

No visas, no circus

By Kevin Sieff/The Brownsville Herald

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G. Daniel Lopez/The Brownsville Herald
Jim Judkins stands next to one of Circus Chimera's trailers parked in his Rio Hondo backyard. Because of difficulties obtaining H-2B visas for temporary workers, Judkins was forced to cancel his 2008 tour.

In Jim Judkins' Rio Hondo backyard, trailers of circus equipment sit locked and immobile, monkeys curl their fingers around the bars of a metal cage, a massive tent — the big top itself — is furled and stored behind a row of unused generators.

"Circus Chimera — Coming soon," reads a spray painted sign on a trailer's broadside. Judkins laughs. No circus, he says, is coming to Brownsville in the near future.

Due to recent changes in the United States' temporary-work visa program, Judkins had to cancel Circus Chimera's itinerary for the first time in its 10-year history.

Like most circuses, Circus Chimera is dependent on seasonal workers from outside the U.S. All 51 of the company's non-performing members, whose jobs range from setting up benches to selling tickets, are from Mexico.

When the provision for returning workers with previous H-2B visas expired in September, Judkins was not able to secure a temporary work visa for a single worker. These jobs, he says, could not be filled by an American workforce, leaving the circus with no choice but to cease operation.

Since 1990, the H-2B visa program has granted a maximum of 66,000 visas annually to seasonal laborers from countries outside of the U.S. Demand for these visas steadily increased since the program's conception. When the cap was reached for the first time in 2004, leaving many employers in crisis, legislators acted quickly to create another avenue for temporary workers.

In 2005, Sen. Barbara Mikulski (D-Md.) and Rep. Wayne T. Gilchrest (R-Md.) introduced the "Save Our Small and Seasonal Businesses Act of 2005." The act exempted temporary seasonal workers who had participated in the H-2B visa program during one of the previous three fiscal years and abided by all its rules — including returning to their country of origin — from counting towards the cap.

But on Sept. 30, 2007, the act expired, leaving a shortage of visas for South Texas' entertainment, shrimping and tourism industries.

Judkins, who in addition to his duties at Circus Chimera handles temporary work visas for more than 30 carnivals and circuses across the country, helped submit applications for 3,000 H-2B visas in 2007. Not a single one was granted, devastating not only Circus Chimera, but operations as large as the Houston Livestock Show and Rodeo, which attracts nearly 2 million visitors per year.

"The (Houston show) will probably go on this year, but it will be significantly slimmer than it has been in previous years," said John Meredith, of Meredith Advocacy Group, who works with the amusement industry in Washington D.C.

Brownsville's annual February circus, which has attracted approximately 15,000 visitors for the last 10 years according to Circus Chimera, has already been cancelled.

"Those of us who have been working with the program for almost 20 years, making sure that everything is legal — we are going to be badly hurt," said Judkins.

According to Judkins and Meredith, the circus industry's most significant disadvantage is its schedule. Employers may only begin applying for H-2B visas 120 days before work will begin. Because circuses and carnivals tour late in the visa-granting season, the businesses get a late start in applying for temporary work visas. The 66,000 available visas had already been depleted by October, when

circuses were first able to begin the application process for the 2008 season.

In late October, Judkins began making phone calls to his employees to inform them of the bad news. Without a 2008 tour, he was forced to tell his Mexican and American employees that their jobs had been lost.

He called the company's office in Oklahoma and fired seven full-time employees.

He called homes in Veracruz, Mexico and explained to more than 50 men and women that they should begin looking for new jobs.

"It was hard to do," Judkins said. "These people had done everything right. They work hard and they go home."

Judkins' workers make a \$100 deposit at the beginning of the season, and get the money back only after they've returned to their home country. Of the 3,000 workers he helps bring over every year, he estimates that 30 "disappear" after the season ends.

"I've never thought about staying after my visa expires," said Isauro Collo Apodaca, who has worked in the circus industry on temporary visas since 1991. "I work in the U.S. to earn money for my family, and I return to Veracruz to deliver it."

Last year, Apodaco earned \$550 per week with Circus Chimera, most of which he sent back to his mother and children in Mexico. This year, because he was unable to secure a visa, he is working part-time for a construction company in Veracruz, earning \$230 per week.

"My family was dependent on that income," he said. "Now we are hurting."

Judkins, who studied classics and political science at Haverford College before taking a full-time position at a Pennsylvania circus in 1978, has devoted much of his past year to defending his industry's position in the H-2B visa debate. He has flown back and forth between Brownsville and Washington D.C., where he has made several allies in Congress, including Rep. Solomon P. Ortiz.

"Industries in South Texas are deeply affected by the ongoing issue of the expiration of the H-2B visas, particularly those who work in shrimping, entertainment, and tourism, all staples of the South Texas economy," Ortiz wrote in a prepared statement. "That is why I have co-sponsored legislation (with Rep. Bart Stupak of Michigan) that would exempt returning guest workers on H-2B visas from being counted against the overall H-2B cap."

But until such legislation is passed, John Meredith worries that employers will have an incentive to use illegal labor.

"If employers can't secure visas through a legal route," he said, "then they'll have to hire undocumented workers if they want to stay in business."

Although Jim Judkins has become, as he calls himself, "the de-facto lightning rod for the H-2B issue," he is looking forward to resuming a less political livelihood.

"I miss watching the show," he said. "I miss listening to people clap and bringing happiness to the cities we visit."