

# Advancing the Civil and Human Rights of Migrant Women: 2022 Policy Agenda





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Justice for Migrant Women .....	6
What Drives Our Work.....	7
<b>HEALTH AND SAFETY</b> .....	<b>8</b>
<b>Urgently Address Violence Against Migrant Women &amp; Provide Safety for Survivors of Gender-Based Violence</b> .....	<b>9</b>
Protect Immigrant Survivors of Workplace Sexual Assault (All agencies).....	9
Make Immigration Pathways More Accessible to Survivors of Gender-Based Violence (DHS and Congress) .....	9
Protection and Safety for Immigrant Survivors of Domestic Violence, Sexual Assault, and Human Trafficking (DHS/DOJ).....	10
Institutionalize Gender-Based Violence Experts in the Administration (EOP/DPC).....	11
Protect Students from Sexual Violence (ED) .....	11
Expedite Work Authorizations for Immigrant Survivors (DHS/USCIS) .....	11
Re-open the Path to Asylum for Survivors of Gender-Based Violence (DHS/DOJ).....	11
Integrate Resources and Support for Survivors in Programs Funded through the Workforce Innovation and Opportunity Act (DOL).....	11
Workplace Policies to Prevent and Address Domestic Violence, Sexual Assault, and Sexual Harassment (across all Federal Agencies).....	12
BE HEARD in the Workplace Act (Congress) .....	12
Violence Against Women Act (Congress).....	12
Family Violence Prevention and Services Act Reauthorization.....	12
<b>Protect Health and Safety at Work</b> .....	<b>13</b>
Provide Affordable and Accessible Mental Health Services.....	13
Protect Children in Agriculture from Workplace Hazards (DOL).....	14
Ban Use of Extremely Toxic Pesticides in Agriculture (EPA).....	14
Reverse Rule that Weakens Protections from Pesticides (EPA).....	14
Protect Agricultural and Other Workers From Heat Stress (OSHA).....	15
Promulgate Rule to Protect Farmworkers from Wildfire Smoke (OSHA) .....	15
Asunción Valdivia Heat Illness and Fatality Prevention Act (Congress) .....	15

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**Policies to Ensure Inclusive Response to COVID-19 ..... 15**

- Consult and Follow Essential Workers in Decision Making Regarding  
Pandemic Health and Safety..... 15
- Permanent Infectious Disease Standard (OSHA and CDC)..... 16
- Create Inclusive Distribution Plans for COVID-19  
Resources (EOP/CDC/HHS)..... 16
- COVID-19 Relief Legislation (Congress) .....17

**ECONOMIC JUSTICE..... 19**

**Improve Data Collection ..... 20**

- National Agricultural Worker Survey: Improve Data Sharing  
on Women and Children (DOL)..... 20
- Resume and Improve Farm Labor Survey to Include  
Detail on Gender (USDA)..... 20
- EEOC Pay Data Collection..... 20

**Economic Supports for Working Women ..... 21**

- Relief from Federal Student Loan Debt (ED) ..... 21
- Expand Child Care by Increasing Funding for Migrant and  
Seasonal Head Start..... 21

<b>Labor Rights</b> .....	<b>22</b>
Gender Steering.....	22
Essential Workers’ Bill of Rights (Congress).....	22
Children’s Act for Responsible Employment and Farm Safety (Congress).....	22
Fairness for Farm Workers Act (Congress).....	23
Raise the Wage Act (Congress).....	23
Paycheck Fairness Act (Congress).....	23
Pregnant Workers Fairness Act (Congress).....	23
Domestic Workers Bill of Rights Act (Congress).....	23
Schedules That Work Act (Congress).....	23
Better Care Better Jobs Act (Congress).....	23
<b>IMMIGRANT JUSTICE</b> .....	<b>24</b>
Stop Family Separation (DHS/DOJ/State).....	24
Reinstate and Expand DACA (DHS).....	25
Repair Harm Done by the Trump Administration’s Public Charge Rule (DHS) ....	25
Build Community Trust by Limiting ICE Involvement with Law Enforcement (DHS).....	25
Strengthen the Implementation of the Prison Rape Elimination Act (PREA) in Immigration Detention (DHS).....	25
Comprehensive Immigration Reform.....	25
Farm Workforce Modernization Act (Congress).....	26
Citizenship for Essential Workers Act (Congress).....	26
LIFT the Bar Act.....	26
The U.S. Citizenship Act (Congress).....	26
DREAM and Promise Act (Congress).....	26
Language Access.....	26
<b>CIVIC POWER</b> .....	<b>27</b>
John Lewis Voting Rights Advancement Act (Congress).....	28
Freedom to Vote Act (Congress).....	28
<b>ACKNOWLEDGEMENTS</b> .....	<b>30</b>





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## Justice for Migrant Women

Justice for Migrant Women protects and advances migrant women's rights through education, public awareness and advocacy. Justice for Migrant Women aims to ensure that all migrant women are guaranteed human and civil rights, including the freedom of mobility, the ability to live and work with dignity, and the right to be free of threats of violence against them and their families, whether they are migrating across borders, around regions or within states.

Our constituency is primarily migrant women workers, including nearly 1 million farmworker women and their families who together comprise 2.5 to 3 million U.S. farmworkers. Our constituency also includes workers in other industries, such as food processing, restaurant service, and domestic work. Over 83% of farmworkers identify as Hispanic/Latinx, and many are undocumented or on temporary work visas and with limited English proficiency. Many of these workers are fleeing sexual and physical violence in their home countries, suffer violence in migration, and/or experience similar mistreatment in their communities and workplaces in the U.S. Most also live in rural communities, where it is often more difficult to access services and community resources.

*These policy recommendations are rooted in the experiences of migrant women, with whom we are in community, and our partners and allies that are organizing alongside us.*



## What Drives Our Work

The problems facing migrant women workers are grounded in their systemic exclusion from the U.S. economy overlaid with the discriminatory racist and sexist policies and practices that deny migrant workers their rights and limit their access to health care, educational opportunities, and legal services. Migrant women and girls are additionally victimized by personal and historical trauma and societal attitudes that diminish their value and foster toleration of widespread gender-based violence. Transgender and gender non-conforming migrant community members face compounded risk due to transphobia and further systemic failures designed to exclude lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA) people.

## Why Policy Matters to Us

Surviving a global pandemic further illuminates the structures that do not support migrant women and the urgency of rebuilding differently. Justice for Migrant Women offers the recommendations that follow to Congress and the Administration and invites policymakers to use their power to support the transformation that Black, Brown, rural and migrant women are leading across the United States. These policy recommendations are rooted in the experiences of migrant women, with whom we are in community, and our partners and allies that are organizing alongside us. We present recommendations in the areas of health and safety, economic justice, immigrant justice and civic power that will help create a country in which migrant women can thrive in their workplaces, communities and lives.

*“Building a better America is within reach if we listen to those who are most deeply impacted by the broken systems. Progress has been made, but many problems still exist. The government and our political leaders have the power to change things. We are calling on them to do so.”*

*— Mónica Ramírez, Founder & President of Justice for Migrant Women*





## HEALTH AND SAFETY

In order for migrant women and their families to thrive, health and safety solutions must be expansive and include both physical and mental health. The workplace is often a place in which the health and safety of migrant women is threatened due to harassment and unsafe conditions. Eighty percent of farmworker women surveyed in the California Central Valley in 2010 reported that sexual harassment is a major workplace problem.

For those that are migrating across international borders, their status as immigrants increases the vulnerabilities they are faced with both in and out of the workplace. Furthermore, due to the COVID-19 pandemic, there are additional measures needed to ensure the health and safety response is executed in an inclusive way. Not being protected in the workplace and beyond takes both a physical and mental toll on migrant

women and their communities. As such, policies must incorporate mental health solutions to accompany those that address the physical needs of migrant women, children and their communities. The policy recommendations listed here prioritize an inclusive response to COVID-19, anti-violence measures, and mental and physical health and safety in the workplace.

*Eighty percent of farmworker women surveyed in the California Central Valley in 2010 reported that sexual harassment is a major workplace problem.*



## Urgently Address Violence Against Migrant Women & Provide Safety for Survivors of Gender-Based Violence

### ADMINISTRATIVE

#### ★ Protect Immigrant Survivors of Workplace Sexual Assault (across all Federal Agencies)

Take steps to advance the safety and well-being of immigrants in the workplace. This includes:

- Directing investigative branches of government agencies, including the Equal Employment Opportunity Commission (EEOC) and Department of Labor, to prioritize investigations of reported workplace sexual assault, specifically in the agricultural context, service industry, and other settings with a high number of workers from marginalized or underserved communities.
- Ensuring timely access to employment authorization for victims eligible for immigration relief.
- Creating a referral process for EEOC investigation through cross-agency collaboration.

## Make Immigration Pathways More Accessible to Survivors of Gender-Based Violence (DHS and Congress)

Take action to make immigration pathways more accessible to survivors. Reduce the now multi-year backlog in adjudications of cases, including by hiring additional adjudicators for the specialized USCIS units that process applications for the VAWA self-petition, U visa and T visa. All new and existing adjudicators must receive evidence-based training in gender-based violence and the impact of trauma. Congress should lift the cap on the number of U visas that are available annually.

The backlogs in the U-Visa program could be significantly alleviated by an increase in the number of U-visas available to the program. Although the U-visa program was enacted in the Battered Immigrant Women Protection Act of 2000 (VAWA 2000), due to the delay in the issuance of regulations until 2007, the 10,000 visas available annually were not allocated during FY 2001-FY 2007. Recapture of these unallocated visas from the first years of implementation of the U-visa program would assist in alleviating a significant portion of the backlog

*Not being protected in the workplace and beyond takes both a physical and mental toll on migrant women and their communities.*

★ Justice for Migrant Women Key Priority.

of over 170,800 primary applicants awaiting U-visas. This minor technical change would significantly reduce U visa backlogs.

Immigrant survivors of domestic and sexual violence continue to face pending removal cases when they are encountered in the course of enforcement actions, and others face barriers in accessing legal assistance to establish their eligibility for immigration-related protections. The Administration should enact deferred action for those who are pending U visa application review.

### **Protection and Safety for Immigrant Survivors of Domestic Violence, Sexual Assault, and Human Trafficking (DHS/DOJ)**

Instruct the Department of Homeland Security (DHS) and Department of Justice (DOJ) to end policies that have diminished access to protection and safety for immigrant survivors of domestic violence, sexual assault, and human trafficking, including asylum seekers fleeing gender-based violence. This includes, among other things:

- Ensuring that there is a thorough investigation of medical abuse, sexual abuse, and neglect inflicted on women and children at Immigration and Customs Enforcement (ICE) detention facilities, including privately run detention facilities; holding the private detention facilities, DHS,

ICE, and U.S. Customs and Border Protection and its employees and subcontractors wholly accountable; and ensuring that immigrant victims are provided support in seeking immigration relief for survivors and that they are protected from deportation.

- Reinstating and strengthening the June 2011 Immigration and Customs Enforcement Memo on Prosecutorial Discretion for Victims and Witnesses, which stated that survivors should not be deported/detained before their applications are adjudicated. The memo should also be expanded to include those involved in workplace/labor disputes and include steps to ensure that ICE agents at all levels are trained on its implementation.
- End the detention of immigrant survivors of violence, and end the detention of children in family or individual settings. Direct DHS to discontinue the separation of parents from children, and direct DOJ to stop criminal prosecutions of immigrants and refugees for entering the US without inspection. Stop the labor trafficking of detained immigrants.
- Because of the extensive backlogs in processing immigration cases, as well as significant immigration court backlogs, immigrant survivors continue to face the risk of removal while their applications are pending.



Congress should work to alleviate this issue through legislative language reducing funding for ICE, similar to HR 4431, Section 218 of the FY22 House DHS Appropriations bill, by restricting the use of funds, resources or fees from being used for the detention or initiation or prosecution of removal of survivors with pending applications for relief via VAWA Self-Petitions, T-visas, U-visas, VAWA Cancellation of Removal or Suspension of Deportation, or spouses or children of certain abusive nonimmigrants, or Special Immigrant Juvenile applications unless and until there has been a final denial of the individual's application for status.

### **Institutionalize Gender-Based Violence Experts in the Administration (EOP/DPC)**

Create a Gender-Based Violence Unit within the Domestic Policy Council in order to assess the impact of policy priorities on survivors of domestic violence, sexual assault, dating violence, stalking, and trafficking and their families to help shape policy outcomes across the Administration; and include at least three additional full-time staff people for the unit in addition to the Advisor. Justice for Migrant Women applauds the appointment of a Senior Advisor focused on gender-based violence to the Gender Policy Council, as well as the leadership of the Office on Violence Against Women in the Department of Justice.

### **Protect Students from Sexual Violence (ED)**

Begin a rulemaking process to build on the work of the Obama Administration to protect students from sexual violence exemplified in 2011 and 2013 guidance, and repeal the 2020 Title IX Guidance.

### **Expedite Work Authorizations for Immigrant Survivors (DHS/USCIS)**

United States Citizenship and Immigration Services (USCIS) should issue employment authorization to victims within 90 days of submission of VAWA self-petition, U visa and T visa applications. Efficiency for USCIS and survivors of violence can be achieved by automatically renewing work permits while applications for relief are pending.

### **Re-open the Path to Asylum for Survivors of Gender-Based Violence (DHS/DOJ)**

Adopt asylum regulations that articulate a broad definition of a "social group." Codify the ability of individuals to obtain asylum on the basis of fear of gender-based violence, and support legislation that seeks to accomplish the same. Overturn the numerous Board of Immigration Appeals decisions that seek to limit the ability of survivors of gender-based violence to obtain asylum, withholding of removal, and Convention Against Torture protection.

### **Integrate Resources and Support for Survivors in Programs Funded through the Workforce Innovation and Opportunity Act (DOL)**

Provide resources to support the integration of trauma-informed, survivor-centered practices and robust wrap-around services within Workforce Innovation and Opportunity Act-funded workforce development programs to ensure survivors have meaningful access and opportunity to pursue education, job training, and employment services.

### **Workplace Policies to Prevent and Address Domestic Violence, Sexual Assault, and Sexual Harassment (across all Federal Agencies)**

Ensure that all federal agencies have updated workplace policies to prevent and address domestic violence, sexual assault, and sexual harassment in the workplace, building on a prior [Executive Order](#) issued during the Obama-Biden Administration. Ensure that federal contractors develop and implement similar workplace policies, including in particular employers who receive federal funding through the Department of Agriculture.

## **LEGISLATIVE**

### **★ BE HEARD in the Workplace Act**

The Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination in the Workplace Act (BE HEARD in the Workplace Act) is the first comprehensive federal legislation to address workplace harassment in the wake of #MeToo. It is bold legislation that responds to the needs of working people, and sets out a vision for what it means to

appropriately respond to—and prevent—all forms of harassment, including sexual assault in the workplace.

The bill applies to all workers regardless of the size of the employer's business, or whether the worker is part-time, an independent contractor or an intern. This will ensure that all farmworker women and girls would be protected under Title VII even if they work for employers with less than 15 employees.

### **Violence Against Women Act**

J4MW applauds the reauthorization of VAWA as a critical step toward creating a safer space for survivors of sexual assault and sexual harassment. We remain committed to advocating for increasing access to safety and support for all survivors, including immigrant survivors and survivors from historically marginalized communities.

### **Family Violence Prevention and Services Act Reauthorization**

The Biden Administration should reauthorize the Family Violence Prevention and Services Act (FVPSA) with enhanced provisions to establish grant funding for culturally-specific community-based organizations and Tribal Coalitions, as well as increased funding for prevention initiatives. This includes funding for survivors from Communities of Color through the establishment of a new \$50 million grant program in the Family Violence Prevention and Services Program in the Department of Health and Human Services. This program

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would support the development and implementation of culturally-specific services and support women and girls of color who are victims of domestic violence or sexual assault; and would foster collaborative efforts with systems, including education, healthcare, and child welfare, to further a public health response to violence against women.

**Justice for Migrant Women also supports the following legislative proposals:**

- **Amend the Victims of Crime Act:** Increase deposits into the Crime Victims Fund.
- **Breathe Act:** Divest federal resources from incarceration and policing, and instead invest in new, non-punitive, non-carceral approaches to community safety.
- **The Working for Immigrant Safety and Empowerment Act (WISE):** Offer immigrant survivors pathways to safety via mechanisms such as preventing deportation or detention of immigrant survivors with pending immigration cases and expanding access to benefits.

## Protect Health and Safety at Work

### ★ Provide Affordable and Accessible Mental Health Services

Access to quality, affordable and culturally-sensitive mental health services should be available to all workers. Many [migrant women workers face conditions that worsen mental health](#), such as harassment in the workplace, wage theft and lack of paid family leave. In addition to making changes to address the physical harms, employers should prioritize the mental health of their employees by ensuring that mental health services are available through employer-sponsored health insurance. Employees who are immigrants, Black, Brown and LGBTQIA often face additional barriers to accessing these services. Through Justice for Migrant Women's Healing Voices program, which provided free mental health services for farmworkers, we learned firsthand how COVID-19 has exacerbated mental health challenges faced by the farmworker community. Both Congress and the Administration should take action to increase access to mental health services and hold employers accountable.

*“It is very important that all migrant women and migrant workers not only have legal or physical support, but also mental health support.”*

*— Lila Ortiz, Veterinarian in Oklahoma on a TN Visa*

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## ADMINISTRATIVE

### Protect Children in Agriculture from Workplace Hazards (DOL)

Under current law, children as young as 12 years old can work in agriculture with virtually no limit on the number of work hours outside of the school day. Furthermore, children performing hazardous agricultural work can be as young as 16 years old, while hazardous non-agricultural work is reserved for adults. With the majority of work-related fatalities for children occurring in the agriculture sector, and past findings that child agricultural workers drop out of school at four times the national dropout rate, it is imperative to address child labor in agriculture. The Secretary of Labor should revise the “Hazardous Occupations Orders for Agricultural Employment” to incorporate workplace protections afforded to child workers in all other industries.

### Ban Use of Extremely Toxic Pesticides in Agriculture (EPA)

The use of extremely toxic pesticides on crops can lead to illness and long term damage to farmworkers. These pesticides have a particularly harmful impact on farmworker women and girls’ reproductive health resulting in miscarriages, birth defects and infertility, among other health issues. For example, a study in the [Journal of Occupational and Environmental Medicine](#) found that half of Latinx children and adolescents hired as farmworkers experienced irregular menstrual cycles, and most of them were exposed to an

*“Full-time for farmworkers—including children—is not 9 to 5, five days a week. It’s upwards of 10, 12 hours a day, seven days a week—sometimes three, four weeks straight without any days off.” - Norma Flores López, Chief Programs Officer, Justice for Migrant Women*

endocrine-disrupting chemical pesticide. In addition, chlorpyrifos, which is banned from use inside homes, is still used in agriculture and has been linked to brain damage in children. Millions of women and children perform agricultural labor across the United States. Justice for Migrant Women supports the rule that bans chlorpyrifos. The administration should continue to direct the EPA to issue regulations banning all extremely toxic pesticides, and require stronger precautions to prevent farmworkers’ exposure to pesticides.

### Reverse Rule that Weakens Protections from Pesticides (EPA)

The Trump Administration finalized a rule on “Application Exclusion Zones” ([RIN: 2070-AK49](#)) in October 2020 that weakens restrictions on where pesticides can be sprayed in order to prevent exposure to people. The Biden Administration should reverse this rule immediately.



### Protect agricultural and other workers from heat stress (OSHA)

Working in hot conditions, as farmworkers often do, can cause heat cramps, heat exhaustion, organ damage, stroke, and even death. Between 1992 and 2017, heat stress injuries killed 815 workers in the U.S. and seriously injured more than 70,000. Climate change is likely to increase these numbers. OSHA should issue enforceable standards, similar to legislation introduced by Vice President [Kamala Harris](#) in the Senate (the Asunción Valdivia Heat Illness and Fatality Prevention Act), that protects workers from heat-related illness and injury by requiring paid breaks in cool spaces, access to water, limitations on time exposed to heat, emergency response for workers with heat-related illness, and training for employers and employees. J4MW applauds the rulemaking process underway to issue a heat standard, and supports strong, enforceable standards in a final rule.

### Promulgate Rule to Protect Farmworkers from Wildfire Smoke (OSHA)

Wildfires pose serious health risks to farmworkers as the smoke pushes air quality into unhealthy or even hazardous levels. In 2021, the Dixie Fire became the single largest wildfire in California's state history. Smoke from these and other wildfires impact agricultural regions where farmworkers work, exposing them to respiratory problems and negative

long-term health effects. OSHA should develop federal standards to protect agricultural workers from exposure to wildfire smoke.

## LEGISLATIVE

### Asunción Valdivia Heat Illness and Fatality Prevention Act

The Biden-Harris Administration should support the Asunción Valdivia Heat Illness and Fatality Prevention Act, introduced by Vice President [Kamala Harris](#) in the Senate, so that protections for workers from extreme heat are codified into law. This includes enforceable standards that protect workers from heat-related illness and injury by requiring paid breaks in cool spaces, access to water, limitations on time exposed to heat, emergency response for workers with heat-related illness, and training for employers and employees.

### Policies to Ensure Inclusive Response to COVID-19

#### Consult and Follow Essential Workers in Decision Making Regarding Pandemic Health and Safety

The Center for Disease Control, Department of Labor, the Biden Administration COVID-19 Response Team, Congress and any other entity making decisions or recommendations regarding the COVID-19 pandemic need to consult essential workers as a part of their decision-making process. Scientific information and data regarding

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COVID-19 is crucial, and must be paired with the expertise of essential workers who understand how such decisions will impact the lives of communities that are most vulnerable.

### **Permanent Infectious Disease Standard (OSHA and CDC)**

OSHA and the CDC need to make workplace safety guidance mandatory by issuing a permanent infectious disease standard to protect workers from COVID-19. Two years into the pandemic, many essential workers still lack the basic necessities needed to keep themselves safe such as employer provided tests, masks, gloves, and, for farmworkers this even includes handwashing facilities and toilets. All of these are necessary items to prevent the spread of COVID-19. All workplaces should be required to develop and implement infection control plans that are enforced by OSHA and include retaliation protections for workers who report concerns. Information must be posted where workers will routinely see

it in a manner that is accessible in the languages written and understood by the essential workers on each worksite.

### **Create Inclusive Distribution Plans for COVID-19 Resources (EOP/CDC/HHS)**

Federal agencies should continue ongoing and initiate new partnerships with community-based organizations to ensure that all communities have access to the COVID-19 vaccine and boosters, PPE and testing. When developing plans for government-provided resources, such as masks or testing, they should be centered around populations that receive the least protections, such as farmworkers living in migrant housing and women of color in rural communities. For example, providing four tests per household presents a challenge for farmworkers that are living in congregate settings. Mask, test and vaccine distribution should be free and accessible to everyone, regardless of insurance status and must not be limited by immigration status.



*“Whether it can be said that in companies where large- and small-scale outbreaks occurred, affected workers held jobs in all ranks of those workplaces; or whether certain classes of workers—and by extension certain classes of people—were better protected by their employers during this pandemic. Further, we must question the impact that discrimination and bias played in the decision-making process of whose lives were worth protecting and which workers enjoyed the benefits of workplace precautions. I contend that one day when we reflect upon this crisis, we will see clearly that it was not by chance or accident that black and brown people across our nation were among the hardest hit by COVID, from infections to death.”*

*—Mónica Ramírez, President and Founder, Justice for Migrant Women (EEOC Testimony, 2021)*

### COVID-19 Relief Legislation

In addition to the executive actions recommended above to protect and provide relief to farmworkers from the COVID-19 pandemic, legislation that provides resources to respond to the health and economic impacts of the pandemic must include the following measures to ensure that supports and safeguards are included for the physical safety, health, and economic security of migrant women and their families. While the Coronavirus Response and Relief Supplemental Appropriations Act and American Rescue Plan Act provided important relief measures, the needs of many migrant women remain acute. Justice for Migrant Women continues to advocate for legislative protections for

immigrants and paid leave as a part of robust care infrastructure.

### Provide Premium Pay

- Essential workers must receive premium pay for the work they have done and continue to do during the pandemic to keep the economy and vital services functioning, despite facing increased risk of exposure to COVID-19. The American Rescue Plan Act provides premium pay as a recommended and allowable use of the funds distributed to state and local governments. Justice for Migrant Women is advocating at the state and local level to ensure that governments use the funding to support low-income, Black, Brown and women workers.

### Enhancing Access to Safety and Services for Survivors

Justice for Migrant Women applauds the inclusion of support for survivors in the American Rescue Plan Act, including funds for programs under the Family Violence Prevention and Services Act that grant supports to survivors of sexual assault and for culturally specific community based organizations. Justice for Migrant Women also recommends the following:

- **Provide additional funding for the Sexual Assault Services Program** administered by the DOJ Office on Violence Against Women (OVW) to assist sexual assault services programs in meeting the emergency needs of survivors;
- **Provide funding for the OVW Rural grant program** to assist survivors of domestic violence and sexual assault in rural areas and improve the response to child abuse;
- **Prevent the detention or deportation of immigrant survivors** with pending applications for protection under the Violence Against Women Act/Trafficking Victims Protection Act; and
- **Ensure that additional resources are provided directly to Tribal governments** to increase access to safety and services for survivors in Tribal communities where resources to respond to COVID-19 are scarce.

### Migrant Health Centers

The need for culturally-competent primary and preventive healthcare, with expertise on the unique occupational hazards faced by farmworkers, is especially acute during this time. COVID-19 “hotspots” have emerged in a number of rural counties with significant farmworker populations. Robust funding for rural health centers, with a specific set aside for migrant health centers, is needed so that these critical local providers can detect, prevent and diagnose COVID-19, as well as administer vaccines. Justice for Migrant Women applauds the \$7.6 billion for community health centers to administer COVID-19 vaccines and related activities included in ARPA.

### Expand SNAP eligibility and ensure access for migrant and farmworker families

Increased access to Supplemental Nutrition Assistance Program benefits is needed and can be achieved by removing eligibility restrictions and ensuring that child nutrition programs develop plans to serve migrant children regardless of immigration status, in order to provide aid to the 50 to 65 percent of migrant and seasonal farmworker households that are food insecure.





## ECONOMIC JUSTICE

Women account for over **40% of the 164 million migrant workers globally**. This does not include women that are also migrating within regions or states. For migrant women, justice cannot be achieved without transforming our policies such that the economy serves them and their families and acknowledges the dignity, skill and essential nature of their work. Despite the fact that many migrant women are essential workers, many of them lack the economic security to meet basic needs, much less thrive. Through Justice for Migrant Women's **organizing in rural communities**, such as Sandusky County, Ohio, we know that migrant women and essential workers as a whole are not being treated fairly.

Policymakers must expand long overdue rights for farmworkers and domestic workers who have been left out of many basic labor protections. In addition to providing the most basic of protections, it's critical to address other pressing issues, such as the wage gap. Latinas are among those that face the widest wage gap. Recent data that includes both full-time, year round workers as well as part-time workers, shows that, on average, Latinas make just 49 cents for every

dollar made by white, non-Hispanic men. Many migrant women work seasonally or work multiple part-time jobs, making it crucial to calculate data that is not limited to full-time, year round workers. In fact, wage gap calculations that exclude part time workers leave out an estimated **33 million workers**. The data still, however, is not reflective of the experiences of Afrolatinas, transgender and gender non-conforming community members. For example, in a report published by the

TransLatin@ Coalition, [49% of the Trans Latina Immigrants](#) surveyed reported being unemployed, and for those that were employed, over half made less than \$17,000 per year. Having complete data is important to further underscore the need to close the wage gap for the most vulnerable in our communities.

Migrant women need to be protected in the workplace, paid fairly and provided with paid leave and child care. The solutions shared below are critical pieces to achieving economic justice.

## Improve Data Collection

### National Agricultural Worker Survey: Improve Data Sharing on Women and Children (DOL)

The National Agricultural Workers Survey (NAWS) is conducted periodically (most recently in 2015-16) to collect demographic, employment, and health data in face-to-face interviews with farmworkers. The survey yields valuable information that informs policymaking. However, the survey does not collect information from all children working in agriculture, and the survey report does not include disaggregated gender-specific data on wages and other measures. These shortcomings deprive policymakers and advocates of the data they need to better address the needs of women and children working in agriculture. The Biden Administration should:

- Expand the scope of the NAWS to include those aged 12 and up

— consistent with the minimum working age set by current federal agricultural labor laws.

- Ensure that public release of NAWS results disaggregate data by gender, especially wage and income data.

### Resume and Improve Farm Labor Survey to Include Detail on Gender (USDA)

Regular data collection is critical to informing better policies. The key instrument for collecting data on farmworkers' wages is the annual Farm Labor Survey conducted by USDA, which is used to produce the annual Farm Labor Report. Among other things, its findings help establish wage rates under the H2-A temporary agricultural worker program. The Administration should resume the Farm Labor Survey, which the Trump Administration sought to cease, and disaggregate its data by gender so that policymakers can identify any differences in wages rates or types of jobs held by women and men in agriculture. More detailed data is important in identifying gender segregation and understanding why women have a lower annual salary than men.

### EEOC Pay Data Collection

Decades of a stagnant gender wage gap mean that women, and the families supported by their income, have disproportionately lower incomes and are therefore at a disadvantage in facing the economic and health consequences of the ongoing pandemic. The Biden



Administration should require employers to collect and report compensation data by race, ethnicity, gender, and part-time status to the EEOC and OFCCP, including but not limited to reinstatement of the EEO-1 Component 2 pay data collection. The EEO-1 form should also provide options when sharing one's gender identity that are more inclusive than the binary male or female option. This is a critical tool that will help identify and address pay discrimination. Given that the wage gap is largest for women of color, immediate and decisive action to combat compensation discrimination and pay inequity is not only a matter of economic security, but also gender and racial equity.

## Economic Supports for Working Women

### Relief from Federal Student Loan Debt (ED)

On average, women carry [\\$31,276](#) in student loan debt and two-thirds of first-generation college students owe [\\$25,000 or more](#). The wage gap makes it more difficult for women of color to repay this debt, further perpetuating the wage gap into the future and negatively impacting their ability to lift themselves out of poverty and build wealth. The Administration should therefore use the authority it has under the Higher Education Act to reduce the federal student loan debt burden faced by women workers who are facing the largest pay gaps, especially those from low-wage households.

### Expand Child Care by Increasing Funding for Migrant and Seasonal Head Start

Child care is critical for farmworker women to be able to work and earn income while knowing that their children are safe and supported. Without child care, farmworker women have to make the difficult choice of staying home and losing income, thus falling further into poverty, or going to work and leaving their children unattended. Left with this difficult choice, some mothers feel compelled to bring their children with them into the fields where they may be exposed to extreme weather, pesticides, dangerous equipment, and other hazards. The Migrant and Seasonal Head Start program (MSHS) provides a solution for these families by providing a safe and supportive environment that advances their development while their parents are at work. Justice for Migrant Women applauds the \$1 billion for Head Start that was included in ARPA, and calls on Congress to continue to increase funding for MSHS.

### Paid Leave

Paid family leave and sick days are important public health measures to combat the spread of COVID-19 as they make it possible for low-wage workers to afford to stay home and away from other workers when they are sick, or to care for dependents. Paid family and sick days are also crucial as long term infrastructure to enable workers to meet their needs and take care of their families. Paid leave should be accessible to all low-wage

workers and their families. This has a particular impact on women's incomes, as women carry the majority of family care responsibilities and are forced to leave the workforce to care for sick family members.

## Labor Rights

### ★ Gender Steering

Gender steering occurs when a person is pushed into or not considered for entire jobs or specific assignments based on their gender identity. For the LGBTQIA community and people who identify as women, this can have a particularly negative impact, limiting opportunities professionally and economically. Gender steering is particularly pervasive for women of color who are being [recruited to come and work in the United States](#), oftentimes in lower paid sectors, as they are not considered for jobs that do not align with stereotypical "women's work." Across the Administration, better enforcement of anti-discrimination laws is necessary to hold employers accountable for making hiring decisions based on the intersection of race and gender identity.

## LEGISLATIVE

### Essential Workers' Bill of Rights

President Biden campaigned on a [pro-worker agenda](#) that would improve labor rights, protections and benefits to millions of workers. These protections are especially needed for essential workers, who have been carrying the greatest burden in facing exposure to COVID-19

while keeping our economy moving and caring for society's most vulnerable throughout the pandemic. In April 2020, U.S. Senator Elizabeth Warren (D-MA) and Representative Ro Khanna (D-CA) unveiled a proposal for an [Essential Workers Bill of Rights](#) to protect these frontline workers during the coronavirus pandemic. Congress should show commitment to workers through, among other avenues, supporting legislation that embodies the rights, protections and benefits that the Essential Worker Bill of Rights calls for.

### Children's Act for Responsible Employment and Farm Safety

Under current law, children as young as 12 years old can work in agriculture with virtually no limit on the number of work hours outside of the school day. Furthermore, children performing hazardous agricultural work can be as young as 16 years old, while hazardous non-agricultural work is reserved for adults. Considering the prevalence of gender-based violence in agricultural labor, past findings that child agricultural workers drop out of school at four times the national dropout rate, and the fact that the majority of work-related child fatalities occur in the agriculture sector, it is imperative to enact the Children's Act for Responsible Employment and Farm Safety.

While retaining exemptions for family farms and educational programs, such as 4-H and Future Farmers of America,

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the bill would bring age and work hour standards for children in agriculture up to the standards for children working in all other industries; establish a minimum penalty for child labor violations; increase the maximum civil monetary penalties and maximum criminal penalties for child labor violations; provide children with greater protections against pesticide exposure; and include reporting requirements on work-related injuries and serious illness.

***Justice for Migrant Women also supports the following legislative proposals:***

- **Fairness for Farm Workers Act:** The Fairness for Farm Workers Act, which was endorsed by President Biden during his campaign, would amend the Fair Labor Standards Act of 1938 to extend the right to overtime pay to farmworkers.
- **Raise the Wage Act:** Raise the federal minimum wage, phase out the subminimum wage, and eliminate the tipped minimum wage.
- **Paycheck Fairness Act:** Strengthen protection against pay discrimination.
- **Pregnant Workers Fairness Act:** Strengthen existing federal protections against pregnancy discrimination in the workplace.
- **Domestic Workers Bill of Rights Act:** No longer exclude domestic workers from basic labor protections and require benefits and protections be put in place
- **Schedules That Work Act:** Address unfair just-in-time, unpredictable scheduling practices that make it difficult to meet both work and caregiving responsibilities, especially for migrant women working in food and hospitality sectors.
- **Better Care Better Jobs Act:** Creates enhanced funding to strengthen long-term care by investing in Medicaid home and community-based services (HCBS) to expand access to good-quality care, lead to better pay and benefits for workers, enhance quality of life for families, and help create middle-class jobs.





## IMMIGRANT JUSTICE

Justice for Migrant Women’s constituency is greatly affected by the outdated immigration laws and systems that are in place. Oftentimes, immigration status adds to the already existing vulnerabilities faced by women. Women and children in detention are at [further risk of being abused](#), sexually assaulted and in some cases forcibly sterilized. The [reasons why women migrate](#) to the United States are numerous and include fleeing violence in their own country as well as disasters caused by climate change. Justice for Migrant Women calls on Congress and the Administration to act swiftly to protect women, girls and their families coming to the United States.

### ADMINISTRATIVE

#### Stop Family Separation (DHS/DOJ/ State)

Title 42 perpetuates xenophobia and unnecessarily allows for deportation. [Migration Policy Institute](#) cites that over 1 million expulsions have been carried out since the beginning of the pandemic. Title 42 denies survivors the right to seek asylum and forces them to remain

in dangerous situations where they are retraumatized. This can re-victimize survivors by their perpetrators who follow and find them at the border, and others who take advantage of their vulnerability to threaten, exploit, rape, and traffic women on the border. The administration should stop separating families, including by way of detention and deportation.

### **Reinstate and Expand DACA (DHS)**

Deferred Action for Childhood Arrivals (DACA) has enabled around 800,000 immigrants to study, work, and live without fear of deportation. Justice for Migrant Women supports the [proposed rule](#) that would fortify DACA and President Biden's commitment to DACA, including allowing DACA enrollees to qualify for student financial aid, and working to expand DACA to cover additional categories of prospective applicants, such as family members of DACA enrollees.

### **Repair Harm Done by the Trump Administration's Public Charge Rule (DHS)**

Justice for Migrant Women welcomes the reversal of the Trump Administration's public charge rule made by the Biden Administration. The Administration should dedicate resources to ensuring that communities are made fully aware of the reversal of the rule that still contributes to ongoing fear today and ensure that future rulemaking on this subject does not perpetuate the fears that lead to immigrants and their families forgoing public benefits. It is important to recognize the racist origins of this rule.

### **Build Community Trust by Limiting ICE Involvement with Local Law Enforcement (DHS)**

The Biden Administration should end programs such as the DHS Priority

Enforcement and 287(g) programs that entangle local law enforcement and federal immigration enforcement. This will help foster trust between immigrant communities and local law enforcement agencies, which is critical for advancing public safety for all.

### **Strengthen the Implementation of the Prison Rape Elimination Act (PREA) in Immigration Detention (DHS)**

Ensure comprehensive implementation of the DHS PREA regulations at every facility that detains immigrants, and ensure that DHS is accountable for monitoring and enforcing these protections. Allow all individuals who are victims of abuse while in DHS custody to apply for U visa protection, require DHS officials to sign U visa certification forms, and refrain from deporting U visa-eligible individuals while applications and investigations are pending.

## **LEGISLATIVE**

### **★ Comprehensive Immigration Reform**

Fix the nation's broken immigration system by providing legal status and a pathway to citizenship for the roughly 11 million undocumented immigrants living in the U.S. who have endured years, and in some cases decades, of marginalization, exploitation and abuse because of their immigration status.

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***Justice for Migrant Women also supports various legislative efforts that reflect pieces of comprehensive immigration reform:***

- **Farm Workforce Modernization Act:** The Farm Workforce Modernization Act, which was passed by the U.S. House of Representatives on a bipartisan vote in 2021, provides a pathway to legalization for farmworkers who are currently undocumented, and also includes reforms to the H-2A temporary agricultural worker visa program.
- **Citizenship for Essential Workers Act:** The Citizenship for Essential Workers Act calls for a pathway to citizenship for essential workers and would aid more than 5 million undocumented essential workers, including farmworkers and domestic workers.
- **LIFT the Bar Act:** Repeals the 5 year bar that denies eligibility for public programs to lawfully present immigrants for 5 years following their arrival in the United States. Such programs include Medicaid and SNAP, which are important for the health and safety of migrant women and their families.
- **The U.S. Citizenship Act:** This reflects the immigration proposal that President Biden made on his first day in office. This sweeping legislation would build a new immigration system that is fairer, more humane and more functional.

- **DREAM and Promise Act:** Provide a path to legalization and citizenship for Dreamers and those under Temporary Protected Status and Deferred Enforced Departure.

**Language Access**

Support increased training, monitoring, and enforcement of Title VI of the Civil Rights Act to ensure meaningful language access for individuals with limited English proficiency in all federally funded programs and across agencies, including social services, law enforcement, courts, housing, etc.





## CIVIC POWER

More than 19 million women live in rural America, comprised of individuals of many diverse backgrounds, including Latina, Indigenous and Native, Black, and Asian women and women of other races and ethnicities. Most rural and migrant women in the United States live in poverty, face persistent inequality, and lack the services and the protections that they need to live healthy and whole lives. Political leaders often perceive rural America as white and monolithic, with blanket solutions that do not fix their complex issues.



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This is why at Justice for Migrant Women civic power, and specifically rural civic engagement, is crucial. Justice for Migrant women is conducting innovative outreach efforts aimed at increasing civic participation, increasing voter registrations, and implementing get-out-the-vote (GOTV) efforts for mail-in ballots and in-person voting in rural communities with a particular focus on Sandusky County, Ohio. Transformation includes increasing the political representation and power of rural women and girls across the United States. In addition to our state and local work, we support the following federal measures to further voting rights across the country:

### **John Lewis Voting Rights Advancement Act**

The Supreme Court left the Voting Rights Act weakened and compromised following two court cases. The John Lewis Voting Rights Advancement Act would offer restoration by requiring that states previously subjected to preclearance from the Department of

Justice due to their history of voting rights discrimination are once again required to obtain preclearance before making changes to voting laws, including the implementation of voter ID laws or relocation of polling places. There are barriers to voting in rural communities, even without strict voter ID laws or other rules that are meant to suppress the votes of Black, Brown, Asian, Indigenous and Native community members. Left unchecked, proposed state legislation can have detrimental effects on communities that already lack representation.

### **Freedom to Vote Act**

Voter protections are critical in rural communities, particularly for Black, Brown, Asian, Indigenous and Native communities. Enabling mail in ballots, being able to take time off of work to vote and voting early are all important to voting access. The Freedom to Vote Act would enact important measures such as these into law.





# ACKNOWLEDGEMENTS

This document is built from Justice for Migrant Women's 2021 Policy Priorities for the Biden-Harris Administration. The document was made possible by the work of various organizations that advocate on behalf of women, immigrants, farmworkers, and other essential workers, whose research and advocacy helped to inform various aspects of this document, including:

- Alliance for Immigrant Survivors
  - Esperanza United
- National Employment Law Project
- National Hispanic Leadership Agenda
- Translatin@ Coalition and the [#TransPolicyAgenda](#)

Justice for Migrant Women is headquartered in Fremont, Ohio.

Visit [www.justice4women.org](http://www.justice4women.org) for more information.

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