

Legal foreign guest workers caught in middle of immigration stalemate

Thousands could lose jobs unless Congress revises work permit law

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It took a while for foreign workers Monica Regalado, a nursing assistant from Honduras, and Clara Hermosillo, a housekeeper from Mexico, to get their permits to work in the United States.

Both work in environments that employers say are needed to meet industry demands, and which they claim many American workers won't take.

Both also are among hundreds of thousands of legal foreign workers, including engineers, teachers, hotel employees, landscapers, nurses, and nursery and farm workers, who are caught in the crossfire of a stalled immigration debate.

"The health-care worker shortage is going to be increasing significantly in the next several years," said Felisa Hagins, a political director who handles immigration-related issues for Service Employees International Union locals 503 in Salem and 49 in Portland.

"That shortage is going to be a huge problem," Hagins continued, "especially in meeting the in-home care or nursing home care that the baby-boomer population is going to create in the future."

The union represents 6,800 workers in Oregon and southwest Washington who work in various industries, including those that employ Regalado and Hermosillo.

The two women are among more than 2,800 temporary workers in Oregon who the U.S. Department of Homeland Security says hold U.S. government-issued "H-visas."

More than 575,000 legal foreign workers are currently in the nation under these type of work permits, according to Homeland Security.

Critics of such guest worker programs say they put American workers at a disadvantage.

By the numbers

There were 2,879 H-visas granted in 2006 to foreign workers currently employed in Oregon.

H-1B: 2,601

H-2A: 27

H-2B: 251

Visa categories

H-1B visas are granted to temporary workers and trainees in specialty occupations, such as engineers and teachers.

H-2A visas apply to seasonal agricultural workers.

H-2B visas are held by seasonal nonagricultural workers, such as hotel employees, certified nursing assistants and janitors.

SOURCE: U.S. Department of Homeland Security

"Then there are the tax consequences," said Jim Ludwick, the president of Oregonians for Immigration Reform, a nonprofit group opposed to illegal immigration.

"Because many employers hire (legal foreign workers) on a contract basis through a work agency, employers can escape paying thousands in taxes," Ludwick said. "In addition, an American is more apt to speak out if they see a company doing something wrong, than somebody who lives with the threat of being sent back home or out of the country.

"In essence, the (foreign) worker becomes an indentured servant to that company."

But proponents of the visas, such as the SEIU, say the permits should be revised by Congress to help legal foreign workers and their employers.

"It's the responsibility of Congress to come up with comprehensive immigration reform that allows workers to come to this country legally and which grants citizenship to current immigrant workers," Hagins said.

However, legal foreign workers such as Regalado and Hermosillo might not get help until after next year's elections because Congress is deadlocked on any changes to the nation's immigration laws.

Congress this year defeated legislation to overhaul the immigration system, which would have extended and improved seasonal, high-tech and agriculture guest worker programs.

For example, tens of thousands of seasonal workers at hotels, resorts and other small businesses could lose their jobs unless Congress renews a separate law that allows the government to issue more than the 66,000 H-2B visas it is supposed to be limited to. The exemption expired Sept. 30.

High-tech workers and their employers want improvements in the H-1B program, which has an annual cap of 65,000 visas. For the 2008 fiscal year, which began Oct. 1, the limit would drop to 58,200 unless Congress says otherwise.

Agriculture workers, growers, and farmers are pushing to streamline the H-2A visa program by supporting yet another bill that would offer legal status and possible U.S. citizenship for 1.5 million farm workers.

Last year, there were 97,279 seasonal H-2B workers, according to the Department of Homeland Security.

Unless Congress acts, all of them would have to compete for 66,000 H-2B visas that would be allowed next year.

Under current rules, H-1B workers cannot change jobs easily. They are free to work anywhere once they receive a green card granting permanent legal status.

Nearly 80 percent of H-visa holders are employed in 16 states, with California, New York and Florida having the largest numbers.

Oregon ranked No. 32 in the nation in the number of H-visas granted to foreign workers, according to Homeland Security.

Employers and lawmakers who support the H-visa programs say the workers are needed because they fill critical labor shortages.

"When I interviewed for this job, there weren't other people standing in line to apply," Regalado said. "Not a lot of people like to empty and clean bed pans, or change soiled bedding or bathe elderly people."

Statesman Journal reporter Thelma Guerrero-Huston contributed to this story.