



## Migration and International Labor Rights Issues

By Farmworker Justice

We'd like the Administration to build on previous efforts to reform international labor recruitment that occurs lawfully under guestworker programs and unlawfully via labor contractors that exploit vulnerable undocumented workers. Farmworkers and their advocates have been on the cutting edge of these issues and can be helpful for all occupations affected by international labor migration issues.

The Administration must stop the Department of Labor's imminent H-2A regulatory changes from ever taking effect. That is our highest priority. Then, DOL should use its influence and power, in collaboration with the Department of State's consular officials, and the Department of Homeland Security's immigration officials, to address recruitment abuses under the H-2A and H-2B programs. Our government should not approve visas for individuals when they are forced by labor recruiters, at the command of U.S. growers, to pay exorbitant fees to the recruiters, borrow money at usurious rates, be subjected to violations of the Mexican labor law on recruitment of workers for employment abroad, and enter the U.S. in such a vulnerable financial situation (and at times under threat of physical harm to themselves or their families) that they fear asking for the protections to which they are entitled. DOL, DHS and the State Department need to:

- assert jurisdiction over recruitment of workers for H-2A and H-2B visas;
- collaborate with unions and advocacy groups to educate workers during the off-season in their home communities about their rights;
- deter U.S. growers from accepting the benefits of low labor costs while denying that they have any influence with their own recruitment agents;
- use the North American Commission on Labor Cooperation to bring international attention to these issues; and
- bring lawsuits and administrative actions against the growers that rely on these recruiters and the recruiters themselves, but not only the recruiters.

In Congress, the Administration should support the AgJOBS farmworker immigration bill and Rep. George Miller's Indentured Servitude Act, which would regulate international labor recruitment.

The Administration should work with the International Labor Organization and other nations to review and adopt model standards and processes to regulate international labor migration. There are knowledgeable people and models that can help us improve this global system that allows so much exploitation. A discussion of the methods of regulating the global phenomenon of international labor migration also will help the US move away from the poisonous aspects of the debate on domestic immigration policy by demonstrating that there are larger forces at play which most developed nations are experiencing and which deserve a reasonable and just set of responses.