

The Providence Journal

Hospitality group raises issues of immigrant workers

Friday, September 14, 2007

By Paul Grimaldi

Journal Staff Writer



Adelita Orefice, director of the Rhode Island Department of Labor and Training, yesterday delivers a presentation on work-force availability.

The providence journal / Bill Murphy

PROVIDENCE — Hospitality association members got a primer on immigration law yesterday, a few weeks before the group's leadership heads to Washington, D.C., to lobby Congress on the divisive issue.

With jobs in the hospitality and tourism industry making up about one out of every eight private-sector jobs in Rhode Island, immigration is an issue integral for tourist-dependent businesses that rely on foreign workers to fill seasonal jobs.

"Without H-2B [visas], this industry will find a shortage of workers," said Jamie Martel, an immigration specialist with Sayer Regan Thayer & Flanagan, a Newport law firm that handles immigration matters.

Foreigners seeking to work or study in the United States can apply for visas issued under a number of programs.

Housekeepers, kitchen help, landscape and nursery laborers who work here legally often enter through what's called the H-2B program and receive a special temporary visa to live and work in this country. Field hands, such as apple pickers, fall under the similar H-2A program.

Those hired through either program are screened by immigration officials here and in their host countries. Both programs require prospective employers to first advertise for local workers. If the jobs can't be filled locally, then they are allowed to hire guest workers from other countries.

"The whole reason the program exists is because it's hard to find U.S. workers," Martel said yesterday during a breakfast meeting hosted by the Rhode Island Hospitality and Tourism Association.

Employers sponsor the immigrants who take those visas, often paying for their transportation to this country and securing them a place to live.

Recruiting workers under the program takes time, effort and money, said Francis J. Flanagan, a lawyer and instructor in business law at Salve Regina University.

"Nobody wants to hire a lawyer to hire an employee, but that's the reality," Flanagan said during the meeting at the Rhode Island Convention Center.

A cap on H-2B visas crimps hiring, Flanagan and Martel noted.

Each year, the U.S. government makes available 66,000 H-2B visas. Employers worry that without an extension, this year's allotment will be snapped up quickly and leave businesses shorthanded over the next several months.

Dale Venturini, the association's president and chief executive officer, and other group members will travel to Washington, D.C., later this month to lobby Congress for an extension of a key part of the H-2B program, which expires Sept. 30.

If the lobbying fails and the visas dry up, employers may find workers who are in this country on other temporary permits, Flanagan said.

Under the J-1 program, foreigners seeking work as au pairs or camp counselors, as well as students, teachers and professors on educational exchanges, can gain entry into the United States.

"It might be an alternative if H-2B goes away," the Newport lawyer said.

A fourth program, H-1B, is a matter of intense debate all by itself. H-1B visas go to professionals seeking work in technical fields such as computer technology.

Every year the United States issues about 90,000 H-1B visas, and there is congressional debate about raising the cap to 115,000.

Resistance to that is coming from groups who say the program is driving down wages in technical fields and serving to transfer those skills overseas.

New immigration rules announced last month are roiling the debate further as the government promises to crack down on employers of illegal immigrants.

The new regulations have local companies worried that they'll have to act as detectives to verify their workers' Social Security numbers — and be left without enough help.

Under the rules announced Aug. 10 by the secretaries of Homeland Security and Commerce, employers will have 90 days to resolve discrepancies between the Social Security numbers their workers provide — the most common and often fraudulent document offered as proof of residency — and the records at the Social Security Administration.

Discrepancies generate "no-match" letters to employers, which require them to resolve the differences.

If they can't, employers must fire the workers.

"[The rules] put a further burden on you to determine the legality of that employee," Flanagan said.

The issue drew several questions from audience members at yesterday's breakfast who wanted to know just how far they had to go to verify a person's documents and immigration status.

Employers must balance the government's desire to protect national security with a person's right against discrimination, Martel said. Just because someone may appear to be an immigrant, it doesn't mean they are. And just because someone is an immigrant, it doesn't mean that they are here illegally.

"It's very tricky for employers," she said.

pgrimald@projo.com