

## **Unemployment Assistance During a Disaster – Farm workers**

### **I work on a farm that was impacted by flooding. What should I do?**

1. Apply for Unemployment Insurance benefits through our online UI claim's portal on our website [www.labor.vermont.gov](http://www.labor.vermont.gov), or by calling the claimant assistance line at 1-877-214-3330. If you do not qualify, you will be directed to complete the Disaster Unemployment Assistance (DUA) application.
2. If you have issues with pay or other contract violations, refer to the Vermont Department of Labor's (VDOL) complaints or apparent violations to the [Wage and Hour Division online complaint form](#).

### **I am not a U.S. Citizen and was working on a farm that was impacted by flooding. What should I do?**

If you are a:

Non-Citizen National (A person born in an outlying possession of the U.S. (i.e., American Samoa or Swain's Island) on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals. All U.S. citizens are U.S. nationals, but not every U.S. national is a U.S. citizen.)

A Qualified Non-citizen

Includes

Legal Permanent Residents ("Green Card" holders)

Non-citizens granted asylum

Refugees

Non-citizens whose deportation status is being withheld for at least one year

Non-citizens paroled into the U.S. for at least one year for urgent humanitarian purposes or significant public benefit

Cuban/Haitian entrants

Certain battered non-citizens or their spouses or children

Certain victims of a severe form of human trafficking, including persons with a "T" or "U" visa

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### **I am a temporary agricultural worker in the US with an H-2A visa. I work on a farm that was impacted by flooding. What should I do?**

H-2A visa holders are not eligible for DUA, but other resources may be available.

All individuals, regardless of citizenship and immigration status, affected by a major disaster may be eligible for crisis counseling assistance, disaster legal services, disaster case management, disaster

supplemental nutrition assistance program and other non-monetary, in-kind emergency disaster-relief programs. These include medical care, shelter, food, and water.

- [Qualifying for FEMA Disaster Assistance: Citizenship and Immigration Status Requirements | FEMA.gov](#)
- [H-2A Farmworkers Legal Help in Vermont | VTLawHelp.org](#)

**Can H2A workers, with authorization other than a green card, qualify for FEMA cash assistance and/or unemployment assistance?**

No. DUA is a federal program designed to assist individuals who become unemployed as a direct result of a declared disaster and who are ineligible for regular Unemployment Insurance (UI). Unfortunately, as per federal regulations, H-2A and H-2B visa holders are not eligible to receive DUA benefits. Applying for benefits for which you are not eligible could result in complications or misunderstandings with immigration status and legal rights.

- [Citizenship and Immigration Status Requirements for FEMA Assistance | FEMA.gov](#)

**I am an H-2A worker. The farm where I was working was impacted by flooding. My employer decided to end the season early. I'm concerned about my pay. What should I do?**

As an H-2A worker, you are entitled to the  $\frac{3}{4}$  guarantee **up to the point of termination**, and your employer is still required to pay for your return trip and meals while traveling.

- [Fact Sheet #26E: Job Hours and the Three-Fourths Guarantee under the H-2A Program | U.S. Department of Labor \(dol.gov\)](#)
- [Meal Charges and Travel Subsistence | U.S. Department of Labor \(dol.gov\)](#)

**I worked on a farm and was not paid for my work. What can I do?**

1. File a complaint with the Department of Labor
  - a. [ETA Form 8429.docx \(live.com\)](#)
  - b. Contact [LABOR.Complaints@vermont.gov](mailto:LABOR.Complaints@vermont.gov)
  - c. Contact [Mayoris.Perdomo@vermont.gov](mailto:Mayoris.Perdomo@vermont.gov)

Complete the [Online Wage Claim Form | Department of Labor \(vermont.gov\)](#)

**Anyone** who worked in Vermont and did not get paid (regardless of immigration status) may file a complaint if they have lost wages

## **Additional Resources:**

### **Noninsured Crop Disaster Assistance Program**

The U.S. Department of Agriculture's Farm Service Agency's (USDA FSA) Noninsured Crop Disaster Assistance Program (NAP) offers payments to producers of eligible crops to protect against low yields, loss of inventory, or prevented planting due to a natural disaster. If you think you may be eligible to apply

for this program or want more information visit, [Noninsured Crop Disaster Assistance Program \(NAP\)\(usda.gov\)](#). To find other programs like this, go to <https://disasterassistance.gov> and click “*Find Assistance.*”

**Substance Abuse and Mental Health Services Administration (SAMHSA) Disaster Relief Information**

The Substance Abuse and Mental Health Services Administration’s (SAMHSA) mission is to reduce the impact of substance abuse and mental illness on America’s communities. It helps prepare states and communities to provide an effective response after a disaster. For more information, go to [Disaster Preparedness, Response, and Recovery | SAMHSA](#).

Agricultural Aid	<a href="#">Vermont USDA Farm Service Agency</a>	USDA’s Farm Service Agency (FSA) provides emergency loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine.	802-658-2803
Agricultural Aid	<a href="#">Vermont Agency of Agriculture, Food, and Markets</a>	Community development, water quality, food safety, licensing, and registration, and Farm First: Resources and Support for Farmers.	802-828-2430