

Businesses fear they may not last without hike in number of visas

Seafood and hospitality are local industries that depend on foreign workers.

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WASHINGTON - — Unless Congress acts quickly, Virginia's seafood industry will be unable to hire about 1,000 foreign seasonal workers it has counted on in years past to help pick crabs, shuck oysters and package fish bait.

With too few Americans willing to take on such messy, menial temporary jobs, officials say, a cutoff in the pipeline of legal foreign labor could be devastating.

"I have people saying to me, 'I'm going to have to close my business,'" said Frances Porter, executive director of the Virginia Seafood Council.

The state's hospitality industry could be hit hard too, just as the summer tourist season starts. The [Colonial Williamsburg](#) Foundation, for example, used 48 foreign temporary workers last year to help clean and staff its hotels.

"It's an ongoing problem finding qualified workers to fill those positions," said Tom Shrout, a Colonial Williamsburg spokesman. "We don't have the numbers of people in the area who can fill the positions that are available."

To address the labor shortfall in seasonal work, Congress created the H-2B visa program to allow a limited number of foreign workers into the U.S. for temporary nonagricultural work.

But with a cap of 66,000 foreign workers allowed nationwide annually, officials say, the program doesn't come close to meeting the demand. Congress effectively doubled the annual quota in recent years, to about 130,000, by exempting from the cap foreign workers who have held seasonal jobs in the U.S. in recent years and wish to return to them.

Now even that modest reform is in jeopardy. The exemption for returning workers expired in the fall. But unlike in previous years, when the exemption was promptly renewed, the provision is caught up in this campaign season's political crossfire over illegal immigration.

Some are hoping to use the H-2B visa program as leverage to push for broader immigration reform. But advocates for the program say they can't afford to wait for comprehensive reform that might never materialize.

"Most of us can attest to the outcry we have heard from businesses from all over the country," said Rep. [Zoe Lofgren](#), D-Calif. She's chairwoman of the House Judiciary subcommittee on immigration, which held a hearing on the issue Wednesday.

Virginia lawmakers have expressed strong support for legislation to renew the exemption for returning foreign workers. Gov. [Timothy M. Kaine](#) wrote a letter to the Virginia delegation in support of the effort.

In the Senate, a bill co-sponsored by [Sen. John Warner](#), R-Va., would renew the exemption for five years. A similar bill in the House would make the exemption permanent.

Critics said the influx of foreign labor risked driving down wage rates and displacing American workers.

"We still have to ask why natives don't want these jobs," said Rep. [Steve King](#), R-[Iowa](#), the subcommittee's ranking

Republican. "The reason is that by local standards, the wages are abysmal. How can Americans argue there are not enough jobs — but we need more foreign workers?"

Supporters of the program insist that those concerns are misguided. They said that wages were competitive and that there simply weren't enough Americans available and willing to take such temporary jobs.

Rep. Wayne Gilchrest, R-Md., said many employers in his rural Eastern Shore district went to great lengths to attract American workers, including sending daily buses to Baltimore to transport urban workers to rural sites. Even so, he said, a labor shortfall persists in the summer months.

"This is not replacing any local employment," he said.

But the H-2B program also came under fire from the Southern Poverty Law Center, which issued a report, "Close to Slavery," to describe such guest worker programs.

"In practice, the program is rife with abuses," said Mary Bauer, director of the center's Immigrant Justice Project, in written testimony. "If guest workers complain about abuses, they face deportation, blacklisting or other retaliation."

Program supporters acknowledged reports of abuse but said they were rare and could be eliminated with proper safeguards.

"Don't destroy the whole program because of a few bad apples," said Rep. [Bart Stupak](#), D-Mich., author of the House bill to extend the exemption. "We have businesses not opening. Is that what we want?"