

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

*Conducted by: Urban Institute and Northeastern University in  
collaboration with Freedom Network USA*

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# OVERVIEW OF THE RESEARCH STUDY

- Urban Institute and Northeastern University
- National Institute of Justice-funded study
- January 2012 – June 2014
- Partnership with Freedom Network
- Advisory Board of multiple stakeholders

# RESEARCH QUESTIONS

- 1.) What is the nature of the labor trafficking victimization in the U.S.?
- 2.) How are domestic and international labor trafficking syndicates operating in the U.S. organized?
  - who are traffickers?
  - connection to other illicit networks?
- 3.) What are the challenges of law enforcement investigation and why do so few cases that are identified by service providers get investigated or prosecuted by local or state law enforcement?

# RESEARCH DESIGN

- Multi-method approach
- Unit of analysis – labor trafficking survivor case file, closed between 2000 and 2012
- Site identification and selection
  - Multiple trafficking types/venues
  - Geographic diversity
  - Access to survivors and case files

# SAMPLING FRAME

Site	Region	Total Client Records (since 2000)	Client Records Sampled	Client Records Coded	Survivor Interviews	Service Provider Interviews	Law Enfct. Interviews
Site 1	Northeast (urban)	274	45	40	10	8	7
Site 2	South	61	30	21	7	14	4
Site 3	West	47	30	25	9	4	7
Site 4	Northeast (rural)	90	52	36	2*	8	6
Total		472	157	122	28	34	24

# LIMITATIONS

- Not nationally representative – four sites with active labor trafficking investigations
- Only victims who are connected with services
- Lack of information on investigation and prosecution from law enforcement's limited case records
- Lack of access to federal case records
- Limited understanding of criminal network

# LABOR TRAFFICKING SURVIVOR CHARACTERISTICS

Top 6 Countries	n=122
Mexico	34%
Philippines	16%
Thailand	7%
India	9%
Indonesia	4%
Guatemala	4%
Other	27%

- 100% of sample were non-US citizens
- 29 different countries of origin

# LABOR TRAFFICKING SURVIVOR CHARACTERISTICS

<b>Education (n=60)</b>	
None	10%
Some Elementary	10%
Finished Elementary	15%
Some High School	17%
H.S. Diploma	13%
Some College	8%
College Degree	13%
Graduate School	2%
Technical School	10%
GED	2%

- Men (48%); women (53%)
- Minors (10%); adults (90%)
- Single (46%) ; Married (45%)
- 64% had children
- Avg 33 years old at time of services
- 33% some college or higher



# LABOR TRAFFICKING VENUES/INDUSTRIES

	N=122
Private Residence/Domestic Servitude	37%
Agriculture	19%
Restaurants	14%
Hospitality	10%
Construction	10%
Carnivals/fairs	7%
Factories	4%
Assisted living	3%
Strip clubs	2%
Massage parlors	1%
Note:4% of the sample was labor trafficked in more than one industry.	

- Regulated and unregulated industries
- Low-wage industries
- Hidden and public
- Sexual services and non-sexual services
- Gender differences by venue

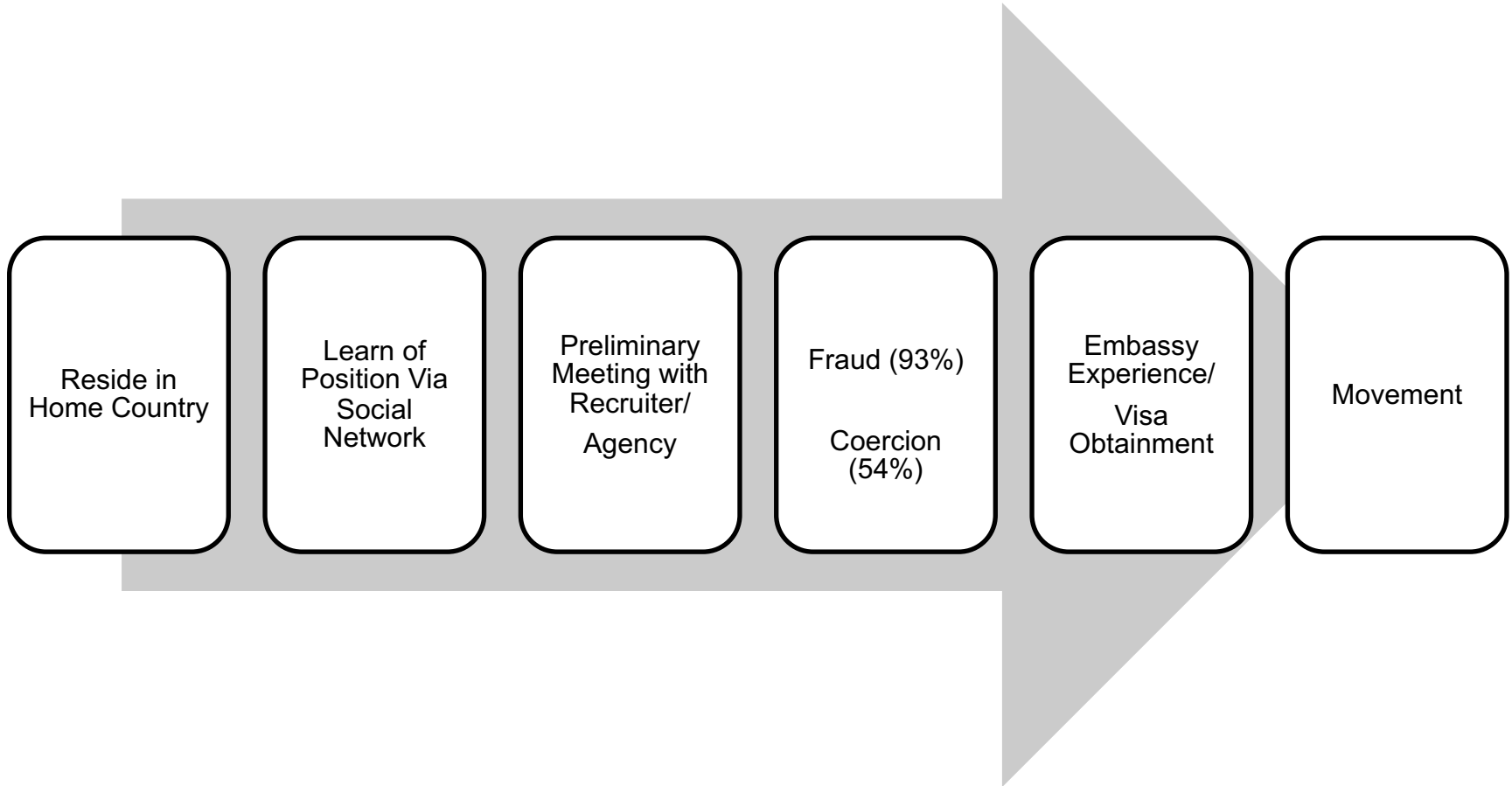
# LABOR TRAFFICKING SURVIVOR IMMIGRATION STATUS

	Upon Entry to United States	At time of services
	N=111	N=113
Nonimmigrant visa	<b>71%</b>	28%
Unauthorized		<b>69%</b>
Permanent resident		1%
Resident alien		1%
Asylee		1%
Note: Percentages shown above are based on non-missing cases		

# NON-IMMIGRANT VISA AT TIME OF ENTRY TO US

Visa Type	N=58 (%)
H-2A /H-2B	59%
BI/B2	24%
A3	5%
G5	3%
J1	3%
CID	2%
E2	2%
P3	2%

# Recruitment into Labor Trafficking by Workers Entering US with Visas



# CHARACTERISTICS OF RECRUITMENT

- High levels of fraud (93%) and coercion (54%)
- 48% paid recruitment fees (up to \$25,000)
  - 36% paid \$10,000 and above
  - Average \$6,150
- 57% of recruiters involved in other stages
- 54% recruited as a group; 46% individual
- 28% promised less than federal minimum wage

# RECRUITMENT PROMISES

*“I believe it’s like a minimum pay like 7 dollars or something. And then they told us the housing, transportation, everything is free... They said it’s going to be like 40 hours...40 hours and then they pay good and then if they like us for four months, they are able to fix our papers and get the green card.” --Male, hospitality (H2B visa), Site 3, West*

# MOVEMENT PROCESS

- Most often obtained legal visas (71%)
- 29% of individuals entered the US without authorization
- Most common forms of transportation: flight (71%), the use of a car/van (52%), and walking (22%)
- Fraud and coercion more prevalent than force during the movement process
  - Force more common for domestic servitude cases, and cases involving smuggling
- Interactions with US embassy/consulate and border officials described as routine and uneventful (some interviews with traffickers and victims)
- 64% documents seized during movement to US and/or soon after arrival
  - Highest for domestic servitude (88%)

# Frequency of Victimization Experiences

*90% experienced 8+ forms of victimization*

*94% aware they were being abused*

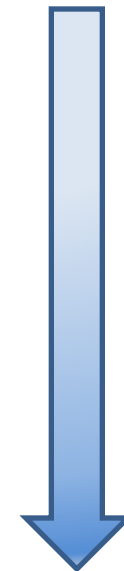
	(%)
Two Forms	1%
Five Forms	1%
Six Forms	5%
Seven Forms	3%
Eight Forms	10%
Nine Forms	1%
Ten Forms	3%
Eleven Forms	7%
Twelve Forms	4%
Thirteen Forms	10%
Fourteen Forms	16%
Fifteen Forms	22%
Sixteen Forms	10%
Seventeen Forms	6%



# Labor Exploitation and Labor Trafficking

	Yes
Less Pay Then Promised	83%
Withheld Pay	81%
Under Minimum Wage	80%
Denial of Pay	80%
Illegal Deductions	62%
No written earnings statement	62%
Safe water, toilet	30%
Hazardous Work Environment	16%
No meal breaks	42%
Movement to work controlled	80%
Victim lived where worked	56%
Depriving/Disorienting	84%
Threats or use of Violence	82%
Demoralizing	82%
Diminishing Resistance	70%
Intimidation and Control	80%
Deception of Consequences	71%
Use/Threatened Use of law	71%

**Labor  
Exploitation**



**Labor  
Trafficking**

<p><b>Depriving/ Disorienting</b></p> <p>(e.g isolation, restricted communications, manipulation of debts, monitoring or surveillance)</p>	<p>Victim wasn't able to talk to the neighbors or the guests, and she had restricted communication with her family.</p> <p>Victims incurred debts they weren't aware of, were driven to and from work, forced to rent specific apartments with specific amounts of rent.</p> <p>Victim did not have a key to the condo so she was unable to leave unless she was accompanied by one of the family members. She was not allowed to use the phone, and she could not speak Hindi around the house. She felt like she was in prison.</p>
<p><b>Threats or Use of Violence</b></p> <p>(e.g., physical, sexual, psychological, financial, reputational, harm to family)</p>	<p>Trafficker's son bragged about "going hunting" for workers who tried to leave the camp.</p> <p>One of the traffickers kept a handgun with him in the fields and shot and killed animals as a threat. He also violently beat a young migrant worker which was witnessed by other victims. Forced to work when sick, threatened with death when they were ill.</p> <p>When she made a "mistake" she was not able to eat for four days, she was hit in the face by the female exploiter; she was hit in between the eyes with a spoon when she used the wrong spice; once she took two pieces of chocolate because she was hungry and was forced to stand from 6am-4pm.</p>

<p><b>Demeaning and Demoralizing</b>  (e.g., verbal abuse, humiliation)</p>	<p>Farmer called the victims his "burros."</p> <p>Victim was verbally abused regularly, called a whore, stupid, yelled at in public.</p> <p>Victims lived in squalid conditions. They were threatened verbally and physically. Two victims were repeatedly bullied and assaulted for their sexual orientation.</p>
<p><b>Diminishing Resistance</b>  (e.g., substandard living conditions, denial of food, water, medical care, weakening with drugs or alcohol)</p>	<p>The living conditions in some locations were so bad that they were condemned by inspectors.</p> <p>Food spoiled, lived in rooms with 20 people, medical conditions denied, too many people for too few bathrooms.</p> <p>Denied food at home where being housed, told they should "complain less and work more."</p>
<p><b>Intimidation and Control</b>  (e.g., abuse, atmosphere of violence, displaying weapons, rules and punishments)</p>	<p>Display and actual firing of weapons, talk about weapons, verbal abuse. Trafficker found out the victim's address in [home country] and used this as a means of control, even after victimization.</p> <p>One of the supervisors who worked for the trafficker stated that he was violent and had access to guns.</p> <p>Trafficker threatened to kill victim's brother and said she had ties to assassins in [home country] that could kill other family members.</p>

<p><b>Deception of Consequences</b></p> <p>(e.g., overstate risks of leaving, overstate rewards of staying, feigning power or ties to authorities or hit men/gangs)</p>	<p>Told that they had taken risks and debts to come here and they should just play by the rules to make life easier.</p> <p>Told the company was working on their permanent resident status and if they violated rules or left they would not receive immigration status.</p> <p>Numerous false paperwork sent to victim making it look like the company was processing their immigration requests.</p> <p>Victim told trafficker was very powerful and knew people in positions of power.</p> <p>Confirmed when victim tried to seek help and people at [home country] embassy told her trafficker knew people and they could not help her. Trafficker has power in [home country] and threats to family were frightening to victim.</p> <p>Trafficker brought over a "friend" in a law enforcement uniform with his gun to show workers that he has "friends" who can help him if the workers act out.</p>
<p><b>Use/Threatened Use of Law</b></p> <p>(e.g., Threats to get victim deported, threats to get victim arrested, threats to turn victim over to police or immigration)</p>	<p>Trafficker called police on the victim and blamed him for assault after he himself had hit the victim when he asked for pay.</p> <p>The female employer told the victim that if she ever left she would be put in jail and if she misbehaved they would call immigration on her. He also threatened to put her family in jail and threatened to kill them.</p> <p>Threatened deportation and said they had connections to judges and other immigration officials. Also told that police were monitoring their phone calls.</p> <p>Told stories of other workers who were jailed for complaining.</p> <p>Trafficker threatened to have the victim deported if she did not engage in sex with customers when requested.</p>

# SURVIVOR ESCAPE EXPERIENCES

- Most victims (59%) escaped by running away. However, the support of community members (38%), service providers (21%), friends, family, colleagues (20%) and law enforcement (19%) were also important.
- Majority (69%) unauthorized by time identified
- Low victim self-report to police (7%); fear of deportation
- 14% of victims arrested by police (most commonly for immigration violations)
- Physical barriers, psychological abuse and law enforcement lack of education/training create challenges in escaping
- Continued Presence rarely granted
- T visa applications successful, but lack of CP caused some survivors to disengage from services and remain unauthorized

# SURVIVOR ESCAPE EXPERIENCE

*“I showed up to her house and half of my hair was gone, basically was pulled out from the roots [from abuse by trafficker], and she said she recalled her mom, her mom was a nurse and now I remember it, her mom was a nurse and her dad was a minister, and I showed up at that door and it was raining and I was crying because you know they had just beat me and her mother’s response, who was a nurse was, you know, “We just don’t want to get involved in this.” I think my only attempt was that time when I went to [friend’s] house when I was in [state] when I ran to her house, but of course if a pastor and a nurse can’t help me, then I felt like nobody could.”*

-- site 2 (South), survivor 7, female, domestic servitude

# SURVIVOR NEEDS AND OUTCOMES

- Shelter was the greatest need and challenge
- Acute need to begin working again
- Lack of job training/career readiness -- mired in low-wage work regardless of previous education (sometimes in same industries trafficked)
- Difficulty accessing benefits due to lack of provider knowledge or state laws – often tied to location of service provision/criminal case
- Civil damages and criminal restitution rarely awarded
- Longer-term access to mental health
- Adjustment of status to permanent resident may not be covered/concern about long-term ability to remain in the US

# TRAUMA AFTER ESCAPE

*“I not only had trauma about what had happened to me in that place, but also because I never in my life had been in jail. I didn’t know. . . . It is a jail where there is psychological harm and everything and one feel really bad. And also discrimination because one does not understand the language, there are a lot of people who scold you in jail, the guards, the police and everything because one does not understand the language, and I think they are spaces to correct people but I think that not having a paper should not be a crime that would make someone go to jail because I cried many nights inside those four walls, without knowing what to do. I would say “God, why?!” I have always been a person that has respected the laws and I’ve never had even a single fight. . . . And it is really difficult to come to a different country and to be put in jail for not having a document of identification and all of that, truthfully, was really difficult for me. My first time in a jail.”*

-- Site 4a (Northeast, rural), survivor 2, male, agriculture



**CRIMINAL AND CIVIL JUSTICE  
PROCESS: IS JUSTICE BEING  
SERVED?**

# SUSPECT GENDER, AGE, IMMIGRATION STATUS

Suspect Characteristics		Labor Venue/Industry									
	All Suspects % (n=169)	Agri % (n=30)	Hosp % (n=20)	Rest % (n=20)	Priv Res/ Dom serv % (n=75)	Mass Par % (n=2)	Strip Cl % (n=4)	Ast Liv % (n=4)	Factory % (n=3)	Const. % (n=4)	Carnival % (n=1)
Gender (n=162)											
Male	68%	70%	70%	74%	61%	0%	75%	50%	33%	100%	100%
Female	32%	30%	30%	26%	39%	100%	25%	50%	67%	0%	0%
Age (n=61)	43	46	36	46	49	52	40	-	-	-	-
Immigration status (n=98)											
US Citizen	47%	82%	29%	40%	24%	0%	100%	100%	0%	100%	0%
Non-Citizen	49%	19%	71%	60%	76%	100%	0%	0%	0%	0%	0%
Perm. Resident	4%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%

# SUSPECT CRIMINAL JUSTICE OUTCOMES

- Criminal Network
  - Variation in criminal network sophistication across industries
    - More sophisticated networks associated with H2A/H2B (larger # of victims and suspects per case)
  - 36% attempted and actual sexual abuse (more common in domestic servitude)
  - 23% had weapons (10% attempted murder)
  - Document fraud (17%) and smuggling (14%)
- Criminal Justice Outcomes
  - No evidence of arrest for over half of all suspects (51%)
    - DOL fines in only 1 case
  - In 6% of cases suspects not arrested or cases dismissed due to suspect status as a diplomat

# CIVIL AND CRIMINAL JUSTICE PROCESS

- Labor trafficking investigations were not prioritized by local law enforcement agencies
- Local and federal law enforcement agencies had difficulty defining labor trafficking
- Law enforcement struggled to investigate labor trafficking cases that they believed had little evidence to corroborate victim statements
- When law enforcement was involved, secured access to victim services – most common in domestic servitude cases
- Local law enforcement was reluctant to pursue immigration relief due to anti-immigration sentiment, lack of belief of victim statements and challenges of working collaboratively with Homeland Security
- DOL rarely involved in cases (never proactively) across sample

# LAW ENFORCEMENT BARRIERS TO IDENTIFY LABOR TRAFFICKING

- *“With our office we don’t really have the chance to be proactive with a whole lot of anything because we are such a small office and we all have so much on our plate that it’s hard to dig into anything other than the leads that you’ve got and covering what you’ve got on the plate right now...” – Site 3, West, Federal law enforcement*
- *“Mandarin, Korean....that would help a lot. None of us speak any of that and wouldn’t even know how to interact with them. And we would have to get somebody. It’s a bit of a pain to call our operations and to actually be able to find somebody that even speaks the language. So that’s one of the our biggest problems. So we wouldn’t even be able to recognize if it was to come across.” – Site 1, Northeast, Urban, local law enforcement (federally-funded task force)*

# LACK OF DOL OVERSIGHT

*“Well yes, an inspector does come, over there where the machines are but it is from the farm. They just check everything. The worksite, the cleanliness, the milk, if it is coming out clean or not, so basically to make sure everything is clean. There are some that don’t speak Spanish but they leave the manager in charge and he speaks a little Spanish and so then he tell us—like we need to maintain the machines clean or there will be an inspection this afternoon. When it is something more urgent, they have a translator for us in Spanish. [...] They go directly with the bosses or the managers. [...] Sometimes there are those who come to supervise the animal’s rights, that they shouldn’t be mistreated, that they shouldn’t be hit, something like that.” -- Migrant Dairy Worker Focus Group, Northeast (rural)*

# **RECOMMENDATIONS**

- Reform guest-worker programs—tying a worker’s immigration status to a specific employer is one of the most powerful forms of control used against labor trafficking victims. Ensure back-wage and overtime regulations are the same for foreign-national and US-citizen workers.
- Enact state laws to ensure all companies certify a lack of slavery or forced labor in their supply chains and to increase transparency so consumers can identify employers that traffic.
- Amend state laws to allow victims’ criminal records to be expunged if their crimes were a direct result of being trafficked.
- Independent agency audit CP declinations.
- Involve US embassy and consulate staff and federal law enforcement in investigating the practices of overseas recruitment agencies used by American companies.



- Designate and train local and federal law enforcement to work with the Department of Labor to proactively investigate labor trafficking.
- Reexamine federal policies surrounding diplomat and foreign-official use of domestic workers and their relative immunity from criminal accountability for labor trafficking.
- Remove the requirement that trafficking victims cooperate with a law enforcement investigation to obtain a T visa.
- Increase public awareness about labor trafficking through campaigns.
- Train state and local regulators, US embassy and consulate staff, and border officials to recognize trafficking indicators. Staff should conduct private interviews with visa applicants and provide them with information regarding their rights and numbers to call for help.