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## **Visa Denials Worry E. End Business Owners**

By: Susan J. Greenberg

**Paul Monte has a huge challenge on his hands in preparation for the upcoming tourist season. As owner of the Montauk seaside resort Gurney's Inn, and president of the Montauk Chamber of Commerce, he is not only worried about the future of his business, but also that of all of the small businesses on the East End which have, in the past, used temporary workers from other countries here on special H-2B visas.**

There is a shortage of available workers this season, Monte said, due to the failure of Congress to renew legislation that has, for the past three years, provided for just enough workers to facilitate the needs across the country for a variety of businesses. Everything from ski resorts in the winter, to beach resorts and landscaping companies in the summer, have relied upon the influx of H-2B visa workers, who are allowed to stay in the country for up to 10 months.

"Last year, because of the exemption bill that was in place, 135,000 workers were allowed [in the country to work], in addition to those who were returning from the three previous years," said Monte.

Local business owners were slated to meet at Gurney's Inn this past Monday, February 4, to discuss the issue further and to come up with alternative plans to recruit workers, according to Monte. The meeting occurred after press time.

The exemption bill, he said, was crafted in 2005 and was extended through September of 2007. "Congress has failed to renew this bill, which puts us back to a number of only 66,000 workers for the year for the entire country," lamented Monte, who said that this number of visas was already met as of January 2, filled by ski resorts and other winter establishments.

"So all of the summer seasonal businesses are being denied now," continued Monte. "The cap was reached before they had a chance to approve those petitions for the summer seasons." Regulations stipulate that a business can apply for workers no earlier than four months in advance and the wait for an application to be approved is usually at least a three-month process.

As one of the largest seasonal employers in the area, needing approximately 125 workers from the spring to the fall, Monte has become the point person for the cause on Long Island, and has joined forces with such organizations as the American Hotel and Lodging Association and several landscaping groups to try to facilitate a new exemption law. Monte has been working with US Congressman Tim Bishop (D-Coram), as well.

According to Will Jenkins, a spokesperson for Bishop, the issue is impacting districts nationwide. "Many members of Congress are getting involved with this at this point, and Congressman Bishop is really serious about it," said Jenkins.

In addition to attempting to add exemption legislation to what is known as the "economic stimulus package" - a bill that Congress and the president are working on to try to jump-start the economy - Bishop signed a letter, along with 90 other members of Congress, asking for an immediate extension of the worker program.

"Without an immediate extension of the returning worker program, [businesses] will face labor shortages and increased economic hardship this year," the representatives stated in the letter. "While Congress is working on legislative options, we respectfully request that you, as president, use your executive authority to direct the departments of Homeland Security and Labor to continue the H-2B returning worker program as outlined in the 2005 legislation."

Bishop also is a co-sponsor of HR 1843, the Save Our Small and Seasonal Businesses Act, which amends the Immigration and Nationality Act to exempt temporary non-agricultural workers returning on H-2B visas. With more than 130 members of Congress in support of the bill, Jenkins said that it would solve the problem on Long Island.

"We are trying multiple tactics at once, so that this has the best chance of moving forward," said Jenkins.

In the meantime, small businesses are left with very few options. Elise Vall, office manager of Richard Sperber Landscaping in East Hampton, said that because they will not be able to hire the usual five H-2B visa workers that they do every year, they will be forced to take whomever wants the positions, regardless of whether they know how to do the job. "We've had workers that have come in

year after year after year and they are not allowed to come back," said Vall, "so with a lower experience level of workers, we will have to hire more, less knowledgeable people, to compensate."

Although sympathetic to the problem, local officials have not been able to offer complete solutions. "We are aware of the problem and are doing everything we can on the local level to ease the shortage of seasonal workers," said East Hampton Town Supervisor Bill McGintee. "Most of the restaurants have been able to fill the gap with students on student visas. The landscape businesses may still experience a shortage as H-2B visa applications are still backed up, but that is a federal issue and must be dealt with on the federal level."

Monte himself is also scrambling for options, but is hoping that the situation is rectified in time. "The H-2B visa program is a wonderful program that allows seasonal business to thrive and stay open so that that year-round American workers can also keep their jobs," said Monte. "If seasonal businesses are successful during the peak months, then there is no need to hire people and then lay them off for the winter so that they are forced to avail themselves of social services, like unemployment. We simply can't afford to have small business go out of business."