

**CURRENT AG WORKER  
POLICY TRENDS AND  
IMPACT ON ACCESS TO  
HEALTH**

**Midwest  
Stream  
Conference**

**September  
2018**



# FARMWORKER JUSTICE

Farmworker Justice is a nonprofit organization that seeks to empower farmworkers to improve their living and working conditions, immigration status, health, occupational safety, and access to justice.

# AGENDA

- Introductions
- Policy Update
- Challenges and Opportunities
- Resources

# WHO'S IN THE ROOM?



# WHAT ARE YOU HEARING?

- **What are your concerns?**
- **What are the concerns of the ag workers in your community?**
- **What are the concerns of the healthcare providers in your community?**
- **What questions do you have?**

# DATA ON AGRICULTURAL WORKERS

- Majority of agricultural workers (about 3/4) are foreign born
  - Approximately 2/3 are from Mexico
  - Approx. 30% citizens, 20% LPRs
  - Less than 5% visa holders
- >90% have been in U.S. at least 5 years
- >50% for more than 15 years (average of 18 years)
- About 60% have children (including U.S. citizen children)



# AG WORKER POLICY

Trends and  
Legislative  
Proposals

# CURRENT CONTEXT

- **Impact on day-to-day life:**
  - Fear of family separation
  - School absences, fear during pick-up/drop-off
  - Mental health impacted, especially for children
  - Disenrollment and/or reluctance to access key services
  - Concerns about sharing personal information
  - Isolation/less engagement in overall community
  - Negative effects on local economies
  - Distrust of government & law enforcement



# DATA ON IMPACT

- 60.8% less likely to report crimes they witnessed;
- 42.9% less likely to report being the victim of a crime;
- 69.6% less likely to use public services that require them to disclose their personal information;
- 68.3% less likely to participate in public events where police may be present;
- 52.1% less likely to look for a new job;
- And, among those with children, 42.9% less likely to place their children in after-school or day-care programs

# “SENSITIVE LOCATIONS” POLICY

- » ***“Sensitive locations” are special sites, including medical facilities, educational institutions and places of worship, in which ICE must exercise caution and avoid enforcement actions unless there are exigent circumstances.***
- » Internal memorandum at ICE that covers enforcement actions such as arrests, interviews, searches and surveillance
- » CBP has a similar policy which was created in 2013.
- » The policy is only internal guidance and not legally binding.

# THREATS TO EXISTING PROTECTIONS

## ■ **DACA (Deferred Action for Childhood Arrivals)**

- Created by Pres. Obama EO in 2012
- Rescinded by Pres. Trump September 2017 (by March 2018)
- Advocacy and mobilization for legislative solution
- Senate voted on four proposals in February 2018 – none passed
- Litigation resulting in injunctions, awaiting key decisions

*\*Current recipients can apply to renew their status\**

# THREATS TO EXISTING PROTECTIONS

## ■ **TPS (Temporary Protected Status)**

### ■ Terminated:

- Nicaragua (by Jan 2019)
- Nepal (by June 2019)
- Haiti (by July 2019)
- El Salvador (by Sept 2019)
- Honduras (by Jan 2020)

# PARTICIPANT POLL

- How many have heard of the H-2A program?
- Have you served or worked with H-2A workers?
- Do you think the number of H-2A workers in your state is increasing, decreasing or about the same?
- What are some barriers you have encountered to finding or delivering services to H-2A workers?

# H-2A GUESTWORKER PROGRAM

- Allows employers to employ temporary foreign agricultural (H-2A) workers
  - If insufficient number of U.S. workers available
  - Wages and working conditions of workers in the U.S. will not be “adversely affected”
- Job offer (“clearance order”) is entered into the agricultural recruitment system
- H-2A workers are in the U.S. on temporary non-immigrant visas
  - Visas are tied to employers who sponsored them
  - Positions are certified by the U.S. Dept. of Labor
  - Employers must provide a required wage rate, housing, transportation to and from their home country, and workers’ compensation insurance



# H-2A GUESTWORKER PROGRAM

- The program is growing: in FY 2017, approx. 200,000 positions were certified, up from approx. 76,000 in FY2007.
- In FY 2017, 200,049 positions were certified, compared with 165,741 for FY 2016 (approx. 20% increase).
- FY 2017 timely approval rate: 97.6%
- Top 5 states (Georgia, Florida, Washington, North Carolina, California) account for more than half of positions.
- State-specific numbers for Midwest Stream:
  - Louisiana - (#6)  
2017 – 8,875  
2018\* - 7,553
  - Michigan - (#9)  
2017 – 6,432  
2018\* - 5,502

# H-2A GUESTWORKER PROGRAM

- U.S. recruitment protections and 50% rule
- Housing
- Transportation
- 3/4 Guarantee
- Adverse Effect Wage Rate (higher of AEWR, minimum wage or local prevailing wage)
- Workers' Compensation



# OUTREACH TO H-2A WORKERS

- To find out where H-2A workers are in your area, you can go to the Dept. of Labor's iCERT portal – <https://icert.doleta.gov/>



# OUTREACH TO H-2A WORKERS

- Search for a job order on iCERT

UNITED STATES DEPARTMENT OF LABOR  
Employment & Training Administration

A to Z | Site Map | FAQs | Forms | About DOL | Contact Us | Español

Enter Search Term Search

ETA Home Find Job & Career Info Business & Industry Workforce Professionals Grants & Contracts TAA Program Foreign Labor Certification Performance & Results Regions & States

ETA Home > iCERT Portal > Public Job Registry

## Public Job Registry

Advanced Search

**Quick Search**

ETA Case Number:

Case Type:

Status:  (circled in blue)

State or Territory of Intended Employment:

Job Location within:  of ZIP Code:





















Job Title:

Employer Name:

Job Order Posting Date Range: From:  To:  (circled in blue)

Industry:  Search NAICS Code

Search Reset

ETA Case Number	Job Posting Date	Case Type	Status	Employer Name	State	Work Start Date	Work End Date	Job Title	Job Order	Cert
<a href="#">H-300-15212-788</a>	08/06/2015	H-2A	ACTIVE	Severt's Tree Farm...	VA	09/17/2015	12/20/2015	Farmworker	 	
<a href="#">H-300-15205-324</a>	07/31/2015	H-2A	ACTIVE	WOODBINE FARMS ...	VA	09/09/2015	11/03/2015	farmworker laborer c...	 	
<a href="#">H-300-15207-655</a>	07/31/2015	H-2A	INACTIVE	Springwood farm	VA	09/10/2015	10/31/2015	Farmworkers and lab...	 	
<a href="#">H-300-15203-424</a>	07/30/2015	H-2A	ACTIVE	Mt. Clifton Fruit Co...	VA	09/08/2015	12/10/2015	Orchard Worker	 	
<a href="#">H-300-15205-324</a>	07/29/2015	H-2A	INACTIVE	NICHOLS FARM LC	VA	09/08/2015	11/03/2015	Farmworker and Lab...	 	
<a href="#">H-300-15201-779</a>	07/28/2015	H-2A	INACTIVE	FRED L. GLAIZE, L.C.	VA	09/08/2015	10/30/2015	Farmworker and Lab...	 	
<a href="#">H-300-15205-697</a>	07/27/2015	H-2A	ACTIVE	RUSSELL ORCHARDS	VA	09/08/2015	11/06/2015	Farmworker and Lab...	 	
<a href="#">H-300-15195-450</a>	07/23/2015	H-2A	INACTIVE	FRUIT HILL ORCHA...	VA	09/01/2015	10/31/2015	Farmworker and Lab...	 	
<a href="#">H-300-15195-145</a>	07/22/2015	H-2A	INACTIVE	Westwood Farm Inc	VA	09/01/2015	10/16/2015	Farmworker and Lab...	 	
<a href="#">H-300-15195-658</a>	07/22/2015	H-2A	INACTIVE	Timber Ridge Fruit ...	VA	09/03/2015	10/30/2015	Farmworker and Lab...	 	

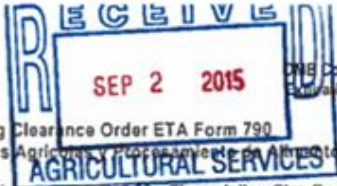
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**Disability Access:** If you have a disability and are unable to access some of the information contained on the Job Registry portion of this Website because of its format or other features, please email [H-2A@regisrtry.chicago@dol.gov](mailto:H-2A@regisrtry.chicago@dol.gov) or call 1-312-866-9000. Your request will be referred to the appropriate Department of Labor office responsible for providing assistance to you in this regard. In order to help us serve you better, please provide us with a description of your disability and your contact information so we can reach you in the event questions arise while identifying or addressing a solution to your request.



U.S. Department of Labor  
Employment and Training Administration

#26



ETA Control No. 1205-0134  
Expiration Date: October 31, 2015

Agricultural and Food Processing Clearance Order ETA Form 790  
Orden de Empleo para Obreros/Trabajadores Agrícolas y Procesamiento de Alimentos

(Print or type in each field block - To include additional information, go to block # 28 - Please follow Step-By-Step Instructions)  
(Favor de usar letra de molde en la solicitud - Para incluir información adicional vea el punto # 28 - Favor de seguir las instrucciones paso-a-paso)

1. Employer's and/or Agent's Name and Address (Number, Street, City, State and Zip Code / Nombre y Dirección del Empleador/Patrón y/o Agente (Número, Calle, Ciudad, Estado y Código Postal):

The Nuthouse Inc.  
1680 Horse Pasture Rd  
Roseboro, NC 28382

a) Federal Employer Identification Number (FEIN) / Número federal de identificación del Empleador: [REDACTED]

b) Telephone Number / Número de Teléfono: (910) 564-2421

c) Fax Number / Número de Fax: (910) 564-5459

d) E-mail Address / Dirección de Correo Electrónico: lbp@intrstar.net

2. Address and Directions to Work Site / Domicilio y Direcciones al lugar de trabajo:  
1680 Horse Pasture Rd, Roseboro, Sampson County, NC 28382

See attached map with driving directions.

Fixed-site employer. Employer owns and/or controls the worksite.

3. Address and Directions to Housing / Domicilio y Direcciones al lugar de vivienda:  
1680 Horse Pasture Rd, Roseboro, Sampson County, NC 28382

See attached map with driving directions.

a) Description of Housing / Descripción de la vivienda: DWMH (Cap > 2)

Nos. 4 through 8 for STATE USE ONLY  
Número 4 a 8 para UGO ESTATAL

4. SOC (O\*NET/OES) Occupational Code / Código Industrial:  
45-2092

5. Job Order No. / Num. de Orden de Empleo:  
10415624

a. SOC (ONET/OES) Occupational Title / Título Ocupacional:  
Farmworkers & Laborers

6. Address of Order Holding Office (include telephone number) / Dirección de la Oficina donde se radica la oferta (incluya el número de teléfono):  
P.O. Box 27625  
Raleigh, NC 27611

a. Name of Local Office Representative (include direct dial telephone number) / Nombre del Representante de la Oficina Local (incluya el número de teléfono de su línea directa):  
W.L. Grant

7. Clearance Order Issue Date / Fecha de Emisión de la Orden de Empleo:  
9-2-15

8. Job Order Expiration Date / Fecha de Vencimiento o Expiración de la Orden de Empleo:  
Exempt

9. Anticipated Period of Employment / Periodo anticipado o previsto de Empleo:  
From / Desde: 11/01/2015 To / Hasta: 08/27/2016

10. Number of Workers Requested / Número de Trabajadores Solicitados: --  
-2-

11. Anticipated Hours of Work per Week / Horas Anticipadas/Previstas de Trabajo por Semana. Total: 35

Sunday / Domingo	0	Thursday / Jueves	6
Monday / Lunes	6	Friday / Viernes	6
Tuesday / Martes	6	Saturday / Sábado	5
Wednesday / Miércoles	6		

12. Anticipated range of hours for different seasonal activities / Rango previsto de horas par alas diferentes actividades de la temporada:  
7 a.m. to 3 p.m.

13. Collect Calls Accepted from. / Aceptan Llamadas por Cobrar de:

# OUTREACH TO H-2A WORKERS

- Sample job order

# RISE IN LABOR CONTRACTORS

- Workers move around and are harder for outreach workers to locate
- Many workers are housed in hotels and other off-site housing
- Employer liability harder to prove
- Informal agreements between employers

# H-2A WORKERS & LABOR TRAFFICKING

- Signs:
  - Confiscation of passport, visa, or other documents
  - Debt
  - Recruited through false promises concerning the nature and conditions of his/her work
  - Threats to family members in home country
  - Threatened or intimidated by an employer, supervisor, or recruiter
  - Fear of employer, supervisor, or authorities
- Contact local legal aid or the trafficking hotline - [National Human Trafficking Resource Center Hotline](#) at 1-888-373-7888 or text HELP to BeFree (233733)

# “AGRICULTURAL GUESTWORKER ACT”

- **H.R. 4092** - Rep. Goodlatte (VA), introduced October 2017  
NOW
- **H.R. 6417** – “Ag and Legal Workforce Act,” introduced July 2018
  - No path to legal status
  - Workers already here must “self-deport”
  - Eliminates key wage protections
  - Eliminates housing and transportation
  - 10% bond withheld (similar to Bracero)
  - Mandatory arbitration

# AGRICULTURAL WORKER PROGRAM ACT

- Introduced Summer 2017
- S. 1034/H.R. 2690
- Sen. Feinstein (CA) and Rep. Gutierrez (IL)
- Based on “blue card” program in 2013 compromise

# AGRICULTURAL WORKER PROGRAM ACT

- Step 1: Apply for Blue Card Status
  - Prove employment in agriculture for at least 100 work days in previous two (2) years
  - Complete national security/law enforcement clearances
  - Not have been convicted of a felony, aggravated felony, 3 or more misdemeanors or certain crimes
  - Pay an application fee
  - Pay a \$100 fine
  
- \*Family members: Spouse and minor children present in the U.S. at time of application can also apply.



# AGRICULTURAL WORKER PROGRAM ACT

- Step 2: Apply for Green Card
  - Continue working in agriculture for either:
    - 100 work days per year in next 5 years; or
    - 150 work days per year in next 3 years
  - Continue to meet admissibility requirements
  - Pay an application fee
  - Pay a \$400 fine
  - Pay any applicable federal taxes
  
- \*Family members: Spouse and minor children with blue card status can also apply.

# AGRICULTURAL WORKER PROGRAM ACT

## ■ Step 1: Apply for Blue Card

- Prove employment in agriculture for at least 100 work days in previous two (2) years
- Complete national security/criminal clearances
- Pay an application fee and fine
- \*Family members: Spouse and minor children present in the U.S. at time of application can also apply.

## ■ Step 2: Apply for Green Card

- Continue working in agriculture for either:
  - 100 work days per year in next 5 years; or
  - 150 work days per year in next 3 years
- Continue to meet admissibility requirements
- Pay an application fee and fine
- Pay any applicable federal taxes

# COMPARISON OF LEGISLATIVE PROPOSALS ON AGRICULTURAL WORKERS

## Ag Guestworker Act

- No path to legal status
- Must “self-deport”
- Family separation
- Worker tied to individual employer
- Worker not able to travel freely

## Ag Worker Program Act

- Path to legal status
- Can remain in country
- Family can apply
- Worker freedom to choose employers
- Worker freedom to travel

# AG WORKER ACCESS TO HEALTH

Challenges  
and  
Opportunities

# HEALTH POLICY UPDATE

- ACA still the “law of the land”
- Association health plans rule – June 2018
- Cuts to navigator funding
- Public Charge proposal
- FY 2019 Budget
- Farm Bill (SNAP)

# BARRIERS TO HEALTH CARE ACCESS

- Workers have limited access to clinics
  - Geographic isolation, rural areas
  - Reliance on employer for transportation
  - Fears of increased immigration enforcement
- Workers may be reluctant to go to a doctor or access medical care
  - Concern about cost of visit or treatment
  - Fear of employer retaliation (especially for work-related injuries)
  - May not trust health care provider or outreach worker
  - Use of traditional medicine and home remedies
- Workers may find it hard to communicate with or understand health care providers
  - Language barriers
  - Education/literacy levels
  - Confusion about eligibility and state of law

# BARRIERS FOR H-2A WORKERS

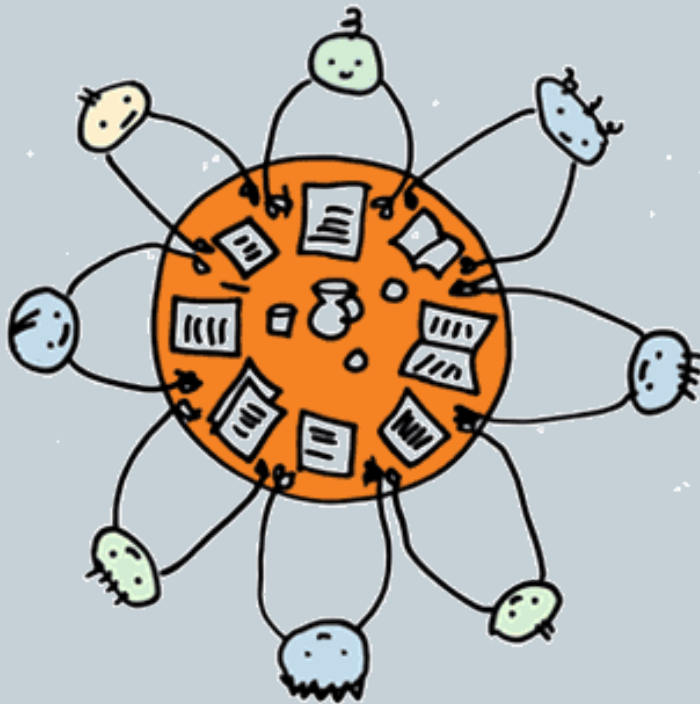
- **Outreach - Health center/organization knowledge about presence of H-2A workers**
- **Confusion between workers' compensation vs. comprehensive health insurance**
- **Limited enrollment period – since most workers arrive after the end of open enrollment, they only have 60 days to enroll in coverage upon entering the U.S.**

# CURRENT AG WORKER HEALTH INSURANCE ACCESS

- **41%** of agricultural workers reported not using any U.S. health services in past 2 years (CDC data - compared with 16% of general population)
- **35%** of agricultural workers reported having health insurance (according to 2014 NAWS data)
  - 31% had employer-provided health insurance
  - 37% had government-provided health insurance
- **37.6%** of migrant health center patients were uninsured (according to 2017 UDS data)



# CONNECTING WORKERS TO HEALTH INSURANCE AND HEALTH CARE



- What strategies have been most successful to educate and enroll workers?
- What strategies have been most successful to connect workers to the health center?
- What are your plans to connect workers to health care in 2018?

# CONNECTING WORKERS TO HEALTH INSURANCE AND HEALTH CARE

- **Where are there gaps?**
- **How can we overcome obstacles/barriers in our communities?**
- **How can FJ support these efforts?**

# IDENTIFYING LOCAL PARTNERS

- **Workforce Development and Foreign Labor Certification Office**
  - Can help connect domestic workers to jobs, Foreign Labor Certification Office can clarify questions about H2A job orders, as well as take complaints
- **Education Providers**
  - Migrant Ed - Provide ESL and/or additional education classes to H2A workers
  - Migrant Head Start – provide education to farmworker children
- **Religious Groups**
  - Visit workers to provide emotional and spiritual support
- **Farmworker legal services organizations**
  - Educate and empower workers about their legal rights, in order to prevent exploitation and abuse

# STRATEGIES TO INCREASE HEALTH INSURANCE AND HEALTH CARE ACCESS

## ■ Partnerships

- Health centers
- Employers
- Community-based organizations
- PCAs, statewide organizations
- Medical-legal partnerships

## ■ Ag worker-focused education

- Peer-to-peer education (via outreach workers, *promotores de salud*)
- NC health insurance video (<https://www.youtube.com/watch?v=KRpHIZf9-bY>)

## ■ Sustained in-person assistance



# ENGAGING YOUR COMMUNITY

- **Steps your organization can take to support the local ag worker community**
  - » Educate your community about the value of your services and your organization about developments that can impact your services.
  - » Work with local leaders, law enforcement and policy makers to educate them about the importance of agricultural workers' access to your services.
  - » Stay informed on local developments regarding law enforcement priorities and proposed legislation in your state and city.
  - » Let the ag worker community know that you welcome and value them, and that you want to help.

# FJ RESOURCES

More information on agricultural workers and accessing healthcare can be found on FJ's website at

<https://www.farmworkerjustice.org/resources/health/accessing-healthcare/community-health-centers>

- Resources (in multiple languages) include:
  - Fact sheets for workers
  - Issue briefs
  - Health center brochure

# COLLABORATING WITH US

- Learn more and stay up to date on developments:
  - Website and sign-in sheet: resources, updates and collaboration opportunities with Farmworker Justice
- Educate your Members of Congress at home and in DC
  - How do ag workers contribute to your communities?
- Media: share your stories!
  - Lift up examples of ag worker contributions and challenges in your communities

[WWW.FARMWORKERJUSTICE.ORG](http://WWW.FARMWORKERJUSTICE.ORG)

[WWW.FARMWORKERJUSTICE.ORG/RESOURCES/LABOR-AND-IMMIGRATIONS-RESOURCES](http://WWW.FARMWORKERJUSTICE.ORG/RESOURCES/LABOR-AND-IMMIGRATIONS-RESOURCES)

[IFIGUEROA@FARMWORKERJUSTICE.ORG](mailto:IFIGUEROA@FARMWORKERJUSTICE.ORG)

**THANK  
YOU!**