

# THE PLAIN DEALER

## Landscapers say visa exemption for foreigners vital to their business

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Washington - Landscapers from Greater Cleveland say the raging battle over immigration could soon claim another victim: the lawns of Northeast Ohio.

The landscapers fanned out across Capitol Hill on Wednesday to warn that their businesses could soon collapse, leaving their American employees and countless lawns in the lurch, unless Congress extends a visa exemption that previously let them hire foreigners for seasonal jobs like mowing and mulching.

The exemption, which expired Sept. 30, has become entangled in the bitter aftermath of Congress' failure to agree on broader immigration reform.

With lawmakers rushing to finish work before the holidays, the landscapers say they're terrified Congress won't act in time to let them hire foreigners next spring for grueling jobs that they say most Americans don't want.

"It's do or die," said Joe Drake, who runs a landscaping company in Geauga County that employs about eight American workers year-round and about 16 Mexican workers at the height of the season.

"It scares me. It really scares me," said Lois Rhea of Chagrin Falls, who works as a job supervisor for Lanhan Landscaping in Euclid.

Rhea said she fears she will lose her job if her company closes or downsizes. "I'm a divorced woman in my 60s. So who's going to hire me?"

The landscapers, who are being joined in Washington by other companies that use seasonal foreign workers, hope to persuade Congress to renew at least for one year an exemption that lets them bring in foreigners they've hired previously under the H-2B visa program. The regular H-2B visa program has an annual cap of 66,000 workers, far less than the demand for such workers nationwide. Under the exemption, returning workers aren't counted in the cap.

Without the exemption, Ohio landscaping companies -- particularly those in the northern part of the state -- say they have little hope of hiring foreign workers next year because the cap is likely to be exhausted by the time they apply. Companies can't apply until 120 days before the date they need workers, and Ohio's cold climate means that they must apply later than companies in warmer climates.

Even within Ohio, the climate difference has an impact. Chris Hayes, who works for a landscaping company in Cincinnati, said his season begins Feb. 1, compared to March 15 for Drake in Geauga County.

Both of Ohio's senators back legislation to extend the exemption for returning workers. Sandy Munley, executive director of the Ohio Landscape Association, based in Broadview Heights, said the group is still working on some House lawmakers from Ohio.

Cleveland Democratic Rep. Stephanie Tubbs Jones, one of the holdouts, said Wednesday that she is wary of allowing more foreigners to get work visas when unemployment in her district is high.

She wants more reassurance, she said, that the government is rigorously enforcing rules that require landscapers and other companies to seek out American workers first.

"I'm not one who believes that these are jobs that Americans won't do," she said.

Similar concerns have kept some lawmakers from supporting visa extensions in the past. But the biggest problem facing the landscapers this year appears to be opposition from Hispanic lawmakers who fear Congress will have little incentive to pass broader immigration reform -- including a path to citizenship for illegal immigrants -- if individual industries get separate legislation to address their needs for foreign workers.

California Democratic Rep. Joe Baca, chairman of the Congressional Hispanic Caucus, said in a statement Wednesday that he appreciates that landscapers and other businesses need H-2B visas, but that is only one part of a larger problem.

"That should be just another checkmark in the column as to why this Congress must take real action on immigration reform," said Baca.

Ohio landscapers say they are frustrated that gridlock over immigration could block them from getting workers who don't even want to move to the United States permanently.

Jim Schill, who runs a landscaping company in Sheffield with his brothers, said about half of his company's 60 workers are foreigners using the seasonal visas.

"If we don't get our guys back, it'll cut the work we can do in half," he said.

The landscapers had pinned their hopes on the efforts of Maryland Democratic Sen. Barbara Mikulski, a longtime champion of the program who authored a provision in a Senate spending bill that would extend the exemption in 2008. Melissa Schwartz, a spokeswoman for Mikulski, acknowledged that the prospects for House approval are worrisome.

"It is a very desperate situation," she said.

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