



UNIVERSITY OF MARYLAND  
**SAFE CENTER**  
FOR HUMAN TRAFFICKING SURVIVORS  
EMPOWERING THE STATE

SUPPORT, ADVOCACY, FREEDOM, AND EMPOWERMENT CENTER

# Labor Trafficking

and the Vulnerability  
of Immigrant Youth

Laura Ardito and Heidi Alvarez

September 20, 2018

# University of Maryland SAFE Center for Human Trafficking Survivors



## MISSION:

- To provide comprehensive survivor-centered and trauma-informed **services** that empower trafficking survivors to heal and reclaim their lives.
- To help prevent trafficking and better serve survivors through **research** and policy **advocacy**.

# The SAFE Center's Services



We provide **comprehensive direct services** to U.S. and foreign national victims of sex and labor trafficking, regardless of gender or age.



# What is Human Trafficking?



“Severe forms of trafficking in persons” is defined by the U.S. Trafficking Victims Protection Act (TVPA) of 2000 as:

- (A) Sex trafficking:: the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion (or where victim is a minor); or
- (B) Labor trafficking: the **recruitment, harboring, transportation, provision, or obtaining** of a person for **labor or services**, through the use of **force, fraud, or coercion** for the purpose of subjection to **involuntary servitude, peonage, debt bondage, or slavery**.

# What is Human Trafficking?



## Force

- Physical violence or physical restraint

## Fraud

- False promises regarding type of employment, wages, working conditions, or other matters

## Coercion

- Threats of serious harm to the victim or a third person
- Any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to another person
- The abuse or threatened abuse of the legal process

# Example 1: Force



## Location: Montgomery County, Maryland

United States v. Mubang: Theresa Mubang was convicted of holding a Cameroonian girl, Evelyn Chumbow, in involuntary servitude. Mubang promised the girl's family that she would receive an American education and a better life. Instead, for two years, Mubang forced Chumbow to work in her home as a domestic servant, where Chumbow took care of Mubang's children and performed household chores around the clock **without receiving any pay**. She did not attend school. **Mubang beat Chumbow with a metal broomstick, belts, high-heeled shoes, and a cable cord to force her to comply**. She was not allowed to speak with her family back in Cameroon. Mubang kept her **isolated** from the community.

## Example 2: Coercion



### Location: Maryland

United States v. Blackwell: Barbara Coleman-Blackwell and her husband were convicted of bringing a woman from Ghana to the United States and forcing her to work **seven days a week** as a domestic servant and nanny. They **paid her little to nothing, hid her passport so she could not leave, and threatened her with deportation and imprisonment.**

Coleman-Blackwell's mother, who was at the time a Member of Parliament in Ghana, brought the woman into the United States by claiming that the victim was her staff assistant. Instead, Coleman-Blackwell's mother delivered the woman to Coleman-Blackwell to be a domestic servant.

# Example 3: Fraud



**Location: Louisiana (similar cases in Maryland and DC)**

Tanedo v. East Baton Rouge Parish School Board: Traffickers recruited more than 350 teachers from the Philippines to work in public schools in Louisiana under a guest worker program. The teachers went into debt to pay exorbitant recruiting fees requested by the traffickers. The teachers also signed what turned out to be fraudulent contracts. Once they arrived in the US, the teachers were forced to pay additional fees and sign away a percentage of their salaries. The traffickers threatened them and confiscated their passports to force them to pay.

# Labor Exploitation v. Trafficking



## Labor Exploitation



**Paid less than promised**

**Pay withheld**

**Illegal deductions**

**No written earnings statement**

**No meal breaks**

**Hazardous work environment**

## Labor Trafficking



**Elements of labor exploitation +**

**Threats or use of violence**

**Deprivation of food, sleep**

**Isolation and control**

**Lying about risks of leaving**

**Threats/abuse of legal process**

# Victim and Trafficker Profiles



## Victims



Foreign nationals and US citizens

Women and Men

Adults and Children

## Traffickers



Individuals, Families, and Groups

Diplomats

Street gangs

Organized crime

Businesses or contractors

# Where Does Labor Trafficking Occur?



1. Agriculture, Farms, and Animal Husbandry
2. Landscaping Services
3. Hospitality
4. Restaurant & Food Service

5. Domestic Work
6. Forestry/Reforestation
7. Hair and nail salons
8. Massage businesses

# Other Types of Labor Trafficking



1. Traveling Sales Crews
2. Forced begging
3. Carnivals
4. Forced criminal activity -- forced to sell drugs or stolen goods; forced to commit theft or burglary

# Signs of Labor Trafficking



- No control of their ID or legal documents
- Unpaid promised wages or paid very little
- Owes large debt to trafficker or related third parties (smuggler, recruiter) and is unable to pay it off
- Isolated from friends and families
- Works excessive hours with very limited rest
- Work-related injuries
- Movements are monitored; not free to come and go as s/he pleases
- Inappropriate clothing for the weather
- Has few possessions and is not control of her or his money
- Lives in crowded employer-provided housing
- Signs of physical, sexual, and /or emotional abuse

# Key Vulnerabilities



**Victims of Prior Abuse & Violence**

**History of domestic violence, sexual assault, abuse or neglect, child sex abuse**

**Homeless youth & unaccompanied refugee minors**

**Age, limited access to resources, need for shelter and food, lack of guardian**

**Undocumented Foreign Nationals**

**Unauthorized status, fear of immigration and law enforcement**

**Temporary Visa Holders**

**Visa restrictions, debt bondage, or frequent movement**

**Developmental & Physical Disabilities**

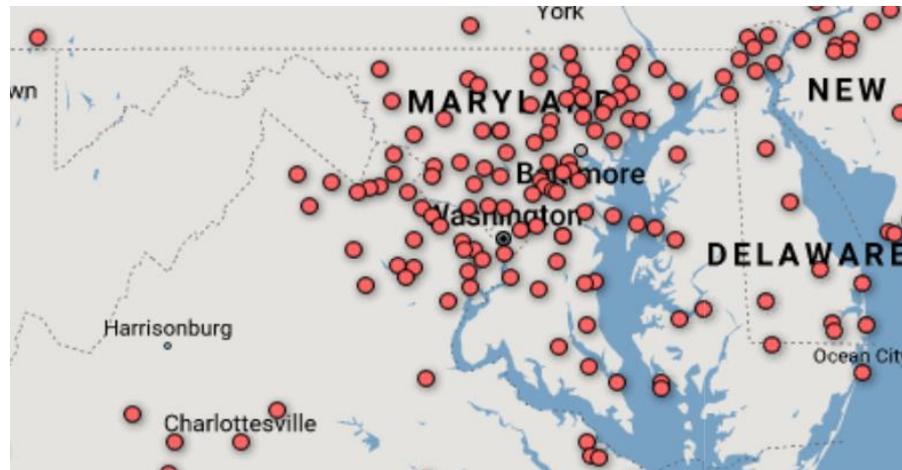
**Barriers to mobility, access to education and employment, or protection from predatory behaviors**

# Vulnerable Populations: H2B Visa Holders



## H-2B Beneficiaries:

The H-2B Visa permits employers to hire foreign workers to come temporarily to the United States and perform nonagricultural services or labor on a one-time, seasonal, peak load or intermittent basis. The temporary visa is not transferable from one employer to another.



# ICE Detainees



- Immigrants detained by U.S. Immigration and Customs Enforcement in facilities run by private prison corporations have been forced to work for little to no pay.
- Recent lawsuits claim detained immigrants were forced to work in order to pay for basic necessities such as food and toiletries.
- They were paid \$1 a day for their work at privately run detention centers.
- Others claimed they were forced to work under threat of solitary confinement.

# Labor Trafficking Legislation



- Currently there is no Maryland law criminalizing labor trafficking.
- The existing human trafficking law only covers trafficking related to commercial sex.
- Proposed legislation:

*A new criminal law, “Labor Trafficking,” would be added to the new “Human Trafficking” Subtitle in the “Other Crimes Against the Person” Title. The proposed language closely tracks the corresponding federal statute.*

- A comprehensive anti-trafficking bill introduced last legislative session (SB881/HB1276) did not pass through committee.
- The proposed addition of a labor trafficking statute will likely be reintroduced next session.

# Labor Trafficking Victims' Needs



## **Crisis Intervention**

- Food, Emergency Shelter, Clothing, Medical Care, Interpretation Services, Transportation

## **Active Engagement Phase**

- Legal Services, Education, Employment, English Language Instruction, Transportation, Mental Health, Transitional Housing, Medical Insurance, Supportive Community, Document Obtainment, Assisting in Trafficker's Prosecution, Court Advocacy, Protective Order, Address Confidentiality

## **Transition and Termination Phase**

- Sustainable Employment, Stable and Safe Housing, Language Proficiency, Legal Status, Civil Remedies, Stable and Healthy Support System, Trafficker Prosecuted, Family Reunification

# Case Study 1: Labor Trafficking or Labor Exploitation?



Four day laborers, including a 16 and 17 year old, were hired by a private individual to do some construction work on the individual's roof. The employer promised that each laborer would receive \$100 for a full 8 hour day of work. The laborers worked in the hot sun for 8 hours without a break, not even for water.

At the end of the day, the employer asked to see their work authorization. When none of the laborers could produce work documents, the employer told them that it was illegal for undocumented immigrants to work without authorization in the United States, and refused to pay them. When the laborers complained, the employer told them they were lucky he didn't call immigration on them. The laborers left without payment.

## Case Study 2: Labor Trafficking or Labor Exploitation?



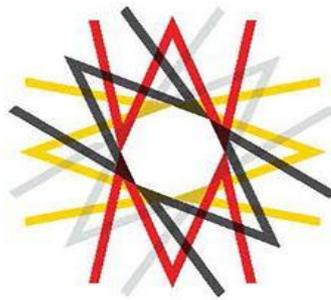
Daniel, 16 years old, traveled hundreds of miles to the US to escape gang violence in his native Guatemala. Forced to leave his family and friends behind, he arrived in the US virtually alone. He was apprehended at the border by US Immigration and Customs Enforcement and placed into a government-funded shelter for unaccompanied minors.

Someone from Daniel's hometown living in the US stepped forward to be Daniel's guardian. The shelter released Daniel to the man, who took Daniel to Ohio, put him in a roach-infested trailer, and threatened to kill him if he tried to leave. They forced Daniel and seven other boys to work for an egg farm, debeaking hens and cleaning cages six days a week, for 12 hours a day, for about \$2 a day. They told Daniel he had to work to pay off the \$20,000 smuggling debt he owed. He had very little to eat and he slept on a dirty mattress in a dark crawlspace under the kitchen.

## Case Study 3: Labor Trafficking or Labor Exploitation?



James, an African American man, was born in South Carolina and has an intellectual disability. He worked in the same restaurant since he was 12 years old. When a new restaurant owner took over, the owner increased James's duties and made him work for over 100 hours a week without pay. The new owner used threats, abusive language, and acts of violence to compel James's continued service. He beat James with a belt, hit him with pots and pans, and burned his neck with hot tongs in order to compel James to work faster or to punish James for mistakes.



UNIVERSITY OF MARYLAND  
**SAFE CENTER**  
FOR HUMAN TRAFFICKING SURVIVORS  
MPOWERING THE STATE

---

SUPPORT, ADVOCACY, FREEDOM, AND EMPOWERMENT CENTER

Email: [lardito@umd.edu](mailto:lardito@umd.edu) or [alvarezh@umd.edu](mailto:alvarezh@umd.edu)

Phone: 301-314-7233

Website: [www.umdsafecenter.org](http://www.umdsafecenter.org)