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Record demand for H-2B visas outstrips supply as Trump ramps up immigrant crackdown

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Landscaper Jay Williams needs 40 extra workers for the summer high season to dig ditches, prune trees, and otherwise beautify parks across Houston.

Like he does every year, he advertised the positions widely, both on jobs sites online and in notices in the newspaper. Seven American workers responded, but only one came into the office, completed the application and passed the drug test.

“We gave him the job,” Williams said. “But he never showed up for work.”

Now Williams is part of a chorus of bipartisan voices, including Texas Agriculture Commissioner Sid Miller, calling on the government to allow more immigrant workers to come here on temporary visas as part of a program known as H-2B. Texas employers request the most such visas in the country almost every year, citing a need in the seasonal landscaping, construction and hospitality industries.

The push comes as President Donald Trump’s administration has not only ramped up its crackdown on illegal immigration, but is also making it harder to come here legally. His government has intensified scrutiny of applicants for a highly-skilled professional work visa program called H-1B, which Trump wants to reform. The administration is expected to soon end work authorization for the spouses of such recipients and has also slowed down the processing of H-1B visas as well as for green card applications for relatives of U.S. citizens.

It’s all part of promises Trump made during his campaign, in which he vowed to curb immigration and focus on American workers. With Congress deadlocked on overhauling the system, the White House has used policy changes and its rule-making authority to undertake administrative tweaks and reduce immigration in many of its forms, from refugees to relatives and IT workers.

“The wellbeing of the American citizen and worker will be placed second to none,” Trump said last year.

But the president has been uncharacteristically quiet on one aspect, the H-2B temporary worker program, through which his hotels and other properties hired more than 100 foreign seasonal workers last year.

“It’s certainly hypocritical and at odds with the president’s stated goal of reducing immigration,” said Alex Nowrasteh, an immigration policy analyst at the Cato Institute, a libertarian-leaning think tank in Washington D.C.

By statute, H-2B visas are capped at 66,000 and divided evenly between the winter and summer seasons. Employers must prove they tried to hire Americans for the jobs, and workers must pass background checks. Many of the same foreign employees return every year, most of them from Mexico and Central America.

This year, on Jan. 1, the first day possible to apply for summer visas, businesses filed requests for more than 81,000 lower-skilled foreign workers, a record, forcing the Department of Homeland Security to pick winners through a lottery for the first time.

The increased interest is occurring as the administration began targeting employers who hire workers here illegally. It raided a meat-processing plant in Tennessee this month, arresting almost 100 immigrants in the largest such enforcement action in a decade.

The national unemployment rate has also been at a 17-year low of 4.1 percent for five consecutive months, with the number of job openings at a record.

This spring, businesses said their need for unskilled labor remained unmet, lobbying Congress to increase the H-2B cap in a mammoth spending bill. Instead of doing so themselves, lawmakers punted the controversial issue to the Department of Homeland Security, allowing it to nearly double the number of visas allowed this year if it deemed it necessary.

Critics said Congress didn’t want any repercussions from doing so itself.

“It passed the buck,” said Mark Krikorian, executive director of the Center for Immigration Studies, a Washington think tank advocating for reducing immigration. “It obviously conflicts with the idea of creating work for American workers.”

It’s the second consecutive year Congress has done so. In 2017, then-Secretary John Kelly issued 15,000 additional visas during a White House-proclaimed “Hire American Week,” promising that it would be a “one-time increase” to protect American businesses in danger of suffering “irreparable harm” due to a lack of workers.

“There’s definitely a tension in this administration between what they want for future immigration into the United States and the need on the ground for these businesses,” said Sarah Pierce, a policy analyst at the Migration Policy Institute, a Washington research group.

In the view of immigration hawks like Krikorian, businesses should try harder to hire American workers, even if that means charging more for their services to afford better pay.

“There are plenty of college students who could be doing that kind of work and plenty of poor people, less skilled people,” Krikorian said.

But advocates of the guest worker program say doing so could put more Americans at risk of losing jobs. Williams' League City company, Landscape Art Inc., employs about 60 permanent workers year-round, but needs to double the labor pool during the busy summer season.

He pays about \$13 an hour, a rate set by Department of Labor guidelines, and contributes to health care, disability insurance, and a 401 (k) retirement savings plan. Per law, he advertises the positions widely and hires Americans — when they apply.

“It’s not really attractive to American workers,” Williams said. “Even if they make less money, if they go into a McDonalds or a HEB, they have the ability to work inside.”

Even among those who are interested, he said most fail the drug test or stop showing up after they realize how physically grueling it is. One no-show, Alonzo Young, said later in an interview that he preferred custodial work, but struggled to find it due to being a felon.

“I can do more than just dig a ditch,” he said.

Unable to locate a single American for the roughly 40 seasonal spots, Williams applied for the H-2B visas as he has done every year for two decades. But the cap was reached before his application was processed.

Now, unless more visas are allocated, he said he would have to cut permanent staff and reduce his equipment because he is not able to complete as many projects.

He said while doubling starting pay would likely attract more American workers, he’s uncertain whether that would retain them throughout the Houston summer. He would also have to increase pricing.

“At that point the question is whether anyone would hire us to do the job,” he said, noting that he competes with companies who pay lower wages to workers who are here illegally and so can afford to bid less.

About one in four landscapers are here illegally, according to the Pew Research Center, a national thinktank.

Shrimpers similarly maintain they simply cannot find Americans to fill their jobs, which require weeks at sea and takes place during the peak summer season between July and October.

Andrea Hance, executive director of the Texas Shrimp Association, said that out of all the U.S. citizens they hired last summer, two-thirds quit before the end of the first week, forcing the boat to return to shore.

“Each time that U.S. worker wants off the boat, it costs the boat owner and crew \$6,000 a day,” Hance said. “We lost quite a bit of money, not only our industry but the entire state in terms of economic impact.”

About 96 percent of American workers resigned before the end of their first month-long trip. She said the lack of labor cost the industry about \$5 million a day during peak season last year.

Shrimping adds about \$750 million to the state's annual GDP, with shrimpers earning as much as \$6,000 a day.

"We're not an industry that pays poverty wages at all, we just cannot find anyone who wants to do that job," Hance said.

Critics say the program sometimes exploits foreign workers, pointing to the case of 600 Indian guest workers who were lured to the Gulf Coast between 2003 and 2007 on promises of obtaining green cards, then forced into involuntary servitude. They were later awarded a \$20 million settlement.

But the program also has many backers. DHS Secretary Kirstjen Nielsen told a House panel last week she intended to increase the number of visas, though warned lawmakers that she wanted them to wrestle with the issue themselves next year.

Among its supporters is Miller, Texas' agriculture commissioner, a close Trump ally who made headlines in 2015 after comparing Syrian refugees to rattlesnakes and has warned often about the dangers of illegal immigration.

He was among those to appeal to Nielsen to re-open the visa applications this year.

"Your assistance will not only help ensure that we continue to feed the world, but will allow Texans to create work opportunities for U.S. citizens that are the result of the jobs generated by our ability to have a seasonal support workforce," he wrote.

He said later he didn't see a conflict with his support of the program.

"These are legal workers," he said. "Not illegals."