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Businesses want foreign labor visa plan to grow

Opponents see practice as model for creating guest worker program

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There are jobs few from around here can do, like replace Chinese-born Yao Ming of the Houston Rockets.

And then there are jobs nobody from around here wants to do, like replace Mexican-born Audencio Quijano, who pitches tents and shovels dung for Circus Hermanos Vazquez.

Under a relatively small program, the U.S. Department of Labor reports it certified 26,119 foreigners to temporarily come to Texas last year in nonagricultural, non-high-tech jobs. In Houston, that amounted to about 1,200 workers, including shoemakers, landscapers, construction workers, oyster floaters and circus laborers, to name a few.

Although little known by the general public, the foreign labor program quickly stokes emotions, as it is seen as a blueprint of sorts when considering whether to create a much-larger guest-worker program that could bring in millions of foreign workers.

Business owners from throughout the nation, including Houston, who depend on this foreign labor program are set to converge on Washington today to ask Congress to examine, renew and expand aspects of the current program.

Among the flashpoints regarding foreign labor is whether the U.S. economy needs the help, and if it does, how many should be allowed into the country, and under what conditions.

Critics charge such programs could lead to workers staying in the U.S. illegally after their work permits have expired as well as give employers a never-ending supply of low-wage workers who have little or no way to advance.

Supporters say if the United States wants a strong economy, it has no choice but to look beyond its borders for help with everything from running hotels and restaurants to constructing buildings.

To secure permits, known as H-2B visas, companies must first prove they tried to find U.S. workers, and that they were willing to pay reasonable wages, but still couldn't fill the jobs.

All the Houston jobs filled under the program in 2006 paid more than the current minimum wage of \$5.85 an hour and, nearly 500 of them paid \$6.73 or more, according to the Department of Labor.

Hard to find circus help

Circus Hermanos Vazquez, which has a Houston headquarters but spends most of the year on the road, was certified — as the Department of Labor approvals are known — to bring in 50 laborers, at \$8 an hour.

"The circus is a business where you travel most of the year and that is difficult for people," said Ramon Vazquez, part owner of the circus, which stems from a group that started in Mexico in 1969. "It is hard to find people from the United States who want to do this, travel with the circus, put up circus tents, take down circus tents, take care of the animals."

Houston's BIO Landscape and Maintenance imported 192 workers for the 2007 season to do work along roadways, bayous and flood plains.

"If I could hire 200 legal people in Houston, why would I go through this?" Robert Taylor, the company's president, said of the process, which has included everything from filing voluminous applications in the United States to making recruiting trips to Mexico.

"These people are filling jobs (American) people honestly don't want," Taylor said. "Put yourself behind a Weed Eater in a ditch for 10 hours when it is 100 degrees."

A Labor Department spokeswoman said certification depends in part on demonstrating the jobs couldn't otherwise be filled — such as publishing an advertisement in a newspaper — and is followed by scrutiny including screenings by the Department of Homeland Security and interviews with U.S. consular officials.

Just because the Labor Department certifies a request doesn't mean the other arms of government will approve. Congress sets caps on visa programs that are traditionally far lower than the number of certifications issued.

More permits than jobs

With regard to H-2B visas, 66,000 workers were issued the permits to enter the country, compared to the 247,287 who were certified by the Labor Department.

Who gets into the United States under the program and where they are working was not clear, according to information released by the government.

Other categories for foreign workers are established for those with technical expertise, those who work in agriculture or those who have extraordinary talents, such as Yao.

Charles Foster, who is on the executive committee of the Greater Houston Partnership and is chairman of the business advocacy group's immigration task force, said the number of workers who are brought in under the program annually doesn't come close to meeting the needs of employers.

"It is a drop in the bucket that wouldn't fill the need of a single industry in Houston, much less the United States," Foster said. And the need is going to get even greater as more Americans than ever are going to college or getting technical training to leave low-skilled positions behind.

"There is not a politician worth his salt that says every American doesn't deserve a high school but a college education," he said. "Who are we saving these jobs for?"

While some in the business community say imported labor is vital, the program also has passionate critics.

Union disagreement

E. Dale Wortham, president of the Harris County AFL-CIO, said he doesn't believe foreign workers are needed to do basic labor.

"I think it is a scam and a sham — there are a number of people who would be willing to do those jobs," he said. "There are enough kids standing on corners and working in fast-food restaurants that can fill these temporary jobs."

Ira Mehlman, a spokesman for the Washington, D.C.-based Federation for American Immigration Reform, a group that supports stricter enforcement of immigration laws, shared similar views.

"There are very few, if any, jobs that Americans won't do," Mehlman said. "It is a matter of how you compensate people for the work they do."

Mehlman contends that if businesses paid fair wages and compensation, there would be no problem filling the jobs.

Foster, an immigration lawyer, said Mehlman's group and conservative commentators spread unfounded fears.

"They have so inflamed the American public that our Congress is stymied to come up with logical solutions," he said.

Meanwhile, Quijano, a laborer from the Mexican state of Veracruz, said the program works great for him.

While working for the circus and living in a company-owned recreational vehicle, he's saved enough money to build a small house, which is waiting for him with his family back in Mexico.

His \$8 hourly wage dwarfs the \$70 a week he made in Mexico.

"It doesn't even compare," Quijano said. "For me, it is a fortune."

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