

Coming To America

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By Sam Petri



Jackson Hole, Wyo.-On a dark December evening, Suzanne Marino sits in her idling Toyota Sienna in the parking lot of Maverick's gas station, her three-legged German Shepherd, Arturo, keeping her company.

Marino, owner of the Cadillac Grille on the Town Square, is waiting for a new crop of seasonal workers to arrive on the Alltrans shuttle from the Salt Lake City airport. She has hired more than 13 foreign employees with J-1 student visas. They come from various South American countries, mainly Chile and Brazil, and are all arriving at different times. Marino can't be certain that any of her workers will arrive tonight, but she wants to make sure that when they get to Jackson she is there to welcome them.

"I owe it to these people, they're kind of scared," Marino says.

It's 6:50 p.m. The Alltrans shuttle is late. Suzanne's phone rings. It's Enrique from Brazil; he's scheduled to arrive in Jackson on Saturday, three days from now.

"Is everything okay?" Enrique, a college student, asks.

"Everything's fine," Marino assures him. "I'll pick you up at the Alltrans stop. I'll be waiting."

"Is everything okay with the other students from Brazil? Did you talk to Alex and Debbie?" Enrique's voice crackles in static from 6,000 miles away. Marino connected with Enrique and her other workers through Cultural Homestay International (CHI), a non-profit educational exchange program that places college students from around the globe in work-travel programs in America. Alex is Enrique's friend. Debbie is CHI's west coast employment service manager.

"They're fine. Send me your itinerary so I can track you and wait for you, okay?" says Marino. "Because you speak good English, I can let you wait tables when you get here."

"I want. I want."

Marino's phone rings again. This time, it's a call from Mexico from someone Marino doesn't know, wondering if Marino is going to obtain H-2B visas, a type of visa for non-students performing unskilled seasonal labor - one that only employers can obtain.

"What's going on?" asks the unknown female caller. "Are you getting visas? Can you get me on the list?"

"You tell me what's going on." Marino half-jokes about the confusing H-2B process; then speaks in Spanish ending with, "try calling Anderson and Associates," referring to a Colorado-based staffing agency that helps complete alien labor certification applications on behalf of Wyoming employers.

Marino hangs up. "That's the fifth call I've had like that in the last 48 hours," she says.

A cap on employees

Although the majority of jobs in Jackson are filled by Americans, a small yet crucial percentage of jobs go unfilled by the local workforce each season. Many businesses have begun to rely on foreign workers to fill the entry-level seasonal job void. Local businesses have two options for obtaining the foreign workers they need: filing for H-2B visas or hiring J-1 student visa workers. Both visa types exist to serve an employer's temporary need for unskilled entry-level workers - a need that many Jackson businesses have in common.

For the past few years, hiring H-2B visa workers has been de rigueur for local, seasonal, service industry businesses like hotels, restaurants, landscaping and construction outfits. A total of 33,000 H-2B visa workers are allowed in the country each season. There are two H-2B seasons: from October 1 to March 31 (winter) and from April 1 to September 30 (summer). With two seasons allowing 33,000 workers each, a total cap of 66,000 H-2B visas are issued nationwide each year.

Since 2005, through the Save our Small and Seasonal Business Act that changed the H-2B program, returning workers were exempt from counting toward the 66,000 annual cap on visas. This allowed more than 66,000 H-2B workers into the country each year and guaranteed that employees could return to their job in America the following season, but it was never a permanent aspect of the bill. This past September the temporary legislation ended. Returning workers now count towards the 66,000 cap and there has been little word from Washington about the fate of the returning worker exemption legislation.

"This is a political hot potato," said Colleen Dubbe, manager of the Jackson Work Force Center (the place to begin if you are a Jackson business looking to hire H-2B workers). "There has been discussion for several years. This is the first year they've let it sunset and not taken almost immediate action. It really is going to take action by our federal legislature to change any immigration work visa programs."

Compounding this crisis is the fact that businesses can't apply for an H-2B visa any sooner than 120 days before the start date of the temporary job. Because start dates for seasonal employment differ across the country, other regions in the country may be able to apply for and receive H-2B visas before Jackson businesses get a chance, leaving local businesses out of luck. That very thing happened this past September and, according to Dubbe, it will happen again.

"What happened is, because returning workers are now counting towards the cap, on the initial October 1st through March 31st season, they had enough applications to reach that cap before the end of September 2007," said Dubbe. "And I anticipate that same thing's going to happen with the second half of the year. I anticipate they're going to reach the cap even sooner. That it will probably happen some time in January or early February. And those are for workers with start dates of April 1st or later." That's Jackson's summer season.

In the last H-2B fiscal year, from Oct. 1, 2006, to Sept. 30, 2007, Jackson businesses requested 2,434 H-2B visa workers. With 4,029 requests made statewide, Jackson made up 60 percent of Wyoming's requested visas in the last fiscal year. Although not all of those potential workers were able to obtain visas, the number requests illustrates Jackson's demand.

In the end, if an employer is granted their requested H-2B visas, there are a few different ways to recruit employees. One way is through advertising in and traveling to the countries from which they plan to recruit. For many Wyoming businesses that means going to Mexico. An alternative is to use a staffing agency like Anderson and Associates to gather workers on your behalf. A third recruitment tactic is relying on the word-of-mouth recruitment that takes place through friends and relatives who have already come and worked in Jackson. That is part of the reason many Mexican workers in Teton County are from Tlaxcala.

The J-1 visa band-aid

In light of the complicated nature of the H-2B visa application process and the current cap on its usage, some needy employers are looking to the J-1 student visa program instead.

It's their only other visa-worker option, according to Dubbe. There is no cap to how many J-1 visa workers can enter the country. Workers can have more than one employer and there is minimal paperwork to be done on the employers end. The student completes all the visa forms in their home country and is either approved or denied there.

However, J-1 visas are not the golden ticket for all businesses. J-1 student visa workers are only eligible to work the 4 months out of the year that align with their summer vacation time. That's why in Jackson we see South Americans in the winter and Eastern Europeans in the summer.

Many businesses, like Jackson Hole Mountain Resort, have a need for both H-2B and J-1 visa holders in addition to the Americans they hire. Amy Widener, Human Resources Manager for Jackson Hole Mountain Resort, uses the company Universal Student Exchange (USE) to recruit J-1 student workers from South America. Like CHI, USE does not charge a service fee to the employer. Over the summer, Widener and other JHMR human resources employees travel to South America to interview and meet face-to-face with potential employees. USE even offers the option to hold on-snow interviews with potential college-aged South American ski instructors.

This winter season, JHMR was able to obtain only 30 of their usual 100 H-2B visa workers due to the national cap being reached so early this year. "We're going to have to get by without them," said Scott Horn, the human resources director for the resort. Of those 30 H-2B workers, all will be working in housekeeping.

Scott said JHMR increased the number of J-1 visa workers they hired this year to 125. This number, he said, represents about 10 percent of the JHMR workforce. Of these 125 employees, Widener said 25 are returning from last year and some of the new employees are returnees' friends.

The student workers that arrive may stay in local budget hotels and motels. For example, Marino houses her J-1 Cadillac employees at The Stage Coach Motel. "It's just a short term fix," she said. "I know someday the Stage Coach will be torn down and redeveloped. Then what are we going to do?"

JHMR does offer some housing through Jackson Hole Apartments. Widener said the students end up each paying between \$350 and \$450 per month for rent, depending on how many people are living together and in what situation. Marino quoted the same rental price for double occupancy at the Stage Coach Motel.

What now?

In Washington, Senator Barbara A. Mikulski (D-Md.), the woman responsible for the Save our Small and Seasonal Business act of 2005, continues to try to pass permanent legislation to exempt returning workers from counting toward the 66,000 H-2B visa cap. Her recent efforts, however, have been thwarted by veto threats from President Bush, who signed the Save our Small and Season Business act into law in 2005. But even then, the bill did not permanently exempt returning workers from counting towards the 66,000 H-2B cap.

"This is her number one legislative priority," said her press secretary Melissa Schwartz. "The problem is people want comprehensive immigration reform, not to piece meal it."

Rod Williams, a staffing agent in Washington State, said he was responsible for bringing 1,600 to 1,800 workers into the U.S last year. "It's a mess. I don't care what side of the political coin you're on, this is a mess," he said.

"Local businesses will have to figure out a way," said Dubbe, "they'll be scrambling to find other options and utilizing the J-1 program. There are congress people who don't want to take any action on this. I think thier primary concern is US workers. Because the economy seems so good right now, this has reached a crisis point. If the economy takes a downfall, Americans will need those jobs that H-2B visa workers have."

In the meantime, Suzanne Marino continues to file H-2B visa applications in hopes that she can rehire the Mexican employees that have worked at her restaurant for more than 10 years. "How can 66,000 workers even begin to fill the need? I know that in the rest of the country, everywhere, they are suffering this problem."

Photo by Andrew Wyatt

J-1 student visa workers from Peru arrive at the Days Inn. Other J-1 visa workers spend their four months in Jackson in similar motels. The Days Inn allows up to four people to stay in one room on a monthly basis. Rooms are outfitted with microwaves and refrigerators.