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Everyone loves a pretty face, but immigration laws are blind

By Jim Snyder

When Tanga Moreau first made a splash in fashion, model agents such as Harold Mindel rushed to book other Belgian beauties like her.

“When you deal in fashion, you are dealing in trends,” said Mindel, who is the director of Click model agency in New York. “When one girl gets hot, you want other girls who look like that.”

It was easier to bring foreign workers, including Belgian and Brazilian mannequins, into the United States in the late 1990s when Tanga (she’s big enough for a first-name-only reference) signed her first multi-million-dollar contract with Ralph Lauren, Mindel says. As the number of available visas has been sharply reduced, though, competition for them has become as cutthroat as the fashion industry itself.

President Bush was expected to call for an overhaul of immigration policy in his State of the Union address last night. It was a safe bet yesterday afternoon that changing the law to benefit foreign models, who already have the blessing of good looks, wouldn’t rate a mention.

But “Project Runway” types are serious in insisting their biz merits a nod in immigration legislation, joining high-tech and other industry groups looking for a higher allotment of foreign-worker passes.

If an ad agency or glossy magazine is determined to book a particular foreign model who can’t get a work visa to come to the United States, it’s easy enough to move a shoot offshore. That means American hair stylists and makeup artists, photographers, art directors and food-service providers are out of luck, too.

“If you can’t bring in the talent, the customer walks,” said Bruce Morrison, who as a Democratic congressman from Connecticut helped to write immigration policy. Morrison now lobbies for the Fashion Model Fairness Project, created last year to back a bill authored by Rep. Anthony Weiner (D-N.Y.) that would create a new visa classification.

Morrison acknowledged that the name may sound superficial, but said the issue it sought to address was serious.

“This is offshoring of American jobs, plain and simple,” he said. The coalition includes modeling agencies, although Morrison would not specify members.

Currently, most models get into the U.S. on H1-B visas and have to compete with a slew of skilled, foreign workers. About 65,000 H1-B visas are given out each year. More than twice as many were allotted during the high-tech boom of the late 1990s, when demand for skilled workers was especially high.

Technology groups continue to lobby for an increase in H1-B visas to address what they say is still a shortfall of skilled workers — a position disputed by high-tech workers who live here but are out of work.

While Congress failed to agree on a solution to the largest immigration policy issue — the millions of illegal aliens who work and live in the United States — it did late last year OK a change that made it easier for minor-league baseball players to enter the United States.

Now the fashion industry wants its fix. Not only is competition for H1-B visas intense, the time between when an application is submitted and when a visa is received is six months, a duration not conducive to the ever-changing (and fickle) fashion world.

“It’s focused on people with bachelor’s degrees or higher,” Morrison said of the H1-B classification.

“The category is oversubscribed. It doesn’t fit the modeling industry very well.”

Of the 65,000 H1-B visas handed out last year, fewer than 800 went to fashion models, immigration lawyer Eric Bland of the New York firm Siskind Susser Bland said.

Even so, that means there were 800 fewer skilled workers who came to the States.

“For every fashion model who gets in on an H1, you are taking away from a doctor or a teacher,” Bland said.

Foreign supermodels such as Naomi Campbell and Kate Moss can come and work in the United States on O visas, which are reserved for people in the arts of exceptional talent. For a \$1,000 fee, an O Visa can be OK’d in 15 days.

Models that are of “distinguished merit and ability” can qualify for an H1-B visa, according to immigration lawyer Isabel Hidrobo, also of Siskind Susser Bland. A supermodel has to demonstrate “extraordinary ability.” There are 10 criteria used to define “extraordinary,” including international acclaim, awards won, letters of reference from industry experts and a high salary.

The different classifications take into account the uniqueness of the job in question. The more unique a skill, the less likely a foreign worker would be taking a job from an American.

Professional athletes, for example, are uniquely gifted. Generally they can get into the United States on P visas.

Fashion models may have major-league talent without qualifying as all-stars, Morrison says.

“Each one is special,” he said.

Weiner’s bill would create a new classification of visa. Fashion models would be no longer in competition with skilled workers for visas, and the visa application process would move more quickly under the proposed fix.

Capping the number of fashion models who can work in the United States has been good for one type of worker: American models.

Mindel says the difficulty in bringing in foreign fashion models has led him to scout more American talent.

The consequences of the lack of visas are obscured by the fact that the current fashion trend favors American celebrities, not models.

Models were once stars themselves. But now no particular look is in, said Mindel, whose agency has about 75 female and 125 male models under contract.

“They are all pretty, thin and look alike,” he said.

But should the fashion shift again and a distinctive look become in vogue, the American fashion industry could take a hit.

“You can take a camera and shoot anywhere,” immigration lawyer Bland says.