



SERVICIOS LEGALES DE PUERTO RICO  
DIVISIÓN DE TRABAJADORES AGRÍCOLAS MIGRANTES

March 21, 2016

Mr. Mark Freedman  
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Dear Mr. Freedman:

In accordance to a communication of February 8, 2016 regarding comments related to a LSC's updates on estimates of Agricultural Workers Population, Puerto Rico Legal Services Migrant Division submits the following comments.

- 1) **Methodology and data used** by the U.S. Department of Labor (US-DOL), Employment Training Administration (ETA) to estimate the agricultural worker population:  
both agencies are service providers for workers who are actively looking for jobs. On the ETA webpage there is a survey from the National Agricultural Workers Survey (NAWS) that is an employment-based, random- sample survey of U.S. crop workers that collects demographic, employment, and health data in face-to-face interviews. That survey's findings are available through periodic research reports and a NAWS public access data (NAWSPAD) file. [www.doleta.gov](http://www.doleta.gov)  
It wasn't easy to look for data related to Puerto Rico Agricultural Workers, because Puerto Rico workers is considered a domestic migrant group for ETA purpose and H2-A.  
On the other hand, the most recent and reliable estimates of Agricultural Workers in Puerto Rico is the Puerto Rico Agricultural Census from 2012, which we comment later in this communication. The Census estimates there are 30,122 hired farm workers in the island working in about 8,337 farms. [www.agcensus.usda.gov](http://www.agcensus.usda.gov)
- 2) Comments on a new estimate of non-citizens within the agricultural worker population who are eligible for services from LSC grantees based on sexual abuse, domestic violence, trafficking, or other abusive or criminal activities: as of today, PR Legal Services has not received any request of services from aliens within the agricultural worker population who could be eligible due to sexual abuse, trafficking, domestic violence or other abusive or criminal activities. Even though there is a specialized division to offer advice to women who have these particular legal needs, and all the offices are involved in this kind of legal representation, there is no experience with alien women who are also agricultural workers.  
We have consulted the statistics of Migrant Health Center Programs in PR, but there is no specification of this population in the list of patients' characteristics. When asked, a representative of Puerto Rico Primary Health Association, an organization funded by US Health Center Program (HRSA) linked to all the clinics, said that aliens receiving services from the clinics are registered as 'Uninsured' like so many other patients who could be American citizens without health coverage.



- 3) On submission of available and reliable state- or region-specific data estimates of the population of agricultural workers eligible for LSC-funded services to augment the ETA estimates in individual states or regions, our Migrant Project has been in contact with many government agencies in order to collect statistics from the migrant farmworkers population and also the local farmworkers here in Puerto Rico. Although it hasn't been an easy task, we have some statistics that may show the population of farmworkers that could be potential clients.

While analyzing the numbers in the 2012 Census of Agriculture made under the direction of the U.S. Department of Agriculture (USDA) and the National Agricultural Statistics Service (NASS), we found that in 2012, out of 8,337 farms, there were 30,122 hired farm workers. In the same year, Puerto Rico had 10,008 farm and croplands harvested. This number shows that we have farmworkers that work in the harvest season in Puerto Rico and many of these are also migrant workers. The PR DOL sent us some statistics stating that in 2014-15: this agency referred 1,003 workers to farmers through the National Processing System of which and only 347 workers were placed and actually left for work in farms in the U.S.

One of the problems that we are facing is that many of our farmworkers are leaving without a work contract. This means that if they find work or somebody refers them directly to the owner or a farmer, they don't go through the screening process of the PR DOL and thus, they are not counted as part of the statistics. Another problem that we have been facing is the lack of actual and updated statistics and information that PR Agencies keep regarding the population of farmworkers in Puerto Rico.

We have been in constant communication with the different governmental agencies that deal with farmworkers, agriculture and especially with the PR DOL with whom we have a Memorandum of Understanding. We have done outreach and we are currently providing exit seminars to the workers prior to their departure so they could get to know us and also give them valuable information about their rights, responsibilities and where to look for information if they need legal assistance.

In FY 2014, there was an increase of about 17 percent in the number of positions requested for H-2A job opportunities; in FY 2013 there was an increase of about 17 percent when compared to the previous year as well. There was an increase of almost 13 percent in the number of H-2A temporary employment certification applications certified in FY 2014 over FY 2013. There were over 116,000 positions certified.

In FY 2014, 123,528 agricultural labor positions were requested and 116,689 were certified. This represented almost a 17 percent increase in requested positions and an 18 percent increase in positions certified in FY 2014 over the previous fiscal year.

Over 2,000 positions were certified for work in 16 States. Of these States, North Carolina, Florida, Georgia, Washington, Louisiana, Kentucky, and California had the greatest demand, with over 5,000 positions certified for each State. For the eighth consecutive year, North Carolina continues to be

the top state for H-2A workers with 15,135 certified positions, which represents a 22 percent increase in positions over last year for North Carolina.

Another consulted data comes from the US Health Center Program, (HRSA), which reports the services provided in quantities and distributed in patients groups. Specifically, agricultural workers, benefit from seven clinics across the PR region. The available data on their webpage reflects that of a total of 23,716 patients served in the western region, 5,976 were reported as services to agricultural workers. The webpage where data is available:

<http://bphc.hrsa.gov/uds/datacenter.aspx?q=d&bid=021040&state=PR>

PR Legal Services and its Migrant Project have been working with farmworkers for the past five decades. We are committed to give an excellent legal representation to our clients and to work with their needs with an impeccable responsibility. Our Migrant project has done numerous efforts to obtain actual and realistic data concerning the number of local and migrant farmworkers in our island. We are currently working some new memorandums of understanding with governmental agencies and with other private associations that work with the migrant health. We hope we can gather more precise information that we can share in a near future.



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