

Businesses weigh in on guest worker law

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The U.S. Congress closed out 2007 without extending a visa program that would have allowed more temporary guest workers into the country to fill low-paying, seasonal jobs this spring.

The outcome pleased immigration-reduction organizations. They opposed the measure, saying it could legally triple the number of temporary foreign workers in U.S. landscaping, construction and tourism industries.

But local landscaping companies say Congress' inaction will hurt their businesses and the economy. It might even increase - rather than decrease - illegal immigration, they say, since fewer visas for legal workers will leave more unfilled jobs that can be filled by undocumented workers.

"Undocumented workers are in a better position now than they were in the past," said Mark Stein, president of Land-Tech Enterprises Inc. in Warrington.

The bill Congress wrestled with was called the Save our Small and Seasonal Businesses Act of 2007.

It would have extended a provision allowing seasonal non-agricultural (non-farming) workers - the so-called H-2B visa classification - who worked here in the last three years to reapply for the guest-worker program without counting them against the H-2B program's cap - 66,000 visas per year. That cap has already been reached for 2008.

For the last few years, the provision had allowed U.S. companies to exceed the cap. According to a report from the U.S. Department of Labor's Employment and Training Administration, the government certified 62,208 temporary foreign workers in 2006 in the landscaping industry alone.

Numbers USA, a nonprofit immigration-reduction organization based in Arlington, Va., opposed extending the visa program.

Rosemary Jenks, its government relations director, said programs like H2B are ripe for abuse since 40 percent of illegal immigrants are overstaying temporary visas. Therefore, she said, it stands to reason that increasing the program's capacity will add to the number of people who enter the country and never leave.

"We will oppose expansion of any of the foreign worker categories until we have protections in place and an exit-entry verification system," Jenks said.

Not expanding the H-2B program will only increase the demand for illegal immigrants, argued Michael T. Glah. He's the president of a company that helps local landscapers obtain foreign workers through the H2B program.

"This is going to encourage companies to go get undocumented workers because they're the only workers available," said Glah, of West Chester's International Personnel Resources Inc.

It will also reward the companies that are already using undocumented workers by punishing those that try to play by the rules, he added. Companies following the law and failing to land legal guest workers face losing business to competitors that use illegal immigrants.

"So while he's scrambling [for workers], he's also facing undue pressure because the competitor is aggressively going after his customers," Glah said.

Jenks conceded that possibility but said the solution is to crack down on the companies that hire illegal immigrants.

"They're right - there are companies breaking the law - and that's absolutely wrong," she said. "But the answer is to stop that. ...The answer is that we should be getting people to follow the law, not making exceptions to the law."

She also disagrees with the landscaping companies' assertion that there aren't enough Americans willing to take seasonal, outdoor jobs. She said she believes there's no job an American will not do if the wage is right.

"There are 25 million Americans not working who are of working age," said Jenks. "Society has an interest in employing American workers."

Plus, she added, the H-2B program also covers the tourism industry. "You can't tell me that a ski resort in Vail [Colorado] can't find college kids to do that job," she said.

Kay Burger, of Perkasio's Landscaping & Lawn Maintenance, and Land-Tech's Stein, both said they have fallen back on prison work-release programs to fill vacant jobs. Results were mixed. Both reported incidents in which equipment was stolen by program participants.

On the other hand, Burger had nothing but good things to say about the five foreign seasonal workers she hired last year and pointed out that they feed the local economy, too.

"They go to church, they go to the grocery store, they get cable television, they rent apartments, they go shopping, they buy cars," she said.

Mike Cannon, of K&K Landscaping Inc. in Warminster, added that as companies bring in more visa workers, they need to hire more Americans to supervise them and buy more trucks to send them on jobs.

"If I don't have the 17 employees we require, there's no need to expand our business," Cannon said. "Without the people, we don't need to expand and advertise to get larger. There's a trickle-down effect."

Steven Cohen, Land-Tech's vice president of operations, said that effect is cumulative.

"We're not talking about 10 trucks at C&C Ford and going to [Hewlett-Packard] for six to eight computers per year," he said. "We're talking about 250 companies not buying. ... I don't think people really understand the economic impact."

Jenks responded that hiring American workers for those jobs will have the same effect on the company's need for additional supervisors and create the same need for transportation and technology purchases.

And while temporary visa workers might cost less than American workers, at least American workers spend everything they earn in the United States, said Jenks. Much of what the visa workers make is sent back to the native countries to be spent there, she added.

The landscapers admitted that was the case but said that only illustrates the fact that most visa holders are happy to return home.

"These workers are not looking to be citizens," Burger said. "They want to come up, work their tails off, spend money to live here temporarily, but go home and enjoy their families, buy houses and go on vacations."

Glah added that some visa guest workers can earn as much in one season here as they would in three years in some of their home countries.

"It is desirous for them to have the option to go home and come back," he said. "If they overstay, they're not eligible next year. It's a very small percentage [of H-2Bs workers] that's looking to become citizens."

The landscaping companies have been sending letters to Gov. Rendell asking him to encourage U.S. legislators to take up the issue late this month or in early February - before the spring season begins. But they fear that since the visas take time to process, part of the spring landscaping season could already be lost.

Even if the extension were approved Feb. 15, Glah estimated it would be mid-May before local landscaping companies would see their first workers.

Jenks said her organization would also watch this issue closely in the coming months. She added that the exemption failed several years ago the first time it was proposed. At that time, landscaping companies' gloomy predictions for the future didn't pan out, she said.

"There was so much garbage being said about businesses going bankrupt," said Jenks. "... The visa program is going to continue. Increasing the visas will not."

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