



Human Trafficking *on* Temporary Work Visas

A DATA ANALYSIS 2015 - 2017



ACF OPA

Acknowledgements

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Introduction

Over the course of this year, hundreds of thousands of laborers from around the world will be invited to our shores as guest workers. They will come in search of economic opportunity, or for a summer job and an adventure. As the debate over immigration rages on, these men and women will pick our fruits and vegetables, mow our lawns, care for our children and clean our homes. They will be here legally, as guests of the United States government, under temporary work visa programs that have existed for decades and grown steadily over that time. Many of these men and women will become victims of human trafficking.

A study by Polaris based on data from the National Human Trafficking Hotline identified some 800¹ individual victims of human trafficking from January 1, 2015 - December 31, 2017 who were here and working under temporary work visas. Overall, nearly half² of the victims of labor trafficking reported to the National Hotline during this period whose immigration status was identified were foreign nationals holding legal visas. Human trafficking is notoriously underreported, meaning that the individuals whose cases were reported likely represents only a very small fraction of the number of actual victims. Regardless, even the number that we know about is shocking and unacceptable within the context of this population.



Human trafficking flourishes in the gaps between legitimate systems, the spaces where law enforcement doesn't quite sync up with government and where social services fall just a little bit short. Undocumented immigrants are always extremely vulnerable to traffickers, who can unlawfully use threats of deportation and imprisonment to coerce and control. Guest workers, at least in theory, enjoy key additional protections around their recruitment and working conditions that are embedded in regulations and designed to minimize risk of exploitation.

Clearly, that system is badly broken. The dysfunction is due in part to the patchwork nature of regulation and a lack of reliable, timely and adequately resourced enforcement of what regulatory structures do exist. But it is also the result of baking into the system one of the most powerful weapons for traffickers to control victims - the threat of deportation. The vast majority of these temporary visas are "tied," to the employer. If the worker leaves the job, he or she is immediately deportable.

In this report, Polaris details how human traffickers are using workers under H-2A, H-2B and other popular temporary work visas as their personal ATM machines and along the way, making legitimate businesses, consumers and the U.S. government complicit in the \$150 billion business of global human trafficking.

¹ The exact figure is 797 for visa categories represented in this report, 814 inclusive of other temporary work visa categories.

² During this time there were 1,919 victims of labor trafficking who were either U.S. citizens, legal permanent residents, or foreign nationals whose status in the United States was identified to the National Hotline. A full 49.2% of these victims were foreign nationals on visas or with legal status as asylees or refugees.



About temporary work visas

Several government agencies are involved in the issuance of temporary work visas, with some variance in responsibilities and authority, depending on the type of visa. For the largest programs, the visa process includes the U.S. departments of Labor, State and Homeland Security.

Because of the complexity and variable opacity of the array of temporary work visa programs, there are no definitive numbers on how many workers are currently in the United States on such visas.³ We do know the number of such visas on offer has surged over the past decade. For instance, according to the Department of State, in FY 1997, 16,011 H-2A visas, 15,706 H-2B and 179,598 J-1 visas were issued. This compares to 161,583 H-2A visas, 83,600 H-2B, and 343,811 J-1 visas issued in FY 2017.⁴

Total numbers of workers present in any given year are hard to find because the three federal agencies involved collect different sets of data, the data is not linked, and some of it is not publicly available without a formal Freedom of Information Act request. The Economic Policy Institute recently analyzed available information and estimated that in Fiscal Year 2013, 1.42 million temporary foreign workers were employed in the United States on non-immigrant visas.⁵

The dramatic growth in the issuance of temporary worker visas stems from claims by businesses that they are increasingly unable to fill open jobs with eligible workers already in the United States. As the number of guest worker visas authorized has grown, so too have the challenges surrounding them and the controversy about their need.

The crux of the problem is that the structural conditions embedded in the temporary guestworker programs (as well as the structures that apply to less regulated, undocumented labor markets) are wedded to common employer-side incentives to maximize profit by reducing labor costs in a way that too often results in abuse and even trafficking. At the heart of the related controversy is whether guestworker programs respond to real, temporary labor shortages, or if they are being misused to further that profit motive. Worker rights advocates have shown that bad actors can easily game the system in order to fill jobs with foreign-born temporary workers who will do the work for far less money and in less desirable working conditions than American-born workers. In addition to making conditions ripe for exploitation, abuse of the temporary worker system can have the side effect of depressing wages for eligible workers already in the United States.

This report seeks to contribute to the state of knowledge around how guestworker visa programs intersect with and are utilized in human trafficking, in order to help inform the decisions and work of policy makers, advocates and the general public. In particular, we examine eight⁶ categories of guest worker visas that are most frequently or regularly mentioned in reports to the National Hotline, and provide some contextual analysis regarding the dynamics at play that contribute to human trafficking. This report is not intended as a prevalence estimate, nor do our findings necessarily reflect the characteristics of human trafficking in the U.S. economy as a whole. It is intended to complement the broader body of knowledge on this issue, and our own contributions to it.

3 Costa, Daniel, and Jennifer Rosenbaum. "Temporary Foreign Workers by the Numbers: New Estimates by Visa Classification." *Economic Policy Institute*, Economic Policy Institute, 7 Mar. 2017, www.epi.org/publication/temporary-foreign-workers-by-the-numbers-new-estimates-by-visa-classification/.

4 "Nonimmigrant Visa Statistics." *U.S. Department of State*, U.S. Department of State, travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html.

5 Costa and Rosenbaum, "Temporary Foreign Workers by the Numbers"

6 For the purposes of this report, Polaris combined substantively similar visa categories of A-3 and G-5 visas, creating seven delineated categories.



Visa Comparisons	Description	Number of Visas Issued in FY 2013 ⁶	Estimated Number of Foreign Workers Employed in the U.S. in FY 2013 ⁷
A-3, G-5	Personal attendants to diplomats (A-3) and employees of international organizations (G-5)	1,135 (A-3) 736 (G-5)	No estimate
B-1	Business visitors (B-1) and combined purpose business and tourism visitors (B-1/B-2)	41,956	No estimate
F-1	Students	534,320 ⁹	139,155 OPT and STEM Extensions ¹⁰
H-1B	Specialty occupations	153,223	460,749
H - 2A	Agricultural workers	74,192	74,859
H - 2B	Temporary non-agricultural workers	57,600	94,919
J-1	Participants of cultural and educational exchange programs	312,522	215,866

7 U.S. Department of State, "Nonimmigrant Visa Statistics"

8 In addition to B-1 visas issued, the Department of State issued 5,645,580 combination B-1,2 visas as well as 1,221,051 B-1,2/BCC and B-1,2/BCV visas issued to Mexican nationals.

9 While employment is not the sole purpose of granting these visas, there are a number of ways in which foreign nationals holding student visas can legally be employed both on and off campus prior to completing their degree. For more information, visit <https://studyinthestates.dhs.gov/working-in-the-united-states>.

10 The Optional Practical Training (OPT) and the STEM OPT Extension Programs allow students on an F-1 visa to work full time, off-campus for a period of 1-2 years following the completion of their degree. This estimate does not include the potential number of F-1 visa holders who work while pursuing their degree. For more information, visit <https://www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment/stem-opt>.

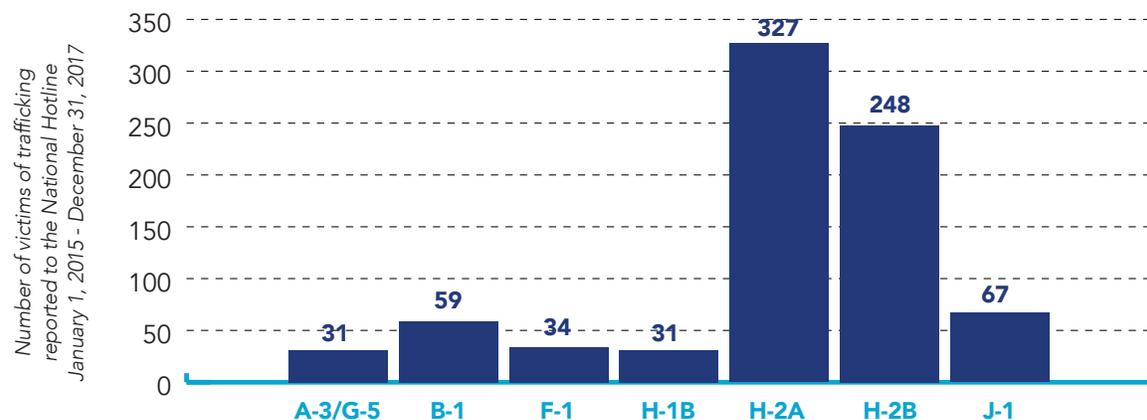


Scope of trafficking and temporary work visas

From 2015-2017, Polaris identified 797 victims of trafficking who held these visa categories at the time of their abuse.¹¹

Chart: Breakdown by visa type

Visa comparisons	Description
A-3/G-5	Personal attendants to diplomats and employees of international organizations
B-1	Business visitors
F-1	Students
H-1B	Specialty occupations
H-2A	Agricultural workers
H-2B	Temporary non-agricultural workers
J-1	Participants of cultural and educational exchange programs



The majority of the victims in Polaris’s dataset are men, and the most significant source country is Mexico. This is inconsistent with the fact that Chinese nationals (including the Chinese mainland, Hong Kong and Macau) received almost 1 million more of the visa categories focused on in this report than did Mexican nationals¹² but China did not rank in the top 10 trafficking victim nationalities identified by the National Hotline from 2015 through 2017. There are several potential reasons for this discrepancy. There may simply be a lower level of awareness about the National Hotline among Chinese temporary workers. An alternative explanation may be related to the types of visas issued. While both countries received large numbers of B-1 and B-1,2 combination visas, Chinese nationals were issued a large proportion of F-1, H-1B, and J-1 visas while Mexican nationals were issued a

11 Polaris staff apply the U.S. federal definition of human trafficking as defined by the Trafficking Victims Protection Action (TVPA) to determine if a situation described through the helplines has indications of human trafficking.

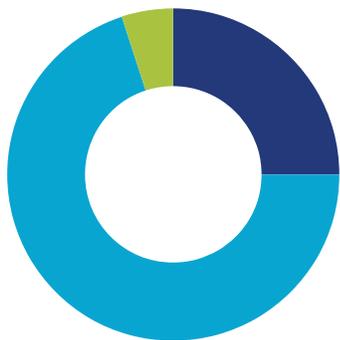
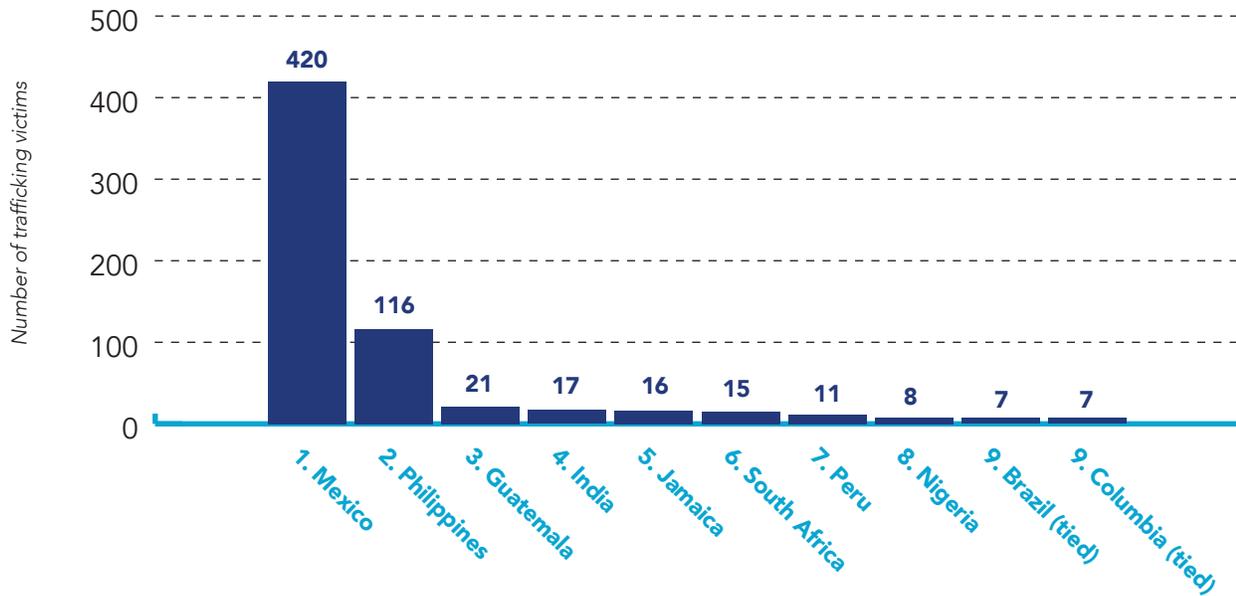
12 U.S. Department of State, “Nonimmigrant Visa Statistics”



large proportion of H-2A and H-2B visas, which are visa types reserved for low-skill jobs¹³. The risk of exploitation may be more significant within industries that employ low-skilled workers.

About the victims

Top 10 victim nationalities

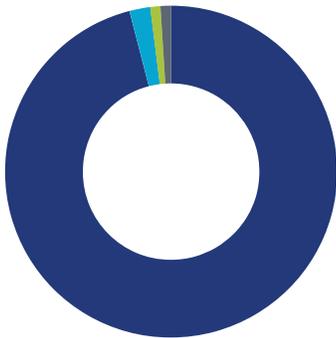


Gender	Number of trafficking victims	Percent of trafficking victims (N =797)
Female	202	25.35%
Male	558	70.01%
Not specified	37	4.64%
<i>Total number of trafficking victims</i>	<i>797</i>	<i>100%</i>

13 In order to conduct this analysis, Polaris aggregated data reported by the Department of State from FY 2008 - FY 2017. The original data is available via the U.S. Department of State Website: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html>.



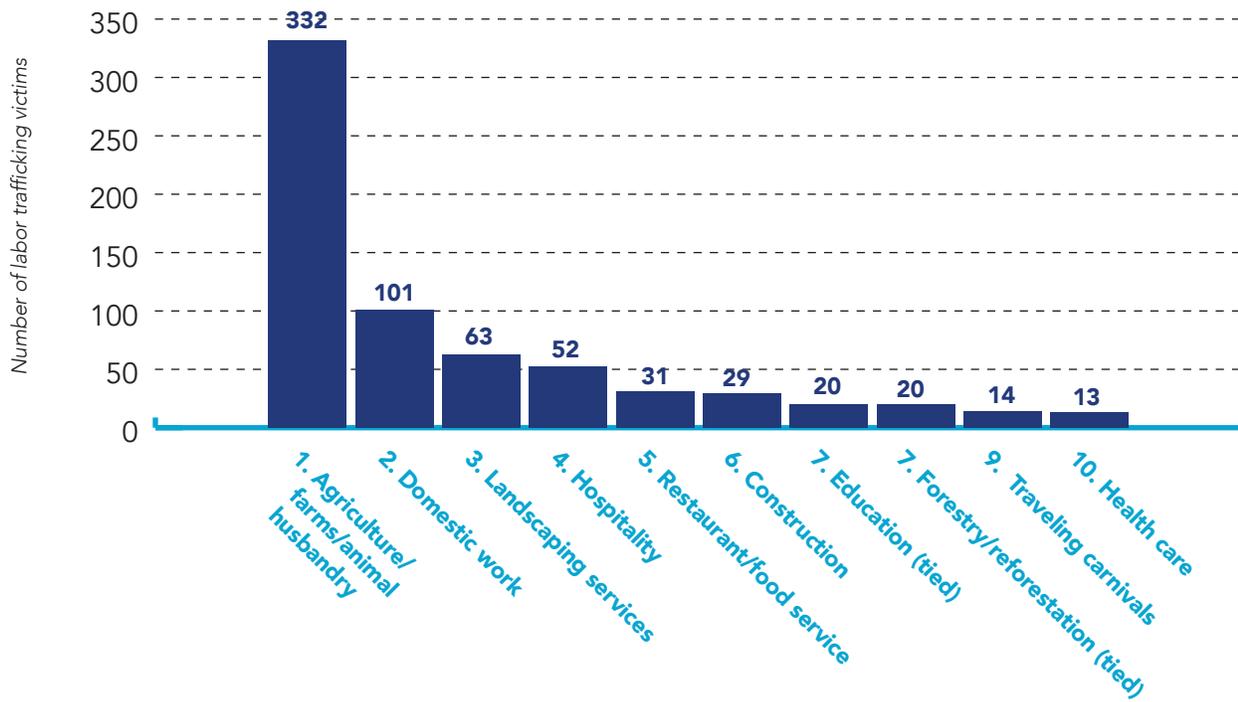
Types and venues of trafficking



Form of trafficking	Number of trafficking victims	Percent of trafficking victims (N =797)
Labor	771	96.74%
Sex	16	2.01%
Sex and labor	7	0.88%
Not specified	3	0.38%
<i>Total number of trafficking victims</i>	<i>797</i>	<i>100%</i>

While the agriculture industry had the highest number of victims, it is far from the only industry in which trafficking occurs.

Top 10 industries of labor trafficking





Mechanisms of human trafficking on temporary work visas

The pervasive myth about human trafficking in any format is that it involves something akin to abduction -- that victims enter into trafficking situations at near-literal gunpoint and that they cannot leave because they are chained, locked in or otherwise physically unable to escape. While certainly there are trafficking cases like this, these are by far the exception, not the rule. In the vast majority of cases of human trafficking, fraud and coercion -- which are the other two elements involved in the crime of human trafficking -- play more of a role.¹⁴

Human trafficking occurs in roughly two steps: Recruitment and ongoing control during employment. In the case of foreign nationals, the recruitment phase includes travel to the United States. Force, fraud and coercion can appear in either or both steps, and the latter two elements are often inextricable. In the case of foreign national temporary workers, fraud and coercion often occur when victims are recruited in their home countries but also may occur once they arrive in the United States, begin to work, and find themselves in abusive or exploitative conditions. For example, a worker from Mexico could answer an advertisement that explicitly states that he will earn \$15 an hour picking vegetables in the United States. He may even be given a contract to that effect. But when he arrives, he is paid only \$15 a day. That is fraud. Coercion or control is why he does not, given the breach of contract, simply pack up and return home. The control may extend beyond the period of employment, with threats to family members, coercing workers into silence once they have returned from conditions of trafficking or exploitation.



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While anyone, regardless of education level or economic status, can end up in a trafficking situation, certain conditions make certain individuals or groups more vulnerable to being abused, exploited and trafficked. Many of these conditions are present -- indeed, built into -- the temporary work visa programs for low-skilled workers. The workers who come to America to pick fruit or clean hotels are not here for an experience or an adventure. They came for the money, often leaving loved ones behind. Many go into substantial debt to get here, despite regulations that prohibit employers and recruiters from charging recruitment fees. Whatever goes wrong in America for them must be weighed against the reasons they left home. This creates a significant power disparity between the workers and employers. This disparity is solidified by the fact that these visas tie workers to a single employer. If workers on tied visas choose to leave, they automatically lose legal immigration status and becomes deportable. If deported once, those workers know it will be difficult or impossible to return to earn the money they need in the future.

¹⁴ Official definitions of trafficking including what constitutes force, fraud and coercion are available from the Office on Trafficking in Persons www.acf.hhs.gov/otip/resource/fshumantrafficking.



An opportunity becomes a nightmare

Ronny Marty had every reason to believe the job he was headed to in the United States was legitimate. Everything was very public. His temporary H2-B work visa appeared to be handled through official embassy channels. In total, he paid recruiters around \$4,000 for organizing and paperwork, plus the plane ticket to get him from his home country, the Dominican Republic, to his job in housekeeping at a Kansas City hotel. While that seems like a great deal of money, it made sense as an investment, based on what he was promised he would earn in his nine months as a legal guest worker in the United States.

It all fell apart almost immediately. First, he noticed that his visa was only valid for three months – he'd have to pay to re-up it, apparently. Then, when Marty and his co-workers landed, they were told the hotel jobs were not available. Instead, they would be offered work at a factory in Alabama – for less money than they were promised. With little or no money in their pockets, and already in debt for the visas and the opportunity, neither Marty nor his colleagues felt like they had much of a choice.

And so they were crammed into a van with literally no room to move – a ride they were later charged for. Once in Alabama, they were put to work for far less than promised, charged outrageous fees for rent – living on top of one another in substandard apartments and of course, charged for visa extensions. Later, Marty learned the landlord was never even sent the rent. In the end, Marty wound up making approximately \$40 a week. When he complained, his trafficker threatened him and his family, and told him he would be immediately arrested and deported if he quit. If that happened, there would be no way for him to pay back the money he spent on recruitment fees and travel.

Marty was one of the lucky ones. After fleeing his traffickers and traveling the country in search of a job he could legally take, he eventually found help getting back on his feet and a visa for survivors of human trafficking. It took even longer to get past the fear – the threats by his trafficker about what would happen to him and his family if he didn't just stay quiet and work. He was subsequently named to the U.S. Advisory Council on Human Trafficking, and today is a strong advocate for victims.



Recruitment

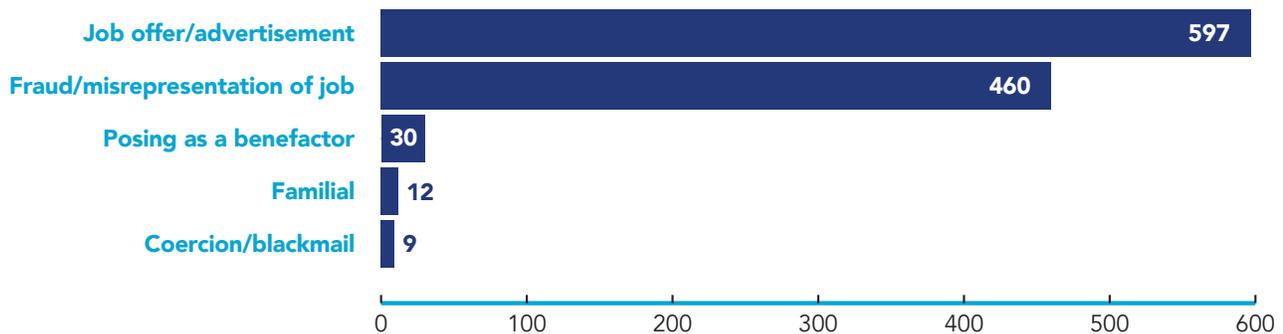
Despite variations among the type of industry involved, victim nationalities, and geographical locations, Polaris found that the process of traffickers recruiting victims who came to light through the National Hotline was remarkably similar across all of the temporary visa categories that are traditionally considered work visas.

How it happens

Seventy-five percent of all the victims identified from 2015-2017 on these visas were initially recruited through what appeared to be legitimate job offers. A small number of victims ended up in their exploitative situations through such means as familial pressure or intimate partner abuse, or by traffickers offering material support to the individuals.

There was a general sense of confusion among victims as to the relationship between the person or agency who facilitated their recruitment and the person or company who would ultimately employ them. In the case of 22 percent of victims, there was enough information to identify the involvement of a foreign labor recruiter, and 26 percent of victims appeared to have been directly recruited by their employer. However, some victims had contact with both a foreign labor recruiter and their direct employer during the recruitment process, creating confusion in terms of ascertaining the relationship between the two entities. About 2 percent of victims had obtained their jobs with the assistance of a family member who connected them to either a foreign labor recruiter or the direct employer. For 7 percent of victims, this role was played by a friend, coworker or other type of acquaintance.

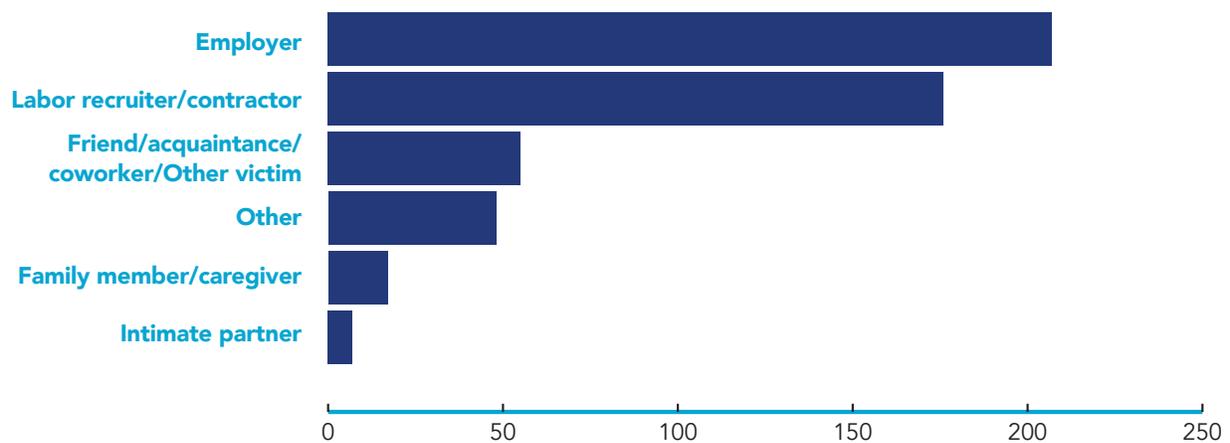
Top 5 recruitment methods referenced (non-cumulative*)



*These statistics are non-cumulative. Survivors may experience multiple methods of recruitment, or this information may not be provided. Accordingly, percentages do not add up to 100%.



Type of recruiter (non-cumulative*)



*These statistics are non-cumulative. Survivors may be recruited by multiple recruiters, have multiple relationships to their recruiter(s), or this information may not be provided. Accordingly, percentages do not add up to 100%.

Recruitment fees

According to the State Department’s 2011 Trafficking in Persons Report, “indebtedness prior to arrival in the United States is a common mechanism of making victims vulnerable to control.”¹⁵ That has been borne out by the information provided by victims of labor trafficking who have contacted the National Hotline.

That indebtedness often stems from the payment of recruitment fees – charges levied for anything from the right to attend a recruitment fair to fees associated with signing contracts or paying for transportation. Recruitment fees in guest worker programs are actually prohibited in the United States and most countries of origin of these workers, including Mexico.¹⁶ However, lack of bilateral or multilateral agreements regarding temporary workers, coupled with limited enforcement resources, mean there is virtually no enforcement of this prohibition. Having paid substantial fees – and often having gone into debt to do so – leaves workers with little choice but to try to recoup their losses, regardless of the conditions in which they are working. The fear of subsequent retaliation in the form of blacklisting or threats of violence keeps many from reporting violations.

A significant number of those victims who contacted the National Hotline had to pay fees associated with the recruitment process, typically ranging from \$1,000 to \$9,000. Some victims did not have to pay lump sums, but instead had deductions taken out of their paychecks on an ongoing basis which were explained vaguely as covering expenses related to recruitment, visas and transportation. Because of the general sense of confusion regarding the visa process, many victims were not sure to whom they had paid recruitment fees or why they had been required. Victims mentioned paying the fees to foreign labor recruiters, their employers, or their direct supervisors at their jobs. Some specified that they were told the fees were to cover the cost of obtaining a visa, while others described the fees more vaguely as necessary “to get the job,” which may indicate a more informal and inconsistent system of exploitative practices used by some recruiters.

15 “Trafficking in Persons Report (TIP) 2011 Country Narratives T-Z and Special Cases.” U.S. Department of State, U.S. Department of State, www.state.gov/documents/organization/164458.pdf.

16 “Ley Federal Del Trabajo Nueva Ley Publicada En El Diario Oficial De La Federación El 1º De Abril De 1970.” Universidad Nacional Autónoma De México (UNAM), Estados Unidos Mexicanos, www.juridicas.unam.mx/legislacion/ordenamiento/ley-federal-del-trabajo. For the H-2A and H-2B visa, federal regulations prohibit employers from allowing workers to pay recruitment costs, employers’ attorney or application fees, visa fees, and border crossing fees. See 20 C.F.R. § 655.135(j); 20 C.F.R. § 655.122(h); 8 C.F.R. § 214.2(h).



Fraud: False promises and contract violations

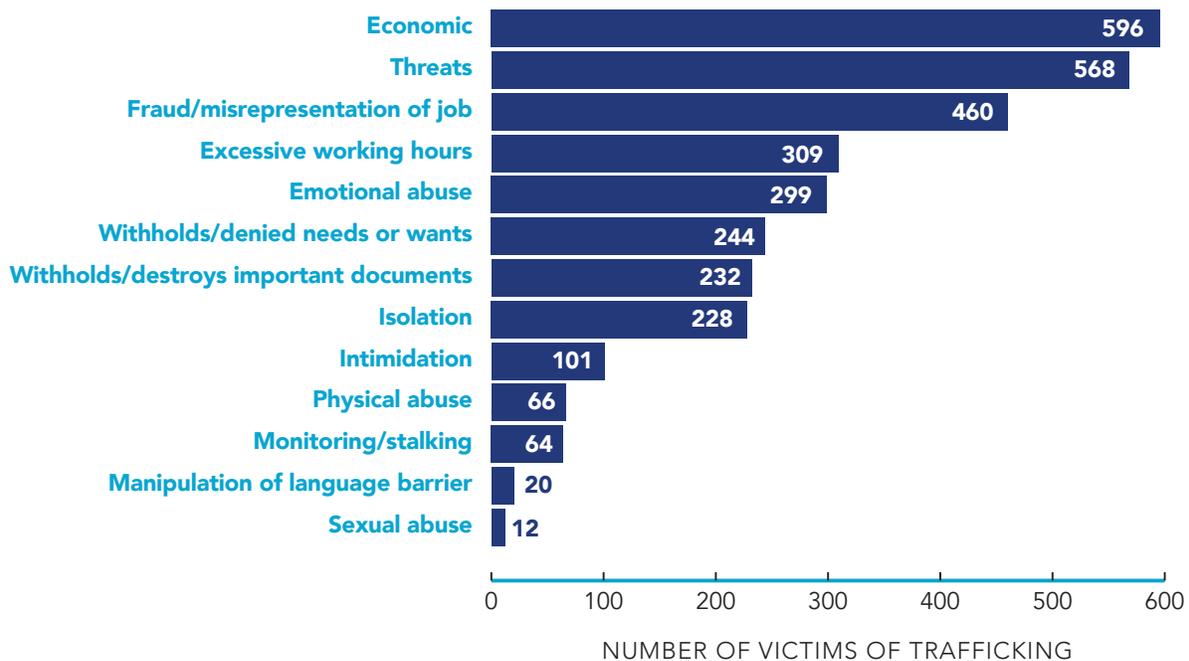
Fifty-eight percent of victims experienced fraud or false promises during the recruitment process, and reported that the nature of working conditions turned out to be substantially different than what they had been told during recruitment. Workers were also given misinformation about wages, schedules, associated fees, living conditions, and benefits.

Many of the victims had contracts with explicit stipulations that were later violated. Contract violations varied by visa type. For example, in many H-2A cases, victims reported their contracts for agriculture work explicitly stipulated an hourly wage. However, upon arrival to their job, victims later learned they would be paid on a piece-rate basis, making their earnings almost entirely dependent on weather and other agricultural conditions beyond their control. In cases involving J-1 visas, some victims' contracts specified they would be placed in positions where they could gain vocational experience, such as hospitality management, only to find themselves working in housekeeping at a hotel. Contract violations that spanned across visa categories included false promises of transportation between work and living sites as well as promises of reimbursement or provision of food, living expenses, travel to the U.S., and the supply of uniforms or protective safety gear. Other victims never received contracts, were given contracts in a language they could not read, or signed a contract but then were not given a copy of that contract to reference later.

Methods of Control

Each of the 797 victims of trafficking identified by the National Human Trafficking Hotline and BeFree Textline¹⁷ had indications that these individuals experienced some form of control which constituted force, fraud or coercion, and hence had been a victim of severe forms of trafficking under the Trafficking Victims Protection Act (TVPA).

Methods of control used on victims of trafficking (non-cumulative)*



*These statistics are non-cumulative. Survivors may experience multiple methods of control or this information may not be provided. Accordingly, percentages do not add up to 100%.

17 Polaris launched an independent SMS service, the BeFree Textline (233733), in March 2013 that provided similar capabilities the National Human Trafficking Hotline offered through the phone, but was limited to certain periods of the day and only in English. Today, the BeFree shortcode is fully integrated into the National Hotline.

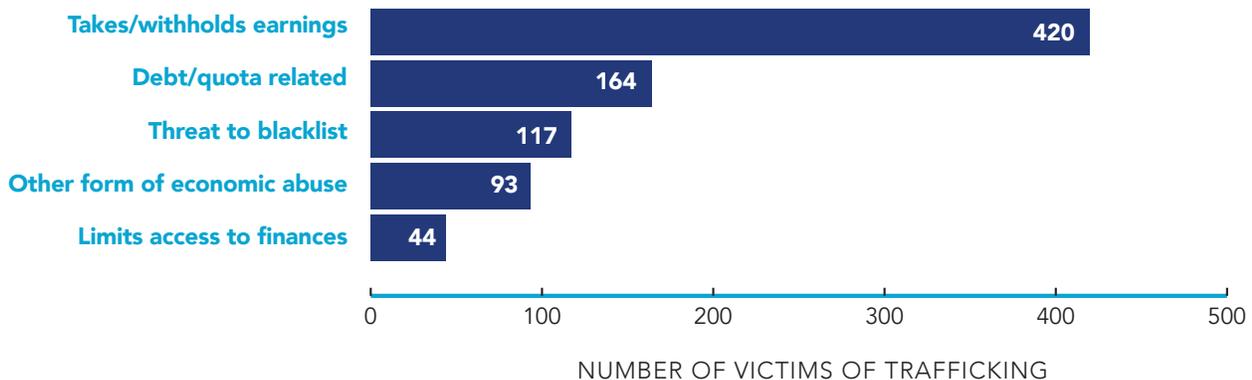


Economic abuse

Among the victims who had indicators of trafficking, the most common method of control was economic abuse which could involve their exploiters confiscating some or all of their earnings, keeping the victims in a situation of debt bondage, preventing the victims from accessing their earnings, or threatening to blacklist the victims and prevent them from obtaining gainful employment in the United States in the future.

Real or perceived debt, often attributed to initial recruitment and transportation costs, was used as a way of controlling victims in a variety of industries. Eighty-one percent of trafficking victims with H-1B visas working in professional fields such as education, technology or scientific research experienced debt bondage. This practice was also common in other industries including health care, manufacturing and hospitality. The use of quotas in agriculture was common, where victims were mandated to produce or complete an often unattainable amount of work-related products or tasks, or face often serious repercussions.

Forms of economic abuse used as a method of control on victims of trafficking (non-cumulative)*



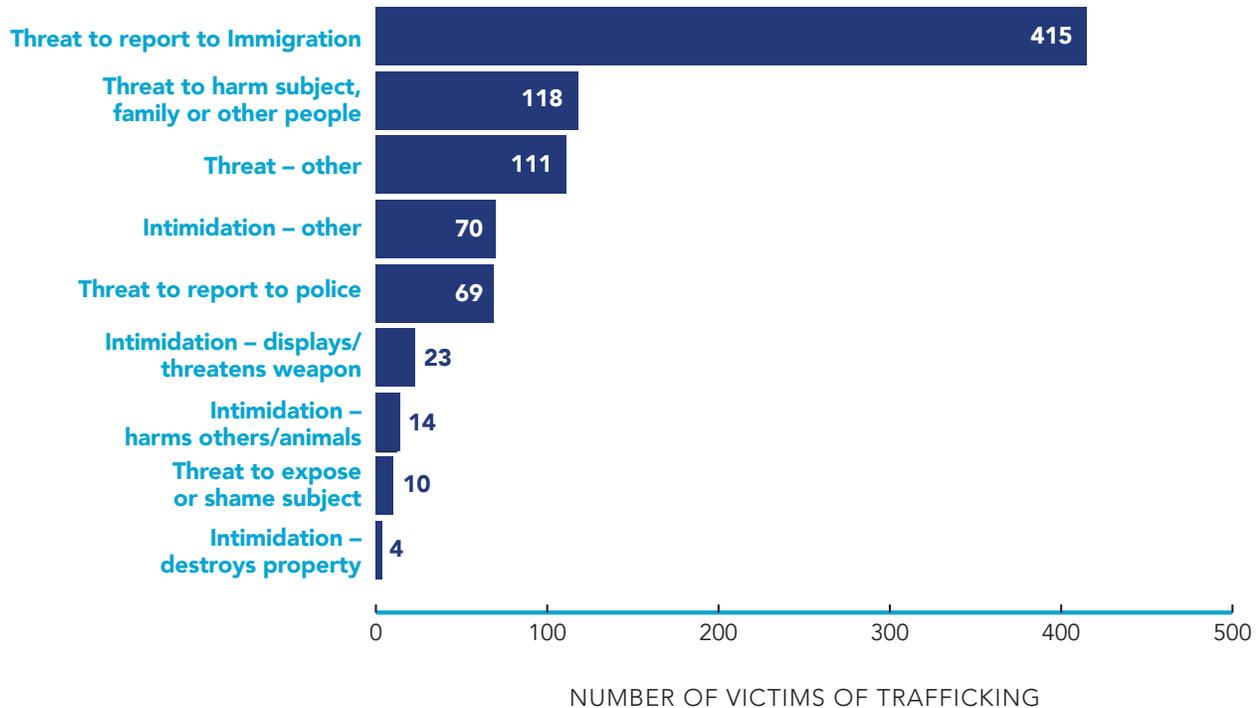
**These statistics are non-cumulative. Survivors may experience multiple methods of control or this information may not be provided. Accordingly, percentages do not add up to 100%.*



Threats

Aside from economic abuse, the next most frequent methods of coercive control were various types of threats.

Type of threat or intimidation used as a method of control on victims of trafficking (non-cumulative)*



**These statistics are non-cumulative. Survivors may experience multiple methods of control or this information may not be provided. Accordingly, percentages do not add up to 100%.*



Immigration threats

Deportation is the most pervasive and effective threat traffickers use against victims who hold temporary work visas. This threat, which exists to some extent in all trafficking situations involving foreign nationals, becomes a precision weapon in the hands of traffickers controlling temporary work visas tied to a single employer. With a tied visa, a worker daring to leave an abusive situation is automatically, upon exiting, unprotected by legal immigration status and subject to deportation. Moreover, unless the worker is able to effectively document and subsequently report his or her reasons for leaving, the employer may report the worker to authorities for absconding, which will then make it more difficult to obtain a temporary visa in the future.

Being deported once or being reported as absconding without mitigating documentation can make it significantly more difficult for a worker to ever come back to the United States to work in the future. This is a significant barrier for victims whose future economic prospects often rely on their being allowed to work in the United States seasonally year after year.

Visas	Tied to specific employer?
A-3/G-5 - Personal attendants to diplomats and employees of international organizations	Yes
B-1 - Business visitors	No ¹⁸
F-1 - Students ¹⁹	No
H-1B - Specialty occupations	Yes
H-2A - Agricultural workers	Yes
H-2B - Temporary non-agricultural workers	Yes
J-1 - Participants of cultural and educational exchange programs	No -- although in most cases, the sponsor must approve the employer

¹⁸ "Job Portability | Global Workers Justice Alliance." A-3 And G-5 Visa | Global Workers Justice Alliance, Global Workers Justice Alliance, globalworkers.org/job-portability.

¹⁹ While employment is not the sole purpose of granting these visas, there are a number of ways in which foreign nationals holding student visas can legally be employed both on and off campus. <https://studyinthestates.dhs.gov/working-in-the-united-states>



Isolation

In almost all of the visa categories analyzed, exploiters used sometimes extreme methods of isolation and monitoring. Victims with a variety of visa types reported that their exploiters deliberately limited access to a support system, prevented or limited a victim's access to necessary medical services, and confiscated personal cell phones or denied access to various communication mediums. The means through which this was done varied based on circumstances. For instance, domestic workers with A-3, G-5, or B-1 visas reported being confined to the households in which they worked. Visa holders engaged in agricultural work reported being left in remote areas without transportation or a means of communicating with others. The denial of food or other needs was a common punitive measure used against domestic workers, but was also referenced frequently in cases of H-2A and H-2B visas, often when work-related quotas were not met or the exploiter deemed the victim disobedient. Verbal abuse, degradation and emotional manipulation were common tactics used across cases. Sometimes these particular abuse methods coincided with employment discrimination based on nationality or gender.

Method of isolation (non-cumulative*)



*These statistics are non-cumulative. Survivors may experience multiple methods of control or this information may not be provided. Accordingly, percentages do not add up to 100%.



Other abuse, discrimination

In addition to contract violations detailed in the recruitment section of this report, the National Hotline has identified additional workplace abuses such as wage and hour issues, discrimination, hazardous/unsafe/unsanitary workplace/living conditions, wrongful termination, and verbal and physical abuse. Victims with employee-provided housing, typically those with H-2A or J-1 visas, often reported inadequate or squalid living quarters provided by their employers. Some examples of these conditions included no running water, heat or air conditioning, inadequate plumbing, pest infestation, a lack of proper food storage or cooking facilities, and overcrowding. While the number of victims occupying a single residence varied widely, overcrowding was often so severe that some victims reported not having their own bed, forcing them to sleep on floors, with others, or even outside. These hazardous/unsafe/unsanitary conditions were not just limited to victims' home lives. Many H-2A and H-2B visas holders reported dangerous working conditions. Many also reported that their employers had not provided them with proper training or protective safety equipment. Of the workers who were afforded the opportunity to wear safety gear, some had to pay for their own equipment out-of-pocket.

When victims did report these violations to their direct supervisors, supervisors often transferred blame to corporate entities of which the victims had little to no knowledge. National Hotline Advocates speaking to these victims found that many were unable to definitively answer whether or not their exploiter was their direct employer because of a general sense of confusion regarding the role of labor contractors and foreign labor recruiters. Because of a lack of understanding of the structure of the labor supply chain and confusion over the involvement and legal obligations of each entity involved, victims were often unable to ascertain who was directly responsible for wrongdoing, who was complicit in the wrongdoing, and who was completely unaware of the exploitation occurring. The complexity of these labor supply chains creates huge obstacles for the implementation and regulation of labor laws as even the individuals most directly affected by these systems are unsure of their positions within the supply chain.

Lied to and abused

Nearly 40 men from Mexico with H-2A visas were packed into the back of truck and driven for hours – without a single rest stop – to a farm somewhere in the rural southeast. Some got sick along the way. Upon arrival, all were told they would not get fed - ever - until they handed over their passports. It got worse. The \$9 an hour in their contracts turned out to be \$3 – per crate filled. The housing they were promised turned out to be roach-infested trailers with a dozen men packed into each and no running water. The men had spent hard-earned money for the opportunity to work but realized they weren't safe. Several snuck away on foot, walking several days on end and sleeping in fields until they finally found a place they could call for help.

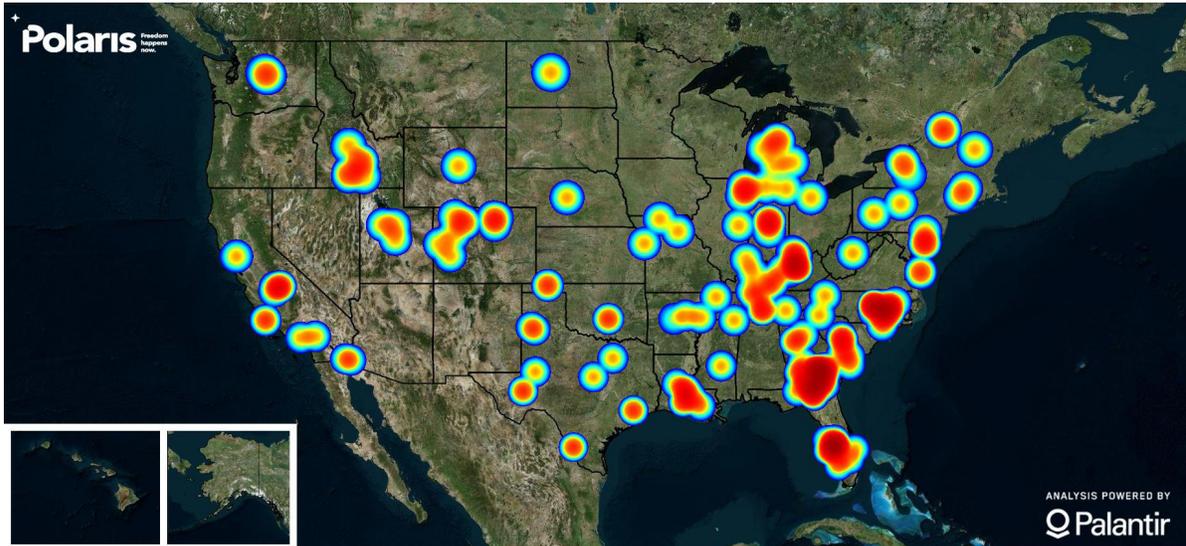


Benedict Evans (Human Rights Watch)



Details of Trafficking On Specific Temporary Work Visas

Trafficking on H-2A Agricultural Visas



The image above is a heat map which reflects the locations of trafficking cases involving H-2A visa holders reported to the National Human Trafficking Hotline from January 1, 2015 - December 31, 2017. Areas in which greater numbers of cases were reported contain more red shading. This map only reflects cases in which the location of the trafficking was known. Some cases may involve more than one location.

H-2A visas are issued to foreign temporary agricultural workers and allow these individuals to work legally for a single designated employer who has successfully claimed an inability to hire a local workforce. Visas are valid for up to one year, and can be extended in up to one-year increments for a maximum of three years. As in other low-skilled programs, there is no path to citizenship or permanent residency.

The process of bringing workers to this country begins with employers applying to the U.S. Department of Labor for certification that they cannot find the necessary workforce locally. When the Labor Department certifies need, the Department of Homeland Security then actually approves the employer's application form, granting it permission to start recruiting foreign workers. Workers then apply to the Department of State, which processes their applications and grants visas through the respective consulates. While employers may be individual growers or agriculture companies, in some places employers are labor contractors who bring in large numbers of agricultural workers and contract those workers out to individual growers.²⁰ Generally, employers contract with labor recruiters in the countries where they are likely to find a workforce. Recruiters find workers and generally accompany them or give them very specific instructions about going to the U.S. consulate in their country and applying for an H-2A visa. This process is generally the same for the other low-skilled temporary work visa programs.

H-2A victims	Number of victims
Labor trafficking victims	323
Sex and labor trafficking victims	4

While estimates of how many individuals are actually in the United States working on a visa in a given year differ, one study calculated that there were 74,859 H-2A workers employed in the United States

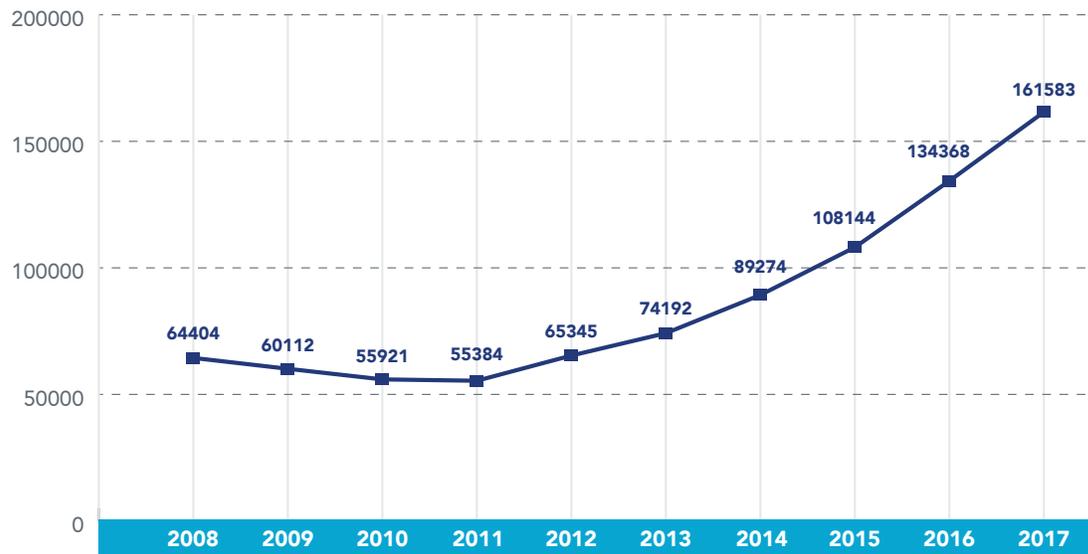
²⁰ "Foreign Labor Certifications: Home Link H-2A Temporary Agricultural Program Details." United States Department of Labor Employment and Training Administration, 22 Oct. 2009, www.foreignlaborcert.doleta.gov/h_2a_details.cfm.



in 2013.²¹ More recent estimates for the number of H-2A workers employed are not available. However, the number of H-2A visas issued increased by 151 percent over the last decade, reaching 161,583 visas issued in Fiscal Year 2017.²²

From 2015 through 2017, the National Hotline identified 327 H-2A visa holders who were victims of human trafficking. The majority of these individuals were males from Mexico, a country that received 93 percent of America's H-2A visas issued between FY 2008 and FY 2017.²³ Ninety-four percent of the labor trafficking victims identified that they worked in the agricultural industry as stipulated by their visa.

H-2A visas issued by fiscal year



21 Costa and Rosenbaum, "Temporary Foreign Workers by the Numbers"

22 U.S. Department of State, "Nonimmigrant Visa Statistics"

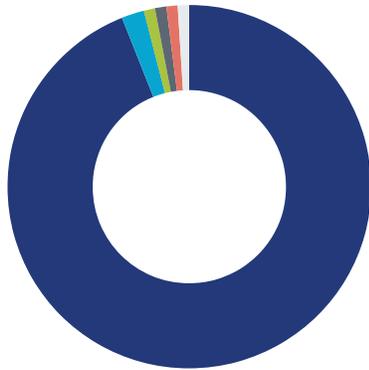
23 U.S. Department of State, "Nonimmigrant Visa Statistics"



The work they do

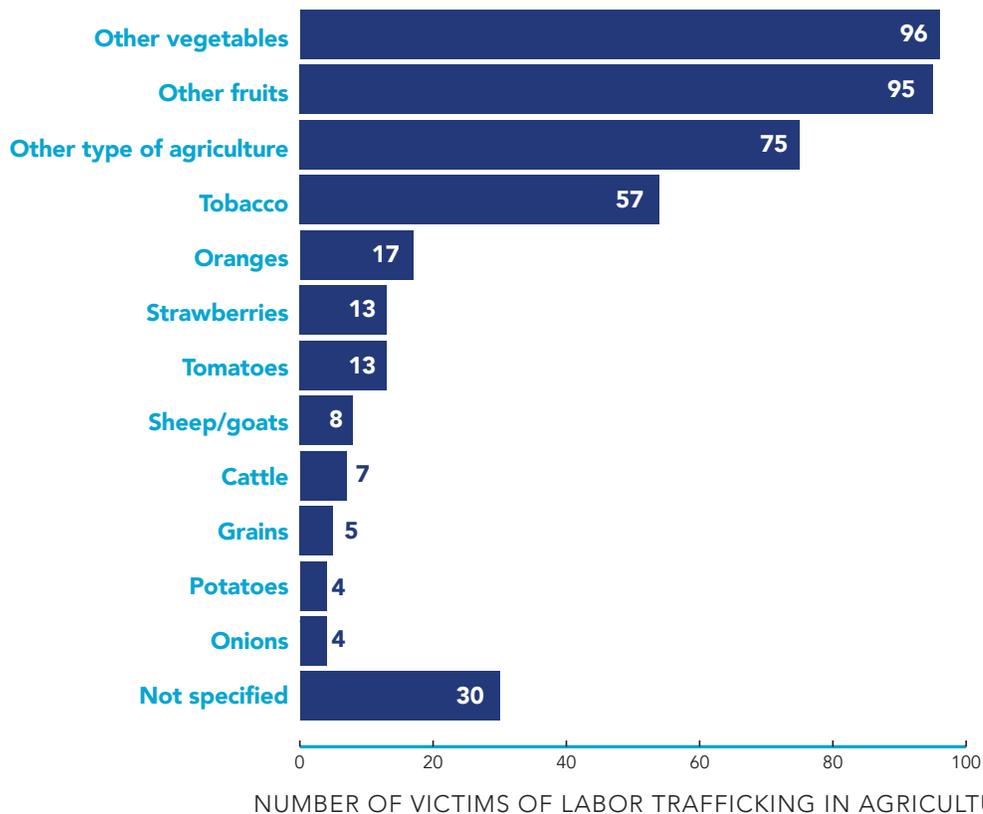
Of the 302 labor trafficking victims identified working in agriculture, many worked in the cultivation of tobacco, oranges, strawberries and other fruits and vegetables.

Of the labor trafficking victims not formally working in agriculture, most worked in similar industries such as landscaping or forestry.



Industries of Labor Trafficking	Number of victims of labor trafficking	Percent of victims of labor trafficking (N =323)
Agriculture/farms/animal husbandry	302	93.50%
Landscaping	7	2.17%
Forestry/reforestation	4	1.24%
Domestic work	3	0.93%
Not specified	3	0.93%
Other*	4	1.24%
<i>Total victims of labor trafficking with H-2A visas</i>		<i>323</i>
		<i>100.00%</i>

Type of Agriculture (non-cumulative*)



*These statistics are non-cumulative. Survivors may have worked in multiple types of agriculture or this information may not be provided.



Marcus Bleasdale (Human Rights Watch)

Companies convicted of visa fraud still eligible for guest worker visas

A prime example of just how little oversight there is in the administration of guest worker visa programs is the case of one North Carolina labor broker, Craig Eury. Until 2016,²⁴ Eury was listed on public documents as a director for both the North Carolina Growers Association (NCGA), a cooperative of nonprofits that helps farms in North Carolina recruit workers through the H-2A program, and the International Labor Management Corporation (ILMC), an agricultural labor recruitment business that helps clients find and bring foreign workers through the H-2A and H-2B programs.

In 2015, Eury was sentenced to 13 months in prison after pleading guilty to conspiracy to obstruct a government function and conspiracy to defraud the United States, according to published reports.

"International Labor Management was ordered in December to pay \$1.12 million for defrauding the federal government by bringing guest workers to the United States

for one job and sending them to another," *The Fayetteville Observer* reported.

Additionally, according to the paper, "Eury pleaded guilty to the two charges in June. He also had been charged with three counts of encouraging illegal aliens to enter the country, one count of fraudulently obtaining visas, 34 counts of money laundering, six counts of mail fraud, and four counts of wire fraud. Those charges were dropped under a plea agreement."²⁵

Despite all of this, Eury and his associated companies still have not been barred by the U.S. Department of Labor from recruiting within the guest worker program as of October 2017.²⁶ Indeed, the NCGA received visas when Eury was still on the registration paperwork but subject to criminal complaint.²⁷ The Department of Labor maintains a list of "Ineligible Farm Labor Contractors," but as of Spring 2018, none of them are on it. As of March 31, 2018, the NCGA is the number one recipient of H-2A certifications.

24 NCGA's registration information was amended on July 12, 2016. The North Carolina Secretary of State retains the registration information on a public available site accessible here https://www.sosnc.gov/online_services/search/by_title/_Business_Registration.

25 DeVane, Steve. "Moore Businessmen Plead Guilty to Fraud." *The Fayetteville Observer*, *The Fayetteville Observer*, 3 July 2015, www.fayobserver.com/article/20150702/News/307029892.

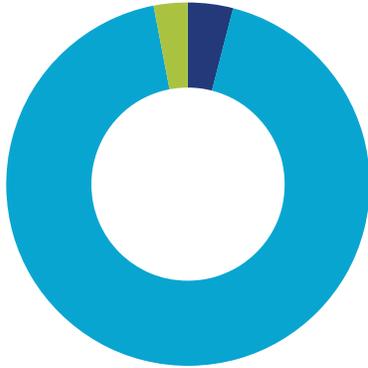
26 *Program Debarments*, U.S. Department of Labor Employment and Training Administration Office of Foreign Labor Certification, www.foreignlaborcert.doleta.gov/pdf/Debarment_List_Revisions.pdf.

27 "H-2A Temporary Agricultural Labor Certification Program - Selected Statistics, FY 2015." *Department of Labor Employment and Training Administration Office of Foreign Labor Certification*, U.S. Department of Labor, www.foreignlaborcert.doleta.gov/pdf/h-2a_selected_statistics_fy_2015_q4.pdf.

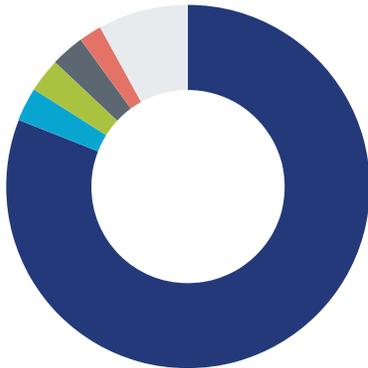


Who they are

Victims of this kind of trafficking are overwhelmingly Mexican nationals.



Gender of H-2A victims of trafficking	Number of victims of trafficking	Percent of victims of trafficking (N =327)
Female	13	3.98%
Male	303	92.66%
Not specified	11	3.36%
<i>Total victims of trafficking with H-2A visas</i>	327	100%



Nationality of H-2A victims of trafficking	Number of victims	Percent of victims (N =327)
Mexico	265	81.04%
Guatemala	11	3.36%
South Africa	10	3.06%
Peru	10	3.06%
Other*	5	1.53%
Not Specified	26	7.95%
<i>Total victims of trafficking with H-2A visas</i>	327	100%

* In order to protect the identity of the people we serve, Polaris does not provide specific information about nationalities referenced fewer than three times.

Weaponizing tied visas

Juan²⁸ entered the United States under an H-2A visa to work picking fruit. His employers forced him to work in unsafe weather conditions, without breaks for rest or water, over work days that lasted 10-12 hours. While his contract specified an hourly wage, his employer paid him by the bucket. If Juan raised these or other concerns, or did not pick quickly enough, the employer yelled and repeatedly threatened to call law enforcement and have him deported and barred from every being allowed to return to this country. When Juan called the National Hotline, he was connected to a legal service provider who specializes in his visa type and the exploitative conditions he was facing.

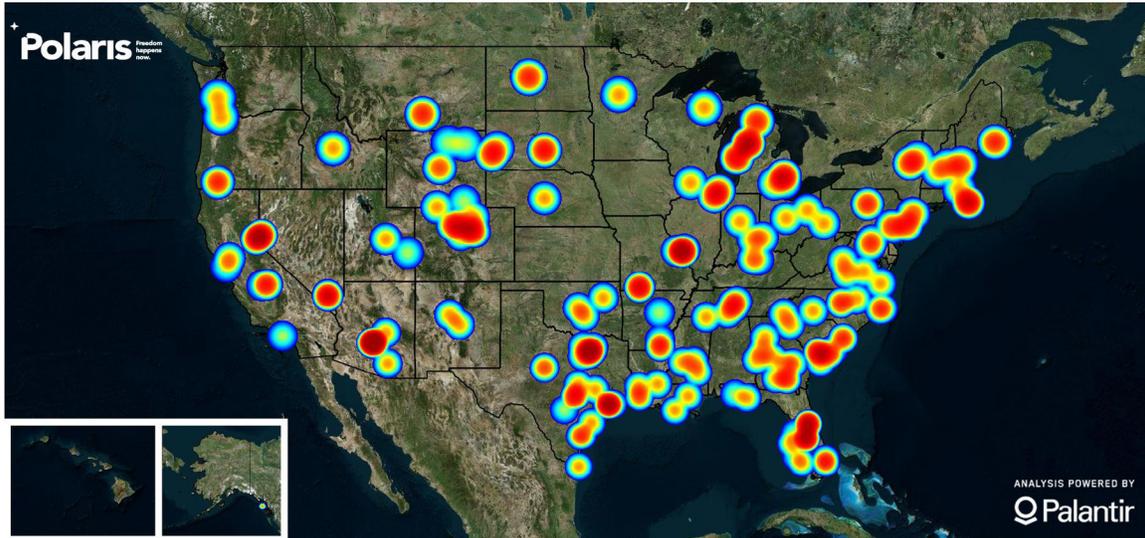


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28 Name changed to protect victim's identity



Trafficking on H-2B temporary non-agricultural worker visas



The image above is a heat map which reflects the locations of trafficking cases involving H-2B visa holders reported to the National Human Trafficking Hotline from January 1, 2015 - December 31, 2017. Areas in which greater numbers of cases were reported contain more red shading. This map only reflects cases in which the location of the trafficking was known. Some cases may involve more than one location.

The H-2B visa program allows for temporary or seasonal foreign workers to hold non-agricultural jobs which are not deemed to be specialty occupations associated with the H-1B visa program. As such, H-2B visa holders work in more diverse industries than holders of most other types of visas. These visas generally allow temporary stays for up to nine months, which may be extended to one year, and subsequently in one-year increments for a maximum of three years, or, in some cases, may be certified for three years as a “one-time occurrence.” Annual caps are established, and these are frequently met at the beginning of the fiscal year.²⁹ As in H-2A visas, the hiring process involves the U.S. Department of Labor, the Department of Homeland Security and the Department of State. The agencies must establish jointly 1) whether the employer has made sufficient efforts to hire legally eligible workers already living the United States 2) the prevailing wage for the sector and occupation, and 3) if the worker meets the visa condition and immigration requirements. This type of visa does not offer a path to permanent residency or citizenship.

H-2B victims	Number of victims
Labor trafficking	246
Not specified form of trafficking	2

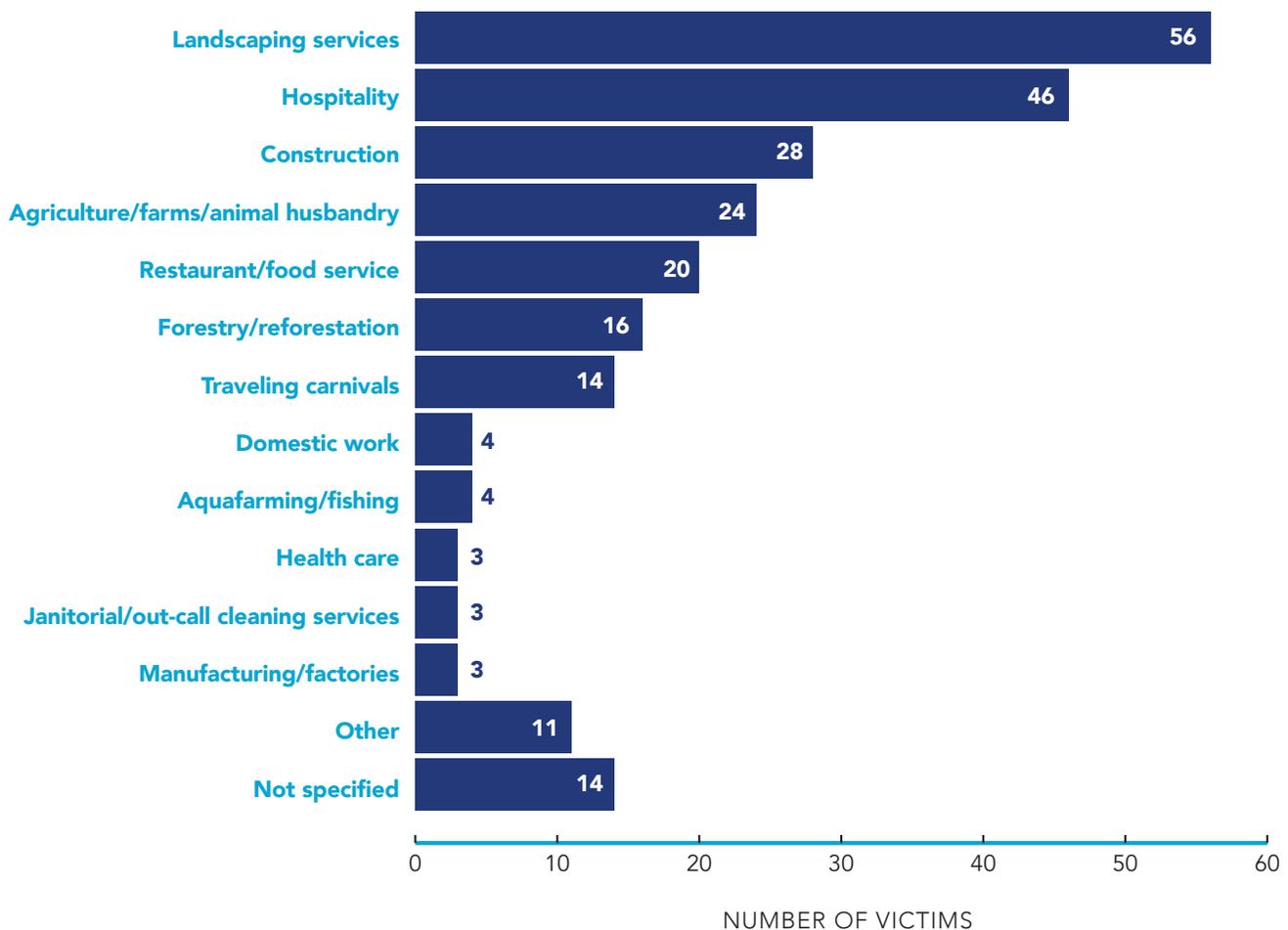
²⁹ “Justice in Motion: Protecting Migrant Rights Across Borders, H-2B Visa.” *Global Workers Justice Alliance*, Global Workers Justice Alliance, globalworkers.org/sites/default/files/H-2B_Visa_2015update.pdf.



The work they do

The Department of Labor's Office of Foreign Labor Certification reported that H-2B holders most commonly held occupations associated with landscaping, forestry, housekeeping, amusement and recreation, and food production.³⁰ While the National Hotline classifies work only by industry and not by occupation, the industries associated with the 246 H-2B visa holders identified by the National Hotline as victims of labor trafficking from 2015-2017 vary only slightly from the occupations highlighted by the Labor Department. Landscaping was the industry most frequently reported in situations of labor trafficking reported to the National Hotline, followed by hospitality, construction, and restaurant/food services. It is worth noting that nearly 10 percent of victims did work in agriculture, which is not allowed under this visa program.

Industries of labor trafficking



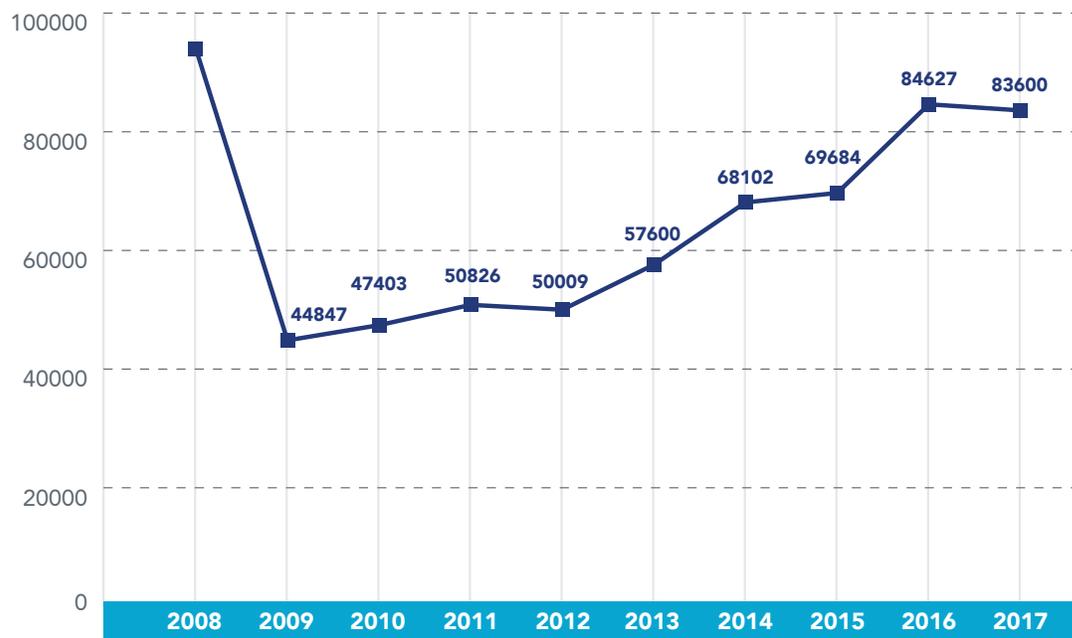
30 "H-2B Temporary Non-Agricultural Labor Certification Program - Selected Statistics, FY 2017." *Department of Labor Employment and Training Administration Office of Foreign Labor Certification*, U.S. Department of Labor, www.bing.com/cr?IG=11D80BEC8D-6B484E96BF48EED3F32881&CID=245F6B13BE4F6E1926216713BFB26F39&rd=1&h=OszbOqlgNtSQ2ozyaOsT390n2XOH6V_tpT132uxN-REQ&v=1&r=https%3a%2f%2fwww.foreignlaborcert.doleta.gov%2fpdf%2fPerformanceData%2f2018%2fH-2B_Selected_Statistics_FY2018_Q1.pdf&p=DevEx.LB.1,5067.1.



Who they are

The Economic Policy Institute estimates that in FY 2013, there were 94,919 H-2B workers present in the United States.³¹ While not indicative of the number of H-2B workers actually employed in the United States, 83,600 H-2B visas were issued in Fiscal Year 2017.³² Because Congress has capped the number of H-2B's available each year at 66,000 per fiscal year, the number of H-2B visas issued has not increased at the same rate as its agricultural counterpart, the H-2A visa³³.

H-2B visas issued by fiscal year



According to the Department of Labor, the top five states for H-2B visas in FY 2017 were Texas, Florida, Colorado, Louisiana and North Carolina³⁴. Department of State data demonstrates that Mexican nationals received 71 percent of all H-2B visas issued in fiscal years 2008 through 2017.³⁵ Mexican nationals constituted 58 percent of all trafficking victims identified with this visa category from 2015-2017, while 25 percent of victims were from the Philippines, a country which received only 2% of all H-2B visas issued in the last decade³⁶.

Gender of H-2B victims of trafficking	Number of victims	Percent of victims (N =248)
Female	39	15.73%
Male	195	78.63%
Not specified	14	5.65%
<i>Total victims of trafficking with H-2B Visas</i>	248	100.00%

31 Costa and Rosenbaum, "Temporary Foreign Workers by the Numbers"

32 U.S. Department of State, "Nonimmigrant Visa Statistics"

33 "Cap Count for H-2B Nonimmigrants." USCIS, U.S. Citizen and Immigration Services, 1 Mar. 2018, www.uscis.gov/working-united-states/temporary-workers/h-2b-non-agricultural-workers/cap-count-h-2b-nonimmigrants.

34 U.S. Department of Labor, "H-2b Temporary Non-Agricultural Labor Certification Program – Selected Statistics, FY 2017"

35 U.S. Department of State, "Nonimmigrant Visa Statistics"

36 U.S. Department of State, "Nonimmigrant Visa Statistics"



Trapped by recruitment debt

A family acquaintance told Rita about a recruiter looking to fill housekeeping jobs at hotels in the United States. The recruiter told Rita she had to pay certain fees to be eligible for consideration for the job, which required an H-2B visa, and kept tacking on more fees and costs during the process, including the cost of a plane ticket.

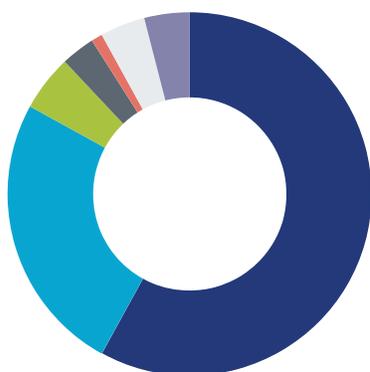


Getty Images

In total, Rita spent nearly \$10,000 on recruiter fees and transportation to come to the United States for the job. She was told she would be reimbursed for some of these expenditures. She was also promised that her housing and food would be paid for while she was employed at the hotel. None of those promises were kept.

At the end of the contract, Rita was in debt because of the money she borrowed to take the job in the first place and was forced, because she had no other options and could not even afford to fly home, to pay additional money and take another job through the same agency.

She ended up working with law enforcement and calling the National Hotline, which was able to connect her with legal resources to work toward an immigration remedy.

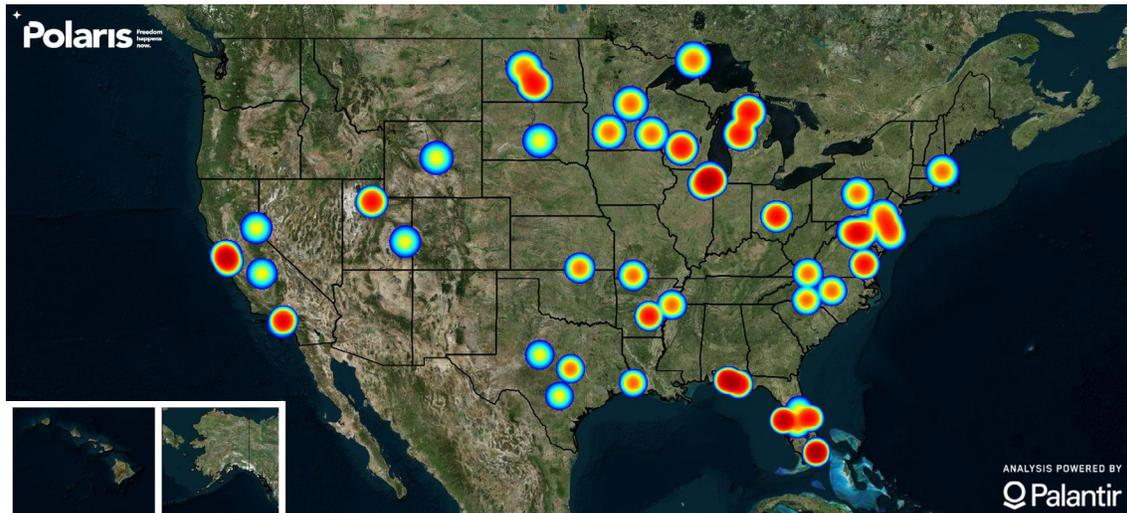


Nationalities of H-2B victims of trafficking	Number of trafficking victims	Percent of trafficking victims (N =248)
Mexico	143	57.89%
Philippines	61	24.70%
Jamaica	12	4.86%
Guatemala	9	3.64%
South Africa	3	1.21%
Other*	10	4.05%
Not specified	10	4.05%
<i>Total victims of trafficking with H-2B visas</i>	<i>248</i>	<i>100.00%</i>

* In order to protect the identity of the people we serve, Polaris does not provide specific information about nationalities referenced fewer than three times.



Trafficking on J-1 Cultural and Education Exchange Visas



The image above is a heat map which reflects the locations of trafficking cases involving J-1 visa holders reported to the National Human Trafficking Hotline from January 1, 2015 - December 31, 2017. Areas in which greater numbers of cases were reported contain more red shading. This map only reflects cases in which the location of the trafficking was known. Some cases may involve more than one location.

The J-1 visa is the most diverse in terms of industries referenced, victim demographics and experiences. Created to foster international understanding through cultural exchange, the J-1 program allows foreign individuals to work temporarily in the United States for educational purposes or to facilitate cultural exchange. J-1 visas have come under increasing attack in recent years as evidence has emerged of businesses using J-1 visas to recruit low-skilled foreign workers legally while avoiding regulations and requirements imposed by other type of low-skilled programs.³⁷

J-1 visas can be valid for as little as three weeks for seasonal workers and up to five years for professionals, depending on the program. J-2 visas are available for family members to accompany J-1 visa holders to the United States for the duration of their employment. Unlike other temporary visa types, J-1 visa holders are not tied to a single employer but must receive approval from their original visa sponsor before changing employers.

The Department of Labor does not certify J-1 visas, as they are ostensibly designed for cultural exchange purposes and should not have an effect on the U.S. labor market. The U.S. Department of State is responsible for the approval of J-1 visas. But the actual oversight is in reality left to sponsors -- often recruitment and staffing agencies, which exist solely to facilitate this program. The recruiters screen and select visitors/workers and match them to host employers and activities. These recruiting businesses are also responsible for informing workers about their rights and supposedly for monitoring labor conditions in the field and reporting abuses.³⁸ Of course, recruiters have little incentive to report problems, even if they do see them, because doing so will make it unlikely that the business abusing the worker will hire them to recruit labor in the future.³⁹

J-1 victims	Number of victims
Labor trafficking	61
Sex trafficking	6

From 2015 through 2017, the National Hotline identified 67 J-1 visa holders who were believed to be victims of human trafficking. Notably, nine percent of the trafficking victims were identified as potential sex trafficking victims.

37 Stewart, Meredith B. "Culture Shock: The Exploitation of J-1 Cultural Exchange Workers." *Southern Poverty Law Center*, Southern Poverty Law Center, 1 Feb. 2014, www.splcenter.org/20140201/culture-shock-exploitation-j-1-cultural-exchange-workers.

38 Global Workers Justice Alliance, "Justice in Motion: Protecting Migrant Rights Across Borders, H-2B" Visa"

39 Griebel Bowman, Catherine, and Patricia Medige. "U.S. Anti-Trafficking Policy and the J-1 Visa Program: The State Department's Challenge From Within." *Intercultural Human Rights Law Review*, vol. 7, 28 Nov. 2012, pp. 104-145., doi:<https://www.stu.edu/Portals/Law/docs/human-rights/ihr/r/volumes/7/103-145-MedigeandBowman-USAntiTraffickingPolicyandtheJ1VisaProgram.pdf>.



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Sold for sex on a cultural exchange visa³³

The job at Janardana’s Yoga and Wellness Studio in Miami Beach sounded like a great opportunity for two college students from Kazakhstan looking for a chance to see America and practice their English over the summer of 2011. The problem: Janardana’s Yoga and Wellness Studio didn’t exist. It was a front for a massage parlor that advertised on Backpage, “Beautiful ladies from Kyrgyzstan, Uzbekistan, Belarus and Ukraine offering Sensual Body rubs.”

There was no way the college students could have known this. But someone from the U.S. government should have. The students were recruited through an agency that had the official approval of the U.S. Department of State to distribute J-1 visas – temporary work permits for foreign students. These visas are

supposed to be used for cultural exchange, not for cheap labor and certainly not to import workers for commercial sex.

Yet the business owner, Jeffrey Jason Cooper, told the employment agency recruiting the students that his name was Dr. Janardana Dasa and that he needed clerical workers to answer his phones and help plan wellness retreats, according to a federal indictment. No one, apparently, looked any further into the matter. Instead, when the young women arrived, they were given detailed instructions about the commercial sex acts they were expected to perform and forced to work in Cooper’s massage parlor. They were rescued after several months of being trafficked.

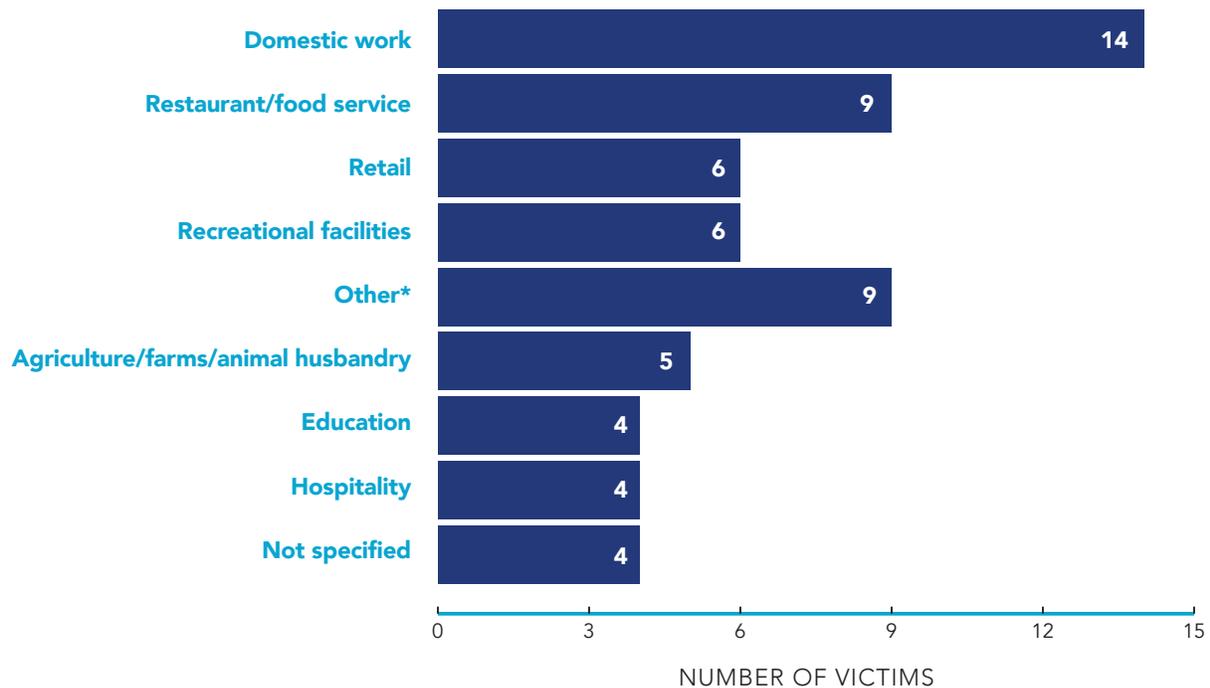
40 Saul, Josh. “Florida Man Tricked Asian College Students into Prostitution by Offering Work in His Nonexistent Yoga Studio: Feds.” *Newsweek*, IBT Media, 12 June 2016, www.newsweek.com/florida-man-tricks-asian-college-students-prostitution-yoga-studio-458654.



The work they do

The Department of State, which manages the program, has outlined 14 distinct subcategories of qualifying J-1 visa recipients: Research scholars, teachers, college and high school students, au pairs, camp counselors, international visitors, and the summer work and travel program. The summer work and travel program, the largest J-1 subcategory, allows college students to “work in jobs that require minimal training and are seasonal or temporary” for four months.⁴¹ While J-1 visa holders conducting research are usually sponsored by universities, the other J-1 subcategories are typically sponsored by large companies whose primary focus is facilitating these exchanges.

Industries of labor trafficking



Who they are

In 2014, there were an estimated 215,866 J-1 workers employed in the United States.⁴² While the number of J-1 visas has fluctuated slightly over the last decade, an average of 329,122 J-1 visas have been issued each year, with 343,811 issued in Fiscal Year 2017.

In 2013, the State Department issued 159,164 J-1 for workers from European countries and 92,476 for workers from Asian countries. The rest of the world received only 60,882. China received the greatest number with 34,263 visas, followed by Germany, the United Kingdom, Brazil and France.⁴³ The National Hotline data reflects the diversity of this program, as victims identified came from 25 different countries.

Trafficking victims in this category are more likely to be women. The Philippines is the most significant source country represented in the National Hotline’s dataset.

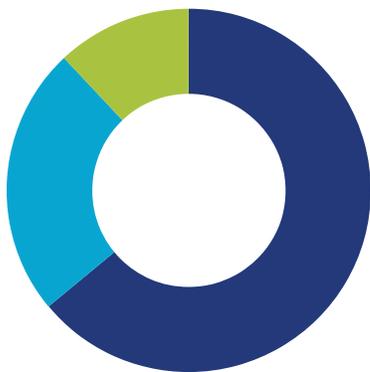
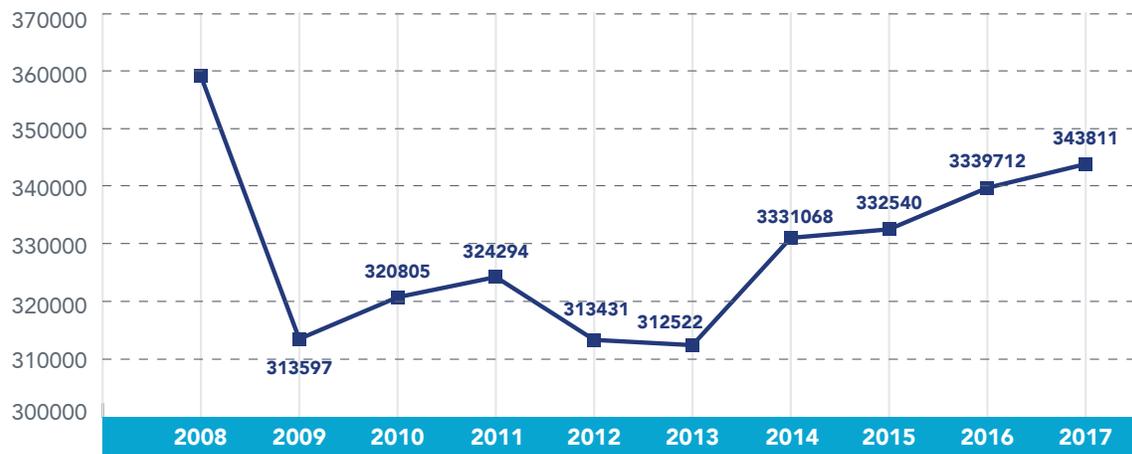
41 “§ Sec. 62.32 Summer Work Travel. (Section 62.32 Revised Effective 7/15/2011; 76 FR 23177).” USCIS, U.S. Citizenship and Immigration Services, www.uscis.gov/ilink/docView/22CFR/HTML/22CFR/0-0-0-1/0-0-0-3590/Sec-62-32.html#0-0-0-851.

42 Costa and Rosenbaum, “Temporary Foreign Workers by the Numbers”

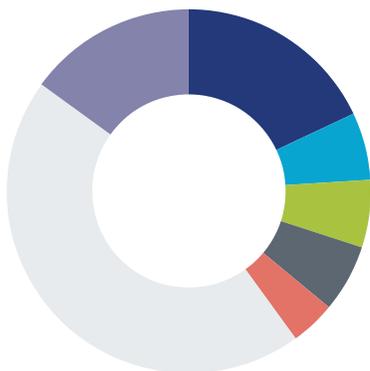
43 Global Workers Justice Alliance, “Justice in Motion: Protecting Migrant Rights Across Borders, H-2B” Visa”



J-1 Visas Issued by Fiscal Year



Gender of J-1 victims of trafficking	Number of trafficking victims	Percent of trafficking victims (N =67)
Female	43	64.18%
Male	16	23.88%
Not specified	8	11.94%
<i>Total victims of trafficking with J-1 visas</i>	<i>67</i>	<i>100%</i>

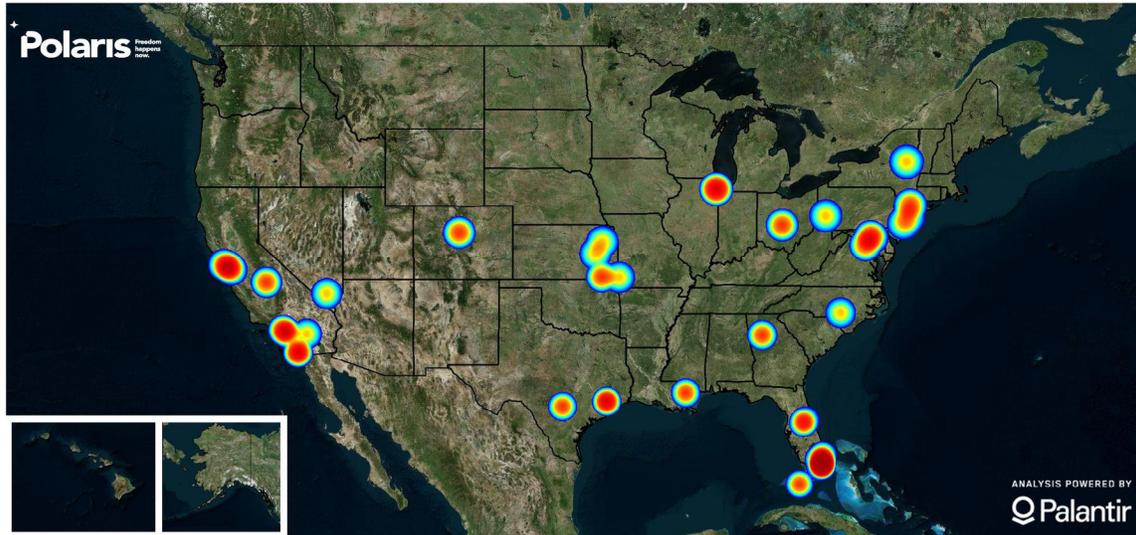


Nationalities of J-1 victims of trafficking (non-cumulative)	Number of trafficking victims	Percent of trafficking victims (N =67)
Philippines	12	17.91%
Russia	4	5.97%
Brazil	4	5.97%
India	4	5.97%
Croatia	3	4.48%
Other*	30	44.78%
Not Specified	10	14.93%
<i>Total victims of trafficking with J-1 visas</i>	<i>67</i>	<i>100%</i>

* In order to protect the identity of the people we serve, Polaris does not provide specific information about nationalities referenced fewer than three times.



Trafficking on B-1 business visitor visas



The image above is a heat map which reflects the locations of potential trafficking cases involving B-1 visa holders reported to the National Human Trafficking Hotline from January 1, 2015 - December 31, 2017. Areas in which greater numbers of cases were reported contain more red shading. This map only reflects cases in which the location of the potential trafficking was known. Some cases may involve more than one location.

The B-1 visa category allows foreign nationals to travel to the United States for business purposes such as attending meetings or conferences on behalf of their foreign employer. The B-1 visa was not originally intended to allow long-term work in the United States and is not technically considered a work visa. However, the B-1 category includes several programs created by regulation and administrative guidance that allow visitors to perform work in the United States after receiving an Employment Authorization Document, more commonly referred to as a work permit. Notable among B-1 visa holders who require employment authorization are domestic workers accompanying employers with particular visas or U.S. citizens who have a permanent home or are stationed in a foreign country.⁴⁴ Because the intention of the B-1 visa category is to facilitate short, business-oriented visits to the United States, B-1 visas can be obtained through “fast and less scrutinized process” than other temporary work visas.⁴⁵

B-1 trafficking victims	Number of victims
Labor trafficking	57
Sex trafficking	2

Though the Department of State publishes information about the number of B-1 and B-1,B-2 combination visas issued, there is no way to know what subset of these recipients received employment authorization⁴⁶. Because of this lack of data and the lack of oversight of this visa category in particular, the number of individuals who are working with a B-1 visa in the United States is unknown.⁴⁷

44 “B-1 Temporary Business Visitor.” UCIS, U.S. Citizenship and Immigration Services, www.uscis.gov/working-united-states/temporary-visitors-business/b-1-temporary-business-visitor.

45 United States District Court. “Chellen v. John Pickle Co | 344 F.Supp.2d 1278 (2004) | 2d127811499.” *Leagle*, United States Court of Appeals, Sixth Circuit, N.D. Oklahoma, 26 Aug. 2004, www.leagle.com/decision/20041622344fsupp2d127811499.

46 The Department of State issues B-1/B-2 combination visas to the majority of short-term business visitor applicants because many of these individuals also intend to participate in tourism activities while in the United States. For more information, see “Digging Deeper: B-2 Tourist Visas and the B-1/B-2 Combination Visa”, Global Workers Justice Alliance. Available at: <http://globalworkers.org/visas/b-1>

47 “B-1 Temporary Business Visitor.” *Global Workers Justice Alliance*, Global Workers Justice Alliance, 14 July 2015, globalworkers.org/visas/b-1#footnote30_e1kws7i.



“Training” and trafficking on B1/B2 visas⁴⁸

Among the best known cases of human trafficking involving manipulation of the lax requirements of the B1/B2 visa program is the story of John Pickle, a Tulsa, Oklahoma, manufacturer of oil industry parts who was found to have recruited and then abused 52 skilled workers from India he claimed were being brought to this country in 2002 for a “training” program.



The workers, all men from India, were promised wages and working conditions that mirrored those of U.S. nationals for their skills including high-tech welding, electrical work, engineering and fitting. Instead they were forced to live under armed guard in substandard dormitory-like conditions behind locked fences. Their food was rationed, and their phones, in some cases, were tapped. They were not allowed to worship as they pleased and were subjected to ethnic slurs. Along with the jobs they were hired to do, the men were forced to work as janitors, and to do kitchen duty and yard work, among other things. For all this, they received between \$1 and \$3.17 an hour – while their U.S. national counterparts made approximately \$14 an hour for the same work. The workers were threatened that if they left the grounds, they might be harmed by Americans who were angry about the September 11, 2001, terrorist attacks and that neighboring black residents in the area were dangerous and would shoot them.

The National Hotline identified 59 victims of trafficking from 2015 through 2017. Seventy-five percent of labor trafficking victims identified were reported to be doing domestic work. Similar to the A-3 and G-5 visa categories which also cover domestic workers, the Philippines was the most commonly reported country of origin of B-1 trafficking victims.

The prevalence of trafficking among the group is due to the same factors which make all domestic workers vulnerable: isolation, lack of labor protections afforded to workers in most other industries, and lack of regulation of work done within private households. While the A-3 and G-5 categories have received increased attention in recent years from the Department of State, little has been done to address the exploitation of domestic workers with B-1 visas. Because the B-1 visa category is particularly unregulated, B-1 visa recipients may be especially vulnerable because the infrastructure necessary to oversee this visa category does not exist.

⁴⁸ United States District Court. “Chellen v. John Pickle Co”



The work they do

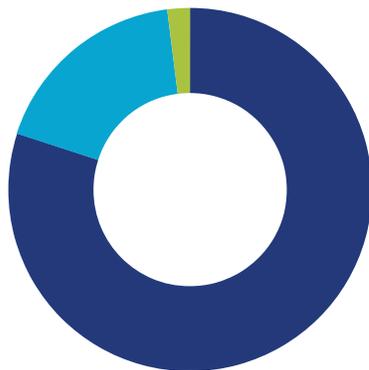
The vast majority of trafficking involving this unofficial work visa category takes place in private households.

Industries of labor trafficking



Who they are

The victims in this labor trafficking category are overwhelmingly but not exclusively female.



Gender of B-1 victims of trafficking	Number of trafficking victims	Percent of trafficking victims (N =28)
Female	47	79.66%
Male	11	18.64%
Not specified	1	1.69%
<i>Total victims of trafficking with B-1 visas</i>	<i>59</i>	<i>100.00%</i>

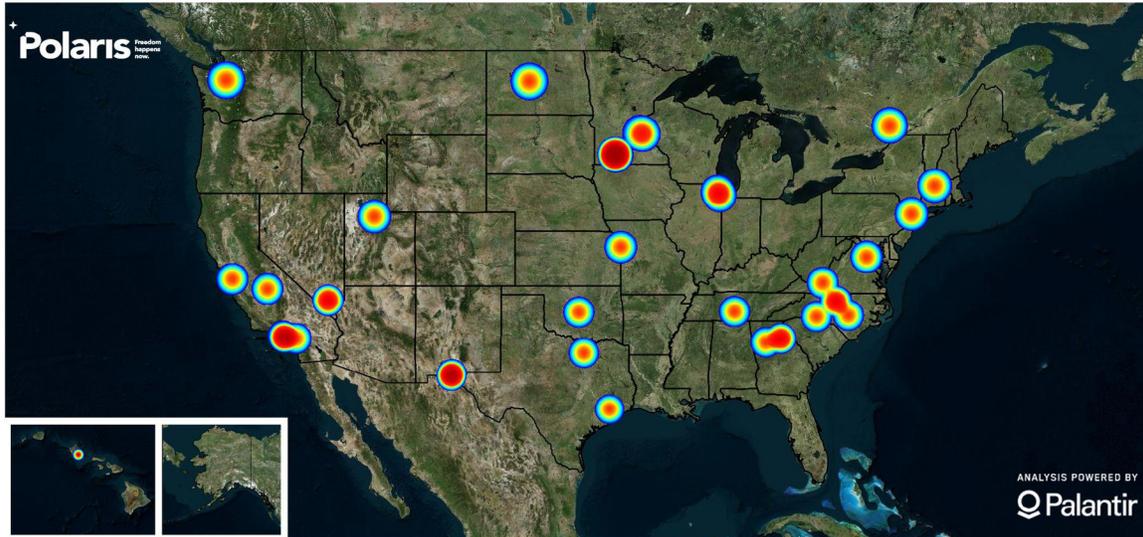


Victim nationalities (non-cumulative)	Number of trafficking victims	Percent of trafficking victims (N =59)
Philippines	12	20.34%
Mexico	11	18.64%
Brazil	3	5.08%
Kenya	3	5.08%
India	3	5.08%
Other*	22	37.29%
Not specified	5	8.47%
<i>Total victims of trafficking with B-1 visas</i>	<i>59</i>	<i>100.00%</i>

* In order to protect the identity of the people we serve, Polaris does not provide specific information about nationalities referenced fewer than three times.



Trafficking on F-1 Student Visas



The image above is a heat map which reflects the locations of trafficking cases involving F-1 visa holders reported to the National Human Trafficking Hotline from January 1, 2015 - December 31, 2017. Areas in which greater numbers of cases were reported contain more red shading. This map only reflects cases in which the location of the trafficking was known. Some cases may involve more than one location.

The F-1 visa program provides visas to international students who are studying in the United States. While on the visa, individuals are permitted to work on campus under certain conditions and restrictions. After their first academic year, students are permitted to work part-time off-campus after demonstrating economic hardship or through practical training programs. The Optional Practical Training (OPT) and the STEM OPT Extension Programs allow students on an F-1 visa to work full time, off-campus for a period of 1-2 years following the completion of their academic program⁴⁹. There is no limit to the number of F visas issued every year. Spouses and children of F-1 visa holders can apply for F-2 visas, but they are not eligible to work.

Information about about how many F-1 visa holders are working in the United States is virtually impossible to find. Until 2014, no data on OPT or STEM OPT Extensions was published by the U.S. government. The Economic Policy Institute obtained information about the number of OPT and STEM OPT Extensions through the Freedom of Information Act process. This information revealed that 123,328 OPT approvals and 19,034 STEM OPT approvals were granted in 2013, and the Economic Policy Institute estimated that there were 139,155 F-1 visa holders working through these programs in 2013⁵⁰. However, there is no publicly available information about the number of F-1 visa holders who work either on or off campus while obtaining their degree⁵¹. In Fiscal Year 2017, 393,573 F-1 visas were issued.

F-1 victims	Number of victims
Labor trafficking	22
Sex trafficking	8
Sex and labor trafficking	3
Type of trafficking not specified	1

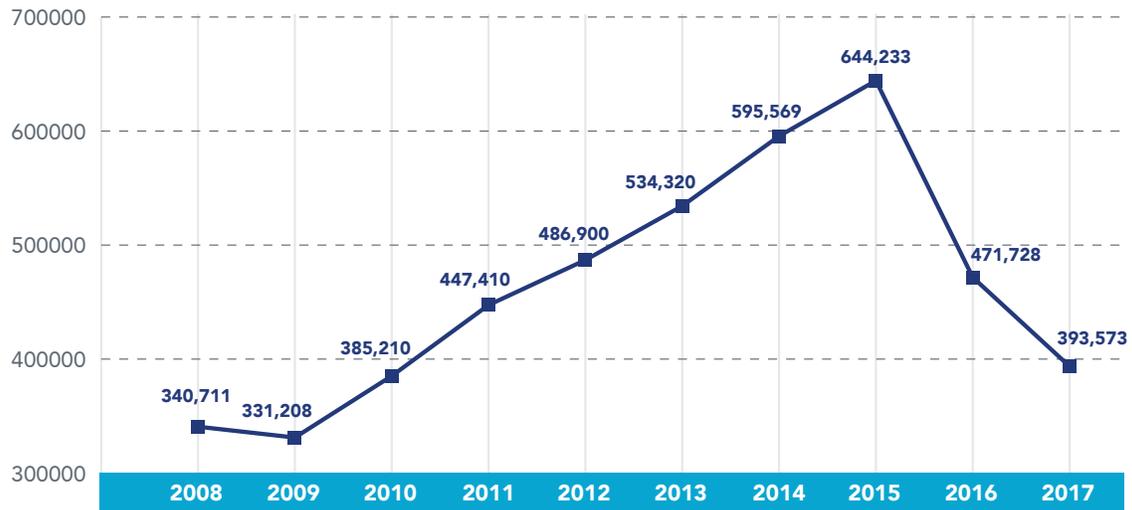
49 "Optional Practical Training Extension for STEM Students (STEM OPT)." USCIS, U.S. Citizenship and Immigration Services, 24 Jan. 2018, www.uscis.gov/working-united-states/students-and-exchange-visitors/students-and-employment/stem-opt.

50 Costa and Rosenbaum, "Temporary Foreign Workers by the Numbers"

51 "F-1 Visa." Global Workers Justice Alliance, <http://Globalworkers.org/Visas/f-1>, globalworkers.org/visas/f-1.



F-1 Visas Issued by Fiscal Year

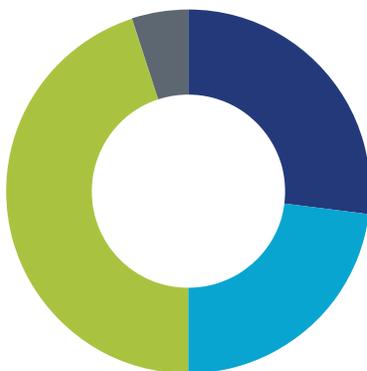


From 2015 through 2017, the National Hotline identified 34 individuals with F-1 visas who were victims of human trafficking. The situations described included both officially sanctioned and unsanctioned employment. Thirty-two percent of victims reportedly experienced sex trafficking or a combination of sex and labor trafficking. This was the highest percentage of sex trafficking victims of any of the visas included in this report.

The F-1 visa holders identified were 50 percent female and 50 percent male. The most commonly reported victim nationality reported was Nigeria, constituting 18 percent of the victims identified. The next most commonly reported nationalities were China and Japan.

The work they do

Twenty-seven percent of victims of labor trafficking were exploited in domestic work which would not qualify as sanctioned work under the F-1 visa programs and thus, would be unregulated.

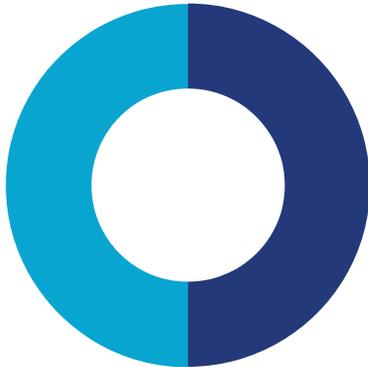


Industries of labor trafficking	Number of labor trafficking victims	Percent of labor trafficking victims (N =22)
Domestic work	6	27.27%
Arts and entertainment	5	22.73%
Other	10	45.45%
Not specified	1	4.55%
<i>Total victims of labor trafficking with F-1 visas</i>	22	100.00%



Who They Are

Victims and survivors in this category come from around the globe to work and study.



	Gender of F-1 victims of trafficking	Number of trafficking victims	Percent of trafficking victims (N =34)
●	Female	17	50.00%
●	Male	17	50.00%
<i>Total victims of trafficking with F-1 Visas</i>		34	100.00%



	Nationalities of F-1 victims of trafficking (non-cumulative)	Number of trafficking victims	Percent of trafficking victims (N =34)
●	Nigeria	6	17.65%
●	China	3	8.82%
●	Japan	3	8.82%
●	Other*	20	58.82%
●	Not specified	2	5.88%
<i>Total victims of trafficking with F-1 Visas</i>		34	100.00%

* In order to protect the identity of the people we serve, Polaris does not provide specific information about nationalities referenced fewer than three times.



ACF OPA

Trapped without a passport

Mary⁵² left her home in East Africa and came to the United States with an A-3 visa to care for another woman's family with the hopes that the money she made here would allow her to send her own three children to school. When she arrived, the family she came to work for seized her visa and passport and informed her that she was not allowed to speak to anyone outside the household. Should anyone ask, she was told to identify herself as a cousin of the family. She was then given a contract that stipulated her pay: \$200 a month. For those wages, she was required to work seven days a week from 6 a.m. to 10 p.m., caring for children, cooking, cleaning, doing laundry and whatever else was asked of her.

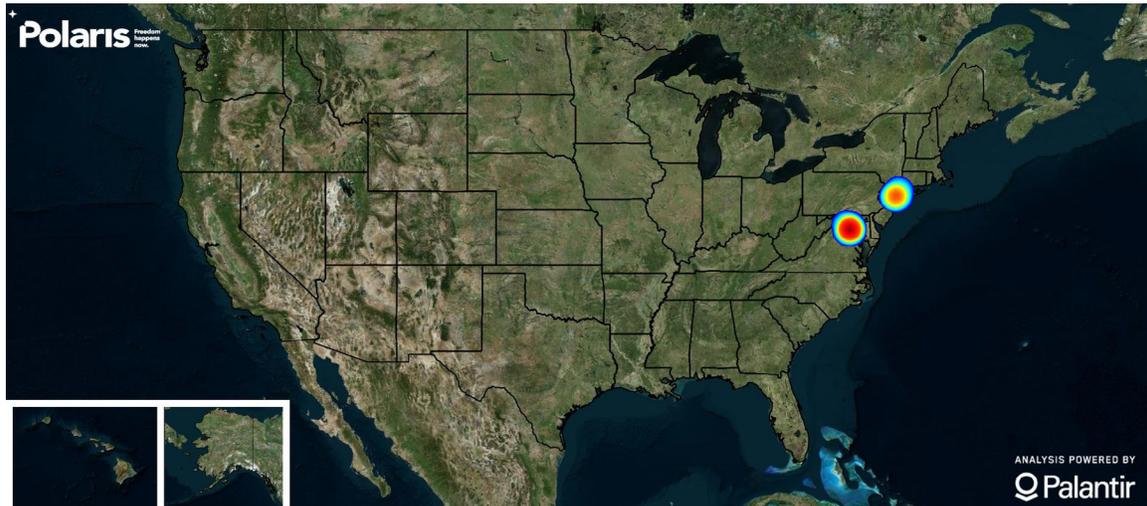
After many months, Mary told some of the parents she met when she took the family's children to the park about the working conditions and pay. She learned the working conditions and pay were not acceptable under federal standards. She approached the controller to ask for additional pay and better work conditions and was met with verbal abuse.

Six months after arriving in the United States, she managed to get a peek at her visa and get the paperwork she needed to get out of the situation.

⁵² Names have been changed to protect victim's identity.



Trafficking on A-3 & G-5 Diplomatic and International Organization Employees



The image above is a heat map which reflects the locations of trafficking cases involving A-3 or G-5 visa holders reported to the National Human Trafficking Hotline from January 1, 2015 - December 31, 2017. Areas in which greater numbers of cases were reported contain more red shading. This map only reflects cases in which the location of the trafficking was known. Some cases may involve more than one location.

A-3 and G-5 visa categories allow for diplomats and employees of international organizations working in the United States to employ foreign domestic workers. These categories are often viewed in combination because the regulations pertaining to them are similar, and both visas tie workers to a particular employer. A-3 visas are given to the employees of foreign diplomats or foreign government officials who typically receive A-1 or A-2 visas. G-5 visas are given to employees of individuals working for international organizations, such as the United Nations and World Bank, who are given G-1, G-2, G-3, or G-4 visas. These type of visas are valid for up to three years, and can be extended in two-year increments with no maximum number of years. In Fiscal Year 2017, there were only 1,614 such visas issued⁵³.

Despite constituting only 0.02 percent of all non-immigrant visas issued in the past decade, A-3 and G-5 visa categories have received a lot of attention due to several high-profile trafficking cases such as the 2014 indictment of Indian diplomat Devyani Khobragade on charges related to trafficking and exploitation of a domestic worker. In 2014, *The New York Times* reported finding 20 lawsuits related to diplomats and foreign officials trafficking domestic workers in the United States since 2004.⁵⁴ Obtaining justice for victims of trafficking who were trafficked by diplomats is complicated because the accused are often eligible for diplomatic immunity⁵⁵. In 2008, the Wilberforce Act mandated that the Secretary of State suspend A-3 or G-5 visa privileges to any diplomatic mission or international organizations that has tolerated the abuse or exploitation of A-3 or G-5 visa holders⁵⁶. However, to date, the State Department has not yet taken this action despite credible evidence that several states have met the criteria for suspension⁵⁷.

A-3 & G-5 victims	Number of victims
Labor trafficking	31

53 U.S. Department of State, "Nonimmigrant Visa Statistics"

54 Weiser, Benjamin. "After Being Indicted, Diplomat Is Allowed to Leave the Country." *The New York Times*, The New York Times, 20 Dec. 2017, www.nytimes.com/2014/01/10/nyregion/indian-diplomat-indicted-in-employment-case.html.

55 Since 2000, the U.S. has brought nine criminal cases against diplomats and international organization officials for trafficking-related crimes by prosecuting officials with lesser degrees of immunity such as consular immunity, prosecuting former diplomats, and in rare instances, requesting the waiver of diplomatic immunity. For more information, see "Diplomatic Immunity and the Abuse of Domestic Workers: Criminal and Civil Remedies in the United States", Martina E. Vandenberg and Sarah Bessell, *Duke Journal of Comparative & International Law* 595-633 (2016). Retrieved from: <https://scholarship.law.duke.edu/djCIL/vol26/iss3/6/> Accessed 5/1/18.

56 Trafficking Victims Protection Reauthorization Act of 2005." U.S. Department of State, U.S. Department of State, 10 Jan. 2006, www.state.gov/j/tip/laws/61106.htm. Section 203(a)(2).

57 The Senate Appropriations Language attached to the State Department's 2015 budget and continued in the 2018 Consolidated Appropriations Act of 2018 provides guidance on criteria for suspension: Consolidated Appropriations Act, 2018 § 7034(k), Pub. L. No. 115-



From 2015 through 2017, the National Hotline identified 31 victims of human trafficking who held either A-3 or G-5 visas.

A-3 and G-5 Visas Issued by Fiscal Year



The work they do

While the type of work these victims do within households is varied, it is all categorizable as domestic work.



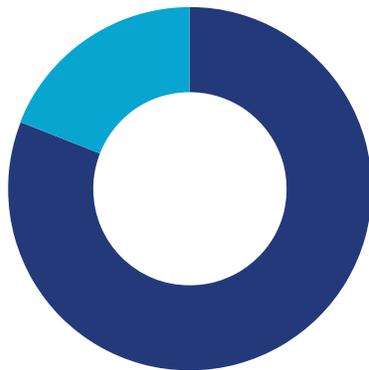
*These statistics are non-cumulative. Survivors may have performed multiples types of domestic work or this information may not be provided.

141. ("Section 7034(k) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113-235) shall continue in effect during fiscal year 2018.") Lists of federal civil and criminal cases by country is available in Appendix A and Appendix B of "Diplomatic Immunity and the Abuse of Domestic Workers: Criminal and Civil Remedies in the United States", Martina E. Vandenberg and Sarah Bessell, Duke Journal of Comparative & International Law 595-633 (2016). Retrieved from: <https://scholarship.law.duke.edu/djCIL/vol26/iss3/6/>



Who they are

All 31 victims had notable similarities; 94 percent experienced trafficking in the Northeast Corridor of the United States, 81 percent were female, and 26 percent were from the Philippines. The prevalence of Filipino victims is not surprising as more than 21 percent of all A-3 and G-5 visas issued from Fiscal Year 2008 through Fiscal Year 2017 went to Filipino nationals.⁵⁸



Gender of A-3 & G-5 Victims	Number of trafficking victims	Percent of trafficking victims (N =31)
Female	25	80.65%
Male	6	19.35%
<i>Total victims with A-3 or G-5 visas</i>	31	100.0%



Nationalities of A-3 and G-5 trafficking victims (Non-Cumulative)	Number of trafficking victims	Percent of trafficking victims (N =31)
Philippines	8	25.81%
El Salvador	3	9.68%
Other*	19	61.29%
Not Specified	1	3.23%
<i>Total victims with A-3 or G-5 visas</i>	31	100.00%

* In order to protect the identity of the people we serve, Polaris does not provide specific information about nationalities referenced fewer than three times.

58 U.S. Department of State, "Nonimmigrant Visa Statistics"



Mats Silvan (Getty Images)

Preventing Trafficking of Domestic Workers from Overseas

The Department of State has taken laudable steps to offer support and guidance to A-3 and G-5 visa holders. Since September 2015, all A-3 and G5 visa holders in the Washington, DC area must meet with State Department officials one-on-one to discuss the details of their work contracts and receive information about labor rights in this country⁵⁹. At these meetings, visa holders are also given information about calling the National Hotline if they believe their rights are being violated and contacting 911 in the event of an emergency. The State Department then issues these A-3 and G-5 visa holders official identification cards that must be renewed annually in person.

This program is an excellent example of educating a vulnerable population about their rights and opportunities to access assistance. However, the program needs to be extended nationally, starting with the New York area, to be truly effective. To date,

resources have not been allotted to make this happen.

Recently, the World Bank instituted a new policy that requires staff members who employ domestic workers with G-5 visas to process their payroll through a designated third-party company⁶⁰. This policy ensures there is a formal record of wages being paid and allows for greater oversight.

This is a promising practice, and Polaris encourages the International Monetary Fund, Inter-American Development Bank, and the United Nations to adopt similar policies.

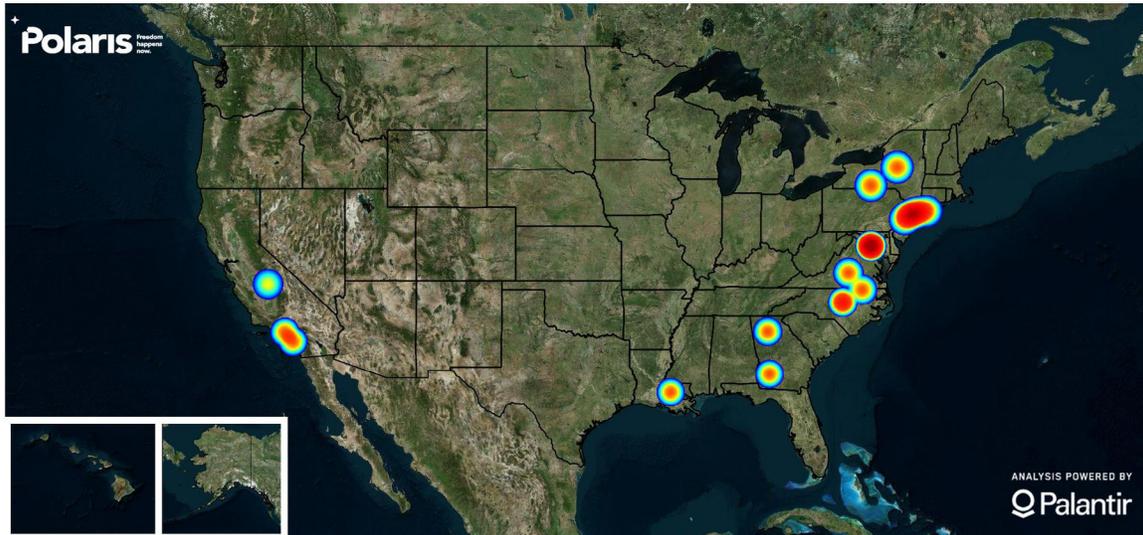
It is worth noting, though, that simply changing the way these visas are structured so workers who are being abused do not feel they have to stay with their employers or risk deportation would be a more effective means to prevent trafficking. Such a change would require congressional action.

59 "Letter from U.S. Secretary of State." Received by Chiefs of Mission that the U.S. Department of State's Office of Foreign Missions ("OFM"), Department of State, 26 May 2011, Washington, DC., <https://www.state.gov/documents/organization/248679.pdf>.

60 Request G5 Visa for a Prospective Domestic Employee Residing Outside the U.S." *Human Resources for World Bank Spouses/Partners, Retirees & Incoming New Staff*, The World Bank Group, web.worldbank.org/WBSITE/EXTERNAL/EXTSTAFF/EXTTHR/0,,contentMDK:22180902~menuPK:64231687~pagePK:64233720~piPK:64233738~theSitePK:444049~isCURL:Y,00.html.



Trafficking on H-1B specialty occupation visas



The image above is a heat map which reflects the locations of trafficking cases involving H-1B visa holders reported to the National Human Trafficking Hotline from January 1, 2015 - December 31, 2017. Areas in which greater numbers of cases were reported contain more red shading. This map only reflects cases in which the location of the trafficking was known. Some cases may involve more than one location.

The H-1B visa allows for skilled and entry level professionals to work in specialty occupations in the United States. H-1B visas are valid for up to three years, with a maximum renewal option of six years. There is a statutory cap on H-1B visas at 65,000 visas per year. An advanced degree exemption, known as the “master’s cap”, exists, which allows up to 20,000 additional visas to be granted annually for a total of 85,000 H-1B visas available each year⁶¹.

During the application period to apply for a 2019 H-1B visa held in April 2018, the number of applications exceeded the number of available visas within five days. U.S. Citizenship and Immigration Service will conduct a lottery to pick the actual visa recipients, marking the sixth consecutive year that the cap was reached within the first week⁶². Unlike other temporary guestworker programs, H-1B visas do have a path to permanent residency. H-4 visas are available for spouses and children of H-1B workers as well, but they do not include access to work permits.

H-1B victims	Number of victims
Labor trafficking	31

The Economic Policy Institute estimated a total of 460,749 H-1B workers were employed in the United States in 2013.⁶³

From 2015 through 2017, the National Hotline identified 31 potential victims of trafficking on H-1B visas. In 2013, the U.S. Department of Labor cited six technology consulting companies or labor brokers for imposing or attempting to impose illegal penalties on workers who quit. This challenges the common misconception that labor trafficking only affects unskilled workers.⁶⁴

From Fiscal Year 2008 through Fiscal Year 2017, 63 percent of all H-1B visas issued went to Indian nationals. However, 71 percent of potential victims of trafficking with H-1B victims reported to the

61 “USCIS Reaches FY 2019 H-1B Cap.” USCIS, U.S. Citizenship and Immigration Services, 6 Apr. 2018, www.uscis.gov/news/alerts/uscis-reaches-fy-2019-h-1b-cap.

62 O’Brien, Sara Ashley. “H-1B Visa Applications Are down Again.” CNNMoney, Cable News Network, money.cnn.com/2018/04/12/technology/h-1b-visa-applications-2018/index.html.

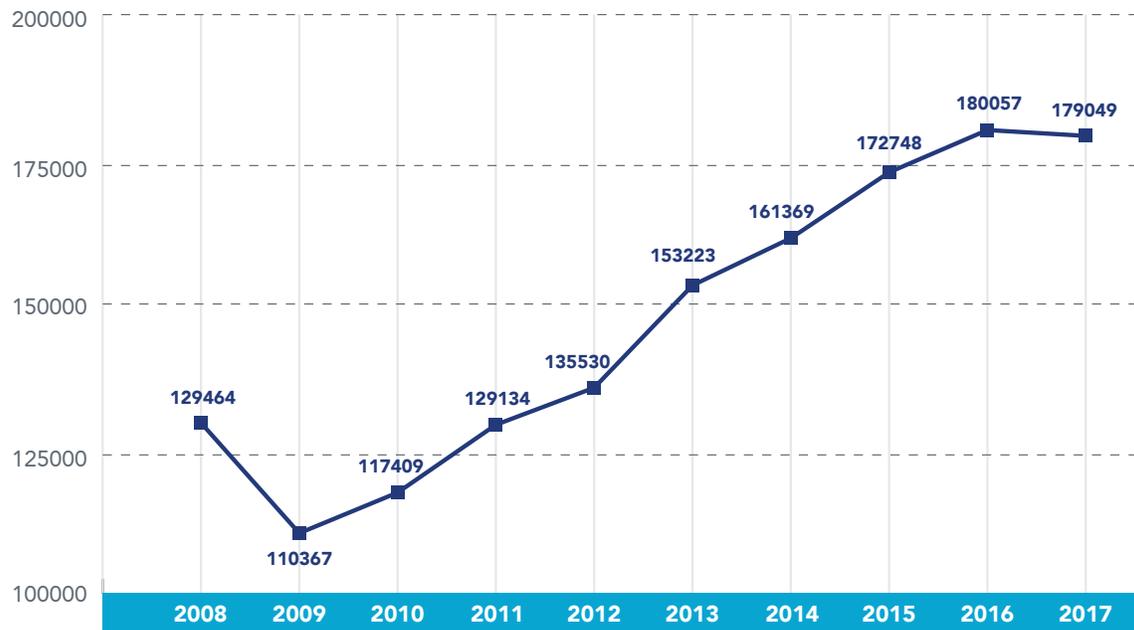
63 Costa and Rosenbaum, “Temporary Foreign Workers by the Numbers”

64 Smith, Matt, et al. “Job Brokers Steal Wages, Entrap Indian Tech Workers in US.” Reveal, Reveal, 3 Aug. 2017, www.revealnews.org/article/job-brokers-steal-wages-entrap-indian-tech-workers-in-us/.



National Hotline were from the Philippines. Indian nationals were the second most commonly reported group, constituting 19 percent of victims identified during this time period. This victim group was 58 percent female and 25 percent male; the victim's gender was not specified for 16 percent of this group. These victims worked in professional occupations including education, health care, technology and scientific research.

H-1B Visas Issued by Fiscal Year



The work they do

While media coverage of abuses on this visa category has tended to focus on technology companies, the problems are clearly not limited to a single industry. In 2017, for example, more than 350 teachers from the Philippines filed and won a lawsuit against a California recruitment agency that extracted massive fees -- including requirements that a percentage of their paychecks go back to the agency -- before placing them in schools in Louisiana.⁶⁵



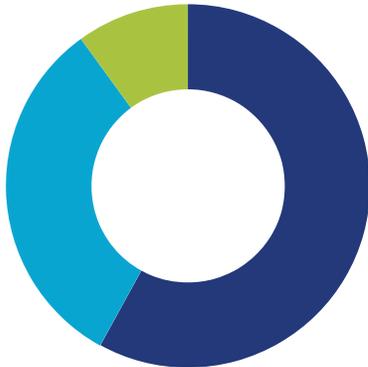
Industries of labor trafficking	Number of victims	Percent of victims of labor trafficking (N =31)
Education	15	48.39%
Health care	8	25.81%
Professional/scientific/tech services	7	22.58%
Not specified	1	3.23%

65 Associated Press. "Filipino Teachers in Louisiana to Receive Money from Winning Lawsuit." *INQUIRER.net USA*, 30 Oct. 2017, usa.inquirer.net/7664.



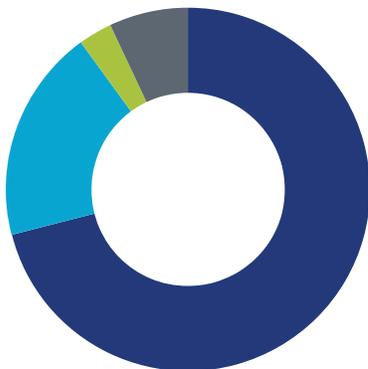
Who they are

The Philippines is by far the most significant source country in this dataset.



Gender of H-1B victims of trafficking

	Number of victims	Percent of victims (N =31)
Female	18	58.06%
Male	10	32.26%
Not Specified	3	9.68%
<i>Total victims with H-1B visas</i>	<i>31</i>	<i>100.00%</i>



Nationalities of H-1B victims of trafficking (non-cumulative)

	Number of victims	Percent of victims (N =31)
Philippines	22	70.97%
India	6	19.35%
Other*	1	3.23%
Not specified	2	6.45%
<i>Total victims with H-1B visas</i>	<i>31</i>	<i>100.00%</i>

* In order to protect the identity of the people we serve, Polaris does not provide specific information about nationalities referenced fewer than three times.



Obtaining Assistance

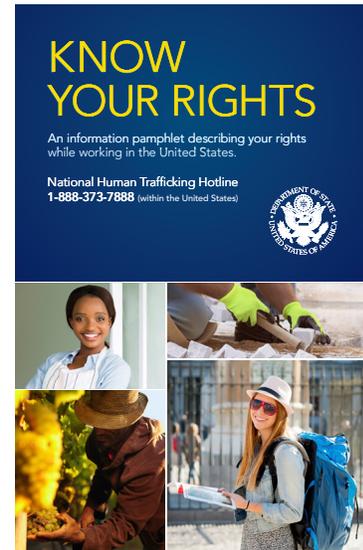
By far, the most successful effort to reach a diverse population of temporary visa holders is the Department of State's Know Your Rights Brochure, also known as the Wilberforce Pamphlet, which is provided to every individual receiving a temporary work visa in his or her native language prior to entering the United States.

Without this initiative, which began in the fall of 2009, it is unlikely that much of this population would even be aware that their rights had been violated. Even with this document, which ambitiously tries to communicate complex labor laws across visa categories to a linguistically diverse audience with huge variations in literacy and education levels, confusion over worker rights and protections remains.

Once a temporary worker is aware that his rights have been violated, reporting the matter and obtaining redress is challenging. Information about reaching the National Human Trafficking Hotline is included in the Know Your Rights Brochure. However, while the National Human Trafficking Hotline is well-equipped to assist victims of trafficking, it is not in a position to address all of the non-trafficking labor violation reports it receives on a daily basis. Instead, the National Human Trafficking Hotline must refer these victims to legal assistance programs, worker and immigrants rights groups, and the Department of Labor. None of these resources possess adequate funding to meet the overwhelming demand for their services and have to selectively choose cases based on limited capacity.

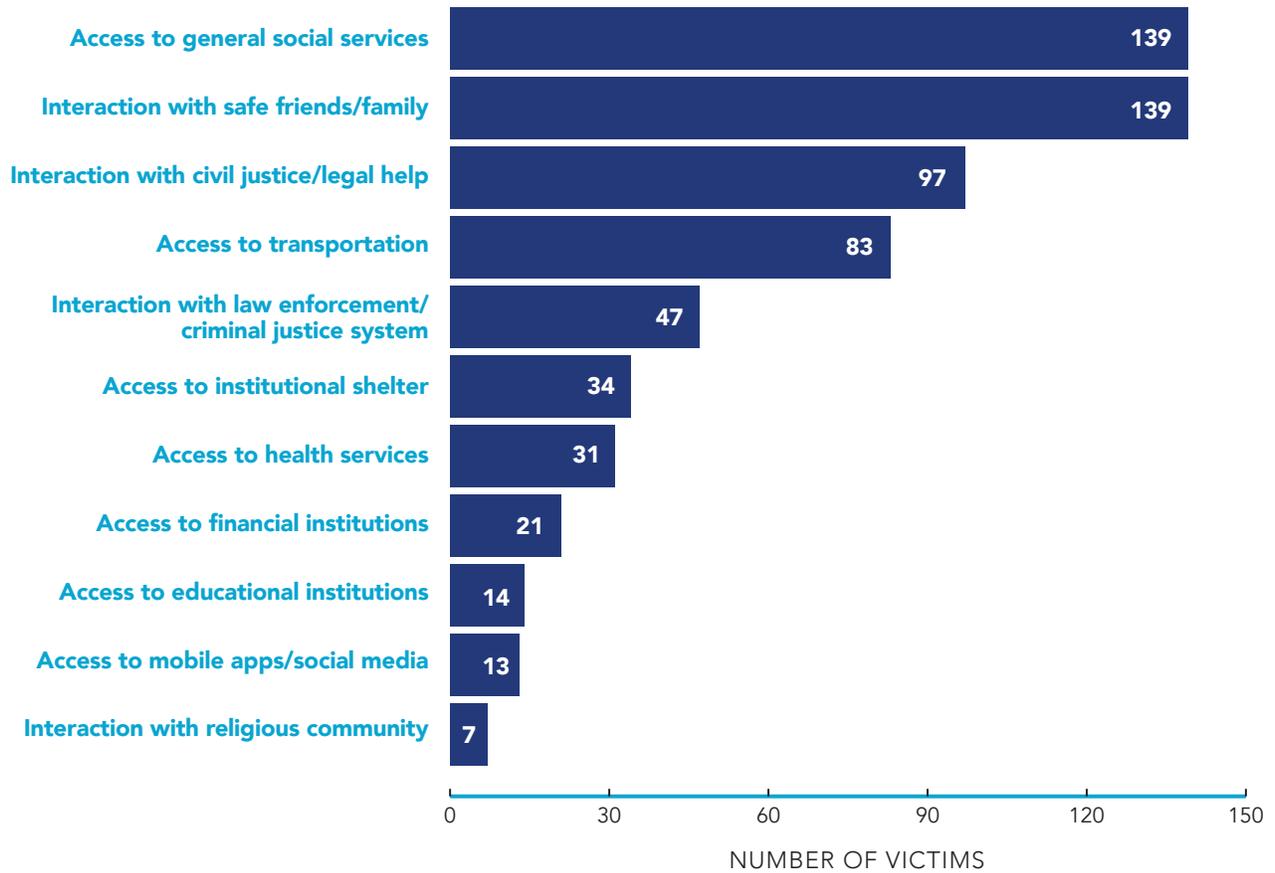
Seventeen percent of the 797 victims studied for this report had had some interaction with a social service organization (such as a food bank, shelter, or other such organization) prior to contacting the National Human Trafficking Hotline and the BeFree Textline. An additional 12 percent had had some interaction with the civil justice system, the Department of Labor, or legal assistance prior to contacting the helpline. Frequently, it was professionals who had been trained in trafficking who referred the victims to the helplines. However, understanding of labor trafficking and exploitation varies among these groups. Additional work can be done to increase awareness of these issues among those who may interact with temporary visa holders.

Connecting victims of labor trafficking and labor exploitation to services is critical to ensuring that they have every opportunity to recover from the abuse they've suffered, seek redress, and rebuild their lives. Common service needs include emergency shelter, transportation, food, clothing, and medical and dental examinations. Labor trafficking survivors on temporary visas should also be provided with legal assistance for immigration, criminal or civil litigation. Foreign victims that are granted Continued Presence (temporary immigration status provided to individuals identified by law enforcement as victims of human trafficking) or a T-Visa (which protects victims of human trafficking and allows them to remain in the United States to assist in an investigation or prosecution) from the U.S. government can receive a certification letter from the U.S. Department of Health and Human Services (HHS), making them eligible for public benefits and services to the same extent as refugees. Stable housing as well as job training and job placement are also important long-term services for victims.





Access to support (non-cumulative*)



*These statistics are non-cumulative. Survivors may have multiple access points or this information may not be provided.



Solutions

There is little doubt that a dramatic overhaul of our broken immigration system -- one that included some kind of pathway to citizenship for the millions of undocumented workers already in the United States and for guest workers under temporary visa programs -- would go a long way toward shutting down the conditions that make labor trafficking involving temporary work visas so easy and profitable.

Once upon a time, not as long ago as it may seem in today's political climate, there was broad bipartisan support for creating such a pathway. The business and human rights communities joined forces to try to make this happen, recognizing their shared interest in stabilizing the immigration. and therefore the economic, status of the millions of people who could make up a permanent U.S.-based labor force.

Now those talks have ground to a halt. Indeed the United States has withdrawn from the United Nations-led Global Compact on Migration -- on the grounds that it might interfere with U.S.enforcement of our own immigration laws.

Even without sweeping changes to immigration and labor laws, there are targeted legislative steps that Congress can take to shut down trafficking on temporary work visas. Some of these have already passed in one house; many of which have been proposed repeatedly and have demonstrated bipartisan support in Congress. In 2013, language was included in the Border Security, Economic Opportunity and Immigration Modernization Act (S.744) that could have dramatically reduced the ability of human traffickers to exploit U.S. visa programs. That bill, a sweeping bipartisan immigration reform package, was passed by the U.S. Senate but never taken up by the U.S. House of Representatives. Similar language was part of two pieces of legislation passed by the House, one introduced by Rep. George Miller, a California Democrat, and the second by Rep. Chris Smith, a Republican from New Jersey. Neither ultimately became law.

The single most important step would be eliminating tied visas altogether, revamping the system to reflect workers' rights to change employers.

Major provisions of these legislative efforts included:

- **Barring foreign labor contractors from charging workers** any fee related to recruiting activity or other expenses such as travel to the job site involving a temporary work visa. These fees must be the responsibility of the employer seeking workers.
- **Adding teeth to the recruitment fee ban** by holding companies liable for use of recruiters who charge or take money from workers as a condition of their employment.
- **Mandating that recruiters disclose to the worker** full and complete information about the terms and conditions of work in the United States.
- **Requiring foreign labor contractors to obtain a certificate of registration** from the Secretary of Labor.
- **Requiring the Secretary of Labor to maintain an updated list** of all certified recruiters and enforce vigorous oversight of international recruitment activities.



- **Giving employers who use registered foreign labor contractors safe harbor** from liability.
- **Holding recruiters civilly and criminally liable** for violations of these regulations.
- **Enacting laws like the Visa Transparency Anti-Trafficking Act of 2018** which would create a uniform system for reporting data that the government already collects on temporary visa programs and require that the information be made publicly available.⁶⁶

In addition to these provisions, Polaris, as a member of the International Labor Recruitment Working Group (ILRWG), supports that coalition's principles for an alternative, rights-based model⁶⁷ of labor recruitment that would change power dynamics and fundamentally prevent a range of labor abuses:

1. **Worker control** -- with workers self-petitioning for visas, rather than relying on labor recruiters and employers.
2. **Employer certification for recruitment** -- with a government-operated job-matching database that employers would apply to in order to post jobs to directly, without using labor recruiters.
3. **Effective and integrated government oversight** -- including a single database of approved employers, robust enforcement, and strict liability for abuses in recruitment and enforcement.

Polaris also advocates for the following specific reforms:

- The Department of Labor should create a **stronger debarment process** to deny temporary worker visa applications to employers who have already violated the rights of foreign workers.
- Employers must **pay the entire contract amount to workers**, rather than over-recruiting and then dismissing workers early. This would incentivize employers to assess more realistically the amount of work they have need for and can pay foreign workers in full.
- All temporary foreign workers should be **guaranteed a federal cause of action** so that they can enforce the contract terms to which they agreed.
- Congress should ensure that all temporary work visas **provide foreign workers with the right to change employers**. This right is critical to a free labor market.

These principles and provisions, in concert with those already introduced by previous Congresses, represent a critical first step toward preventing exploitation and human trafficking. In addition to such government approaches, it is important for the advocacy, business and philanthropic communities to pursue, in parallel, systems-based interventions and approaches to address labor market and labor-management power dynamics, and seek to maximize the impact of existing regulatory and enforcement structures.

⁶⁶ "Frankel, Blumenthal, Schweikert, Deutch, Himes Unveil Bipartisan Bill to Prevent Human Trafficking." *Congresswoman Lois Frankel | Florida's 21st District*, 20 Apr. 2016, frankel.house.gov/news/documentsingle.aspx?DocumentID=476.

⁶⁷ "Proposal for an Alternative Model for Labor Migration." *Fair Labor Recruitment*, International Labor Recruitment Working Group, fairlaborrecruitment.files.wordpress.com/2017/12/ilrwg_-labor-migration-model.pdf.



Methodology

Polaris operates the National Human Trafficking Hotline. The information contained in this document was obtained through interactions with individuals contacting the National Hotline in the period from January 1, 2015 through December 31, 2017. As individuals contacting the helpline told their own stories or relayed the experiences of their friends, family members, or other acquaintances, hotline staff noted key elements of each account. This information was later classified in standardized fields using detailed standards and definitions created by Polaris's Data Analysis Program.

The National Human Trafficking Hotline is not a research program. This Hotline is focused on helping survivors of trafficking access critical support and services to get help and stay safe. While National Hotline advocates use detailed protocols to assess for indicators of trafficking, advocates adapt their phrasing and scope of questions in response to an individual caller's answers and the circumstances of the call. Beyond this trafficking assessment, victims and third parties who report these situations are not asked a set of standardized questions and only provide information that they feel comfortable sharing with staff to get the help they needed.

As such, the data points in this document represent only what those contacting the National Hotline chose to disclose. The number of survivors with a particular attribute or a particular visa category would likely have been significantly higher if staff had systematically asked a standardized set of questions to each individual contacting the National Hotline.

The National Hotline did not have direct contact with all victims represented through this data set. Third parties reporting information about a victim often did not have information about some details of the situation they were reporting.

Since awareness of both human trafficking and the existence of a victim service hotline is still limited, this data set should be interpreted as a biased sample of actual victim data, rather than a representation of all existent victims. This data should not be compared to the findings of more academic studies that included systematic surveys.

It is important to note that while trafficking assessments are conducted for each situation reported, Polaris's determination is based only on information reported to the National Hotline. Polaris staff do not conduct proactive investigations to corroborate or verify the claims and statements made by individuals contacting the helpline.

Many National Human Trafficking Hotline cases evolve over time as individuals contact the helplines again to provide new information about the same situation. When new information is provided, Polaris staff update data classifications to reflect the most current information possible. Upon request, Polaris will remove information about contacts who do not wish to be included in the data set. For these reasons, data may change over time. The information in this report is accurate as of the date of its creation, April 2018.



Assessing for Trafficking

Advocates on the National Human Trafficking Hotline receive a minimum of 60 hours of training on identifying and responding to trafficking situations. Helpline staff apply the U.S. federal definition of human trafficking as defined by the Trafficking Victims Protection Act (TVPA) to determine if a situation described through the helplines has indications of human trafficking. Cases which fully meet the TVPA's standard are labeled as having "high-level indicators of trafficking". Cases which partially meet the TVPA's standard but are missing pieces of information needed to make an assessment are labeled as having "moderate-level indicators of trafficking". Cases which involve possible violations of labor rights laws but lacked indicators of force, fraud or coercion necessary to meet the legal definition of labor trafficking are labeled as "labor exploitation". Situations which did not qualify as human trafficking or labor exploitation are not included in this document. Assessments made by helpline advocates are reviewed by helpline supervisors and/or the Polaris Data Analysis Program. Initial assessments may be revised as additional information is provided through subsequent contacts with the helplines. Staff do not investigate claims made by individuals contacting the helplines and cannot verify the accuracy of the information reported.

For more information about Polaris, please visit <https://polarisproject.org>.

For more information about the U.S. National Human Trafficking Hotline, please visit <https://humantraffickinghotline.org>.