

Our Mission is to facilitate information exchange, advocacy, and collaboration among organizations that serve migrants and seasonal farmworkers. The coalition aims to assist migrants and seasonal farmworkers in identifying and overcoming barriers to equal rights and respect in their place of employment as well as the communities in which they live and work.

Our Goals are:

- To connect individuals with the services they need such as medical, legal, and/or emergency services
- To advocate for migrants' rights
- To educate migrant families on their rights in and outside the workplace
- To provide case management services
- To assist families in establishing themselves in the community

For assistance with any services or any questions please call us at:

585-201-8703

This document is not legal advice and does not cover all of your rights.

Updated: January, 2025




For information on services for farmworkers

Contact us: **585-201-8703**

www.wnycoalition.org

Email: info@wnycfsa.org

 @wnycoalition

228 S. Plymouth Ave

Rochester, NY 14608



FARMWORKER'S PAY

- As of January 2025, the minimum wage in upstate NY is **\$15.50 per hour** worked.
- If you live in NYC or Long Island the minimum wage is \$16.50 per hour worked.
- Are you working alongside H2A workers? You must be paid the same as the H2A salary. The minimum wage is \$18.83 an hour.
- For farmworkers, the overtime pay starts after 56+ hours worked. The hourly rate is 1.5 of your hourly rate.

- ◆ For example: if you work 66 hours in one week 56 hours will be paid at \$15.50 per hour worked and the other 10 at \$23.25 per hour worked



- If you are paid by piece of work: total pay at the end of the week needs to be equal to the hourly minimum wage.
 - ◆ For example: if you work 40 hours and pick boxes for \$620 in one week for all your boxes then you need to make sure that $\$620 = \text{at least } \$15.50 \text{ when divided by } 40 \text{ hours.}$

Very important! Your employer must pay the salary promised to you!

ADDITIONAL RESOURCES



IMPORTANT CONTACT INFORMATION

Your Full Name	
A#	
Emergency Contact Name	
Relationship to you	
Home/Cell-phone number	
Other information	
Emergency Contact Name	
Relationship to you	
Home/Cell-phone number	
Attorney/Nonprofit Legal Provider	
Phone Number	
Consulate	
Phone Number	

FAMILY PREPAREDNESS PLANNING

A Family Preparedness Plan helps you protect your family in emergencies like immigration status changes, detention, or deportation. It provides legal tools and resources to ensure your loved ones are cared for and that you have the necessary documents to safeguard your children's well-being.



- ❖ **Parental Designation Form and Standby Guardianship** – Allows parents to name a trusted adult to make health and education decisions. It does not affect parental rights and can be canceled any time.
- ❖ **Health Care Proxy** – Assigns someone to make medical decisions for your child if you're unavailable.
- ❖ **Travel Authorization** – Required for someone to take your child abroad.
- ❖ **Power of Attorney (POA)** – Let a trusted person make decisions about your finances if you can't. (Can only be prepared by an attorney).
- ❖ **Talk to Your Family** – Reassure your child, explain caregiving plans, and share copies of important documents.

Most of these forms must be signed, notarized, and ideally prepared with legal help. If you need to prepare any of these documents, call or text us at **585-201-8703**

H2A WORKERS

- As of January 2025, minimum wage: \$18.83
- You must have a contract specifying your work and your pay
- If you are paid by piece of work: total pay at the end of the week needs to equal to the hourly minimum wage. If it does not your employer must pay you the difference
 - ◆ For example, if you worked 40 hours in a week and earned \$753.20, but only received \$500, your employer is required to pay you the remaining balance of \$253.20.
- The money you spend for visa, hotel, food, transportation & travel to get to work must be reimbursed by the employer.
 - ❖ Travel includes to farm & back home
- Your employer must give you 75% of the hours promised by the end of the contract
- If there is not enough work? Your employers still must pay you at least 75% of the promised hours.



- If you are fired without cause? Employers still must pay transportation home and 75% of promised hours.

WHAT YOUR PAYSTUB SHOULD SHOW

- Total hours for the pay period
- If you are paid by piece, the total pieces/ boxes completed
- Hourly pay rate
- Total pay for the pay period
- Pay period dates
- Employer name, address, phone number
- All deductions
- Employers can only deduct taxes, social security, medicare, etc. without your permission
- **Important!** Employers cannot deduct food, housing, or transportation unless you request it in writing!

ABC Company 51-2322286
123 Main Street,
Anytown, NY 10000.

Earnings Statement
Stub Number: 245

Employee Info		SSN	Pay Schedule	Pay Period	Pay Date		
John Smith (Emp.ID: ST5001) 102 Main Street, Anytown, NY 10000.		XXX-XX-7889	Weekly	Feb 19, 2020 to Feb 25, 2020	Feb 26, 2020		
Earnings	Rate	Hours	Total	YTD	Taxes / Deductions	Current	YTD
Regular Earnings	\$10.00	40 hrs	\$400.00	\$400.00	Federal Withholding	\$44.50	\$400.50
					FICA - Social Security	\$24.80	\$223.20
					FICA - Medicare	\$5.80	\$52.20
					State Withholding	\$20.00	\$180.00
					Employer Taxes		
					FUTA	\$24.80	\$223.20
					SUTA	\$44.50	\$400.50
YTD Gross	YTD Taxes / Deductions	YTD Net Pay	Gross	Taxes / Deductions	Net Pay		
\$3,600.00	\$855.90	\$2,744.10	\$495.00	\$410.00	\$744.10		

If you or someone you know encounters problems with their payment; missing work hours or illegal deductions, you may be a victim of wage theft!

Call or text us at **585-201-8703**

AVOID FRAUD WHEN GETTING IMMIGRATION HELP

- The wrong help can hurt!
- Only Attorneys or BIA/DOJ Accredited Representatives can offer advice and counsel or represent you in an immigration case
- Your lawyer or BIA/DOJ Accredited Representatives should never ask you to lie
- Never sign blank immigration forms or provide false information
- Always pay with a check or money order
- Always ask for your original documents and copies of all forms filed with USCIS or Immigration Court
- A public notary, travel agent, tax preparer cannot accurately tell you if any immigration relief is available to you or how to complete/prepare the applications
- When dealing with the immigration system in the U.S., no one can promise you a visa or a work permit. "If it is too good to be true, it probably is."



If you believe you are a victim of Fraud, please report it with the Office for New Americans Hotline at **1-800-566-7636**

IMMIGRATION COURT PROCEEDINGS

- Learn your Alien registration number! The A number is a unique seven—to nine-digit number assigned to you by Immigration officials for identification purposes.
- If you move, you must change your address within 5 days of finding permanent housing. Use Form EOIR-33 to change your address with ICE (Immigration and Customs Enforcement) and EOIR (Immigration Court). Keep a copy for your records!
- You must attend all your ICE Check-Ins and Immigration Court hearings, or you may be detained and/or deported.
- Check the EOIR Automated Case Information website at <https://acis.eoir.justice.gov/en/> OR Call the EOIR Automated Case Information hotline to receive updated information about the status of your case and any changes to future court dates.

Immigrant Data Summary
(This is not a visa.)
Date/Time Processed: MAR 2013 10:22

A-Number:	A095265875		
Case ID:	805013095245		
Family Name:	BRITH-JONES		
First Name:	SUSAN	ALIAS:	SUSAN SMITH
Gender:	FEMALE		
Marital Status:	MARRIED		

1-800-898-7180

HOUSING



Your housing is still your home even if provided by the employer.

- You have the right to have anyone visit
- Your employer does not have the right to evict you without a court order
- Housing must meet all federal and state standards
- Permit obtained by health department must be posted at camp
- Police cannot enter your home unless they have a warrant or permission from somebody in the house. Police need to first knock and identify themselves and cannot enter just because the door is open or unlocked

GREEN LIGHT LAW

It allows all New Yorkers age 16 and older to apply for a standard, not-for-federal purpose, non-commercial driver's license or learner permit regardless of their citizenship or lawful status in the United States.

- You do not need a Social Security card to apply for a license or permit
- You cannot apply for a Non-Driver ID Card
- Your license or permit will not look different from other standard New York Driver's licenses



WORKING WITH PESTICIDES



Your employer is required to:

- Provide pesticide safety Training and hazard communication training for all workers
- Post Pesticide and Safety Posters in a place where all employees can see them
- Provide a posting of all the pesticide applications that have been done recently
- Notify workers when areas are treated to avoid accidental exposures
- Provide Personal Protective Equipment (P.P.E) for handlers and any workers who could be exposed to pesticides or chemicals
- Provide sufficient amount of water, soap, and towels in case of emergency decontamination
- If contaminated, the employer needs to provide transportation to a medical facility and the Safety Data Sheets, which include information about which pesticide was used at your workplace

**To make an anonymous complaint after exposure call the
Department of Environmental Conservation at**

1-800-847-7332

WHAT IS EXPEDITED REMOVAL?

When Immigration Customs Enforcement (ICE) or Customs Border Patrol (CBP) arrests someone in the U.S., they typically get a chance to appear before an immigration judge before deportation. However, under "*expedited removal*," individuals can be quickly deported without a hearing unless they express fear of returning to their country and pass a screening interview for asylum.

To avoid expedited removal you must prove they have lived in the U.S. for at least **two years (2)** before their arrest.



- Know your rights: Stay silent, don't open your door, and don't answer questions from ICE or CBP.
- If you have lawful status or a pending asylum case, carry evidence but share it only if detained.
- Always ask for a lawyer and never sign documents without consulting one.
- If you are afraid to return to your home country, inform the officers immediately and request a Credible Fear Interview.
- Avoid carrying foreign ID, and carry proof of living in the U.S. for **over two years** (like mail, lease, school or medical records, child's birth certificate, license or ID issued while in the US, DHS Arrival/Departure Records, etc.

WHAT TO DO IF ICE CONFRONTS YOU?

- DO NOT open your door. ICE needs a signed court order, signed by a judge to search your home or car.
- DO NOT resist if ICE agents enter by force. Say, “I do not consent to your entry,” but do not physically resist.
- DO NOT sign anything. Tell them you want to speak with a lawyer and use your right to remain silent. Say, “I want to talk to my lawyer and I choose to remain silent.”
- Always keep a Know Your Rights red card with you and near your door. This card explains your rights and states that you don’t have to open the door for ICE.

You have constitutional rights:

- DO NOT OPEN THE DOOR if an immigration agent is knocking on the door.
- DO NOT ANSWER ANY QUESTIONS from an immigration agent if they try to talk to you. You have the right to remain silent.
- DO NOT SIGN ANYTHING without first speaking to a lawyer. You have the right to speak with a lawyer.
- If you are outside of your home, ask the agent if you are free to leave and if they say yes, leave calmly.
- GIVE THIS CARD TO THE AGENT. If you are inside of your home, show the card through the window or slide it under the door.

I do not wish to speak with you, answer your questions, or sign or hand you any documents based on my 5th Amendment rights under the United States Constitution.

I do not give you permission to enter my home based on my 4th Amendment rights under the United States Constitution unless you have a warrant to enter, signed by a judge or magistrate with my name on it that you slide under the door.

I do not give you permission to search any of my belongings based on my 4th Amendment rights.

I choose to exercise my constitutional rights.

These cards are available to citizens and noncitizens alike.

You can slide it under the door, show it to ICE, or read the English side aloud. Have your children and family practice using it. Printable red cards are available at

ilrc.org/red-cards.

→ Make sure your family and emergency contacts know how to find you if ICE detains you. They can use the ICE detainee locator: <https://locator.ice.gov/odls/homePage.do>. Share your A-Number (found on your immigration documents) to help locate you more easily.

HEALTH & SAFETY



You have the right to access:

- Cool, clean drinking water
- A place to wash your hands with soap and clean running water
- Bathrooms near you
- Training if you work with chemicals or machinery
- Safety training if you work with livestock
- You have the right to place an anonymous complaint with OSHA if you feel that the workspace is not safe.



If you would like to file a complaint with OSHA

*you can call: **1-800-321-6742***

www.osha.gov

WORKER'S COMPENSATION

- You have the right to receive Workers' Compensation benefits
- These benefits pay for medical care regarding workplace injury
- In some cases, pay loss of wages due to injury
- To receive benefits:
 - ❖ Get medical care. Call 911 if it is an emergency!
 - ❖ Inform the crew leader or supervisor of the injury when, where, and how it happened
 - ❖ Inform the medical provider that the injury happened in the workplace
 - ❖ If the injury was at work, tell your doctors!
 - ❖ While at the medical provider asked for assistance to fill out workers' compensation claim on form C-3
 - ❖ ***C-3 form needs to be filed as soon as possible after injury, but no later than two years after the incident!***



INTERACTING WITH THE AUTHORITIES

If law enforcement would like to talk to you and you are asked to provide your identification, you are only required to give your name, and **you have the right to:**

- Remain silent and do not answer questions
- Refuse any searches
- To know why you are being detained
- Record interactions

Law enforcement can NEVER detain you just because:

- You do not speak English
- The plates of your car are from a different state
- You are wearing your working clothes or the color of your skin



The Laken Riley Act changes immigration law to require the detention of undocumented immigrants charged with theft, even if they haven't been convicted.

- ❖ **Theft** includes burglary, larceny, and shoplifting. The government must detain anyone arrested for or admitting to these crimes.
- ❖ **State attorneys general** can sue federal officials to enforce the law.
- ❖ **Visa restrictions** apply to countries that refuse to take back their deported citizens.

PROTECT YOURSELF & OTHERS FROM COVID-19

- COVID-19 vaccination is considered safe by the US Food and Drug Administration
- Vaccines are recommended for adults and children 6 months and older
- the vaccine can **decrease the risk** of catching COVID-19 and **reduce the severity** of COVID-19 symptoms, including fever, cough, and difficulty breathing
- Vaccinate yourself and your children and stay up to date with booster doses

Call our hotline for assistance making a COVID-19 vaccine appointment:

585-201-8703



- If you test positive for COVID-19, stay home until you no longer have a fever and wear a mask for at least **ten days** after the start of your symptoms
- If you have been exposed to someone with COVID-19, wear a mask, test yourself, and monitor for symptoms for ten days.

WORKPLACE SAFETY

- Did your boss offer you one job, and then make you do something different?
- Did your boss pay you less than they promised?
- Does anyone take money from your pay to repay a debt?
- Can you leave your work-provided housing or your job if you want to?
- Has anyone threatened you with deportation or the police?
- Does anyone physically or verbally abuse you at work?
- Does anyone at work threaten you or your family?
- Do you have to have sex at work?
- Has anyone ever told you to lie about your job?
- Are there rules about who you talk to or how?

If you answer YES, to any of these questions, please call us or text us at:

585-201-8703

SEXUAL ASSAULT, ABUSE & RAPE

Sexual assault, sexual abuse & rape are **NOT YOUR FAULT**.

→ Is anyone forcing you to do anything sexual?
NOBODY has the right to force you to do anything sexual!

Sexual assault, abuse, and rape are crimes and you are protected whether you have documentation or not.

If you are a victim of sexual assault, abuse, or rape:

- Go immediately to the emergency room, or your family's doctor
- Do not shower or take a bath
- Do not wash your hands
- Do not wash your mouth
- Do not clean under your fingernails
- Do not get rid of the clothing
- Do not use the toilet
- Consider seeking Law Enforcement help

Anything on you can be evidence against your abuser!

*If you suspect you are a victim of sexual assault, abuse, or rape contact, NYS Domestic and Sexual Violence Hotline Call at **1-800-942-6906** or text **1-844-997-2121***

SEXUAL HARASSMENT

Sexual harassment is any unwanted sexual behavior that includes:

- Sexual suggestive comments
- Unwanted sexual attention
- Sexual gestures
- Sexual sounds
- Showing material with sexual content
- Persistent and unwanted attention

Sexual harassment is ILLEGAL.

You have the right to a sexual harassment-free workplace!

HUMAN TRAFFICKING

Be aware that most victims of trafficking are not aware they are victims. Keep an eye out for these things:

- You are not in control of your passport or other identification documents
- You are not free to leave and return to the workplace as you wish
- Your ability to communicate with others is limited
- You have to pay a debt to your employer or work excessively long hours without pay or very little pay
- Your employer makes comments about contacting immigration or the police

Contact 911 if you need help. Also, you can contact the Human Trafficking Hotline at **1-888-373-7888**