

# MIGRANT DIVISION NEWS

Volume I, Issue III

July, 2011

## Service Provider Updates

### JOB OPPORTUNITIES

#### ATTENTION San Luis Valley and Arkansas Valley service providers!

We are looking for part-time help this summer/fall to conduct farm worker outreach in your areas. Please refer anyone you think may be interested to the full job description at our website ([www.coloradofarmworkers.org](http://www.coloradofarmworkers.org)) or call (303) 866-9366. These are paid positions for bilingual (Spanish/English) people who can work 10-20 hours per week (including evenings) from mid-August through October 2011. Schedule is flexible.

#### CALENDAR OF EVENTS (by Region)

##### Western Slope

##### **First Annual Multicultural Health Fair**

Farm workers will be able to obtain health screenings, blood draws, health information, and much more!

Saturday, July 9<sup>th</sup>, 6:30 am – 3 pm  
Olathe Elementary School gymnasium  
211 N. Roberts Ave.  
Olathe CO, 81425

##### **Citizenship Night**

The MFWD will provide info on how to apply for citizenship, current laws, and services we offer. Staff from Mesa County Library Grand Junction will present on their ESL classes and citizenship classes. The organizations will share information and put on a fun jeopardy-style quiz game to help attendees prepare for the citizenship test.

Thursday, August 4<sup>th</sup>, 6:30 p.m.  
Child and Migrant Services  
721 Peach Ave.  
Palisade, CO 81526

##### Northeast Colorado **Greeley Annual Picnic**

A farm worker appreciation night. Free food, prizes and entertainment will be provided.

Sunday, August 7<sup>th</sup>, 4 – 7 pm  
Island Grove Park in Greeley

## Immigration Lawyers Honor CLS Shepherdher Outreach Worker

Former shepherdher Jose Ignacio Alvarado Ruiz has dedicated his post-shepherdhering life to educating and helping other shepherdhers.

It was this sense of dedication that led the Colorado chapter of the American Immigration Lawyers Association (AILA) to award Ignacio a distinguished Immigrant Liberty Award on June 2.

The award was part of a benefit dinner, with proceeds going to the Rocky Mountain Immigrant Advocacy Network (RMIAN), an organization

that conducts outreach to immigration detainees and works to find them pro-bono representation when possible.

Ignacio's award came about as a result of his outreach work on behalf of Colorado Legal Services' Migrant Farm Worker Division (MFWD). Ignacio conducts outreach to Colorado's shepherdhers, most of whom come to the U.S. as part of the H-2A temporary foreign labor program. The H-2A program's regulations provide exceptions for herders that can put

(See **IGNACIO** on back)



The MFWD's Jose Ignacio Alvarado Ruiz talks about the plight of shepherdhers while accepting an award from American Immigration Lawyers Association.

## Agency Profile: EEOC reaching out to farm workers

In an effort to increase awareness and collaboration between farm worker advocates and service providers throughout Colorado, the MFWD newsletter will now include a section that profiles an agency that provides services and/or advocates for Colorado farm workers.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal laws making it illegal for employers with 15 or more (20 + for age claims) to discriminate against current, former and potential employees because of their race, color, religion, sex, national origin (including language), age (40+), disability, or ge-

netic information. The EEOC does not inquire as to nor base eligibility on a person's immigration status.

The EEOC has offices throughout the country; the field office for Colorado and Wyoming is located in Denver. The Denver office has made tremendous strides in reaching out to farm

workers and service providers, mainly because it recognizes the vulnerability of farm workers and have seen them experience an increasing amount of discrimination over the years as both low-wage earners and immigrants or recent descendants. Among other investigations and enforcement actions, the EEOC recently brought an action on behalf of Greeley meat packers due to religious discrimina-

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## Herder Outreach Worker 'Integral' to MFWD

*(IGNACIO from Front)*

them at risk of exploitation, mistreatment, and, at times, human trafficking.

Ignacio, as a former herder, understands the conditions under which the herders work and is able to build relationships and trust with them, and as a result is frequently sought out when herders have a problem. Ignacio's expertise and

knowledge of herding in Colorado allow him to provide information to herders working in some of the most isolated areas in Colorado.

"Ignacio's work is an integral part of our division," said Jenifer Rodriguez, staff attorney with the MFWD. "Although sheepherders make up a small percentage of the total agricultural workers in Colorado, they typically have the worst working condi-

tions and the highest likelihood of exploitation. Without Ignacio, these guys would not have any idea of their rights or how to get help."

Ignacio had high company as an AILA award recipient. Also recognized at the AILA awards dinner were the Honorable Lucila Rosas, a judge with the Equal Employment Opportunity Commission, and Denver Mayor Guillermo "Bill" Vidal.

## H-2A Temporary Worker Program Changes in Full Effect This Summer

The H-2A temporary foreign labor program has undergone quite a few changes in past years.

Due to the outgoing Bush Administration's changes to the program in 2009, the 2010 season was filled with confusion over the correct wages for H-2A workers and how to protect U.S. workers from losing out on agricultural jobs.

Although this year's growing season should be simpler, there are some changes enacted by the Obama administration that will affect farm workers.

Some of the changes to the rights of H-2A workers include:

- Colorado H-2A workers must now receive the Adverse Effect Wage Rate of \$10.48/hour
- Workers must not be charged recruitment fees in their home countries
- Employers are now explicitly required to provide transportation reimbursement from the employee's hometown, not the closest U.S. Consulate
- Employers may not make deductions for a worker's visa application, border-crossing fee, or visa fees

- Employers must provide workers with a copy of the work contract in their own language no later than the time of the visa application
- Employers must be in compliance with all laws, including human trafficking laws that prevent employers from holding or confiscating workers' passports, visas or other immigration documents

For more information about the additional changes to the overall program and the rights of H-2A workers, please contact us at (303) 866-9366.

### **H-2A workers in Colorado**

The number of employers using the H-2A program in Colorado has decreased this year, especially in northeastern Colorado. This is possibly a result of the increased H-2A wage rate and could mean employers are hiring more undocumented workers at lower wages.

Service providers who work with farm workers, should watch for possible exploitation of undocumented workers (e.g. nonpayment of wages or wages below minimum wage).

## EEOC Brings Suits on Behalf of Ag Workers

*(EEOC from Front)*

tion and have partnered with the MWFD in a federal court case involving sexual harassment at a potato warehouse in the San Luis Valley.

EEOC investigators and attorneys have also spent time traveling around Colorado, conducting trainings and reaching out to farm workers, advocates and service providers.

In 2010, Administrative Judge Lucila Rosas joined the Denver office. Judge Rosas comes from a farm worker family and has dedicated her career to advocating against discrimination both with the EEOC and at Lideres Campesinas, a California organization dedicated to empowering farm worker women.

Additionally, Michelle Doherty, our 2010 law student intern who did outreach in northeastern Colorado last summer, is currently interning at the EEOC.

For more information or to make a referral, contact: EEOC Denver Field Office, 303 E. 17<sup>th</sup> Ave. Ste. 410, Denver, CO 80203, 303-866-1359, [www.eeoc.gov](http://www.eeoc.gov).