



Loyola Law School
Loyola Marymount University
Sunita Jain Anti-Trafficking Initiative



September 10, 2025

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 1362-(Kalra)Request for Signature

Dear Governor Newsom

On behalf of the Sunita Jain Anti-Trafficking Initiative, Freedom United, Justice at Last, the Santa Clara County Wage Theft Coalition, the Coalition for Humane Immigrant Rights (CHIRLA), Bet Tzedek Legal Services, and Farmworker Justice, we respectfully urge you to sign **AB 1362 (Kalra)**—a vital piece of legislation that will strengthen protections for H-2A agricultural migrant workers and help prevent exploitation and human trafficking.

The abuse and commercial exploitation of temporary immigrant guest workers—particularly H-2A workers—by unscrupulous and unregulated foreign labor recruiters (FLRs) is well documented. With the current federal administration likely to expand the H-2A program while reducing oversight,¹ California must act swiftly to protect these vulnerable workers. AB 1362 addresses this urgent need by regulating FLRs who recruit H-2A workers into California.

¹ See Federal Register July 2, 2025 *Recession of Final Rule: Improving Protections for Temporary Agricultural Employment in the United States* Available at <https://www.federalregister.gov/documents/2025/07/02/2025-12315/recession-of-final-rule-improving-protections-for-workers-in-temporary-agricultural-employment-in>.

Experts agree: preventing trafficking at the point of recruitment is essential to stopping labor exploitation. Many workers are lured by false promises from fraudulent FLRs, incurring significant debt to obtain legal H-2A visas. Upon arrival, they often find themselves in exploitative conditions, coerced into labor with little recourse.

AB 1362 builds on the successful framework established by **SB 477 (Steinberg)**, extending its protections to the approximately 40,000 H-2A workers who enter California annually. Key provisions include:

- Mandatory registration and regulation of FLRs to prevent trafficking
- Prohibition of recruitment fees charged to workers
- Public listing of registered FLRs with the California Labor Commissioner
- Written contracts in the worker's native language
- Bond requirements for FLRs
- Safe harbor protections for employers who use registered FLR

Importantly, AB 1362 also directs the Labor Commissioner to study and recommend expanding FLR registration requirements to other visa categories, ensuring broader protections for immigrant workers in the future.

Opposition claims that AB 1362 duplicates existing protections are misguided. This bill targets the recruitment phase—distinct from the activities covered by farm labor contractor registration. Just as driving a car and a school bus require different licenses, FLRs engaged in foreign recruitment must be separately regulated. AB 1362 also allows the Labor Commissioner to streamline registration for farm labor contractors when appropriate.

Finally, in a difficult budget climate, AB 1362 can be implemented DIR by simply increasing the cost of registration. Current statutory authority gives DIR the ability to fully implement AB 1362 by ensuring the Department charges fees for registration “sufficient to cover the cost of the program.”²

Further given the passage of SB 477 in 2014, currently DIR already has (1) adopted regulations that fully implement the measures for AB 1362, providing clear guidance and information to FLRs that must register³ (2) established the registration process and forms required for FLRs to register under AB 1362 and (3) established all the necessary information for registration currently available on its website at <https://www.dir.ca.gov/dlse/fnlc.html>.

In its 2025 Senate Appropriations Analysis, DIR acknowledges the costs the state would incur to implement this bill could be covered with a fee increase.⁴ Since **DIR has statutory authority to set the fees for this program – and the fees are currently set at only \$95 per foreign labor**

² Cal. Bus. & Prof. Code § 9998.1.5 (2016)

³ Cal. Code Regs. tit. 8, §§ 13850.3874 (2025)

⁴ California Senate Committee on Appropriations, Analysis of A.B. 1362, 2025 Reg. Sess., at 1 (2025)

recruiter⁵ - DIR could easily increase these currently nominal fees to cover the cost of expanding and overseeing the proposed FLR registration program under AB 1362.

As AB 1362's Sponsors, we are dedicated to advocating for ethical businesses, stronger worker protections and holding bad actors accountable. This bill provides a unique opportunity for California to protect H2A temporary workers coming to our state without incurring additional costs where the federal government has failed.

AB 1362 in this difficult climate for immigrants ensures that the state is a beacon of fairness and justice for ethical businesses, recruiters and vulnerable H2A temporary workers.

We urge the Governor to act swiftly and decisively and sign this bill.

Sincerely,



Stephanie Richard, Director
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⁵ Department of Industrial Relations, Foreign Labor Contractors (June 2024) <https://www.dir.ca.gov/dlse/fnlc.html>

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