

Special Protections & Benefits
for North Carolina
Farmworker Families:

A Guide for Outreach Workers & Other Advocates

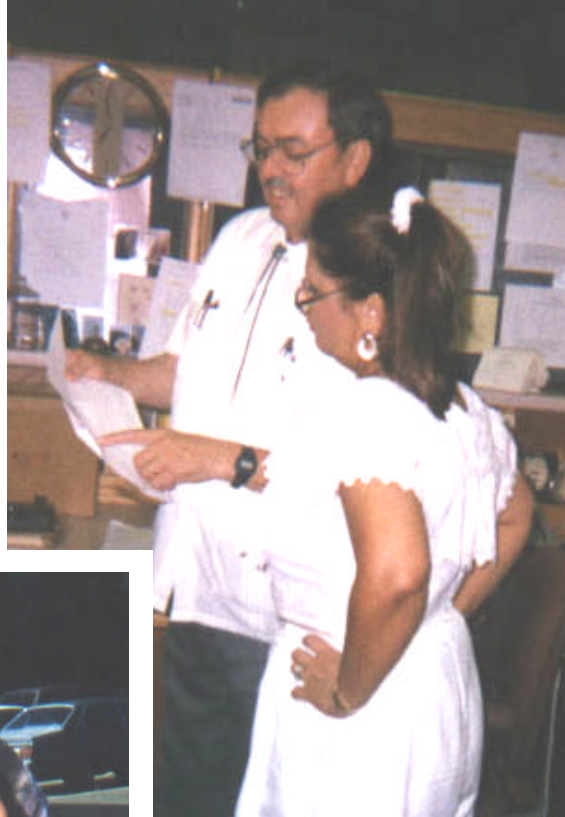
2004

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If you have any questions about any of the material in this guide, please call the North Carolina Farmworker Health Program, Office of Research, Demonstrations, and Rural Health Development at (919) 733 2040



2009 Mail Service Center • Raleigh, NC 27699-2009



The author would like to thank the outreach workers, other local advocates, and NCFHP staff who shared their stories and experiences, provided support, and offered technical assistance. Their input made this guide possible and the process of its creation rewarding.

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HOW TO USE THIS GUIDE

This guide is designed to be used as a resource to help you find the information you need for a particular situation rather than to be read straight-through. Each section includes phone numbers, names and agencies. It is sometimes necessary to speak with several agencies or individuals within an agency to get the information you need. Finally, at the end of the guide is a section with policy recommendations. While these recommendations may not apply directly to outreach work, they can be used by advocates working on improving state policies and procedures.

Definitions

"Migrant farmworker" refers to an individual whose principal employment is in agriculture and who regularly moves to seek work.

"Seasonal farmworker" refers to an individual who works in agriculture for only part of the year but continues to live in the same location for the rest of the year.

"H-2A workers" are those workers who have an "H-2A" visa allowing them entrance and temporary residence in the United States to work in agriculture for a period of time specified in a contract.

"Citizen", "documented," and "undocumented" refer to a worker's legal status. "Citizens" include all of those who were born in the United States or have taken the steps necessary to be recognized as a naturalized citizen. "Documented" refer to people who have obtained legal residency, are recognized as refugees or asylees, or have temporary visas. Workers and family members who are not authorized by the government to reside in the United States are considered "undocumented".

ADVOCATING ON BEHALF OF FARMWORKER FAMILIES

Alice Larson's *Migrant and Seasonal Farmworker Enumeration Profiles Study: North Carolina* (2000) estimates that 20,000 farmworker children (under the age of 19) lived in North Carolina in 2000 and that one-third of men were here with family members. Due to the living and working conditions, migrant families often face additional barriers to acquiring basic needs such as access to healthcare, adequate food, safety, and education. Occasions may arise when outreach workers assess that a situation needs further intervention or investigation.

Currently, there are some laws which serve to protect farmworkers and their families. As service providers, we can help farmworkers access benefits, inform them of existing laws, and work toward greater protections and benefits for the future. In 2003, feedback was gathered during a meeting of outreach workers in North Carolina to determine what issues they face when working to improve the health of migrant and seasonal farmworkers. From this information, the following guide was created to inform outreach workers of the laws and resources associated with the selected topics, including education, healthcare, domestic violence, housing, and other targeted concerns. You will also find tips for taking action and recommendations that could be made to policy makers.

Though this guide addresses the particular needs of women, adolescents, and children, much of the information also applies to men. Some of the public benefits in this guide may apply only to citizens or those with legal residency. However, many of the laws protect all farmworkers living in the United States, regardless of their legal status.

There are many ways to serve as a farmworker advocate. This can include direct interventions, such as providing or increasing access to health care, community-level initiatives, and state and federal level policy reform. Farmworker health advocates experience the unique challenge of working with the community as a whole, including farmers, farmworkers, and other agencies, while trying to address specific concerns that may pose health risks for farmworkers. In addition, farmworker health advocates struggle to ensure access to farmworkers in order to continue to provide health services. Therefore it is important for the outreach worker to consider the consequences of his or her actions when addressing difficult situations. The information here may serve to assist you with deciding what actions to take. It is also important to acknowledge that community change can be a slow process. Veteran outreach staff have found it beneficial to be patient with the process and understanding of the challenges involved during their involvement to encourage change.

Since you know your community and clinic best, it is important for you to determine your role as a farmworker health advocate and the steps that you will take when needs arise.



The following suggestions are provided to help you determine or assess your role as an advocate:

- First and foremost, choose a role that is safe for you.
- Decide what level of involvement you want to play in advocating for change (direct services, community development, state/federal level intervention). You may choose to target only certain challenges at this moment depending on your time, resources, and other factors.
- Consult with your supervisor to determine your role as an advocate as well as when taking steps to address a particular situation.
- Identify other agencies in your community, including churches, Latino community centers, or other advocacy organizations (i.e. domestic violence or children's advocates) in order to make referrals and network as necessary.

- Remember that your role may grow over time. Even small actions may build on those of others to improve conditions in the long run.
- Work within a larger community of groups, networks, or larger advocacy efforts locally, state-wide, and at the national level to advocate for improved conditions for farmworkers.

When you suspect a violation or have a concern, you may want to take into consideration the following tips:

- Assess the immediate safety concerns of the farmworkers.
- Determine the farmworkers' interest in taking action. Using this guide, you can provide information to the farmworkers the laws relating to their concern. Emphasize that most complaints can be made anonymously and that families should not be subject to retaliation by their employer.
- Consider the grower's history with his workers (you can check with the N.C. Department of Labor to determine if the grower has any past violations).
- Determine if there are laws that address your concern. You may choose to involve a third party (i.e. legal aid, the Department of Labor, advocacy organizations) for advice, investigation, and reporting.
- Identify the agencies that specialize in dealing with a particular problem and allow them to do some of the work (some are listed in this guide with their contact information).

If a decision to make a complaint is made, consider the following:

- Decide to whom the complaint should be made (i.e. the grower, a state agency such as the Department of Labor, or legal services).
- Talk with your supervisor to assess possible consequences of reporting.
- Complaints may be made after a farmworker family has left if it is safer for them or makes them more comfortable.

FARMWORKER LEGAL AND ADVOCACY RESOURCES

Legal Aid

Legal aid is often a helpful point of contact as they know the technicalities of the law, are familiar with the system, and may be able to represent a farmworker family for free. The resources listed below are North Carolina specific.

This guide, while providing information on laws, is in no way intended to serve as legal advice. Please contact one of the legal aid resources listed below if legal advice is needed.

- **The Immigrants Legal Assistance Project of the North Carolina Justice and Community Development Center** in Raleigh provides free legal assistance to migrant and seasonal farmworkers, including undocumented workers. Call 1-888-251-2776.

- The **Farmworker Unit of Legal Services of North Carolina** in Raleigh provides free legal aid to migrant farmworkers who are citizens, legal permanent residents, H-2A workers, and undocumented farmworkers who are victims of domestic violence and trafficking. Please call their bilingual call-in line for assistance or referral during business hours or Monday through Thursday evenings. Call 1-800-777-5869.
- For the address of the **local legal aid office** nearest you, visit www.legalaidnc.org. To locate bilingual legal aid (including sites in Raleigh, Wilson, Hillsborough, and Winston Salem), visit www.ayudate.org.
- There are **pamphlets** in Spanish on the North Carolina criminal and civil courts at www.aoc.state.nc.us/www/public/aoc/f_lang_services-more.htm.

Farmworker and Latino advocacy organizations

To join other efforts to improve the living and working conditions of farmworkers, share stories, and get support, please contact:

North Carolina

- **North Carolina Farmworker Health Program**, within the Office of Research, Demonstrations, and Rural Health Development, www.ncfhp.org, works to increase access to quality health care for migrant and seasonal farmworkers through funding, technical assistance, and training. Call (919) 733-2040.
- **North Carolina Community Health Center Association Migrant/Latino Health Division**, www.ncchca.org, provides technical assistance, training, policy monitoring, and resources to Migrant/Community Health Centers within North Carolina and in seven mid-Atlantic states in order to enhance cultural competence and improve health care delivery to farmworker patients. NCCHCA houses a Farmworker Health Resource Library of materials available to health care providers, and coordinates the annual East Coast Migrant Stream Forum. Call (919) 469-5701.
- **Student Action with Farmworkers (SAF)** at www.saf-unite.org coordinates student summer interns and is also supportive of community advocacy efforts, boycotts, and legislation that could help farmworkers in the state. Call (919) 660-3652.
- **Farm Labor Organizing Committee (FLOC)** at www.floc.com organizes union and protest activities on behalf of farmworkers. Call the NC FLOC office at (919) 731-4433 or (919) 489-4485.
- **El Pueblo** at www.elpueblo.org does statewide advocacy and public policy work on behalf of Latinos. In Raleigh at (919) 835-1525 or elpueblo@elpueblo.org.
- **NC Governor's Office for Hispanic/Latino Affairs**, at www.governor.state.nc.us/office/hispanic.asp and www.ayudate.org, serves as a resource to the state's Latino community and an advocacy voice for Latinos within the state government. Contact Axel Lluch at (919) 733-5361 or Axel.Lluch@ncmail.net.
- **Institute for Southern Studies Farmworker Justice Project** at www.southernstudies.org produces Southern Exposure magazine, newsletters, and public forums. Contact the Project Coordinator at (919) 419-8311.



- **Triangle Friends of the United Farmworkers (UFW)** supports UFW and FLOC efforts locally. Call (919) 489-2659 or contact Joan Preiss at joan.preiss@juno.com.
- **National Farmworker Ministry** at www.nfwm.org mobilizes the religious community to support farmworkers who are organizing for justice, empowerment, and equality. Call the North Carolina office at (919) 489-4485.
- **The North Carolina Council of Churches Farmworker Ministry Committee** at www.nccouncilofchurches.org convenes local congregations around the state around social justice issues, including improving the lives of farmworkers, through advocacy and community education. Contact their office at (919) 828-6501 or nccofc@nccouncilofchurches.org.
- **Catholic Social Ministries** working through churches in Fayetteville, Raleigh, Greenville, and Fuquay-Varina, contact the state office at (919) 821-9750; **Episcopal Farmworker Ministry** in Newton Grove at (910) 567-6917; and local **Baptist Associations** (contact the Baptist State Convention at 1-800-395-5102).
- **Church Women United (CWU)** advocates, organizes community activities, offers small grants to farmworkers and advocacy groups, and distributes donations in Carrboro at (919) 929-0650 or connie.gates@ecunet.org.

National

- **National Center for Farmworker Health (NCFH)** at www.ncfh.org is a national non-profit organization dedicated to providing technical assistance and networking opportunities to farmworker health programs. Specific services include a lending library and migrant health fact sheets; leadership development for health providers; and migrant health news and research email updates. Please visit their website or call (800) 531-5120.
- **Migrant Clinicians Network (MCN)** at www.migrantclinician.org aids clinicians throughout the U.S. to better serve the needs of farmworkers. Specific services include national diabetes and tuberculosis (TBNNet) tracking; new provider practicums; and topic-specific educational materials for providers. Please visit their website or call (512) 327-2017.

- **Farmworker Health Services Inc. (FHSI)** at www.farmworkerhealth.org provides trainings, on-site consultation, instructional publications, and other technical assistance to outreach program staff in order to improve health education; case management; and program planning. Please visit their website or call (202) 347-7377.
- The **Farmworker Justice Fund** at www.fwjjustice.org advocates for basic rights, and better living and working conditions. Contact them in Washington, D.C. at (202) 783-2628.
- **United Farmworkers (UFW)** at www.ufw.org was found in 1962 in California by Cesar Chavez and Dolores Huerta to organize farmworkers around labor changes. Contact them at (661) 822-5571.
- **The Coalition of Immokalee Workers (CIW)** at www.ciw-online.org organizes boycotts against growers. Call them in Florida at (239) 657-8311.

HOUSING PROTECTIONS FOR FARMWORKER FAMILIES

Farmworkers are protected by U.S. and North Carolina laws guaranteeing that any housing provided by the grower is of the basic minimum standards. Because most farmworkers are low-income, isolated, and temporary residents of their communities, they may be vulnerable to dangerous housing situations which could result in injury, the spread of infectious disease, or pesticide exposure.

Outreach workers have the opportunity to promote compliance with these laws as they may be the only persons who visit these camps.

Who is covered by farmworker housing laws?

- Migrant farmworkers (including undocumented workers).
- Season farmworkers if they live in housing with migrant farmworkers.
- Family members living with migrant farmworkers.

What housing is protected by the laws?

- Housing provided or managed by the grower or crew leader.
- Private housing (i.e. rented units or hotel rooms) in which farmworkers are treated differently from other renters (for example, if farmworkers are charged different rental prices, the housing is not regularly used by other people, or the grower or crew leader has a deal with the landlord).
- Any vans or buses used as housing on the growers' premises.

What does the law say?

For detailed information sheets designed for outreach workers on NC laws regarding farmworker housing, wages, pesticides, and other rights, see *Legal Rights of H2A Workers* and *Legal Rights of Non-H2A Workers* produced by the North Carolina Justice and Community Development Center (please call Carol Brooke at 919-856-2144 or the North Carolina Farmworker Health Program for copies).

The basics of the law are that:

- All farmworker housing should be inspected by the NC Department of Labor before farmworkers arrive each year.
- Workers generally should receive the minimum wage for their work *after* housing costs are deducted, if housing is provided by the grower. Free housing must be provided to **all** workers living in a camp with any H2A workers.

- Each farmworkers should receive at least 50 square feet of space, a bed at least a foot off the ground and three feet from the next bed, and a private storage facility.
- Living facilities should be clean and rodent and insect-free with closed sewage systems and regular garbage pick-up.
- Screened windows and doors, and heaters if needed.
- Working smoke detectors, fire extinguisher, and first aid kit.
- Workers are also guaranteed laundry facilities (one wash tub for every 30 people and a clothesline or clothes dryer), hot showers, certain stove and refrigerator space, lights and electrical outlets, and clean and adequate bathrooms.
- Farmworkers have the right to receive visitors, even if they live on grower property.

In addition, while working in the fields, all workers are entitled to access:

- Toilets, cool drinking water, and hand-washing facilities within a quarter-mile of where they are working.

Are there laws specific to women, children, and/or families?

- Growers should not refuse to provide housing to farmworkers accompanied by families.
- Separate toilets must be available for women living in camps.
- Children are entitled to the same amount of living space as adults (see above).

What if I find housing that does not meet the above basic standards?

- Depending on the grower and your relationship with him, you may be able to encourage the grower to make improvements to the housing he provides his workers so that it provides the basic protections protected in the law.
- Any person can make an anonymous complaint to the NC Department of Labor (see "Resources" below). The Department of Labor should not ask farmworkers about their status if they call. As the Department of Labor conducts random searches of housing during the season, it may be possible that a grower might not even know that a complaint was made. It is against the law for workers to be retaliated against (including being fired, having their status reported, or being refused rehire) for filing a complaint. It is important to know that growers or landlords may be fined or imprisoned for violating the above laws.
- In a particularly bad situation, it may be best for a worker to change to a different housing situation or employer.

Resources

- NC Department of Labor, Agricultural Safety and Health Bureau, **1-800-NCLABOR** (in Spanish and English) or (919) 807-2923.
- **The Farmworker Unit of Legal Services of North Carolina** at 1-800-777-5869 or the **NC Justice and Community Development Center** at 1-888-251-2776.

CHILDREN IN THE FIELDS

Labor laws exist that protect children in agricultural work.

These laws apply equally to undocumented and citizen children, and to children of migrant and seasonal farmworkers.

Working or playing in the fields can be harmful to children as they are more vulnerable to pesticides, physical strain, and injury. In addition, children are required by law to attend school until age sixteen years regardless of their legal status (please see the following section, "Farmworker Students & Education").

- Children should be paid separately from their parents and generally should receive what the adults around them earn (minimum wage in NC is currently \$5.15 per hour).
- The H-2A program brings workers to the U.S. temporally to legally work in the fields. Only youth of legal age (see above) should be hired through the H-2A program and cannot work during school hours if under the age of sixteen years. There is a guaranteed wage for H-2A workers; call the **Farmworker Unit of Legal Services of North Carolina** at 1-800-777-5869.
- The transport of underage children (generally age of 14 years, see the above chart for exceptions) into the U.S. to work is a criminal offense. Special protections may be available to these children under trafficking laws (please see "Trafficking" section).
- Growers should have records for all children workers and may be fined or imprisoned for violating the child labor laws listed above.

Resources

- The **U.S. Department of Labor** will do random inspections for child labor by investigating housing, fields, payroll records, and interviews with employees. Farmworkers, outreach workers, and other advocates can make anonymous complaints by calling (919) 790-2743.
- The Immigrants Legal Assistance Project at the **North Carolina Justice and Community Development Center** may be able to provide legal advice. They also have written *Legal Rights of H2A Workers* and *Legal Rights of Non-H2A Workers* which includes details on the wages to which all farmworkers are entitled. Copies are available through Carol Brooke at (919) 856-2144 or the North Carolina Farmworker Health Program at (919) 733-2040.



Youth have restrictions on their involvement in farm labor:

Under 12 years of age:

- Farm must be small (usually seven employees).
- Parent or guardian must give written permission to work.
- Cannot work during school hours.
- Cannot perform hazardous work*.

12-13 years:

- Parent or guardian must work on same farm OR give written permission to work.
- Cannot work during school hours.
- Cannot perform hazardous work*.

14-15 years:

- Cannot work during school hours.
- Cannot do hazardous work*.

16 years and older:

- No restrictions.

* Hazardous work includes operating large or dangerous machinery, working with large timber, picking from high ladders, and handling pesticides marked "Danger", "Poison", or "Warning".

FARMWORKER STUDENTS & EDUCATION

- The law requires that **all** children aged sixteen or younger attend school full-time.
- Undocumented children have the same right to attend public school as U.S. citizen children.
- Though some children may be allowed by law to assist their families with farm work (see the section on "Children Working in the Fields"), work must occur during the summer or outside of school hours while school is in session.

The following programs help farmworker children and adults attend school in North Carolina:

Migrant Head Start is available year-round in some communities to any child from birth to five years from a migrant farmworker family (defined as earning more than half their annual income from agricultural work and moving at least once within the last two years for farm work).

Migrant Head Start, part of the national Head Start program for low-income children, provides developmentally appropriate preschool, and also can provide services such as free on-site meals during the school day, health care (including immunizations, dental, and mental health screenings and care), and other assistance for which families may be eligible such as WIC or food stamps.

Migrant Head Start serves the special needs of migrant farmworker families with expanded hours and days of operation corresponding to parents' schedules working in the fields.

Migrant Head Start centers operate from May to October in North Carolina and include sites in Alamance, Caswell, Duplin, Greene, Harnett, Henderson, Johnston, Nash, Orange, Onslow, Pender, Person, Pitt, Sampson, Wake, Wayne, Wilson, and Yadkin counties.

To find out if there is a Migrant Head Start Center in your area or to help a farmworker child enroll, please contact the Telamon Corporation (see "Resources" below) or see the location of sites listed at the website of East Coast Migrant Head Start at www.ecmhsp.org.

Migrant Education works to reduce barriers to public education for farmworker children including:

- Language barriers
- Outreach and enrollment in public schools
- Transportation from labor camps
- After-school programs for children whose parents work late in the afternoon or evening
- In-school tutorials
- Summer programs

If children in your area are having difficulty with attending public schools, please contact the state office of Migrant Education or the Migrant Education National Hotline (see “Resources” below for contact information).

Migrant Education also serves any worker or child of any worker aged sixteen through twenty-two years with classes and programs so that they may receive the General Education Development (GED) certificate (also known as the High School Equivalency degree). Assistance is also available from the federal government to financially support migrant farmworker students through their first year of college, through the College Assistance Migrant Program or CAMP. Though no colleges in North Carolina currently provide this program, students may attend college in states that do. Please visit the College Assistance Migrant Program Alumni Association website at <http://campaa.org/CAMPDirectory.html>.

Resources

- **North Carolina Migrant Head Start** Contact the Telamon Corporation (919) 851-6141.
- **Migrant Education** Rachel Crawford, Consultant, Department of Public Instruction (919) 807-3958 rcrawfor@dpi.state.nc.us.
- The **Migrant Education National Hotline** 1-800-234-8848 (in Spanish and English) will help enroll migrant children in school and to access Migrant Education program services, and in addition may provide referrals to other agencies and organizations for housing, transportation, health, and legal aid.
- The website www.ayudate.org provides information (in Spanish and English) on how to enroll children in North Carolina schools.
- **Student Action with Farmworkers (SAF)** has a program, **Project Levante**, which partners with the NC Migrant Education Program to develop the leadership of migrant youth by coordinating peer support groups, organizing college visits, facilitating retreats and workshops, and providing them with information about scholarships. Levante materials and workshops are available in Spanish or English. Please visit their website at www.saf-unite.org or call (919) 660-3652.
- The **Mexican American Legal Defense and Education Fund (MALDEF)** has compiled a listing of scholarships available to students regardless of their documentation status. The listing is available at www.maldef.org/pdf/Scholarships_072003.pdf

FOOD AND NUTRITIONAL SUPPLEMENTS

The farmworker families you work with may be eligible for benefits designed to improve the physical wellbeing of families residing in the United States. Some of these benefits are available to anyone residing in the U.S.; some depend on legal status; and some are targeted to special populations such as children, domestic violence victims, or victims of trafficking. It is important to note that all children born in the United States are considered U.S. citizens and are entitled to all the benefits below if they meet income eligibility requirements.

Research has shown that many farmworker families eligible for nutritional assistance do not apply to receive benefits. Outreach workers may help educate or enroll families so that they receive the aid which is available to help them.

Special Notes:

- Legal status includes immigrants who have their “green card”, refugees, and asylees.
- Many immigrants applying for government benefits fear being labeled a “**Public Charge**” (meaning that they and their family are likely to depend on the U.S. government for material support) and that they be deported or denied legal status or citizenship. A family CANNOT be considered a public charge for receiving any of the food or nutritional benefits listed above.
- When applying for food stamps for eligible members of their household, undocumented parents may be asked to provide their own social security number or legal status. Parents are advised to leave those questions blank or to write in “I am ineligible”. The eligible children in these families should still receive benefits.

WIC

Who’s eligible?

Low-income pregnant, post-partum, or breastfeeding women, infants, and children under five years. Families do not have to be of legal status and do not need social security numbers.

What’s offered?

Coupons for free foods, infant formula, and nutrition education.

How can one apply?

Contact your local WIC clinic, health clinic, public health department, or the state helpline at 1-800-FOR-BABY.

Is there anything special for farmworkers?

Migrant farmworkers can get their benefits within 10 days of application if they ask.

Food Stamps

Who’s eligible?

Families who apply must be low-income and not own possessions over a certain monetary value (like a car worth over a certain dollar amount).

1) All children of legal status

2) Legal adult residents who are not citizens

- and arrived before August 22, 1996 are eligible.
- and arrived after August 22, 1996 may be eligible if they have had legal status for at least five years or have worked forty quarters (which is all income that the Social Security Administration has on record that you, your spouse or former spouse, and/or your parents earned while in the U.S.).

3) Undocumented abused persons

- All women who have obtained a visa because of their abuse
 - and arrived before August 22, 1996 are eligible.
 - and arrived after August 22, 1996 may be eligible if they have had legal status for at least five years or have worked forty quarters (which is all income that the Social Security Administration has on record that you, your spouse or former spouse, and/or your parents earned while in the U.S.).
- and their non-abused children.
- All children who have obtained a visa because of their abuse.

4) Victims of trafficking

- who have obtained a special visa. See “Trafficking” section.

What's offered?

Monthly food coupons for free groceries.

How can one apply?

Apply at your local department of social services, or call the CARE-LINE at 1-800-662-7030 for an application.

Is there anything special for farmworkers?

- Farmworkers may apply by mail.
- Money earned by students under age 18 does not count as family income.
- Can base eligibility on income expected in the next month.
- Can own a vehicle and still receive food stamps if the vehicle is to be used for housing or work.
- It is not necessary to have a mailing address to receive food stamps.
- Farmworkers may request to receive their first stamps within 10 days of applying.
- The food stamps of farmworkers do not have to be sent through the crew leader or contractor.

School Lunch/ Breakfast**Who's eligible?**

All low-income students (including undocumented) attending a participating public school (virtually all NC schools participate).

What's offered?

Free or reduced-cost lunches and breakfasts during the school day.

How can one apply?

Children may register in school and do not need a social security number (SSN) to apply. If asked for an SSN, families can fill in "NONE" and this information will not be shared with the INS.

Resources

- Call the **North Carolina CARE-LINE 1 -800-662-7030** (in Spanish and English) to find out more or to apply for any of the above services.
- Call the North Carolina help line, **1-800-FOR-BABY** (in English and Spanish) about programs for mothers and babies.



FREE & LOW-COST MEDICAL CARE AND OTHER SOCIAL SERVICES

You may already be familiar with the care farmworkers can get through local health clinics, Fee-for-Service reimbursement to private providers, and services (such as family planning, STD checks, and prenatal care) provided for free by public health departments. This section will introduce other ways to pay for or obtain medical care for farmworkers. In addition, other non-medical benefits relevant to special segments of the farmworker population will be introduced.

Accessing these benefits may provide relief for both farmworkers and your program. For farmworker patients, these programs may reduce patient costs for clinic visits and also allow increased access to specialty treatments, surgeries, hospital stays, and prescription medication. Your program may benefit from reimbursement for certain services.

Some of these benefits are available to anyone residing in the U.S.; some depend on legal status; and some are targeted to special populations such as children, domestic violence victims, or victims of trafficking. It is important to note that all children born in the United States are considered U.S. citizens and are entitled to all the benefits below if they are poor.

Research has shown that many farmworker families eligible for public assistance do not apply to receive benefits. Outreach workers may help educate or enroll families so that they receive the aid which is available to help them.

For more information on specific programs, see below. For all of the following programs except for Medicaid, recipients do not have to be of legal or documented status. "Legal status" means those immigrants that have their "green card", refugees, and asylees.

Special Notes:

- Families do not have to receive TANF (welfare), be unemployed, or be single parents to participate in health insurance programs.
- Many immigrants applying for government benefits fear being labeled a "**Public Charge**" (meaning that they and their family are likely to depend on the U.S. government for material support) or that they be deported or denied legal status or citizenship if their family receives benefits. Undocumented persons may be considered a public charge **ONLY** if they receive cash welfare (such as TANF or SSI). Receipt of **ANY** public assistance for which the legal immigrant is eligible cannot harm their chances for becoming a citizen. In addition, receipt of any public benefits (including TANF and SSI) by citizen or other eligible children will not affect the parents' application for residency or citizenship (unless families are relying on benefits for all their income).
- When applying for any of the below benefits for their eligible children, undocumented parents may be asked to provide their own social security number or legal status. Parents are advised to leave those questions blank or to write in "I am ineligible". The eligible children in these families should still receive benefits. It is important to know, however, that if an undocumented adult applies for welfare, SSI, or housing assistance for *themselves* (not for their child alone) and their illegal status is made known to their caseworker, in rare circumstances that caseworker may report them to the INS.

EMA (Emergency Medical Assistance)

Who's eligible?

All status persons presenting with "a medical condition (including labor and delivery) with acute symptoms (including severe pain) that could without immediate medical attention place the patient's health in serious jeopardy, result in serious impairment to bodily functions, or cause serious dysfunction of any bodily organ or party" (from the HHS Office for Civil Rights).

Patients do not need to show a social security number or any information on their legal status.

What's offered?

Free emergency health care (including labor and delivery in all states and kidney dialysis in NC).

Patients without insurance or legal status should not have to wait any longer or be treated differently than other patients.

How can one apply?

Patients will fill out a form at the hospital. Call the Division of Medical Assistance at (919) 857-4011 for verification of non- immediate emergency.

STD and Infectious Disease Testing and Treatment

Who's eligible?

All persons present in the U.S. are eligible regardless of legal status.

What's offered?

Free testing for and treatment of all sexually transmitted and other infectious diseases (includes tuberculosis screening and HIV/AIDS care and treatment).

How can one apply?

Available at all local health clinics and public health departments.

Immunizations

Who's eligible?

All children are covered and do not need a social security number.

What's offered?

Childhood immunizations (including Diphtheria, Pertussis, Tetanus, Mumps, Measles, Rubella, Polio, Hepatitis B, and Hemophilus Influenza B).

How can one apply?

Available at all local health clinics and public health departments. Most of NC private providers get reimbursed for providing free vaccinations by the Universal Childhood Vaccine Distribution Program. Call the state at 1-800-344-0569 or 1-800-FOR-BABY.

Medicaid (known as NC Health Check in North Carolina)

Who's eligible?

Medicaid is for families below a certain income. Though most farmworker families will fulfill the income requirement, if they make a little more money, their children (up to age 18 years) may qualify for another insurance program, NC Health Choice (State Children's Health Insurance Program or SCHIP). Call the NC CARE-LINE at 1-800-662-7030 to find out more about eligibility and where to apply.

1) All low-income children born in the U.S

- are covered up to the age of 21.

2) All legal resident children, pregnant women, adults over 65 years, and blind or disabled individuals

- who arrived before August 22, 1996.
- who arrived after August 22, 1996, and have had legal residency status for at least 5 years.

3) Undocumented abused persons

- All women who have obtained a visa because of their abuse
 - and arrived before August 22, 1996 .
 - and arrived after August 22, 1996 and have had legal residency status for at least 5 years.
 - and their children.
- All children who have obtained a visa because of their abuse
 - and their parents if they did not participate in the abuse.

4) Victims of trafficking

- who have obtained a special visa. See "Trafficking" section.

What's offered?

- Necessary medical care, regular screenings, and treatment, including dental, vision, and mental health.
- All children under age twenty-one are covered by EPSDT (Early and Periodic Screening, Diagnosis, and Treatment) which requires treatment for any condition uncovered during routine screenings.
- Applicants may receive benefits for two months while their application is being considered (called "presumptive eligibility").

How can one apply?

- Apply at the local department of social services.
- Some public health departments, health clinics, and hospitals will accept applications. Or call the state CARE-LINE at 1-800-662-7030 or 1-800-FOR-BABY (for pregnant women) for an application.

The following non-medical services may additionally apply to special portions of the farmworker population you work with:

Programs for disabled or injured persons

- Farmworkers working on large farms (with more than ten full-time employees all year) or farms employing any H-2A workers are entitled to **Worker's Compensation**. Workers on these farms should have their medical costs, lost wages, and payments for permanent disability paid for by the grower's insurance if they were injured on the job. Call the NC Industrial Commission to report an injury and start a worker's comp claim at 1-800-688-8802. NC Legal Aid brochure in English and Spanish *Worker's Compensation for Service Providers* at www.legalaidnc.org/Programs/FWU/ncfarcomp.htm.
- **Disabled farmworker children or children with other special healthcare needs** may be eligible for special healthcare, income support, and education if they were born in the U.S. For more information on services, please call the NC CARELINE at 1-800-662-7030, the state helpline at 1-800-737-3028, the Social Security Administration at 1-800-772-1213, or the National Information Center for Children and Youth with Disabilities at 1-800-695-0285.

Resources

For farmworkers:

- The National Center for Farmworker Health has a confidential help line, **Call for Health at 1-800-377-9968**, which works nationwide to find low-cost health and social services for farmworker adults and children. They will provide information on enrolling in Medicaid, health education sources, referrals, and limited financial aid to pay for healthcare.

State hotlines:

- Call the **North Carolina CARE-LINE 1-800-662-7030** (in Spanish and English) to find out more or to apply for any of the above services.
- Call the North Carolina help line, **1-800-FOR-BABY** (in English and Spanish) about any health program for mothers and babies.

Federal hotlines:

- **Call 1-877-KIDS-NOW** to find out where and how to enroll children in state health insurance programs. The line is bilingual and confidential.
- The National Alliance for Hispanic Health with the federal Office of Minority Health has made available a toll-free bilingual health line for Latino families, **Su Familia at 1-866-SU-FAMILIA**, which provides referrals to clinics, insurance programs, information sources, and fact sheets on health topics.

More health education materials:

- The **National Hispanic Prenatal Hotline 1-800-504-7081** provides information and referrals to written materials on immunizations, prenatal care, breast-feeding, and pregnancy.
- The **National Hispanic Immunization Hotline 1-800-232-0233** by the CDC offers bilingual information and answers families' questions about immunizations.
- The **Farmworker Health Alliance library** has a number of bilingual health education materials for farmworkers and Latinos in general. Please contact the North Carolina Primary Health Care Association (NCCHCA) at (919) 469-5701.



Materials to assist in providing care to non-English Speakers:

Public agencies and medical settings receiving government dollars are in most cases required by law to serve patients in their own language (Title VI of the Civil Rights Act of 1964).

- The **Language Services Action Kit**, is available from the Access Project, at www.accessproject.org/projects.htm, and the National Health Law Program to improve language assistance services in medical settings by explaining federal policies, how to get federal funds for language services, model programs in other states, and other resources. The kits are available in English and Spanish for \$25 by contacting LEPactionkit@accessproject.org or (617) 654-9911.
- **AT&T Language Line Services** has twenty-four-hour-a-day interpretation into 140 languages for \$2.55/minute. You can establish an account by calling 1-800-648-0156.
- Jack Holtzman at the **North Carolina Justice and Community Development Center** can answer more questions on the Title VI law regarding language access. Please call him at (919) 856-2570.

DOMESTIC VIOLENCE

What is family violence?

Domestic violence is a pattern of controlling behavior by one person against another where the two people are or have been romantically involved (i.e. intimate partners). This control is enforced by physical and/or sexual violence. Domestic violence also includes emotional and psychological abuse by one intimate partner against another.

According to the National Crime Victims' Survey, over 90% of the victims of intimate partner violence one female.

Until recently, domestic violence was treated as a private matter of the home. Now, however, service providers of all types are realizing its seriousness and the need to address it amongst their clients.

Are farmworker women at higher risk for domestic violence?

Farmworker women report high levels of physical abuse (ranging from one in five to one in two women in the previous year). Farmworkers may be more vulnerable to domestic violence due to extreme poverty, stress (including stress arising from pregnancy), and social and physical isolation, and the lack of family and social support.

What can I do if I suspect domestic violence within a farmworker family? The manner in which domestic violence is handled can have potentially serious consequences for the safety members of all family members, and for legal and criminal prosecution. The information is given below to assist you in making an informed decision about an individual family and situation.

- Contact your local shelter or domestic violence advocate, and legal aid (see "Resources" below).
- Let families know they can dial **"911"** in the case of an emergency. Police responding to a scene of suspected domestic violence should not ask the legal status of anyone present, and if they do the woman legally does not have to answer.
- Let families know that they do not have to pay for any **emergency care** received, even if they are undocumented (please see the section on "Free or Low-cost Medical Care").

Can an undocumented woman stay in a battered women's shelter?

If a woman wants to leave the housing she shares with her partner, she may be able to find housing for herself and her children in a local shelter. All women are entitled to use of local shelters and services for battered women, regardless of their legal status.

As local services may be unfamiliar with serving immigrants, you might want to first contact one of the state resources listed below.

Can my client use the courts?

Even undocumented women may use the courts to request a protective order (to prohibit contact by their abuser), press criminal charges, get a divorce, or pursue child custody or child support. Though technically the courts can be used without the assistance of a lawyer, it is advisable to contact the free legal aid or one of the domestic violence advocates listed below before proceeding.

Does a protective order still protect farmworkers when they move within the U.S.?

If a farmworker gets a protective order and then moves, that protective order still protects her from contact by her abusive partner even if she has left the county or state.

What if my client does not speak English?

Farmworkers may request an interpreter when dealing with the police, hospitals, or courts, however these agencies may not be required to provide interpreters.

Can an undocumented woman or child get legal status if they have been abused?

There are ways by which an undocumented abused woman or child may apply for legal status or get a special visa, without the permission or knowledge of her partner. The parents of abused children (so long as they did not participate in the abuse) and children of abused women also may apply for status. The rules are complicated and specific cases are best handled by a lawyer (see below for resources on free legal aid).

Do not advise an undocumented worker to contact any department of the INS directly. It is best to contact legal aid (listed in "Resources" below) as they can provide free legal advice on whether your client is eligible and how to pursue status. Lawyers there might also be able to determine if an abused farmworker who has applied for legal status might be eligible for special public benefits.

Are abused persons eligible for special benefits?

Yes. Please see the sections "Food and Nutritional Supplements" and "Free & Low-Cost Medical Care and Other Social Services" for information on specific programs for which abused persons are eligible. In addition, abused women and children may be eligible for housing assistance and will not be considered a public charge if they receive cash benefits.

Resources

Please call **911** in the case of an emergency!

- The national **Domestic Violence Hotline at 1-800-799-SAFE** offers 24-hour crisis counseling and support (in both English and Spanish), in addition to referrals to resources and local shelters for battered women.
- The **North Carolina Coalition Against Domestic Violence (NCCADV)** at (919) 956-9124 can direct you to local domestic violence programs and other resources around the state. NCCADV has domestic violence materials available in Spanish and a list of additional resources that can be ordered. NCCADV also currently houses **Project Esperanza** which is a coalition of domestic violence advocates, legal aid providers, and Latino and immigrants' advocates addressing domestic violence among Latinas and immigrant women in North Carolina.

- **Legal Aid of North Carolina** can advise and represent immigrant victims of violence even if they are not documented. Their phone number is (919) 856-2142. From their website, at www.legalaidnc.org, you can find their publication, *Yo soy una mujer inmigrante maltratada: Cuales son mis derechos?* (available in English too).
- The **Migrant Clinicians' Network (MCN)** has produced publications on domestic violence which may be helpful to outreach workers, including *Addressing Domestic Violence in a Clinical Setting* and domestic violence assessment forms. Please contact Stephanie Freedman at sfreedman@migrantclinician.org or (512) 327-2017, or visit their website at www.migrantclinician.org.
- Contact the North Carolina Primary Health Care Association (NCPHCA) at (919) 469-5701 for the **Farmworker Health Alliance's** educational materials on domestic violence.
- **Migrant Health Promotion** at (734) 944-0244 has flipcharts on domestic violence that can be used by outreach workers to provide education to camps.

TRAFFICKING

Trafficking is a serious crime involving the transport of vulnerable populations for participation in illegal activities. Workers, including children, may be transported across borders to work in conditions against their will, and may be forced to work in slave-like conditions without wages or locked up by their employer.

Sexual trafficking is a specific form of trafficking can have serious health consequences for women and children including abuse and violence, rape, HIV and sexually transmitted diseases, and loss of individual freedom. Farmworker women may be brought to the U.S. to sexually serve a grower or co-workers. The sexual trafficking of Mexican women has been documented recently in North Carolina both among farmworkers and other undocumented immigrants.

Outreach workers should be attuned to conditions which may suggest such a situation, or in which they suspect that underage children (generally below twelve or fourteen years of age, please see the section "Children Working in the Fields" for more details) were brought here specifically to work, or when workers are being held against their will or remain unpaid. Amongst farmworkers this may include being forced to work unpaid to pay off an unreasonable or undefined debt of transportation. Even though such experiences may appear to be rare, many cases may be hidden to a casual observer and yet are of such severity as to deserve special attention.

If you suspect any woman or child is being forced to provide sexual service in camps to a grower or co-workers, she or he may be protected by law.

What can I do if I suspect trafficking in a camp?

Cases of sexual trafficking constitute serious criminal activity and should thus be handled carefully as to not cause harm to you or your client. If you suspect sexual trafficking in a camp to which you provide outreach, please contact the North Carolina Farmworker Health Program at (919) 733-2040.

There are special new visas (the "T" and "U" visas) that can protect undocumented persons from deportation (being sent back to their home country) should they choose to report trafficking and agree to participate if asked in criminal investigations or prosecution of offenders (if over fifteen years of age). These visas allow victims to legally work and to eventually adjust their status to legally remain in the U.S.

Family members (such as children or parents) may also be protected by these visas.

Victims of trafficking that have applied or received the above visas may also be eligible to receive public benefits such as food stamps, NC Health Check/ Medicaid, housing, and cash assistance (including

welfare/ TANF or disability). Receipt of these services will not be considered in any application for green card or citizenship (known as Public Charge).

If you believe a farmworker might wish to seek legal status based on her or his status as a victim of trafficking, contact the legal aid contact listed below in "Resources".

Resources

- The **North Carolina Justice and Community Development Center** may be able to direct clients to legal assistance in handling cases of criminal prosecution and application for visas. Please get in touch with Carol Brooke at (919) 856-2144.
- The **Farmworker Unit of Legal Services of North Carolina** may represent clients in trafficking cases. Please contact Mary Lee Hall at (919) 856-2180.
- The **North Carolina Coalition Against Sexual Assault (NC CASA)** is working with communities in North Carolina to determine the extent of sexual trafficking and appropriate provider and community response. Please contact Michelle Old at 1-888-737-CASA.



- For general information on trafficking and the U.S. office created to address this problem please visit the website of the **U.S. Department of Justice, Trafficking in Persons and Worker Exploitations Task Force** at www.usdoj.gov/crt/crim/tpwetf.htm. They also maintain a call-in line to report potential cases at 1-888-428-7581.

RECOMMENDATIONS TO POLICY MAKERS

The following are provided to outreach workers and other farmworker advocates who may be involved in coalitions influencing state or national policies.

Housing Protections for Farmworker Families

- Increase enforcement and punishment of growers who are in violation of the law.
- In camps where women and children are living, efforts should be made to create family housing or living space.

Children in the Fields

- North Carolina can set and enforce stricter agricultural child labor laws to equal protections in other industries by raising the age at which children can work; expanding existing agricultural protections to small farms; placing a maximum limit on hours worked per day and per week; and setting stricter safety standards for children (i.e. prohibiting children from sorting tobacco and handling pesticides).

- Reduce the need for children to be in the fields by enrolling school-age children in schools; expanding Migrant Head Start to new locations (see "Migrant Students & Education"); providing financial support for child care programs to serve farmworkers in areas without Migrant Head Start; and paying parents higher wages such that their children are not needed to labor for the family.
- There are currently no special labor protections for pregnant women even though they are more vulnerable than other adult workers to physical stress and injury, and pesticide exposure. Pregnant farmworkers may reduce their risks if their contact with pesticides is limited, they are restricted from performing dangerous activities (as defined in the law for children workers), and are allowed breaks from manual labor when needed or when required to visit prenatal care providers.

Farmworker Students & Education

- Expand Migrant Head Start sites to serve more farmworker families around the state.
- Provide financial support to assist with the cost of day care programs in areas where there is not a Migrant Head Start program.
- Support the efforts of farmworker students who may want to attend college by providing funds for the CAMP program to financially support farmworker students at area colleges (see above in "Migrant Education").

Food & Nutritional Supplements

- Improve farmworkers' access to benefits by providing opportunities to sign-up for benefits at health clinics.
- North Carolina could create a state food stamp program, modeled upon that of other states with large immigrant populations, for legal immigrants not eligible for federal benefits until they have their status for five years.
- As farmworkers may make more money in busy months of the growing season than they do for the whole year, eligibility for programs should be based on their average income for the entire year.

Free & Low-Cost Medical Care and Other Social Services

- Improve farmworkers' access to more benefits by providing opportunities to sign-up at health clinics for programs for which they are eligible.
- Set up a program by which farmworkers' enrollment in Medicaid in one state automatically transfers to other states when they move during the season.
- Expand Worker's Compensation to non-H2A farmworkers working on farms with fewer than 10 full-time, full-year employees (most NC farms) as farmworkers are at high risk for injury, environmental exposures such as heat, and pesticide-related sicknesses.
- Even though federal law disbanded assistance programs for recent legal residents in 1996, North Carolina can create state replacement programs like other states with large immigrant populations for legal immigrants to immediately receive food assistance, Medicaid, prenatal care, cash welfare, and disability.
- Recruit more providers (especially dentists) to serve low-income patients in the state so that patients can receive the care offered by public insurance programs.
- As farmworkers may make more money in busy months of the growing season than they do for the whole year, eligibility for programs should be based on their income for the entire year.

Trafficking

- Increase attention to trafficking currently occurring in North Carolina. Develop coalitions to research the presence of trafficking in local communities and develop plans of action at the community awareness, agency enforcement, and legislative levels.
- Expand the number of trafficking visas available and granted each year. The U.S. Department of Justice estimates that there are 50,000 victims trafficked into this country each year, yet only 5,000 visas of protections are currently available.