



# JORNALEROS SAFE

## What is the Jornaleros SAFE Project?

It is the joint effort of five non-governmental organizations



INVESTIGATE

The causes of LABOR RIGHTS AND HIRING VIOLATIONS that



Agricultural Migrant Workers (jornaleros)

VISA H2A



U.S.

working with

Since May 2010

Jornaleros SAFE has worked on documenting experiences in 10 jurisdictions of the country:

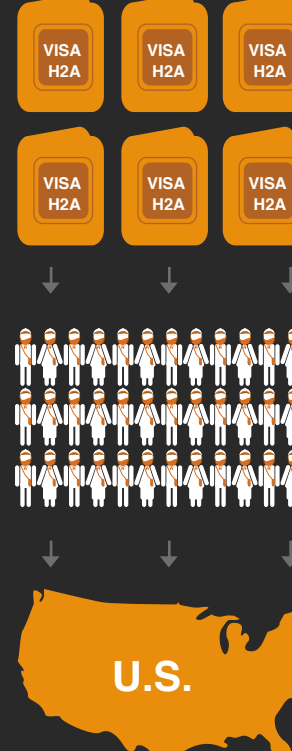


## How the Project Works?

538 Records from interviews with agricultural workers  
135 Communities in Mexico

## What is the H2A visa?

It is a **TEMPORARY VISA** that allows for recruitment of foreign guest workers for agricultural work IN THE U.S.



The H2A visas allow U.S. employers to hire foreign agricultural workers

as long as there are not enough sufficient workers in the U.S.

Employers in the U.S. who cannot find or retain local workers

apply with the U.S. government to hire foreign workers.

for low wage agricultural work

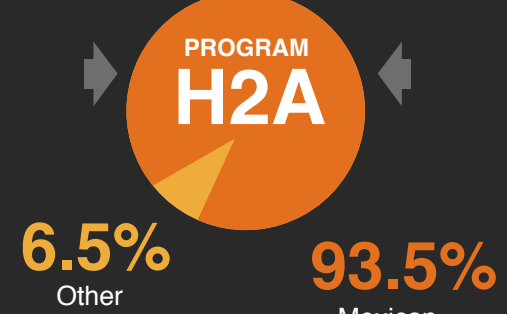
• Mexican agricultural workers receive 83% of the visas issued under the H-2A program.

• The Mexican government IS NOT INVOLVED at all in the regulations related to the H-2A visa program.



• The government's **EUA** only intervention in the application process (within Mexico) is for the provision of visas.

**2010** more than **55,000** agricultural WORKERS were hired through the H-2A program



The visas **H2A**

- Do not allow either permanent residency or citizenship to the US for temporary workers

Workers are only brought in to work

## Jornaleros SAFE



## PROBLEMS FOUND

1. Fraud.
2. Fees for getting on a waiting list.
3. Fees for being selected as an H-2A worker
4. Never received a contract or the contracts were only in English
5. Workers were required to pay for their own transportation
6. Wage violations
7. Inadequate housing conditions

53%

• Of those interviewed were not aware of their rights as agricultural workers.

31%

• Of the temporary agricultural workers interviewed said they have received information from the government of the United States.

95%

• Of the workers experienced one or more violations of their labor rights.

1%

• Received information from the Mexican government.

5%

• Did not report any kind of violation.

21%

• Of the workers had a work contract that they could understand.

29%

• Of the temporary agricultural workers did not know which employer they were working for.

79%

• Did not have a work contract or did not understand what it said.

28%

• Do not know the name of the recruiter, in spite of the fact that the information about the employer is on the visa itself.

42.6%

• Of the workers paid to receive a work offer or to obtain a job.  
• Illegal fees range from \$31 to \$350  
• 35% of the workers took out loans in the amounts of \$300 to \$1,000 to pay for these fees or the costs of the trip.

Date

People Interviewed

# of Fraud victims<sup>1</sup>

\$\$ Amt of money<sup>2</sup>

Type of fraud

Total Detected<sup>3</sup>

222

3,335

\$ 20,725,800 mil pesos (US \$ 1,658,064)

12 events

Types of fraud where found where workers had to pay anywhere from

**\$40 to \$1,000**

- Payment to be put on waiting lists
- Fees for being selected as H-2A workers
- Fraud related to illegal recruitment fees
- Fraud related to "free visas" or "visas libres"
- Fraudulent promises of work

## Jornaleros SAFE found four models of recruitment

### The recruiter or contractor model

This is the dominant model in which an employer hires the services of a recruiter who finds, hires, and brings workers to the United States.

### The community initiative model

Workers from a community have direct communication with the employer. The community decides which workers will go, they take care of their own paperwork in Mexico, and the employer takes care of the necessary procedures on the US side. (There is a close relationship of trust between the employer and the worker community and so they do not use intermediaries.)

### The community self-protection model

Community authorities meet with recruiters. They establish the recruitment parameters and hold contractors responsible for labor rights violations. If the recruiter does not accept the community's conditions, they are banned from recruiting in that community.

## RECOMMENDATIONS

## Annexes, footnotes page

1. The number of fraud victims comes from the testimonies of those interviewed. Fraud has become a huge issue and many people from the same community are victims, so each informant reported other cases of workers from their communities who had been victims of fraud. The number of victims and the quantities given were calculated by projecting the information of those interviewed.

2. This amount is approximate. We do not have exact numbers and rely on the testimonies of those interviewed. A large part of the money given to the contractors came from small loan programs or from family members. The exchange rate used here was 12.8 pesos per dollar.

3. Updated numbers in April 2013.

• The predominant model in Mexico is that of the



Contractor Recruiter

95%

• The lack of useful information and the difficulty of accessing that information are some of the main problems agricultural workers



face when trying to identify problems or defend themselves in situations of abuse.

• Control mechanisms used by recruiters and supervisors, such as black lists and threats of excluding workers from the selection process, lead workers not to ask questions and not to do anything that would keep them from reaching their main objective (which is to support their families and improve their lives) rather than defending their rights.

• Given the total lack of employment opportunities and the low wages in their own countries, agricultural migrants are even willing to be victims of fraud, to pay illegal commissions, or deal with poor working conditions as long as they can get paid work that will help them support their families.

99%

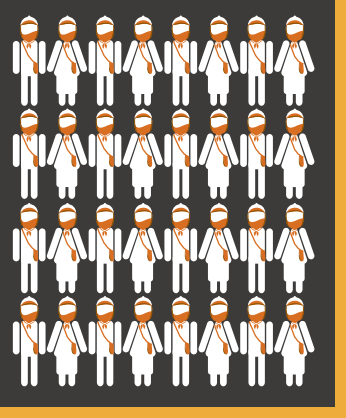
• Of the workers would like to return to the U.S. to work again even if they have been subject to some type of abuse.

- Documenting and providing basic information about recruiters
- Locations where recruitment is occurring
- And the people involved in the process, can help prevent fraud

• Mexico and the United States should create mechanisms to require more information from employers when they request permission to hire foreign workers.



• It is necessary to create a national or bi-national mechanism that can inform workers



about their rights and channel their reports of abuse for appropriate action.

• That Mexico protect the conditions of employment and recruitment of farm workers to ensure their rights.