

DESCRIPTION OF PETITIONERS –
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
UNDOCUMENTED WORKERS IN THE UNITED STATES

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Jesus L - Jesus L is a Mexican national who has lived and worked in the United States for many years. In 2004, he was working at a chicken farm in Michigan. He fell through an open trap door onto the cement floor of a chicken house, fracturing his spine and his heel. After spinal reconstruction surgery, he was in a back brace for over four months. When it became known that he was undocumented, his time loss benefits were cut off, leaving him unable to engage in regular work and he and his wife without income for several months. Were it not for his undocumented status, he would have received time loss benefits for at least one year further.

Yolanda LR - Yolanda LR is an immigrant from Mexico. She and her husband Rogelio lived in Brooklyn, where he was the supervisor on a demolition crew. He was killed on an unpermitted demolition jobsite in April 2001. Rogelio ran to help out some coworkers because a crane used in the demolition was sinking into the ground. He was hit by a beam and killed. Yolanda has been required to disclose in court documents that both she and her husband were undocumented at the time he died. Her entitlement to compensation will be reduced because of his status, even though there were a number of health and safety violations at the jobsite and her husband's employer has been convicted in a criminal case for causing her husband's death. She lives in fear that she will be deported pending the completion of the case.

Francisco Berumen Lizalde – Mr. Berumen Lizalde is an immigrant from Mexico who was working as a painter in Wichita, Kansas. He fell from some scaffolding and broke his hand, requiring surgery. Just before he was to meet with his doctor to establish the extent of his disability, immigration officials arrested him at his home. He was charged with a felony for having used false

documents to get a job, and deported to Mexico before he could complete treatment for his workplace injury or pursue his workers' compensation claim.

Leopoldo Z -- Leopoldo Z is a Mexican national who fractured his leg when he fell out of a tree picking apples, required three surgeries and now suffers from chronic regional pain disorder. Because of his current status as a migrant unauthorized to work, he has been forced to settle his claim for \$35,000. Were he a U.S. citizen, he would have been entitled to benefits of approximately \$100,000.

Melissa L. – Melissa is a Chinese national who worked at a business in New Jersey from the end of 2003 until the summer of 2004. During the course of her employment she was repeatedly sexually harassed by several of her coworkers. Although she informed the management, and the management witnessed the sexual harassment first hand, the managers took no action. When the harassment became intolerable, Melissa L. resigned and filed charges alleging employment discrimination under state and federal law. However, before the claims were resolved, she decided to settle the case for less as her lawyers were concerned that because of her immigration status it was unlikely they would prevail.

United Mine Workers and other unions -- The United Mine Workers union was helping to organize workers who labored under unsafe underpaid conditions in a Utah mine. In November 2004, in response to the union organizing campaign, the company required 29 employees who supported the United Mine Workers Union to present new proof of their immigration status, or be fired. When they were unable to do so, Co-Op Mine fired these workers in retaliation for their activities in support of the union and to discourage other undocumented employees from engaging in concerted activities.

A recent case brought by a union in the United States involved an arbitrator's decision that a number of immigrant workers had been unlawfully fired. Just before a hearing, the employer's lawyer informed the union's lawyer that he had already called the Department of Homeland Security (DHS) and informed DHS of the time and place of the hearing and that the hearing involved workers whom the employer believed to be unauthorized. The arbitrator ordered reinstatement of the workers in October, 2006. The employer's lawyer responded by saying that immigration authorities had conducted an audit, and had determined that the workers lacked authorization to work in the United States and refused to comply with the arbitration award. Last week, the five workers were arrested at their homes on immigration charges.

Interfaith Worker Justice -- An Interfaith Workers' Justice workers' center encountered a 59 year old woman just 30 days ago, burned on the legs below

the knees by an unknown chemical processing food in Mississippi. The employer threatened to fire her for this accident (which was no fault of her own) and will not pay her salary, worker's compensation, or any health expenses. The worker, who has diabetes and can not heal properly, has had no medical attention since. She has received no workers' compensation and no pay. She will not speak with a lawyer for fear of not being able to return to her job, and will not file any claims with the DOL or Dept of Justice because of threats from the employer about her status.