

December 6, 2007

## Battling for workers

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The Intelligencer

The nursery and landscaping industries are fighting for two pieces of federal legislation to help more foreign workers earn temporary, seasonal jobs in the United States and thousands of industry representatives headed to Washington, D.C., on Wednesday to lobby for one of the bills.

Neither bill — the Save Our Small and Seasonal Businesses Act of 2007 or the Agricultural Job Opportunities, Benefits and Security Act of 2007 — has reached the Senate or House of Representatives for a vote.

Support for the two bills has put the nursery, landscaping and farming industries at odds with groups that oppose expanded guest worker visa programs as part of a strategy to stop illegal immigration.

"The immigration issue is the most contentious issue in the country today," said Chad Forcey, the Pennsylvania Landscape and Nursery Association's government relations director.

Some industries need guest worker immigration programs to survive, he said.

"We've got a situation where you have industries — particularly agriculture, which is the most vulnerable to immigration issues — that can't find the kind of (American) workers who will do these jobs," Forcey said.

The act would extend a provision allowing seasonal non-agricultural workers — the so-called H-2B visa classification — who worked here in 2005, 2006 or 2007 to reapply for the guest worker program without counting them against the H-2B program's 66,000-worker cap.

The provision expired two months ago and non-agricultural employers — like those in the landscaping, construction and nursery industries — want it reinstated before the spring 2008 seasons start.

Forcey said 66,000 workers aren't enough to meet the need and stressed that employers were only eligible to bring in foreign workers in the first place after demonstrating they had actively — and unsuccessfully — sought American candidates first.

Land-Tech Enterprises Inc., a Warrington landscape construction company, typically hires about 75 foreign workers a year to handle weeding, mowing and other jobs.

"This program is critical," said company president Mark Stein. "Without it, we wouldn't be able to abide by contracts or meet the time frames needed to fulfill our contracts. We need manpower to fulfill contracts."

Stein also has written to Bucks County Congressman Pat Murphy and U.S. Sens. Arlen Specter and Bob Casey to ask for their support of the legislation.

"While Congressman Murphy thinks that our current immigration system is broken, he does not believe that expanding the number of guest workers through this particular program is the way to go," said Adam Abrams, Murphy's communications director.

The second bill — known as AgJOBS — revises the agricultural guest worker program, known by the H-2A classification. Unlike H-2B, there's no cap on the number of agricultural guest worker visas.

Forcey said the legislation would streamline an application process he called a "bureaucratic nightmare." In most cases, employers need to hire an attorney to assist with the process.

The AgJOBS bill includes a controversial framework that would allow undocumented farm workers to eventually earn green cards if they pay fines levied for being in the country illegally, stay out of serious legal trouble and fulfill agricultural work requirements.

"It's not blanket amnesty," Forcey said. "It's in our interest to know who's here. To do that, we need to give them the opportunity to step forward and out of the shadows."

Neither bill sits well with members of Numbers USA, a nonprofit immigration-reduction organization based in Arlington, Va. "There are no jobs Americans won't do if the wages are right," said Rosemary Jenks, the group's director of government relations.

She said AgJOBS amounts to amnesty for illegal immigrants and the agricultural work requirements could lead to "indentured servitude" for those attempting to get green cards. She said the guest worker provisions, particularly the agricultural visa program, are ripe for abuse.

"There's no way of telling if these workers are leaving when they are supposed to," she said. "Forty percent of the illegal population are (overstaying visa-holders). We're not flatly opposed to guest worker programs, but we have to have a system in place (to stop abuse)."

By exempting previous guest workers who were in the country during the last three years, the Seasonal Businesses Act could legally triple the number of foreign non-agricultural workers that can take jobs here, she said.

"That's not something most Americans are interested in seeing," Jenks said.

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