



Freedom Network USA

ILR INTERNATIONAL
LABOR
RECRUITMENT
WORKING GROUP



June 10, 2019

Dear Member of Congress,

The Alliance to End Slavery and Trafficking (ATEST), Freedom Network USA (FNUSA) and the International Labor Recruitment Working Group (ILRWG) write to urge you to oppose harmful immigration appropriations riders that would undermine fundamental rights and protections for working people. As anti-trafficking groups and groups that work to end labor abuses, we believe a rapid expansion of the flawed and abusive H-2 programs, together with a lack of protections for foreign recruited workers, would lead to greater incidences of human trafficking, forced labor, debt bondage, and other abuses. We ask that you oppose any rider that seeks to expand our nation's temporary guestworker programs and/or strip away basic protections for U.S. workers as well as guestworkers in the H-2A agricultural and H-2B non-agricultural temporary visa programs.

ATEST is a U.S. based coalition of human rights NGOs that advocate for solutions to prevent and end all forms of human trafficking and modern slavery around the world.ⁱ FNUSA is a coalition of 68 NGOs and individuals that provide services to, and advocate for the rights of, trafficking survivors in the United States.ⁱⁱ The ILRWG is a strategic alliance of nearly 30 organizations and academics across labor sectors that work alongside internationally recruited workers, analyze labor markets and economic conditions, and advocate for the rights of all working people in this country.ⁱⁱⁱ

Abuses in the H-2 visa programs are rampant and rise to the level of human trafficking, forced labor, indentured servitude, and debt bondage. H-2 workers are extremely vulnerable to abuse due to the structure of the temporary visa programs, under which a worker's ability to work and remain in the country is tied to the employer. The vulnerability of H-2 workers is further exacerbated by the fact that many H-2 workers arrive heavily indebted, having been required to pay recruitment fees to access H-2 jobs. Workers arrive in the U.S. desperate to repay their debt and many are too fearful of losing their jobs and being deported and blacklisted to challenge unfair or illegal conduct. A [recent Polaris report](#) on human trafficking in temporary visa programs shows that the visa category with the most reported trafficking cases was H-2A, followed by H-2B. Numerous other reports, including this [Buzzfeed piece](#), have exposed rampant abuses of the H-2 visa programs amounting to a "new American slavery," including forced labor, visa fraud, wage theft, sexual harassment/gender-based violence and egregious discrimination.

Without reforms to increase worker protections, expansion of H-2 visa programs will result in more abuse. However, industry has consistently pushed for appropriations riders to expand the number of H-2B visas beyond the statutory cap, as well as to expand the scope of the uncapped H-2A program. If such amendments are included in the final FY 2020 spending bills, the likelihood of high recruitment fees and the resulting debt facing workers who enter the U.S. under these visas would likely lead to an increase of debt bondage, indentured servitude and other trafficking abuses. Proposals to lift the temporary, seasonal requirement and allow H-2A visas to be used for year-round jobs are particularly troubling. Such a change would grant employers the ability to replace their current year-round U.S. workers with a captive and vulnerable

guestworker labor force. This rider, along with any other potential H-2 riders that reduce worker protections and increase exploitation, must be opposed.

Decisions on changes to annual caps or permissible work in work visa programs should be made objectively by the committees of jurisdiction, taking into consideration relevant labor market data. The structure of H-2 visas leaves workers indentured and often legally underpaid, and gives employers many reasons to prefer hiring H-2 workers with limited rights whose fate they can control. For these and other reasons, it is inappropriate to use employer demand for H-2 workers as a proxy for real, verifiable need in the labor market.

We are a nation of immigrants, and our policies should reflect that proud legacy. We are troubled by the broader themes we are seeing from this Administration that seek to limit immigration, strip TPS and DACA holders of their status, increase the deportation of immigrants and replace these needed members of our communities and workforce with vulnerable, exploitable temporary workers who, under the current system, have no right to fully participate in our society and democracy. We strongly support comprehensive immigration reforms that would create a broad and inclusive pathway to permanent residency and citizenship, maintain our humanitarian commitments, and strengthen workers' rights and civil liberties. In the meantime, we urge you to reject harmful appropriations riders that would further the exploitation of hard-working men and women.

Sincerely,

AATEST
Freedom Network USA
International Labor Recruitment Working Group

ⁱ The following organizations are members of ATEST: Coalition of Immokalee Workers (CIW), Coalition to Abolish Slavery and Trafficking (CAST), Free the Slaves, Human Trafficking Institute, National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, T'ruah: The Rabbinic Call for Human Rights, United Way Worldwide, Verite, Vital Voices Global Partnership. For more information, visit www.endslaveryandtrafficking.org.

ⁱⁱ For a list of Freedom Network USA members see <https://freedomnetworkusa.org/current-members/>.

ⁱⁱⁱ The following organizations and individuals are members of the ILRWG: AFL-CIO; American Federation of Teachers (AFT); Janie Chuang and Jayesh Rathod from the American University, Washington College of Law; Centro de los Derechos del Migrante, Inc. (CDM); Coalition to Abolish Slavery and Trafficking (CAST); Department for Professional Employees (DPE); Economic Policy Institute (EPI); Farmworker Justice; Farm Labor Organizing Committee; Friends of Farmworkers; Jennifer Gordon from Fordham University School of Law; Patricia Pittman and Susan French from George Washington University; Tiffany Williams from the Institute for Policy Studies; Jobs with Justice; Justice in Motion; National Domestic Workers Alliance; National Employment Law Project; National Guestworker Alliance, New Orleans Workers' Center for Racial Justice; Polaris; Safe Horizon; Service Employees International Union; Solidarity Center; Southern Poverty Law Center; UniteHere! International Union; Jennifer Hill from the University of Miami, School of Law; Sarah Paoletti from the University of Pennsylvania Law School; and Verité. For more information, visit www.fairlaborrecruitment.org.