



## Escalating Demand for Temporary Workers: A Looming Crisis That Requires California To Immediately Pass AB 1362 (Kalra)

The growing demand for temporary workers, coupled with the current administration's policies, has created an urgent need for California to step up and protect all temporary immigrant workers who come to California. Without decisive action, these workers remain vulnerable to abuse..

Under this administration's policies and actions, deportations are increasing, and fear among immigrant communities is growing. As businesses face significant labor shortages, they will increasingly demand access to more temporary immigrant visas to meet their workforce needs. This creates a critical moment for California to act decisively. By passing first-of-its-kind legislation, the state can protect the rights of temporary workers while addressing the anticipated surge in business demands, ensuring fairness and upholding the values that define California.

Temporary workers who come to California are recruited to fill jobs across many sectors, including agriculture, hospitality, construction, and eldercare. The absence of adequate federal oversight, compounded by regulatory authority fragmented between the Departments of State, Homeland Security, and Labor, has created a fertile ground for exploitation. Unscrupulous foreign labor recruiters (FLRs) routinely charge exorbitant fees, falsify documents, and deceive workers about wages and working conditions, leaving many of them trapped in debt bondage while creating an uneven playing field for ethical businesses.

California is the largest destination state for individuals entering the United States on temporary work visas, receiving approximately 20% of the 3.2 million workers documented in 2019.<sup>1</sup>

**Resident Nonimmigrant Population by Category of Admission and State of Residence: Fiscal Year 2019**

State	Total		Temporary workers		Students		Exchange visitors		Diplomats and other representatives	
	Number	Col. Pct.	Number	Col. Pct.	Number	Col. Pct.	Number	Col. Pct.	Number	Col. Pct.
Total	3,190,000	100%	1,620,000	100%	1,100,000	100%	350,000	100%	130,000	100%
California	560,000	18%	300,000	19%	210,000	19%	50,000	14%	10,000	7%
New York	390,000	12%	160,000	10%	160,000	14%	50,000	14%	30,000	23%
Texas	250,000	8%	160,000	10%	60,000	6%	20,000	5%	10,000	5%
Florida	190,000	6%	110,000	7%	60,000	6%	20,000	4%	10,000	5%
Massachusetts	160,000	5%	50,000	3%	80,000	8%	30,000	8%	-	1%
New Jersey	140,000	4%	100,000	6%	30,000	3%	10,000	4%	-	2%
Illinois	140,000	4%	70,000	4%	50,000	5%	10,000	4%	-	1%
Washington	130,000	4%	80,000	5%	40,000	3%	10,000	2%	-	3%
Pennsylvania	100,000	3%	40,000	2%	50,000	4%	10,000	3%	-	1%
Michigan	100,000	3%	60,000	4%	30,000	3%	10,000	3%	-	0%

- Base number rounds to zero.

Notes: Detail may not sum to total due to rounding; percentages are column percentages and were calculated prior to rounding; data include dependent family members.

Source: U.S. Department of Homeland Security

To address these concerns, California passed SB 477 (Steinberg) in 2014. However, this legislation was interpreted to apply only to workers holding H-2B visas, limiting its coverage to approximately 5,000 individuals—less than 1% of the 350,000+ temporary workers who now come to California annually.

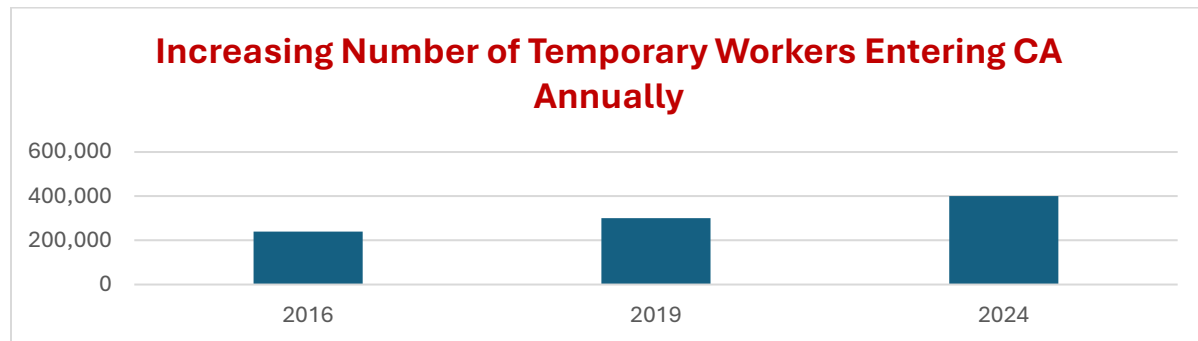
<sup>1</sup> Bryan Baker, Population Estimates of Nonimmigrants Residing in the United States: Fiscal Years 2017-2019, Department of Homeland Security (May 2021), available at [https://ohss.dhs.gov/sites/default/files/2023-12/ni\\_population\\_estimates\\_fiscal\\_years\\_2017\\_-\\_2019v2.pdf](https://ohss.dhs.gov/sites/default/files/2023-12/ni_population_estimates_fiscal_years_2017_-_2019v2.pdf)

Enacting AB 1362 would ensure comprehensive protection for temporary workers across all visa categories. Further AB 1362 protections can be implemented quickly and efficiently, as regulations clarifying these protections were already established in 2019. Additionally, the labor commission has developed a registration system that can be expanded to include all visa categories, streamlining the process and ensuring broader coverage. See <https://www.dir.ca.gov/dlse/fnlc.html>

### **Data Shows Demands for Temporary Workers are Escalating**

The urgency of AB 1362 is undeniable in 2025. Federal policies have weakened protections for workers and immigrants, while California employers are increasingly relying on temporary work visa programs to meet labor demands. Projections show that by 2030, states with large populations and higher shares of immigrants will experience the greatest need for new visas. California alone is expected to accommodate 1,783,462 immigrants.

Significantly, workers in trades and production industries—such as agriculture, construction, food processing, forestry, and ground maintenance—will make up 723,946 of this total, accounting for 41% of the projected demand. Furthermore, ongoing public debates surrounding H-1B temporary visa programs highlight the growing emphasis on temporary workers across the United States, underscoring the need for California to act decisively.<sup>2</sup>



While the increase in the use of temporary workers and related exploitation affects all visa categories,<sup>3</sup> the H-2A temporary visa is particularly relevant to California whose agricultural businesses routinely use this visa category to obtain foreign workers. Between 2017-2022, there was a 64.7% increase in H-2A workers coming to the U.S. Workers recruited under this category have simultaneously become the most confirmed cases of human trafficking reported on the National Human Trafficking Hotline.<sup>4</sup>

<sup>2</sup> See Ken Bensinger. *Trump Weighs In on Immigrant Visa Debate but Offers Little Clarity*, New York Times. Dec., 28, 2024 Available at <https://www.nytimes.com/2024/12/28/business/trump-immigration-h1b-visa.html> **Opinion: Visa reform desperately needed for ag workers, Dave Puglia, AgriPulse, 01/31/25**

<sup>3</sup> See, e.g., *Lawsuits Reveal Labor Abuses Faced by Some Migrant Workers on TN, Immigration Impact Visas* (July 25, 2024) <https://immigrationimpact.com/2024/07/25/class-action-lawsuits-labor-abuses-migrant-workers-on-tn-visas/>;

H-1B visa: Indian outsourcer Infosys settles with California over visa alleged visa scam, tax evasion <https://www.mercurynews.com/2019/12/17/h-1b-visa-indian-outsourcer-infosys-settles-with-california-over-alleged-visa-scam-tax-evasion/> End H-1B visa program's abuse <https://www.latimes.com/opinion/editorials/la-ed-visas-tech-workers-h1b-20150217-story.html>.

<sup>4</sup> Polaris (2024). *California Human Trafficking Data, 1/1/2017 - 11/30/2022*. Unpublished raw data from The National Human Trafficking Hotline, [polarisproject.org](https://polarisproject.org)

Given the realized threat of immigration enforcement actions by the Trump administration, businesses seeing some of their workforce deported and or scared to come to work will demand more temporary workers. Indeed, the President and CEO of the Western Growers' Association recently noted that crucial aspects of America's food production are increasingly strained by a lack of workers. He called for expansion of the H-2A program to better fill the needs of farmers, and that any obstacles, including threats of workplace immigration enforcement raids or bureaucratic bottlenecks, should be removed to the extent possible.<sup>5</sup>

The pressure for the allocation of more H-2A visas is coming from the business community itself, yet they argue that the AB 1362's protections are duplicative or unnecessary. Farm Labor Contractors, particularly those involved in H-2A recruitment, however, are among the worst offenders in wage theft and abuse. Existing regulations governing these contractors fail to address recruitment abuses abroad, which is the critical gap that AB 1362 seeks to fill.

### **Conclusion**

AB 1362 offers California a unique opportunity to lead by enacting comprehensive protections for all temporary workers across visa categories. With the framework and infrastructure already in place from prior efforts, this crucial step can be implemented efficiently, ensuring that California not only safeguards vulnerable workers but also upholds its values of equity, fairness, and justice in the face of evolving economic and social pressures. Taking decisive action now will position California as a national leader in protecting immigrant workers while maintaining the integrity of its diverse and vital workforce for years to come.

### **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.

### **CONTACT INFORMATION**

Stephanie Richard, Esq.  
Policy Director  
[stephanie.richard@lls.edu](mailto:stephanie.richard@lls.edu)  
(213) 375-8377

Aradhana Tiwari, Esq.  
Senior Policy Counsel  
[aradhana.Tiwari@lls.edu](mailto:aradhana.Tiwari@lls.edu)  
(213) 736-8377



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<sup>5</sup> 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 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 <https://www.cbsnews.com/news/musk-vivek-ramaswamy-h1b-visa-maga-immigration-what-to-know/>; <https://www.agri-pulse.com/articles/22288-opinion-visa-reform-desperately-needed-for-ag-workers>).