



Migration that Works

Senate Finance Committee
11 Bladen St.
Senate Office Building
Annapolis, MD 21401

February 24, 2020

RE: SB 742 (Sen. Lee) - SUPPORT - Hearing of Feb. 27, 2020

Dear Members of the Senate Finance Committee:

Migration that Works submits this letter to express support for SB 742: Fair Recruitment and Transparency Act, sponsored by Senator Susan Lee. Formed in 2011 as the International Labor Recruitment Working Group, Migration that Works is a coalition of over 30 labor, migration, and anti-trafficking organizations and academics working together to end abuse in international labor recruitment across industries and visa categories.¹ We have supported earlier versions of this bill in 2017 (HB 1307/SB 1016) and in 2018 (HB 1493/SB 526).

This bill would directly affect Maryland's substantial guestworker population. Each year, approximately 18,000 internationally recruited workers come to Maryland under the H-2A, H-2B and J-1 visas combined. The majority of those in the H-2 visa programs arrive from Mexico and work as farmworkers, landscapers, crab pickers and construction workers. Workers on J-1 visas are generally from Ireland, Romania, the Philippines, and the Dominican Republic and work in the food services, recreation, and hospitality industries, among many others. In the past decade, H-2A programs have more than tripled in size. Guestworker programs are growing; protections have not.

Irrespective of visa category or industry, migrant workers report similar patterns of abuse – they often begin when migrant workers are recruited to work in their home communities. Maryland employers rely on foreign labor contractors, or recruiters, to find and recruit workers abroad to migrate temporarily to work for their companies in the United States. Recruiters often charge workers exorbitant fees in exchange for job opportunities. Consistently, workers arrive at their job site indebted making them more dependent on the job, and less likely to seek redress for workplace abuse.

Due to the lack of transparency in the H-2 and J-1 programs, it is virtually impossible for workers to verify the veracity of job offers and/or terms of employment. One in ten migrant workers pays for a

¹ The following organizations and individuals are members of the ILRWG: AFL-CIO; American Federation of Teachers (AFT); Janie Chuang and Jayesh Rathod from the American University, Washington College of Law; Centro de los Derechos del Migrante, Inc.; Coalition to Abolish Slavery and Trafficking (CAST); Department for Professional Employees (DPE); Economic Policy Institute (EPI); Farmworker Justice; Farm Labor Organizing Committee; Jennifer Gordon from Fordham University School of Law; Patricia Pittman and Susan French from George Washington University; Justice at Work; Justice in Motion; National Domestic Workers Alliance; National Employment Law Project; National Guestworker Alliance, New Orleans Workers' Center for Racial Justice; National Immigration Law Center; Oxfam; Towards Justice; Polaris; Sarah Paoletti from University of Pennsylvania Law School; Safe Horizon; Service Employees International Union; Solidarity Center; Southern Poverty Law Center; UniteHere! International Union; Jennifer Hill from the University of Miami, School of Law; Catherine Bowman; Seafood Workers Alliance, and Verité.

nonexistent job, and workers are systematically agreeing to labor conditions without having first seen and understood terms of employment.

Current guestworker recruitment and hiring conditions enable egregious discrimination. Despite encompassing more than 20% of the general farmworker population,² women have only made up 6-7% of those in the H-2A program nationwide.³ Similarly, they have made less than 10% of those in the H-2B program.⁴ Those hired tend to be funneled into lower-paying jobs and positions.⁵ When workers have fewer employment opportunities, they are more likely to stay in coercive conditions or refrain from bringing forth complaints to avoid losing their job.

Recruiters currently exercise wide discretion over migrant workers who come to the U.S. with little accountability or government regulation. Existing regulations do not require licensing or registering of international labor recruiters, who essentially facilitate the migration of thousands of migrant workers into Maryland every year. This lack of regulation creates conditions where workers must put their fates in the hands of unscrupulous recruiters and without access to legal recourse if they experience abuse.

Lastly, the lack of transparency in the J-1 program subjects workers to similar conditions of abuse. Regulated by the U.S. Department of State, the J-1 visa program encompasses fourteen total subcategories. The federal government fails to publish information about J-1 employers or occupations. Through Freedom of Information Act requests and in-depth interviews, our coalition has found that J-1 workers are paying thousands in fees and subject to extortionate wage theft.

SB 742 would prevent recruitment abuse in the state of Maryland by:

- Prohibiting recruiters from charging internationally recruited workers any costs, fees, or expenses and requires employers to reimburse workers for any costs personally incurred in travel to and from the workplace to home communities.
- Promoting transparency and accountability by creating a public online registry of licensed recruiters that can verify names of employers, industries of recruitment, and locations of recruitment.
- Requiring recruiters to provide workers with a signed contract, at the time of recruitment, detailing the terms of employment and in the primary language of the worker.
- Prohibiting discrimination in the recruitment and hiring of migrant workers.
- Promoting ethics and competency by requiring the licensing of recruiters.
- Creating a J-1 workgroup to study the program and different issues faced by participants.

Stronger protections against trafficking and coercion uphold the dignity of migrant workers while ensuring the integrity of Maryland's thriving industries. Bad actors should not be able to undermine the safety of migrant workers who sustain our economy and form part of our communities.

Sincerely,

Rachel Micah-Jones, Chair
Migration that Works
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²Farmworker Justice. "No Way to Treat a Guest: Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers."

³"Nonimmigrant Admissions by Selected Classes of Admission and Sex and Age." *Department of Homeland Security*, 6 June 2019, www.dhs.gov/immigration-statistics/readingroom/NI/NonimmigrantCOAsexage

⁴ *Ibid.*

⁵Centro de los Derechos de Migrante, Inc., *Engendering Exploitation*, July 6, 2018.