

HUMAN TRAFFICKING

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"Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today." Trafficking Victims Protection Act, 22 USCS § 7101(b)(1).

Sex Trafficking, TVPA 22 USC § 7102(A)

- The **recruitment, harboring, transportation, provision, or obtaining of a person...**
- ... by the use of **force, fraud, or coercion** or in which the person induced to perform such an act has not attained 18...
- ... for purpose of a commercial sex act.

Labor Trafficking, TVPA 22 USC § 7102

- To recruit, harbor, transport, provide, or obtain a person **Action**
- By the use of force, fraud, or coercion **Means**
- With the purpose of subjecting a person to involuntary servitude, peonage, debt bondage, or slavery. **End**

Force - Fraud - Coercion

FORCE

- ☐ Physical confinement
- ☐ Punishment or violence

FRAUD

- ☐ False Promises
- ☐ Tricking into a contract
- ☐ Different work than expected
- ☐ Debt Peonage

COERCION

- ☐ Threats toward victim and/or victim's family of:
 - ☐ Violence
 - ☐ Shame
 - ☐ Imprisonment or deportation



Who are the Victims? Who is at Risk?

- Any age, race, gender, or nationality.
- Traffickers prey on victims with little or no social safety net.
- They look for victims who are vulnerable because of their illegal immigration status, limited English proficiency, and those who may be in vulnerable situations due to economic hardship, political instability, natural disasters, or other causes.

Human Trafficking Statistics

National Human Trafficking Hotline Cases

2016

7,572

2007 - 2016

31,659

Forms of Human Trafficking

Sex Trafficking

5,551 (73%)

Labor Trafficking

1,057 (14%)

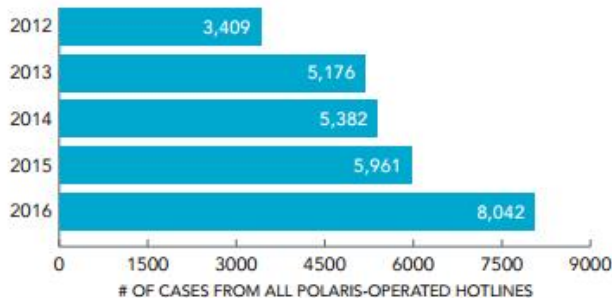
Sex & Labor Trafficking

268 (4%)

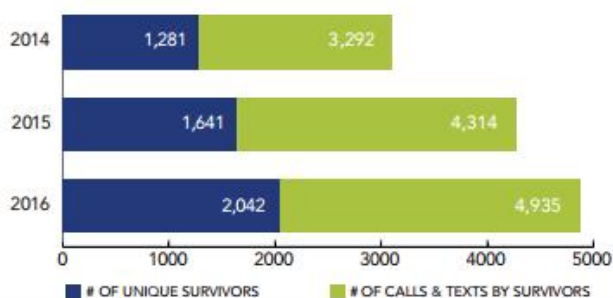
Not Specified

696 (9%)

Cases of Human Trafficking per Year



Survivors Directly Supported by Year



Locations of Potential Human Trafficking Cases in the U.S.

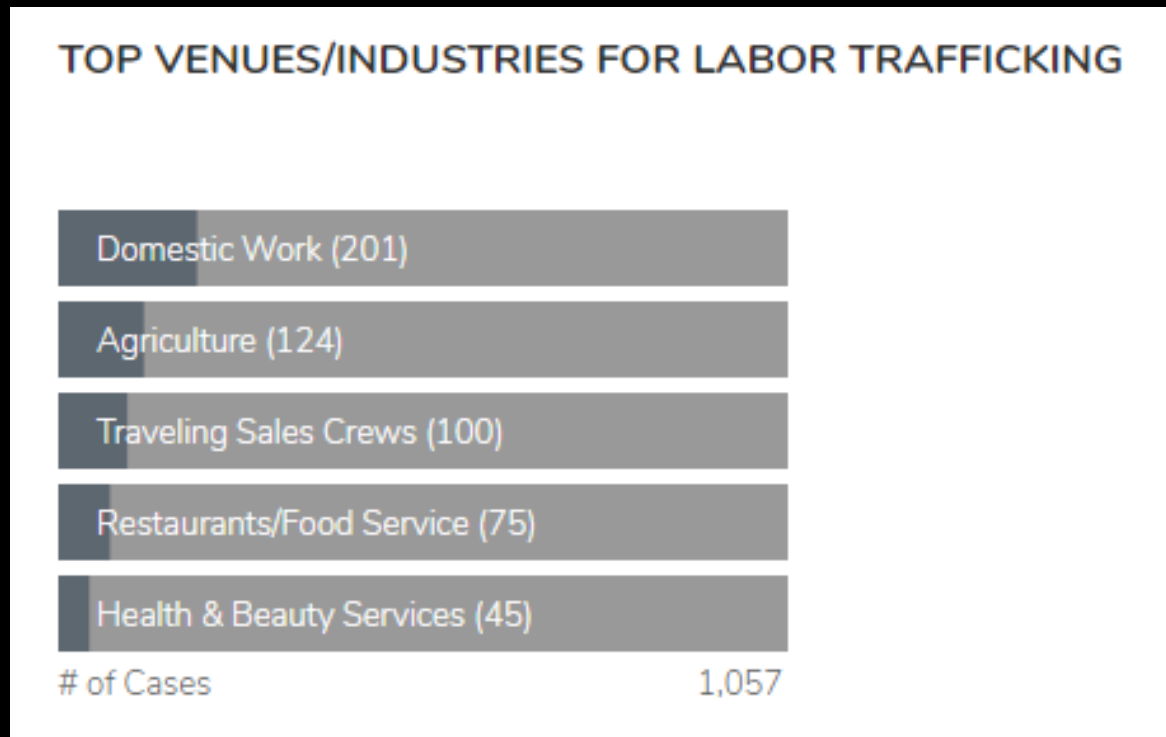


This map only reflects cases where the location of the potential trafficking was known. Some cases may involve more than one location.

24% more survivors reached out to the National Human Trafficking Hotline and BeFree Textline for help in 2016 over 2015.

Learn more at www.polarisproject.org and www.humantraffickinghotline.org/statistics.

Hotline Statistics



<https://humantraffickinghotline.org/states>

Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States

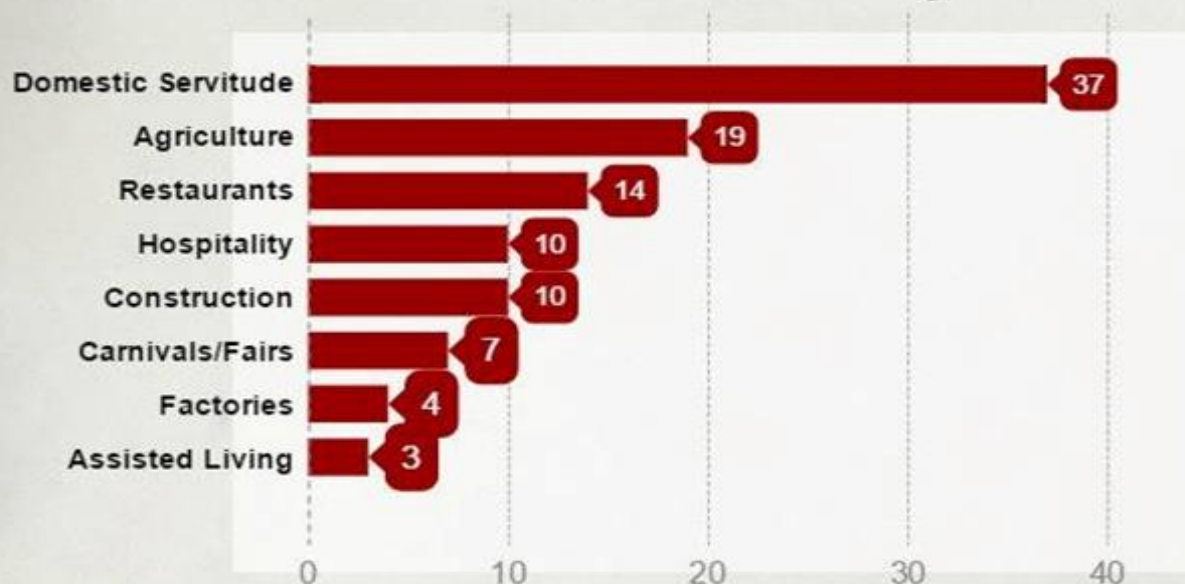


Labor Trafficking in the US

Northeastern University

The Urban Institute

What industries are labor trafficking survivors exploited?



Owens, C., Dank, M., Breau, J., Banuelos, I., Farrell, A., Pfeffer, R.,...McDevitt, J. (2014). Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States. Retrieved from <http://www.urban.org/UploadedPDF/413249-Labor-Trafficking-in-the-United-States.pdf>.

Vulnerability of Farmworkers

Timeline of Historical Events
Creating our Modern-day Agricultural System

1860s – 1960s

1865: The 13th Amendment abolishes slavery in the US

1865-1866: Black Codes required African Americans to have a permit to work in anything other than agriculture

1930s: Great Depression and Dust Bowl – Over 500,000 Mexican Americans deported or pressured to leave

1938: *Fair Labor Standards Act (FLSA)* – agricultural labor exempted from minimum wage, overtime and child labor

1953: H2 Guest Worker Program created

1877 – mid-1960s: Jim Crow Laws in place. Former slaves and their descendants continued to work in agricultural industry due to debt or through sharecropping

1935: *National Labor Relations Act* – agricultural labor excluded from collective bargaining statute

Social Security Act – agricultural workers excluded from unemployment compensation, old age, and disability benefits

1950: Ag labor becomes eligible for old age and disability benefits

1942: Bracero program begins

1939 – 1945: WWII

1960s - Today

1960: *Harvest of Shame* television documentary premieres and exposes America to the plight of migrant laborers

1964: Bracero program terminated due to abusive nature of program

1966-1970: Ag labor phased into minimum wage provisions

1983: Migrant and Seasonal Agricultural Worker Protection Act (AWPA) Passes

1993: Coalition of Immokalee Workers began organizing. Their efforts have since included fighting for higher wages and encouraging consumers to hold major companies accountable for human rights abuses

1963: Farm Labor Contractor Registration Act (FLCRA) passes as a result of *Harvest of Shame* reporting by Edward R. Murrow

1962: Cesar Chavez and Dolores Huerta join Filipino farmworkers in organizing efforts on behalf of farmworker rights, founding what is now known as the United Farm Workers. Their efforts laid the groundwork for farmworker organizing and unions.

1978: Federal Unemployment Tax Act includes some agricultural labor but still less than any other group

Today:
Agricultural labor still exempted from overtime protections

Child labor still allowed

Coalition of Immokalee Workers: <http://www.ciw-online.org/about/>

Cesar Chavez: <http://www.history.com/topics/cesar-chavez>

Harvest of Shame: <http://www.npr.org/2014/05/31/317364146/in-confronting-poverty-harvest-of-shame-reaped-praise-and-criticism>

Vulnerability of Farmworkers

Agricultural industry is excluded from major U.S. labor protective statutes.

Examples of existing exemptions:

- Collective bargaining
- Unemployment benefits
- Overtime
- Child labor

Protective Laws

- MSAWPA, 28 USC § 1801, et al.
 - Disclosures/Postings
 - Transportation
 - Housing
 - Wages
 - Recordkeeping
 - Field and Sanitation
 - Licensing
 - Retaliation

Notice

Migrant and Seasonal Agricultural Worker Protection Act

This federal law requires agricultural employers, agricultural associations, farm labor contractors and their employees to observe certain labor standards when employing migrant and seasonal farmworkers unless specific exemptions apply. Further, farm labor contractors are required to register with the U.S. Department of Labor.

Migrant and Seasonal Farmworkers Have These Rights

- To receive accurate information about wages and working conditions for the prospective employment
- To receive this information in writing and in English, Spanish or other languages, as appropriate
- To have the terms of the working arrangement upheld
- To have farm labor contractors show proof of registration at the time of recruitment

Aviso

Ley de Protección de Trabajadores Migrantes y Temporales en la Agricultura

Esta ley federal exige que los patrones agrícolas, las asociaciones agrícolas, los contratistas de mano de obra agrícola (o troqueros), y sus empleados cumplan con ciertas normas laborales cuando ocupan a los trabajadores migrantes y temporales en la agricultura, a menos que se apliquen excepciones específicas. Los contratistas, o troqueros, tienen además la obligación de registrarse con el Departamento del Trabajo.

Los Trabajadores Migrantes y Temporales en la Agricultura Tienen los Derechos Siguietes

- Recibir detalles exactos sobre el salario y las condiciones de trabajo del empleo futuro
- Recibir estos datos por escrito en inglés, en español, o en otro idioma que sea apropiado
- Cumplimiento de todas las condiciones de trabajo como fueron presentadas cuando se les hizo la oferta de trabajo
- Al ser reclutados para un trabajo, ver una prueba de que el contratista se haya registrado con el Departamento del Trabajo

H2A Program

H-2A program allows employers to bring temporary guestworkers (“H-2A workers”) into the United States for agricultural work that lasts 10 months or less.

- Unlimited number of visas
- International recruiters
- Attempt to hire US workers
- Passport stamped w/ employer
- Worker protections

<https://icert.doleta.gov/>



UNITED STATES DEPARTMENT OF LABOR Employment & Training Administration

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Welcome to the iCER Visa Portal System

Username:

Password:

New to the iCER System?

[Create Your Portal Account Today](#)

Forgot your username or password?

[Click Here](#)

[Rectangular Stip](#)



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NEW LCA FILING TIPS - MARCH 2016

Posted Date:
03/09/2016

Visa Classification:
'LCA'

In order to help employers better prepare applications for H-1B, H-1B1, and E-3 visas, OFLC is providing updated general filing tips as well as specific tips on how to complete certain fields on t ... [More](#)

RELEVANT DOCUMENT(S)

[LCA Employ...](#)

RELEVANT URL LINK(S)

None

iCER CASE STATUS CHECK

Enter up to 30 case numbers, one per line
(e.g., G-100-12345-123456)

[Case Numbers](#)

PUBLIC JOB REGISTRY

Click on a Specific State to Job Orders Posted in the Last 30 Days



Or - Select a state/territory from the menu: State:

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Public Job Registry

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Quick Search

ETA Case Number: Case Type: Status: ☒ State or Territory of
Intended Employment:

- OR -

☐ Job Location within: of ZIP Code: Job Title: Employer Name: Job Order Posting Date Range: From: To: Industry:

ETA Case Number	Job Posting Date	Case Type	Status	Employer Name	State	Work Start Date	Work End Date	Job Title	Job Order	Cert
H-300-16076-1469...	04/01/2016	H-2A	ACTIVE	ALEWELT CONCRETE...	IL	05/15/2016	11/23/2016	Farm Worker/Laborer		
H-300-16083-5182...	03/30/2016	H-2A	ACTIVE	Flamm Orchards Inc	IL	05/09/2016	10/15/2016	Farmworker; Diversifi...		
H-300-16082-7661...	03/30/2016	H-2A	ACTIVE	Spring Valley Farm &...	IL	05/16/2016	10/31/2016	Farm Worker		
H-300-16081-5929...	03/28/2016	H-2A	ACTIVE	Heritage Family Far...	IL	05/16/2016	11/20/2016	Farm Machine Operat...		
H-300-16075-9595...	03/22/2016	H-2A	ACTIVE	Alewelt Concrete Inc.	IL	04/30/2016	12/06/2016	Farm Worker/Laborer		
H-300-16075-3610...	03/22/2016	H-2A	ACTIVE	Alewelt Concrete Inc.	IL	04/30/2016	09/30/2016	Farm Worker/ Laborer		
H-400-16022-8108...	03/17/2016	H-2B	ACTIVE	Cosme Castillo, Inc.	IL	04/06/2016	11/26/2016	Landscaping Laborers		
H-400-16019-2979...	03/14/2016	H-2B	ACTIVE	WINDY CITY AMUSE...	IL	04/14/2016	10/30/2016	Amusement and Recr...		
H-400-15321-5198...	03/11/2016	H-2B	ACTIVE	Fantasy Amusement...	IL	04/03/2016	11/05/2016	Carnival Attendant		
H-300-16063-1279...	03/10/2016	H-2A	ACTIVE	Alewelt Concrete Inc.	IL	04/20/2016	11/18/2016	Farm Worker/Laborer		

1 / 2 10 13 Row(s)

Disability Access: If you have a disability and are unable to access some of the information contained on the Job Registry portion of this Website because of its format or other features, please email H-2Ajobregistry.chicago@dol.gov or call 1-312-886-8000. Your request will be referred to the appropriate Department of Labor office responsible for providing assistance to you in this regard. In order to help us serve you better, please provide us with a description of your disability and your contact information so we can reach you in the event questions arise while identifying or addressing a solution to your request.

Migrant Labor v. Exploitation v. Trafficking

- Labor

- Action
- x
- x

- Exploitation

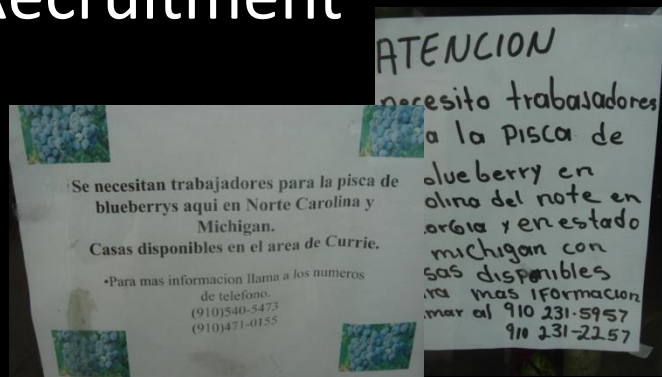
- Action
- Means
- x

- Trafficking

- Action
- Means
- End
 - Involuntary Servitude
 - Peonage
 - Debt Bondage
 - Slavery

Vulnerability of Farmworkers

- Income
- Education
- LEP
- Work demands
- Housing
- Transportation
- Recruitment



Michigan Case Study, ¶1

Six men from Mexico and Guatemala responded to an ad in a Mexican grocery store around Immokalee, Florida that workers were needed in Michigan. Many migrant workers responded to the ad, but only these six were chosen because they were single, spoke only Spanish, had family members in the U.S., and had no Michigan connections.

What makes them vulnerable to trafficking?

Michigan Case Study, ¶1

Six men from Mexico and Guatemala responded to an ad in a Mexican grocery store around Immokalee, Florida that workers were needed in Michigan. Many migrant workers responded to the ad, but only these six were chosen because they were single, spoke only Spanish, had family members in the United States, and had no Michigan connections.

Why vulnerable because they have family in the United States?

Michigan Case Study, ¶2

The six men were interviewed in Florida by two women of Mexican descent, who seemed nice and fed them well during the interview. The six men were hired. Two adult women, their two adult sons and a girlfriend drove the men to Michigan. On the trip, the six men were rationed food and were not allowed to go to the bathrooms by themselves.

Michigan Case Study, ¶2

The six men were interviewed in Florida by two women of Mexican descent, who seemed nice and fed them well during the interview. The six men were hired. Two adult women, their two adult sons and a girlfriend **drove the men to Michigan**. On the trip, the six men were rationed food and were not allowed to go to the bathrooms by themselves.

Michigan Case Study, ¶3

In Michigan, the recruiters moved themselves and the men into an isolated trailer. The recruiters told them that they were not allowed outside the trailer because the land-owner didn't like Mexicans and he would shoot them if he saw them. Food was rationed. If they questioned the recruiters, they were denied food. They were beaten. The six men all slept on the trailer's living room floor.

Michigan Case Study, ¶3

In Michigan, the recruiters moved themselves and the men into an isolated trailer. The recruiters told them that they were not allowed outside the trailer because the land-owner didn't like Mexicans and he would shoot them if he saw them. Food was rationed. If they questioned the recruiters, they were denied food. They were beaten. The six men all slept on the trailer's living room floor.

Michigan Case Study, ¶4

The recruiters drove the men from camp to camp to look for jobs and found them jobs on a farm after several weeks. One of the sons and his girlfriend also got jobs on that farm. The son would follow the men when they used the bathroom. When the men received their paychecks, the two women were always present. Immediately after the men were paid, the recruiters would drive them to a Mexican grocery store to cash their checks.

Michigan Case Study, ¶4

The recruiters drove the men from camp to camp to look for jobs and found them jobs on a farm after several weeks. One of the sons and his girlfriend also got jobs on that farm. The son would follow the men when they used the bathroom. The two women were always present when the six men received their paycheck. Immediately after the men were paid, the recruiters would drive them to a Mexican grocery store to cash their checks.

How do I Identify Human Trafficking?

Human trafficking is often “hidden in plain sight.”
There are a number of red flags, or indicators,
which can help alert you to human trafficking.
Recognizing the signs is the first step in identifying
victims.

Behavior or Physical State:

- Does the victim act fearful, anxious, depressed, submissive, tense, or nervous/paranoid?
- Does the victim defer to another person to speak for him or her?
- Does the victim show signs of physical and/or sexual abuse, physical restraint, confinement, or torture?
- Has the victim been harmed or deprived of food, water, sleep, medical care, or other life necessities?
- Does the victim have few or no personal possessions?

Social Behavior:

- Can the victim freely contact friends or family?
- Is the victim allowed to socialize or attend religious services?
- Does the victim have freedom of movement?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the employer/authority figure showing signs of anxiety, depression, or aggressive behaviors?

Immigration Status:

- Has the victim been threatened with deportation or law enforcement action?
- Is the victim in possession of identification and travel documents; if not, who has control of the documents?

Work Conditions:

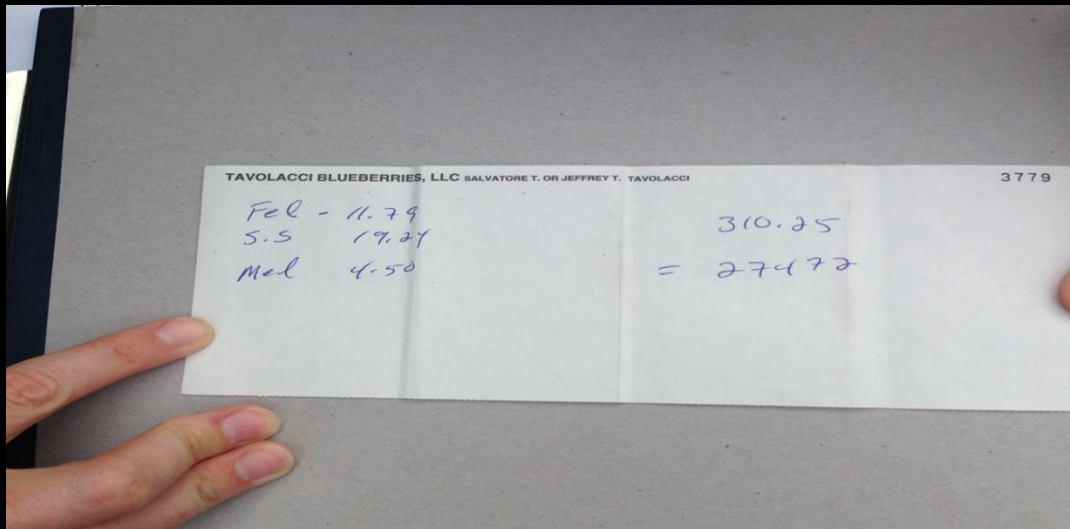
- Does the victim work excessively long and/or unusual hours?
- Was the victim recruited for one purpose and forced to engage in some other job?
- Is the victim's salary being garnished to pay off a smuggling fee or other debt? (
 - Paying off a smuggling fee alone is not considered trafficking.
- Is the victim being denied adequate food, sleep, or medical care?
- Are there rules or limitations regarding camp access?
- Is the victim being denied free communication with family, other workers, etc.?



Identify camp access issues



Review paystubs for missing/suspicious information



DATE		No.	
6-14-16		7-12	
Tuesday		1-6	
		10 hours	
6-15-16		8-12	
Wednesday		1-4:30	
		7 1/2 hours	
6-16-16		0.00	
Thursday		21. x	
		9.5 =	
		199.50 x	
		199.50 +	
		199.50 x	
		0.0765 =	
		15.26 x	
		15.26 -	
		184.246 +	
		0.0	
TOTAL		TOTAL 21.76	

ONE SUBJECT RULED 80 SHEETS

Disclosures

Wages

Period of employment

Type of Work

Location of Work

Transportation

Housing

Benefits available

<https://www.dol.gov/whd/forms/wh516.pdf>

Migrant and Seasonal Agricultural Worker Protection Act

U.S. Department of Labor
Wage and Hour Division



OMB NO: 1235-0002
Expires: 06/01/2020

Worker Information—Terms and Conditions of Employment

1. Place of employment: _____

2. Period of employment: From _____ To _____

3. Wage rates to be paid: \$ _____ per Hour Piece Rate \$ _____ per _____

4. Crops and kinds of activities: _____

5. Transportation or other benefits, if any: _____

Charge(s) to workers, if any: _____

6. Workers' compensation insurance provided: Yes ☐ No ☐

Name of compensation carrier: _____

Name and address of policyholder(s): _____

Person(s) and phone number(s) of person(s) to be notified to file claim: _____

Deadline for filing claim: _____

7. Unemployment compensation insurance provided: Yes ☐ No ☐

8. Other benefits: _____ Charge(s) _____

9. For migrant workers who will be housed, the kind of housing available and cost, if any: _____

Charge(s) _____

10. List any strike, work stoppage, slowdown, or interruption of operation by employees at the place where the workers will be employed. (If there are no strikes, etc., enter "None"): _____

11. List any arrangements that have been made with establishment owners or agents for the payment of a commission or other benefits for sales made to workers. (If there are no such arrangements, enter "None"): _____

Name of Person(s) Providing This Information: _____

Note: The Department of Labor—Wage and Hour Division makes this form available in certain other languages to enable employers to satisfy the requirement that the terms and conditions of employment be disclosed in a language common to the workers. Contact the nearest office of the Wage and Hour Division to obtain such forms.

While completion of Form WH516 is optional, it is mandatory for Farm Labor Contractors, Agricultural Employers, and Agricultural Associations to disclose employment terms and conditions in writing to migrant and day-haul workers upon recruitment, and to seasonal workers other than day-haul workers upon request when an offer of employment is made in response to the information collection contained in 29 CFR §§ 500.75-500.76. This optional form may be used to disclose the required information. Thereafter, any migrant or seasonal worker has the right to have, upon request, a written statement provided to him or her by the employer, of the information described above. This optional form may also be used for this purpose.

We estimate that it will take an average of 30 minutes to complete this collection of information, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, Room 53502, 200 Constitution Avenue NW, Washington, D.C. 20210. Do NOT send the completed form to this office.

Persons are not required to respond to this information unless it displays a currently valid OMB number.

Optional form WH516-03/02
REV 06/16

Additional Questions

- Was the worker recruited?
- What was he/she promised?
- What were the actual working conditions like?
- Was the worker coerced?
- What would happen if workers tried to leave his/her job?
- Are workers afraid of his/her employer?

Questions to ask

- Originally from Mexico and Guatemala
- Recruited from Immokalee, Florida to work in Michigan
- Family members in the United States
- No Michigan connections.
- Where are you from?
- Is that where you learned about the job in Michigan?
- Is your family still in Mexico?
- Have you been to Michigan before? Familiar with the area?

Questions to ask

- Drove men to Michigan
- Recruiters moved themselves and the men
- Not allowed outside the trailer
- Isolated trailer
- The six men all slept on the trailer's living room floor
- Land-owner didn't like Mexicans and he would shoot them if he saw them
- How did you get to Michigan? How do you get around Michigan?
- Come and go as you please
- Where do you live?
- Who do you live with?
- Is the housing what you expected?

Questions to ask

- Food was rationed
- Present when paid
- How do you get food?
- How do you get paid?
- How do you access your money?
- Do you have to pay for the housing? Food? Transportation? How?

If suspect trafficking or labor exploitation

- National Human Trafficking Resource Center
 - Call **888-3737-888**
 - Text **HELP** or **INFO** or **BEFREE** (233733)
- Farmworker Legal Services
 - Call **269-492-7190 / 1-800-968-4046**
- Trafficking Survivors Assistance Project of LAF at 800-445-9025.



What should I NOT DO if I suspect Human Trafficking?
Never take matters into your own hands!!

Who are we?

- Bilingual staff
- Free civil legal aid to eligible farmworkers & their families
- Outreach, Presentations, Representation of clients
 - Confidential

Seeking Justice

▪ **Outreach**

- Over 100 labor camps, H2A
- Rural communities
- Statewide summer program

▪ **Advocacy**

- Presentations, Task Force
- Education of law enforcement, employers, etc.
- Strategic partnerships

▪ **Litigation**

- Federal lawsuits
- Settlements
- Binding agreements, consent decrees



Cases in the Midwest

- H2A Visa holder recruited from Mexico, threatened when he complained about work conditions. Not given water on hot day and dies in the fields. Authorities told he ran off the job. Body recovered 50 days later.
- 17-year-old female from upper middle class family begins modeling career; Manager begins forcing her into selling sex on different shoots and threatens to do harm to her younger siblings and expose her to her school and family friends if she complains.
- 4 men recruited at homeless shelter to work construction. Forced to live in a shipping container and severely beaten if they try to escape. Worked 14-16 hour days and paid less than \$4 per day.
- High school basketball player from Senegal recruited to come live with a family, go to school, and play basketball. Forced to sleep on concrete floor of garage and given very little food or water. Family in Senegal threatened if player doesn't sign with certain school and agency.



www.facebook.com/IMLAP1

www.facebook.com/IllinoisTaskForceonHT/

www.facebook.com/Trafficking-Survivors-Assistance-Program-TSAP



@imlap11



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Facebook: @farmworkerlaw