



Photo by David Bacon

# Human Trafficking of Temporary Foreign Workers in Agriculture

*Jeremy McLean – Justice in Motion*

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# Justice in Motion - Visa Pages

Over 20 distinct programs in the US  
 Designated with letters/numbers  
 corresponding to the defining regulations  
 Visa Pages on [www.justiceinmotion.org](http://www.justiceinmotion.org)  
 provides comprehensive analysis of the  
 various programs



**H-2A** Agricultural Workers  
 Prepare/plant/harvest  
 vegetables, fruit, tobacco



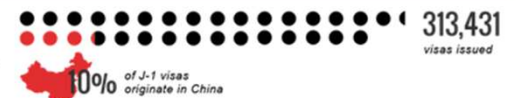
**H-2B** Non-Agricultural  
 Workers  
 Housekeeping, construction,  
 restaurants, landscaping



**H-1B** Specialty Occupations  
 Physicians, IT services,  
 accounting, engineering



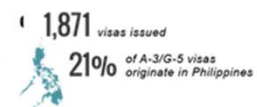
**J-1** Exchange Visitors  
 Professors/researchers,  
 interns, summer work travel,  
 camp counselors, au pairs



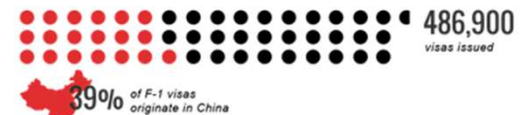
**L-1** Intracompany Transfers  
 Multinational corporations,  
 including executives and  
 managers



**A-3/  
 G-5** Domestic Workers  
 Personal attendants to  
 diplomats and employees of  
 international organizations



**F-1** Students  
 Students who work while  
 studying in the U.S.



**B-1** Business Visitors  
 Domestic workers, high  
 skilled workers, trainees



# Modus Operandi of Human Traffickers

- **Identify Vulnerabilities**
- **Offer Solution to Vulnerability**
- **Create Additional Vulnerabilities**
- **Exploit Vulnerabilities**

## What is a “guestworker” program?

Temporary labor migration programs – aka guestworker or circular migration programs in the United States:

Authorize the employment of **foreign** workers by a US employer; For a **temporary** period; With **nonimmigrant** visas.

Distinguishable from lawful permanent resident visas which allow people to remain in the US indefinitely and have a path to citizenship

Depart by a set date

In the United States, in almost all cases because the employer owns or controls the temporary work visa: **getting fired = deportable**

## H-2A

**Seasonal jobs in agriculture when U.S. workers are unavailable**

**Education level required: None**

**Top occupations: farm labor, crops, tobacco, shepherding**

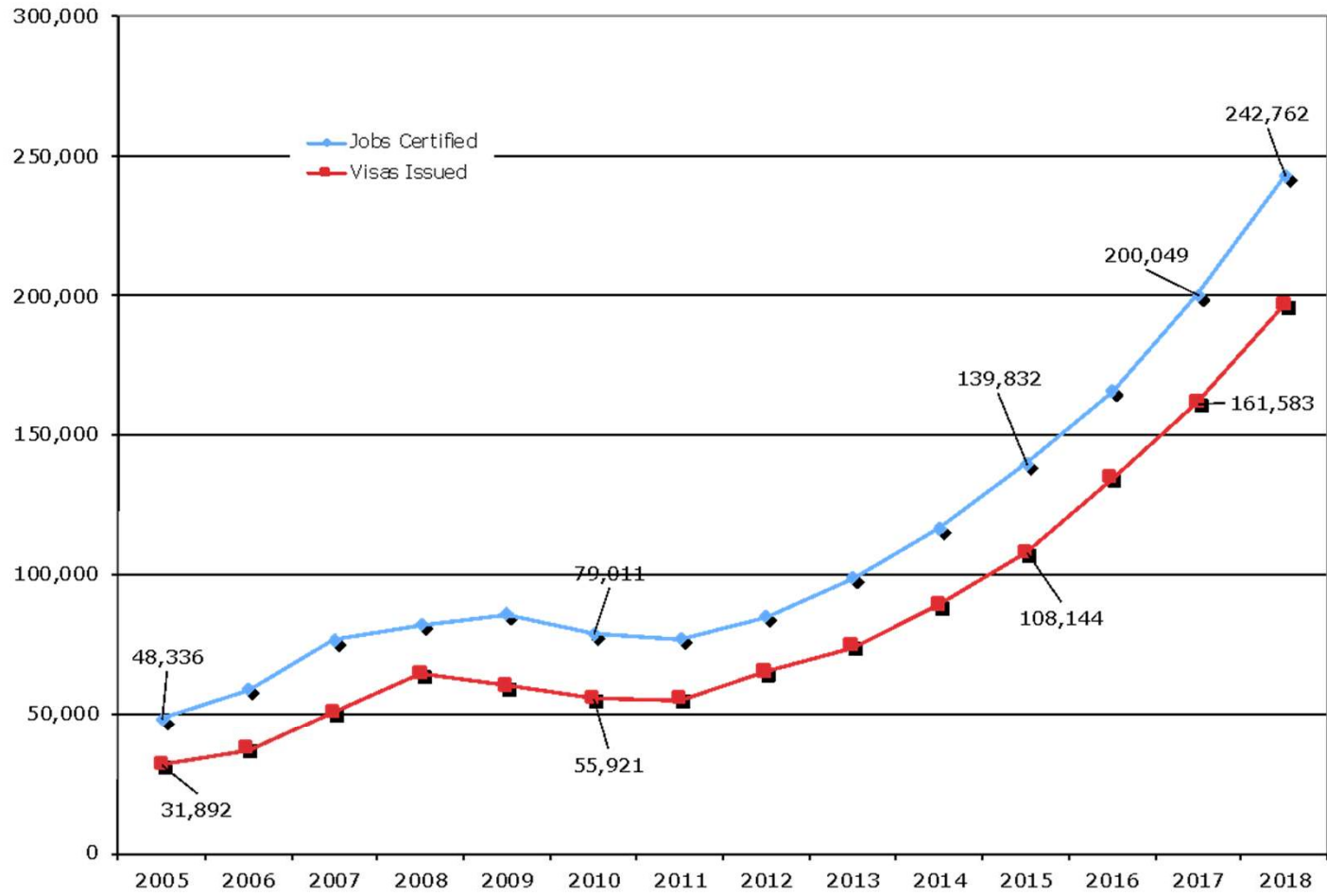
**Annual numerical limit: none**

**Size: 204,801 in 2018**

**Sharp recent increase and upward trend**

**Duration: no longer than one year**

**H-2A Jobs Certified and Visas Issued, 2005-18**



## Trafficking of 14 H-2A workers; Georgia - Wisconsin

- H-2A workers from Mexico contracted to harvest vine crops in S. Georgia
- Workers paid hundreds of dollars, traded property deeds for job opportunities
- Documents were confiscated, movement and communication restricted
- Traffickers stole wages of \$850,000 in 2015 and 2016
- Workers were threatened with physical/financial harm, immigration consequences
- Grueling hours, heat stroke, no medical attention unless worker paid for ride
- Workers were given fake documents and transferred to Wisconsin

# Weaknesses in TFW Programs

- **Workers tied to employer**
- Hidden workforce
- Layers of employer responsibility
- **Recruitment Costs**



# Workers Tied to Employer

**“If you don’t like it, you can leave. But, if you leave, you will be out of status. I will report you to immigration. You will be deported. You will be barred from returning to the United States.”**

## Workers Tied to Employer

**“For those of you contemplating leaving, we cannot stop you but will never condone your leaving. You will be violating the conditions of your visa and therefore will be illegal in the United States and will be subject for prosecution.”**

***- Memorandum from John Pickle Co. to all Employees (Jan. 16, 2002)***

**“I could run away, but I don’t want to run away. Because I don’t want to be illegal.”**

***-Survivor quote from Urban Institute Report***

## Recruitment Costs

- On average, workers in the United States in 2009 or later reported paying \$590 in recruitment fees, not including travel, visa and other fees, to come to the U.S.
- 47% of workers surveyed reported having to take out a loan to cover pre-employment expenses
- 2005 Thai H-2A Worker North Carolina took out loans with his house as collateral to pay the \$11,250 recruitment fee

## FIXES WE SEE FOR VISA HOLDERS ABUSE

- **More governmental oversight**
  - **Protection against retaliation**
- **More severe consequences for violating the law**
  - **Prevention of visa-shopping**
- **Availability of free wrap-around services upon reporting abuse: health care, housing, general assistance, etc.**
- **Granting of temporary status upon reporting abuse**
  - **Streamlined process & status until adjudicated**

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**justiceinmotion™**

Protecting Migrant Rights Across Borders

[www.justiceinmotion.org](http://www.justiceinmotion.org)

[jeremy@justiceinmotion.org](mailto:jeremy@justiceinmotion.org)