

Ten Years of Impact: 2005-2015



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Members of the
Migrant Defense
Committee in Tabasco.

LETTER FROM THE EXECUTIVE DIRECTOR

Dear partners and allies,

A decade ago, Centro de los Derechos del Migrante, Inc. (CDM) opened its doors on Calle Víctor Rosales in Zacatecas with a bold mission—to ensure that the border would no longer act as a barrier to justice for migrants and to improve recruitment and employment conditions for low-wage workers. We started with a unique model for transnational justice and envisioned a world where migrant workers' rights are respected and laws and policies reflect their voices. We have worked diligently to bring this vision into focus over the past decade. Over the next decade, we will continue to turn our dream of transnational justice into a global reality.

Through groundbreaking policy advocacy, innovative litigation, pioneering outreach, and cross-cutting alliances, CDM has grown into a powerful force for change in the struggle for migrant worker justice. In the past ten years, we have led efforts to spotlight widespread labor abuses in some of the United States' most veiled industries, from Maryland crab processing to traveling carnivals. As author of *Recruitment Revealed*, founder of the International Labor Recruitment Working Group (ILRWG), and petitioner under the North American Agreement on Labor Cooperation (NAALC), CDM's work has brought unprecedented attention to the rampant abuses in the labor recruitment industry in Mexico, in the United States, and internationally. At the same time, our continued monitoring and advocacy have successfully curbed illegal and fraudulent recruitment practices in dozens of communities. In the legal arena, CDM's transnational model has enabled precedent-setting legal victories with far-reaching impact for some of the most vulnerable migrant worker men and women. Our litigation and litigation support services have directly benefited thousands of men, women, and their families by putting millions of dollars in workers' pockets.

These victories would not have been possible without the worker-led strategy central to each of CDM's program areas. This year, CDM also celebrates the ninth anniversary of the Migrant Defense Committee ("Comité"), a CDM-supported group of community-based leaders that has grown to include more than 80 migrant worker men, women, and family members. Thanks to the commitment of these leaders and to the deep, lasting relationships CDM has cultivated with migrant worker communities throughout Mexico, to date, CDM's know-your-rights educational curriculum has reached more than ten thousand workers through three hundred workshops. As both trainers and advocates, Comité leaders have succeeded in amplifying migrant worker voices in the U.S. policy arena. Over the last decade, their leadership has drawn public awareness to issues like gender discrimination, recruitment abuse, and the barriers that H-2B workers face in securing basic protections

in U.S. workplaces and in the recruitment process for U.S. jobs. Just this past year, Comité advocacy facilitated the launch of CDM's [Contratados.org](https://contratados.org), a breakthrough platform designed by and for workers to address recruitment abuses through crowdsourced reviews of recruiters and employers. One of CDM's most significant undertakings to date, [Contratados.org](https://contratados.org) is quickly gaining momentum as a go-to resource for migrant workers across Mexico, attracting hundreds of visitors each day.

Looking ahead, CDM is poised to meet the next ten years with a clear vision for engaging migrant workers and their allies through innovative, effective, transnational advocacy. As always, CDM will continue to bring our unique, worker-centered model to our policy, legal, and outreach work, prioritizing the issues that matter most to migrant workers. Building on the momentum achieved in [Contratados.org](https://contratados.org)'s first year, for example, CDM will invest in further developing the platform to best serve the needs of migrant workers and broaden its reach to new communities. CDM will also seek to grow our litigation support services to ensure workers can access justice, regardless of where they are. Working together with allies in Mexico, the United States, and beyond, CDM will continue to provide expert policy analysis on the labor recruitment industry, encouraging cross-sector dialogue and advocating for much-needed reforms at local, national, and international levels. Finally, CDM seeks to increase our offerings for on-the-ground education and leadership development opportunities for migrant workers and their families, growing the Comité and facilitating migrant leaders' access to U.S. and international policy debates.

All of us here at CDM extend our sincere gratitude to our funders, our Allies for Migrant Justice, and the hundreds of donors and volunteers who continue to give generously and believe in our work. To you, we owe much of our success. We hope you will join us for another ten years of transformational advocacy!

In solidarity,



Rachel Micah-Jones
Executive Director
Centro de los Derechos
del Migrante, Inc.



HOW WE WORK

10 Years of Removing the Border as a Barrier to Justice



CDM is strategically located in the United States and Mexico to provide migrant worker communities with access to the necessary educational, legal, and policy resources to defend their rights.

CDM's innovative model of transnational advocacy begins with the close relationships that we develop with migrant workers, their families, and their communities. We inform migrant workers about their rights before they leave Mexico for work in the United States; help workers enforce their rights when they return to Mexico; and support their families in their home communities. Over the past ten years, CDM has established itself as a powerful, transnational agent of change through work in four complementary program areas as well as through several groundbreaking initiatives.

POLICY ADVOCACY

CDM stands with migrant workers to ensure that policies reflect their voices and experiences. CDM has investigated and documented systemic abuses in international labor recruitment and guestworker programs. We have also trained and supported worker leaders to engage in strategic media and policy interventions. These worker leaders have testified at congressional briefings, before high-level administration officials, and before international organizations, shaping policies that protect workers' rights. CDM is also an internationally recognized expert on international labor recruitment. We co-founded and convene the **International Labor Recruitment Working Group (ILRWG)**, a coalition of 29 unions, thought leaders, workers' rights and anti-trafficking advocates working to reform recruitment across visa programs and employment sectors. The ILRWG's educational advocacy and organizing have been crucial in ensuring that policymakers understand the importance of comprehensive recruitment reform.

OUTREACH, EDUCATION, AND LEADERSHIP DEVELOPMENT

CDM meets with migrants in their home communities in Mexico, educating them about their rights in international labor recruitment and in U.S. employment. CDM builds and sustains worker leadership along the migrant stream through the **Migrant Defense Committee (Comité)**—an independent worker leadership initiative with eighty migrant leaders who educate and organize their communities in Mexico and coworkers in the United States. By educating workers and community leaders, we work to prevent abuses along the migration stream.



CDM staff and Comité members meet in Mexico City in April 2015.

HOW WE WORK *continued*

INTAKE, EVALUATION, AND REFERRAL SERVICES

Workers who meet with CDM in their home communities often turn to us for advice when they experience problems with their employment in the United States. CDM interviews migrants, evaluates their legal claims, and refers their cases to attorneys, unions, worker centers, government agencies, and service providers through our transnational advocacy network.



Members of CDM's legal team prepare thousands of letters to send to Peri & Sons workers in Mexico.

HEALTH AND SAFETY PROJECT

Migrants often work in low-wage, high-risk jobs in industries that are hotbeds of health and safety violations. In industries like construction, meatpacking, and seafood processing, migrants face perilous working conditions, insufficient safety training, and exorbitantly high accident and death rates in comparison to U.S.-born workers. By providing workshops and materials on avoiding conditions like dehydration, heat stroke, and exhaustion, CDM equips migrants with information to avoid and respond to workplace health and safety violations. When on the job in the United States or once migrants return home, CDM advises workers, secures local counsel, and facilitates workers' compensation cases.



CDM staff member Lilián López Gracián gives a workshop on health and safety to migrant workers in San Luis Potosí.

DIRECT REPRESENTATION AND LITIGATION SUPPORT

CDM represents migrant workers in strategic, high-impact litigation and has won legal victories establishing important precedents to protect low-wage workers' rights. We also provide on-the-ground legal and investigative services to U.S.-based legal organizations, law firms, government agencies, and attorneys with clients in Mexico to ensure migrants' access to justice. Among other transnational support services, CDM travels to communities across Mexico to inform workers of their right to opt in to class action cases. CDM facilitates transnational discovery by obtaining documents and conducting depositions in Mexico. We also defend access to justice for injured migrants by helping them to obtain immigration waivers to attend legal hearings and medical evaluations in the United States. Finally, CDM's legal team supports U.S.-based advocates with transnational settlement distribution through an innovative partnership we established with Bansefi, a government savings bank with branches throughout Mexico. This settlement service, which CDM negotiated exclusively to serve migrant communities, ensures that migrants in rural areas without bank accounts can easily and safely receive their case proceeds.

HOW WE WORK *continued*



CDM staff member Patricia Pichardo discusses labor rights with workers in Guasave, Sinaloa.

JUSTICE IN RECRUITMENT PROJECT

CDM's Justice in Recruitment Project seeks to end fraud and other abuses in international labor recruitment through public records and survey research; litigation; data-backed policy advocacy; and innovative, online data transparency and migrant organizing initiatives. For ten years, CDM has documented how labor recruitment works, particularly in the H-2A and H-2B temporary visa programs, under which more than 100,000 workers are recruited every year. We have made international labor recruitment supply chains more transparent and recruiters more accountable by putting previously unavailable information about the recruitment and employment of migrant workers online for the first time on two groundbreaking websites. Launched in 2013, the International Labor Recruitment Transparency Project is an online, interactive map available at recruitmenttransparency.org. The map gives policymakers and advocates tools to make sense of international labor recruitment and identify gaps in the enforcement of workers' rights. Launched in September 2014, Contratos.org is a website that enables workers to organize and build power. The project gives workers and advocates compelling tools to hold employers and recruiters accountable through a system of Yelp-like reviews written by migrant workers about their own recruitment and employment experiences. The website also helps workers recognize, prevent, and denounce rights violations through access to know-your-rights resources.

MIGRANT WOMEN'S PROJECT (ProMuMi)

Through our transnational Migrant Women's Project (Proyecto de Mujeres Migrantes, or ProMuMi), CDM engages with women to discuss their specific rights and concerns, offers educational workshops, develops leadership skills, and facilitates opportunities for women to intervene in policy debates. Since the project's launch, ProMuMi leaders have testified about fundamental flaws in recruitment that particularly affect women. These outspoken women have successfully advocated for key reforms.



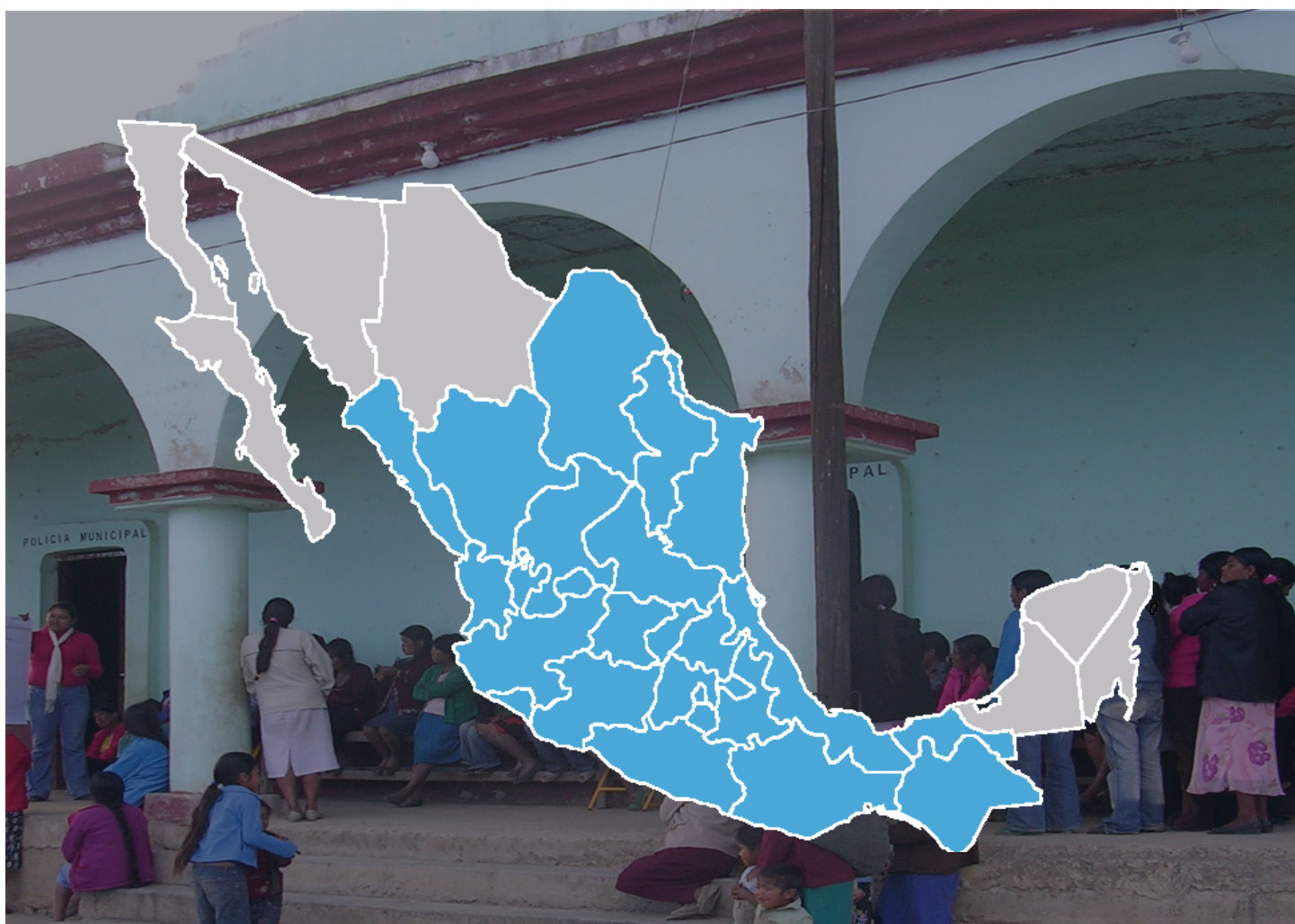
CDM staff member Elizabeth Mauldin discusses ProMuMi initiatives with migrant women.

OUTREACH, EDUCATION, AND LEADERSHIP DEVELOPMENT

10 Years of Empowering Workers through Hands-on Education

For a decade, CDM has worked directly with migrant communities in Mexico. As we have found, migrant workers can speak more candidly about their experiences and access information about their rights more easily when we meet with them in safe spaces. These insights have fueled our highly effective outreach programming, including preventive know-your-rights trainings, which educate migrants about their rights before they depart for the United States. Additionally, our outreach program includes targeted workshops for migrants recruited to work in high-risk industries or for employers with a history of abuse, as well as innovative organizing campaigns to make educational resources available to workers at every point along the migration stream. With CDM's support and guidance, workers arrive in the United States with the information and confidence they need to defend their workplace rights.

10,000 MIGRANTS REACHED **25** MEXICAN STATES **200** COMMUNITIES TRAINED



TARGETED OUTREACH

Identifying At-risk Workers and Preventing Abuse

CDM conducts targeted outreach to specific migrant groups and industries where migrants face unique problems. We organize participatory workshops with women migrants, indigenous migrants in Mexico's Mixteca region, and workers in major sending communities for specific industries. We also develop educational materials that are tailored to migrants' most pressing concerns.

WAGE AND HOUR

Labor and employment law in the United States is complicated, often varying by state and by industry. CDM staff provide critical information about applicable wage and hour laws to workers, explaining variations that might apply in different regions or industries. In our workshops, workers learn how to read their paystubs and how to keep track of their hours. CDM ensures that workers are equipped with the information they need to calculate the wages they are owed and understand the legality and typical amounts of certain types of deductions.

HEALTH AND SAFETY

One of the most popular workshop activities that CDM conducts is a health and safety reflection called "Piense en su salud y seguridad" ("Think about your health and safety"). In this exercise, CDM's outreach staff members hold a large, laminated sign with six illustrations of men and women in routine work situations. The activity builds workers' awareness of how they can prevent workplace injuries by proactively identifying potential risks, sharing crucial information about those risks with their coworkers, and by collectively approaching an employer to complain about unacceptable risks.



CDM staff member Brenda Andazola Acosta gives a workshop on health and safety.

TARGETED OUTREACH *continued*



CDM staff member Rebeca Rodríguez Flores gives a workshop to women in Oaxaca.



CDM staff member Alissa Escarce trains workers on Contratados.org.

PROYECTO DE MUJERES MIGRANTES (ProMuMi)

CDM travels to communities across Mexico to conduct workshops that provide women migrants with targeted information about the unique issues they face. Focusing on sexual assault in the workplace, gender discrimination, pregnancy discrimination, and equal pay, these meetings empower migrant women working across a range of gendered industries, from childcare to seafood processing. [Read more about our ProMuMi work on p. 30.]

RECRUITMENT FRAUD AND PREVENTION

CDM holds workshops and disseminates information about workers' rights at every point along the migrant stream, including strategies for verifying job offers, and what workers should expect during the temporary work visa application process, en route to their worksites, and upon their arrival in the United States.

VISA-SPECIFIC

CDM's outreach curriculum includes visa-specific rights information for migrant workers. Workshop participants learn to distinguish among visa categories and understand their distinct contract, wage, deduction, reimbursement, housing, and transportation requirements.

CONTRATADOS.ORG

CDM's outreach team holds workshops in migrant communities throughout Mexico to introduce workers to the resources and information available on Contratados.org, our crowdsourcing platform for migrant worker organizing and advocacy. Outreach staff also conduct Contratados.org workshops with Comité leaders, who learn how to navigate the site, train fellow workers to use the site to learn about their rights and access available resources, and anonymously share their reviews of specific employers and recruiters. [Read more about Contratados.org on p. 29.]



CDM staff and volunteers with workers after a Contratados.org workshop in Guanajuato.

OUTREACH IN INDIGENOUS MIGRANT COMMUNITIES

In 2010, CDM opened an office in Juxtlahuaca, a town in the Mixteca region of Oaxaca, to address the particularly severe abuses indigenous migrant workers often endure. Because many Mixtec workers do not speak Spanish, they are cut off from social and legal services that may be available to other migrant workers in the United States. As a result, indigenous workers are even less likely to report abusive treatment or unsafe working conditions. CDM's Oaxaca office is staffed by native Mixtec-speaking outreach workers, who develop and facilitate know-your-rights trainings and workshops for migrants throughout the region. These trainings provide migrant workers with both general and industry-specific information and resources needed to confront and remedy the abuses and violations that they frequently encounter at their workplaces.

120 WORKSHOPS
GIVEN

3,200 WORKERS
REACHED



A Comité member and community leader works with CDM staff member Adelina Vásquez Cedillo during a workshop in Juxtlahuaca, Oaxaca.



CDM staff members Adelina Vásquez Cedillo and Rebeca Rodríguez Flores conduct a workshop for workers in Juxtlahuaca, Oaxaca.

LEGAL ADVOCACY

Ten Years of Defending and Protecting Workers' Rights

CDM applies a multi-pronged approach to combating worker abuse and fighting for the rights of migrants. Our legal team represents migrant workers in legal proceedings in U.S. courts and before international tribunals, or refers their claims to advocates who can pursue their claims in the proper jurisdictions. Our team of dedicated U.S.-trained and Mexico-trained attorneys, who are based on-the-ground in Mexico and in our Baltimore office, offers workers intake, evaluation, and referral services and direct representation. Additionally, our legal team provides expert litigation support services for U.S. attorneys representing migrant workers in cases across the United States and Mexico.

Through CDM's legal work over the past 10 years, thousands of workers have achieved justice for violations of their workplace rights. Not only has CDM established important legal precedents and obtained compensation for our clients through targeted impact litigation, we have enabled attorneys to bring both individual and class cases on behalf of migrant workers. We have served an integral role in obtaining documents and information from workers, facilitating other transnational discovery, and implementing class action settlements in Mexico. Through this work, CDM helps to ensure that the border is not a barrier to justice for migrants when they return to their home communities in Mexico.

Intake, Evaluation, and Referral Services

Through our extensive outreach to migrant communities, CDM's staff meets thousands of workers throughout Mexico who turn to the organization for help and advice. Our binational, multilingual legal team evaluates workers' potential claims and connects them with lawyers in our international network who can pursue their rights in court.

Direct Representation and Litigation Support Services

CDM represents workers in high-impact litigation campaigns, winning legal victories that have established important precedents to protect low-wage workers' rights. We also provide legal and investigative services for U.S.-based law firms, solo practitioners, government agencies, and non-profit organizations with clients in Mexico to ensure that migrants can access justice. Our legal team travels to communities across Mexico to advise workers of their right to opt in to class action cases. CDM also facilitates transnational discovery by obtaining documents, conducting depositions in Mexico, and helping to obtain immigration waivers for workers to attend legal hearings and medical evaluations in the United States. Finally, CDM's legal team facilitates transnational settlement distribution through our innovative partnership with the Mexican bank Banco del Ahorro Nacional y Servicios Financieros (Bansefi), ensuring that advocates in the United States can send settlement funds to workers who have returned to Mexico.



CDM staff, Comité members, and government officials at the inauguration for the CDM report *Taken for a Ride*.

LEGAL ADVOCACY *continued*

Comité de Apoyo a los Trabajadores Agrícolas (CATA) v. Perez, 774 F.3d 173 (3d Cir. 2014).

In collaboration with a coalition of U.S. workers and their advocates, CDM represented the only guestworker plaintiff to challenge the Department of Labor's 2009 H-2B regulations. In 2014, we won a landmark ruling from the U.S. Court of Appeals for the Third Circuit, which prohibits the use of biased employer surveys to determine the prevailing wage owed to H-2B workers. The decision is set to result in a significant increase in migrant workers' wages. This momentous victory was achieved together with a dedicated coalition of co-counsel at Friends of Farmworkers, North Carolina Justice Center, Northwest Workers' Justice Project, and Southern Poverty Law Center, and Edward Tuddenham, who argued the case on appeal.

Rivera v. Peri & Sons Farms, Inc., 735 F.3d 892 (9th Cir. 2013).

With CDM's help, approximately 1,200 H-2A agricultural workers from Mexico will soon receive their share of a \$2.8 million USD settlement payout for employment abuses they suffered while harvesting onions in the United States. A U.S. District Court judge in Nevada recently approved the settlement agreement between the farmworkers—represented by Chicago-based class action firm Hughes Socol Piers Resnick & Dym, Ltd.—and Peri & Sons Farms Inc. The plaintiffs in this case contended they had not been adequately compensated for their labor and had been unlawfully forced to cover the costs of their own travel and visa-related expenses.

Vazquez v. Alewelt, Inc., No. 4:11-cv-00130-JAF-CFB (S.D. Iowa, filed July 9, 2010).

In 2008, 11 migrant workers who had worked as hog pen construction workers for the concrete subcontractor Alewelt, Inc. approached CDM about unpaid workers' compensation. In addition to referring their workers' compensation claims to attorneys with appropriate expertise, in March 2010, CDM filed a lawsuit on behalf of the workers, asserting that they had been misclassified as H-2A (agricultural) workers and therefore should have been receiving overtime compensation as H-2B (non-agricultural) workers under the Fair Labor Standards Act. The case settled on confidential terms, but it put employers

on notice that their abuse of the guestworker program will not be tolerated, and that migrant workers have advocates who will pursue their claims from across the border.

Diaz v. Quality Crab Co., No. 2:10-cv-15-h (E.D.N.C., filed April 30, 2010).

Since December 2013, CDM has assisted the North Carolina Justice Center with the implementation of a settlement obtained on behalf of H-2B workers who were employed by Quality Crab's North Carolina seafood processing plant. The lawsuit alleged violations of federal minimum wage laws related to unreimbursed visa and transportation costs, unlawful deductions for the costs of tools and protective equipment, and charges for rent that exceeded reasonable costs. Quality Crab agreed to pay a total \$245,000 USD to settle the case. To date, CDM has facilitated the distribution of settlement funds totaling \$84,711 USD among 130 workers. [Read more about our campaign to reform the seafood industry on p. 28.]

Teoba v. TruGreen Landcare, L.L.C., No. 6:10-cv-06132 (W.D.N.Y., filed Mar. 15, 2010).

For more than four years, CDM has provided litigation support services to Edward Tuddenham and Dan Getman (of Getman & Sweeney, PLLC), who brought this wage-and-hour class action lawsuit on behalf of H-2B workers employed by the U.S. landscaping giant TruGreen Landcare, LLC. The lawsuit alleged violations of state and federal minimum wage laws related to the company's failure to reimburse visa and travel expenses that the workers were required to pay. In April 2014, the case settled and TruGreen agreed to pay over \$1.2 million USD to eligible former workers. Since the settlement was reached, CDM has led extensive outreach efforts in Mexico and the United States to distribute the settlement notice and claim form to hundreds of class members. CDM has assisted 593 workers in submitting more than 1,342 claims thus far, totaling more than \$700,000 USD in potential settlement payments. To date, CDM has also facilitated the disbursement of settlement payments to 289 former TruGreen workers in Mexico, totaling \$395,385 USD.

LEGAL ADVOCACY *continued*

Dreamland Amusements, Inc., NY OAG Investigation & Settlement, AOD No. 09-132 (2008-2009).

The *Dreamland Amusements* settlement was one of the first achievements of our *Fair Workers, Fair Wages!* campaign to end the abuse of migrant workers in the U.S. fair and carnival industry. [Read more on p. 27.] In 2007, Comité leader José de Lira contacted CDM to report workplace violations he experienced while working for the New York-based carnival company, Dreamland Amusements, Inc. CDM's support ultimately led to an investigation by the Office of the New York Attorney General and an eventual settlement with Dreamland in 2009 that required the company to pay \$325,000 USD in back wages owed to H-2B workers. CDM's litigation support team helped the New York Attorney General distribute the settlement monies owed to the H-2B workers employed by Dreamland. In 2015, CDM completed the final distribution of settlement payments in Mexico, distributing a total of \$109,080 USD among 22 workers.

Perez-Benites v. Candy Brand, LLC, No. 07-CV-1048, 2008 WL 4709105 (W.D. Ark. Oct. 31, 2008).

CDM traveled to communities throughout Mexico to notify former H-2A workers of their right to opt in to the settlement obtained by the Southern Poverty Law Center in this Fair Labor Standards Act case brought on behalf of more than 1,500 Mexican migrant workers who harvested and packed tomatoes for Candy Brand from 2003 to 2007. The Arkansas-based company agreed to pay over \$1.2 million USD to settle the lawsuit, which sought restitution of unpaid wages, unreimbursed travel and visa expenses, and damages. The case was brought with assistance from Edward Tuddenham and attorneys at Robinson, Biggs, Ingram, Solop & Farris, PLLC.

Rivera v. Brickman Group, Ltd., No. 05-1518, 2008 WL 81570 (E.D. Pa. Jan. 7, 2008).

CDM, together with Edward Tuddenham and Friends of Farmworkers, represented hundreds of former H-2B guestworkers who had worked for Brickman Group, Ltd.,

one of the largest landscapers in the United States, in a case brought in federal court in Pennsylvania. The workers had paid substantial recruitment, visa, and transportation fees, which reduced their wages well below the federal minimum wage. In 2008, the court established that employers are obligated to reimburse workers for these types of fees.

Rodríguez v. Sky General Contractors, Inc. (S.C. Workers' Compensation Commission, 2007).

In 2007, 27-year-old Eliverio Rodríguez was working at a construction site in Myrtle Beach, South Carolina, when a large chunk of concrete fell from a wall onto his back. After two months in the hospital, he returned to his family's home in central Mexico with a permanent spinal injury that left him physically unable to work. Mr. Rodríguez confronted a nearly insurmountable barrier to justice. With his debilitating injury and mounting medical bills, Mr. Rodríguez needed to apply for workers' compensation. But to get it, he had to return to South Carolina to attend an in-person hearing. With CDM's support, Mr. Rodríguez navigated a complex diplomatic and legal web to make his way back to South Carolina. He applied for and received a rarely-granted humanitarian visa and traveled thousands of miles by bus from central Mexico to Myrtle Beach to attend his hearing. Mr. Rodríguez ultimately won a tremendous victory that will ensure that he receives the ongoing medical care he needs.



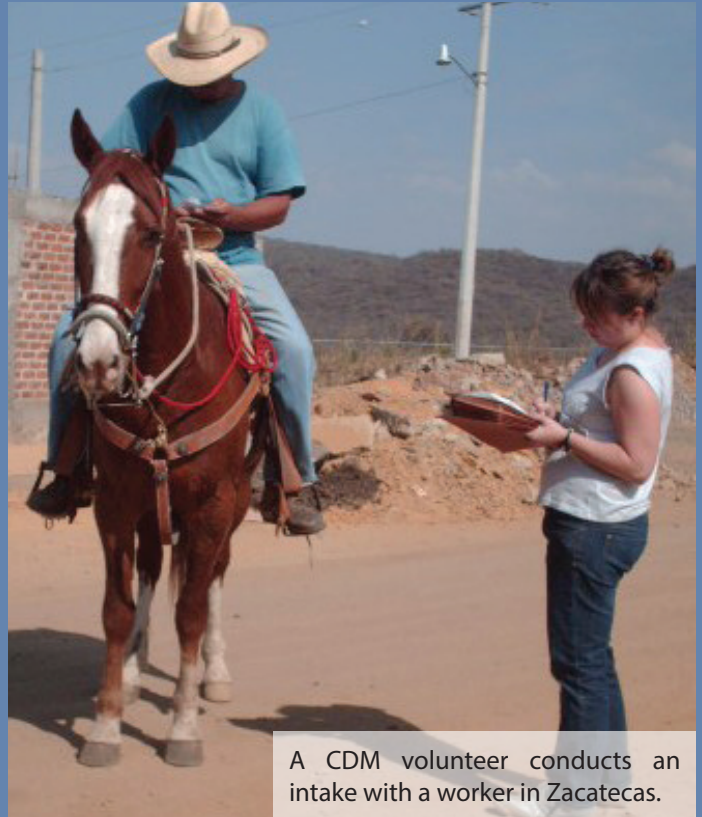
LEGAL ADVOCACY *continued*

Herrera v. Ag-Mart Produce, Inc., No. 06-001725 (Fl. Cir., filed February 2006).

Ag-Mart, a case that was covered in the book *Tomatoland*, incited nationwide outrage over the bleak working conditions that prevail in some of the nation's largest industries, particularly those that depend on migrant labor. The case was filed by a farmworker who gave birth to a son without arms and legs after suffering continued exposure to unsafe chemicals in Ag-Mart's fields. CDM provided key support for this case, uncovering the facts and testimony needed to make the case by finding and interviewing witnesses in Mexico and facilitating communication on their behalf with plaintiffs' attorney Andrew B. Yaffa. He describes the *Ag-Mart* case as "one of the most pivotal cases of his career."

Rosiles-Perez v. Superior Forestry Service, Inc., No. 1:06-CV-0006 (M.D. Tenn., filed Jan. 25, 2006).

Advocates at Farmworker Justice, the Legal Aid Justice Center, the New Orleans Workers' Center for Racial Justice, and the Southern Poverty Law Center, and attorneys at Bell, Tennent & Frogge, PLLC; Buescher, Goldhammer & Kelman, P.C.; Butler Snow LLP; and Hughes, Socol, Piers, Resnick & Dym, Ltd brought this class-action suit against Superior Forestry, Inc., an Arkansas-based forestry contractor, on behalf of more than 2,200 H-2B workers from Mexico and Central America who were recruited to plant pine seedlings for the company. The lawsuit alleged that Superior Forestry violated the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Workers Protection Act by failing to pay the plaintiffs minimum wage and overtime wages. In 2010, Superior Forestry agreed to a \$2.75 million USD settlement. After this case was filed in 2006, CDM supported the plaintiffs' counsel by traveling to the workers' communities in Guerrero and Oaxaca to identify potential plaintiffs and witnesses, and assisted with on-the-ground fact investigation. CDM continues to provide support on this case by identifying workers eligible to participate in the settlement and helping them obtain the money they are entitled to receive.



A CDM volunteer conducts an intake with a worker in Zacatecas.

Olvera-Morales v. Sterling Onions, Inc., No. 5:02-cv-01589-NAM-DEP (N.D.N.Y. filed Dec. 23, 2002).

In one of our first litigation support cases, CDM investigated migrant women's experiences of gender discrimination in international labor recruitment under the H-2A and H-2B guestworker programs. In this case, women asserted that they were recruited for lower-paying and less desirable non-agricultural (H-2B) jobs, while men were offered the preferred agricultural work visas under the H-2A program, which provide many protections not available to H-2B workers. The case validated migrant women's rights to be treated equally in the recruitment and employment process. CDM was honored to support lawyers Dan Werner of Farmworker Legal Services of New York and Wendy R. Weiser of the NOW Legal Defense and Education Fund (now Legal Momentum), who brought the case and gave CDM the opportunity to demonstrate the effectiveness of our on-the-ground legal services.

LEGAL ADVOCACY *continued*

MONEY TRANSFERS TO MEXICO

In 2014, American University Washington College of Law, CDM, and Global Workers Justice Alliance released the second edition of *Money Transfers to Mexico*, a manual designed to help U.S.-based migrant worker advocates navigate the transfer of funds to their clients in Mexico. Since its original publication in 2010, *Money Transfers to Mexico* has facilitated the distribution of millions of dollars in funds awarded to workers by courts, administrative agencies, and pursuant to settlement agreements. We will release a third edition of the manual in early 2016.

BANSEFI

Since partnering with the Mexican government-backed savings bank, Banco del Ahorro Nacional y Servicios Financieros (Bansefi) in 2009, CDM has become a go-to resource for advocates winning workers' rights class actions in courts throughout the United States. **Over the past six years, we have facilitated the transfer of over \$1,791,002 USD to workers in Mexico via our CDM-Bansefi funds distribution mechanism.** In the past year alone, we have facilitated the transfer of more than \$211,432 USD in settlement funds to 78 workers in Mexico.

CLIENT TESTIMONIES

CDM's litigation support services team, led by experienced U.S. attorneys, enables Mexico-based migrants to access justice in U.S. courts. What our colleagues say about the crucial legal services that CDM provides:

"CDM's work was instrumental to our favorable outcome. It was amazing how smoothly the whole thing went off—from Guanajuato live to the courtroom in Chicago... Thank you so much for your help in arranging [our client's] testimony. He did great! The judge is prepared to enter an order awarding every penny that we asked for... I could not have done this without you. Thank you for your critical assistance in doing justice for these exploited workers."

Marni Willenson
Willenson Law, LLC

"Thank you so much for all your help with the Quality Crab case! It has made our lives so much easier, and I know the class members have definitely appreciated it."

Carol Brooke
North Carolina Justice Center

"Just wanted to thank you once again for all your assistance in facilitating the transfer to our clients in Mexico... I am so grateful to know that organizations like yours provide these much-needed services to the Mexican community."

Steve Agan
Hyler & Lopez, PA

POLICY ADVOCACY

Ten Years of Bringing Workers' Perspectives to the Global Debate on Labor

Today, unfair restrictions in U.S. and Mexican law continue to prevent exploited workers from accessing justice. These limitations—and the devastating impact they have on the lives of migrant workers and their families—drive and inspire CDM's policy advocacy work.

CDM's primary policy advocacy goal is to provide a platform for workers to share their experiences with the public, lawmakers, and government officials, and to allow their testimonies to inspire debate and prompt much-needed labor and immigration reforms. We support workers in bringing their perspectives to the forefront of the debate on labor and immigration reform, at all levels of government, and on both sides of the border. We also help workers organize and successfully advocate for increased oversight of the

temporary work visa programs that have long served as conduits for labor trafficking. Through CDM's impactful policy reform initiatives—which we pursue in collaboration with our broad network of worker leaders and advocates in the United States, in Mexico, and throughout the world—we call attention to the rampant abuse of migrant workers and highlight the need for increased international protections.

Our policy advocacy timeline on pp. 18-21 demonstrates the impact of this work and the ways in which our campaigns inform and enhance each other.



Comité member Martín Dávila speaks about his experiences as an H-2B worker at CDM's *Audencia Pública* in September 2009.

POLICY ADVOCACY *continued*

CDM's Advocacy for Migrant Workers under International Human Rights Law



Comité leader Jorge Pilar with CDM staff in Washington, D.C. on the way to the U.S. Department of Labor's stakeholder meeting in April 2014.

Since our founding, CDM has been committed to defending the basic human rights guaranteed to migrant workers under international law. In addition to our established track record of providing critical legal services to migrant workers in U.S. legal proceedings, we have seized opportunities to advocate for migrant workers before international tribunals, collaborated with allied organizations to form cross-border coalitions, and utilized a range of international law enforcement mechanisms.

In 2010, CDM described the pervasive threats to the safety and dignity of migrant workers to the UN Special Rapporteur on the Right to Health and released *Dangerous Conditions: Migrant Health and Safety in the U.S. Workplace*. Then, in 2012, CDM joined a coalition of allies in submitting a human rights complaint to the UN Special Rapporteur on Extreme Poverty and Human Rights, detailing the failures of the United States and the international community to

protect the rights of migrant farmworkers.

Since then, CDM has continued to identify policy defects and expose working conditions constituting the indentured servitude of workers under government-sanctioned visa programs before the Inter-American Commission on Human Rights (IACHR), under international treaties, and in continued migrant advocacy before the United Nations. We have called for principled reform and oversight of international labor programs; for the recognition, protection, and enforcement of fundamental human rights; and for the implementation of a system that will prevent human trafficking and hold wrongdoers accountable for exploiting vulnerable migrant workers. While these calls have not always been answered, CDM has consistently ensured that migrant voices are amplified in international arenas.

POLICY ADVOCACY *continued*

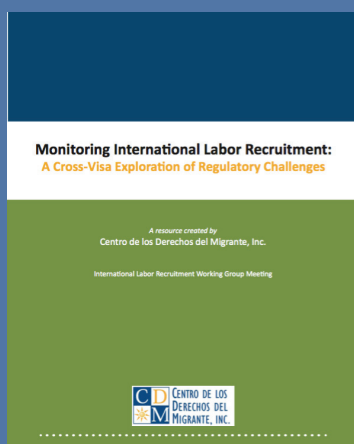
CDM and the International Labor Recruitment Working Group (ILRWG)

Since 2011, CDM has convened and led the ILRWG, a group of 29 unions, thought leaders, and workers' rights and anti-trafficking advocates working to reform recruitment comprehensively across visa programs and employment sectors. In 2013, CDM supported the ILRWG in helping migrant workers based in the Mid-Atlantic region form a cross-sector workers' committee. These workers joined forces to share their experiences to improve conditions for internationally recruited workers. CDM has also collaborated with the ILRWG on two groundbreaking reports.



CDM staff member Elizabeth Mauldin and members of the ILRWG in October 2015 at the Global Forum on Migration and Development in Istanbul, Turkey.

Monitoring International Labor Recruitment: A Cross-Visa Exploration of Regulatory Challenges



CDM prepared this report as a supplemental resource for the first meeting of the International Labor Recruitment Working Group (ILRWG), held at George Washington University from October 17 - 18, 2011. The report identifies and describes visas of special interest in the recruitment of foreign workers, provides information about common issues and abuses associated with each visa, and analyzes regulatory frameworks pertaining to recruitment.

The American Dream Up for Sale: A Blueprint for Ending International Labor Recruitment Abuse



In 2013, the ILRWG and the International and Comparative Law Clinic at the University of Maryland Francis King Carey School of Law co-authored *The American Dream Up for Sale*. The report identifies shortcomings and gaps in the current regulatory and enforcement framework governing guestworker programs, documents the pervasive abuses experienced by migrant workers across a range of industries, and provides recommendations for reform.

POLICY ADVOCACY *continued*

U.S. Policy Goals Achieved in Collaboration with the ILRWG This Year

The Year in Review:

- We seized upon a critical moment for immigration reform, and outlined our top requests and proposals for the Obama administration to remedy and prevent recruitment abuses when these issues rose to the top of the government's agenda in November 2014. Our timely and collaborative pressure resulted in the effectuation of several key requests—including our proposed expansion of the availability of permanent U and T visas (visa categories designated for immigrants who help prosecute crimes or who are victims of trafficking) to workers who help uncover international labor recruitment fraud.

- We collaborated with members of the ILRWG on a regionally-focused advocacy campaign that culminated in the first state law to specifically address recruitment abuses in temporary work visa programs (SB 477 – Foreign Labor Contractors: Registration), signed by the Governor of California in September 2014. CDM continues to assist with the mechanics of finalizing and implementing this groundbreaking

piece of legislation by providing drafting assistance, collecting data, and coordinating multiple advocacy letters on behalf of the ILRWG.

- We mobilized our ILRWG allies after critical protections afforded to workers under the H-2B temporary work visa program were called into question by a series of court decisions in early 2015. Our multifaceted H-2B policy reform efforts encompassed an open letter signed by ILRWG members and 29 supporting institutions, along with several congressional and interagency briefings. This advocacy culminated in the release of new regulations incorporating fundamental recruitment and anti-retaliation provisions. Many of these reforms were specifically requested by members of the Comité—themselves current and former H-2B workers—who CDM supported by arranging face-to-face meetings with government officials charged with overseeing new program regulations. [Read more about our H-2B reform initiatives and our Justice in Recruitment campaign in the timeline that follows; meet the members of the Comité on p. 23.]



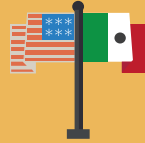
Comité members and CDM staff meet with U.S. government agency officials in Mexico City.

LABOR DAY 2005

CDM opens its doors in Zacatecas, Mexico, with support from Echoing Green, the Initiative for Public Interest Law at Yale University and the Stanford Public Interest Law Foundation.



2005



SEPTEMBER 2006

Several worker leaders at CDM's first anniversary event encourage CDM to support them in developing a committee of migrant workers to advocate for their fellow workers. The Comité de Defensa del Migrante is born.



Comité de
Defensa del Migrante

AUGUST 2006

CDM convenes the Guestworker Organizing Summit to facilitate communication among labor rights organizations in the United States and Mexico and to create new opportunities for organizing and educating workers on both sides of the border.

2007

CDM and the Mexican non-profit Proyecto de Derechos Económicos, Sociales y Culturales, A.C (ProDESC) launch the Binational Labor Justice Initiative to facilitate a transnational dialogue on legal tools to defend migrant workers' rights and build binational alliances for legal support across the U.S.-Mexico border. The Initiative convenes more than 30 advocates from the United States and Mexico for the First Binational Labor Justice Convening.

DECEMBER 19, 2008

The Department of Labor publishes a Final Rule on the labor certification process and enforcement for H-2B employment. These regulations, which became effective on January 18, 2009, included a wage calculation that depressed wages for H-2B workers below market rates.



2008

2007

JANUARY 7, 2008

U.S. District Court Judge Louis H. Pollak largely grants a motion for summary judgment for seasonal landscaping workers in *Rivera, et al. v. Brickman Group, Ltd.* in an order against the Brickman Group for transportation costs that took their wages below minimum wage.

JANUARY 9, 2009

CDM and allies file *Comité de Apoyo a los Trabajadores Agrícolas (CATA), et al. v. Solis, et al.* in a federal court in Philadelphia.



2009

OUR POLICY WORK IN REVIEW

AUGUST 31, 2009

Following the advocacy efforts of CDM and Comité leader José de Lira, the Office of New York Attorney General Andrew M. Cuomo reaches an agreement with Dreamland Amusements, Inc. to pay \$325,000 USD in back wages to H-2B carnival workers. The agreement also requires the company to change its policies and procedures to ensure compliance with labor and civil rights laws.



2009

2010

CDM and ProDESC publish the *Manual for Binational Justice*, which describes U.S. and Mexican labor and immigration laws to assist advocates on both sides of the border. The People's Global Action on Migration, Development, and Human Rights, a civil society event running parallel to the Global Forum on Migration and Development, subsequently invites CDM to join its permanent International Working Group.



*Manual for
Binational Justice*

**CDM
5TH
ANNIVERSARY**

SEPTEMBER 2009

CDM hosts an *audiencia pública* (public hearing) in Zacatecas in honor of our 5-year anniversary. Comité members speak about their experiences as migrant workers before panelists, who articulate principles for reform.

*Recruitment
Revealed*

JANUARY 2013

CDM publishes *Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change*. Comité leader Adareli Ponce Hernández travels to Washington, D.C. for the report's launch, where she shares her recruitment experiences in hopes that other workers can avoid recruitment fraud.



DECEMBER 13, 2012

CDM joins a coalition of allies in submitting a human rights complaint to the UN Special Rapporteur on Extreme Poverty and Human Rights, detailing the failures of the United States and the international community to protect the rights of migrant farmworkers.

FEBRUARY 2013

CDM publishes *Taken for a Ride: Migrant Workers in the U.S. Fair and Carnival Industry* in collaboration with the Immigrant Justice Clinic at the American University Washington College of Law. The ILRWG also publishes *The American Dream Up for Sale: A Blueprint for Ending International Labor Recruitment Abuse* in collaboration with the International and Comparative Law Clinic at the University of Maryland Francis King Carey School of Law. [See more on p. 19.]



Taken for a Ride



*Money
Transfers
to Mexico*

DECEMBER 13, 2012

CDM, American University Washington College of Law, and Global Workers Justice Alliance publish *Money Transfers to Mexico*, a manual designed to support migrant workers' advocates with the transfer of funds to their clients in Mexico.

MARCH 2013

CDM Executive Director Rachel Micah-Jones and Leonardo Cortez Vitela, a Comité member and former H-2B worker, testify in front of the Inter-American Commission on Human Rights on the need to prevent the rampant exploitation of workers under the H-2B program.

**WORKER
RIGHTS!**



IACHR

JULY 2013

CDM and the Legal Aid Society-Employment Law Center (LAS-ELC) file a lawsuit against Butler Amusements, Inc., the largest fair company in the western United States, alleging violations of state and federal minimum wage and overtime laws. The plaintiffs in the case are two carnival workers from Mexico who worked for Butler on H-2B temporary work visas over a period of eight years.



JUNE 27, 2013 The U.S. Senate passes an immigration reform bill (S. 744), which includes the expansion of the availability of U and T visas to victims of recruitment fraud, as CDM and our ILRWG allies urged. CDM helps educate advocates on these new incentives for workers to come forward with stories of fraud, abuse, and retaliation.

MARCH 2010

CDM's Rachel Micah-Jones testifies before the UN Special Rapporteur on the Right to Health in Guatemala on the policy defects that result in human rights violations for migrant workers and presents our report, *Dangerous Conditions: Migrant Health and Safety in the U.S. Workplace*, on the hazards that migrant workers routinely face in the workplace.

JULY 2010

CDM and the American University Washington College of Law International Human Rights Clinic publish *Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry*, which makes recommendations for reforms at the local, state, and national levels. CDM accompanies migrant women to Washington, D.C. for a press conference on the report that sparks the interest of state officials and leads to increased oversight.

JULY 30, 2010

The Philadelphia district court upholds our CATA challenge to the 2009 H-2B regulations, finding that the Department of Labor refused to consider comments from worker advocates (like CDM). The court orders the Department of Labor to revise provisions that are unfair to workers. *Comité de Apoyo a los Trabajadores Agrícolas (CATA) v. Solis*, 2010 WL 3431761 (E.D. Pa. 2010).

2010

NEW FINAL
H-2B RULE



FEBRUARY 21, 2012

The Department of Labor publishes new Final H-2B Rule providing important protections for migrant workers and citing CDM's *Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry*.



Picked Apart

ILRWG



OCTOBER 2011

The International Labor Recruitment Working Group (ILRWG) is formed. The ILRWG, which CDM convenes and leads, is the first coordinated effort to broadly address abuse in international labor recruitment across visa categories, countries of origin, and employment sectors.

CDM, former migrant fair workers, and a binational coalition of workers' rights advocates file a petition (2011-1 MEX) under the North American Agreement on Labor Cooperation (NAALC), the labor side accord to the North American Free Trade Agreement (NAFTA), asserting that the U.S. government has failed to enforce its domestic labor laws, promote compliance with minimum employment standards, and appropriately protect migrant workers.

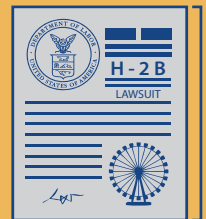
SEPTEMBER 2011

2012

2011

NOVEMBER 15, 2013

The Northern District of California grants the plaintiffs' motion in the Butler case with an order permitting them to proceed anonymously. In doing so, the court recognizes the particularly vulnerable situation of plaintiffs as H-2B workers in the traveling fair and carnival industry and the extraordinary harm they face should their identities be revealed.



DECEMBER 2013

CDM and our allies file suit against the Department of Labor in federal court in Pennsylvania, demanding the payment of fair, market wages for migrant workers.

FEBRUARY 18, 2014

Comité leader Martín Dávila speaks at CDM's press conference in Mexico City, sharply criticizing the Mexican and U.S. governments for failing to act in the face of continuing, grievous abuses of migrant worker rights. A written statement from Comité leader Leonardo Cortez Vitela is included in the press packet.

WORKER
RIGHTS!

2013

2014

September 14-16, 2013

Thirty-one Comité members gather in Celaya, Guanajuato for the National Comité Meeting. Members draft and sign a letter recognizing the 20th anniversary of NAFTA and criticizing the U.S. and Mexican government's failure to protect workers under the NAALC. The letter is sent to administrative officials in Mexico and the United States.

FEBRUARY 2014

Milestone CATA victory in the Third Circuit: a U.S. Court of Appeals orders the Department of Labor to issue revised wage rule preventing H-2B workers (and U.S. workers) from being paid below-market rates by prohibiting the use of inherently biased, employer-provided surveys to set the prevailing wage rate payable to migrants. *La. Forestry Ass'n v. Perez*, -F.3d-, 2014 WL 444157 (3d Cir. Feb. 5, 2014).

APRIL 3, 2014

U.S. Secretary of Labor Thomas Perez and Mexican Secretary of Labor and Social Welfare Alfonso Navarrete Prida meet for the first time to sign a ministerial declaration in response to our NAALC petition (2011-1 MEX) and other petitions filed by migrant workers and labor advocates. The declaration, the first to be signed between the United States and Mexico in 12 years, outlines an action plan to improve migrant worker protections. Follow-up activities include thirty educational outreach events targeted to H-2A and H-2B workers across the U.S. and Mexico. CDM provides consulting and participates in these workshops in coming months.



MAY 7, 2014

CDM, American University Washington College of Law, and Global Workers Justice Alliance release the second edition of *Money Transfers to Mexico*.



APRIL 13, 2014

Several Comité members present their experiences as guestworkers to Department of Labor and Department of State officials in Mexico City, at a meeting arranged by CDM. The workers deliver a copy of the petition that we co-sponsored with Polaris, signed by nearly 3,000 supporters, to the Secretaries of Labor and Homeland Security, urging them to protect workers from exploitation.

APRIL 29, 2015

Years of worker-led reform and advocacy culminate in new H-2B protections! The Obama administration releases the new H-2B rules, which incorporate many of the protections that CDM and Comité members had strongly advocated. Some of the most important provisions include a requirement that workers be given a copy of their job contracts during their recruitment, a contractual ban on charging workers recruitment fees, and a guarantee that workers be given at least three-fourths of the work they are promised, among others.

Despite these significant victories, the new rules backtrack on the wage protections won in the CATA case. CDM initiates a campaign to raise awareness of the depressed wages paid to migrant workers and the way that these depressed wages negatively impact the broader U.S. labor economy, and again rallies support for the elimination of biased and harmful wage provisions.

MARCH, 2015

The Government Accountability Office (GAO) issues a report calling for stronger regulations and greater protections for guestworkers. Several CDM publications are cited extensively throughout the report as evidence of the failure to protect migrant workers' rights under the H-2 programs.

SEPTEMBER 2014

Historic anti-trafficking and recruitment abuse legislation, SB 477 is signed into law in California, after years of vigorous coalition advocacy by CDM and our ILRWG allies. CDM helps draft this groundbreaking anti-trafficking legislation, which regulates international labor recruiters for the first time in U.S. history.

SEPTEMBER 30, 2014

CDM launches Contratos.org with support from the Columbia Law School Public Interest Law Foundation, the General Service Foundation, the John D. and Catherine T. MacArthur Foundation, the Ms. Foundation for Women, the Public Welfare Foundation, the Solidarity Center, and the Sunlight Foundation. [see more on p. 29.]



JANUARY - MARCH, 2015

A series of court decisions questions the Department of Labor's authority to issue rules governing the H-2B program, casting doubt on the enforceability of the new protective regulations issued in response to the CATA decisions. The Departments of Labor and Homeland Security respond by stating their plan to issue new proposed regulations.



JUNE 29, 2015

CDM, the ILRWG, members of the Comité, and numerous allies sign on to our comments and use our template to submit comments of their own on the new H-2B rules, applauding the basic protections included in the H-2B Interim Final Rule and recommending stronger wage protections and enforcement mechanisms. CDM produces a compelling video featuring former H-2B workers and highlighting the need for reform.

JULY 2015

A Senate Appropriations Subcommittee threatens to block funding for the Department of Labor to enforce many of the critical protections incorporated in the new regulations – including the so-called “3/4 guarantee” of a minimum number of working hours and wages promised to recruited workers – and to further erode the minimum “prevailing wage” protections afforded to H-2B workers.

SPECIAL INITIATIVES

Ten Years of Grassroots Organizing: The Migrant Defense Committee

The Comité de Defensa del Migrante (Migrant Defense Committee, or Comité) is a group of community-based leaders who organize and empower migrant workers to defend themselves and educate their coworkers. CDM helped found the Comité in 2006, one year after our own organizational founding, at the initiative of several workers employed through the H-2B guestworker program. The Comité soon became a touchstone of CDM's grassroots advocacy model.

Over the past decade, CDM has supported and trained Comité leaders to achieve their goals of serving as educators in their communities and at their worksites. The support of the Comité has been equally critical to CDM's work. Our discussions with Comité members have educated us about the hardships that migrants face, the impact on their families and communities, and the issues that they consider to be most pressing. Their stories—and their determination to publicize, rectify, and prevent these abuses—has inspired many of CDM's initiatives and campaigns. Our work with the Comité enables us to achieve groundbreaking results in all of CDM's program areas. From launching ProMuMi to designing and disseminating Contratados.org, the Comité has been essential to CDM's work for nearly a decade.



MIGRANT DEFENSE COMMITTEE

Worker Profiles

Elisa Martínez Tovar, San Luis Potosí
Founding Comité Member and ProMuMi Collaborator

Things are changing... There are reimbursements, when there weren't any before. The conditions have improved and are getting better every year... I see [the Comité] as a way to help people. Even though they don't want to speak sometimes, we found a way to help other people. We are winning. The Comité means a lot. It's for everyone in the community, not just for me.

In 2000, when Ms. Martínez was 28 years old, she left behind her four young children to migrate to the United States for the first time. She found a job in the crab picking industry from a local recruiter. Upon her arrival to the United States, she discovered that men were paid higher wages and given more work than women, living conditions were deplorable, and there was not enough work to send money home to Mexico. Ms. Martínez decided to do something about her mistreatment. She joined the Comité and began to collaborate with CDM on ProMuMi. [Read more

on p. 30.] Now, Ms. Martínez serves as a community leader and workers' rights advocate in both the United States and Mexico. She helps migrants understand their rights, and speaks at press conferences before lawmakers in an effort to raise awareness of the plight of migrant workers and the need for reform.




Bringing Worker Experiences Together

National Comité meetings, organized by CDM, bring Comité members together to reflect on achievements and develop cohesive strategies for the coming year. In addition to providing a space conducive to collaboration and innovation, the meetings are an opportunity for CDM to update Comité leaders on recent developments in the legal and political landscape, discuss how migrants' rights may be impacted by these changes, and formulate a plan to protect the erosion of those rights. Perhaps most importantly, the meetings strengthen the relationships among Comité leaders and between the Comité and CDM—and invigorate our collective determination to make their voices heard.



Know-Your-Rights Education across Borders: The CDM Toolkit

The toolkit is a handbook that CDM developed in 2012 to empower Comité members to achieve their goal of educating their communities about their U.S. labor rights. CDM's toolkit contains comprehensive, know-your-rights materials that Comité members disseminate in their communities. It enables Comité members to inform their communities and coworkers of their rights when traveling to the United States for work.



Comité members and CDM members at a National Comité meeting in Mexico City.

Martín Dávila, Zacatecas

Comité Member since 2008

I remember very clearly when I started working with the Comité. I said to myself, if my participation means that there is a little bit of justice for migrants, I am willing to work [for that]... When I went to work in the fairs everything that could have happened to me, happened. Discrimination, in every way possible way—labor exploitation, very little pay... Now I am working with people in my community to inform them [of their rights], to help them so they don't go into it blind.

Mr. Dávila became involved with CDM due to the hardships he experienced as an H-2B worker. Seven years ago, Mr. Dávila paid a recruiter in Zacatecas \$350 USD to obtain an H-2B visa to work at a traveling carnival in the United States. Although Mr. Dávila knew that paying the recruitment fee would put him into debt, he decided to migrate to the United States. There, he believed that he could earn more than what he earned in his construction job in Mexico—enough to pay off his debt and send money home to his family. When he arrived on the East Coast, Mr. Dávila started working with Dreamland Amusements in New York. Dreamland paid Mr. Dávila and his coworkers an unlawfully low hourly wage and forced them to hand over their visas and passports. Sometimes, they had to work 36 consecutive hours without sleep. Exhausted and earning less than four dollars per hour,

Mr. Dávila and his coworker (and now fellow Comité member) José de Lira called CDM, which prompted an investigation by the New York Attorney General and an eventual settlement for Mr. Dávila, Mr. de Lira, and his coworkers. Mr. Dávila is now a community organizer who has testified before Congress. He remains one of the Comité's most dedicated members.



Comité Worker Profiles

José de Lira, Zacatecas

H-2A & H-2B Worker

Comité Member Since 2008

The Comité means a lot to me. It's very important. When someone has lived through an experience, it's important to communicate that experience. In this case, we work through a team or a committee to help other people who have gone to the United States or who want to go, so we can educate them a little bit in order for them to find help and defend themselves. We inform people how they can go to the United States with an understanding of their rights. We give them CDM's number.

Mr. de Lira worked under the H-2A visa program, picking tobacco and sweet potatoes in North Carolina. He lived the abuses that typify experiences of workers along the Mexico-U.S. migrant stream, shouldering the burden of recruitment debt while working for low wages in difficult, and often dangerous conditions, with a visa binding him to a single employer. While working in New York with the traveling carnival company Dreamland Amusements, Mr. de Lira was subjected to deplorable working conditions. With CDM's support, Mr. de Lira courageously brought together a group of workers to speak out. After CDM helped refer Mr. de Lira's case to local counsel, and eventually, to the New York Attorney General's Office, Mr. de Lira and his coworkers won a major settlement, which CDM helped distribute. Mr. de Lira remains one of the Comité's most dedicated members, collaborating with CDM to organize know-your-rights workshops in his community. He has spoken powerfully about his experiences before policymakers and encourages others to do the same.



Adareli Ponce Hernández, Hidalgo

H-2B Worker

Comité Member Since 2006

As an H-2B worker who has worked in both chocolate factories and seafood processing plants, Ms. Ponce joined the Comité after experiencing recruitment fraud several times. These devastating experiences, which are all too common in communities like hers, motivated Ms. Ponce to join the Comité and help CDM launch ProMuMi in 2006. Ms. Ponce has been instrumental in organizing Comité meetings in Hidalgo, facilitating dozens of local know-your-rights workshops in her hometown of Chapulhuacán, and increasing the visibility of migrants' rights issues through local media. Ms. Ponce remains particularly involved in CDM's Justice in Recruitment project and in the development and promotion of Contratados.org. Thanks to her efforts, Chapulhuacán residents report that fraudulent recruiters now avoid the region, knowing that residents are well-equipped to defend themselves.



THE COMITÉ YEAR 2015 IN REVIEW

HIGHLIGHTS AND ACHIEVEMENTS IN THE FIGHT FOR WORKER JUSTICE



APRIL 10-12, 2015

Regional Comité Meeting, Mexico City

Ten members of the Comité's Justice in Recruitment and Policy Advocacy Subcommittee meet in Mexico City to review and prioritize goals for the upcoming year, discuss H-2B policy advocacy, and develop strategies to disseminate Contratados.org.

APRIL 29, 2015

Comité Leadership in Veracruz



Comité leader Adareli Ponce Hernández speaks to the community radio station, *La Voz de los Campesinos* in Huayacocotla, Veracruz. She shares stories about her experience with the H-2B visa program and information about Contratados.org.



APRIL 13, 2015

H-2B Policy Advocacy

CDM accompanies four Comité members to a meeting with agency officials in Mexico City to personally request the incorporation of recruitment, retaliation, and wage protections that CDM had helped them fight for over the past decade, as well as hand in a petition signed by over 3,000 supporters.

WORKER
RIGHTS!



APRIL 15, 2015

Radio Bilingüe Outreach

Comité leader José de Lira appears on Radio Bilingüe's program *Comunidad Alerta* to discuss H-2 housing rights for workers.



JUNE 2015

Regional Comité Meeting, Mexico City

Comité members share their stories and experiences in a widely shared video produced by CDM asking the U.S. government for stronger protections for migrant workers.



MAY 2015

Comité Outreach in Chapuahuacán, Hidalgo

Comité members from the states of Hidalgo and San Luis Potosí submit comments to the U.S. Departments of Labor and Homeland Security regarding new H-2B program regulations.



JUNE 18-23, 2015

Outreach in Zacatecas

Comité members in Zacatecas help to organize Contratados.org workshops in several communities and assist CDM in several interviews with media outlets to discuss fraud prevention.

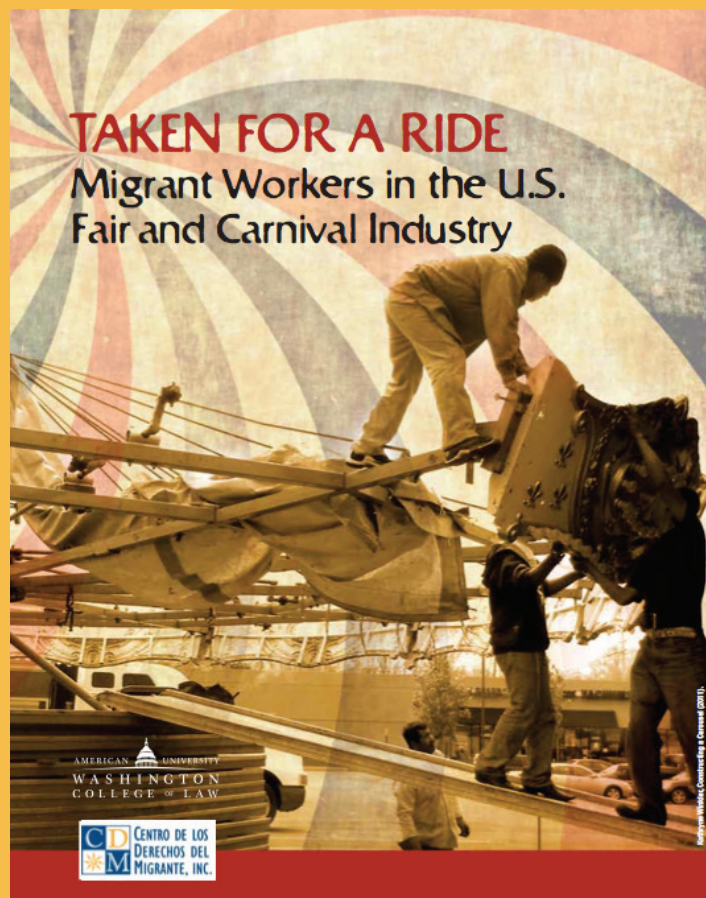
JUNE 30, 2015

Legal Victories for Comité members

CDM helps the New York Attorney General to distribute over \$325,000 USD in wages owed to H-2B workers, in a case first brought to CDM's attention by Comité member José de Lira, who was employed by fair company Dreamland Amusements. On June 30, the final settlement distribution was completed.



10 YEARS OF HIGH-IMPACT, WORKER-DRIVEN CAMPAIGNS AND INITIATIVES



the same. His first phone call to CDM in 2007 sparked an industry-shaking initiative, leading to heightened public awareness of the widespread abuse of carnival workers, substantial victories in courtrooms across the United States, and international reform efforts that extending beyond the carnival industry.

Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change

In 2013, CDM published *Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change*, a report that has since been widely cited by policymakers and advocates in supporting strategic litigation and policy reforms to end recruitment abuse. In a groundbreaking survey, CDM gathered lengthy interviews with more than 220 H-2 workers, revealing abuses that permeate the international labor recruitment process.

Fair Workers, Fair Wages!

CDM's *Fair Workers, Fair Wages!* campaign seeks to end the systemic human rights abuses in the traveling fair and carnival industry, where thousands of H-2B migrants labor in unsafe and unjust conditions. *Fair Workers, Fair Wages!* involves strategic domestic and international litigation; outreach to workers, policymakers, and the public; policy advocacy before government agencies and legislators; and collaborations with worker centers, law firms, low-wage worker advocates, and universities.

The *Fair Workers, Fair Wages!* campaign began with the efforts of Comité leader José de Lira. After Mr. de Lira participated in several Comité workshops, he called CDM with information about abuses within the fair industry in New York and inspired others to do

Taken for a Ride: Migrant Workers in the U.S. Fair and Carnival Industry

In February 2013, CDM and American University Washington College of Law's Immigrant Justice Clinic published *Taken for a Ride: Migrant Workers in the U.S. Fair and Carnival Industry*, a report that shed light on the widespread violations within the fair and carnival industry. Based on interviews with H-2B workers in Maryland, Virginia, and Mexico, this report exposes ubiquitous abuses, including deceptive recruitment practices, high pre-employment fees and costs, wage theft, lack of access to legal and medical assistance, substandard housing, and unsafe work conditions. The report concludes with specific recommendations to rectify H-2B worker mistreatment through comprehensive immigration reform, agency rulemaking, and stronger enforcement of existing laws.

Safer Seafood Campaign

Since 2005, CDM has maintained strong relationships with communities of migrant worker women across the United States and Mexico, with a particular focus on migrant women working in the U.S. seafood processing industry. Through the Migrant Defense Comité and our Migrant Women's Project (ProMuMi), CDM has built a network of migrant women seafood workers. Every spring since 2012, CDM has organized a know-your-rights workshop and tax clinic on Maryland's Eastern Shore. The clinic provides migrant women in the seafood processing industry with resources and free tax-filing assistance through the Volunteer Income Tax Assistance (VITA) program.

Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry

In 2010, CDM and American University Washington College of Law International Human Rights Law Clinic published *Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry*, detailing the harrowing experiences of seafood workers and recommending policy reforms. The report was based on in-depth interviews with 40 workers and exposed the recruitment fraud, wage theft, discrimination, and serious health and safety risks that pervade the industry.



Justice in Recruitment Project

CDM's Justice in Recruitment Project (JIR) is a groundbreaking initiative to investigate and uncover the actors and processes in low-wage labor recruitment along the Mexico-U.S. migration stream. By identifying labor recruiters, employers, and their networks, and by assessing the trends in their interactions and practices, the JIR Project is uncovering previously unavailable information about recruitment and employment conditions for migrant workers. CDM, migrant workers, and our allies are using this data to address major, systemic abuses in guestworker recruitment through outreach and education, strategic litigation, and policy advocacy. Through our JIR Project, CDM is standing with workers to shift the balance of power in low-wage labor migration, making recruitment transparent and holding recruiters, employers, and government agencies accountable.



Contratados.org

On September 30, 2014, CDM launched Contratados.org, an innovative website that promises to change the balance of power in recruitment by giving workers access to previously unpublished information about recruiters and U.S. employers. Migrants can contribute their own Yelp-style reviews, sharing real-time information about recruitment and employment conditions. These reviews enable others to make informed decisions about whether—and with which actors—to migrate. Workers can also access valuable know-your-rights resources, including our signature *audionovelas* (radio dramas), which discuss common labor law violations through creative and compelling dialogue.

Contratados.org was designed through a collaboration among CDM; the Comité; the worker-owned collective Research.Action.Design (RAD); and Studio REV-, an organization that uses art and design to promote social justice. Contratados.org was inspired by Comité leaders, whose continued commitment has informed CDM's ongoing dissemination strategy to bring Contratados.org to workers, government officials, and Mexican NGOs. Approximately 200,000 people apply for H-2 visas to travel to the United States each year, and Contratados.org is making a difference with almost 484,000 page views and 133,000 visitors to date. Meanwhile, dozens of stories and articles have applauded the platform's innovative use of technology as a tool for empowerment.



Contratados.org was created and continues to be developed with generous support from:

The AFL-CIO, Columbia Law School Public Interest Law Foundation, General Service Foundation, Humanity United, John D. and Catherine T. MacArthur Foundation, Ms. Foundation for Women, New Media Ventures, Public Welfare Foundation, Solidarity Center, and the Sunlight Foundation.

Voy Contratado: Migrant Rights on Radio

In 2014, CDM established a new partnership with transnational Latino radio network Radio Bilingüe. Through the partnership, CDM develops content for and participates in Spanish-language news reports, talk shows, and educational PSAs focused on migrant workers' rights and experiences. The radio series, called *Voy Contratado: Migrant Rights on Radio*, educates listeners about changes in law and policy affecting migrant workers, as well as strategies for preventing and addressing rights violations. Through *Voy Contratado*, CDM and Radio Bilingüe have combined our areas of expertise to create innovative programming that allows Spanish-, Mixtec-, and Triqui-speaking workers to engage directly with government officials, policymakers, and one another.



CDM and Radio Bilingüe staff in California.

Migrant Women's Project (Proyecto de Mujeres Migrantes/ProMuMi)

An increasing number of migrant workers are women who travel to the United States on temporary visas for low-wage, high-risk jobs. They confront severe forms of discrimination that begin in the labor recruitment process and continue in the workplace. Women are often channeled into lower-paying, highly gendered jobs and are cut off from more coveted jobs reserved for men. They are survivors of sexual harassment, wage discrimination, untreated work injuries, and human trafficking. They work in industries that isolate them from social services and even from other workers. And although U.S. anti-discrimination, wage, and health and safety laws should protect them, those laws are often not enforced.

Through our binational Migrant Women's Project (ProMuMi), CDM educates migrant women about their U.S. workplace rights, promotes leadership development, and facilitates opportunities for ProMuMi leaders to shape U.S. policies. CDM is a founding member of the Alianza Nacional de Campesinas, the first national farmworker women's alliance, which has been a force for change in immigration policy. Migrant women leaders participating in these initiatives have exposed policymakers' attention to serious flaws in the international labor recruitment and guestworker processes on both sides of the border. Government agencies and lawmakers have responded, by directly citing CDM and women leaders' work and vision in implementing important policy reforms.



CDM staff, migrant women, and allies at an immigration rally in Washington, D.C. on October 8, 2013.



CDM staff member Lilián López Gracián provides training to women seafood workers in Tabasco.

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We want to express our deep gratitude to all of those who have donated to CDM over the past ten years. We sincerely appreciate everything you have done to sustain our work.

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ALLIES FOR MIGRANT JUSTICE

Adrienne Williams-Conover, Baltimore, MD
Career Development Associate, University of Maryland
Francis King Carey School of Law
Ally for Migrant Justice since 2010

Adrienne Williams-Conover has worked at the University of Maryland Francis King Carey School of Law for the past eight years and is currently serving as a Career Development Associate. Raised with a philanthropic mindset, Adrienne became interested in migrant workers' rights when living in El Paso, Texas, where her friendship with several Mexican migrant women revealed underlying abuse. "I began to notice how they were treated horribly," says Adrienne. After moving to Maryland, she saw similar patterns of abuse repeated against this often invisible population. When Adrienne met CDM Founder and Executive Director Rachel Micah-Jones at the University of Maryland, she jumped at an opportunity to impact migrants' rights by supporting an organization that works on the ground in Mexico. Soon after, she became one of CDM's first Allies for Migrant Justice. Since 2010, Adrienne has continued to support CDM each month, believing that even small donations "really add up."

Maggie Hunter, Chicago, IL
Mental Health Clinical Practitioner, Heartland Alliance
Ally for Migrant Justice since 2014

Maggie Hunter is on the front lines of migrant justice advocacy in the Midwest. As a therapist for unaccompanied migrant children at Heartland Alliance in Chicago, Maggie witnesses daily the vulnerability that drives migration to the United States and the exploitation that often awaits those who cross the border. Maggie first became familiar with CDM's work when she traveled to Mexico City as a graduate student of migration studies at Loyola University of Chicago. "We were all super inspired," Maggie recalls of the guest lecture delivered by CDM staff, which motivated her to become an Ally for Migrant Justice. She continues to admire the "spirit of respect and partnership" that characterizes CDM's relationship with migrant workers and their families. She also praises our unique advocacy model, which combines direct legal services with grassroots initiatives. Maggie encourages others to join her in sustaining CDM's work by becoming an Ally for Migrant Justice.

FUNDER PROFILE

Echoing Green

"Ten years ago, when we first met Rachel, it was clear that she would be completely committed to helping migrant workers to defend their rights. As an organization that supports visionary leaders driven by purpose—people unafraid to shine a light on injustice as they carve new paths toward progress. Echoing Green is immensely proud to be an early supporter of Rachel and the transformational work of CDM. Rachel remains an admired member of the Echoing Green community, and her fervent passion and desire for justice and equity is an inspiration to Fellows who follow in her footsteps."

- Cheryl Dorsey, President, Echoing Green



Cheryl Dorsey, President of Echoing Green, with CDM Executive Director Rachel Micah-Jones at an Echoing Green retreat in San Francisco in October 2015.

VOLUNTEERS

Big thanks to our 250+ volunteers, who have contributed tens of thousands of hours of their time to fighting for migrants' rights. Our work would not have been possible without you.



NETWORKS

Alianza Nacional de Campesinas • El Colectivo Migraciones para las Américas (COMPA)

Foro Migraciones • La Iniciativa Regional sobre Movilidad Laboral (INILAB)

International Labor Recruitment Working Group (ILRWG) • Low-Wage Worker Legal Network

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TRU

A migrant worker in Tierra Blanca, Guanajuato waits for a Contratados.org workshop to begin.

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