



## IMMIGRATION REFORM UPDATE



This year, farmworkers and other aspiring Americans took one giant step forward towards a roadmap to citizenship and other solutions for our broken immigration system. Farmworker Justice, along with other advocates, remains committed to pushing for immigration reform until it becomes a reality.

In June, the Senate passed the Border Security, Economic Opportunity and Immigration Modernization Act of 2013, S. 744, by a strong bipartisan vote of 68-32. A far-reaching bill covering issues ranging from border security to interior enforcement to earned legalization for millions of undocumented immigrants, S.744 includes specific provisions addressing the needs of agriculture. The agricultural stakeholder agreement provisions resulted from intense negotiations between agribusiness representatives, the United Farm Workers, and Senators Feinstein (D-Cal.), Bennet (D-Col.), Rubio (R-Fla.), and Hatch (R-Ut.). Farmworker Justice assisted the UFW during the negotiations and strongly supports the agricultural stakeholder agreement because it would greatly benefit farmworkers and their families.

The agreement includes both an earned legalization program for undocumented farmworkers and family members as well as a new guestworker program designed to address farmworker and agribusiness concerns about the current H-2A agricultural guestworker program. Our website contains extensive material on the compromise as well as on other policy proposals.

As with any compromise, the agreement includes both positive and negative features. Unlike the H-2A program, the new program's guestworkers will have legal protections equal to domestic farmworkers, there will be a limit on the number of guestworkers who can be brought into the country each year, and some will be permitted to switch employers. Major concessions include moving program administration from the Department of Labor to the Department of Agriculture, and lower wages than under the current H-2A program.

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On October 8, Farmworker Justice President Bruce Goldstein was among 200 other leaders of public-interest organizations and several members of Congress who were arrested for disobedience outside the U.S. Capitol Hill during the March for Immigrant Dignity and Respect. The event brought together tens of thousands of people who called on Congress to help the millions of families hurt by our broken immigration system.

*"Marches and calls to action are necessary to send a strong message to members of Congress that their inaction on immigration reform has dire consequences. Thousands of undocumented farmworkers live and work in fear each day, unable to secure immigration status and subject to discrimination. Those of us who marched and risked arrest are speaking out for millions who can't. While thousands live in the shadows, we need to show Congress and the public that immigration reform matters."*

—Bruce Goldstein

Farmworker Justice led the farmworker advocate social media coverage of the march and subsequent arrests which garnered national media attention. Coverage of the march and arrests which mentioned Farmworker Justice appeared in the following outlets on October 9, 2013:

The Wall Street Journal, NPR, The Christian Science Monitor, Houston Chronicle, San Francisco Chronicle, Businessweek, Huffington Post, Al Jazeera America, Atlanta Journal-Constitution, Star-Tribune, Raleigh News & Observer, Portland Press Herald, Star-Telegram, Wisconsin Gazette, U-T San Diego, Lexington Herald-Leader, Times-Union, Epoch Times, First Coast News, Fresno Bee, Wichita Eagle, Charlotte Observer, St. Louis Post-Dispatch, Evansville Courier Press, Stamford Advocate, Longview News-Journal, Latin Times, The Republican, New Jersey Herald, Edmonton Journal, Straits Times, Enquirer Herald, Hutchinson News, Connecticut News Times, Palm Beach Post, Worcester Telegram, Press of Atlantic City, Times Colonist, The Inquisitr, Amarillo-Globe News, Cortez Journal, Delco Times, The Tribune, Newser, Access North Georgia, Patheos, Police News, Officer.com, Telemundo New York, National Post (Canada), Tehran Times, WTOP (DC), WUSA (CBS-DC), Fox New York, Fox Atlanta, and more than 30 additional regional network affiliate stations.



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S. 744 also includes important new protections to address abuse in the international recruitment of workers across visa programs. The widespread discrimination, the fraud, and the recruitment fees during the recruitment process abroad drastically impact the experience of workers during recruitment and once they are in the US. Farmworker Justice played an active role in a coalition that sought these protections.

Despite the momentum generated by the Senate's action and President Obama's strong support for immigration reform, the House has yet to pass comprehensive immigration reform. Instead, the House has begun to move forward on problematic pieces of legislation. One of these, the Agricultural Guestworker Act, HR 1773, would deny a path to citizenship for current undocumented farmworkers and instead seeks to convert our agricultural labor system into a massive, exploitative guestworker program. HR 1773 was written by Rep. Bob Goodlatte, Chair of the House Judiciary Committee, which approved the bill. House Democrats recently introduced HR. 15 which is based on the Senate-passed immigration bill with some modifications to border security provisions. The House bill currently has 190 cosponsors, including several Republicans. The Speaker of the House, Rep. John Boehner (R-OH), and several other House Republican leaders have said that immigration reform is needed but that they oppose the bipartisan Senate bill, in part because of its earned

legalization program for undocumented workers. Their recent statements indicate that they will not allow a vote for immigration reform on the House floor before the end of the year. However, there is broad public support for comprehensive immigration reform, and immigration advocates, including important organizations in the conservative movement, are pressing the Republican Party leaders to pass legislation that includes a road map to citizenship.

Farmworker Justice believes we can overcome these challenges and win comprehensive immigration reform but we must keep the pressure on. In October, Farmworker Justice President Bruce Goldstein joined 200 other organization leaders and eight members of Congress in civil disobedience outside the Capitol, for which they were arrested. In November, we helped UFW members from Washington State's vineyards deliver bottles of merlot wine to Speaker Boehner. As we go to press, Eliseo Medina, Rev. Samuel Rodriguez and others have been fasting for over 20 days to win immigration reform and Farmworker Justice staff has been volunteering at the fasting site near the U.S. Capitol. We will continue our policy analysis, public education, coalition-building, and advocacy until we win. And then we will help farmworkers and their families apply to obtain immigration status and become active members of the civic life of this nation.



## ALIADOS: PROMOTING AWARENESS AND REDUCING STIGMA SURROUNDING HIV AND AIDS

As part of Farmworker Justice's *Aliados* initiative [CDC's *Act Against AIDS Leadership Initiative* (AAALI)], we honor a variety of HIV/AIDS Awareness Days throughout the year. One of the important awareness days for our community is National Latino AIDS Awareness Day. Throughout 2013, we have been building a partnership with the Mexican Consulate's Ventanillas de Salud programs to provide information and resources on HIV/AIDS. As part of this partnership we supplied informational materials to Ventanillas de Salud offices that requested resources for their NLAAD events. We also assisted ASPIRA Association, an AAALI partner, with organizing and carrying out a Congressional Briefing entitled *HIV/AIDS and Latinos: An Intergenerational Look at Biomedical Research and Prevention*. The briefing was sponsored by Representative Lucille Roybal-Allard (D-CA).

These past few weeks, Aliados has been busy organizing activities for World AIDS Day (WAD). WAD is especially important for our community, as U.S. farmworkers come from a variety of countries. Our main activity for WAD was participating, for the fourth year in a row, in AIDS.gov's Facing AIDS initiative. Make sure to follow all of the Aliados activities by following Farmworker Justice's Facebook page.

Contact us if you want to get your organization involved in raising awareness about HIV in Latino communities.



FARWORKER JUSTICE  
ANNOUNCES NEW NATIONAL

# HEALTH INITIATIVE

CONEXIONES- CONNECTING  
RURAL LATINO FAMILIES TO  
MEDICAID AND CHILD HEALTH  
INSURANCE PROGRAMS (CHIP)

In July 2013, the Department of Health and Human Services selected Farmworker Justice as one of two national organizations to receive a "Connecting Kids to Coverage Outreach and Enrollment Grant," administered by the Centers for Medicare and Medicaid Services (CMS). Funded through 2015, *Conexiones*: Connecting Rural Latino Families to Medicaid and Child Health Insurance Program (CHIP) seeks to empower rural Latino communities to better access available healthcare and targets states with a high uninsured populations.

Rural Latinos, in particular children, have disproportionately lower rates of health insurance coverage than other populations. Approximately 31 percent of rural Latino children lack health insurance as compared to 18 percent of non-Hispanic white children or 15 percent of African American children. Arizona, California, Florida and North Carolina are amongst the states with the greatest number of uninsured Latinos in the United States. Through the *Conexiones* initiative, Farmworker Justice is partnering with four community-based organizations: Alianza de Mujeres Activas in Florida, Campesinos Sin Fronteras in Arizona, Centro Binacional para el Desarrollo de los Indígenas Oaxaqueños in California, and Proyecto de Trabajadores Agrícolas in North Carolina.



CHECK US OUT AT  
**FARMWORKERJUSTICE.ORG**

## LOG ON AND STAY INFORMED

SIGN UP TO RECEIVE THE LATEST NEWS AND BLOG UPDATES

## MAKING YOUR DONATIONS ONLINE JUST GOT EASIER!

With our new system, you can now make a gift in honor of family members and friends. We will send them either an e-card or mailed card to let them know about your gift of justice in their name.

The four partner organizations will work together and with Farmworker Justice to implement *promotores de salud* (community health worker) programs in their respective communities to advance enrollment in Medicaid and CHIP. Farmworker Justice will provide capacity-building assistance as well as tailored trainings and materials to each of the organizations. *Promotores* will provide education to rural Latinos in their communities on changes to the Medicaid and CHIP application and enrollment system, determine enrollment eligibility, and provide referrals for individualized assistance.

Through the *Conexiones* project, Farmworker Justice and its community-based partners will ensure that high-need communities in AZ, CA, FL and NC fully understand the new Medicaid and CHIP application process and enrollment system, and consequently enroll for coverage and access needed health care services. It is expected that, through the *promotores'* outreach efforts, an estimated 14,400 individuals will be informed on Medicaid and CHIP by the end of the two-year grant.



# LITIGATION UPDATE:

## REMEDYING SYSTEMIC LABOR ABUSES CONFRONTED BY FARMWORKERS

Sheep rancher Max Fernandez and the Western Range Association (“WRA”) have settled a federal lawsuit brought by three workers charging Fernandez and WRA with wage violations and accusing Fernandez of violations of federal labor trafficking laws. The settlement provides the workers with a total of \$110,000, covering their unpaid wages, damages from the trafficking violations, and attorney fees. The workers were recruited by the association to work as shepherders under the H-2A agricultural guestworker program.

Before inducing settlement, this litigation achieved a significant legal ruling that imposed joint employer liability on the rancher association for its member’s failure to comply with federal and state wage payment laws.

Farmworker Justice and the Northwest Justice Project co-counseled on Ruiz vs. Fernandez and Western Range Association.



**“This lawsuit achieved an important goal by holding both a major association of agricultural employers and one of its members jointly accountable. This should add significantly to the association’s interest in making sure that its members comply with labor and employment laws.”**

**-- Weeun Wang, Director of Litigation for Farmworker Justice**

Throughout the year, we have also been actively engaged in other important litigation, including a class action on behalf of cabbage workers who suffered labor abuses while working for a Wisconsin employer that claims to be the world’s largest sauerkraut producer; a case involving the exploitation of hundreds of onion workers in California’s central valley; and an appeal of a federal district court decision that improperly allowed an Arizona citrus grower to replace its locally hired employees with H-2A workers recruited from Mexico.

Most recently, we joined environmental justice groups in two lawsuits against the U.S. Environmental Protection Agency. One seeks to require the EPA to act on an administrative petition, filed years ago by farmworker advocates, requesting regulatory standards to protect farmworker communities from hazardous pesticide drift exposures; and the second case challenges the agency’s ineffective settlement of a federal discrimination complaint against the state of California relating to the state’s federally funded regulation of pesticide application permits.



# PODER SANO:

## INNOVATIVE HIVAIDS PREVENTION OUTREACH

Poder Sano, our health initiative that provides free capacity-building assistance and community mobilization tools to strengthen and support HIV prevention programs in community-based organizations, health clinics, and other agencies that serve rural Latino populations, recently hosted three innovative webinars.

In the early summer, we delivered the **Training Promotores de Salud in HIV Prevention in Rural Latino Communities: A New Tool**. This webinar highlighted our finalized, in-depth Spanish-language Train-the-Trainer curriculum. We also translated the webinar presentation into Spanish and provided this version to our Spanish-speaking constituents. The live broadcast was attended by 48 participants from diverse places of employment, including community-based organizations, health departments, and clinics.

In September, we hosted **The Affordable Care Act (ACA), Farmworkers, and HIV** featuring content expert, Jennifer Kates, Vice President and Director of Global Health & HIV Policy at the Kaiser Family Foundation and Alexis Guild, Farmworker Justice's Migrant Health Policy Analyst.

In October we presented **Providing Care and Support for Transgender Rural Latino/as and Migrant Farmworkers** in collaboration with California Rural Legal Assistance (CRLA) and the National LGBT Health Education Center at the Fenway Institute. This webinar, which was attended by 82 people, represented a unique opportunity for direct service providers to learn about the health and support needs of transgender Latino/a migrant farmworkers and other rural Latino/a transgender persons.

### New Resource Available

In partnership with Hispanic Communications Network (HCN), Poder Sano developed a new radio Public Service Announcement (PSA), encouraging rural Latino youth to use condoms to protect themselves from HIV and other sexually transmitted infections. The messaging and target audience were chosen in response to the needs expressed by key stakeholders from across the country. The tagline at the end of the PSA can be tailored and customized for individual organizations to inform listeners about services and locations where they can access free condoms.

Contact us to receive your copy of the PSA. We also have a pre-recorded webinar that features PSA success stories from community-based partners as well as capacity-building assistance on best practices for implementing PSAs.





# THE AFFORDABLE CARE ACT AND FARMWORKERS

## EDUCATING COMMUNITIES ABOUT NEW HEALTHCARE ACCESS OPPORTUNITIES



The Affordable Care Act (ACA) provides new opportunities for healthcare access for some farmworkers and their families. The health insurance marketplaces allow eligible farmworkers and their families to enroll in affordable and comprehensive health insurance plans. In states that expanded Medicaid, eligible farmworkers who are single and childless may have access to Medicaid for the first time. Further, dedicated funding for community health centers supports the expansion of services to all uninsured individuals and underserved communities.

Farmworker Justice is working with advocates and organizations to provide information and training to farmworkers and their families about their rights and responsibilities under the Affordable Care Act. During the summer, we met with farmworkers in Florida, California and Arizona to better understand their questions and knowledge about the ACA. Based on these discussions and other meetings with advocates, we are developing educational materials for farmworker communities, including low-literacy fact sheets and a training curriculum for outreach workers. The curriculum's goal is to empower outreach workers to answer questions about the ACA and connect people to trusted community resources. We have also developed a fact sheet (available on our website) for health centers and advocates which provides an overview of changes to access to healthcare for farmworkers.



## PROTECTING FARMWORKERS FROM THE DANGERS OF PESTICIDES: **NEW COALITION LAUNCHES WEBSITE**

More than 1.1 billion pounds of pesticides are applied to crops annually in the United States with farmworkers facing a greater threat from exposure to these chemicals than any other sector of society.

Every year, tens of thousands of farmworkers and their children are injured by exposure to pesticides. According to a U.S. government study, the pesticide poisoning incidence rate among U.S. agricultural workers is 39 times higher than the incidence rate found in all other industries combined.

The Worker Protection Standard, the law that establishes basic protections, hasn't been updated in more than 20 years, resulting in thousands of preventable exposures, illnesses and injuries every year for farmworkers and their families.

A new coalition made up of environmental and farmworker advocates has formed to urge policymakers to

take action to protect the men, women, and children who harvest our food and live in our nation's agricultural communities. The EPA has drafted revisions to the WPS and anticipates opening them up for public comment in February 2014.

### **How to get involved:**

- Visit the new website [www.protectfarmworkers.org](http://www.protectfarmworkers.org) and sign the online petition.
- Follow the coalition on social media to stay up to date with future actions and plan to participate once the EPA announces the public comment period is open. Your voice makes a difference in the fight to protect farmworkers.

[www.facebook.com/protectfarmworkers](http://www.facebook.com/protectfarmworkers)  
[www.twitter.com/fend4farmworks](http://www.twitter.com/fend4farmworks)





**Bruce Goldstein**

President

As you read through this newsletter, I hope you can see the progress we are making on behalf of farmworkers and the potential for even greater successes. We:

- Worked hard to help farmworkers persuade the U.S Senate to pass a bipartisan, labor management compromise, the first step to comprehensive immigration reform.
- Won back pay and changes in employment practices in settlements of lawsuits against agricultural employers who mistreated our clients
- Trained farmworkers and their families on preventing HIV and workplace injuries and enforcing their workplace rights so that they could educate their neighbors, family members and co-workers

For over thirty years Farmworker Justice has worked diligently to improve the lives of farmworkers and their families. Our vision is for farmworkers to gain legal immigration status, safe and healthy working conditions, a voice in their workplace and wages that provide economic security. Unfortunately, as you know, farmworkers still perform back-breaking work, hand-picking the fruits and vegetables we eat but often must endure low pay, dangerous working conditions, decrepit housing and threats of retaliation for challenging unlawful conduct.

Help us support farmworkers as they seek to build better lives for their families. Please support Farmworker Justice now by making a year-end gift. We have enclosed a reply envelope for your convenience.

There are many ways to contribute. You may donate a gift in honor or in memory of someone or you may also consider becoming a sustaining member. If you wish to pay by credit card or see more information on other ways to support our organization visit [www.farmworkerjustice.org](http://www.farmworkerjustice.org) and click on the donate button.

With gratitude and good wishes,

Bruce Goldstein  
President

Please join us in recognizing farmworkers as an important and integral component of a safe and just food system



# FARMWORKER JUSTICE

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## LOOK INSIDE TO GET THE LATEST NEWS FROM FARMWORKER JUSTICE

- Immigration Reform:  
Fighting For Our Nation's Farmworkers
- The Affordable Care Act and Farmworkers
- Bringing Innovative Health Education and  
Access Strategies to Communities
- Litigation Updates:  
Lawsuits Remedy Systemic Mistreatment  
of Farmworkers

### JUST RELEASED...

#### UNFINISHED HARVEST: The Agricultural Worker Protection Act at 30

In 1983, Congress passed the Migrant and Seasonal Agricultural Worker Protection Act (AWPA). To mark the thirtieth anniversary of its enactment, Farmworker Justice examined the impact of AWPA on farmworkers. The enactment of AWPA was an important step forward, but the wages and working conditions for most workers who cultivate and harvest our fruits and vegetables are still inadequate. Several factors contribute to this disappointing reality: our broken immigration system, the exclusion of farmworkers from important labor and employment laws, geographic isolation, language barriers, inadequate government resources, and lack of access to the justice system. The AWPA has made a difference in the lives of many farmworkers, but in order to reduce abusive practices that harm farmworkers and undermine the agricultural sector of our economy, improvements must be made with regard to enforcement, implementation, and the law itself.

**Download this new report at**  
[www.farmworkerjustice.org/resources/reports](http://www.farmworkerjustice.org/resources/reports)

