado, shoreline resorts in New Jersey and Cape Cod, and a traveling circus in Texas. "I don't think there is a broad understanding of the kind of havoc we are looking at. In my own district there will be terribly serious consequences," said Rep. Tim Bishop (D-Southampton). "There are any number of sectors of the economy that are dependent on this work force." Bishop's office estimates that businesses in his district, which covers the East End, employed well over 1,000 H-2B workers last year.

Under the H-2B program, workers prescreened by federal officials are allowed into the country for up to 10 months in jobs employers certify they cannot otherwise fill. An annual cap of 66,000 new workers on H-2B visas was imposed more than a decade ago. But, under an exemption passed by Congress that took effect in May 2005, any worker who had come into the U.S. under an H-2B visa in any of the three previous fiscal years could return and not count against the cap.

Congress did not renew the exemption for this year, causing the current dilemma. The nonrenewal stemmed from several reasons - including opposition from the Congressional Hispanic Caucus, which views the H-2B program as a Band-Aid solution to immigration reform.

"I can appreciate that many businesses - from health providers to landscapers, and from the hospitality industry to the fishing industry - need Congress to address H-2B visas," said Rep. Joe Baca (D-Calif.), the caucus chairman. "I recognize that H-2B visa fixes are an important part of the immigration crisis, but that should be just another check ... as to why this Congress must take real action on immigration reform."

With constituents sending up flares, more than 90 members of Congress, Republicans and Democrats, wrote to the president in January, imploring him to lift the cap through an executive order. So far, Bishop said, they have not gotten a response.

A White House spokesman said Friday the request would require review by the Department of Homeland Security. A House bill to renew the H-2B exemption is stalled, as the time needed to process any more H-2B visa applications grows

short. "There is a general consensus that it has to be resolved by April 1 if it is to have any impact this summer," Bishop said.

Last year, East End business owners' nerves and bottom lines were also frayed by an H-2B visa issue. Because of delays in processing H-2B workers' applications, landscapers, restaurants, pool service firms and other seasonal businesses had to try to find enough employees as the summer began. Eventually, the foreign nationals got visas, but businesses already had lost customers, and discovered there was no local labor market to tap for replacement workers.

Pearl Kamer, chief economist for the Long Island Association, said the loss of seasonal workers would hurt East End's economy when more people are likely to vacation locally because of high gas costs and a weak dollar. "Long Island economic growth has been extremely modest ... 5,100 new jobs in the 12 months ending in November," Kamer said.

Melinda Rubin of Hampton Bays, an immigration attorney who handles more than 60 H-2B applications a year, predicted a dearth of seasonal workers "will completely hurt Montauk. Most of the businesses out there will be shut off from workers ... that whole town is tourism."

Bob Sakaniwa, an associate director with the Washington-based American Immigration Lawyers Association, said Congress would have to take action within the next two to three months to address the H-2B worker woes. "The whole issue of immigration reform has gotten so politicized this year. Businesses have been shut out ... ," Sakaniwa said. "If that gets back to the folks on the Hill, it will help determine if they [Congress] will deal with it."

Visa exemptions

Since 2005, H-2B visa holders who had worked in the United States in any three prior years could return and not count against an annual cap on those workers.

Data are for fiscal years (Oct. 1 to Sept. 30)

Regular H-2B visas

1997 15,706

1998 20,192

1999 30,642

2000 45,037

2001 58,215

2002 62,591

2003 78,955

2004 76,196

2005 87,492

2006 71,687

2007 60,227

Visas granted to returning workers

2005 1,644

2006 50,854

2007 69,320

SOURCE: U.S. DEPARTMENT OF STATE IMMIGRATION AND CUSTOMS ENFORCEMENT