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AB 1362 (Kalra) – As Amended September 8, 2025

A Critical Step Toward Protecting California's Temporary Immigrant Workforce

The Human Cost of Unregulated Recruitment

In California's agricultural heartlands, H-2A workers are often recruited under false promises and forced into debt before they even arrive. Many are charged **illegal recruitment fees ranging from $2,000 to $5,000**—amounts that can equal or exceed a year's wages in their home countries. Some are misled about job conditions, only to find **squalid housing, wage theft, and threats of violence** upon arrival. In one documented case, a recruiter charged 100 Mexican workers up to **$1,500 each for visas**, trapping them in jobs they couldn't leave until their debt was repaid.

These abuses are not isolated, they are systemic. A survey of over 1,000 agricultural workers in California's Central Valley found **128 H-2A workers trapped in multiyear forced labor situations**, with **253 cases of debt bondage**. As federal protections for H-2A workers are being rolled back[1] and increased demand for temporary H-2A workers is expected[2], with AB 1362 California has the chance to stop **trafficking at the point of origin - recruitment abroad** - long before workers set foot in California.

Amended to Prioritize the Most Vulnerable

Originally introduced to cover all temporary visa categories, **AB 1362 was amended to focus first on H-2A agricultural workers**—a group disproportionately impacted by trafficking and abuse[3].

[1] *See* Federal Registrar July 2, 2025 *Recession of Final Rule: Improving Protections for Temporary Agricultural Employment in the United States.* Available at ttps://www.federalregister.gov/documents/2025/07/02/2025-12315/recission-of-final-rule-improving-protections-for-workers-in-temporary-agricultural-employment-in.
[2] program Jessica Levy, "Protecting Vulnerable Workers: Why H-2A Visa Protections Fall Short," Food Tank: A Think Tank for Food (Feb. 19, 2025), *available at* https://foodtank.com/news/2025/02/protecting-vulnerable-workers-why-h-2a-visa-protections-fall-short/
[33] 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

Why H-2A? H-2A workers make up **14% of California's temporary foreign workforce** and account for the **highest number of human trafficking reports** among visa categories.[4]

What AB 1362 Does Now

AB 1362 strengthens and expands the protections established under SB 477 by requiring **California-licensed farm labor contractors and third-party recruiters** of H-2A workers to register as FLRs with the Labor Commissioner. This bill will extend SB 477's protections—previously limited to H-2B workers—to **all H-2A workers**.

Key protections include:

- Mandatory FLR registration and compliance with anti-trafficking standards
- Prohibition of recruitment fees for legal work visas
- Public listing of registered FLRs
- Transparent contracts in the worker's native language
- Bonding requirements for FLRs
- Safe harbor for employers using registered FLRs, shielding them from joint liability

Closing the Recruitment Gap

AB 1362 **targets the recruitment phase**, where most trafficking begins—**a gap not covered by existing farm labor contractor laws or federal regulations**[5]. It is a historic step toward preventing exploitation before workers arrive in California.

Yet some argue AB 1362's protections are duplicative. This is a **mischaracterization**. AB 1362 addresses **recruitment practices abroad**, which are **not covered** by existing laws. It fills a **critical and unregulated gap.**

Industry Demand & Economic Pressures

As federal enforcement actions intensify, employers are increasingly turning to temporary visa programs to fill labor shortages. Even industry leaders, like the President of the Western Growers Association, have called for **expansion of the H-2A program** to meet agricultural demands.[6]

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[4] 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

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

[6] Dave Puglia, *Opinion: Visa reform desperately needed for ag workers*, Agri Pulse, , Jan 31, 2025. Available at https://www.agri-pulse.com/articles/22288-opinion-visa-reform-desperately-needed-for-ag-workers President Puglia commented: "The need for skilled workers in the technology industry is certainly of national importance, but it makes no sense that the entire foreign visa debate is centered only on that sector of our economy. Securing America's ability to feed itself must rank as the highest imperative." "[N]o one in this country raises their kids to become farmworkers. Not even farmworkers! As the existing farmworker population ages into retirement, farmers must

To support efficiency, the bill also allows the Labor Commissioner to **streamline registration** for farm labor contractors when appropriate if they also register as foreign labor recruiters under AB 1362.

Looking Ahead: A Path to Broader Reform

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.

Conclusion: California's Leadership Moment

With AB 1362, California is taking bold, necessary action to protect its workforce and uphold its values of **equity, fairness, and justice**. This legislation not only addresses immediate vulnerabilities—it also lays the foundation for a future where **all temporary workers are protected from exploitation and trafficking**.

AB 1362 is more than a policy fix. It's a statement of leadership.

About the Sunita Jain Anti-Trafficking Initiative

SJI is an evidence-based and survivor-informed think tank based out of Loyola Law School. SJI intentionally works towards systemic change by taking an intersectional approach to develop and advocate for policies which prevent human trafficking and support survivors of trafficking.

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increasingly seek foreign workers willing to come on a temporary basis to weed our fields, prune our trees and vines, and harvest our fruits and vegetables." Citing the controversy over expanding the H-1B program to allow more skilled technology workers to work in the U.S. and the impact on U.S. workers (see