

## Visa cuts leave Tenn. employers short on help

Provision allowing more seasonal workers expires

BY JANELL ROSS • STAFF WRITER • FEBRUARY 23, 2008

Casey's Rides Inc. has hired a mix of American and Mexican workers to take its traveling carnival through Tennessee for more than a decade, using this time of year to finalize plans and bring employees across the border.

This year, Debbie Green is deciding which dates to cut based on how many people she can get to set up and maintain the rides. The Jackson show is on hold.

"We didn't get the (work) visas, so we don't have the workers," said Green, whose family owns the Kentucky-based carnival operation. "And without our Spanish help, I think it's going to be a very different kind of year."

A provision in a federal law that allowed employers to bring in more seasonal, foreign-born workers expired last year. Now some business owners — in industries as far ranging as resorts, timber and golf course care — say they are scrambling to deal with the fallout. Those opposed to immigrant labor say the change could force employers to offer the salaries and conditions it takes to attract Americans.

Each year, federal law allows 66,000 H-2B visas to be issued to temporary, foreign-born workers. These workers perform jobs outside agriculture — which has its own visa category — for 12 months at a time before returning home.

For the past three years, returning H-2B workers were not counted against that 66,000 annual cap. In 2006, that exemption allowed visas to be issued to an additional 51,000 returning workers, according to the State Department.

The exemption expired in September, before some employers, including Green, could invite back workers they had before. Some federal lawmakers tried to renew the exemption, but the Congressional Hispanic Caucus opposed it. Rep. Joe Baca, D-Calif., caucus chairman, said issues with the H-2B visa program should be part of an overall discussion about immigration reform.

In 2007, 132 Tennessee employers applied for H-2B visas, said Robin Wright, employment programs specialist manager for the Tennessee Department of Labor and Workforce Development. The state doesn't track how many are approved.

## Jobs can be strenuous

Last year, Stone Sales and Service Inc., a quarry and stone sales center about 45 minutes north of Chattanooga in Dunlap, requested 25 H-2B visas and received 20. This year, the business requested 10 and just received notice they were denied all of them, office manager Wanda Farrow said.



FILE / GANNETT NEWS SERVICE

**Mariana Diaz Acosta of Mexico works at the Grand Oaks Hotel in Branson, Mo., on a temporary visa. Employers can't hire as many temporary immigrant workers this year as last year.**

### ABOUT THE H-2B VISA

- Employers who receive H-2B visas must prove they advertised the jobs first in a major American newspaper for seven days.
- An employer can not apply for the visa more than 120 days before the worker would be needed.
- If a visa is granted, the employer must pay any foreign-born worker the prevailing market wage or more, cover payroll taxes and workers' compensation insurance.
- Potential foreign-born employees must clear a federal background check.
- The worker can be employed for no more than 12 months at a time and must agree to return to their native country when the visa expires.

SOURCE: U.S. Citizenship and Immigration Services, Tennessee Department of Labor and Workforce Development

She estimates the lack of labor and construction industry slowdowns will reduce the company's sales 20 to 30 percent this year.

Green of Caseys Rides and Farrow say American workers aren't interested in the jobs they offer — seasonal, highly physical and consistently demanding.

"What we do is hard labor work," Farrow said. "This is backbreaking, nasty work."

Farrow said that in five years, only two American workers took temporary work at the quarry. Both quit after less than two months, she said.

Green formerly hired about 20 foreign workers a year. She said almost no one responds to the ads she and her husband place in area papers — employers must advertise to give Americans a chance first.

They do have workers who show up willing to work while the carnival is in their town, but for insurance purposes, workers must also pass drug tests, Green said.

"Now imagine what happens if you only have two people show up looking for work," Green said. "Believe me, we would love to put out an ad, do some interviews and our standard drug test and hire Americans. We just can't find them."

## Higher pay suggested

Steven Camarota, a demographer and director of research at the Center for Immigration Studies, said the problem is employers won't pay enough to attract and retain American workers. His think tank favors limited immigration.

"What business owners are really saying is that it's the government's job to help them procure workers abroad so that they do not have to make changes ... pay more, or automate," Camarota said.

Nashville-based Gaylord Entertainment's experience appears to support his case. Gaylord made news in 1994 because it employed so many H-2B visa workers that it purchased a Nashville hotel to house them. Ten years later, the company had 213 H-2B workers on its Nashville hotel payroll. This year, the company has none.

A spokeswoman explained in a statement it curbed its need to hire H-2B visa workers by making Gaylord a better place to work. The company did not provide details about how it did so.

Some experts dispute the idea that immigrants are displacing American workers.

Dan Cornfield, a labor sociologist at Vanderbilt University, said the number of foreign-born workers in Davidson County quadrupled between 1990 and 2006, but the unemployment rate hovered around 3.9 percent, "an indicator of full employment in a vibrant service economy."

Still, some employers are sensitive about the perception they're denying jobs to Americans. A reporter's calls to 15 Tennessee companies that requested H-2B visas last year were not returned. One golf course manager hung up abruptly after explaining it was not an issue he wished to discuss.

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