

Choosing Prejudice Over Profits: How the War on Immigrants Is Hurting Our Economy

Liz Vargas Perez*

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I. INTRODUCTION

“‘[S]peak English. We’re in America.’”¹ “U.S. soldiers are ‘not fighting for your right to speak Spanish—they’re fighting for your right to speak American.’”² Although President Trump did not designate English as the official language until 2025,³ English hostility and racist remarks like these already existed in schools, often made by ‘educated’ individuals such as teachers who are supposed to foster a safe learning environment for all students.⁴ Remarks like these have long targeted people of color who *choose* to use their native

1. Gwen Aviles, ‘*Speak English. We’re in America.*’ Texas Substitute Teacher Tells El Paso Student, NBC NEWS (Nov. 26, 2019), <https://www.nbcnews.com/news/latino/speak-english-we-re-america-texas-substitute-teacher-tells-el-n1091996> [<https://perma.cc/HVL8-PDFX>] (discussing the racist remark made by a white substitute teacher to a student speaking Spanish in school—six years before English was the official language.). Notably, the school is in El Paso, Texas, a border town place where about 67% of the residents speak Spanish. See Natassia Paloma, *Study: El Paso is the Most Bilingual City in the United States*, EL PASO TIMES (Oct. 6, 2025), <https://www.elpasotimes.com/story/life/2025/10/06/el-paso-texas-most-bilingual-city-in-united-states-of-america/86482830007/> [<https://perma.cc/7YB4-CFLP>].

2. *Id.* (“This is far from the first time a teacher has come under fire for mandating students speak English in recent years. In 2017, a group of New Jersey high school students staged a walkout after their teacher instructed them that U.S. soldiers are ‘not fighting for your right to speak Spanish—they’re fighting for your right to speak American.’”).

3. Proclamation No. 14224, 90 Fed. Reg. 11363 (Mar. 1, 2025) (showing that President Trump made English the official language of the United States through an executive order on March 1, 2025).

4. *Id.*

non-English languages in public—regardless of whether they speak English as well.⁵ These remarks, however, are not surprising given that English is often conflated with being “American,” and those who do not speak English, lack fluency, or are fluent in another language are frequently stereotyped as undocumented immigrants or viewed as “less American.”⁶

This, however, is not new. People of color have long been targeted for many reasons, including language. English, for example,⁷ has been weaponized against people of color for a long time, not for the language itself, but to marginalize those who speak their native tongues.⁸ The Founding Fathers did not write in an official language in our Constitution, because they believed that choosing an official language would be offensive and divisive given our country’s diverse foundation.⁹

Today, the divided society the Founding Fathers feared seems stronger than ever. While immigration has long been a controversial political issue, especially within the Republican Party, previous administrations, including Republican ones, nevertheless sought to balance immigration enforcement with policies that recognized the economic need for immigrant labor.¹⁰ However, the Trump administration continues to focus on spreading hostility and fear toward immigrant communities,¹¹ instead of implementing balanced border enforcement policies that recognize immigrants’ positive contributions to the

5. Harmeet Kaur, *FYI: English Isn’t the Official Language of the United States*, CNN (June 15, 2018), <https://www.cnn.com/2018/05/20/us/english-us-official-language-trnd/index.html> [https://perma.cc/3A5F-3WEX].

6. See *id.* (“The sad thing about debates about language is that they’re rarely about language itself, but the people who happen to speak those languages.”); Amanda Terkel & Megan Brand, *From ‘Rapists’ to ‘Eating the Pets’: Trump Has Long Used Degrading Language Toward Immigrants*, NBC NEWS (Sept. 19, 2024), <https://www.nbcnews.com/politics/donald-trump/trump-degrading-language-immigrants-rcna171120> [https://perma.cc/Y8SS-M2NL] (discussing Trump’s dehumanization of undocumented immigrants).

7. This Note focuses on narrow issues in immigration such as language, discrimination, and workplace protections for immigrants. Immigration is a topic that is changing every day; this Note was written before the 2024 election and has been updated periodically; the author does not attempt to cover all the legal changes in the areas discussed.

8. Kaur, *supra* note 5.

9. *Id.* Today, our diverse foundation is something that is conveniently forgotten by many.

10. See generally Bob Sellers, *The Surprising Way Republicans Used to Use Immigration to Boost the Economy*, FORTUNE (July 18, 2019), <https://fortune.com/2019/07/18/republicans-immigration-policy-economy/> [https://perma.cc/FF6J-CYCJ] (discussing among other immigration rhetoric changes, the example of former President Ronald Reagan “form[ing] immigration policy for its economic impact, rather than its rhetorical value as a campaign issue”); Marcela Escobari, Ian Seyal & Paul Beach, *Shock, Awe, and Economic Fallout: The Employment Effects of ICE Enforcement in U.S. Cities*, BROOKINGS (May 29, 2026), <https://www.brookings.edu/articles/ice-enforcement-employment-effects-us-cities/> [https://perma.cc/NC83-FQ8E] (discussing the Trump administration’s departure from previous administrations in immigration enforcement and the resulting economic and social effects).

11. See Sellers, *supra* note 10 (acknowledging the difference between past Republican presidents and the Trump administration); Escobari, Seyal & Beach *supra* note 10 (discussing the Trump administration tactics designed to induce fear in communities, including highly visible raids at sensitive places like churches, hospitals and outside of schools).

economy.¹² Despite the nation's heavy reliance on all immigrants,¹³ the Trump administration has significantly worsened antagonism towards non-white immigrants, especially among Republican voters.¹⁴ The Trump administration is a great example of divisiveness and misplaced priorities, as seen in its focus on implementing anti-immigrant policies at the expense of the country's economy.¹⁵ The good news is that, even as an anti-immigrant president, he frames the English declaration as one to help newcomers. As stated in his Executive Order declaring English as the official language, the measure purports to help new Americans:

In welcoming new Americans, a policy of encouraging the learning and adoption of our national language will make the United States a shared home and empower new citizens to achieve the American dream. Speaking English not only opens doors economically, but it helps newcomers engage in their communities This order recognizes and celebrates the long tradition of multilingual American citizens who have learned English and passed it to their children for generations to come. To promote unity, cultivate a shared American culture for all citizens, ensure consistency in government operations, and create a pathway to civic engagement, it is in America's best interest . . . to designate one—and only one—official language.¹⁶

Therefore, adding a division to the Department of Labor that provides robust resources for Limited English Proficiency (LEP) and non-English-speaking workers to learn English squarely meets the President's goal of increasing English proficiency. Additionally, providing protections for LEP and non-English-speaking workers as they learn English will advance his goal of opening economic doors and helping "newcomers" achieve the American Dream. However, states and employers must not wait for the federal government to implement these resources and protections. States and employers must work together to help LEP and non-English-speaking workers, especially because many LEP and non-English-speaking workers work in dangerous industries, and adding a language barrier makes

12. Escobari, Seyal & Beach *supra* note 10 (showing evidence of this through the shock in local economies through decreased spending and employment loss which has exceeded the deportation to lost employee ratio).

13. As discussed throughout this Note, immigrants provide substantial economic benefits such as helping fill the labor shortage, creating jobs, and paying millions of dollars in taxes; yet 2024 voters elected a president who had a clear anti-immigrant stance.

14. See Matt Polacko, *Why Rising Inequality Drives Anti-Immigrant Voting in America*, THE LOOP <https://theloop.ecpr.eu/why-rising-inequality-drives-anti-immigrant-voting-in-america/> [<https://perma.cc/A8QC-FWHJ>] (discussing among other things, the change in immigration rhetoric and the immigration attitudes shift for the Republican party). The hostility specifically demonstrated in the 2024 election emphasized how divided the country is. See Daniel Costa, David Cooper & Heidi Shierholz, *Facts About Immigration and the U.S. Economy*, ECON. POL'Y INST. (Aug. 12, 2014), <https://www.epi.org/publication/immigration-facts/> (on file with the *Journal of Corporation Law*).

15. Daniel Costa, *Trump Attacks on Temporary Immigration Protections like TPS Hurt the Economy and Strip Millions of Their Workplace Rights*, ECON. POL'Y INST. (May 12, 2025), <https://www.epi.org/blog/trump-attacks-on-temporary-immigration-protections-like-tps-hurt-the-economy-and-strip-millions-of-their-workplace-rights/> (on file with the *Journal of Corporation Law*) ("There is convincing evidence that deportations will kill jobs and shrink the economy."); see also *infra* Part III.A–B for a discussion on the anti-immigrant policies and the negative effect on the economy.

16. Proclamation No. 14224, 90 Fed. Reg. 11363 (Mar. 1, 2025).

them more vulnerable to workplace injuries.¹⁷ The investment required to implement protections for LEP and non-English-speaking workers pales in comparison to the economic and social benefits they contribute.¹⁸ Supporting LEP and non-English-speaking workers is a practical, moral, and economic necessity that benefits all parties involved.¹⁹

Part II of this Note examines the history of English in the United States and its role in immigrant communities, including their marginalization. It also analyzes and discusses the limited protections for LEP and non-English-speaking workers provided by federal laws and agencies. Part II further addresses how the limited protections have been impacted by the Trump Administration. It highlights the enforcement and accessibility gaps disproportionately affecting LEP and non-English-speaking workers, particularly in hazardous industries that are critical to the economy.

Part III explores the role of the immigrant workforce in the United States and the shortcomings of federal and state protections for immigrants. Finally, Part IV argues that these gaps leave LEP and non-English-speaking workers vulnerable and proposes state-level solutions: specifying what employers should do to protect *all* their employees. The proposed laws would not only protect the workers who sustain the United States economy but also help meet the stated goals of Executive Order 14224 to help people learn English.²⁰

This Note focuses on the practical and political feasibility of state legislation and employer practices that protect immigrant workers, emphasizing the economic benefits of immigrant labor while leaving broader contributions to society beyond its scope. Immigrants contribute to society in ways that extend well beyond the economy, and they deserve basic rights and protections regardless of their economic contributions. This narrow focus, however, does not suggest that immigrants' rights should depend on their economic value; they should not. Nor does it diminish the broader effects of immigration enforcement on communities.²¹ Rather, this Note specifically focuses on the workforce and economy to analyze whether economic considerations can provide a politically and practically viable basis for protecting immigrant workers amid a deeply polarized immigration climate.

17. *Which Industries Employ the Most Immigrant Workers?*, USAFACTS (Nov. 6, 2025), <https://usa-facts.org/articles/which-industries-employ-the-most-immigrant-workers/> [<https://perma.cc/7U52-V64J>] (illustrating the high volume of workers in construction, meatpacking, agriculture, etc.); Ed Rosheim, *How Language Barriers Impact Job Safety—and What You Can Do About It*, WORKPLACE LANGUAGES, <https://www.workplace-languages.com/job-safety-language-impact/> [<https://perma.cc/H4CW-VWAM>].

18. Carl Davis, Marco Guzman & Emma Sifre, *Tax Payments by Undocumented Immigrants*, INST. ON TAX'N & ECON. POL'Y (July 30, 2024), <https://itep.org/undocumented-immigrants-taxes-2024/> [<https://perma.cc/8PP9-T67Q>] (discussing that undocumented immigrants alone “[i]n a large majority of states (40) . . . pay higher state and local tax rates than the top 1 percent of households living within their borders”).

19. Katie Brown, *Five Unexpected Ways Your Organization Will Benefit by Upskilling with English*, U.S. CHAMBER COM. FOUND. (Apr. 4, 2022), <https://www.uschamberfoundation.org/workforce/five-unexpected-ways-your-organization-will-benefit-upskilling-english> [<https://perma.cc/S7WS-28CS>].

20. Proclamation No. 14224, 90 Fed. Reg. 11363 (Mar. 1, 2025).

21. Amalia Chamorro, Sophia Rodriguez & Rimga Viskanta, *Immigration Enforcement and U.S. Schools: What Could Happen and What Education Leaders Can Do*, BROOKINGS (Jan. 13, 2025), <https://www.brookings.edu/articles/immigration-enforcement-and-u-s-schools-what-could-happen-and-what-education-leaders-can-do/> (on file with the *Journal of Corporation Law*) (discussing effects important of immigration enforcement on students, families, and higher education, including the potential reductions in the use of FAFSA).

II. BACKGROUND

A. *Immigrants, the Economy, and Racism in the United States*1. *English and the Constitution*

Although many have long believed that English has been the United States' official language,²² the United States did not have an official language until March 2025.²³ The Founding Fathers did not see a need to declare an official language when drafting the Constitution.²⁴ This was partly because the United States has historically had a diverse language landscape.²⁵ In fact, to “ensure sufficient debate and participation,”²⁶ the Constitution itself was “translated and distributed . . . in German and Dutch.”²⁷ Compared to other multilingual countries with an official language, the Founding Fathers thought it would offend those who fought for the country's independence and spoke different languages.²⁸ Although their idea was noble, not everyone has agreed, and the fact that the United States was founded on diversity has been ignored.²⁹ The Founding Fathers were right to think that declaring an official language would be divisive.³⁰ Today, linguistic diversity is a controversial topic, as evidenced by Executive Order 14224.

2. *The Historic Exclusion and Marginalization of Non-English Speakers*

English has been used to exclude and marginalize various minority groups for a long time.³¹ Enslaved Africans were not allowed to speak their native languages,³² nor learn how to read and write in English.³³ Native American children were forced into boarding schools, yet beaten for speaking their native languages.³⁴ Furthermore, English was also

22. See Kaur, *supra* note 5 (discussing that even an educated New York lawyer was not aware that English was not the United States' official language when he berated restaurant staff for speaking Spanish).

23. *Official Language of the United States*, USAGOV (Mar. 2, 2026), <https://www.usa.gov/official-language-of-us> [https://perma.cc/9TTY-DQAS] (previously stating there was no official language, it now shows one was declared on March 1, 2025).

24. Marla B. Somerstein, Comment, *Official Language A, B, Cs: Why the Canadian Experience with Official Languages Does Not Support Arguments to Declare English the Official Language of the United States*, 38 U. MIA. INTER-AM. L. REV. 251, 258–60 (2006).

25. Kaur, *supra* note 5.

26. *LSA Statement Against Designating English as the Official Language: Four Reasons Why English Should Not Be the Official Language of the United States: Statement Against White House Executive Order 'Designating English as the Official Language of The United States'*, LINGUISTIC SOC'Y AM. (Mar. 13, 2025) [hereinafter *LSA Statement Against Designating English as the Official Language*], <https://www.lsadc.org/lsa-statement-against-designating-english-as-the-official-language> [https://perma.cc/K8H6-TG8L].

27. *Id.*

28. Kaur, *supra* note 5 (discussing there was no need to declare an official language when English was dominant and the Founding Fathers “didn't want to offend their fellow Americans who helped fight for independence”).

29. Somerstein, *supra* note 24, at 258.

30. Kaur, *supra* note 5.

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*; Jason Cervone, *Using English to Oppress*, TRUTHOUT (Dec. 14, 2014), <https://truthout.org/articles/using-english-to-oppress/> [https://perma.cc/G3YS-455J].

used against the Deaf community.³⁵ The influx of new immigrants in the 19th century caused society to fear those who lacked assimilation, including Deaf children and adults.³⁶ This resulted in the suppression of American Sign Language (ASL) and negative effects on the Deaf community.³⁷

The English-only movement began when English was dominant.³⁸ It was rooted in racism and white supremacy, although the founders of this movement would not consider themselves racist.³⁹ This movement led to the negative treatment of bilingual students who struggled to manage two languages or spoke English fluently but with an accent.⁴⁰ The effects of this movement extended beyond the classroom, affecting most minority groups.⁴¹ The English-only movement has led to strong assimilation pressures and social disincentives against speaking it in public,⁴² resulting in many individuals losing their native languages.⁴³ This is not surprising given the rhetoric that certain anti-immigrant groups push, equating English with being “American” and characterizing non-English speakers as undocumented immigrants.⁴⁴

While the push to speak English is largely ill-founded, the importance of English in the United States cannot be denied. Not knowing the language often ostracizes individuals and limits their access to resources and financial growth.⁴⁵ For example, in the health industry, LEP and non-English speakers face access disparities,⁴⁶ even though many health

35. See Joseph J. Murray, *Deaf History: The 19th Century*, BRITANNICA, <https://www.britannica.com/science/deaf-history/The-19th-century> (on file with the *Journal of Corporation Law*) (discussing the forced assimilation for the deaf community to speak the “national[ly] spoken-language”).

36. *Id.* (discussing that the rise of oralism was driven by a desire to assimilate Deaf individuals into national spoken-language communities, fueled by nativist fears due to the influx of immigrants and the belief that speech training was essential for integration into modern American society. This also led to a reduction in ASL teachers and a shift of oralism as a primary teaching method).

37. *Id.*

38. Andrew Hartman, *Language as Oppression: The English Only Movement in the United States*, 14 POVERTY & RACE RSCH. ACTION COUNCIL, May/June 2005., at 1.

39. *Id.*

40. *Id.*; Cervone, *supra* note 34.

41. Hartman, *supra* note 38, at 1.

42. Dennis Baron, *The Legendary English-Only Vote of 1795*, <https://debaron.web.illinois.edu/essays/legend.htm> [<https://perma.cc/XPZ4-NETA>] (discussing that some states even went as far as banning the speaking of non-English languages in public: “[a]s many as eighteen thousand people were charged in the Midwest . . . with violating the English-only statutes”).

43. Mariela Guajardo, *When Learning English is Not Enough: Second Language Acquisition and Downward Assimilation*, 5 BSIS J. INT’L STUD. 1, 4–6 (2008) (emphasizing that the concerns that ‘new’ immigrants are resistant to assimilation are misplaced, with research showing that immigrant languages tend to fade within generations in the United States, which rapidly shifts toward English monolingualism). Nonetheless, bilingualism is still stigmatized, and those who speak other languages—even with English proficiency—are often unfairly seen as unassimilable. *Id.*

44. *Id.*; Terkel & Brand, *supra* note 6.

45. *Breaking Language Barriers: HHS Issues Division-Specific Language Access Plans from Across the Department*, U.S. DEP’T HEALTH & HUM. SERVS. (Aug. 8, 2024), [https://us.pagefreezer.com/en-US/wa/browse/0a7f82bb-be6e-448a-ae11-373d22c37842?find-by-timestamp=2025-01-02T05:49:59Z&url=https%3F%2Fwww.hhs.gov%2Fabout%2Fnews%2F2024%2F08%2F08%2F08%2Fbreaking-language-barriers-hhs-issues-division-specific-language-access-plans-from-across-department.html×tamp=2025-01-02T07:03:02Z](https://us.pagefreezer.com/en-US/wa/browse/0a7f82bb-be6e-448a-ae11-373d22c37842?find-by-timestamp=2025-01-02T05:49:59Z&url=https%3F%2Fwww.hhs.gov%2Fabout%2Fnews%2F2024%2F08%2F08%2Fbreaking-language-barriers-hhs-issues-division-specific-language-access-plans-from-across-department.html×tamp=2025-01-02T07:03:02Z) [<https://perma.cc/48S6-R9GJ>].

46. See *Limited English Proficiency and Health Care: How to Support Non-English Speakers*, MILKEN INST. SCH. PUB. HEALTH (Aug. 25, 2021), <https://onlinepublichealth.gwu.edu/resources/limited-english->

services are required to provide language support.⁴⁷ COVID-19 made this especially evident, and worsening disparities led to higher fatality rates for non-English-speaking patients,⁴⁸ even with resources translated into at least another language during the pandemic.⁴⁹ These disparities are likely to remain and worsen due to the declaration of English as the official language, even when language support requirements remain.⁵⁰

The English-only movement has long overlooked issues like these; supporters act as if the adoption of English as the official language alone is enough to meet its goal.⁵¹ However, if the goal is to promote English proficiency, the focus must be on providing free resources to facilitate this goal. This is especially important when simply declaring English as an official language fails to protect the vital LEP and non-English-speaking workers from abuse in transactions or in the workplace.⁵²

B. Federal Efforts to Reduce Exclusion and Marginalization of Non-English Speakers

In 1964, Congress enacted Title VI of the Civil Rights Act to ensure public funds were not used to support discrimination, in any way, prohibiting discrimination based on race, color, or national origin in federally funded programs or activities.⁵³ In 1974, the Supreme Court held that under the Act, national origin protection extended to language.⁵⁴ However,

proficiency-health-care-how-to-support/ [https://perma.cc/D33M-NKLT] (discussing the difficulties that language barriers added to accessing health services and how the pandemic worsened and underscored those disparities).

47. Mara Youdelman, *Despite New Executive Order, Language Access Is Still the Law!*, NAT'L HEALTH L. PROGRAM (Mar. 3, 2025), <https://healthlaw.org/despite-new-executive-order-language-access-is-still-the-law/> [https://perma.cc/J4HB-24JK] ("Title VI and Section 1557 apply to all health programs and activities funded by the federal government, operated by a federal agency, and created under Title I of the Affordable Care Act (including marketplaces and qualified health plans).").

48. *Id.*

49. *Print Materials, Graphics and More*, U.S. CTR. DISEASE CONTROL, <https://www.cdc.gov/project-first-line/hcp/communication-resources/index.html> [https://perma.cc/E3AA-KHBF] ("Spanish versions are available for most materials.").

50. Youdelman, *supra* note 47.

51. Designating English as the Official Language of the United States, 90 Fed. Reg. 11363 (Mar. 6, 2025), <https://www.federalregister.gov/documents/2025/03/06/2025-03694/designating-english-as-the-official-language-of-the-united-states> [https://perma.cc/WNT6-5RLK] (missing a discussion of how the goal of people learning English will be reached); Amado M. Padilla et al., *The English-Only Movement: Myths, Reality, and Implications for Psychology*, AM. PSYCH. ASS'N (1991), <https://www.apa.org/pi/oema/resources/english-only> [https://perma.cc/L7RR-9S9F] (discussing that English-only advocates argue that "only a national language policy will ensure language shift to English").

52. See Vernellia R. Randall, *Impact of English Language Movement, RACE, RACISM & L.* (Apr. 9, 2012), <https://racism.org/articles/citizenship-rights/language-and-english-only/575-engonly3> [https://perma.cc/PA2K-2DLE] (discussing the impacts of English-Only and English-Official laws on litigation, specifically, unfair consumer contracts negotiated orally in Spanish but written in English. For example, "defendants might rely on an Official English law to urge that a court should not obligate a business to translate unfair contract terms in favor of language minorities.") This example illustrates an existing problem even before English was declared the official language.

53. *Title VI of the Civil Rights Act of 1964*, U.S. DEP'T JUST.: CIV. RTS. DIV. (Mar. 24, 2025), <https://www.justice.gov/crt/fcs/TitleVI#> [https://perma.cc/8UPM-2JUG].

54. *Lau v. Nichols*, 414 U.S. 563, 568–69 (1974) (establishing the foundation for language assistance in federally funded programs).

because simply prohibiting discrimination was not enough, in 2000, President Clinton signed Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, to close the gap from solely prohibiting discrimination to setting forth compliance standards.⁵⁵ To ensure compliance with the Civil Rights Act and prevent discrimination based on national origin through language, the Order required all federal agencies to identify, develop, and implement a system to provide meaningful access to LEP applicants and beneficiaries.⁵⁶ This change, along with other protections,⁵⁷ helped LEP and non-English-speaking individuals access most state and health services.⁵⁸ Further, Title VII of the Civil Rights Act prohibits discrimination in the private sector by prohibiting employers from discriminating based on race, color, religion, sex, and national origin.⁵⁹

Nevertheless, even with these broad protections and the increase in the country's diversity, language protections remain insufficient, and the marginalization of LEP and non-English speakers continues to affect LEP and non-English-speaking workers today.⁶⁰ This is largely because the current laws and regulations designed to protect workers have significant language protection gaps.⁶¹ Those language protection gaps result in continued systemic barriers for LEP and non-English-speaking workers, like inadequate safety training⁶² and limited access to federally funded services.⁶³ This is true even when LEP and non-English workers are vital to their employers and greatly contribute to funding such services.

Unfortunately, these barriers will worsen in at least some crucial areas due to the confusion caused by the Trump Administration.⁶⁴

55. Proclamation No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000); Proclamation No. 14224, 90 Fed. Reg. 11263 (Mar. 1, 2025) (revoking Proclamation No. 13166).

56. *Id.* (stating that agencies who receive federal funds “must follow [the compliance standards] to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964”).

57. See *Limited English Proficiency (LEP)*, U.S. DEP’T HEALTH & HUM. SERVS. (July 18, 2025), <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html> [https://perma.cc/5S9K-CMF8] (discussing rights to access language services when accessing programs funded by the Department of Health and Human Services (HHS) under Title VI of the Civil Rights Act of 1964 and Section 1557 of the Affordable Care Act).

58. See *Plan for Improving Access to Services for Persons with Limited English Proficiency*, U.S. COMM’N ON CIV. RIGHTS, <https://www.usccr.gov/limited-english-proficiency-plan> [https://perma.cc/6SEL-TBJK] (discussing the inclusive measures taken to facilitate access to LEP and non-English speaking communities).

59. *Protections Against Discrimination and Other Prohibited Practices*, FED. TRADE COMM’N, <https://www.ftc.gov/policy-notice/no-fear-act/protections-against-discrimination> [https://perma.cc/ND3K-FCFJ].

60. See generally Adewale A. Maye & Stevie Marvin, *Examining the Economic Impact of Language Proficiency on AAPI Populations*, ECON. POL’Y INST. (June 18, 2024), <https://www.epi.org/blog/examining-the-economic-impact-of-language-proficiency-on-aapi-populations/> [https://perma.cc/3Q53-JB6G] (advocating for stronger language access for economic and social integration of LEP workers, especially Asian American and Pacific Islander, given their high rates of LEP individuals).

61. See *infra* Part III.B (discussing the gaps in federal protections for workers).

62. *The Importance of Native Language Safety Training*, HSI, <https://hsi.com/blog/importance-native-language-safety-training#> [https://perma.cc/56EC-G9WR].

63. Maye & Marvin, *supra* note 60.

64. See Suzy duMont-Perez, *New Analysis Warns: English Language Executive Order Will Jeopardize Care for More Than 25 Million*, LANGUAGE LINE SOLUTIONS (Nov. 4, 2025), <https://www.language-line.com/blog/new-analysis-warns-english-language-executive-order-will-jeopardize-care-for-more-than-25-million> [https://perma.cc/BJ3D-JTZU] (discussing confusion Executive Order 14224 could cause in healthcare).

C. *How the Trump Administration Has Undermined Federal Protections*

The public hostility and false narratives promoted by President Trump and his administration against nonwhite immigrants⁶⁵ have condoned racism and xenophobia towards non-white individuals.⁶⁶ As a result, even before passing any anti-immigrant laws, their rhetoric affected all non-white immigrants, not just undocumented individuals.⁶⁷ This rhetoric has also facilitated the “hard on immigration” policies.⁶⁸ During the first term, the Trump Administration passed many anti-immigrant policies,⁶⁹ but mainly focused on deportations and securing the border. Now, in the second term, the anti-immigrant policies have continued and expanded, targeting immigrants of all statuses by attacking language protections, DEI, and worker protections.⁷⁰

The Trump administration claims to target the “worst of the worst” but the data demonstrate otherwise, as children and individuals with no criminal history have been affected by its immigration policies.⁷¹ The Administration’s anti-immigrant rhetoric and emphasis on achieving record levels of deportations have contributed to dehumanizing tactics, as reflected in the White House’s social media posts, and have left people of color, regardless of status, as vulnerable targets.⁷² The vulnerability was exacerbated by the Supreme Court’s preliminary decision in *Noem v. Vasquez-Perdomo*.⁷³ The Court stayed the lower court’s injunction, permitting ICE agents to continue considering race and ethnicity, among other factors, in certain immigration stops.⁷⁴ The combination of the Trump Administration’s hostile rhetoric, its emphasis on deportation numbers, and the Supreme Court’s decision has contributed to the arrest and, in some cases, death of lawful United States Citizens and other individuals with status, despite their lawful presence and the absence of

65. See generally Mónica Vereá, *Anti-Immigrant and Anti-Mexican Attitudes and Policies During the First 18 Months of the Trump Administration*, 13 NORTEAMÉRICA 197 (2018), <https://www.scielo.org.mx/pdf/namerica/v13n2/2448-7228-namerica-13-02-197.pdf> [<https://perma.cc/RMH2-S9FF>] (discussing the Trump administration’s anti-immigrant rhetoric that has impacted all non-white foreigners, documented and undocumented).

66. *Id.*

67. *Id.*

68. *Id.*

69. *Id.*

70. Designating English as the Official Language of the United States, 90 Fed. Reg. 11263 (Mar. 6, 2025) [hereinafter Designating English]; Youdelman, *supra* note 47; Celine McNicholas et al., *100 Ways Trump Has Hurt Workers in His First 100 Days*, ECON. POL’Y INST. (Apr. 25, 2025), <https://www.epi.org/publication/100-days-100-ways-trump-hurt-workers/> [<https://perma.cc/QAL4-C6VQ>].

71. See generally Naureen Shah, *We Documented 1,200+ Actions by ICE. Here’s What We Found.*, ACLU (July 16, 2026), <https://www.aclu.org/news/immigrants-rights/we-documented-1200-actions-by-ice-heres-what-we-found> [<https://perma.cc/ZE9M-UBYC>] (showing data many of the individuals, including children, who have been detained are not “the worst of the worst” with Tom Homan, Senior White House Official, admitting “at least half of those ICE is currently arresting have no criminal record”).

72. *Racial Profiling Rampant After Supreme Court Ruling*, ACLU: WI (Apr. 2, 2026), <https://www.aclu-wi.org/news/racial-profiling-rampant-after-supreme-court-ruling/> [<https://perma.cc/X4HX-UUMK>]; Gabriel R. Sanchez & Edward D. Vargas, *Racial Profiling by ICE Will Have A Marked Impact on Latino Communities*, BROOKINGS (Oct. 16, 2025), <https://www.brookings.edu/articles/racial-profiling-by-ice-will-have-a-marked-impact-on-latino-communities/> [<https://perma.cc/6S4D-MCPN>].

73. *Racial Profiling Rampant After Supreme Court Ruling*, *supra* note 72.

74. *Id.*; *What the Supreme Court Did and Did Not Say*, MALDEF, <https://www.maldef.org/wp-content/uploads/2025/09/Noem-v-Vasquez-Perdomo-Advisory-V2-09.18.25.pdf> [<https://perma.cc/BV7V-9SFQ>].

apparent threat.⁷⁵ Thus, rather than merely targeting individuals who pose a threat to public safety, the Administration's approach has undermined prior federal efforts to protect individuals from discrimination.

1. Reverting Civil Rights Progress

"Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination."⁷⁶ While many may agree with former President John F. Kennedy's 1963 statement—or even feel it is common sense—the Trump administration is undermining this principle and the protections many fought hard to obtain.

Executive Order 14224, which designates English as the official language, states that agencies and agency heads *do not* need to change, amend, remove, or otherwise stop the non-English services they provide as they see fit "to fulfill their respective agencies' mission and efficiently provide Government services to the American people."⁷⁷ While the protections of Titles VI and VII of the Civil Rights Act of 1964, along with other language protections,⁷⁸ remain in effect, the enforcement mechanisms have been hindered by this vague message.⁷⁹ This vagueness, coupled with the anti-immigrant policies and worsened sentiment,⁸⁰ has hurt language access and protections in all areas.⁸¹

75. Shah, *supra* note 71 (discussing that ICE has shot and killed individuals without status who did not pose a danger or had any criminal history).

76. *Title VI of the Civil Rights Act of 1964*, *supra* note 53 (discussing overview of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000 and statement of President John F. Kennedy).

77. Designating English, *supra* note 70.

78. Mara Youdelman, *What is Required Under Title VI and Section 1557 to Ensure Language Access for Individuals with Limited English Proficiency?*, NAT'L HEALTH L. PROGRAM (May 9, 2024), <https://health-law.org/wp-content/uploads/2024/05/T-VI-and-Sec-1557-explainer-2024.pdf> [<https://perma.cc/2NA7-F9EB>].

79. Jacob Hofstetter, *Shifting Priorities: How the Official English Executive Order Could Affect Language Access Efforts*, MIGRATION POL'Y INST. (Mar. 2025), <https://www.migrationpolicy.org/news/official-english-order-language-access> [<https://perma.cc/5QCC-TRGM>] (discussing uncertainty in agency language services at the federal, state, and local level).

80. Molly Weston Williamson, *The Trump Administration Has Made 150 Million American Workers Newly Vulnerable to Workplace Discrimination*, CTR. AM. PROGRESS (Mar. 6, 2025) [hereinafter *The Trump Administration Has Facilitated Discrimination on Workers*], <https://www.americanprogress.org/article/the-trump-administration-has-made-150-million-american-workers-newly-vulnerable-to-workplace-discrimination/> (on file with the *Journal of Corporation Law*) (discussing the administration's stance of immigration, DEI and budget cuts); Laurence Benenson & Nicci Matthey, *The First 100 Days of the Second Trump Administration: Key Immigration-Related Actions and Developments*, NAT'L IMMIGR. F. (Apr. 28, 2025), <https://immigrationforum.org/article/the-first-100-days-of-the-second-trump-administration-key-immigration-related-actions-and-developments/> [<https://perma.cc/TZH3-MN4C>]; Will Weissert & Jill Colvin, *Why Trump's Alarmist Message on Immigration May Be Resonating Beyond His Base*, ASSOCIATED PRESS (Apr. 1, 2024), <https://apnews.com/article/border-immigration-trump-biden-rhetoric-2024-election-327c08045edcc200f850d893de6a79d6> [<https://perma.cc/R8RS-Z7TU>] (discussing how the anti-immigrant sentiment is extending to more than just republicans).

81. See *Language Access: Trump Administration Reverses Decades of Progress*, RED LINE FOR CIV. RIGHTS (Mar. 15, 2026), <https://redlinecivilrights.org/language-access-the-trump-administration-reverses-decades-of-progress/> [<https://perma.cc/H28H-FG6M>] (discussing how the Trump Administration has dismantled language protections under the "What Has Changed?" heading). The following sections also discuss how the Administration has affected equal protections for all, focusing on workers.

2. *Equal Employment Opportunity Commission: Forced Away from Its Mission*

Title VII of the Civil Rights Act “makes it illegal [for employers] to discriminate . . . [based on] race, color, religion, sex . . . or national origin.”⁸² The Equal Employment Opportunity Commission (EEOC) is tasked with enforcing this and other laws against job discrimination.⁸³ To aid compliance, the EEOC requires employers to “post notices describing the Federal laws prohibiting job discrimination” in locations readily accessible by employees and applicants.⁸⁴ These posting requirements include a “Know Your Rights” poster to ensure workers are aware of their rights.⁸⁵

These posters are available in over ten languages; however, the EEOC does not generally require postings to be made in languages other than English.⁸⁶ Nevertheless, employers are strongly encouraged to make multilingual postings when large portions of their workforce are not literate in English.⁸⁷ Doing this helps employers show they are making good-faith efforts to ensure their workers understand their rights.⁸⁸ In fact, EEOC settlements have often required these additional postings, along with staff training and distributing anti-discrimination policies in other languages to their staff.⁸⁹ While the Commission remains in place, the President’s comments about ‘unlawful DEI’ and his actions weakening the Commission have affected its priorities and enforcement of sex and race discrimination.⁹⁰ As a result, litigation and settlements like these have become uncertain due to the EEOC’s priorities shifting and its enforcement mechanisms weakening.⁹¹

3. *A Gutted DOL— Who Will Protect Workers’ Rights?*

The Department of Labor’s (DOL) responsibilities are broad and crucial. It is tasked with “administer[ing] federal labor laws to guarantee workers’ rights to fair, safe, and

82. 42 U.S.C. § 2000e-2; § 2000e (codifying that sex includes but is not limited to “pregnancy, childbirth, and related medical conditions”) Further, the EEO also protects against retaliation for asserting EEO rights such as opposing discrimination or participating in an EEO process. *Questions and Answers: Enforcement Guidance on Retaliation and Related Issues*, U.S. EQUAL EMP. OPPORTUNITY COMM’N, <https://www.eeoc.gov/laws/guidance/questions-and-answers-enforcement-guidance-retaliation-and-related-issues> [https://perma.cc/VZ28-8FLA].

83. *What Laws Does EEOC Enforce?*, U.S. EQUAL EMP. OPPORTUNITY COMM’N, <https://www.eeoc.gov/youth/what-laws-does-eeoc-enforce> [https://perma.cc/J6YZ-RTTE].

84. *Employers*, U.S. EQUAL EMP. OPPORTUNITY COMM’N, <https://www.eeoc.gov/employers#> [https://perma.cc/XBF6-RZPE].

85. *‘Know Your Rights: Workplace Discrimination is Illegal’ Poster*, U.S. DEP’T LAB., <https://www.eeoc.gov/poster> [https://perma.cc/LU23-CA8D].

86. Allen Smith, *Employers Must Comply with Maze of Foreign-Language Posting Requirements*, SHRM (Feb. 2, 2024), <https://www.shrm.org/topics-tools/employment-law-compliance/foreign-language-posting#> [https://perma.cc/937Q-G5GE].

87. *Id.*

88. *Id.*

89. *Id.*

90. Williamson, *supra* note 80 (explaining that “the EEOC’s acting chair [stated] the commission will focus on ‘rooting out unlawful DEI-motivated race and sex discrimination’—working against, rather than in support of, efforts to pursue racial equity. In the face of increasing anti-immigrant attacks, the EEOC will prioritize ‘protecting American workers from anti-American national origin discrimination’ rather than guarding immigrant workers against discrimination.”).

91. Litigation has become uncertain in these areas so with that, settlements too. Williamson, *supra* note 80; Maye & Marvin, *supra* note 60; Standaert, *infra* note 154.

healthy working conditions, including minimum hourly wage and overtime pay, protection against employment discrimination, and unemployment insurance.”⁹² Employees vulnerable to discrimination rely heavily on the DOL, its subdivisions, and the EEOC for protection, especially since Title VI does not generally cover private employers.⁹³ The DOL has helped replicate Title VI’s language protections by clarifying that, “[n]ational origin discrimination can involve treating applicants for employment or employees of DOL unfavorably because of their actual or perceived place of birth, country of origin, ancestry, native language, accent, or because they are perceived as looking or sounding ‘foreign.’”⁹⁴

Worker protections acknowledge the need to protect vulnerable workers—yet even when a language is widely spoken amongst LEP or non-English-speaking employees, the DOL and EEOC only *encourage* employers to post notices of employees’ rights in another language, instead of requiring them.⁹⁵ Failing to require employers to post a notice of workers’ rights in at least the language common among LEP or non-English-speaking employees facilitates discrimination against vulnerable workers.⁹⁶ This problem will continue to worsen as the Trump administration dismantles the DOL and its subdivisions.⁹⁷

4. Worker Deaths to Increase Amid Trump’s War on Workers

A critical subdivision of the DOL is the Occupational Safety and Health Administration (OSHA). OSHA was created to “assure America’s workers have safe and healthful working conditions”⁹⁸ It carries out this mission by striving for “a national system of worker safety and health protections” by “setting and enforcing standards . . . providing and supporting training, outreach, education, and assistance;” and collaborating with state OSHA programs to ensure that “they are at least as effective as federal OSHA”⁹⁹ OSHA covers most private employers, providing numerous rights for employees.¹⁰⁰ Some of the most important employer requirements¹⁰¹ include providing a workplace “free from recognized hazards [which may] caus[e] or are likely to cause death or serious physical

92. U.S. Department of Labor (DOL), USA GOV, <https://www.usa.gov/agencies/u-s-department-of-labor#> [<https://perma.cc/XMV8-CNH2>].

93. As discussed in Part II.B, Title VI addresses discrimination in public service access for federally funded programs, while Title VII addresses discrimination in the workplace. *National Origin Discrimination*, U.S. DEP’T LAB., <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/National-Origin-Discrimination#> [<https://perma.cc/9DHH-LRMZ>].

94. *Id.*

95. *Frequently Asked Questions: Posters*, U.S. DEP’T LAB., <https://webapps.dol.gov/dolfaq/go-dol-faq.asp?faqid=546&topicid=17#> [<https://perma.cc/LHQ3-TM55>] (“Question: Do [employers] have to post the federal workplace posters in languages other than English?”); *id.* (discussing that except in narrow circumstances, the Department of Labor does not require, only encourages employers to post in other languages).

96. *By Gutting Department of Labor, Trump Is Making American Workers Suffer Again*, AFGE (Apr. 28, 2025) [hereinafter *Trump Is Making American Workers Suffer Again*], <https://www.afge.org/article/by-gutting-department-of-labor-trump-is-making-american-workers-suffer-again/> (on file with the *Journal of Corporation Law*).

97. *Id.*; see also Standaert *infra* note 154 (discussing the federal enforcement drops in wage and workplace safety during the Trump Administration).

98. *About OSHA*, U.S. DEP’T LAB.: OCCUPATIONAL SAFETY & HEALTH ADMIN., <https://www.osha.gov/aboutosha> [<https://perma.cc/DWJ6-5DYR>].

99. *Id.*

100. *Id.*

101. For this Note’s purposes and scope.

harm”¹⁰² and providing “safety training in a language and vocabulary employees can understand.”¹⁰³

Unfortunately, President Trump’s attack on workers has jeopardized worker safety.¹⁰⁴ Like the DOL, OSHA has been gutted by the Trump administration.¹⁰⁵ The administration has reduced existing worker protections in two major ways. First, it has passed numerous anti-worker policies and eliminated protections. Next, it has closed and eliminated several OSHA offices, laying off thousands of employees and possibly compromising active investigations.¹⁰⁶ This will likely lead to increased workplace injuries and deaths, affecting elderly, people of color, and immigrant workers disproportionately, “Data . . . make [it] clear that weakening workplace safety standards and enforcement will disproportionately put older workers, workers of color, and immigrant workers at risk Black and Latino workers are more likely to die on the job, with Latino workers having the highest workplace fatality rate.”¹⁰⁷

Sadly, this is not surprising, especially since the protections for LEP and non-English-speaking workers were already weak and could easily be overlooked. OSHA has long recognized the danger that language barriers can pose, translating many of its resources into over ten languages.¹⁰⁸ Yet even when a language is commonly spoken among LEP or non-English-speaking workers, employers are only encouraged—but not required—to post notices in a language other than English.¹⁰⁹ This is an administrative oversight since language barriers have also been associated with increased workplace safety risks.¹¹⁰

By failing to address this critical gap, OSHA fails to accomplish its mission of “assuring America’s worker safety.”¹¹¹ The Trump administration has made OSHA’s mission more difficult to accomplish, increasing the need for stronger protections for all workers, but especially for LEP and non-English-speaking workers, since they are some of the most vulnerable.¹¹²

102. *Employment Law Guide*, U.S. DEP’T LAB., <https://webapps.dol.gov/elaws/elg/osha.htm#https://perma.cc/LV9U-JT3G>].

103. *Employer Responsibilities*, U.S. DEP’T LAB.: OCCUPATIONAL SAFETY & HEALTH ADMIN., <https://www.osha.gov/workers/employer-responsibilities#https://perma.cc/T7W4-TNBF>].

104. Emma Cohn & Jennifer Sherer, *Too Many Workers Die on the Job Every Year. Trump’s Attacks on OSHA Will Kill More*, ECON. POL’Y INST. (Apr. 29, 2025), <https://www.epi.org/blog/too-many-workers-die-on-the-job-every-year-trumps-attacks-on-osha-will-kill-more/> [https://perma.cc/D4ZH-R6CD]; McNicholas et al., *supra* note 70; *Trump Is Making American Workers Suffer Again*, *supra* note 96 (“OSHA ensures safe working conditions Without OSHA, workers in the United States, especially in high-risk industries like construction, agriculture, and mining, would be at much greater risk of injury or death.”).

105. Cohn & Sherer, *supra* note 104 (discussing how the Trump administration has affected workers in more than just wages and firings, it has also reduced protections provided by OSHA).

106. *Id.*

107. *Id.*

108. *OSHA Cares Job Safety and Health Workplace Poster*, U.S. DEP’T LAB.: OCCUPATIONAL SAFETY & HEALTH ADMIN., <https://www.osha.gov/publications/posterhttps://perma.cc/X54U-RV5H>].

109. *Id.*

110. Teri Hale, *Training in Native Language Makes Workplaces Safer*, SHRM (Jan. 24, 2014), <https://www.shrm.org/topics-tools/news/risk-management/training-native-language-makes-workplaces-saferhttps://perma.cc/D9DV-MXB2>] (discussing that OSHA estimated language barriers to be a contributing factor in 25% of workplace accidents, even before the Trump administration changes).

111. *About OSHA*, *supra* note 98.

112. Benenson & Matthey, *supra* note 80; Adewale A. Maye & Stevie Marvin, *States Must Safeguard Language Access for AAPI Communities as Trump Undermines Federal Protections*, ECON. POL’Y INST. (May 22,

D. *Relied on but Not Protected: The Paradox of Immigrants in the U.S.*

1. *The United States' Never-Ending Demand for Immigrant Labor*

Immigrants have been filling openings in essential occupations and stabilizing the workforce for a long time.¹¹³ In agriculture specifically, the need for immigrant labor dates to World War I.¹¹⁴ Since the 1940s, foreign seasonal workers have been brought to the United States to fill the labor shortage in all industries.¹¹⁵ The *Bracero Program* was one of the first programs created to mitigate these labor shortages.¹¹⁶ This program brought millions of Mexican workers into the United States to work.¹¹⁷ When the program ended for many controversial reasons,¹¹⁸ including the horrible way workers were treated, all workers in this sector were negatively affected.¹¹⁹ Shortly after, new temporary programs were created to replace the *Bracero Program*, demonstrating a continued need for foreign labor.¹²⁰

Due to the lack of strong federal and state protections for LEP and non-English speaking workers, and the historical vulnerabilities agricultural workers have faced, federal agricultural guest-worker programs incorporated safeguards to prevent worker abuse.¹²¹ The *Bracero Program* underscored the importance of these safeguards to protect seasonal workers who rely on their employers for necessities like housing and transportation,¹²² specifically when there is a language barrier.¹²³ Unfortunately, even with these protections,

2025), <https://www.epi.org/blog/states-must-safeguard-language-access-for-aapi-communities-as-trump-undermines-federal-protections/> [<https://perma.cc/M2K2-5DGH>] (“Without language accessibility, these communities are at greater risk of being denied . . . their labor rights—including protections against wage theft, unsafe working conditions, and discrimination.”). This is especially concerning since they work in some of the most dangerous industries. *See generally infra* Part II.D (discussing the Trump Administration’s impact on OSHA, the DOL, and other protections for workers, especially its impact on workers who are essential and already vulnerable, like LEP workers).

113. *New Data Reveals How Immigration Can Help Meet Labor Demands and Move the U.S. Economy Forward*, AM. IMMIGR. COUNCIL (May 4, 2022), <https://www.americanimmigrationcouncil.org/news/new-data-reveals-how-immigration-can-help-meet-labor-demands-and-move-us-economy-forward> [<https://perma.cc/Y7K2-W54H>].

114. Philip Martin, *Mexican Braceros and U.S. Farm Workers*, WILSON CTR. (July 10, 2020), <https://www.wilsoncenter.org/article/mexican-braceros-and-us-farm-workers#> [<https://perma.cc/4FBG-9WF2>].

115. *Id.*

116. Alejandro Gutiérrez-Li, *Feeding America: How Immigrants Sustain U.S. Agriculture*, BAKER INST. PUB. POL’Y (July 19, 2024), <https://www.bakerinstitute.org/research/feeding-america-how-immigrants-sustain-us-agriculture> (on file with the *Journal of Corporation Law*).

117. *Id.*

118. *Id.*

119. Neri-Lainé & Rapoport *infra* note 191, at 9–10.

120. Sadikshya Nepal, *Primer: Evolution of the H-2A Visa Program*, BIPARTISAN POL’Y CTR. (Sept. 15, 2021), <https://bipartisanpolicy.org/explainer/primer-h2a-visa/#> (on file with the *Journal of Corporation Law*). This Note will discuss these programs in more depth towards the end of this Part and throughout following Parts.

121. *Id.*

122. *See* Nepal, *supra* note 120 (discussing that employers under this program must provide housing, insurance, transportation, and meals).

123. One of the safeguards included requiring employers to provide H-2A workers with written contracts in a language they can understand. *Id.*

worker abuse continues to exist, sometimes resembling slavery.¹²⁴ Protection and monitoring gaps facilitated the abusive conditions.¹²⁵ The 2024 “Final Rule” sought to address these gaps by strengthening worker protections, compliance monitoring, and penalties for violators.¹²⁶ Although the Final Rule’s protections have since been halted, its reinstatement or adoption of similar protections remains plausible, as severe labor shortages prompt farmers and agricultural organizations to advocate for changes to these programs.¹²⁷

Opponents of the Final Rule argued that if “American” workers did not already have the rights afforded by the Final Rule, why should “alien” workers?¹²⁸ This ill-founded position highlighted an important problem. Workers in the U.S. lack strong protections; notably, there is a gap in legal protections for workers with limited English proficiency. With nearly 30 million Americans lacking English proficiency,¹²⁹ it is troubling that strong workplace language protections remain limited, particularly because many LEP and non-English-speaking individuals work in dangerous industries.¹³⁰ The protection gap is especially concerning because immigrants, some of whom lack English proficiency, are vital to the workforce and economy, as they work in every industry, are among the highest taxpayers,¹³¹ and, if they are not United States citizens, have limited access to government services.¹³²

2. *Dispelling Political Myths with Data: Immigrants Are Essential to Sustaining the U.S. Economy*

President Trump and his supporters conveniently ignore immigrants’ important contributions, claim “illegals” steal jobs, and abuse the country’s tax dollars.¹³³ These myths could not be further from the truth, and the anti-immigrant movement is hurting the country. To illustrate, a 2022 report found that by 2030, millions of jobs will go unfilled without foreign workers due to the “gap between the demand and a diminishing supply of [United

124. *Id.*; Andrea Hsu & Ximena Bustillo, *America’s Farms Are Desperate for Labor. Foreign Workers Bring Relief and Controversy*, NPR (July 27, 2023), <https://www.npr.org/2023/07/27/1187682674/farm-workers-guest-workers-h-2a-visa-agricultural-harvest-farm-labor> [<https://perma.cc/DX7D-GQSU>].

125. Improving Protections for Workers in Temporary Agricultural Employment in the United States, 89 Fed. Reg. 33898 (Apr. 29, 2024) (codified at 29 C.F.R. pt. 501) [hereinafter *Improving Protection for Workers*].

126. Improving Protections for Workers, *supra* note 125.

127. *NPRM: Recission of Final Rule: Improving Protections for Workers in Temporary Agricultural Employment in the United States*, U.S. DEPT. OF LAB. WAGE & HOUR DIV., <https://www.dol.gov/agencies/whd/agriculture/h2a/nprm> [<https://perma.cc/PSW6-N3B7>] (showing the proposal to amend and rescind provisions); *Ag Labor Reform Is Critical to America’s Food Supply*, THE ZIPLINE (Apr. 15, 2026), <https://www.fb.org/the-zipline/ag-labor-reform-is-critical-to-americas-food-supply> [<https://perma.cc/RPF4-9VHT>].

128. *Kansas v. U.S. Dep’t of Lab.*, 749 F. Supp. 3d 1363, 1369 (S.D. Ga. 2024).

129. *Overcoming Language Barriers*, *infra* note 245.

130. See Part II.C (addressing immigrant workers and the industries they work in).

131. Davis, Guzman & Sifre, *supra* note 18 (stating that while most immigrants are documented, this is a good illustration of their contributions).

132. Gutiérrez-Li, *supra* note 116, at tbl. 1; Weber, *infra* note 178.

133. *Protecting the American People Against Invasion*, WHITE HOUSE (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/> [<https://perma.cc/CN2Z-ZMFR>] (“Many have abused the generosity of the American people, and their presence in the United States has cost taxpayers billions of dollars at the Federal, State, and local levels.”).

States]-born workers.”¹³⁴ The Trump administration has worsened this gap through deportations and terminations of status, negatively affecting our workforce.¹³⁵ Employers have already begun “scramble[ing] to solve worker shortages caused by immigration crack-downs,” with some resorting to hiring family members.¹³⁶ Florida has even introduced a bill to remove restrictions for minors in response to losing immigrant workers.¹³⁷

Immigrants contribute to all industries, such as the entire food sector,¹³⁸ educational and health services, professional and business services, construction, manufacturing, and more.¹³⁹ Losing immigrants will hurt all industries and negatively affect the economy.¹⁴⁰ Notably, immigrants are more likely to be employed and pay more in taxes than the average person: “[i]n 2023 alone, immigrants paid \$1.3 trillion in taxes”¹⁴¹ During COVID-19, the essential role of *all* immigrants was evident, with 69% of undocumented workers’ jobs classified as ‘essential.’¹⁴² Foreign-born individuals were more likely to work essential jobs than native-born workers, making up nearly half of the meatpacking workforce and sustaining the food industry.¹⁴³ Immigrants were on the front line during the pandemic, and though many jobs became hazardous due to the pandemic, immigrant jobs did not “become” hazardous—the pandemic just amplified the existing hazards.¹⁴⁴ Immigrants and temporary workers have been working hazardous jobs for a long time to keep the United

134. *New Data Reveals How Immigration Can Help Meet Labor Demands and Move the U.S. Economy Forward*, *supra* note 113.

135. Ryan Golden, ‘I Can’t Find Any Help’: Employers Scramble to Solve Worker Shortages Caused by Immigration Crackdowns, HR DIVE (Apr. 28, 2025), <https://www.hrdive.com/news/trump-worker-shortage-immigration-crackdown/746481/> [<https://perma.cc/BA68-GVUR>]; Eva Roytburg, *The Deportation Economy Is Backfiring on American Workers, Top Economist Warns*, FORTUNE (Aug. 7, 2026), <https://fortune.com/2026/08/07/deportation-economy-july-jobs-report-immigrants-ice-raids/> [<https://perma.cc/L8J2-2CJY>].

136. *Id.*

137. *Id.*

138. *Covid-19: Immigrant Workers Are Essential in Securing U.S. Food Supply Chain*, AM. IMMIGR. COUNCIL (Apr. 16, 2020) [hereinafter *Immigrant Workers Are Essential*], <https://research.newamericaneconomy.org/report/covid-19-immigrant-food-workers/> [<https://perma.cc/6QTK-AY9Z>].

139. Anna Shepperson, *Immigrants Are Key to Filling U.S. Labor Shortages, New Data Finds*, AM. IMMIGR. COUNCIL (July 2, 2024), <https://immigrationimpact.com/2024/07/02/immigrants-fill-us-labor-shortages-map-the-impact/> [<https://perma.cc/LSB2-SK2U>].

140. *Id.* (“Almost one in every seven people in the United States is an immigrant . . . immigrants—including those who are undocumented—make crucial contributions through their work in vital industries, starting businesses, and paying taxes.”).

¹⁴¹ David J. Bier, *Immigrants Pay More in Taxes Than the Average Person*, CATO INST. (Apr. 15, 2026), <https://www.cato.org/blog/immigrants-pay-more-taxes-average-person> [<https://perma.cc/YL25-YFBK>] (discussing that, even calculating the, 761 billion in immigrant received in benefits, there is still “a net fiscal surplus of over half a trillion dollars in a single year”).

142. Julia Ainsley, *Sixty-Nine Percent of Undocumented Immigrant Workers Have Jobs ‘Essential’ to Fighting Covid, Says Study*, NBC NEWS (Dec. 16, 2020), <https://www.nbcnews.com/politics/immigration/sixty-nine-percent-undocumented-immigrant-workers-have-jobs-essential-fighting-n1251390> [<https://perma.cc/5D3B-8PZU>].

143. Maria Frausto, *New Research Reveals Role of Immigrants in America’s Meat and Dairy Industries*, AM. IMMIGR. COUNCIL (July 20, 2022), <https://www.americanimmigrationcouncil.org/news/new-research-reveals-role-immigrants-americas-meat-and-dairy-industries> [<https://perma.cc/NDR5-B6RQ>].

144. Tom Jawetz, *Immigrants as Essential Workers During COVID-19*, CTR AM. PROGRESS (Sept. 28, 2020), <https://www.americanprogress.org/article/immigrants-essential-workers-covid-19/> (on file with the *Journal of Corporation Law*).

States economy afloat, “often at significant personal risk—with far too little recognition or reward.”¹⁴⁵ This tendency did not change, even when non-native workers’ quick return to the labor force led to economic recovery for all Americans; society did not recognize their bravery.¹⁴⁶ The new administration has not only worsened this lack of recognition but has also attacked their limited work protections and their access to the programs they contribute greatly to.

3. Reducing the Already Limited Protections for Immigrants

The Trump administration has worked hard to eliminate workers’ protections, which will disproportionately subject minority workers to enhanced dangers.¹⁴⁷ In large part because many immigrants already work in the “top ten most dangerous jobs in America,” including the food sector, construction, agriculture, and manufacturing.¹⁴⁸ These sectors employ immigrants from non-English-speaking countries who often have limited English proficiency or do not speak it.¹⁴⁹ The language barrier before the Trump administration already enhanced workers’ vulnerability,¹⁵⁰ as evidenced by the population-to-injury ratio.¹⁵¹ Training in a language that workers understand naturally helps make workplaces safer.¹⁵² This, in turn, reduces work injuries and likely reduces costs for employers and the state¹⁵³ by reducing litigation costs from workers’ compensation suits.

145. *Id.*; see Todd Hollingshead, *Praising Essential Workers Is Not Just a Good Thing, It’s Critical*, *BYU Study Finds*, *BYU* (Apr. 12, 2022), <https://news.byu.edu/praising-essential-workers-is-not-just-a-good-thing-its-critical-byu-study-finds> (on file with the *Journal of Corporation Law*) (discussing how not all essential workers received praise); see also *A Master List of COVID-19 Discounts & Deals for Nurses & Healthcare Heroes*, *TNAA* (Apr. 15, 2020), <https://tnaa.com/blog/a-master-list-of-covid-19-deals-for-nurses-healthcare-heroes> [<https://perma.cc/2M7V-PT3H>] (providing a list of corporations that gave essential health care workers discounts during the pandemic).

146. Jawetz, *supra* note 144; IMMIGRANTS ARE VITAL TO THE U.S. ECONOMY, *JOINT ECON. COMM.* 1, 3 (2021), <https://www.jec.senate.gov/public/index.cfm/democrats/2021/4/immigrants-are-vital-to-the-u-s-economy> [<https://perma.cc/3XKZ-LYHQ>] (following the PDF access to “Related Files”).

147. Cohn & Sherer, *supra* note 104.

148. *Industry Incidents and Rates: Most Dangerous Industries*, *NAT’L SAFETY COUNCIL* (2024), <https://injuryfacts.nsc.org/work/industry-incidence-rates/most-dangerous-industries/> (on file with the *Journal of Corporation Law*); *Is Agriculture the Most Dangerous Industry*, *VINCIWORKS* (June 3, 2019), <https://vinciworks.com/blog/making-farming-safe/> [<https://perma.cc/F38C-LBXA>].

149. Sean McGoey, *Workplace Fatalities on the Rise: These Are the Top 10 Most Dangerous Jobs in America*, *PHILOMATH NEWS* (Apr. 17, 2024), <https://philomathnews.com/workplace-fatalities-on-the-rise-these-are-the-top-10-most-dangerous-jobs-in-america/> [<https://perma.cc/4PR2-2G7N>]; *Which Industries Employ the Most Immigrant Workers?*, *supra* note 17; Stephanie Kramer & Jeffrey S. Passel, *What the Data Says About Immigrants in the U.S.*, *PEW RSCH. CTR.* (Aug. 21, 2025), <https://www.pewresearch.org/short-reads/2024/09/27/key-findings-about-us-immigrants/#> [<https://perma.cc/WD2E-C9YC>].

150. Rosheim, *supra* note 17.

151. In 2022, Hispanics or Latinos made up 22.7% of the total fatal work injuries while only making up about 19.1% of the labor force. *Number of Fatal Work Injuries by Race or Ethnic Origin*, *U.S. BUREAU LAB. STAT.*, <https://www.bls.gov/charts/census-of-fatal-occupational-injuries/number-of-fatal-work-injuries-by-race-or-ethnic-origin.htm> [<https://perma.cc/HR78-4GWW>]; *Expanded Data for Detailed Hispanic or Latino Groups Now Available*, *U.S. BUREAU LAB. STAT.* (Oct. 6, 2023), <https://www.bls.gov/blog/2023/expanded-data-for-detailed-hispanic-or-latino-groups-now-available.htm#> [<https://perma.cc/X2RK-PFMC>].

152. See *Expanded Data for Detailed Hispanic or Latino Groups Now Available*, *supra* note 151 (discussing workplace injuries for Hispanic and Latino groups).

153. See *Employer Responsibilities*, *supra* note 103 (“OSHA encourages all employers to adopt a safety and health program. Safety and health programs, known by a variety of names, are universal interventions that can

The Trump Administration has weakened OSHA's ability to ensure protection for all workers, leaving already vulnerable workers worse off.¹⁵⁴ Before the Trump Administration, it was already hard enough to ensure that employers were "provid[ing] safety training in a language and vocabulary workers can understand."¹⁵⁵ Without requiring employers to post these rights in a language their employees understand, minority workers, including LEP and non-English-speaking workers, will remain disproportionately vulnerable to workplace injuries.¹⁵⁶ Coupling this language barrier with the reduced worker protections and anti-immigrant rhetoric is a formula for disaster.¹⁵⁷

4. *The Role States and Employers Play in Worker Protections*

Immigrant and LEP workers' vulnerabilities are shaped not only by gaps in federal protections but also by state-level policies.¹⁵⁸ Before 2025, the English-only movement motivated thirty-two states to pass English-only and English-official laws.¹⁵⁹ These state laws often exacerbated vulnerabilities by declaring the language without establishing language access policies; notably, only five of the thirty-two states passed such a policy.¹⁶⁰ States generally took one of two approaches when declaring English as their official language.¹⁶¹ Some states adopted English as the official language and added protections for non-English speakers, recognizing the need for accessibility in services or the presence of

substantially reduce the number and severity of workplace injuries and alleviate the associated financial burdens on U.S. workplaces.").

154. Siobhan Standaert, *Worker Protections in Freefall: The Collapse of Federal Labor Enforcement under the Second Trump Administration*, GOOD JOBS FIRST (Dec. 2025), <https://goodjobsfirst.org/worker-protections-in-freefall-the-collapse-of-federal-labor-enforcement-under-the-second-trump-administration/> [<https://perma.cc/9SAK-W2QZ>] (showing the reduced staff and enforcement).

155. *Employer Responsibilities*, *supra* note 103. This enforceability was difficult because OSHA does not require posting notices in other languages, even in workplaces where there are many LEP and non-English workers. This makes it hard to know how compliant employers are with this training. *See* Smith, *supra* note 86. Logically, if non-English speaking workers do not know they have that right, they cannot file a complaint against their employer for such a violation. This concern is worsened by "[e]mployers hav[ing] the right to require compliance officers to obtain an inspection warrant before entering the worksite." *OSHA Fact Sheet: Occupational Safety and Health Administration (OSHA) Inspections*, OCCUPATIONAL SAFETY & HEALTH ADMIN. (Aug. 2016), <https://www.osha.gov/sites/default/files/publications/FACTSHEET-INSPECTIONS.pdf> [<https://perma.cc/YPX6-HXM7>].

156. *Number of Fatal Work Injuries by Race or Ethnic Origin*, *supra* note 151 and accompanying text; *Expanded Data for Detailed Hispanic or Latino Groups Now Available*, *supra* note 151 and accompanying text; Cohn & Sherer, *supra* note 104.

157. Rosheim, *supra* note 17.

158. Maye & Marvin, *supra* note 60.

159. Caroline Cummings, *Special Report: Impacts of English as Iowa's Official Language*, IOWA'S NEWS NOW (May 10, 2019), <https://cbs2iowa.com/news/local/special-report-iowas-official-language> (on file with the *Journal of Corporation Law*).

160. *See generally* Art Moore, *32 States Make English Official Language*, WORLDNETDAILY (Jan. 24, 2018), <https://www.wnd.com/2018/01/32-states-make-english-official-language/> [<https://perma.cc/57RZ-CJA2>] (showing the 32 states that have English as their official language); *see also* Maye & Marvin, *supra* note 60 (using both the Moore and Maye & Marvin, articles, it is shown that out of the 32 states with English policies, only California, Hawaii, Illinois, Massachusetts and North Carolina have language access policies).

161. Moore, *supra* note 160. Other states with English as their official language are Arizona, Alabama, Alaska, Arkansas, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia and Wyoming. *Id.*

other dominant languages.¹⁶² Others took a more restrictive path, offering minimal protections for LEP and non-English speakers¹⁶³—even in states where another language is widely spoken.¹⁶⁴

These varying approaches can be seen in states like California and Florida, which, despite being among the states with the highest immigrant populations, declared English as their official language.¹⁶⁵ California implemented robust measures to ensure access to resources for non-English speakers,¹⁶⁶ while Florida failed to provide many language access measures.¹⁶⁷ Nevertheless, out of the states that did declare English as their official language, most took additional steps to ensure access to services in at least some localities.¹⁶⁸ The additional steps largely ensured access to public services and health care.¹⁶⁹

162. See Lyle Therese A. Hilotin-Lee, *Bilingual Ballots Requirements: Your Voting Language Rights*, FINDLAW (Feb. 16, 2024), <https://www.findlaw.com/voting/how-u-s-elections-work/bilingual-ballots-and-the-voting-rights-act.html> (on file with the *Journal of Corporation Law*) (discussing how some translations are mandated but some States go further than what is required).

163. Some states even want to bar “any language other than English be used in any documents, regulations, orders, transactions, proceedings, meetings, programs or publications.” See Moore, *supra* note 160.

164. See Corey Mitchell, *Some States with ‘English-Only’ Laws Won’t Offer Tests in Other Languages*, EDUCATIONWEEK (Oct. 24, 2017), <https://www.edweek.org/policy-politics/some-states-with-english-only-laws-wont-offer-tests-in-other-languages/2017/10> [<https://perma.cc/U683-ANVB>] (discussing that some states do not want to help non-English speakers by translating assessment tests, citing their English-official constitution language); Maye & Marvin, *supra* note 60 (showing only 13 states and Washington, D.C. have state wide language access policies, many states with high LEP population lack this policy).

165. *U.S. Immigrant Population by State and County*, MIGRATION POL’Y INST. (Nov. 18, 2024), <https://www.migrationpolicy.org/programs/data-hub/charts/us-immigrant-population-state-and-county> (on file with the *Journal of Corporation Law*); Joyce Hahn & Lauren Medina, *Where Do Immigrants Live?: How Immigrants Have Dispersed Throughout the Country*, U.S. CENSUS BUREAU (Apr. 9, 2024), <https://www.census.gov/library/stories/2024/04/where-do-immigrants-live.html> [<https://perma.cc/3Q78-XMPL>].

166. See *infra* Part III.C. Other states like Nebraska implemented LEP plans to help make state services, like transportation, more accessible, see generally *Limited English Proficiency Plan*, NEB. DEP’T TRANSP. (2024), <https://dot.nebraska.gov/media/rngflsav/ndot-limited-english-proficiency-plan.pdf> [<https://perma.cc/UFQ2-QNW2>] (showing Nebraska’s 2024 Department of Transportation Limited English Proficiency Plan); *Office of Employment and Training Limited English Proficiency Plan*, NEB. DEP’T LAB. (June 2019), <https://dol.nebraska.gov/webdocs/getfile/61d4cb76-63a9-4353-bfc3-f50f4cc189f0> [<https://perma.cc/3WP8-TFVP>].

167. See *infra* Part III.C. Florida provides general protections such as voting assistance, see *Language Assistance for Voting*, FLA. DEP’T STATE, <https://dos.fl.gov/elections/for-voters/voting/language-assistance-for-voting/> [<https://perma.cc/CC2V-JR8D>].

168. See generally Jacob Hofstetter, Margie McHugh & Anna O’Toole, *A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies*, MIGRATION POL’Y INST. (Oct. 2021), https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021_final.pdf [<https://perma.cc/X4KV-HFJ4>] (analyzing strengths and weaknesses of state and local laws and policies that aim to help with language access and how these plans may provide meaningful language access for all); see also Mara Youdelman, *Summary of State Law Requirements Addressing Language Needs in Health Care*, NAT’L HEALTH L. PROGRAM (Apr. 2019), <https://healthlaw.org/wp-content/uploads/2019/04/Language-Access-NHELP-50State-Survey.pdf> [<https://perma.cc/7GDH-QYHR>].

169. See generally Hofstetter, McHugh & O’Toole, *supra* note 168 (discussing how state laws and policies focus on language access for services relating to public service, safety, and health access).

Some employers went further to address workplace language access,¹⁷⁰ but protections have greatly lagged in this area from both states and employers.¹⁷¹

Today, only 13 states and Washington, D.C. have statewide language access policies.¹⁷² This means only 13 states are somewhat equipped to handle the approach the President took when declaring English as the country's official language. President Trump's approach did not follow the states' approach of declaring English and adding at least *some* protections; instead, he stripped protections and caused uncertainty in the remaining protections by lifting the language access plan mandate.¹⁷³ This approach, coupled with the reduced worker protections, will not only reduce access to state services but also facilitate discrimination in the workplace. If states and employers do not come together to implement inclusive language policies and end language protection inconsistencies, workers with limited English proficiency will suffer.¹⁷⁴ Failing to do this would go against employers' and states' interests, as the worker shortage worsens due to anti-immigrant policies; protecting every worker they do have is important.

Moreover, simply declaring English as an official language¹⁷⁵ will not magically help people learn English; resources must be provided for non-English speaking individuals to learn. Providing resources is long overdue to effectuate the proposed goal of promoting fluency, economic growth, and helping newcomers engage in all aspects of their community.¹⁷⁶ Additionally, it is illogical to remove protections since learning English will be a process, and the millions of people who are not proficient must remain protected while they are learning. Failing to provide these resources and protections goes against the basic principle of Title VI of the Civil Rights Act, especially since immigrants are some of the highest

170. See generally IMPROVING WORKPLACE OPPORTUNITIES FOR LIMITED ENGLISH-SPEAKING WORKERS: AN OVERVIEW OF PRACTICE IN THE MANUFACTURING SECTOR, U.S. DEP'T EDUC.: OFF. VOCATIONAL & ADULT EDUC. (2006) [hereinafter IMPROVING WORKPLACE OPPORTUNITIES FOR LIMITED ENGLISH-SPEAKING WORKER], <https://jfforg-prod-new.s3.amazonaws.com/media/documents/ImprovWplaceELL.pdf> [<https://perma.cc/E4R3-LDNP>] (showing examples of employers who implemented plans for LEP workers in the workplace to improve English proficiency).

171. *Id.* at 29–31.

172. Maye & Marvin, *supra* note 60.

173. See generally *supra* Part I (discussing that President Trump declared English as the official language and did not provide protections).

174. Maye & Marvin, *supra* note 60 (discussing language access importance and its effect on workers, even though this focuses primarily on the AAPI population, it still generally applies); Jeanne Batalova, *Frequently Requested Statistics on Immigrants and Immigration in the United States*, MIGRATION POL'Y INST. (Mar. 13, 2024), <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-2024> (on file with the *Journal of Corporation Law*).

175. *LSA Statement Against Designating English as the Official Language*, *supra* note 26 (“Official English policies do not improve economic prospects for those who arrive in the U.S. speaking another language, nor do they improve communication for those who live in multilingual communities.”).

176. IOWA CODE § 1.18(2) (2025) (reaffirming English to “facilitate[e] participation in the economic, political, and cultural activities of this state and of the United States”); *LSA Statement Against Designating English as the Official Language*, *supra* note 26 (stating the goals of declaring English as the official language are to help not hurt).

taxpayers,¹⁷⁷ and failing to do so would further limit access to public services, even with language protections still in place.¹⁷⁸

Given that anti-immigrant policies are diminishing our workforce and projections indicate that by 2030 millions of jobs will go unfilled without foreign-born workers, protecting all workers within the United States is crucial for our economic growth and stability.¹⁷⁹ The Trump administration has chosen prejudice over economic success, removing worker protections and people. Employers and states need to do what they can to protect and retain their existing workers. When the federal government is reducing worker protections and increasing worker deaths, states must do something to mitigate this. Especially since, before this, states made efforts to provide meaningful language access, now they have stronger incentives to protect their workers.

III. ANALYSIS

A. *Choosing Prejudice Over Prosperity: The Economic Cost of Trump's War on Immigrants*

The growing hostility toward immigrants presents a serious problem: the very individuals upon whom the United States increasingly relies on are being subjected to exploitative labor conditions, social marginalization, and racism.¹⁸⁰ Such treatment is not only ethically wrong but also economically foolish.

Immigration and immigrants have been a contentious topic for a long time, but in 2024, immigration was the second most pressing issue for American voters.¹⁸¹ While less of a concern for Democrats and Independent voters, immigration was the top issue for Republicans, outranking inflation.¹⁸² This is not surprising, given Republicans' position

177. Davis, Guzman & Sifre, *supra* note 18 (highlighting while most immigrants are documented, this is a good illustration).

178. Gutiérrez-Li, *supra* note 116, at tbl. 1; Alexandra Weber, *Dispelling 10 Common Myths About Immigrants and Refugees*, INT'L INST. NEW ENG. (Apr. 26, 2024), <https://iine.org/2024/04/dispelling-10-common-myths-about-immigrants-and-refugees/> [<https://perma.cc/6365-AMUP>] (explaining when undocumented, they are already generally prohibited from using government services, adding a language barrier without a language access plan for otherwise eligible beneficiaries this goes against the Title VI Act).

179. See *New Data Reveals How Immigration Can Help Meet Labor Demands and Move the U.S. Economy Forward*, *supra* note 113 (noting projections); Andrew Tisch, *America Is Shrinking Its Workforce At The Worst Possible Time*, FORBES (May 28, 2026), <https://www.forbes.com/sites/andrewtisch/2026/05/28/the-real-immigration-tragedy/> [<https://perma.cc/XEP6-KYQK>] (citing diminishing workforce and discussing that the foreign and immigrant labor force removed cannot easily be replaced; “[t]he Trump administration’s Labor Department acknowledged this in an October 2025 Federal Register filing, warning that ‘near total cessation of the inflow of illegal aliens presents a sufficient risk of supply shock-induced food shortages’ — and that unemployed Americans ‘will not make themselves available in sufficient numbers, even at current wage levels, to fill the significant labor shortage in the agricultural sector’”).

180. See Part II.D (discussing the historic and continuing reliance yet protections have maintained inadequate and as protections decrease for all workers, minorities are subject to increased danger); see *id.* (discussing exploitive and abusive conditions temporary workers have endured).

181. Andrew R. Arthur, *Harvard/Harris Poll Shows Immigration Second-Leading Issue Heading into Election*, CTR. IMMIGR. STUD. (Oct. 18, 2024), <https://cis.org/Arthur/HarvardHarris-Poll-Shows-Immigration-Second-Leading-Issue-Heading-Election> (on file with the *Journal of Corporation Law*).

182. *Id.*

on the border,¹⁸³ specifically, President Trump’s historically racist position on “building the Wall.”¹⁸⁴ The irony of this is that the same states that rely on immigrant workers to keep their meat and dairy industries, and more, afloat are the same ones that vote for anti-immigrant politicians working to deport the workforce whose states’ GDP relies on.¹⁸⁵

Notably, in 2022, three of the four metropolitan areas with the highest need for meat and dairy workers were within red states.¹⁸⁶ Of the states with the “highest number of postings” for meat and dairy jobs, all but one were red states.¹⁸⁷ Yet, many of the top agriculture states like Iowa¹⁸⁸—which have long relied on immigrant workers,¹⁸⁹ both documented and undocumented immigrant workers—tend to generally be anti-immigrant.¹⁹⁰ This may be due to the polarization of immigrants, and despite several studies debunking myths and outlining immigrant essentiality, President Trump and other politicians have successfully worsened anti-immigrant sentiment, exacerbating anti-immigrant myths.

This narrative has been used to justify their anti-immigrant, racist agenda, effectively worsening the persistent gaps in federal protections for minorities, and specifically, LEP and non-English-speaking workers. Why should *everyone* care about this? Besides the moral and ethical reasons, this rhetoric is hurting our economy. Some analysts estimate that President Trump’s proposed anti-immigrant plans could result in a 2.6% to 6.2% loss in our GDP, outweighing any possible GDP loss from tariff policies by two to five times.¹⁹¹ Proponents of mass deportations attempt to justify their hostile agenda by arguing that deportations would help the country’s affordability crisis, but simple economics rejects this argument.¹⁹² Any benefit derived from this would be trivialized by the loss of workers.¹⁹³

183. *Id.*

184. Mia Jankowicz, *A Timeline of Unfulfilled Promises Trump Made About His Border Wall, a Cornerstone of His 2016 Campaign Which Has Faded from View in 2020*, BUS. INSIDER (Sept. 6, 2020), <https://www.businessinsider.com/timeline-of-president-trumps-unfulfilled-border-wall-promises-2020-9> (on file with the *Journal of Corporation Law*).

185. Frausto, *supra* note 143; 2024 Presidential Election Interactive Map, 270 TO WIN (Nov. 7, 2024), <https://www.270towin.com/2024-election/interactive-map> [<https://perma.cc/M2J8-VPBZ>]; Arthur, *supra* note 181.

186. Frausto, *supra* note 143; 2024 Presidential Election Interactive Map, *supra* note 185.

187. Frausto, *supra* note 143; 2024 Presidential Election Interactive Map, *supra* note 185.

188. *Farm Income and Wealth Statistics - Farm Sector Financial Indicators, State Rankings*, USDA: ECON. RSCH. SERV. (Feb. 5, 2026), <https://data.ers.usda.gov/reports.aspx?ID=4048> [<https://perma.cc/6WA3-EGQN>] (showing Iowa as number two).

189. Lauren Avennatti, *Immigrant Workers Vital to Iowa Agriculture, Leaders Say Amid Enforcement Concerns*, IOWA’S NEWS NOW (Jan. 29, 2026), <https://cbs2iowa.com/news/local/immigrant-workers-vital-to-iowa-agriculture-leaders-say-amid-enforcement-concerns> [<https://perma.cc/ZH84-MZ34>].

190. See Skylar Tallal, *Iowa Governor Plans to Sign Controversial Immigration Bill Amid National Debate*, ABC 7 NEWS (Mar. 20, 2024), <https://wjla.com/news/nation-world/iowa-governor-plans-to-sign-controversial-immigration-bill-amid-national-debate-kim-reynolds-house-senate-deportation-port-of-entry-arrest-undocumented-migrants-supreme-court-texas-republicans-liability> [<https://perma.cc/AC3H-9JNR>] (discussing the Iowa Governor’s plan to sign anti-immigrant bill).

191. Matteo Neri-Lainé & Hillel Rapoport, *The Consequences of Trump’s Migration Policies*, PARIS SCH. ECON. (Feb. 2025), <https://www.parisschoolofeconomics.eu/app/uploads/2025/02/The-consequences-of-Trumps-migration-policies.pdf> [<https://perma.cc/NEX7-T256>].

192. Matt Egan & Maya Blackstone, *Grocery Prices Are High. Trump’s Mass Deportations Could Make Matters Worse*, CNN BUS. (Nov. 18, 2024), <https://www.cnn.com/2024/11/18/economy/economy-trump-deportation-grocery-inflation/index.html> [<https://perma.cc/Z5CD-XSVH>].

193. *Id.*

Previous mass deportations or exclusions have demonstrated the negative effects on the economy and non-immigrant workers.¹⁹⁴

The truth is, the United States has historically relied on immigrant workers, both documented and undocumented, to fill the workforce shortage;¹⁹⁵ a reliance that will likely never go away.¹⁹⁶ “Enforcing strong anti-immigration policies will exacerbate inequalities and have significantly negative macroeconomic consequences in the short and long run.”¹⁹⁷ Aggressive immigration enforcement hurts the economy and native-born workers.¹⁹⁸

To illustrate our economic reliance on immigrant workers, the myth that immigrants are stealing our jobs or making native-born workers’ conditions worse is not only false,¹⁹⁹ but the opposite is true. This fact has already been demonstrated in the effects that deportations have had on native-born workers.²⁰⁰ Scholars have found that instead of “stealing” native-born jobs, immigrants are more likely to fill positions employers struggle to fill.²⁰¹ Further, even if immigrants do “steal” *some* jobs, they are 80% more likely than native-born workers to start a business and create jobs.²⁰² Moreover, in the long run, they also help increase the average wage of less educated natives by 1.7% to 2.6%.²⁰³ Given the

194. Neri-Lainé & Rapoport, *supra* note 191 at 9–10 (discussing the historic negative effects large deportations have caused on native workers, such as decreased employment and wages).

195. See generally *supra* Part II.D, Part III.A (discussing how the United States has historically relied on documented and undocumented workers).

196. Chloe East, *The Labor Market Impact of Deportations*, BROOKINGS (Sept. 18, 2024), <https://www.brookings.edu/articles/the-labor-market-impact-of-deportations/> (on file with the *Journal of Corporation Law*) (discussing that research shows that “deportations [hurt] the U.S. labor market and . . . [worsen] labor market outcomes for U.S.-born workers”).

197. Neri-Lainé & Rapoport, *supra* note 191, at 10; see also Golden, *supra* note 135 (discussing reduced child protections in the workforce). This will likely further affect the minority workers that remain after the deportations and while that is not surprising, this is particularly troubling given their vital contributions to critical and dangerous industries such as agriculture, construction, and manufacturing.

198. *Id.*

199. Weber, *supra* note 178 (discussing that studies show that “the idea that immigrants are making things worse for U.S.-born workers is wrong. The reality is that the labor market is absorbing immigrants at a rapid pace, while simultaneously maintaining record-low unemployment for U.S.-born workers”); see Brennan Hoban, *Do Immigrants ‘Steal’ Jobs from American Workers?*, BROOKINGS (Aug. 24, 2017), <https://www.brookings.edu/articles/do-immigrants-steal-jobs-from-american-workers/> (on file with the *Journal of Corporation Law*) (discussing Trump’s motivating factors behind “the construction of a new U.S.-Mexico border wall, more border patrol agents, and stricter deportation policies—is his belief that immigrants are stealing job opportunities from American workers . . . [because] ‘[t]hey’re taking our jobs . . . They’re taking our money. They’re killing us’”).

200. Escobari, Seyal & Beach, *supra* note 10 (showing how deportations and the fear in communities have led to native workers losing their jobs and local businesses suffering).

201. Melissa De Witte, *Stanford Economist Debunks Defining Myths About Immigration in American History*, STAN. REP. (June 1, 2022), <https://news.stanford.edu/stories/2022/06/overturning-immigration-myths> (on file with the *Journal of Corporation Law*).

202. *Here’s How Immigrants Have Boosted the U.S. Economy*, WORLD ECON. F. (Sept. 17, 2020), <https://www.weforum.org/agenda/2020/09/immigrants-expand-the-us-economy/> [<https://perma.cc/YX25-8YH2>]; see generally Neri-Lainé & Rapoport, *supra* note 191 (discussing the negative effects projected for the economy due to the Trump Administration’s immigration policies and rhetoric).

203. See generally Neri-Lainé & Rapoport, *supra* note 191. Another irony is that native less educated voters, were more likely to vote for Trump. *Exit Polls*, NBC NEWS (Nov. 5, 2024), <https://www.nbcnews.com/politics/2024-elections/exit-polls> [<https://perma.cc/U787-TR42>] (citing “which best describes your education?” sections).

economic benefits immigrants provide, states and employers must enact legislation and policies that protect them. This is especially true for LEP and non-English speaking workers. Now more than ever, this is crucial since (documented and undocumented) immigrant workers will continue to be essential, and their workforce protections have decreased due to the anti-immigrant rhetoric and anti-worker policies.²⁰⁴

1. *Yes, America Needs Farmers—but Farmers Need Workers*

The essentiality of immigrant workers, documented and undocumented, is in part demonstrated by the heavy reliance on temporary visa programs.²⁰⁵ In the last two decades alone, the requested and approved H-2A visas have increased more than seven times.²⁰⁶ In 2022, the American Immigration Council found that the meat and dairy industry employers relied heavily on H-2A and H-2B visa programs to fill the jobs they were “unable to fill with American workers.”²⁰⁷ Farmers are struggling to stay in business or expand their production due to the labor shortage and expensive programs they are forced to use.²⁰⁸ A struggle shared in all United States food industries since these industries rely on immigrant workers,²⁰⁹ some of whom are temporary workers who leave after the allowed time, making the labor shortage a never-ending problem.²¹⁰ Employers urge reform as the temporary solutions are not enough to fill the shortage in these industries.²¹¹

Unfortunately, the shortage and inefficient temporary programs force employers to increase wages to attract workers.²¹² This, in turn, increases production costs and raises prices for consumers.²¹³ This is in part why meat and dairy product prices have increased,²¹⁴ further illustrating how essential foreign-born workers are in the food industry and for stabilizing food prices.²¹⁵ This essentiality will only grow in the next decade because it is predicted that “of the workers who will not reach age 65 . . . almost one in four

204. See generally Part II.C (discussing the decrease in worker protections due to the Trump Administration’s actions).

205. *Farm Labor*, USDA: ECON. RSCH. SERV. (Jan. 8, 2025), <https://web.archive.org/web/20250601105318/https://www.ers.usda.gov/topics/farm-economy/farm-labor> (on file with the *Journal of Corporation Law*).

206. *Id.*

207. Frausto, *supra* note 143.

208. *Agriculture*, AM. IMMIGR. COUNCIL, <https://www.americanimmigrationcouncil.org/about-immigration/agriculture/> [<https://perma.cc/9W72-J8Y3>].

209. *Id.* Immigrants help fill livestock, transportation, meat, and dairy-related jobs. Frausto, *supra* note 143. In 2022, one in four of the truck drivers in the meat and dairy industry were immigrants, one in five dairy farm workers were immigrants, and one in five livestock workers were foreign-born. *Id.*

210. *Id.*

211. *Id.* Meat producers have even asked the federal government to expand the H-2B visa program to allow full-year visas instead of the seasonal ones allowed under the current program. *Id.*

212. *Tending to America’s Food Supply: The Essential Role of Immigrants in America’s Meat and Dairy Industries*, AM. IMMIGR. COUNCIL (July 4, 2022), <https://www.americanimmigrationcouncil.org/research/tending-americas-food-supply-meat-dairy-industries> [<https://perma.cc/P5VF-B3GF>].

213. See *id.* (discussing the essential role of immigrant workers and how meat and dairy “price increases are due in part to higher wages employers must offer to attract workers”).

214. *Id.*

215. *Id.*

(24.0[%]) are foreign-born.”²¹⁶ This gap will likely increase with the new administration’s massive deportations, especially since, even before the deportations, millions of jobs would have remained unfilled even if every unemployed person in the United States found a job..²¹⁷

The Trump administration made this evident since it has even gone against its anti-immigrant rhetoric by temporarily increasing the number of allowed visas.²¹⁸ Especially since those visas often bring foreign workers from the same countries the Trump administration wants to “return” individuals to.²¹⁹ And as previously mentioned, while these programs are expensive and require a lot of work from the employer and the state,²²⁰ they are often employers’ only option to fill their job openings.²²¹ Even with the increased visas, however, these programs do not come close to meeting employers’ needs due to the continued labor shortage.²²²

Due to this reliance and increased hostility towards immigrants, lawmakers and employers should be looking for ways to attract and retain immigrant workers, especially with the new restrictions preventing many visas. Among many policies, declaring English as the official language without providing resources for LEP and non-English speakers to learn English is not going to help the problem.²²³ Moreover, repealing protections without offering strong guidance for employers on training LEP and non-English speaking workers is neither practical nor inclusive.²²⁴ Especially when the industries in which immigrant workers often work are dangerous, and adding a language barrier to this makes them much more vulnerable to workplace injuries.²²⁵ Adding protections for LEP and non-English speakers will help improve their workplaces by making them safer; this, in turn, might help attract and retain more immigrant workers and may help decrease food prices.

216. Stephanie F. Melhorn, *Understanding America’s Labor Shortage*, U.S. CHAMBER COM. (Nov. 21, 2023), <https://www.uschamber.com/workforce/understanding-americas-labor-shortage> [<https://perma.cc/7G4M-MHHF>].

217. *Id.*

218. *Temporary Increase in H-2B Nonimmigrant Visas for FY 2026*, U.S. CITIZENSHIP & IMMIGR. SERVS. (May 15, 2026), <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-2b-non-agricultural-workers/temporary-increase-in-h-2b-nonimmigrant-visas-for-fy-2025> [<https://perma.cc/T7JW-8LW4>]; see Nepal, *supra* note 120 (“Many of the H-2A farmworkers still come from Mexico, a vestige of the old Bracero program. For example, out of 442,000 total H-2A admissions in FY2019, 94% were Mexican nationals.”); *Trump’s Executive Orders and Latin America: Key Things to Know*, WOLA (Jan. 24, 2025), <https://www.wola.org/analysis/trumps-executive-orders-and-latin-america-key-things-to-know> [<https://perma.cc/9TN8-KCLJ>].

219. *Temporary Increase in H-2B Nonimmigrant Visas for FY 2026*, *supra* note 218; Nepal, *supra* note 120.

220. This program involves significant paperwork and due diligence by the state and employer, as both the state and employer must certify they were not able to hire domestic workers. *Temporary Increase in H-2B Nonimmigrant Visas for FY 2026*, *supra* note 218; Nepal, *supra* note 120.

221. Nepal, *supra* note 120.

222. *Id.*

223. See English as the Official Language, Hearing Before the Subcomm. on Educ. Reform of the H. Comm. on Educ. & the Workforce, 109th Cong. (July 26, 2006) (discussing concerns about Iowa Reaffirmation Act).

224. Cummings, *supra* note 159 (quoting State Rep. Mary Mascher, D-Iowa City, on Iowa’s English language declaration “law is not just a barrier to voting. [I]t could also have economic implications. ‘Iowa is in a situation where we have one of the lowest unemployment rates in the country and we need workers. [E]nglish only sends a message and it’s an unwelcoming one”).

225. See *supra* notes 43–47 and accompanying text (discussing dangerous industries and how adding a language barrier increases the workplace danger).

B. Why the Worsening Anti-Immigrant Rhetoric is Bad for the Economy

The change in rhetoric from targeting immigrants with criminal histories to targeting immigrants in general is hurting United States workers and the economy.²²⁶ The ability to attract qualified migrants to the United States strengthens the economy.²²⁷ That ability will continue to drop as hostility towards immigrants rises; the migration of high-skilled workers will decrease.²²⁸ Some states that already struggle to fill positions with higher qualifications, such as in the healthcare²²⁹ and STEM industries, rely on immigrants to fill those vacancies.²³⁰ All industries that rely on high-skilled migrants will suffer if the anti-immigrant rhetoric continues.

Moreover, immigrants often fill jobs that create jobs for native-born workers.²³¹ Further, they contribute to local demand for goods and services that create jobs, so as foreign-born workers decline, employment rates for native workers do too.²³² Immigrants not only help fill the labor shortage, but they also help the economy by paying significant amounts in taxes.²³³ In total, documented and undocumented immigrants pay \$651.9 billion in taxes, while only making up 14.3% of the population.²³⁴ Contrary to popular belief, 77% of immigrants are documented, with many undocumented individuals having special status to stay in the country.²³⁵ This statistic makes the contributions of undocumented immigrants alone more significant—paying nearly \$100 billion in taxes, while using little to no government services.²³⁶ Deportations will reduce the tax revenue at all levels of government by removing unauthorized immigrants and reducing the taxes that would have been paid by native-born workers, had they not lost their jobs.²³⁷

While their contributions are massive, the United States has failed immigrant communities by failing to provide meaningful access to services and protections from employer

226. Escobari, Seyal & Beach, *supra* note 10; East, *supra* note 196.

227. Neri-Lainé & Rapoport, *supra* note 191, at 3.

228. *Id.*

229. *States with Healthcare Shortages Turn to Foreign-Trained Doctors, Showing Bipartisan Immigration Policies Benefit All*, AM. IMMIGR. COUNCIL (Mar. 11, 2025), <https://www.americanimmigrationcouncil.org/blog/healthcare-shortages-foreign-trained-doctors-international-medical-graduates/> [<https://perma.cc/5HWV-PKLY>].

230. *Foreign-Born STEM Workers in the United States*, AM. IMMIGR. COUNCIL (June 13, 2022), <https://www.americanimmigrationcouncil.org/fact-sheet/foreign-born-stem-workers-united-states/> [<https://perma.cc/J8DG-LDDS>].

231. *Id.* By helping fill the childcare jobs, immigrants also allow native-born workers to re-enter the job market, such college educated mothers with young children.

232. *Id.*

233. Davis, Guzman & Sifre, *supra* note 18.

234. *Map the Impact*, AM. IMMIGR. COUNCIL (May 29, 2025), <https://data.americanimmigrationcouncil.org/map-the-impact/> [<https://perma.cc/WU2W-FCCT>] (clicking “Methodology” for immigrant definition, “[e]xcept where otherwise noted (e.g., “undocumented immigrant” or “DACA-eligible”), we define an immigrant as anyone born outside the country to non-U.S. citizen parents who is a resident of the United States. This includes naturalized citizens, green card holders, temporary visa holders, refugees, asylees, and undocumented immigrants, among others”).

235. Kramer & Passel, *supra* note 149.

236. Davis, Guzman & Sifre, *supra* note 18 (“In 2022, undocumented immigrants paid \$96.7 billion in taxes . . . [m]ore than a third of that amount . . . went toward funding social insurance programs that these individuals are barred from accessing . . .”).

237. East, *supra* note 196.

abuse.²³⁸ A failure that will only intensify under the Trump Administration through the removal of language access plans and the dismantling of the DOL, its subdivisions, and the EEOC.

The DOL, its subdivisions, and the EEOC help inform workers of their rights and protections in the workplace by requiring that workers' rights be posted in a place where applicants and workers can see the posting,²³⁹ and investigating employers when necessary. Because postings in another language are not required, even in workplaces with a high proportion of workers who lack English proficiency,²⁴⁰ employer compliance is difficult to monitor. Now, with the removed protections, those difficulties will increase, and those who lack English proficiency will be more vulnerable. This abuse will be endured more prominently by those with no or little English proficiency. This is because support systems have been weakened through the removal of language access plans, which helped promote LEP inclusivity in accessing most state resources and health services.²⁴¹ Even when language support is still required in some areas, the ambiguity that the removal of the mandate will cause is enough to increase access disparities and reduce support systems to report these incidents.²⁴²

Handicapping federal agencies that enforce workplace protections and employment discrimination,²⁴³ such as the DOL and the EEOC, will make accountability for discrimination far more difficult. The gaps in protections for non-English-speaking workers already make it hard to monitor violations and employer compliance. This increased difficulty makes it hard to know if all workers understand their rights and may enable violations, discrimination, and higher injury rates for vulnerable workers. The EEOC and OSHA wait until discrimination and injuries occur instead of working to prevent and reduce the harm by placing stronger safeguards to protect vulnerable workers.²⁴⁴ With the United States' heavy reliance on immigrant workers and nearly 30 million LEP individuals in the country,²⁴⁵ there needs to be a law that closes this gap and mandates the minimum protections for LEP and non-English-speaking workers to be posted in a language they understand, especially since English is now the official language. Why? In addition to the anti-immigration policies hurting the economy, allowing discrimination in workplaces also hurts the economy.²⁴⁶

238. Davis, Guzman & Sifre, *supra* note 18.

239. *Supra* Part II.C.

240. *Id.*

241. *Id.*

242. Youdelman, *supra* note 47.

243. *Protections Against Discrimination and Other Prohibited Practices*, *supra* note 59.

244. *Id.*; *Federal OSHA Complaint Handling Process*, U.S. DEP'T LAB.: OCCUPATIONAL SAFETY & HEALTH ADMIN., <https://www.osha.gov/workers/handling#> [<https://perma.cc/RDQ9-PESR>] (discussing that OSHA prioritizes inspections for imminent dangers, followed by fatalities or catastrophes involving hospitalization of three or more workers, which employers must report within eight hours).

245. Christine Robinson, *Overcoming Language Barriers*, SAFETY+HEALTH (Apr. 12, 2024), <https://www.safetyandhealthmagazine.com/articles/25292-overcoming-language-barriers> [<https://perma.cc/62HJ-6H4V>].

246. See Maye & Marvin, *supra* note 60 ("In fact—after extrapolating from widely cited research on the impacts of reduced discrimination on GDP per capita growth—we estimate that reduced discrimination boosted average living standards by \$4,932 per person since 1960.").

C. *Why States and Employers Must Work to Protect Their Workers to Bridge the Protections Gap*

The Trump administration's attack on workers and immigrants will affect every state's workforce.²⁴⁷ States and employers must act to protect their workforce, especially immigrants, since they are crucial in maintaining essential industries such as food, construction, and health care.²⁴⁸ Because states and employers cannot do much about deportations and terminations of status, they must do what they can to protect their workers amidst Trump's war against workers and immigrants, before their employers, local businesses, and economies suffer more than they already have.²⁴⁹

Employers, in particular, should take voluntary steps to go beyond minimum legal protections, as ESG-focused investors are increasingly scrutinizing how companies treat their employees, including safety measures.²⁵⁰ Patagonia is a good example of going above and beyond with worker protections,²⁵¹ and polls show that it has the "best reputation of any business in America."²⁵² Employer reputation matters, and more and more employers are working on their reputation, especially in today's boycott-prone climate.²⁵³ Reducing protections simply because they are no longer required would send a "not employee-friendly" message. Subjecting non-English-speaking workers to increased harm by failing to adequately train or inform workers of their rights, in a language they understand, is also not employee-friendly. Employers doing either of these things would not help a company's reputation.

247. Every state has immigrant and LEP workers, as previously discussed, they will be the most vulnerable and losing workers through deportations puts more pressure on the remaining workers. The aggressive deportations and ending of status for many will mean every state's workforce will suffer. Costa, *supra* note 15 (discussing how essential industries benefitted from TPS holders and are in danger of losing their workforce); Neri-Lainé & Rapoport, *supra* note 191.

248. Shepperson, *supra* note 139.

249. Escobari, Seyal & Beach, *supra* note 10 (showing how higher ICE surges has greatly affected cities, compared to those which have not had higher ICE surges).

250. See generally THE BUSINESS CASE FOR INVESTMENT IN SAFETY - A GUIDE FOR EXECUTIVES, NAT'L SAFETY COUNCIL (2013), <https://www.nsc.org/getmedia/d81515cc-57ba-4347-821e-4af731076260/journey-to-safety-excellence-safety-business-case-executives.pdf> [<https://perma.cc/DG6U-PXLN>].

251. Wendy Savage, *Protecting the Rights of Workers Who Make Our Products*, PATAGONIA (Nov. 13, 2024), <https://eu.patagonia.com/gb/en/stories/protecting-the-rights-of-workers-who-make-our-products/story-157223.html> [<https://perma.cc/C7FU-3RNE>]; *Employee Benefits*, PATAGONIA (May 17, 2025), <https://careers.patagonia.com/us/en/benefits> [<https://perma.cc/JD96-WNRK>].

252. While Patagonia does a lot to maintain this reputation, worker treatment and support in part contributes to this. See Amelia Arvesen, *Patagonia Has the Best Reputation of Any Business in America, Poll Shows*, OUTSIDE (June 13, 2023), <https://www.outsideonline.com/outdoor-gear/gear-news/patagonia-axios-harris-poll-2023/> [<https://perma.cc/HNQ8-H4QZ>] (discussing stance on politics and abortion rights for workers).

253. See generally Will Harvey, *Why Reputation Is Your Most Important Business Asset*, MELBOURNE BUS. SCH. (Jan. 27, 2025), <https://mbs.edu/news/why-reputation-is-your-most-important-business-asset> (on file with the *Journal of Corporation Law*) (discussing why reputation is important and help improve or maintain company reputation); see also Nathaniel Meyersohn, *Walmart, Target and Other Companies Warn About Growing Consumer Boycotts*, CNN BUS. (May 28, 2025), <https://www.cnn.com/2025/05/28/business/consumer-boycotts-walmart-target> [<https://perma.cc/7ATT-5NKG>].

States and employers should work to invest in LEP and non-English-speaking workers, because it would benefit them economically,²⁵⁴ but also help build a much-needed immigrant-friendly reputation.

1. California's Efforts to Protect Non-English-Speaking Residents

California is a good example of an immigrant-friendly state with extensive protections.²⁵⁵ The extensive protections²⁵⁶ require all state agencies to “make written materials or translation aids available in offices that perform statewide functions—as well as in offices that serve local communities.”²⁵⁷ This includes “all translated forms and translation aids, such as posters and pamphlets, must be available throughout the agency in those languages that met the 5% threshold”²⁵⁸ Nevertheless, even California does not have strong protections for LEP and non-English-speaking workers. There is no strong protection that specifically manages how LEP and non-English speakers receive key work documents, nor is there a law that encourages or requires employers to provide a document with free resources available for workers to learn English.

To retain and attract more workers in California, it is in California's interest to implement a mechanism that regulates how LEP and non-English speaking employees are given key documents and training materials, while encouraging or requiring employers to provide a document outlining free resources. This is important because California heavily relies on LEP and non-English speakers, and its official language has been English since 1986.²⁵⁹ Especially since California was among the states with the highest number of meat and dairy job postings mentioned earlier.

254. See generally IMPROVING WORKPLACE OPPORTUNITIES FOR LIMITED ENGLISH-SPEAKING WORKER, *supra* note 170 (discussing economically beneficial programs involving English learning initiatives, and lack of these good programs); AMANDA BERGSON-SHILCOCK, AMPLIFYING IMPACT: HOW POLICIES THAT COMBINE INVESTMENT IN ENGLISH LANGUAGE SKILLS WITH DIGITAL LEARNING PAY OFF FOR WORKERS AND BUSINESSES, 1, 3 (Nat. Skills Coalition, June 2020) (“Research even suggests that supporting foundational skill gains among adults who start off with lower skill levels (in this case, literacy) has a more powerful effect on per-capita [GDP] and labor productivity, compared to skill gains among adults who were already at a higher level to begin with.”) (citation omitted).

255. California has the most LEP residents in the United States and therefore has broader protections for LEP speakers. Chhandasi Pandya, Margie McHugh & Jenna Batalova, *Limited English Proficient Individuals in the United States: Number, Share, Growth, and Linguistic Diversity*, MIGRATION POL’Y INST. (Dec. 2011), <https://www.migrationpolicy.org/sites/default/files/publications/LEPatabrief.pdf> [<https://perma.cc/JNA6-YKB4>]; see Rob Bonta, *Limited English Proficient Consumers*, CAL. ATT’Y GEN. <https://oag.ca.gov/consumers/limited-english> [<https://perma.cc/XU8E-9TME>] (discussing state agencies that serve a substantial population of non-English speaking people's obligations and how to file a complaint if being targeted by scams or discrimination as an immigrant or LEP speaker).

256. Bonta, *supra* note 255.

257. *Cdfa Language Access Policy*, CAL. DEP’T FOOD & AGRIC., <https://www.cdfa.ca.gov/LanguageAccess.html#> [<https://perma.cc/MU8B-WZXR>].

258. *Id.*

259. Andrew Edwards, *English, Spanish Share Long History in California*, L.A. DAILY NEWS (Aug. 28, 2017), <https://www.dailynews.com/2010/07/18/english-spanish-share-long-history-in-california/> [<https://perma.cc/UT3B-KMPD>].

2. Iowa's Efforts to Retain Workers Through Language Access Rights

Iowa, unlike California, is a small Midwestern red state, but it still relies heavily on immigrant workers in many ways. In 2002, when Iowa declared English as its official language, former Representative Mary Masher expressed her concern about the negative effects Iowa's economy may feel in sending an unwelcoming message through its language declaration.²⁶⁰ Four years later, Governor Kim Reynolds announced a grant to help reduce language barriers in the workplace.²⁶¹ This grant provided \$357,470, funding “meaningful language programs at 11 different Iowa employers,”²⁶² supporting 465 program participants.²⁶³ Iowa Workforce Development has recognized that communication is key to success in the workforce, and with the right support, workforce barriers may be overcome.²⁶⁴ This grant is an important step in working to remove the language barrier in the workforce.²⁶⁵

Further, the Iowa Administrative Code Chapter 875.160 helps “employees who do not speak, read, write, or understand English well enough to understand the terms, conditions, and daily responsibilities of employment.”²⁶⁶ Under Code Chapter 875.160, employers with more than 100 hourly employees must always provide at least one interpreter, “where more than 10% of employees speak the same non-English speaking language.”²⁶⁷ This law always requires an interpreter on-site, and interpreters are expensive.²⁶⁸ If Iowa has managed to pass this law, it should be able to pass a law that manages which documents are translated for new employees. Moreover, Iowa's English Language Reaffirmation Act declares English as its official language to unite individuals of different backgrounds.²⁶⁹ Passing a law that requires employers to provide a document with free resources in the area or online, where LEP and non-English-speaking employees may learn English, would align with the Act's stated goals. For states like Iowa that are struggling to sustain their populations and economies without depending heavily on immigrants, being immigrant-friendly

260. See Cummings, *supra* note 159 and accompanying text. Efforts have been made to amend Iowa's English-only law enacted in 2002, although they have not been successful. *Bill History for Senate File 2068: Bill History for House File 2192*, IOWA LEGIS. <https://www.legis.iowa.gov/legislation/billTracking/billHistory?billName=SF2068&ga=89> [<https://perma.cc/4G9L-VA5L>]. Especially since one of Iowa's politicians, Representative Miller-Meeks wants to make English permanent as the United States' language. See Press Release, Representative Mariannette Miller-Meeks, Miller-Meeks Introduces Legislation to Codify Trump Executive Order Designating English as the Official Language of the U.S. (Mar. 28, 2025), <https://millermeeks.house.gov/media/press-releases/miller-meeks-introduces-legislation-codify-trump-executive-order-designating> [<https://perma.cc/PGR5-SZ57>].

261. *Iowa Grant Will Help Employers Lower Language Barriers in the Workplace*, BUS. RECORD (Mar. 11, 2023), <https://www.businessrecord.com/iowa-grant-will-help-employers-lower-language-barriers-in-the-workplace/> [<https://perma.cc/P9CP-8K8W>].

262. *Id.*

263. *Id.*

264. *Id.*

265. *Id.*

266. IOWA ADMIN. CODE r. 875–160.3 (2025) (discussing interpreter requirements, first effective in 2016, amended in 2025).

267. *Id.*

268. *Removing Language Barriers: Interpretation and Translation Services*, IOWA INT'L CTR., https://iowainternationalcenter.org/iowa_translation_interpretation_service/ [<https://perma.cc/GA8G-UXR5>].

269. Iowa Code § 1.18 (2024).

is crucial.²⁷⁰ While states may not be able to completely stop or reverse the harm that is caused by the current administration's war on immigrants, they can and should do everything they can to protect all their residents. With immigrant hostility growing, it is important that everyone feels safe. Educating state residents about the importance of immigrants for the state and debunking myths is a great way to prevent people from leaving smaller conservative states due to fear.

IV. RECOMMENDATION

The labor shortage has been a persistent problem in the United States for several decades, and the pandemic exacerbated this problem,²⁷¹ leaving millions of job openings unfilled.²⁷² The latest data show 8 million jobs open but only 6.8 million unemployed workers, with every industry actively hiring.²⁷³ To help deal with this, businesses are encouraged to remove barriers to workforce entry to increase their hiring pool, which may include improving protections for workers in the country.²⁷⁴

Today, this is especially crucial as the Trump administration has deported many and continues to work to make history by deporting and terminating legal status for millions of people.²⁷⁵ This has not only affected the labor force but also exacerbated existing pressures on the economy, which is already facing significant labor shortages.²⁷⁶ Due to this and many other reasons, the importance of protecting *all* workers has increased. All workers must be protected, and increasing protections to reduce turnover rates is a crucial step to help employers mitigate the worsening labor shortage.²⁷⁷

While many argue that increased immigration is the fix to the labor shortage problem,²⁷⁸ this Note does not directly touch on that solution. However, it does address the

270. See Ben Murrey & Andrzej Wieciorkowski, *Demographics Are Destiny: How Iowa's Demographics are Shaping the State's Population, Workforce, and Economy*, COMMON SENSE INST. IOWA (Feb. 13, 2025), <https://www.commonsenseinstituteus.org/iowa/research/workforce/demographics-are-destiny> [https://perma.cc/NTF4-XWK3]; *Iowa 2025 Competitive Dashboard*, IOWA BUS. COUNCIL (2025), https://www.iowabusinesscouncil.org/UserDocs/2025_iowa_competitive_dashboard.pdf [https://perma.cc/S29Q-QPKS].

271. Melhorn, *supra* note 216.

272. *Id.*

273. *Id.*

274. The U.S. Chamber of Commerce recommends this. *Id.*

275. Ariana Figueroa, *Trump Canceled Temporary Legal Status for More Than 1.5 Million Immigrants in 2025*, WLRN (Dec. 29, 2025), <https://www.wlrn.org/immigration/2025-12-29/trump-canceled-temporary-legal-status-for-more-than-1-5-million-immigrants-in-2025> [https://perma.cc/VCT5-38TC].

276. Escobari, Seyal & Beach *supra* note 10.

277. *Id.*; Christopher Bangert-Drowns, *U.S. Workers Will Be Hurt By Immigration Enforcement Overreach*, WASH. CTR. EQUITABLE GROWTH (June 17, 2026), <https://equitablegrowth.org/u-s-workers-will-be-hurt-by-immigration-enforcement-overreach/> [https://perma.cc/P3TY-K6YB]; see also Bryan Ice, *The Labor Shortage Is Also a Retention Problem*, RISK STRATEGIES (Mar. 11, 2022), <https://www.risk-strategies.com/blog/the-labor-shortage-is-also-a-retention-problem> [https://perma.cc/72GC-4QSG] (discussing the labor shortage highlights the need to prioritize employee retention by rejecting short-term, cost-cutting practices that cause high turnover). Investing in competitive pay, benefits, and sustainable business models, contribute to good company culture, as demonstrated by industry leaders like UPS and FedEx, and fosters a stable workforce and long-term success. *Id.*

278. Roy Maurer, *U.S. Employers View Immigration as a Solution to Labor Shortages*, SHRM (Apr. 25, 2023), <https://www.shrm.org/topics-tools/news/talent-acquisition/us-employers-view-immigration-solution-to-labor-shortages> [https://perma.cc/8A44-FWMZ]; Frausto, *supra* note 143. Andrew Lim, a research director at the

importance of the current immigrant workers in the United States and the need to protect them by providing adequate safety training, informing them of their rights, and pointing them to free resources where they can learn or improve their English.

The anti-immigrant rhetoric and political climate have emphasized the urgency of protecting vulnerable populations, such as LEP and non-English-speaking workers. This is especially important now, with English as the official language and decreasing worker protections.²⁷⁹ Rising hostility towards immigrant groups²⁸⁰ and reduced protections make it critical for states to protect immigrant workers, ensure workplace safety, and promote worker retention. This should align with the moral and economic interests of all employers and states, even in a polarized political climate.²⁸¹

A. States and Employers Work Together to Implement Protections for All Workers

Since the worker protections and the DOL at the federal level have been attacked by the Trump administration, it is up to the states and employers to work together to retain their workers.

1. New Law: Closing the Worker Protections Gap for LEP and Non-English Workers

To fully address the systemic challenges faced by LEP and non-English-speaking workers, states must work to close the gaps in federal protections and reject exclusionary English-only policies. First, this Note recommends that state agencies keep their language access plans in place to aid their LEP and non-English-speaking communities. Especially because they are not required to stop these plans or efforts, and doing so would likely result in more work in the future if and when they are required again. This Note proposes a law

American Immigration Council, speaks to this by emphasizing that the temporary visa programs only bring temporary solutions and advocating that the United States needs more than these temporary programs to stabilize the workforce and its food prices.

If the United States is to stabilize its food workforce and prices, it should consider expanding temporary work visa programs and implementing other long-term employment-based immigration reforms. This includes providing a path to citizenship for millions of the undocumented farmworkers in the U.S. today to address the labor needs of the meat and dairy industries and the agricultural sector more broadly. *Id.*

279. Fewer worker protections may lead to losing workers and undermining the state's overall economy. See Karla Walter, *Government on Workers' Side: How State and Local Policymakers and Advocates Can Raise Standards for Publicly Supported Work*, CTR. AM. PROGRESS (Jan. 31, 2024), <https://www.americanprogress.org/article/government-on-workers-side/#> (on file with the *Journal of Corporation Law*) ("Poor-quality jobs not only hurt workers but also undermine the quality of public goods and services, undercut the stability of local labor markets, and often result in hidden costs for the public.").

280. Audra D.S. Burch, *White Supremacist Incidents Are Rising Across the U.S.*, N.Y. TIMES (Nov. 21, 2024), <https://www.nytimes.com/2024/11/21/us/trump-neo-nazi-anti-government-groups.html> (on file with the *Journal of Corporation Law*).

281. This is especially true since states seem more willing to protect immigrants in the worker capacity, even if they do not in the individual one. For example, Iowa tries to help workers with little to no English proficiency, yet the Attorney General also fought to reverse a court ruling allowing non-English voter materials. Caleb McCullough, *Iowa AG Seeks to Reverse Court Ruling Allowing Non-English Voter Materials*, GAZETTE (Aug. 30, 2023), <https://www.thegazette.com/campaigns-elections/iowa-ag-seeks-to-reverse-court-ruling-allowing-non-english-voter-materials/> [<https://perma.cc/XRE8-CCCS>].

that will help close the gap in federal protections for LEP and non-English-speaking workers. It will also propose an optional but strongly recommended law that promotes English proficiency; it is especially encouraged now that English is the official language.

This law will have two components. First, each state creates a centralized “Know Your Rights” website, as is already done in some agencies,²⁸² and for other public service announcements.²⁸³ On this website, the state outlines the rights individuals have under state and federal law and what to do if those rights are violated. This website must be available in the top three languages spoken in the state²⁸⁴ and include a one-page summary with a QR code for employers to easily distribute.²⁸⁵ The QR code must include a description of what the QR code leads to in the top three languages²⁸⁶ in the state. The state will then require employers to include the one-page summary with the QR code in the documents given to all new hires and for it to be displayed throughout the facility, in the same way it displays other legally required notices.²⁸⁷ This one-page summary with the QR code should also be included in all online job postings to inform applicants of their rights.

Next, the state would require employers who hire 10%²⁸⁸ or more employees with limited or no English proficiency to give LEP and non-English speakers critical safety instructions,²⁸⁹ work benefits, and important company procedures, including but not limited to those that address what to do if you experience harassment or discrimination, in a language they understand. While this information may be communicated orally during the onboarding process, to be effective, all the safety training instructions, work benefits, and important company procedures given in English via paper or online must also be given in

282. *Know Your Rights: Workplace Discrimination Is Illegal*, U.S. EQUAL EMP. OPPORTUNITY COMM’N, (Nov. 18, 2024) [hereinafter *Know Your Rights EEOC*], https://www.eeoc.gov/sites/default/files/2023-06/22-088_EEOC_KnowYourRights6.12ScreenRdr.pdf [https://perma.cc/P236-F44C].

283. Such as the website used in California for Limited English Proficient Consumers. Bonta, *supra* note 255.

284. Many webpages already translate to at least another language. See *Informacion Para Trabajadores, Empleadors y Negocios*, STATE CAL. DEP’T INDUS. RELATIONS, <https://www.dir.ca.gov/Multilingual/Spanish/index.html> [https://perma.cc/LCT3-2G3B] (citing the California OSHA website in Spanish); see also *Temas de Salud*, CDC, <https://www.cdc.gov/spanish/> [https://perma.cc/2XRD-UXTK] (citing the CDC website in Spanish); *U.S. Citizenship and Immigration Services*, USCIS, <https://www.uscis.gov/es> [https://perma.cc/SRL8-GH4J] (citing website in Spanish). Requiring the top three is a good start and each time the census comes out (or sooner if the state would deem necessary), if new languages become more popular, the state can add them to the list and only continue to update the available information in the other languages.

285. *Know Your Rights EEOC*, *supra* note 282 (illustrating the EEOC already provides a QR code).

286. *Limited English Proficiency*, U.S. DEP’T JUST.: CIV. RIGHTS DIV. (July 17, 2025), <https://www.justice.gov/crt/limited-english-proficiency> [https://perma.cc/PK7R-A9CQ].

287. *Employer and Workplace Posters*, IOWA WORKFORCE DEV., <https://workforce.iowa.gov/employers/resources/employer-posters> [https://perma.cc/4XL5-JY3T].

288. This percentage is reasonable comparing the 10% requirement in Iowa and the 5% and 10% requirements in California. See *supra* Part III.C.2; *Spanish Postings Guide*, GOVDOCS (Apr. 2025), https://www.govdocs.com/wp-content/uploads/2024/05/GovDocs_Spanish-Postings_Guide_April-2024.pdf [https://perma.cc/Q52N-2NR4].

289. OSHA already makes it explicit that employers must train in a language workers understand but a right that is overlooked is if training instructions are given in English, they must also be given in the language LEP, and non-English workers are trained in. Letter from David Michaels, Assistant Secretary for Occupational Safety and Health to Regional Administrators (Apr. 28, 2010), <https://www.osha.gov/laws-regs/standardinterpretations/2010-04-28> [https://perma.cc/5UJT-NV43] (“If the employees receive job instructions in a language other than English, then training and information to be conveyed under the [hazard communication standard] will also need to be conducted in a foreign language.”).

a physical document or an easily accessible online PDF in the required language. This is a mutually beneficial requirement since turnover is expensive, and if work injuries or workers leaving due to unresolved harassment could be prevented by giving information, why wouldn't employers want to give their workers the best chance to succeed? Moreover, to the extent the employer expects their workers to follow the policy manual, that should be translated too, as you cannot expect someone to follow something that has not been explained to them.

Lastly, all states are strongly encouraged to add a "Free English Resources" section to the "Know Your Rights" website discussed above that centralizes all free resources available in the state. States should also require employers who hire 10% or more LEP or non-English workers to provide it to all new hires who need it. This would be mutually beneficial for the state's residents and economy.²⁹⁰

a. Employer Obligations

This law is not overly burdensome on employers. Employers will have to calculate how many LEP and non-English speakers are employed; this can be done by adding a simple "are you English proficient"²⁹¹ to their onboarding process, especially since they are already required to provide training in a language workers understand. If they are at or above the 10% threshold, they will have to 1) post the one-page summary with the QR code and the included description mentioned above; 2) translate applicable safety instructions, work benefits, and key company procedures in the language that meets the threshold; and 3) provide these documents to the workers who need them. Employers might also have to add the additional document directing LEP and non-English-speaking workers to the English resource section of the "Know Your Rights" website to their onboarding documents if their states decide to pass this proposal.

While these laws will not apply to all employers, all employers are still encouraged to abide by these laws if they employ LEP and non-English-speaking workers, since the EEOC will often require similar actions as part of their settlements, and while it may be a weak agency now, it could go the opposite direction in the future. Employers can show good faith if they do this without being forced. Additionally, if employers want to go further and incentivize the use of the free resources to learn or improve their English, they could provide an incentive system for qualifying workers, such as entering them in gift card or item giveaways,²⁹² or providing pay increases for becoming bilingual.²⁹³

290. See JILL H. WILSON, INVESTING IN ENGLISH SKILLS: THE LIMITED ENGLISH PROFICIENT WORKFORCE IN U.S. METROPOLITAN AREAS, BROOKINGS 1, 2 (Sept. 24, 2014), <https://www.brookings.edu/articles/investing-in-english-skills-the-limited-english-proficient-workforce-in-u-s-metropolitan-areas/> (on file with the *Journal of Corporation Law*) (discussing the underemployment in some sectors due to language barriers "yields lower tax revenues and consumer spending for local areas").

291. This question can be asked orally in a language they understand or placed on the application in popular languages in the area. In companies that have HR, this can be done through them; in smaller companies, this can be more informal.

292. An example could be: if you use the free resources for x time, you will be entered in a giveaway for an item or gift card. See Kyla Dewar, 25 *Employee Incentive Programs to Engage Your Team*, ACHIEVERS (June 18, 2026), <https://www.achievers.com/blog/employee-incentive-programs/> [<https://perma.cc/J9ZE-46C2>].

293. Companies usually pay for bilingual skills already. See Gosia Jaros-White, *How to Negotiate Your Salary If You're Bilingual*, LANGUAGE TESTING INT'L (Mar. 14, 2024), <https://www.languagetesting.com/blog/bilingual-salary-negotiation/#> [<https://perma.cc/YD7N-2QLY>] ("Businesses generally recognize bilingual

B. Benefits of Passing this Law

1. Economic Benefits

Providing translated materials may reduce workplace injuries by ensuring workers understand safety protocols, leading to fewer workers' compensation claims and associated costs.²⁹⁴ Research demonstrates that when employers invest in their workers, they foster stronger employer-employee relationships, increase retention rates, and reduce turnover-associated costs.²⁹⁵ Adding skills such as language helps employers fill different roles within the company and helps the state's GDP,²⁹⁶ which is much needed right now, given the losses many states' GDP's have taken due to immigration raids.²⁹⁷ Additionally, accessible language resources promote inclusivity and empower workers to engage more fully in their communities.

In more immediate ways, translating key materials specified by this law could increase productivity by allowing workers to refer to their onboarding materials for simple questions regarding benefits, training, or general policies; this could free up supervisors' or HR's time for solving more important issues. Furthermore, encouraging English proficiency also enhances productivity and communication, benefiting both employers and employees. It also helps fill higher-skilled jobs and yields higher tax revenues for the state and local governments.

The importance of immigrant communities, including LEP and non-English speaking communities, is not just recognized by advocates²⁹⁸ but also by business leaders and employers who depend on these communities. For example, entrepreneur Mark Cuban has publicly discussed the importance of the Hispanic community to the United States economy.²⁹⁹ Similarly, employers³⁰⁰ that rely on immigrant workers have adopted language access practices to facilitate communication in their multilingual workforces. JBS and Tyson, for example, provide language access resources, including documents and translation

employees' impact on their operations, which is why they often pay them up to 20% more an hour than staff members who speak only one language.”).

294. Injuries are less likely to occur if states require training in a language the employee understands. Rosheim, *supra* note 17. For an employer, fewer injuries mean fewer work compensation suits and payouts; for the state, this means fewer work injury-related lawsuits and possibly fewer EEOC claims.

295. Kimo Kippen, *Why Many U.S. Companies Are Teaching Workers English*, FAST CO. (May 30, 2024), <https://www.fastcompany.com/91129753/why-many-u-s-companies-are-teaching-workers-english> (on file with the *Journal of Corporation Law*); John Hall, *The Cost of Turnover Can Kill Your Business and Make Things Less Fun*, FORBES (May 9, 2019), <https://www.forbes.com/sites/johnhall/2019/05/09/the-cost-of-turnover-can-kill-your-business-and-make-things-less-fun/#> [<https://perma.cc/2BZE-W3PJ>].

296. BERGSON-SHILCOCK, *supra* note 254, at 3.

297. Escobari, Seyal & Beach *supra* note 10.

298. See *supra* Part II.D.1 (citing farm advocates discussion).

299. LA PLATICA, *Mark Cuban Says It All!*, at 40:23 (Youtube, Oct. 21, 2024), <https://www.youtube.com/watch?v=ZvKCcFSza6s> [<https://perma.cc/LD69-JY6A>] (“82% of companies started in 2023, [are] Hispanic.”); *Id.* at 52:19 (“Latinos under 25 make up almost 50% of the people under 25 . . . your community, you’re the consumers.”).

300. See generally *supra* Part III.A; Nada Hassanein, *Trump Migrant Deportations Could Threaten States’ Agricultural Economies*, IOWA CAP. DISPATCH (Dec. 14, 2024), <https://iowacapitaldispatch.com/2024/12/14/trump-migrant-deportations-could-threaten-states-agricultural-economies/> (on file with the *Journal of Corporation Law*) (discussing how some employers would not survive without immigrants).

services in multiple languages.³⁰¹ Tyson also promotes its multilingual workforce³⁰² and has invested in free education programs for its employees, with English among its foundational programs. These investments suggest that language access is not merely a social accommodation but also a workforce tool that can facilitate communication, training, and retention in industries that rely on multilingual employees.

2. Social Benefits

When English was declared an official language in Iowa, State Representative Mary Mascher expressed her concerns about the unwelcoming message that it sent to minority groups.³⁰³ Today, with a President who is openly hostile towards immigrants,³⁰⁴ it is wise and necessary for states to show that they are willing to do what the federal government cannot and pass protections for the groups that provide so much not only to their economy but also culturally. With hostility on the rise towards immigrant groups, states need to show good faith and help protect and calm the fears fueled by racist and anti-immigrant rhetoric.³⁰⁵ If states and employers want to go further and help reduce this anti-immigrant rhetoric, they can inform the public of the benefits immigrants bring and debunk the myths spread by politicians. They could do this by making postings in state agencies, workplaces, and online. But if nothing else, providing increased worker protections as federal worker protections are reduced may help build residents' trust in their state's capabilities to protect them.

C. Practical and Political Feasibility

1. Alignment with Existing Policies

There is much legal basis for enacting legislation that provides stronger protections for individuals with limited English proficiency. At the federal level, there are already protections for LEP and non-English speakers to help them access federal, state, and health

301. *Interpretation*, INT'L TRANSLATION SERVS., <https://translatorsiowa.com> [<https://perma.cc/29Q4-MQHW>] (showing Tyson and JBS among other clients, that use translation services in Iowa).

302. *Building a Diverse and Dedicated Workforce*, JBS USA, <https://sustainability.jbsfoodsgroup.com/chapters/team-members/building-a-diverse-dedicated-workforce/> [<https://perma.cc/A9HP-3PNY>]; *Diversity, Equity & Inclusion*, TYSON FOODS, <https://www-dev.tysonfoods.com/who-we-are/our-people/inclusion-diversity> [<https://perma.cc/YB5R-CLUC>]; see also *Tyson Foods Launches Free Education Program for all U.S. Team Members*, TYSON FOODS (Apr. 25, 2022), <https://www.tysonfoods.com/news/news-releases/2022/4/tyson-foods-launches-free-education-program-all-us-team-members> [<https://perma.cc/ZY8U-5X5S>] (including English Learning Language as a foundational program).

303. Cummings, *supra* note 159.

304. Myah Ward, *We Watched 20 Trump Rallies. His Racist, Anti-Immigrant Messaging Is Getting Darker*, POLITICO (Oct. 12, 2024), <https://www.politico.com/news/2024/10/12/trump-racist-rhetoric-immigrants-00183537> (on file with the *Journal of Corporation Law*).

305. See Asawin Suebsaeng, *'He Is Coming for Us': Springfield's Haitians Are Terrified After Trump's Win*, ROLLING STONE (Nov. 19, 2024), <https://www.rollingstone.com/politics/politics-features/trump-springfield-ohio-haitians-terrified-1235171187/> (on file with the *Journal of Corporation Law*) (discussing that in September, after Trump and his running mate J.D. Vance spread racist lies about Haitian immigrants, Springfield faced bomb threats, school evacuations, and the Republican mayor had to plea for the rhetoric to stop).

services.³⁰⁶ Additionally, agencies and courts have interpreted national origin and ethnicity to protect against language and accent discrimination. If the federal government has made efforts to provide protections and help for limited or non-English-speaking individuals, states should work to close the gap in these protections.

2. Cost-Effectiveness

This proposal is modest³⁰⁷ and requires little from the states and employers compared to the benefits gained from LEP and non-English-speaking workers. This proposal is modest because every state in the United States already uses the programs that bring seasonal workers, such as the H-2A and H-2B programs.³⁰⁸ These programs are costly and require much compliance and paperwork from the employer; yet, these programs are likely not going anywhere due to the essentiality of seasonal workers in many industries in the United States and are instead likely to expand to fill the employers' need for year-round workers.³⁰⁹ Moreover, states like Iowa and California already have similar but stronger laws in place, which are presumably more costly to implement than the proposed legislation, speaking to the fact that states can afford such measures.³¹⁰

In contrast, the work and costs for states and employers to comply with this law are marginal, especially with AI, which is quickly improving and can serve as a translating and interpreting tool.³¹¹ Monitoring employer compliance would also require marginal shifts on the state's part. Each state can task its department of labor, state-plan occupational safety and health agency, fair employment practices agency, civil rights agency, or another appropriate agency with administering these requirements.³¹² That agency can then monitor

306. *Limited English Proficiency (LEP)*, U.S. DEP'T HEALTH & HUM. SERVS. (July 18, 2025), <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html> [https://perma.cc/RTB6-SLH5]; see generally *Section 1557: Frequently Asked Questions*, U.S. DEP'T HEALTH & HUM. SERVS., <https://www.hhs.gov/sites/default/files/section-1557-final-rule-faqs-7282017rev15.pdf> [https://perma.cc/2AX7-MJUN] (discussing requirements of posting in 15 languages spoken in the state).

307. Especially considering other approaches such as the Court in a non-English language. See generally Donald N. Dowie, Marek E. Falk & Domingo G. Alvarez, *Improving Language Access and Language Justice: All-Spanish Administrative Hearings in Washington State*, 43 YALE L. & POL'Y REV. 656 (2025) (discussing importance of language access and the justice system and how court is being held without interpreters in individuals native language in Washington).

308. Marcelo Castillo & Skyler Simnitt, *Florida, California, and Georgia Accounted for One-Third of H-2A Jobs in FY 2022*, USDA: ECON. RSCH. SERV. (May 30, 2023), <https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=106604#> [https://perma.cc/4CXD-YUSK].

309. *Temporary Increase in H-2B Nonimmigrant Visas for FY 2026*, *supra* note 218; Nepal, *supra* note 120; see also Press Release, U.S. Dep't Agric., Trump Administration Welcomes Clarification on H-2A Eligibility for Dairy Operations (June 17, 2026), <https://www.usda.gov/about-usda/news/press-releases/2026/06/17/trump-administration-welcomes-clarification-h-2a-eligibility-dairy-operations> [https://perma.cc/4NL4-LCSU] (showing dairy farmers struggle with labor availability and a continued need of H2-A workers).

310. See *supra* Part III.C.1 (discussing California's broad language requirements and Iowa's interpreter requirements).

311. Adria Crangasu, *How Is Artificial Intelligence Changing the Translation Services Industry?*, BLEND (Dec. 16, 2025), <https://www.getblend.com/blog/artificial-intelligence-changing-the-translation-services-industry/#> [https://perma.cc/LQA9-7NMV]. AI can serve as a tool and reduce the time a translator takes by simply looking over and making corrections instead of translating the whole document.

312. The state occupational safety agency could oversee the safety instructions and language compliance, and the states's fair employment practices, or civil rights agency could deal with the remaining requirements

employers in many low-cost ways, such as adding a “file a complaint” section on the state’s website that I propose creating,³¹³ or adding questions such as “Are you English proficient?” If not, “Did your employer give you crucial materials when you were hired?” to unemployment applications. Additionally, those kinds of questions or checkpoints could be added to employer health and safety inspections, often done by state agencies.³¹⁴

This proposal is not only modest but also practical and is likely to benefit states and employers economically.³¹⁵

3. Political Climate

The proposed law remains politically feasible, even with the anti-immigrant rhetoric. States rely on all workers, including immigrants, some of whom are LEP and non-English-speaking workers. With the weakening of worker protections, states must increase protections for their workforce, which means increasing protections for all. Immigrants provide significant economic and societal benefits, and the nation’s reliance on them only continues to grow as it struggles to fill jobs.³¹⁶ All states face both moral and economic incentives to implement such protections—especially those that currently have little or no protections for LEP and non-English-speaking workers. Gaps in federal protections are unlikely to close under the current Republican administration and Senate, making state-level action critical.³¹⁷

States began adopting English as an official language as early as 1807,³¹⁸ yet protections for LEP and non-English-speaking workers have lagged. Many states still lack sufficient safeguards for LEP and non-English-speaking workers, leaving them particularly vulnerable to workplace injuries and discrimination.³¹⁹ While some states, such as California

because the proposed protections relate, in part, to national origin. Preferably assigning to an agency that is not as dependent on federal funds.

313. As California has done, see Bonta, *supra* note 255.

314. See Cal/OSHA, STATE CAL. DEP’T INDUS. RELATIONS, <https://www.dir.ca.gov/dosh/calosha.htm#https://perma.cc/Q63K-P4AY> (“The Cal/OSHA Enforcement Unit conducts inspections of California workplaces based on worker complaints, accident reports and high hazard industries.”).

315. See generally *supra* Part IV.B (discussing the ways that the proposed state legislation and employer practices could benefit states and employers).

316. Pia Orrenius, *Benefits of Immigration Outweigh the Costs*, GEORGE W. BUSH INST. (2016), <https://www.bushcenter.org/catalyst/north-american-century/benefits-of-immigration-outweigh-costs> [<https://perma.cc/A6HH-NL3V>].

317. See Ruth Marcus, *Four Ways Trump Will Undermine the Authority of Congress*, WASH. POST (Nov. 22, 2024), <https://www.washingtonpost.com/opinions/2024/11/22/trump-congress-takeover-power/> (on file with the *Journal of Corporation Law*) (discussing ways congress will be undermined by Trump).

318. Amy H. Liu & Anand E. Sokhey, *When and Why Do U.S. States Make English Their Official Language?*, WASH. POST (June 18, 2014), <https://www.washingtonpost.com/news/monkey-cage/wp/2014/06/18/when-and-why-do-u-s-states-make-english-their-official-language/> (on file with the *Journal of Corporation Law*). However, Louisiana used both English and French when it declared them as official languages. *Id.* Further, English-official laws differ from English-only laws. *Id.* English-official laws state that English is one of the languages of official business, but other languages can also be used. *Id.* English-only laws, on the other hand, require the exclusive use of English in public settings and may punish the use of other languages. *Id.*

319. See Seth A. Seabury, Sophie Terp & Leslie I. Boden, *Racial and Ethnic Differences in the Frequency of Workplace Injuries and the Prevalence of Work-Related Disability*, HEALTH AFFS. (Aug. 2, 2017), <https://www.healthaffairs.org/doi/epdf/10.1377/hlthaff.2016.1185> (on file with the *Journal of Corporation Law*) (finding “systematic disparities across racial and ethnic groups in the risk of workplace injuries”); see also Laura J. Chavez et al., *Racial/Ethnic Workplace Discrimination: Association with Tobacco and Alcohol Abuse*, 48 AM.

and Iowa, have taken steps to provide language access and other protections,³²⁰ gaps remain in the employment realm. Notably, neither state mandates clear standards for when and what documents or information employers must translate for LEP and non-English-speaking workers.³²¹

Given the nearly 30 million LEP individuals in the U.S. and the nation's heavy reliance on immigrant labor, a law like the one proposed in this Note is essential.³²²

Before the election, both Iowa, a red state, and California, a blue state, had already enacted measures supporting LEP and non-English speakers, demonstrating that bipartisan action is possible even in a polarized political climate.³²³ These laws balance worker protections with practical incentives to encourage English language learning, highlighting the feasibility of the proposed legislation.³²⁴

The benefits of protecting immigrant workers far outweigh the potential short-term costs of compliance monitoring for states or upfront expenses for employers. States have a strong economic incentive to retain and attract immigrant workers, as the United States economy cannot afford to lose a significant portion of its workforce.³²⁵ For instance, Iowa is one of the Midwest's top users of the H-2A program,³²⁶ which requires employers to provide critical information and training in workers' native languages.³²⁷ While the H-2A program involves substantial paperwork and monitoring, Iowa's successful implementation of this program demonstrates that it can manage complex systems and should therefore be capable of enacting the proposed legislation.

Furthermore, this proposal aligns with Iowa's stated goals in passing the English-Official Act, which aims to help—not harm—individuals who are not proficient in English.³²⁸

J. PREVENTIVE MED. 42, 44 (2015) (finding discrimination more common among Black and Hispanic minorities than white non-Hispanics).

320. See generally *supra* Part III.B–D (discussing both states language protections efforts).

321. California's broad approach requires any state agency where more than 5% of the locals speak another language other than English, to provide translated materials. *CDFR Language Access Policy*, *supra* note 257. Iowa's efforts are a great start, but their protections are minimal, and their guidance is too vague. The Administrative Code Chapter 875.160 addresses the workplace and LEP and non-English workers, but it requires only one interpreter per 100 workers. It also does not explicitly lay out what should be interpreted and when. IOWA CODE § 1.18 (2024).

322. *Overcoming Language Barriers*, *supra* note 245.

323. See generally *supra* Part III.B–D (discussing both a red and blue states language protections efforts).

324. See Beatriz Díez, 'English Only': The Movement to Limit Spanish Speaking in US, BBC (Dec. 3, 2019), <https://www.bbc.com/news/world-us-canada-50550742> [<https://perma.cc/WQ9X-45M9>] (emphasizing Republicans like Trump demanding the people of the United States to speak English). If a law helps people learn English, this might get through the polarized climate, since this aligns with the pro-English movement. *Id.*

325. See generally *supra* Part II.D, Part III.A–B (discussing the United States reliance on immigrant workers and the worker shortage problem); Orrenius, *supra* note 316.

326. Wil Bauer, *H-2A Visas Increase as Farmers and Ranchers Look to Hire More Guest Agricultural Workers*, IOWA PUB. RADIO (May 30, 2023), <https://www.iowapublicradio.org/agriculture/2023-05-30/h-2a-visas-increase-as-farmers-and-ranchers-look-to-hire-more-guest-agricultural-workers> [<https://perma.cc/7GV8-RZ6T>].

327. *H-2A: Temporary Agricultural Employment of Foreign Workers*, U.S. DEP'T LAB.: WAGE & HOUR DIV., <https://www.dol.gov/agencies/whd/agriculture/h2a> [<https://perma.cc/GYY7-RZT5>].

328. IOWA CODE § 1.18 (2024) (stating that it did not want to discourage the use or learning of other languages, and it did not prohibit the government and general assembly officers from "communicating through any medium with another person in a language other than English, if that member or officer deems it necessary or desirable to do so." The Act also states that it reaffirmed English to "facilitat[e] participation in the economic,

A law designed to protect and support LEP and non-English-speaking workers thus aligns with the objectives of an English-official state like Iowa.³²⁹

Finally, while the Trump-Vance administration has an extreme anti-immigration position,³³⁰ which complicates the feasibility of this law, at the federal level, states retain autonomy. Even states with leaders aligned with Trump's views cannot afford to lose immigrant workers, as the economic consequences would be severe.³³¹ Now that the President has declared English as the official language, without providing minimum protections or resources for LEP and non-English-speaking workers, states must step in and protect and help their workers. The proposed law builds on existing regulations, such as federal and state protections, by both protecting workers and encouraging them to improve their English proficiency through free resources. Such a law strikes a necessary balance between supporting workers and aligning with states' broader economic and political goals.

V. CONCLUSION

Since the 1940s, the United States has relied on immigrants from non-English-speaking countries to fill the labor shortage. Immigrants have been vital in the United States economy, providing many benefits in addition to helping fill the labor shortage, such as contributing millions of dollars to our economy and creating jobs. Although this Note emphasizes immigrants' economic contributions, their value extends far beyond economic benefits. However, this Note focuses on their economic contributions to challenge the politically driven narratives that fuel anti-immigrant sentiment and to underscore their essential role in the United States. Despite their significant contributions, the federal government and states have done little to protect these workers, leaving them vulnerable to work injuries and abuse in the workplace. This oversight can lead to workplace injuries and abuse, imposing costs on workers, employers, and the broader economy.

The United States will continue to need more people to help fill jobs, and as the country's birthrate decreases and job creation increases, that need will grow substantially. At the same time, immigration to the United States from other countries is projected to decrease with the new immigration laws, blocks, and policies. Therefore, states need to do more to attract workers.

This Note proposes a law that will not only help protect current workers but may also help encourage workers to come to states like Iowa, which is less diverse than most states but nevertheless relies heavily on LEP and non-English workers. The law is not only

political, and cultural activities of this state and of the United States"). The plain language of the act implies that English was reaffirmed to help, not to harm, LEP and non-English speakers. IOWA CODE § 1.18 (2024).

329. In addition, the political feasibility of this law is supported by existing exceptions to English-official laws in several states, including conservative ones like Iowa, for purposes such as public health, safety, and transportation. IOWA CODE § 1.18 (2024). These exceptions are recognized by even a conservative state like Iowa. *Id.*

330. Chris Cameron, *Vance Vows an End to Programs for Legal Immigrants*, N.Y. TIMES (Oct. 22, 2024), <https://www.nytimes.com/2024/10/22/us/politics/vance-trump-legal-immigrants.html> (on file with the *Journal of Corporation Law*).

331. The United States cannot afford to lose as many workers as the Trump-Vance party proposes to deport. See Lauren Gambino, *If Trump Wins the Election, This Is What's at Stake*, GUARDIAN (Oct. 31, 2024), <https://www.theguardian.com/us-news/ng-interactive/2024/oct/31/election-trump-immigration-policies> [<https://perma.cc/N86W-936H>] (discussing that Trump's mass deportations plans are foolish and could potentially cost \$967.9 billion).

modest but easy to implement and monitor, especially as AI-assisted translation technology continues to improve. It is a balanced proposal that builds on the efforts of both California and Iowa to protect LEP and non-English-speaking individuals, taking a greater step toward closing the gap in workplace protections for these individuals. This legislation is long overdue, as requirements for health services have long included language access, and safety in the workplace is arguably as important. All states should consider adopting this Note's recommendation or something like it to protect their LEP and non-English speaking workers, who already provide many benefits for their state.