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Alumni Profile

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ALUMNI PROFILE

“Our clients’ stories do not begin and end in the United States. They begin and end in their home communities.” This realization prompted RACHEL MICAH-JONES to establish *Centro de los Derechos del Migrante* (CDM — Center for Migrants’ Rights), the first transnational migrant workers’ rights organization based in Mexico. However, Micah-Jones’ journey to seek justice started not in Mexico, but at the Washington College of Law (WCL).

Reflecting on how she became interested in law and migration, Micah-Jones, a WCL class of 2003 graduate, notes that she gradually developed a deep intellectual curiosity about migrant experiences. When considering where she would attend law school, Micah-Jones was drawn to WCL for its strong emphasis on public interest work and the variety of experiences the school offered in the human rights arena. One such experience at WCL’s International Human Rights Law Clinic (IHRLC) would guide Micah-Jones’ life and career. During Micah-Jones’ third year at WCL, members of her clinical team represented a domestic worker who was trapped in an exploitative labor situation due to the high recruitment fees and travel costs she had paid to attain her job. Micah-Jones remembers speaking with her fellow classmates and professors about how things would have been different for their client had she been informed about her rights before she left for the United States. Perhaps their client could have avoided the situation altogether, or at least sought help earlier, if she knew about resources available to her.

These conversations and the memory of that client stayed with Micah-Jones as she began her first job after graduation with Florida Rural Legal Services (FRLS), a statewide legal service agency that provides assistance to those who cannot otherwise afford an attorney. Micah-Jones continued the work she had begun during her WCL clinical experience by working on FRLS’ Migrant Farmworker Justice Project, which focuses on representing migrant workers in Florida’s agricultural sector. The majority of Micah-Jones’ clients at FRLS were Mexican, and to better communicate with them, Micah-Jones applied for and was awarded a grant from the Florida Bar Foundation to take Spanish language classes in Mexico during the summer after her first year with FRLS.

While in Mexico, Micah-Jones not only honed her Spanish language skills, but also learned more about her clients’ home communities. She had contact with many of the same clients she had helped in Florida, but found their demeanors to be completely different in their home communities. When Micah-Jones



had visited these clients in Florida, they were reticent to discuss their experiences, even though FRLS was already aware that their living conditions were sub-standard. In Mexico, however, the clients were more self-assured and eager to speak about their experiences in the U.S. — about how they had not been paid, about the mistreatment they had endured, and about the poor conditions in which they lived.

It was at this point that Micah-Jones truly understood the fear factor at play in U.S. employer-Mexican migrant worker relations: without any knowledge of their rights, migrant workers were unable to assert themselves upon arrival in the U.S. and consequently, were taken advantage of throughout the entire process, from their recruitment to their return to Mexico. Having had this revelation, Micah-Jones felt compelled to combat the injustice she saw. In 2005, about one year later, CDM opened its first office in Zacatecas, Mexico.

The logistics of starting an international NGO were not easy to navigate, but seven years after its founding, CDM has expanded its work with migrant workers in the agricultural sector to include those in the landscaping, crab picking, and traveling fair and carnival industries. CDM’s primary work now falls into four core project areas: 1) *Outreach, Education, and Leadership Development*; 2) *Intake, Evaluation, and Referral Services*; 3) *Litigation Support and Direct Representation*; and 4) *Policy Advocacy*.

Through its *Outreach, Education, and Leadership Development* project area, CDM staff meet with workers in the safe space of their home communities and give them information about their rights before leaving for the U.S. In this vein, CDM helped establish a *Comité de la Defensa del Migrante* (Migrant Defense Committee) composed of current and former migrant workers who act as peer-to-peer educators and access points all along the migrant stream, collaborating to prevent abuses once workers are in the U.S. The *Comité* has also been instrumental in referring cases to CDM for litigation support, with significant success.

CDM’s *Intake, Evaluation, and Referral Services* and *Litigation Support and Direct Representation* projects work in tandem. CDM documents and evaluates cases identified by CDM staff or referred by partners in the U.S. or Mexico. If CDM cannot take the case, it connects the worker to a union, legal aid, or social services organization, as appropriate. When CDM litigates a case, it does so in conjunction with partner

organizations and counsel in the U.S. For example, last year, CDM brought cases on behalf of traveling fair and carnival workers who were paid subminimum wages for extremely long workdays, provided inadequate food and water, and forced to live in crowded, bug-infested conditions. These workers' passports were also unlawfully confiscated upon arrival in the U.S. A *Comité* leader who had been trained by CDM prior to his departure for the U.S. brought this situation to the attention of another NGO, and the New York Attorney General's Office ultimately recovered \$325,000 for CDM's client and his co-workers. When the *Comité* leader returned to Mexico, he also started organizing and educating workers recruited by carnivals and traveling fairs, which has led to CDM's *Fair Workers, Fair Wages* campaign. Through this campaign, CDM, in collaboration with worker centers, law firms, low-wage worker advocates, and universities, seeks strengthened protections for traveling fair and carnival workers vis à vis advocacy with policymakers and strategic domestic and international litigation.

The carnival and traveling fair workers in these cases had all paid illegal recruiting fees to have their names added to a list of H-2B visa job seekers. The H-2B visa is used by employers to hire seasonal, non-agricultural migrant workers for jobs in industries such as landscaping, seafood, forestry, and hospitality. For this reason, CDM applauds the new U.S. Department of Labor (DOL) regulations released in February 2012. Under the new regulations, DOL will create a nationwide electronic registry where employers will be required to post all positions for which they wish to hire H-2B workers. The database enhances the transparency of the H-2B system and will hopefully result in fewer abuses by recruiters of potential employees, while at the same time affording job seekers a better idea of the work they will be doing in the U.S. and the hourly rate they will be paid. For example, when employers apply to hire H-2B visa workers, they must now provide the DOL with copies of any agreements they have with recruiters and sub-contractors hired by recruiters. Also, employers must disclose an accurate description of the H-2B job to potential workers, in a language they understand. Finally, employers must guarantee wages that meet the state minimum wage, must pay at least the wage offered to the employee, and must provide all tools necessary to the job free of charge. Micah-Jones notes with pleasure that "overall, the new regulations represent a huge step forward for transnational migrant worker rights," though she hopes to see them enforced. Micah-Jones adds that CDM is developing an additional tool to help prevent migrant worker abuse in the form of an interactive map via which workers can obtain information about recruiters and connect with those who have already worked for a certain employer.

CDM also contributes to labor and migrant worker policy debates by providing analysis and recommendations to policymakers on both sides of the border and to worker advocacy groups, through its *Policy Advocacy* project. One form of CDM's policy advocacy work is a report, *Picked Apart: The Hidden Struggles of Migrant Worker Women in the Maryland Crab Industry (Picked Apart)*, co-authored with the Immigrants' Rights Section of the IHRLC (which has since become its own entity, the Immigrant Justice Clinic). The report documented

labor conditions experienced by Mexican women who traveled to the U.S. on H-2B visas to work in the crab industry on the Eastern Shore, and recommended reforms on the state, national, and international levels. For example, *Picked Apart* recommended that Maryland Occupational Safety & Health (MOSH) provide greater oversight to the crab industry to help reduce the incidence of injury and illness among workers. Women interviewed by CDM and WCL universally reported sustaining cuts on their hands and arms while working with crabs, either from the shells or from the knives they use to extract the meat. These cuts often became infected because the women did not stop working to clean them, fearing they would not meet their daily quota of picked crabmeat.

Similarly, the report urged greater U.S. regulation of recruitment practices and sanctions for employers engaging in worker abuse through unfair and unlawful recruitment tactics. The majority of women workers interviewed for *Picked Apart* reported taking out loans to pay the recruitment fees; they then had to pay up to fifteen percent monthly interest on these loans, while additionally covering the costs of housing, groceries, transportation, and work tools, and also remitting money to family in Mexico. In a small victory for CDM and WCL, DOL's recent regulations were influenced in part by *Picked Apart*'s findings and recommendations, and CDM's continued advocacy. Finally, on the international level, *Picked Apart* urged the U.S. government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, adopted by the United Nations General Assembly on December 18, 1990. Unfortunately, to date, the U.S. and most other migrant receiving countries still have not ratified the convention.

Besides her busy life as CDM's Executive Director, Micah-Jones has recently taken a position in the clinical program at the University of Maryland School of Law after relocating from Zacatecas back to Baltimore with her husband and two children. Micah-Jones is currently working on a report detailing labor abuses under the North American Free Trade Agreement with her clinic students.

In considering where her journey will take her next, Micah-Jones says that she feels lucky to have the support of her family, colleagues, and role models, and to be able to do work that she loves. She hopes that she will be able to continue the work of CDM, especially in supporting the sustained development of the *Comité* and its efforts to make a lasting impact on international labor recruitment issues. Micah-Jones believes that by giving workers the tools they need to organize and defend their rights, the workers themselves will be able to bring a much-needed transnational worker perspective to policy debates about recruitment and labor conditions. Likewise, the workers will be able to empower their compatriots as they undertake their own journeys from Mexico to the U.S. and back again.

Christina Fetterhoff, a J.D. candidate at the American University Washington College of Law, wrote this alumni profile for the Human Rights Brief.