

CA State Board of Food and Agriculture

Board Meeting: March 31, 2015



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Outline



- About CDM
 - Outreach and Education
 - Legal Services
 - Policy Advocacy
- Low-Wage Temporary Visas and Recruitment
 - H-2 Temporary Visa Programs
 - Problems in recruitment
 - Problems in employment
- *Recruitment Revealed* Report
 - www.cdmigrante.org
- GAO Report
 - <http://www.gao.gov/products/GAO-15-154>
- Comments/Questions

ABOUT CDM



- **Founded in 2005, Centro de los Derechos del Migrante, Inc. (CDM) is the first transnational legal services organization based in Mexico.**
- **CDM is dedicated to improving the recruitment and employment conditions and promoting access to justice for Mexican low-wage migrants to the U.S.**
- **With offices on both sides of the U.S.-Mexico border, CDM has developed an innovative approach to legal advocacy and organizing that engages workers both in their communities of origin and while they are employed in the U.S.**

ABOUT CDM: Program Areas



- **Outreach, Education, and Leadership Development**
- **Legal Services**
- **Policy Advocacy**
- **Special Initiatives**
 - **Justice in Recruitment Project**

Special Initiatives



- **Justice in Recruitment Project**
 - Initiative to increase information and awareness of about the processes of low-wage H-2 labor recruitment and issues faced by workers.
 - Work with allies and government agencies to address systemic abuses in international labor recruitment and U.S. employment
 - www.contratados.org
 - Building worker power and transparency in labor recruitment



LOW WAGE TEMPORARY VISAS & RECRUITMENT

H-2 Temporary Visa Programs

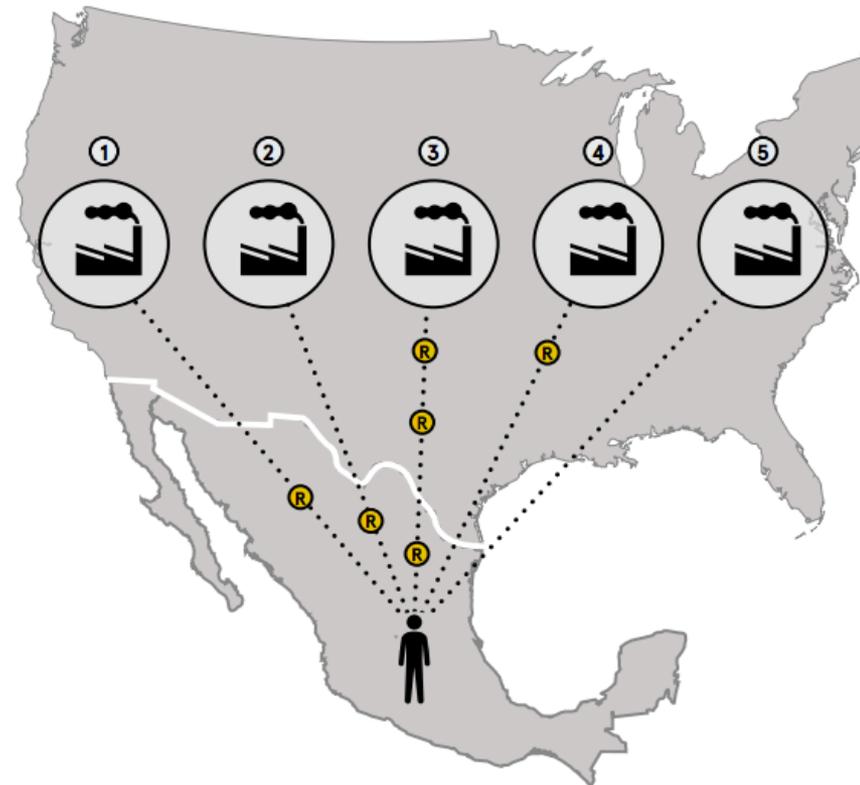
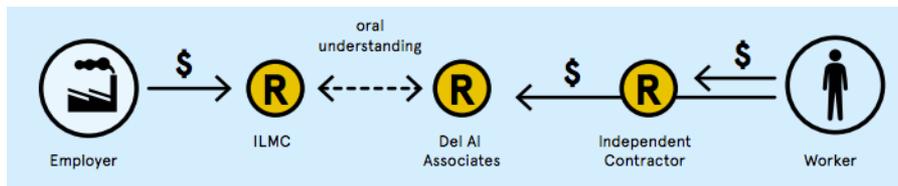


- H-A: Agricultural
- H-2B: Non-agricultural
- Characteristics: temporary work, low wage, no mobility, cannot self petition
- Process: Employer petitions to US DOL; Employer petitions to USCIS; Workers petition visas at Consulates; Employment; At end of employment worker must leave country

	H-2A	H-2B	Total
Mexico	61,324	36,341	97,665
Total	65,345	50,009	115,354
%	93.8	72.7	84.7

Problems in Recruitment

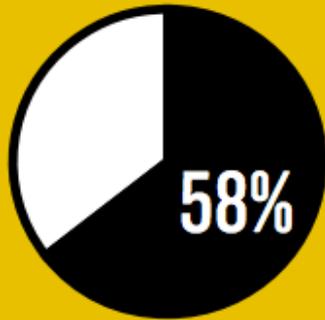
- Employer/Recruiter controlled process
- Lack of transparency
- Lack of accountability
- Non-uniform
- Blacklisting/retaliation



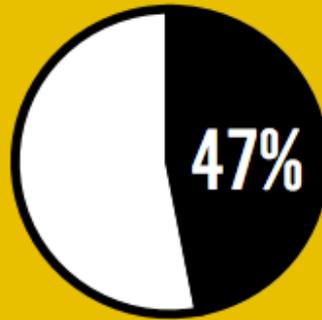
Problems in Recruitment



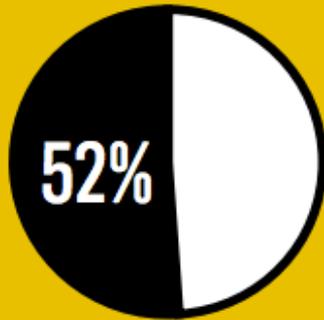
SELECT KEY FINDINGS ²



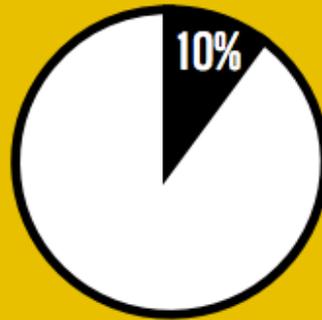
58% reported paying a recruitment fee.



47% took out a loan to cover pre-employment expenses.



52% were not shown contracts.



1 out of 10 reported paying a fee for a non-existent job.

- Document confiscation
- Blacklisting
- Discrimination / Sexual harassment
- Fraud

Consequences

- Decreased likelihood of reporting abuse
- Working in unsafe conditions
- Continuing work in abusive situation
- Human trafficking

Problems in employment



Common problems during employment:

- **Wage theft**
- **Unreimbursed visa and travel expenses**
- **Benching**
- **Non-compliance with program (sharing workers, housing, transport)**
- **Unsafe working conditions**
- **Document confiscation / mobility restriction**
- **Discrimination**
- **Threats / verbal abuse**
- **Blacklisting / retaliation**

GAO Report



- More than 250,000 H-2 workers entered the U.S. in fiscal years 2009-2013. The majority from Mexico.
- Approximately 44% of U.S. employers who hired H-2 workers in fiscal year 2013 indicated on DHS petition that that they planned to recruit workers indirectly (using an outside third party).

GAO Report



- Abuses identified in recruitment:
 - 3d party recruiters charging workers prohibited fees;
 - Lack of information or false information regarding job conditions;
 - Difficulty verifying job offers and job information:
 - DHS does not electronically capture detailed job information or make the data publicly available.
 - Enforcement Difficulties:
 - Lack of adequate information sharing between DOL and DHS

GAO Report



- Recommendations:
 - DHS publish information on jobs and recruiters;
 - DOL and DHS finalize data sharing agreement to enhance interagency collaboration.

<http://www.gao.gov/products/GAO-15-154>

Questions/comments



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