

## Waiting For Congress To Act Delay On Temporary Worker Visas Pinch Businesses

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By [Dan Wright](#)

**HARRISONBURG** - Robert Kite has 20 Hispanic men ready to start work.

But he can't get them across the border legally because, he says, Congress is dragging its feet over a temporary visa law.

Kite, president of Shen-Valley Masonry Inc., has cut back on bidding jobs knowing that he won't be able to find enough people to do the work.

"Congress will do everything for the illegals," Kite said. "But they stall the temporary workers who want to come in legally."

Most Americans, he contends, don't want the jobs that he has to offer - commercial and industrial brick and block construction, which is hard work.

So Kite turned to seasonal work visas - called H-2B visas - that allow foreign workers to enter the United States for 10 months.

The Department of Labor sets the wage for H-2B workers at about \$13 an hour.

Only 66,000 H-2Bs are available each year. A rule change in 2005 exempted returning workers from that limit, but that exemption expired in September and legislation to extend it has been blocked.

"This is major," Kite said. "It will cost American small businesses millions of dollars."

### Short-Handed

The limit on H-2B visas for the year was reached on Jan. 2, according to Amanda Wright, executive director of the Labor Co., an Amherst firm that helps businesses with the paperwork and logistics of getting workers here from another country.

Last year, about 140,000 workers came into the U.S. on H-2B visas, she said.

"Now, returning workers are counted as part of the 66,000 cap," Wright said. "So we're short about 70,000 slots," based on last year's figure of 140,000.



Ruben Ramos of Mexico picks apples last fall at the Turkey Knob orchards on a temporary worker visa. A stalled exemption in Congress has left businesses scrambling for a limited number of visas.  
DN-R File Photo

Legislation to extend the exemption for returning workers is caught up in the overall immigration debate, immigration experts say.

### **'Real Action' Needed**

Providing foreign labor to U.S. businesses should be considered along with other immigration issues, according to Rep. Joe Baca, D-Calif.

Baca is chairman of the Congressional Hispanic Caucus.

"I recognize that H-2B visa fixes are an important part of the immigration crisis," Baca said. "But that should be just another checkmark in the column as to why this Congress must take real action on immigration reform."

That action would include what to do with the nation's estimated 12 million illegal immigrants, and how to step up border security, Baca added.

While many in Congress say they are concerned about the lack of H-2B workers, they say an extension of the returning-worker clause could hurt overall immigration reform. The concern, officials say, is that tackling the issue piecemeal - including restarting the H-2B exemption - would thwart efforts to enact an all-encompassing immigration reform package.

But H-2B visa exemptions, counters Wright of Labor Co., are an immediate need for many small business owners - one that can't wait for immigration reform that has no real timetable.

### **Two-Year Extension Proposed**

A measure to extend the exemption clause has been proposed by U.S. Rep. Thelma Drake, R-Norfolk. But it has yet to reach a floor vote.

"That would give us a two-year exemption, a short-term fix," Wright said. "Then we could look at it again in 2010."

Of all the issues Congress takes up, few have "make or break" consequences for small businesses, said Brad Close, director of federal public policy for the National Federation of Independent Business.

"But this may cause some [business owners] to close their doors," Close said. "And this [extension] should not be hard to do. It's not a heavy lift."

### **Seasonal Help**

Some type of guest-worker program is necessary for seasonal employers, said Tim Proctor, executive vice president and chief executive officer of Bowman Apple Products Co. Inc.

"Local people do not want to do the type of seasonal work the H-2Bs are willing to do," Proctor said.

Bowman hires about 20 workers a year on the H-2B visa program, he added.

The jobs filled by H-2B workers are required by the U.S. Department of Labor to be advertised locally in help wanted ads, so Americans have first dibs at the jobs.

"Bowman Apple has not been able to fill all of these jobs locally," Proctor said. "So we have used the H-2B program to varying degrees since 1998."

The Hispanics who work for Shen-Valley Masonry are good workers, Kite said.

"They give me a decent day's labor for their wages," he said.

And while it is not justifiable, it is understandable why so many immigrants come into the U.S. illegally, he added.

"It's very difficult to do it legally," Kite said. "Congress makes it hard for somebody that's trying to do the right thing."

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