



AB 1362 (KALRA) - AMENDED

SUMMARY

As amended, Assembly Bill 1362 (AB 1362) would expand implementation of SB 477 (Steinberg, Chapter 711, Statutes of 2014) by requiring foreign labor recruiters (FLRs) that recruit H-2A workers register with the Labor Commissioner, not just those who recruit workers through the H-2B visa category.

BACKGROUND

Roughly 350,000 immigrants come to California annually on temporary work visas. These workers are commonly recruited for seasonal or temporary work in the United States through Foreign Labor Recruiters (FLRs). However, FLRs have been able to employ fraudulent and illegal tactics to recruit workers for decades because there has been no uniform Federal mechanism to prevent and hold FLRs accountable for their unlawful tactics.

In 2014, California passed SB 477 (Steinberg) to address this lack of regulation of FLRs by requiring them to register with the Labor Commissioner, requiring employers to hire registered FLRs, and, most importantly, providing protections and remedies for the foreign workers solicited and recruited to work temporarily in California. SB 477 ensured that FLRs followed the law by not charging workers recruiting fees, provided fair contractual terms in the worker's native language in the recruiting and employment process, provided legal remedies for workers harmed by violations of the law by both FLRs and employers, outlawed retaliation against workers exercising their rights under the law, and imposed a bonding requirement on FLRs to provide funds to cover violations. Unfortunately, SB 477 was interpreted as being limited solely to FLRs recruiting workers under H-2B visas, leaving many temporary and seasonal workers vulnerable to exploitation. Human traffickers have exploited this loophole by operating outside of specified but unintended limitations.

Such practices have especially harmed vulnerable temporary agricultural workers (H-2A visa holders).¹ Labor and sex trafficking continue to be a pervasive issue in the solicitation and hiring of foreign workers under all visa categories. In limiting the scope of SB 477 to FLRs recruiting under the H-2B visa, California left roughly 95% of its most vulnerable workers without protections from human trafficking and abuse.

With H-2A workers representing roughly 14% of California's temporary foreign workforce and having the highest number of human trafficking reports among all visa categories² California now has the opportunity to expand existing law to protect some of its most vulnerable and essential workers.

AB 1362 IMPLEMENTATION

AB 1362 will expand existing protections provided by SB 477 (Steinberg) beyond H-2B visa holders to an additionally 40,000-50,000 workers who come into California annually to work under the H-2A visa program.

The key protective elements of SB 477 include:

- Requires all FLRs to register and comply with standards that **prevent trafficking**;
- Workers **CANNOT** be required to pay any recruitment fees for a legal work visa;
- Registration and public listing of FLRs with the CA Labor Commissioner;
- **Transparency** through a written contract in the worker's native language;
- FLRs posting of a bond; and
- A **safe harbor for employers** using a registered FLR exempting them from joint and several liability.

HISTORIC STEP FORWARD

Despite the need for all visa categories to be protected, extending these safeguards to H-2A workers first is a significant step forward.

¹ See Summary of Reports: The Growth of Temporary Work Visa Programs and Widespread Abuse of Temporary Immigrant Workers (November 2024), *available at* <https://www.lls.edu/media/loyolalawschool/academics/clinicexperience/ntiallearning/sji/publicationsandreports/SUMMARY%20OF%20REPORTS%20-%20Widespread%20Abuses%20of%20Temporary%20Immigrant%2>

0Workers%20and%20Growth%20of%20Temporary%20Visa%20Programs%20(1).pdf

² Polaris Project, Human Trafficking on Temporary Work Visas: A Data Analysis 2015-2017 (June 1, 2018), *available at* <https://polarisproject.org/wp-content/uploads/2019/01/Human-Trafficking-on-Temporary-Work-Visas.pdf>

According to Polaris, which maintains a national hotline and tracks national reporting of human trafficking cases, H-2A workers are consistently one of the most trafficked groups - making up nearly half of all reported cases.³ While [recent California cases](#) have highlighted [unsafe housing](#) or [wage theft](#) once workers are here, most trafficking begins much earlier, during recruitment abroad.

With AB 1362, California can finally close this gap for H-2A workers in the same way the state did in 2014 for H-2B workers.

This legislation comes at a pivotal moment: labor shortages are intensifying, and federal immigration enforcement actions have created fear and instability among the existing workforce.

Even the President and CEO of the Western Growers Association recently acknowledged that key sectors of America's food production are under strain due to a lack of workers. He called for an expansion of the H-2A program to meet farmers' needs and urged the removal of barriers such as workplace immigration raids and bureaucratic delays. **As demand for H-2A workers grows, AB 1362 ensures that California does not sacrifice worker safety and dignity in the name of efficiency.**

MISGUIDED OPPOSITION

The push for more H-2A visas is coming directly from the agricultural business community, which is facing serious labor shortages. Yet, some industry voices claim that the protections in AB 1362 are unnecessary or simply duplicate existing laws governing farm labor contractors. These claims are fundamentally flawed.

[AB 1362 targets the recruitment phase](#) – distinct from activities covered by farm labor contractor registration and any existing Federal rules and regulations.⁴ The recruitment phase is where workers face the highest risk of exploitation. Farm labor contractors who engage in foreign labor recruiting must register under AB 1362. Just as someone who drives a car and a school bus must have two different licenses.

Amendments to AB 1362 also allow the Labor Commissioner to streamline the registration process for farm labor contractors, if needed.

CASE EXAMPLE

Mario and Diego came legally to the United States on H-2A visas. To receive their temporary visas, they paid illegal recruitment fees to an FLR who promised them minimum wages, food, housing, and transportation once they arrived in the United States. The FLR later coerced them into signing forms in English, falsely stating that they had been reimbursed for their visa and travel expenses. The FLR further told them that they would not even receive the minimum wage payments they had staked their families' future on after taking out loans to pay the FLR for their visas.

AB 1362 prevents such exploitation before it starts.

LOOKING AHEAD: A PATH TO BROADER REFORM

As worker protections continue to be eroded Federally⁵ AB 1362 includes a directive for the Labor Commissioner to **study and recommend expansion of FLR registration** to other visa categories, potentially covering **250,000 additional workers**. This positions California to build a comprehensive, scalable framework for protecting all temporary workers.

SPONSORS

Sunita Jain Anti-Trafficking Initiative, Freedom United, Justice at Last, Pilipino Workers Center of Southern California, Santa Clara County Wage Theft Coalition, The Coalition for Humane Immigrant Rights (CHIRLA)

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³ *Id.* at Note 1

⁴ See Chart: AB 1362 v. Existing Federal & State Laws and Regulations, *available at* <https://www.lls.edu/media/loyolalawschool/academics/clinic/experientiallearning/sji/publicationsandreports/CHART%20-%20Proposed%20Legislation%20v.%20Existing%20Federal%20%20State%20Laws%20and%20Regulations.docx.pdf>

⁵ See Federal Registrar 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>

