



IMMIGRATION REFORM UPDATE

Immigration reform continues to be an urgent need. Record-high deportations and aggressive immigration enforcement are causing great harm to farmworkers and communities across the United States. At the same time, the window for legislative reform from this Congress is closing fast. Farmworker Justice is working to ensure a path to legal status and citizenship as well as greater labor protections for farmworkers through Congress and the administration.

Last summer, the Senate passed a comprehensive immigration bill that included a roadmap to citizenship as well as an agricultural stakeholder agreement to address the dire situation of farmworkers and agricultural employers. The agricultural stakeholder agreement includes an earned legalization program that provides a roadmap to legal immigration status and citizenship for farmworkers, and a new agricultural worker visa program. The new visa system would end or weaken certain longstanding H-2A labor protections, but also would provide important new rights for agricultural visa workers. It contains concessions on immigration and labor issues that were difficult for all parties. Along with partner organizations and other advocacy groups, Farmworker Justice played an active role in supporting the agricultural immigration stakeholder agreement and other important protections for farmworkers, and we have an extensive analysis of these provisions on our webpage.

The House has yet to take concrete steps to enact legislation that includes a path to citizenship for the country's 11 million undocumented immigrants, including farmworkers. Last year, the House Judiciary Committee passed some devastating immigration-related bills, such as Rep. Goodlatte's exploitative guestworker-only proposal for agriculture. In January, House Republican leadership released a set of principles on immigration reform to the Republican caucus. While some Republican House members responded positively to the standards, another group vocally opposed them, while a third group expressed a desire not to address immigration reform this year for political reasons, mainly relating to congressional elections in November.



Despite the fact that the Obama administration has deported a record-high number of people, the week after the principles were released, Speaker of the House John Boehner stated that the House was not likely to address immigration reform, since most of his caucus does not trust the Obama administration to enforce the law. Since then, there have been some positive indications that Speaker Boehner and others are still trying to move the issue forward this summer; however, action is far from certain. The May-to-June window is a critical time frame to move legislation forward. By the August recess, House members will be in full campaign mode leading up to the November elections, and any House bill or bills would still have to be reconciled with the comprehensive immigration reform bill passed by the Senate. Farmworker Justice continues to push for action by the House by helping to lift up farmworker voices and by highlighting the urgent need for immigration reform that includes the agricultural stakeholder agreement and a path to citizenship for the 11 million undocumented immigrants living in the United States.

While the House continues to neglect its duty to pass much-needed legislation, estimates are that sometime this spring, the Obama administration will deport its two millionth person—deportations that tear apart families and communities across the country. Advocates have been increasing the pressure on President Barack Obama to halt the deportations of undocumented individuals who would qualify for legalization under the Senate bill and to grant them affirmative immigration relief that includes work authorization. Obama has asked

IMMIGRATION REFORM CONTINUED

Secretary of Homeland Security Jeh Johnson to review the administration's deportation policies to humane ways to enforce the law." Rep. Luis Gutierrez (D-IL) has told House Republicans that they have until the July 4 recess to take action on immigration reform, and if they fail to do so, Gutierrez predicts that Obama will act on his own to halt the deportations of "millions upon millions" of undocumented immigrants.

The largely unwarranted deportation of workers, parents, and community members must stop. Congress must act now to enact immigration reform. Almost a year has passed since the Senate passed immigration reform legislation. The House must do its part to move immigration reform forward by passing legislation that includes a path to citizenship for the country's 11 million aspiring citizens, as well as the agricultural stakeholder agreement. The time is now. For its part, the Obama administration must take action to end the devastation of its deportation and enforcement policies on families, workers, and communities across the country. Farmworker Justice will continue working to ensure that farmworkers are able to obtain relief from the fear of deportation, as well as an immigration status leading to citizenship.

Lupita's Story

Every day at the crack of dawn, farmworkers leave their homes to endure long, difficult days cultivating and harvesting the food we all enjoy. Like undocumented workers across the country, many farmworkers leave their homes in fear—fear that they may not return home to their children that night.

Recently, Farmworker Justice had the opportunity to speak with farmworkers about their lives and work. When asked, "How does immigration impact your life?" the farmworkers shared stories of painful separations from their family members due to deportation. Because the majority of farmworkers are undocumented, the broken immigration system and the cost of harsh immigration enforcement is omnipresent and impacts every facet of farmworkers' lives. Farmworker families face a variety of challenges in their working conditions, such as low wages and pesticide exposure, and the constant fear of being deported weighs heavily on farmworker communities.

One farmworker, Lupita, explained how difficult this omnipresent fear of separation is for children and the toll this takes on parents, who sometimes do not have the words to reassure their children. Like other workers, farmworkers deserve the right to live and work without fear. Immigration reform must be passed to fix the broken immigration system.

Lupita shared her personal story with tears in her eyes. Her husband had recently been detained after a routine traffic stop, and she was left alone with their five children. She tried to get him released, but he was transferred to a detention center so quickly that she did not even have the chance to say goodbye. She didn't know how to tell her children about what had happened, so she told them their father had gone to

visit his grandmother because she was sick. But the news spread around the community, and another child told her kids that their father was in jail. The children came home in a panic, crying, and she tried to explain the situation, but they were too young to really understand, and were distraught at the thought of their father being in jail. They refused to eat and became distracted at school. Lupita began suffering from anxiety to such an extent that she was afraid to take a shower because she feared an immigration raid would take place while she was showering.

Lupita's children were not handling the separation from their father well, and Lupita was desperate to help them. She found a distant relative who was willing to drive the children to Texas to visit their father in the detention center. The children came back from the trip less upset with their father's detention, but still fearful of police officers.

Now Lupita is afraid to drive for fear that she, too, will be stopped and detained. She has been unable to drive her son, who has Down syndrome, to his occupational and speech therapy appointments, and her long hours in the fields and the lengthy hour-and-a-half bus ride make alternative transportation unworkable. Lupita spoke with emotion as she said, "My heart hurts to think that my son will be less developed because I can't get in the car and drive him to therapy. What happens if I get deported? Who will take care of my child with Down syndrome?"

Sadly, Lupita's story is not unusual. As the Obama administration approaches its two millionth deportation, families across the country are being torn apart, with devastating impact on their lives and communities. The separation of families must stop.

LITIGATION UPDATE

REMEDYING SYSTEMIC LABOR ABUSES CONFRONTED BY FARMWORKERS

We use litigation as a strategy to remedy and discourage illegal conduct by employers and government agencies. We co-counsel cases in which positive outcomes will impact large numbers of farmworkers or make changes in law. Here are recent developments in two of our cases:

Farmworker Justice Defends Client Depositions in Mexico

In October 2013, Farmworker Justice staff traveled to the Mexican state of Guanajuato to defend the depositions of their clients in a case against GLK Foods, the world's largest sauerkraut company. The workers had worked on GLK's Wisconsin factory "trim line," cutting up cabbage into sauerkraut, under the H-2B temporary visa program. But when GLK learned that the U.S. Department of Labor was considering increasing the workers' wages, GLK fired all of the workers in mid-contract. We are co-counseling the case with the Chicago firm of Hughes Socol Piers Resnick & Dym, whose staff also traveled to Mexico for the deposition defense.

Federal Appeals Court Hears Arguments in Farmworker Case

On March 10, the U.S. Court of Appeals for the Ninth Circuit heard arguments in the case of Aguilar Murillo v. Servicios Agrícolas Mex, Inc. The lawsuit involves more than 170 U.S. farmworkers whose former



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employer, an Arizona lemon grower replaced them with easily exploitable H-2A guestworkers from Mexico. The U.S. Department of Labor instructed the grower to contact its former U.S. workers and offer them their jobs back, but the grower never told any of the workers that the jobs were available. Farmworker Justice is co-counsel on the appeal, along with Community Legal Services of Arizona and Florida Legal Services.

Judge Allows Onion Workers to Join in Federal Lawsuit

Farmworker Justice represents a group of workers who harvested onions for Lancaster, California, grower Calandri SonRise Farms. The workers suffered many years of wage theft and other violations of federal and state labor protections. In November 2013, a federal judge granted the workers' request to notify several hundred of their coworkers to allow them the opportunity to join in the lawsuit. We are co-counseling the case with California Rural Legal Assistance.

Now Is the Time to Protect Farmworkers from Pesticides:

Worker Protection Standard Is Open for Public Comment

The EPA recently published proposed revisions to the Worker Protection Standard (WPS) in the Federal Register and opened a formal public comment period until June 17, 2014. The WPS provides basic protections to farmworkers to minimize the adverse effects of pesticide exposure. The law applies to both workers involved in the production of crops and “handlers” who mix, load, or apply pesticides. Among the law’s requirements, agricultural employers must: provide pesticide safety training to workers, provide protective equipment to workers coming into contact with pesticides, and restrict entry into pesticide-treated areas until they are deemed safe.

The EPA’s revisions represent the first major overhaul of the WPS in 20 years. The proposed changes include several provisions that could have profound effects on the health of farmworkers and their families, including:

- more frequent and improved content of worker safety training
- a minimum age of 16 for pesticide handlers and early-entry workers
- respirator use training and fit testing for pesticide handlers
- new requirements for emergency medical assistance

The proposed revisions also leave out important safety measures that farmworker advocates have urged the EPA to require, including:

- medical (cholinesterase) monitoring of workers who handle highly toxic organophosphate and carbamate pesticides
- engineering controls to minimize exposures to pesticide handlers
- pesticide-specific information on health hazards provided in a low-literacy format

Farmworker Justice encourages farmworkers and their advocates to provide comments on the EPA’s revisions. Such input from the public will help the EPA determine which provisions it will include in the final regulation. Comments can be submitted online by going to www.regulations.gov and searching for docket ID number EPA-HQ-OPP-2011-0184. The public comment period closes on June 17, 2014. For more information about the WPS, the proposed changes, and how to submit comments, please contact:

Director of Occupational and Environmental Health Virginia Ruiz at vruiz@farmworkerjustice.org.



Photo Credit: David Bacon

STORIES FROM THE FIELD

Ramona was a farmworker for many years, and her husband still works in the fields. Today, she is in charge of the sexual assault and human trafficking program for a farmworker women’s rights group.

Ramona’s Story

I worked in the fields for fifteen years, and my husband still works in the fields. My experience as a farmworker was both wonderful and difficult. It was hard because I didn’t have any experience that prepared me for that work. But it was also a wonderful experience, because I learned a lot.

When I first started working in the fields, I didn’t know how to pick the fruit. I didn’t know how to pick grapes, cut onions, or pack lettuce. I didn’t know how to tie broccoli or pack almonds. Other workers helped me. They told me that I should wear a handkerchief over my nose and mouth and wear long-sleeved shirts. Workers wear a handkerchief to protect themselves from breathing in pesticides on the crop, and from the dust on the fruit, too. The long sleeves protect you because the crops have pesticides on them, and they protect your skin from them.

Many workers have problems with their skin. My hands got so swollen that my skin began to split. First they swelled up, and then they got extremely dry. My skin would start to crack, and it was extremely painful. I never went to the doctor because I couldn’t afford to, but I think it was the constant motions my hands were making—grabbing such large heads of lettuce all day long. There were also chemicals in the lettuce.

There are many challenges because the wages are so low. Workers have to pay rent, pay for the babysitter and their ride, and buy food, and, if they can, health insurance. Medical insurance is so expensive here. A simple prescription will run you \$100. We live a stressful life because all of this work is temporary. When the work runs out, many of us don’t have unemployment benefits. So when the work ends, the stress begins. It’s frustrating, because you don’t have a job or unemployment benefits, but the kids are sick, you have to pay the rent, and the bills are piling up.

But farm work is what we live off of. It’s important that others recognize this type of work. It has dignity, because it’s a difficult but honest job. Not every person can do this type of work. I don’t think it is right to look down on this work. Anyone with a conscience understands that’s wrong and realizes that this type of work should be recognized.

I would love to work alongside those people who don’t value this work, because it is such hard work. When I first started working and my hands got so swollen and cracked, I remember telling my husband that I didn’t want to go back to work. We were picking lettuce. I was packing—I’d put the head of lettuce in a plastic bag, twirl it around, clip the bag, and put it in a box. We were following the machine, pulling empty boxes from it, and then lifting them back up once they were full. We were working in 110- to 115-degree heat. Not just anyone can do this job.

Today, I’m the assistant coordinator of the sexual assault and human trafficking program for farmworker women. There are specific problems that women have working in the fields. At work, they face sexual harassment. We’ve been trying to educate women and encourage them to exercise their rights and familiarize themselves with agencies that can help. I enjoy helping farmworker women address the problems they are facing.

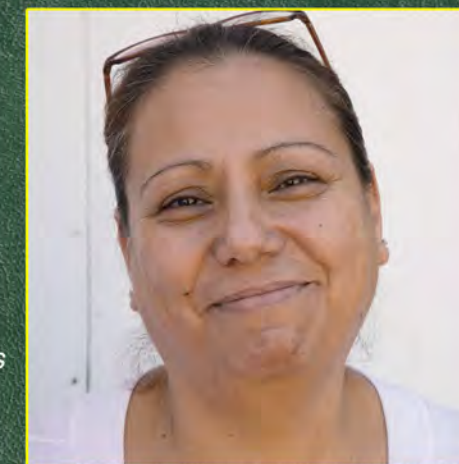


Photo Credit: David Bacon

The Affordable Care Act and Farmworkers: Open Enrollment Ends, but Outreach to Farmworkers Continues

The end of open enrollment is just the beginning of our work to inform advocates, farmworkers, and their families about the Affordable Care Act (ACA). Farmworker Justice continues to work with health centers, legal services organizations, and others to disseminate information on the Affordable Care Act to farmworker communities. We recently developed a series of fact sheets for farmworkers and their families in Spanish and English: *The Affordable Care Act and You: A Guide for U.S. Citizens and Qualified Immigrant Farmworkers and their Families*; *The Affordable Care Act and You: A Guide for Lawfully Present Farmworkers and their Families*; and *The Affordable Care Act and You: A Guide on the Health Insurance Requirement*. These fact sheets provide basic information on farmworkers' rights and responsibilities under the ACA, including eligibility for Medicaid and the Health Insurance Marketplace, subsidies to reduce the cost of health insurance, and the minimum essential coverage provision (also referred to as the individual mandate). The fact sheets can be downloaded from our website.

There are still opportunities for farmworkers to enroll in health insurance. There is no enrollment deadline for Medicaid or the Children's Health Insurance Program (CHIP). Farmworker Justice's Conexiones project provides training to community health workers, or promotores de salud, on eligibility for Medicaid and CHIP. Also, some farmworkers, including but not limited to H-2A workers, may qualify for a 60-day special enrollment period for private insurance available through the marketplaces. Our staff continues to monitor recent developments and develop materials for farmworkers and advocates. Visit our website for up-to-date materials, or contact Alexis Guild for more information at aguild@farmworkerjustice.org.



PLEASE JOIN US AT OUR ANNUAL AWARD RECEPTION

On Wednesday, May 7, 2014, **Farmworker Justice** will present awards to important contributors in the quest for farmworker justice:

Farmworker Justice Award: to **Rep. Judy Chu**, who represents the 27th Congressional District of California in the U.S. House of Representatives. She is the first Chinese American woman elected to Congress. She earned a PhD in psychology and taught at the college level for 20 years. Dr. Chu also served as an elected official on several bodies, including the California Assembly, where she was instrumental in passing occupational safety standards for agricultural workers. In Congress and as a member of the House Judiciary Committee, Rep. Chu has been a strong voice for immigrant worker rights, occupational safety for agricultural workers, and comprehensive immigration reform that would provide a road map to citizenship for farmworkers and their families. The Farmworker Justice Award recognizes Rep. Chu's valuable assistance on issues of critical importance to the nation's farmworkers.

The Shelley Davis Award*: to **Mr. Guadalupe Gamboa**, Senior Program Officer, Oxfam America, where he focuses on worker rights. Lupe was a migrant farmworker as a child and became a labor organizer with the United Farm Workers in Washington State in the late 1960's, went on to college and law school, and worked as a legal services attorney for farmworkers in the Pacific Northwest. He then worked for the UFW again before joining Oxfam America. In all of these positions he has collaborated with farmworker organizations

*The Memorial Fund provides support to carry on Shelley's work, especially on occupational safety and health.

Please support this event and our work on behalf of farmworkers. Farmworker Justice's mission is to empower farmworkers to **improve their immigration status, wages, working conditions, and health status for farmworkers and their families.**

Now is the time to help farmworkers have a voice and **shape the debate about immigration reform in this country.** Lack of immigration status in the farmworker community is a major factor contributing to the poor wages, working conditions, housing, and health of the people who work on our ranches and farms. Our immigration system needs reform and the potential exists in the next few months for major legislation that would dramatically affect more than one million farmworkers and their family members.

Please join us! Tickets for the event are \$50 per person. Sponsorships are still available beginning at \$250. For more information about buying tickets or becoming a sponsor, visit our website www.farmworkerjustice.org or contact Lynn Bock at 202-800-2527 or lbock@farmworkerjustice.org.

The reception will be held from 6pm to 8:30pm on May 7th at the Beacon Hotel located at 1615 Rhode Island Ave, NW, Washington, DC.

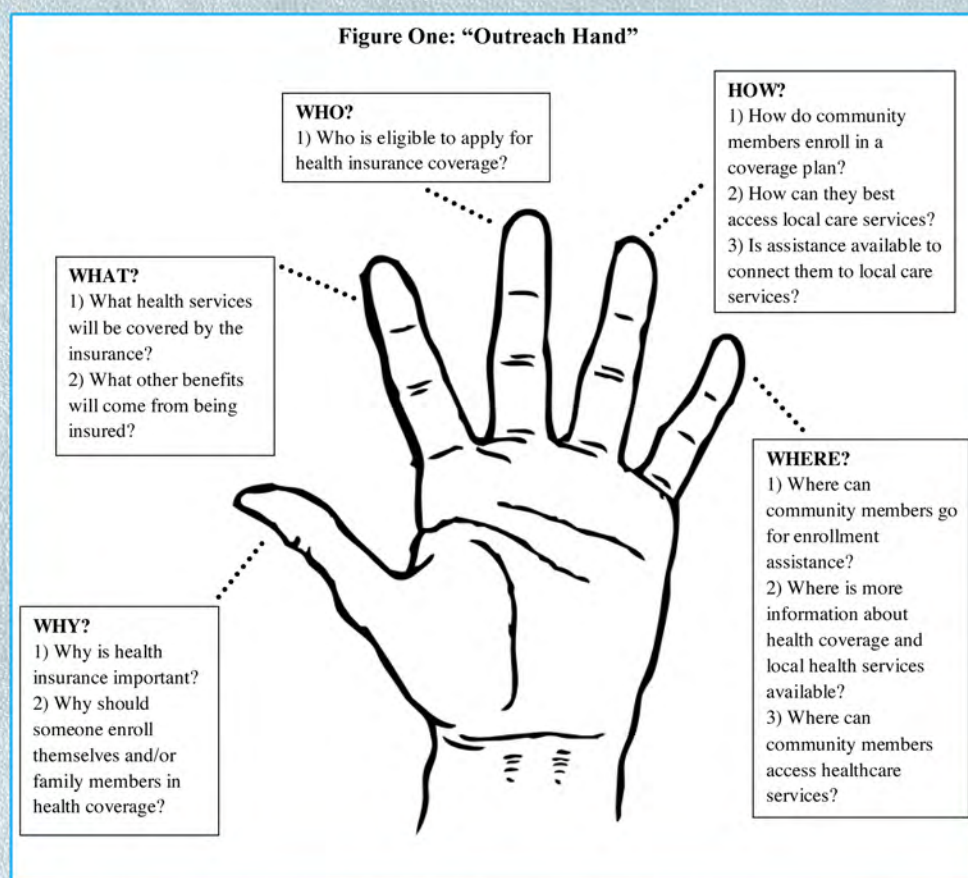


TOGETHER WE CAN MAKE A DIFFERENCE!

CONEXIONES: TRAINING COMMUNITY HEALTH OUTREACH WORKERS TO IMPROVE RURAL HEALTH ACCESS BY CONNECTING RURAL LATINOS TO MEDICAID AND CHIP

The *Conexiones* team has been busy finalizing our curriculum to train community health workers, or *promotores de salud*, on Medicaid and CHIP [Childhood Health Insurance Program]. Our *promotores de salud* train the trainer events are rapidly approaching. We will be traveling to our community partner sites throughout April and May, beginning with a two-day training with Campesinos Sin Fronteras in San Luis, Arizona, followed by collaborations with Centro Binacional para el Desarrollo Indígena Oaxaqueño in Santa Maria, California, Alianza de Mujeres Activas in Pierson, Florida, and Proyecto de los Trabajadores Agrícolas de Carolina del Norte in Benson, North Carolina.

There are many components to the training, but the key points will be reflected in an outreach tool created by the *Conexiones* team. *Promotores* will use the image of a hand to remember the five key points they wish to address during outreach encounters. These five points are: why healthcare coverage matters; where in their communities people can go to seek assistance with enrollment; who is eligible to apply for CHIP or Medicaid (or other programs, depending on the state); how to successfully enroll in these programs; and what sorts of documents are necessary to enroll. The use of the simple and recognizable image of a hand as the outreach tool will help the *promotores* manage the flow of topics that will be covered during outreach encounters.



During the first four months of outreach in the first year of the project, *promotores* are anticipated to reach out to nearly 5,000 community members about the importance of applying for healthcare coverage. Our community partners have expressed how essential these outreach efforts are, since many of the areas are very rural and the services offered may be vast distances from people's homes. The *promotores* are able to address the unique challenges in their communities and will be able to deliver information in the style and language that will best be received and understood by their fellow community members.

FARMWORKER JUSTICE

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- Litigation Updates:
Remedying Systemic Labor Abuses Confronted by Farmworkers

AVAILABLE FOR DOWNLOAD

EXPOSED AND IGNORED: How Pesticides Are Endangering Our Nation's Farmworkers



Our new report describes the huge negative impact of agricultural pesticides on farmworkers and their families and recommends approaches to reduce the unacceptably high rate of pesticide-related injuries, illnesses, and deaths. These recommendations focus on steps the EPA and the federal government can take to ensure that farmworkers and their families understand the dangers they are exposed to and how to avoid injury.

Many of the hundreds of thousands of farmworkers in this country cannot avoid regular exposure to the estimated 5.1 billion pounds of pesticides applied to crops each year in this country. Every year, thousands of farmworkers experience the effects of acute pesticide poisoning.