



Alianza Nacional de Campesinas

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## **Statement of Alianza Nacional de Campesinas Submitted to the Immigration and Citizenship Subcommittee of the U.S. House of Representatives Committee on the Judiciary April 3, 2019 Hearing: "Securing the Future of American Agriculture**

Alianza Nacional de Campesinas submits this letter to supplement the record of the April 3, 2019, House Judiciary Subcommittee on Immigration and Citizenship hearing on "Agricultural Labor."

**Alianza Nacional de Campesinas, Inc.** is the first national farmworker women's organization in the United States created by current and former farmworker women, along with women who hail from farmworker families. Working through a coalition of farmworkers' organizations, workers' centers, and other networks, Alianza Nacional de Campesinas advocates on behalf of hundreds of thousands of farmworker women and their families across the country to secure social, environmental, and economic justice; prevent violence; foster equality; and promote healthier workplaces, homes, and communities for farmworker women and their families. **Among our four priority areas is helping to create a less punitive and more humane and just immigration system.**

We write to express our views about immigration policy and farmworkers, which is the subject of the April 3, 2019 hearing before the House Subcommittee on Immigration and Citizenship. We welcome efforts to reform our immigration system but we wish to ensure that agricultural workers, *campesinas*, and their families are treated fairly and consistently with our nation's democratic and economic freedoms.

Approximately 700,000 farmworker women (*campesinas*) labor in agricultural fields across the United States. Many more work in packing houses and other food-related industries. More than 60 percent are undocumented and a growing number are indigenous women who are monolingual in their own languages. Despite the indispensable work of planting, picking, and packing the fruits and vegetables that people consume daily, these women toil in the shadows of society in isolated locations that are out of sight and out of the minds of most people. Although they make a huge contribution to our economy, *campesinas* are among the most exploited, undervalued, and least protected workers in our country. Girls, as young as 12, who work in the fields and other areas of agribusiness are also victims of exploitation and abuse. The criminalization of undocumented immigrants, increased deportations and other immigration enforcement actions have exacerbated an already untenable situation for farmworkers and the agricultural labor system.

Because many *campesinas* are undocumented and often the sole caretakers of their children, the constant threat of being dismissed from their jobs or of being deported if they dare to complain makes them hesitant to speak out when their rights are violated or to take legal action to stop the exploitation and violations. It is, therefore, extremely difficult to hold the perpetrators accountable or to obtain remedies for the women. Making matters worse, law enforcement often sides with the companies, and victims are sometimes wrongfully detained.

Farmworkers' poor working and living conditions are intrinsically linked to our country's broken immigration system. The exclusion of farmworkers from basic labor protections such as the right to overtime pay, which are rooted in our

nation's history of racism, are an important factor in the poor conditions facing farmworkers and the instability in our agricultural labor system. Farm work is one of the most dangerous occupations in our country, yet farmworkers are excluded from key OSHA protections and not even covered by workers compensation in many states. Sexual harassment and assault of farmworker women are pervasive in agriculture. Farmworker wages are low—with roughly one-third of farmworkers having family incomes below the poverty level. An earned legalization program would help ensure a productive farm sector and fair treatment of the people who put food on our table.

Although campesinas and advocates have, over the years, been organizing in their home states and communities to secure help, resources, and improved conditions at the local levels, much work remains to be done to alleviate these very serious and perilous forms of exploitation and abuse.

**A core element of a solution for the abuse and violations faced by farmworkers must be a path to immigration status and citizenship for the current farm labor force. We commend Rep. Lofgren and Sen. Feinstein for introducing the Agricultural Worker Program Act of 2019, which is a positive and workable solution that will meet the needs of workers and their families, while also benefiting employers.** The Agricultural Worker Program Act would provide a path to lawful permanent residency and citizenship for experienced agricultural workers and their family members. The bill is important for farmworkers because it would take away the constant fear of deportation and allow families to stay together. The bill also includes a future work requirement that addresses employer concerns about workforce stability. Finally, by enabling farmworkers to do their jobs without fear, the bill would help ensure compliance with labor, pesticide and food safety laws, improving the security of our entire food system.

*"I have been working in the fields of Miami, Florida for 14 years. I think that it's important to pass the Agricultural Worker Program Act because it would be a great economic help for me and for my family above all. My two children would have a better future and a career. Having the Blue Card would help me. My sons are named Praxediz Arguello, 10, and Roman Arguello, 9." - Nobemi Cruz, Homestead Florida*

*"My name is Agustina Arreguin. I have been working in the fields in Florida for 22 years. I think that it is very important to pass the Agricultural Worker Program Act because it would allow me to travel to my home country and to see my son and my parents. It would also help many others like me who all work so much to contribute to this country. As a farmworker woman with aspirations to one day own my own business, this would help me a lot." - Agustina Arreguin, Homestead Florida*

Another significant and growing sector of our farm labor force are H-2A workers, but this program is rife with sex and gender discrimination, systematically excluding farmworker women from the opportunity to work. Visas have been very discriminatory towards women as agricultural jobs are promoted to men and recruit men specifically. However, we know that many women, campesinas, work the land to feed the USA and the world. The data is also very disparaging--farmworkers women are disproportionately receiving less visas than men. As an organization that serves farmworker women and funded by former and current farmworker women, we can attest that there are far more farmworker women than the data suggests who use "male" identities to work because they need to feed their families, while being some of the most marginalized people. Women are hired knowingly, yet denied even identifying themselves correctly. These are part of the flaws of the H-2A program. Focusing on this "Blue Card" program is a start to addressing some of these issues.

The H-2A temporary foreign agricultural worker program provides agricultural employers with the opportunity to gain an unlimited number of visas to hire seasonal farmworkers each year. Despite its systemic flaws, the H-2A program has almost tripled in size during the last decade: from about 82,000 positions certified in FY 2008 to over 240,000 positions certified in FY 2018. The H-2A program's unprecedented growth is problematic given the inherent flaws in the H-2A program which leave workers vulnerable to abuse and exploitation. Importantly, growth in the H-2A program does nothing to address the need to legalize current undocumented farmworkers and their families. There is no valid justification for using the H-2A program to bring in additional farmworkers on a large scale when there are more than one million productive farmworkers already here who should be granted a path to citizenship.

The H-2A program includes modest but inadequate wage and other labor protections developed over many decades in response to lessons learned from the Bracero program and former H-2 program. These past programs and the current H-2A program have not only harmed U.S. citizens and lawful permanent residents, but have taken undue advantage of thousands of vulnerable guestworkers. Stronger protections and enforcement are needed, not less.

*"Currently, H-2A workers are like "borrowed mules." We're obligated to always work with the same employer while we're in the United States. I support the Blue Card proposal because I would no longer be forced to always stay there, instead, it would give me the chance to change*

*employers if, for example, one offered me more hours, or better working conditions.” - Anonymous H-2A worker coming in for the 2019 season*

Any efforts to address a future worker program must include the following elements to ensure that farmworkers are treated with the dignity and respect they deserve:

1. **A roadmap to immigration status and citizenship:** If future farmworkers from abroad are needed, they should have a meaningful opportunity to become immigrants and citizens. While some foreign workers may choose to work only seasonally and not remain permanently in the United States, they should have the chance to become full-fledged members of the nation that they help feed. The H-2A program should be modified to enable its participants to earn immigration status.
2. **True economic freedom and opportunity-** Like any other industry, growers should have to compete in the marketplace to attract and retain workers by paying competitive wages and providing desirable working conditions. Any visa should provide workers with true portability so they can freely bargain for better jobs and leave abusive employers.
3. **Equality of treatment** - Temporary farmworkers should have the same labor protections and rights, including access to the courts, that cover other farmworkers. Because temporary foreign workers hold a restricted status that limits their ability to bargain for better labor standards, strong protections are needed to prevent exploitation of foreign workers.
4. **Fairness** – Farmworkers need to be paid more not less. Strong protections must preserve U.S. workers’ job opportunities and prevent depression in wage rates and other job terms.
5. **No discrimination** – There should be no incentives to discriminate against U.S. workers (including newly legalized workers). The law must ensure it cannot be cheaper or more advantageous to hire temporary workers than U.S. workers.
6. **Family unity-** Neither undocumented workers nor guestworkers should have to endure being separated from their families. Farmworkers deserve the right to live with their families and to be able to fully participate in their communities.
7. **Prohibit trafficking and recruitment exploitation and discrimination.** To prevent recruitment abuses, any program must clearly prohibit fraud and any recruitment fees or costs for visa workers as well as require transparency in any recruitment process, including public identification of all actors in any chain of recruitment. Further, the program must have strong enforcement mechanisms to ensure that there is no discrimination on the basis of any protected categories, such as gender or age, during the recruitment for workers.

Thank you for your consideration of this statement.

Sincerely,  
Mily Treviño-Sauceda,  
*Executive Director & Co-Founder*  
Alianza Nacional de Campesinas, Inc.