

Road to seasonal help lined with bureaucracy

By [PAUL NELSON](#), Staff writer

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It was early March and still another two months before the first two workers from Jamaica would be reporting to work at Bowman Orchards in Clifton Park.

But owner Kevin Bowman wasn't leaving anything to chance.

He already had begun what he called the "cumbersome" process of submitting the necessary immigration paperwork for the H2A agricultural worker visa needed to get the West Indian men into the States.

"Last year was smooth, but the year before was a nightmare," said Bowman, who has been bringing foreign laborers to work his apple orchards for the past 12 years.

A big part of the problem is the more than half-dozen federal agencies that must approve the H2A application, he said. "It (the application process) needs to be streamlined."

For example, the forms had to be mailed to Vermont last year, he said. This year, they have to be sent to California.

Leonard D'Arrigo, an attorney with the Albany law firm Whiteman Osterman & Hanna LLP, says both the H2A and H2B visa programs -- the latter used for seasonal labor -- could use some fine-tuning.

A little help from politicians would be nice, too.

In June, an immigration reform proposal from President Bush that would have expanded the so-called guest worker program collapsed in the Senate.

D'Arrigo said the number of workers who can enter the United States on an H2B visa is capped at 66,000, a figure split evenly between the winter and spring-summer seasons.

Locally, the program is a pipeline for resorts along Lake George and in the Adirondacks, and at Saratoga Race Course, to find temporary employees. But it can sometimes put a farm with adjoining buildings and land in a bind since it can be difficult to get Americans to do some minimum-wage, hard labor, D'Arrigo said.

Two potential solutions to the problem would be to allow workers who have already been in the visa program for one of the three previous years to return and not be counted against the cap, or else increase that limit, he said.

D'Arrigo said the months' long process to complete the visas puts New York at somewhat of a disadvantage because states like Florida do it quicker.

"The farms are being forced into hiring illegal workers because there is no legitimate way they can bring in the

legal help they need," he said.

Bowman also complained the federal government dictates what the workers are paid and that he would favor a system that gives farmers the option of compensating workers based on their experience.

The six Jamaicans he ultimately will employ -- Bowman said they are like family and will return home in mid-November -- will earn \$9.70 an hour. He also has to cover housing costs.

There are 16 different types of temporary immigrant visas available for employment and training in the United States, and in 2002 some 656,000 persons were admitted under these categories.

Of the 16 categories, only the H2A and H2B are available to workers in industries that require little or no formal training.

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