

*Executive Summary*

## Human Trafficking on Temporary Work Visas A DATA ANALYSIS 2015 - 2017

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 800 individual victims of human trafficking from January 1, 2015 - December 31, 2017 who were here and working under temporary work visas. Overall, nearly half 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. This report looks more closely at trafficking in which victims held the most commonly issued temporary visas.

Clearly, the temporary work visa 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.

### Scope of trafficking and temporary work visas

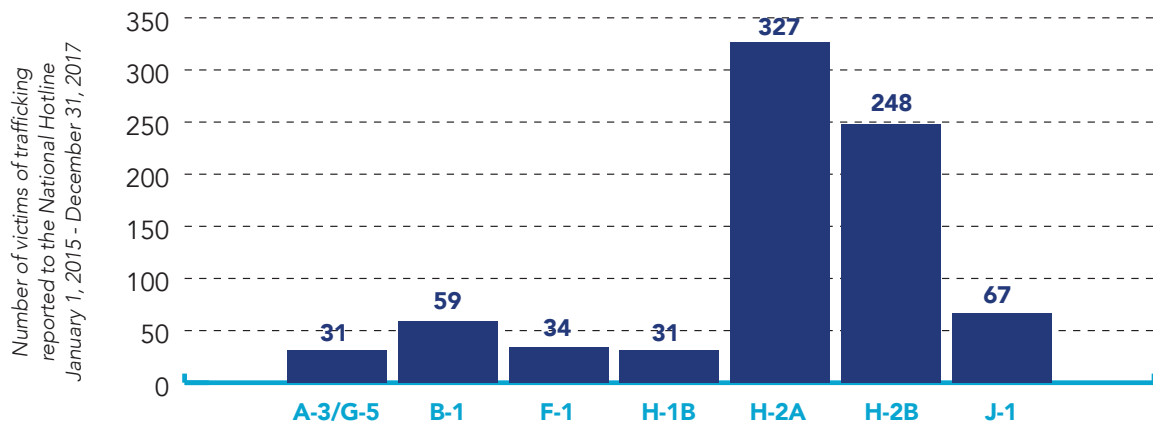
From 2015-2017, Polaris identified 797 victims of trafficking who held these visa categories at the time of their abuse.

**Chart: Breakdown by visa type**

| Visa comparisons | Description   |
|------------------|---|
| <b>A-3/G-5</b>   | Personal attendants to diplomats and employees of international organizations |
| <b>B-1</b>       | Business visitors   |
| <b>F-1</b>       | Students  |
| <b>H-1B</b>      | Specialty occupations, such as teachers and health care workers               |
| <b>H-2A</b>      | Agricultural workers  |
| <b>H-2B</b>      | Temporary non-agricultural workers  |
| <b>J-1</b>       | Participants of cultural and educational exchange programs                    |

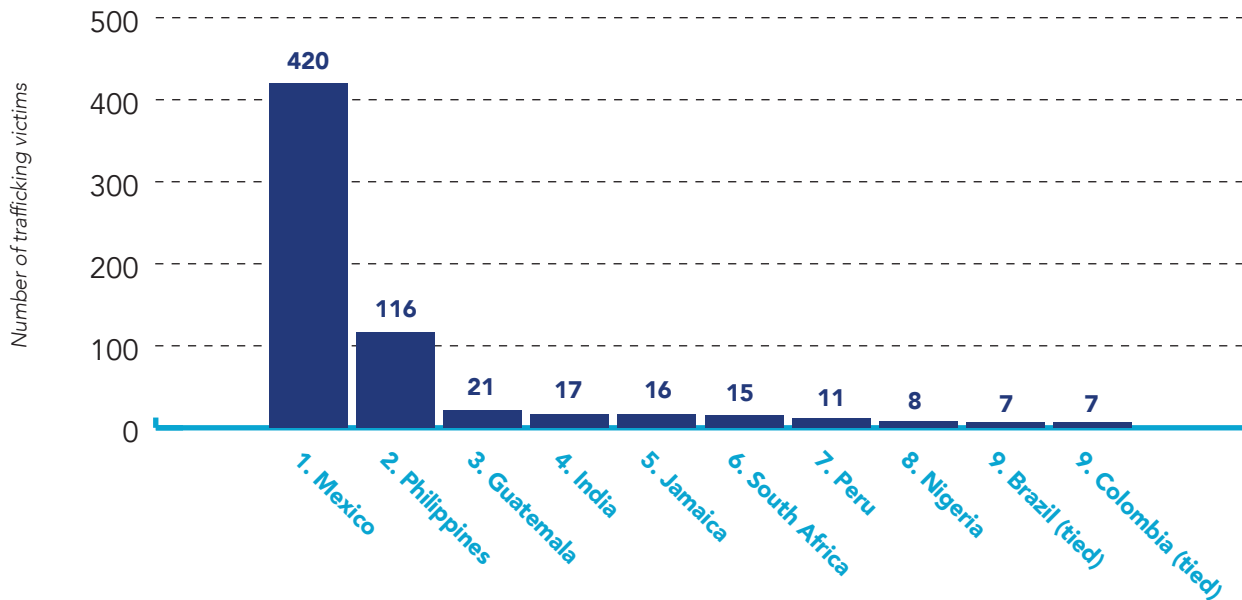


### Chart: Breakdown by visa type



### Top 10 victim nationalities

The majority of victims in Polaris's dataset are men and the most significant source country is Mexico, though Chinese nationals received nearly 1 million more of the visas for the categories focused on in this report.



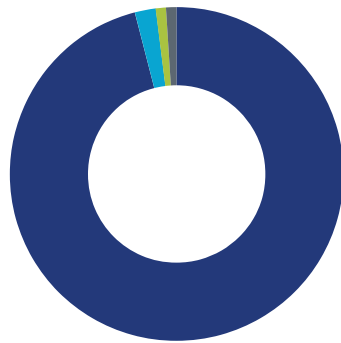


### Gender



| 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>                             |

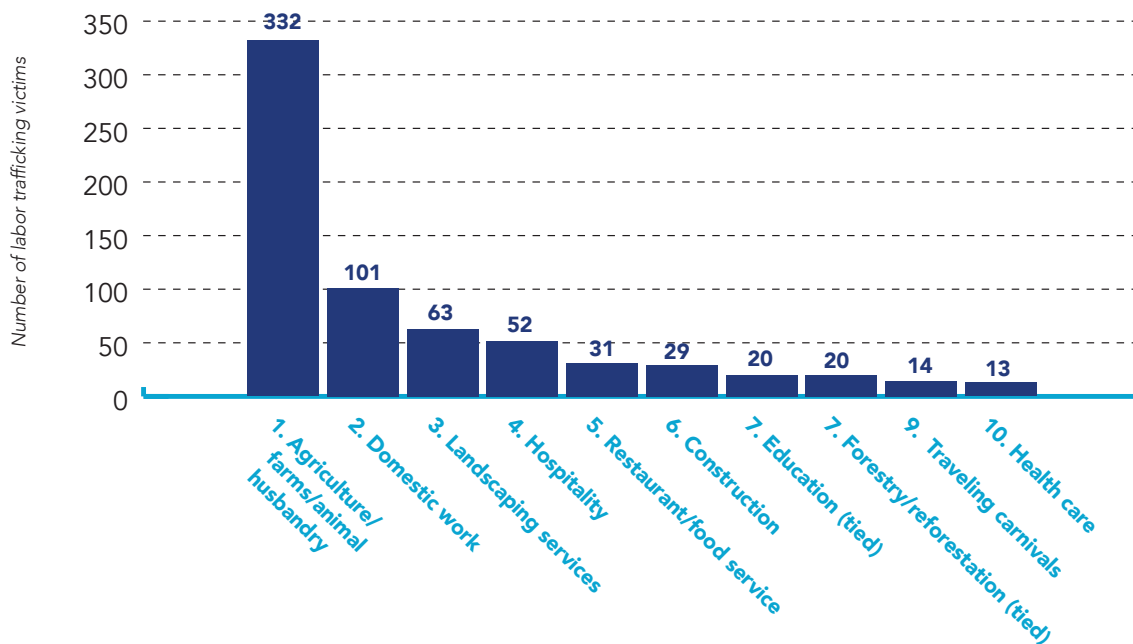
### Types and venues of trafficking



| 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>                             |

### Top 10 industries of labor trafficking chart

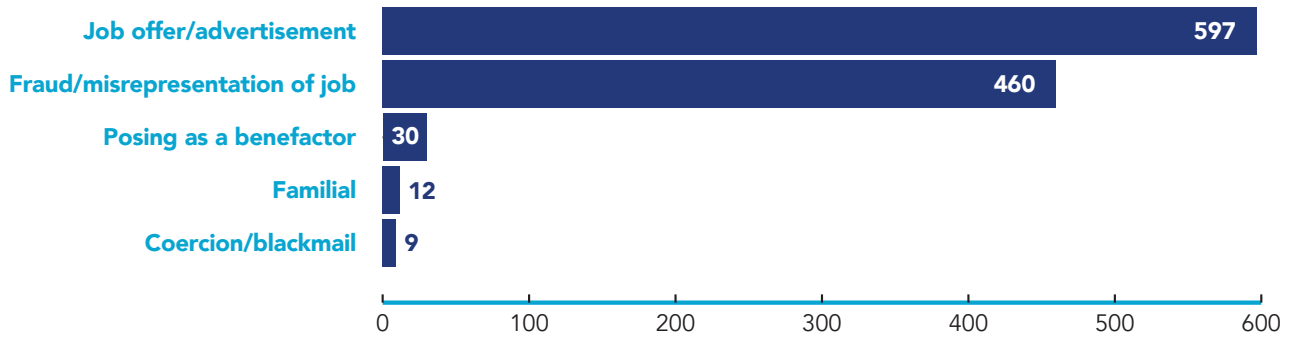
While the agriculture industry had the highest number of victims, it is far from the only industry in which trafficking occurs.





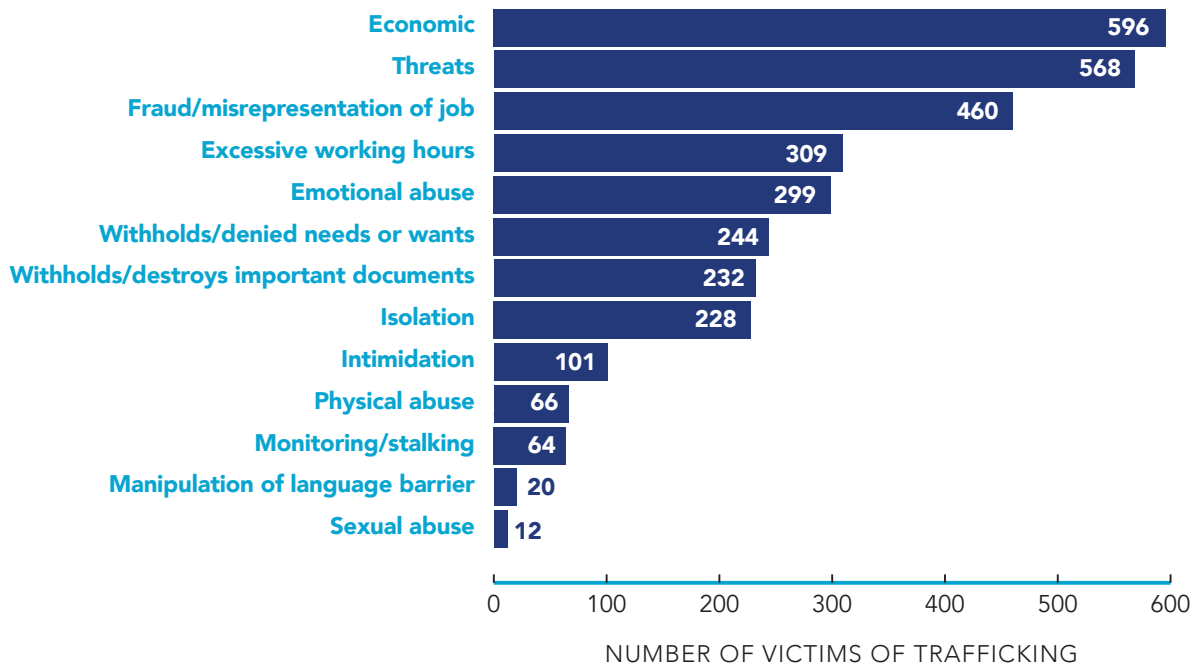
### Top 5 recruitment methods referenced

Seventy-five percent of all the victims identified in this dataset were recruited through what appeared to be legitimate job offers. Victims were often not clear of the relationship between the person who recruited them and the actual employer.



### Methods of Control

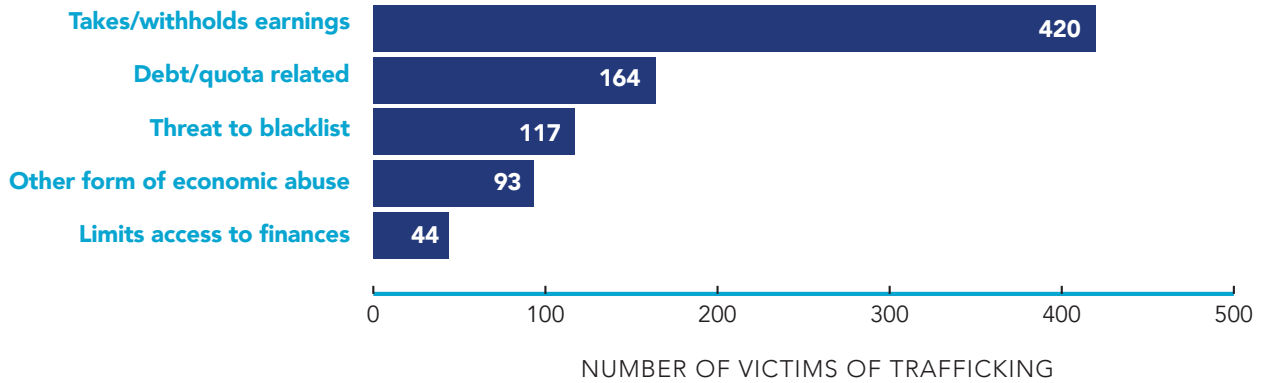
Each of the 797 victims of trafficking identified by the National Human Trafficking Hotline and BeFree Textline had indications that these individuals experienced some form of control which constituted force, fraud or coercion, and hence had been a victim of severe forms of trafficking under the Trafficking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





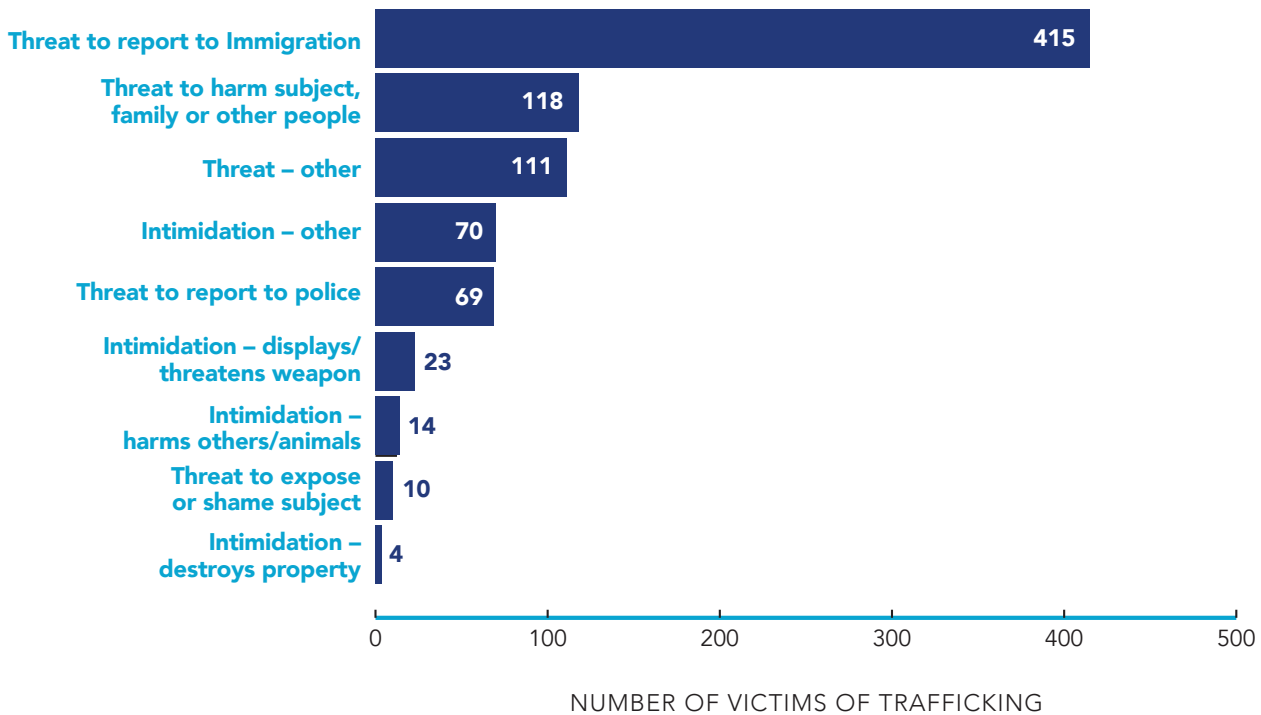
### Economic abuse

The most common method of control was economic abuse. This kind of abuse is made possible in large part by recruitment fees. These fees, which often amount to thousands of dollars, are not allowed in most cases, but the prohibition is rarely enforced.



### 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.





## Ending human trafficking on temporary work visas

The most significant steps the U.S. government can take to end human trafficking on temporary work visas are:

1. **Untie all visa categories:** Workers should not be tied to a single employer as a condition of their work visa.
2. **Enforce bans on recruitment fees:** Foreign labor recruiters should be barred from collecting any money from would-be visa holders for any services or activities including but not limited to attendance at a recruitment event, paperwork of any kind, and travel services.

In addition, Polaris supports legislative efforts that include

- **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.
- **Holding recruiters civilly and criminally liable** liable for regulation violations.
- **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.

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 model 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.