

Delays in visas for foreign workers keep shore businesses waiting



Life, one page at a time

June 03, 2008

This time last year, the Mexican workers were already settling into their jobs as kitchen staff at The Chicken or the Egg, a 24-hour restaurant in Beach Haven.

But these days, it's owner Mark Cohen who's tackling kitchen duty. His participation in the federal H-2B visa program - allowing immigrant workers temporary, seasonal employment in non-agricultural jobs - has hit a snag.

"They're probably not coming," Cohen said of the 10 foreign employees he wants to hire.

Restaurant and lodging businesses in New Jersey's shore towns are snatching up employees to prepare for the summer rush, but a labor shortage brought on by delayed changes to the H-2B program has made the situation worse, they say.

"We're able to hire some people locally ... but without a doubt, to get quality kitchen help in this environment is next to impossible," Cohen said.

He missed an application deadline in the winter and is now waiting on the status of an extension - which is why he's uncertain if his workers will come through this summer.

Part of the problem is that H-2B visas are capped at 66,000 per year. Over the past few years, Congress has allowed the number of visas to surpass the cap, a way to ease American labor shortages.

But last year, Congress failed to resolve discussions over immigration reform, instead significantly clamping down on the number of foreign workers coming here this year.

To make matters worse, the cap has already been met, said Shawn Saucier, a U.S. Bureau of Citizenship and Immigration Services spokesman.

As a result, many employers have already been denied participation in the program, while some are finding out now whether their applications have been greenlighted.

Program advocates say they want to see immigration reform address either raising the H-2B cap or removing it altogether.

David Alcantara, an immigration lawyer in Atlantic City, has seen the frustration from employers needing help getting visas processed by the government. That, too, has been slow-moving, he said.

H-2B "is a wonderful program, but in some ways it needs to be loosened," Alcantara said.

The U.S. Department of Labor, which oversees the program, announced in May it wants to rewrite some of the application requirements. The changes would essentially make the process easier for foreign workers, department officials said, while further protecting American workers' rights.

For instance, the labor markets would instead be reviewed annually to ensure there aren't enough Americans willing to fill vacant jobs first.

Some proposed changes are also meant to help the employers. One rule change would allow them to file applications directly to the federal government, instead of to their state work force agency. Other paperwork now required would also be eliminated.

The public has until July 7 to comment.

New Jersey is one of the larger participants in the H-2B program. In fiscal year 2007, the Labor Department certified 544 applications and 8,078 workers for the program, according to federal labor statistics.

Stephen DiPietro, an owner and chef of Stefano's restaurants on Long Beach Island, has participated in the program for more than six years.

Like Cohen, he's still waiting for approval on the half-dozen workers he needs this summer. He said he's disappointed in Congress' inaction.

"There's not a politician who will vote for more visas because they say they want (the) jobs for Americans," DiPietro said. "But I put ads in the newspaper ... and I'm still short."