

Reports Documenting the Widespread Abuse of Non-immigrant Foreign Workers by Labor Contractors

S. Kara, Modern Slavery: A Global Perspective, Chap.3 (Columbia University Press 2017)

FLCs serve as intermediaries providing farm owners with the cheap labor pool they desire while severing the farm owner's legal liability for treatment of the workers both during the recruiting process and employment. Of 1000 workers interviewed, found 303 cases of human trafficking and 253 cases of debt bondage.

The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States, Polaris Project (March 2017)

<https://polarisproject.org/sites/default/files/Polaris-Typology-of-Modern-Slavery.pdf>

Abuse and exploitation of agricultural workers happens at multiple levels due to the complex labor supply chain of recruiters, managers, contractors, subcontractors, growers, and buyers. Recruiters charge victims recruitment and travel fees that create insurmountable debt. Traffickers subject victims to squalid living conditions, isolate them in rural parts of the country with little ability to access support, and substitute pay on a piece-rate basis for a recruiting promise of an hourly wage .

Labor Trafficking in the U.S.: A Closer Look at Temporary Work Visas, Polaris Project (October 2015)

http://polarisproject.org/sites/default/files/Temp%20Visa_v5%20%281%29.pdf

The "Agriculture/Farms/Animal Husbandry" industry is one of three from which the most reports of labor trafficking and labor exploitation were recorded in this study. Of the total 823 victims identified as subject to labor trafficking or labor exploitation, 282 of them were *recruited under the H-2A visa program*.

The American Dream up for Sale: A Blueprint for Ending International Labor Recruitment Abuse, The International Labor Recruitment Working Group, February 5, 2013. <http://fairlaborrecruitment.wordpress.com/report/>

The problems plaguing internationally recruited workers are systemic, beginning at the recruitment stage in a worker's home country and continuing after the worker arrives in the US. Overlaps in the work visa programs allow employers in certain industries, including the agricultural sector, to select the visa with the easiest availability or the weakest worker protections. Abuses are present in all visa categories. Recommendations to curtail these practices include employer responsibility for their labor recruitment supply chain and worker access to self-help advocacy.

Recruitment revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change, Centro de los Derechos del Migrante, January 17, 2013 <http://www.cdmigrante.org/recruitment-revealed-fundamental-flaws-in-the-h-2-temporary-worker-program-and-recommendations-for-change/>

Focuses on recruitment in Mexico, home to the largest number of temporary migrants who labor under H-2 visas. Employers, recruiters, and their agents charge illegal recruitment fees and fail to reimburse visa, travel and recruitment-related expenses incurred by workers. One

out of every ten workers interviewed reported paying a recruitment fee for a non-existent job. Almost half of the workers surveyed reported arriving in the U.S with significant debt.

Monitoring International Labor Recruitment: A Cross-Visa Exploration of Regulatory Challenges

<http://www.cdmigrante.org/wp-content/uploads/2012/12/Monitoring-International-Labor-Recruitment.pdf>

Attorneys/agents listed as part of the H-2A certification process are rarely the recruiter who shows up in the worker's community of origin, charging fees. The only way to eliminate economic coercion and debt bondage is to name all the recruiters in the chain.

An Ethical Framework for Cross-Border Labor Recruitment: An industry/stakeholder collaboration to reduce the risks of forced labor and human trafficking, Verite and ManpowerGroup, February 15, 2012

http://www.verite.org/sites/default/files/ethical_framework_paper_20120209_PRINTED.pdf

Workers are often exposed to unscrupulous brokers who charge exorbitant recruitment fees, change contract terms unilaterally, impose unreasonable deductions from agreed wages, and leave workers vulnerable to discrimination and exploitation. To eliminate unscrupulous recruiters from the market: require licensing of recruiters, provide employers with the tools necessary to identify ethical recruiters and their subcontractors, and improve information and choices for the workers themselves.