

Welcome back from all of us!
We hope you have
a good season in 2023,
and we hope to see you on
one of our visits!

2023 H-2A NEWS

YOUR H-2A CONTRACT



Your contract includes:

- **New wage rates:** As an H-2A worker, you must be paid at least **\$16.95** per hour in 2023.
- **Transportation reimbursement:** Your boss must pay for your transportation from your home to the farm, and the return trip to your home. Your visa expenses must be reimbursed shortly after you arrive at the farm. While traveling, you should save your receipts! If you do not save them, you will receive \$15.46 per day for food while you travel. However, if you save your receipts, and give them to the boss, you can receive up to \$59.00 a day.
- **Housing protections:** Your housing must be inspected for health and safety. If you have concerns about your housing, please call us. Your housing should be **free**.
- **Vehicle safety rules:** The vehicles you travel in for work, to the store, or to do laundry must be safe, must have insurance, and must be driven by somebody who has a license.

Further information on your contract:

- You should get a copy of your contract before you leave your country. Keep your contract for your records.
- Your contract is about 8 pages long. It explains your pay rate and the type of work you will do. It will also explain the hours of work that are promised, your responsibilities, and many other things.
- The contract will also tell you who you are working for and where your labor camp is located. You can only work for the farm listed on your visa.

If you have questions about your contract, call us.

If you work in: **NEW YORK**

CONTACT:

Alaina Varvaloucas
Hannah Gordon
Arturo Delgado
Catherine Giller

Farmworker Law Project
Legal Aid Society of Mid-New York, Inc.
52 South Manheim Boulevard
New Paltz, NY 12561

Phone: **845-422-6624**
Toll free in the U.S.:
1-800-804-8575
Office Cell/WhatsApp:
845-422-6624

(ask us to call you back)



If you have questions about your wage rate, your work contract, or the H-2A rules, call the legal services office listed on this page that helps in the state where you work:



***If you call an office listed here and you get an answering machine, please wait for the tone and leave your name, phone number and where you work. Our phones do not identify your phone number.*

If you work in:

**MAINE,
CONNECTICUT, MASSACHUSETTS,
NEW HAMPSHIRE, RHODE ISLAND,
or VERMONT**

CONTACT:

Mike Guare
Nicolaas G. Meijer
Danny Mills



Pine Tree Legal Assistance
115 Main Street, 2nd Floor
Bangor, ME 04401

Phone: **207-942-0673**
Toll free in the U.S.:
1-800-879-7463
Collect from Jamaica:
1-207-942-0673

Office Cell/WhatsApp **207-233-2930**



WORKING DURING COVID-19

A lot has changed over the past few years. It is important that you continue to keep yourself and your coworkers safe. The laws and programs having to do with COVID-19 can change often. You should always feel free to call us about the following:

- Whether or not you or someone else should be staying away from everyone else (which is called being in “quarantine” or “isolation”)
- Whether you can work
- Vaccines or boosters and how to get them
- Whether you qualify for paid sick leave when you are sick with COVID-19
- Whether you qualify for paid sick leave when you need to be in quarantine
- Whether you qualify for paid leave to get a vaccine
- COVID-19 tests and how to get one
- How to sign up for health insurance (this is **very** important during COVID-19!)
- Concerns about safety in the workplace

Remember! The best way to avoid COVID-19 is to:

- Wear a mask.
- Stay at least 6 feet (2 meters) away from others.
- Wash your hands with soap and water, or use hand sanitizer with at least 60% alcohol.

Deferred Action: A New Immigration Policy for Workers Who Fear Retaliation

Sometimes, a boss might do something that is against the law, like not pay all the money they owe their workers. When things like this happen, many H-2A workers have been scared to talk about it or report it to authorities, fearing they will lose their job or won't get called back to work the following year.

U.S. Immigration Services has announced a new policy where workers may be eligible for a program called “deferred action” if they are participating in a government investigation into an employer. For H-2A workers, “deferred action” would give you up to two years to stay and work in the United States. Your ability to stay in the United States would not be tied to your employer, and it may be possible to get an extension if the investigation is still ongoing after two years. The new policy is meant to take away fear from workers that they will lose their jobs or be retaliated against if they tell the authorities about employers who break the law.

You can always call the legal services listed on the front page of this newsletter for advice about your labor rights, and also about this new program.

AFFORDABLE HEALTHCARE FOR H-2A WORKERS

H-2A workers qualify for **health insurance** while working in the US. Many H-2A workers receive this insurance at little cost, or even for **free**. This kind of insurance will help you if you need to go to the doctor for something that happens outside of work.



- **To sign up for health insurance**, ask your boss, your local clinic, or call us for a phone number to contact somebody who can help sign you up. (If you qualify, this is commonly called “ACA” insurance). These people are called **navigators**. Many navigators can sign you up over the phone/WhatsApp or visit you at your farm housing. Remember, you have the right to sign up. If you have signed up in the past, you can try calling the same navigator who helped you last year.
- You should sign up as soon as possible. If you wait longer than 60 days after you come to the US, you may not be allowed to sign up.
- This health insurance is only available while you are in the United States. When you return home, you must cancel this insurance. **You must sign up again every year when you arrive.**
- H-2A workers over age 65 do not qualify for ACA health insurance.
- There has been a lot of confusion about an immigration rule called “public charge”, and whether it affects your ability to get visas in the future. Getting ACA health insurance as an H-2A worker will **not** affect immigration.

Emergencies

- **Always go to the hospital in an emergency, and call 911 if you need an ambulance.** Hospitals are not allowed to turn you away during an emergency.
- **If you are hospitalized for something not work-related** and don't have health insurance, ask the hospital social worker or case manager right away about any programs that help with hospital bills. **It is best to ask while you are still in the hospital.** Do not delay this request - it should be done immediately. Every hospital and every state have different programs. For example, in New York, you can apply for Emergency Medicaid to help with bills. You can sign up in advance, or at the hospital within 3 months of the emergency. Applying for Emergency Medicaid will **not** affect immigration.
- **Local clinics, or migrant health centers**, are other ways to obtain less expensive doctor visits. Some clinics allow doctor visits for a reduced fee based on your wages. Remember to bring a paycheck stub to the clinic to show your income. Let them know how many people you support.



YOU ARE ENTITLED TO FREE HOUSING IN GOOD CONDITION

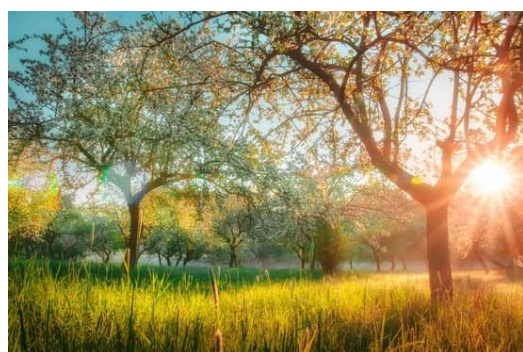
Your boss must give you free housing in the labor camp. The person in charge of the labor camp is responsible for making sure that the housing meets health standards, that it is inspected, and that it has a government-issued permit.

There are many federal and state labor camp requirements, including the following:

- The flooring in the labor camp must be in good condition.
- The windows must open and there must be screens.
- During cold weather there must be adequate heating equipment.
- If cooked food is not provided, you should have access to a stove and food storage, with the ability to cook.
- Each worker must be provided with their own bed, at least 12 inches off the floor, and there should be at least 36 inches (3 feet) between each bed.
- An adequate supply of clean water must be provided so workers can drink, cook, bathe, and do their laundry at the labor camp.
- There must also be an adequate supply of hot water for bathing.
- Toilet rooms should be in sanitary condition. There should be lights that work at all hours. All waste water must drain properly through a septic or sewer system.
- Effective measures must be taken to prevent infestation by insects and other animal pests.
- Garbage and recycling containers must be picked up regularly.
- Most labor camps must have fire extinguishers and smoke detectors that are in working order.

Important: If there are smoke detectors or carbon monoxide detectors in your labor camp, do not remove the batteries! Alert the boss if new batteries are needed or if the detectors are not working properly.

The rules and responsibilities of living in the camp should be posted where everyone can see them. You may call us for more information.



EXTENSIONS OF AN H-2A VISA

- If your boss wants to **extend the amount of time you are working in the United States**, your boss must request permission from U.S. immigration before your visa expires. If the extension is approved, then your boss must give you a copy of the approval of your extension. **Make sure you get any copies.**
- **If a different farm wants to hire you after work at your first farm is over**, again, you must have immigration approval for this job before you start working. Make sure you get a copy of this new approval document for this employer, and keep it with your passport. **Always ask for a copy of this document**, and do not rely only on what your boss says is true.
- Many times, a sick or injured person cannot travel until he or she gets better. **You may request an extension of your time in the U.S. for health purposes.** You will need to apply for a new, different kind of visa.
- If you and your boss do not follow these rules, and you stay in the U.S. longer than your visa allows, you may be denied a visa to come to the United States in the future. You may call one of our offices if you have questions.

DO YOU NEED TO RETURN HOME BECAUSE OF A FAMILY EMERGENCY?

Some workers need to return home because of a family emergency. You always have the right to leave the U.S. early. Your H-2A visa also allows **multiple entries** into the United States, so you can leave and come back the same season if you need to, as long as your visa says “M” on it, under the word “Entries”. However, your employer does not have to pay for your trip. And, you still must leave the United States at the end of the season.

WHAT SHOULD I BE PAID?

The law requires that H-2A workers in N.Y. and New England get paid at least \$16.95 per hour. Under some circumstances, you might be entitled to a higher amount of pay.

Call us if you have questions or concerns about how you are being paid, including concerns about whether you should be paid at a different rate (for example, you are being paid hourly, but think you would make more with a piece rate).



WHY YOUR PAYSTUB IS IMPORTANT

Your paystub should show how many hours you worked and how many pieces you completed (if you are paid a piece rate). It should also tell you how many hours were offered to you. It should also list everything that is deducted from your gross pay. Each week you should check your pay receipt to make sure you are getting paid properly. Your boss should record your hours daily.

You should also write them down so you can compare your hours to what your check stub says. Your boss MUST give you a paystub. It is important to check your paystub to make sure it is correct. You should also keep track of your hours, and if you are paid by the piece, how much you pick!

WHAT COUNTS AS “WORK TIME”?

Time that you **should be paid** includes:

- Waiting time: Some of the time that you spend waiting at the worksite is time that you should be paid for. Some examples are waiting for your work assignment; waiting for fields to dry; or waiting for ladders, bins, or other equipment to arrive.
- Travel time: After your workday begins, the time you spend traveling from one field to another is work time that you should be paid for.
- Breaks: A short morning, afternoon, or meal break that is under 20 minutes counts as work time.

Time that you **do not have to be paid** includes:

- Lunch breaks that are 30 minutes or longer, if you are allowed to completely stop working.
- Time spent traveling between your housing and the worksite in the morning before work, and in the evening after work. However, in some situations you must be paid for this time. Please call us if you want more information.

Use these guidelines to keep a daily record of your work hours. You can use the Harvest calendars we provide or ask for the new farmworker log booklets.



BREAKS

- Unfortunately, there is no federal law that says your boss must give you a break during your workday on a farm. However, most bosses realize that workers are more productive when they are given time to rest. Many workers rest around noon for lunch.
- But in **New York**, all workers must get at least a 30-minute meal break for any shifts longer than 6 hours.
- If you take less than 20 minutes to eat, you should be paid for that time. If your lunch break is 30 minutes or longer, however, your boss does not need to pay you for that time.
- If you have questions, please call the legal services office in your state.



BUILD-UP PAY

If you are paid a piece rate, then you should read this article!

Many workers like to make a piece rate because they can earn more money if they pick fast. But it is important to know that even when paid by the piece (bushels or bins), workers must still earn a minimum amount of pay. So if you are in a bad part of the orchard, or have a slow week, and you do not earn as much as usual, **you must still be paid at least \$16.95 for every hour that you worked in that pay week.** If you are a fast picker, and you earn more than that, then your boss must pay you the higher rate. **If you make a piece rate, you must always be paid the highest amount: either by the piece, or at least \$16.95 per hour.**

If you are paid a piece rate and your paycheck correctly states how many pieces you completed, just compare your paycheck to see if you are being paid correctly. The first thing to do is to calculate your minimum pay. All you have to do is multiply your hourly pay by the number of hours you worked during the week. This year, the minimum hourly wage for H-2A workers in this part of the United States is \$16.95. So, for example, if you worked 54 hours in a week, your gross pay (total pay before deductions) must be at least \$915.30 (54 hours times \$16.95). Let's say you are paid a piece rate of \$20.00 per bin and you pick 41 bins in a week, for a total of \$820.00. Since that is less than \$915.30, your boss would owe you another \$95.30 on your paycheck.

Remember that there are different crops that are paid at different rates. Don't worry that it might seem complicated. **If you are paid a piece rate, just compare your paycheck to the number of hours you worked for the week multiplied by \$16.95. Whichever is larger should be your pay.**

You should also keep track of the hours you work each day to be sure that you are paid for all hours worked. Not every farm keeps track of your hours, and sometimes they record them incorrectly.



FIGURE OUT IF YOU EARNED THE 3/4 GUARANTEE!

Your boss must offer work to you for at least three-quarters (75%) of all the hours **promised in your contract.** This is counted from the first workday after you arrive until the end date listed in your contract. If you are not offered these hours, your boss must make a payment to you at the end of the contract. Let's say your contract offers 400 hours, but you are only given 260 hours of work during the contract. Since $\frac{3}{4}$ of 400 is 300, your boss needs to pay you for the 40 hours ($300 - 260 = 40$ hours) you did not get work.

The $\frac{3}{4}$ guarantee also applies if you are paid a piece rate. If your contract offers 400 hours, your total $\frac{3}{4}$ guarantee pay would be \$5,085.00 (300 hrs. X \$16.95/hr). If your total piece rate pay for this sample season is less than \$5,085.00, you must be paid the difference at the end of the season.

There are times when this guarantee does not apply. Your boss will not owe you money if you are fired for a good reason, if you quit, if the contract is cut short because of a natural disaster, or if you are unable to finish the contract because you got hurt. But if you are sent home early or there is no work for you for some other reason, the $\frac{3}{4}$ guarantee may protect you. If you want us to check whether you received what was owed, please save all your pay receipts and call us at the end of the season.

OVERTIME IN NEW YORK

In New York only, farmworkers have a right to overtime when they work **more than 60 hours in a work week** or if they work on their "day of rest". The rate is time and a half. Workers need to be given one day of rest (24 hours) in every calendar week. While workers cannot be **required** to work on their day of rest, they can **voluntarily** work, but they must be paid the overtime rate for any work on that day. If you work in **New York** and have questions about the overtime law, you can call the Farmworker Law Project (listed on the front cover).

The New York overtime rule is set to change over the next few years:

~ 2020-2023: 60 hours	~ 2024: 56 hours
~ 2026: 52 hours	~ 2028: 48 hours
~ 2030: 44 hours	~ 2032: 40 hours

THE RIGHT TO ORGANIZE IN N.Y.

In New York, farmworkers also have the right to form a union and to organize with their co-workers to protect their rights or try to improve their working conditions. This means you are protected when you talk with your co-workers about making working conditions better or when you and your co-workers demand better conditions from your employer.

Bosses have very strict rules about what they can and cannot do when workers are organizing. They cannot retaliate against you, discourage you, or spy on you. If you have any concerns, please call us at the Farmworker Law Project in N.Y.

TAXES FOR H2A WORKERS

There are two types of taxes in the United States: **federal** and **state** taxes. Whether you must pay taxes will depend on how long you are in the U.S. and how much money you earn.

Each year when you arrive, your employer will have you fill up some forms before you start work. Some of these forms are for **withholding** taxes from your paycheck. Withholding means an amount of money that will be taken from your check to pay taxes. Although H-2A workers do not have to withhold money, for most workers, it is recommended. You can ask your tax preparer how much you should withhold.

If you withhold your taxes, you will see it as a deduction on your paycheck, which is okay as long as it is accurate. However, there are some taxes that H-2A workers do not have to pay. For example, if you see deductions on your paychecks for Social Security, Medicare, OASDI, or FICA, please call us. **H-2A workers do not need to pay FICA taxes.**

By the end of January in the year after you worked, your employer provides you with a **W-2 form**, usually through the mail. It will show your employer's name and address, your name and address, the amount of money you earned at that job, and the amount of income tax withholding, if any. A tax preparer will use this form to help file your taxes. **Make sure the social security number on your W-2 is correct.**

Getting your tax return filed is your responsibility. Your tax return, for any year, must be filed by April 15 of the following year. If it is not filed by April 15 and you owe taxes, then you will likely have to pay extra money. You may also need to file a state tax return, depending on the state. You can use a tax preparer, who can tell you what you need to do.

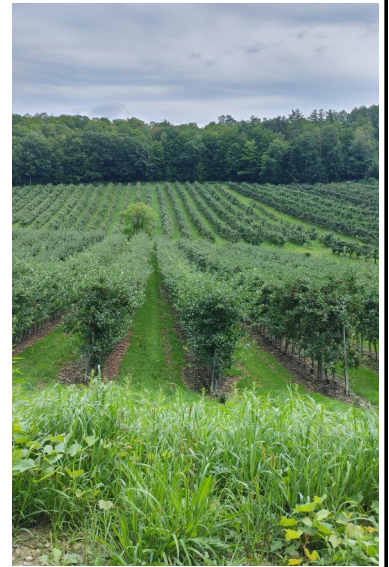
AM I A RESIDENT?

H-2A workers can file their taxes in one of two ways: as a **“resident alien”** or as a **“non-resident alien”**. Whether you are a “resident” or a “non-resident” depends on how long you spend in the United States each year. It involves a complicated math calculation. Some H-2A workers qualify as “residents”, and some are “non-residents.” If you work less than four months each year, you are probably a “non-resident”. If you have a longer contract, you may be a “resident”. **However, this is complicated and can change, so always check with your tax preparer.**

If you qualify as a “resident”, there are some important advantages. First, you will be entitled to a “standard deduction”—this is a fancy way of saying that you won’t have to pay tax on the first several thousand dollars you earn. Second, in some rare instances, you might qualify for the “Earned Income Tax Credit (EITC)”, which is a credit some people with certain incomes can earn if you are here at least 183 days in a year (this means more money back for you).

Third, only “residents” qualify for the three economic impact payments, or “coronavirus checks”: one for \$1,200, one for \$600, and one for \$1,400.

Fourth, if you are married (possibly even if you are in a “common law” marriage), you can file taxes with your spouse. Doing that often reduces the amount of tax you have to pay, sometimes by a lot. Your spouse will need a social security number or a number known as an **“Individual Taxpayer Identification Number (ITIN)”**. An ITIN is a number issued by the IRS to those who do not qualify for a Social Security number. It is used for filing income taxes. An ITIN has 9 digits and begins with the number 9 (example: 900-00-0000). You may even be able to correct your taxes for the previous three years. Ask your tax preparer how to get your spouse an ITIN.



First Page 1040 form For Resident returns

1040 U.S. Individual Income Tax Return **2022**

Filing Status: ☐ Single ☐ Married filing jointly ☐ Married filing separately (separate) ☐ Head of household (separate) ☐ Qualifying surviving spouse (separate)

Check only one box: ☐ If you checked the 1040 box, enter the name of your spouse. If you checked the 1040 box, enter the child's name if the qualifying child is a child of your spouse.

First name and middle initial: _____ Last name: _____

Home address (number and street), if you have a P.O. box, see instructions: _____

City, town, or post office: _____ State: _____ ZIP code: _____

Foreign country name: _____ Foreign province/territory: _____ Foreign postal code: _____

Digital Assets: ☐ If you have digital assets, see instructions. ☐ If you have digital assets, see instructions. ☐ If you have digital assets, see instructions.

Dependents (see instructions):

(a) First name	Last name	(b) Relationship to you	(c) Check box if qualified for you (see instructions)
			<input type="checkbox"/> Child <input type="checkbox"/> Other
			<input type="checkbox"/> Child <input type="checkbox"/> Other
			<input type="checkbox"/> Child <input type="checkbox"/> Other

Income: ☐ If you have income, see instructions. ☐ If you have income, see instructions. ☐ If you have income, see instructions.

1. Total amount from Form 1040, line 1a: _____

2. Tax-exempt interest: _____

3. Qualified dividends: _____

4. Taxable dividends: _____

5. Taxable interest: _____

6. Taxable capital gains: _____

7. Other income: _____

8. Total income: _____

9. Add lines 1 through 8: _____

10. Subtract line 9 from line 8: _____

11. Total tax: _____

12. State income tax: _____

13. Local income tax: _____

14. Total tax: _____

15. Total refund: _____

SAMPLES OF W-2s

W-2 Wage and Tax Statement 2008

Employer's name, address, and ZIP code: SYRACUSE UNIVERSITY, SYRACUSE OFFICE BUILDING, HUNTER ROAD, SYRACUSE, NY 13244-5300

Employee's name, address, and ZIP code: JOHN DOE, PO BOX 1, SYRACUSE, NY 13244

1. Wages, tips, other compensation: 26569.42

2. Federal income tax withheld: 691.76

3. Social security wages: 26569.42

4. Social security tax withheld: 1647.30

5. Medicare wages and tips: 26569.42

6. Medicare tax withheld: 205.26

7. State income tax: 660.21

8. State income tax withheld: 1583.26

9. Local income tax: 784.69

10. Local income tax withheld: 1583.26

11. Total tax: 1583.26

W-2 Wage and Tax Statement 2012

Employer's name, address, and ZIP code: CHRIS'S TEST FOURTY CONTINUATION LINE, EQUATOR AVENUE, FLAGTOWN, NJ 08821-3453

Employee's name, address, and ZIP code: THREE FISHE, 77 FISHE, 77 FISHE, 77 FISHE

1. Wages, tips, other compensation: 101-04-8051

2. Federal income tax withheld: 1583.26

3. Social security wages: 101-04-8051

4. Social security tax withheld: 1583.26

5. Medicare wages and tips: 101-04-8051

6. Medicare tax withheld: 205.26

7. State income tax: 660.21

8. State income tax withheld: 1583.26

9. Local income tax: 784.69

10. Local income tax withheld: 1583.26

11. Total tax: 1583.26

1040-NR U.S. Nonresident Alien Income Tax Return 2022

Filing Status: ☐ Single ☐ Married filing jointly ☐ Married filing separately (separate) ☐ Head of household (separate) ☐ Qualifying surviving spouse (separate)

Check only one box: ☐ If you checked the 1040 box, enter the name of your spouse. If you checked the 1040 box, enter the child's name if the qualifying child is a child of your spouse.

First name and middle initial: _____ Last name: _____

Home address (number and street), if you have a P.O. box, see instructions: _____

City, town, or post office: _____ State: _____ ZIP code: _____

Foreign country name: _____ Foreign province/territory: _____ Foreign postal code: _____

Digital Assets: ☐ If you have digital assets, see instructions. ☐ If you have digital assets, see instructions. ☐ If you have digital assets, see instructions.

Dependents (see instructions):

(a) First name	Last name	(b) Relationship to you	(c) Check box if qualified for you (see instructions)
			<input type="checkbox"/> Child <input type="checkbox"/> Other
			<input type="checkbox"/> Child <input type="checkbox"/> Other
			<input type="checkbox"/> Child <input type="checkbox"/> Other

Income: ☐ If you have income, see instructions. ☐ If you have income, see instructions. ☐ If you have income, see instructions.

1. Total amount from Form 1040, line 1a: _____

2. Tax-exempt interest: _____

3. Qualified dividends: _____

4. Taxable dividends: _____

5. Taxable interest: _____

6. Taxable capital gains: _____

7. Other income: _____

8. Total income: _____

9. Add lines 1 through 8: _____

10. Subtract line 9 from line 8: _____

11. Total tax: _____

12. State income tax: _____

13. Local income tax: _____

14. Total tax: _____

15. Total refund: _____

SOCIAL SECURITY NUMBERS



H-2A workers are now required to have Social Security Numbers in the United States. Here is what you need to know:

- A Social Security number is a number assigned to you that identifies who you are for employment and tax purposes. You can also use your number to open a U.S. bank account.
- Your boss should take you to apply for your Social Security Number if you do not already have one.
- **Use the same number every year, even if you switch jobs.** You only apply **once** for your Social Security Number.
- Your Social Security Number is private – **do not share your number or let others use it.** Keep the card in a safe place.
- Sign your Social Security card. **Do not laminate it.**

How to Get Your I-94 Online

Your I-94 is your proof that you have been lawfully admitted to the United States. The U.S. recently stopped giving out paper I-94s at the border. They used to be attached to your passports. Now your I-94 can only be accessed online.

Why do I need a paper I-94?

The Social Security office requires that you bring in a paper copy of your I-94 to apply for your Social Security number. It is also helpful to have a backup proof of status in case you do not have your cell phone.

You can contact us for help in obtaining your I-94.

Your I-94 is available at this website: i94.cbp.dhs.gov.

Here are the instructions to obtain your I-94:

1. Click on “Get Most Recent I-94”.
2. Click on “I Acknowledge and Agree.” By clicking, you agree that you have the right to access the information.
3. Enter your information exactly as it appears on your visa. The “Document Number” is your passport number. You need to enter: your name, date of birth, passport number, and choose your country in the drop-down box. Then click on “Next”.
4. You can print a copy or save as a file to print later.



TAX PREPARERS FOR H2A WORKERS

You are responsible for getting your taxes filed, so finding a good tax preparer is very important. You should find a preparer who understands all of the aspects of your special tax situation. Please make sure that:

- ◆ You discuss with your tax preparer whether you qualify as a **resident alien taxpayer**.
- ◆ Your tax preparer should be able to advise you about whether you are required to file **state** tax returns.
- ◆ If a person comes into your camp saying they can prepare taxes, you get identification and credentials to prove that they can prepare taxes.
- ◆ You get **contact information** of the person preparing your return. That means you should get that person’s full name, address and phone number.
- ◆ You know how much you are being charged **before** agreeing to have your return prepared. Ask about additional costs.
- ◆ You get a **receipt** for your payment for the return.
- ◆ **You and the preparer sign** the correct section of the tax return.
- ◆ **You get a copy** of your returns for your records. If you are not given one by your preparer, **ask** for a copy. You need to keep a copy in your record in case the I.R.S. asks you questions.
- ◆ Your Social Security number and all your information on your W-2 is correct before you give your W-2 to the tax preparer to prepare your return. If there is a problem, the owner/boss should fix this problem quickly and give you a new, corrected W-2.
- ◆ **Your Social Security number, address, bank account information, and spelling of your name** on your tax return are correct. The correct address is very important. The address on your return is the address where any refund will be sent. If the IRS sends you anything else, the address on your return is also the address the IRS will use. If you use the address of the boss, you will need to check with the farm boss to see if there is any mail for you. If you use your home address, check with the post office or location where you receive mail.

You can ask your tax preparer to have your tax refund direct deposited by the I.R.S. into your U.S. bank account only. Ask what information is needed and provide it before filing, and make sure it is accurate. There is no fee for this service. You will get your refund more quickly and will not have to worry about the refund check getting lost. You can contact your boss to help you find a good preparer near the farm.

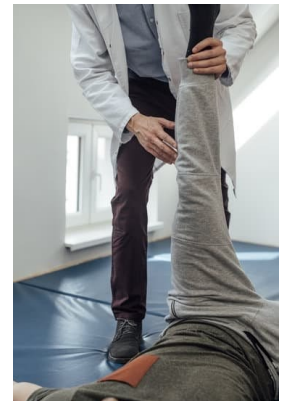
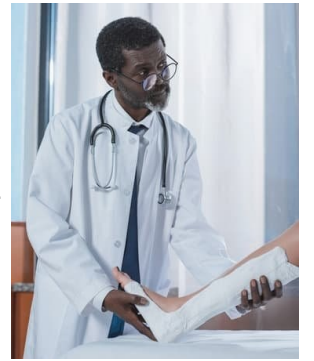
IMPORTANT!! **IF YOU ARE HURT ON THE JOB:** **WORKERS' COMPENSATION INSURANCE**

If you are hurt while working, while traveling to work, and sometimes while in the labor camp, you are covered by Workers' Compensation insurance. This is an insurance program your employer must provide for you under your contract.

The insurance pays your medical bills and a small percentage of your lost wages if you cannot work for at least a certain amount of time. Every state has different rules.

If you are injured:

- > Go to a doctor right away. Tell the doctor that you were injured or got sick at work. You have the right to speak to the doctor alone.
- > Tell your boss right away. You must do this in order to be covered by the insurance. Your boss needs to fill out a form to help start your claim. Once your boss knows what happened, it is illegal for the boss to try to stop you from getting your workers' compensation benefits.
- > The hospital or doctor's office should fill out and file the proper forms. If you have received a bill, contact the doctor or hospital to remind them it was a work-related medical problem and to bill the workers' compensation insurance.
- > Follow the doctor's instructions, such as: see specialists, return for follow up visits, attend physical therapy treatments. Do not work if the doctor has said not to, and follow limits on activities. If you don't understand, ask your doctor to explain. If you work before you are healed, you could cause more physical damage. **You also risk stopping your compensation checks.**
- > Usually cases of workers' compensation focus on healing your body to continue a normal work and personal life. You may need to be referred to lawyers who specialize in these types of cases.
- > Keep copies of your medical records. Make sure that you know the names of doctors you see or hospitals you go to, and keep copies of all bills and papers, both in the United States and in your home country.
- > Ask for help. If you want more information about workers' compensation or possibly a referral to a workers' compensation lawyer, call us. There may be a form you need to fill out, too. It is better to call us before you go home, but you are always free to call us from home as well.
- > When you arrive home, continue to seek medical care if needed. If you are from Jamaica, your government has procedures in place to help you. You should be able to continue to receive benefits and treatment even after you return home. It can be harder to get these benefits when you are home, but a U.S. lawyer may be able to help you.



HOW LEGAL SERVICES CAN HELP

We have worked with farmworkers on many problems over the years. Please call us if you have an issue or any questions, and if we cannot help you, we may be able to send you to someone who can.

For us to be able to help you, we ask that you:

- Provide us with correct information to keep in touch with you, as well as correct information regarding your issues.
- If your phone number or address changes, please let us know.

Please remember to check your messages and return calls.



New York H-2A Workers: **Do You Want More News Via WhatsApp?**

To receive regular information from us about your rights as an H-2A worker, you can subscribe to a WhatsApp channel run by us and another legal services organization called the Worker Justice Center of New York (although the project is managed by an organization called Polaris with a database called Ulula, so you might see those names on your phone, too). Nobody but our two organizations will be able to see your number, and we keep **everything** confidential.

When you subscribe, you can also participate in an anonymous and confidential survey about your experiences as an H-2A worker. We have \$15 gift cards available for workers who fill it out. What you have experienced matters in trying to improve conditions for all workers, and nobody will be able to see your name or your number.

To subscribe, use this QR code:

If you do not want to use the QR code, you can also subscribe by:

1. Adding +1-647-557-2816 to your WhatsApp contacts, and then
2. Sending the word CAMPOUSA to that number.



This paper was produced by the legal services offices listed on the first page. We are lawyers and paralegals who offer **free legal help** to eligible workers with the problems they are having. We provide legal advice and possibly representation when there are problems. If you have worked under an H-2A contract in the states we cover, you may already know some of us. During the harvest season we visit farmworkers to discuss our services and give out information about the rights of farmworkers in the U.S. **The information in this paper is intended to provide general information only, not to give legal advice. No one should interpret any law without the aid of an attorney who is fully informed of all the facts involved!**