

# The Human Trafficking Of Domestic Workers In The United States

**FINDINGS FROM THE  
BEYOND SURVIVAL CAMPAIGN**

2017

# FOREWORD

When Beyond Survival's last report was released in 2015, we shared Karmo's story. A group of trafficking survivors took the stage at the 2014 National Domestic Workers Alliance (NDWA) Congress, attended by hundreds of domestic workers, to announce that they had just rescued Karmo from being trafficked and she was greeted by the warm embrace of NDWA members. Though that was just two years ago, today we find ourselves in a very different political climate.

Since Donald Trump assumed the presidency of the United States on January 20, 2017, we have witnessed daily news reports of immigrant communities and communities of color being criminalized and targeted by his agents. Mothers have been deported within hours of being torn from their children, survivors of domestic violence have faced arrest in courts where they go to access safety and justice, and community leaders have chosen to take sanctuary in churches rather than fall victim to the harsh consequences of an inhumane deportation regime.

In the current climate, we anticipate that the labor rights protecting survivors will only deteriorate. Employers seeking to prey upon the most vulnerable among us will only be emboldened, leading to even more dangerous conditions for domestic workers and other workers in low-wage sectors. As police are increasingly embroiled in immigration enforcement, fewer community members will seek help and safety from law enforcement.

Never before has it been more important to learn from the experiences of workers who have survived labor exploitation and human trafficking. Only through the leadership and creativity of domestic workers will others experiencing abuse, exploitation, and trafficking be encouraged to break the silence and come forward. Through organizing, survivors have shined a light on the dark labor conditions they face and convinced policy makers, time and again, to adopt their solutions. Today, seven states across the country have passed Domestic Worker Bills of Rights that increase legal protections for domestic workers under state law.

As for Karmo, her leadership in Beyond Survival has continued to grow -- speaking out, advocating with policy makers, and building strategies to prevent human trafficking. Her story is further profiled in the pages of this report. She, and others like her, are the ones who illuminate the path forward toward justice and recognition for the work that makes all other work possible.

**John Cavanagh**, Institute for Policy Studies

**Ai-jen Poo**, National Domestic Workers Alliance

# Acknowledgements

This report is co-authored by the Institute for Policy Studies (IPS) and the National Domestic Workers Alliance (NDWA).

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Thanks also to all the survivors of domestic worker human trafficking who courageously share their stories and are leading the fight to end human trafficking, especially to those who are powerfully leading the Beyond Survival campaign.

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The **Institute for Policy Studies** is the oldest multi-issue progressive think tank in Washington, D.C.

Since its founding in 1963 by Richard Barnet and Marcus Raskin, IPS has been at the forefront of research and action for the civil rights, anti-war, feminist, environmental and global justice movements in the U.S. and around the globe. IPS is dedicated to turning ideas into action, based on the belief that dynamic social movements drive social change.

Thus it has partnered with grassroots advocacy organizations to provide public scholarship in support of organizing efforts which aim to build a more just and peaceful world.



**Institute for  
Policy Studies**

**Some of the Institute's current and ongoing projects include:**

Partnerships with low wage worker organizations to develop research and communication strategies around issues of economic justice, including Jobs with Justice, National People's Action, the Restaurant Opportunities Centers United, the National Guest Workers Alliance, and the National Domestic Workers Alliance.

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The Black Workers Initiative, a new project dedicated to expanding opportunities for black workers in today's economy.

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The Criminalization of Poverty project, looking at how the U.S. criminal justice system disproportionately affects poor people and communities of color.

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In-house media outlets Foreign Policy in Focus, Inequality.org, and OtherWords.org, an op-ed service that develops newsroom-ready opinion pieces for the nation's newspapers and news sites.

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The CEO Pay Reform project, a longstanding project to highlight wage inequality and corporate tax loopholes.

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The Wealth for the Common Good network, enlisting the support of business leaders advocating for fair taxes, living wages, and reduced influence of money in politics.

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The Climate Policy Program and the National Roundtable Against Mining in El Salvador, which successfully fought a lawsuit by Canadian gold mining company OceanaGold against the government of El Salvador.

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The Peace Economy Transitions Project, prioritizing community spending over military spending, and ongoing work advocacy for peaceful resolutions to the conflict in Syria and other areas around the globe.

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Leadership development programs mentoring the next generation of activist leaders, including the Next Leaders Program, Student Debt Action Fellows, and the New Economy Maryland Fellows.

## The **National Domestic Workers Alliance** (NDWA) is the nation's leading voice for dignity and fairness for the millions of domestic workers in the United States.

Founded in 2007, NDWA works for the respect, recognition and inclusion in labor protections for domestic workers, most of whom are women. The alliance is powered by 60 affiliate organizations, plus our local chapters in Atlanta, Durham, Seattle and New York City, of over 20,000 nannies, housekeepers and direct care workers in 36 cities and 17 states.

NDWA leads several campaigns and coalitions to advance the rights of domestic workers by advocating for increased labor protections, racial justice, gender equity and humane immigration policies. **These campaigns include:**

Beyond Survival, which lifts up the experiences and vision of domestic worker survivors of human trafficking and builds community capacity to respond to human trafficking through survivor-led organizing.

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Caring Across Generations, which organizes to transform the way we care, supports increased access to quality, affordable home care for families and individuals, and ensures quality, dignified jobs for the direct care workforce.

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Domestic Worker Bill of Rights, which win and enforce labor protections for domestic workers at the state level. States that have passed our hallmark legislation include California, Connecticut, Hawaii, Illinois, Massachusetts, New York and Oregon.

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International organizing which engages in transnational organizing with domestic workers around the world through the International Domestic Worker Federation and won International Labour Organization (ILO) Convention 189 Decent Work for Domestic Workers.



Social Innovations/Fair Care Labs, which is the hub for private-sector partnerships, social enterprise incubator and other market-based strategies to raise labor standards, especially as technological change and digital platforms disrupt the care and cleaning markets.

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We Belong Together, a campaign to mobilize women in support of humane immigration policies that keep families together and empower women.

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We Dream in Black, a campaign to strengthen and expand NDWA's base of black domestic workers, amplify their historical and current contributions to the broader domestic worker movement, and build strong relationships between Black workers who are US citizens and immigrant workers to create and enact policies that benefit all workers.

# EXECUTIVE SUMMARY

There are approximately **2 million domestic workers in the United States today**,<sup>1</sup> They often work for wealthy families, including international businesspeople and diplomats, cleaning their houses and caring for their loved ones.

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Trafficking is a common reality: in 2016 domestic work represented the largest sector of all labor trafficking cases reported to the National Human Trafficking Resource Center.<sup>2</sup>

Often domestic workers who are trafficked are trapped, their passports confiscated, their jobs contracts are violated, they are forced to work long hours for little pay, their movements restricted and monitored, they are threatened with arrest and deportation if they try to escape, and treated without dignity or respect.

The findings in this report have been quantified from data collected from six NDWA member affiliates who anchor the Beyond Survival campaign and work closely with domestic worker survivors of human trafficking. The data from these organizations reveal the depth and nature of trafficking in the domestic work sector, and shed light on the specific forms of exploitation often faced by trafficked domestic workers. Among the 110 cases of domestic worker trafficking reported across all six affiliates, our findings show that:

(PLEASE SEE PAGE 35 (APPENDIX 1) FOR A FULL SUMMARY )



**85%** of domestic worker trafficking survivors report having pay withheld or being paid well below minimum wage



**81%** have lived in abusive living conditions



**80%** have been tricked with false or otherwise deceptive contracts



**78%** have had employers threaten to report them for deportation if they complain



**77%** report having their movements restricted or monitored by their employers



**75%** experience isolation from the outside world, with employers cutting off access to communication



**74%** report having experienced emotional or verbal abuse by their employer



**73%** report working excessive overtime, more than 48 hours per week



**66%** report having experienced physical or sexual abuse, either by their employer or a family member of their employer



**62%** report having their passports or other ID taken away from them by employers



**45%** report being in fear of physical harm if they were to try to leave their employment situation

**Additionally, this report finds that:**

Some workers have been in trafficking situations for as long as 25 years; Thirty-five per cent of trafficked domestic workers report paying recruitment fees to come to the US, and at least 75% of trafficked domestic workers involved with the affiliate organizations came to the US with employment visas.

**Our findings, detailed within this report, establish that:**

Domestic workers experience labor conditions that are often indicators of the most extreme form of labor exploitation – human trafficking; that resources are needed to meaningfully address the needs of survivors and support their leadership development; and that federal policy changes are needed to effectively hold traffickers accountable and prevent the human trafficking of domestic workers.

Addressing human trafficking requires a comprehensive approach that includes better enforcement of existing labor protections, accountability for traffickers, culturally and linguistically appropriate services for survivors and investment in community-based organizations that organize survivors and meet their long-term needs.

New immigration enforcement and policing strategies announced within the first few weeks of the Trump Administration present urgent challenges for those responding to the needs of trafficking survivors, as these policies will only increase the vulnerabilities of low-wage immigrant workers. Now more than ever, the leadership of survivors and directly impacted workers in the struggle to end human trafficking and strengthen our democracy is needed.





## Part 1

# Introduction

# 1. Domestic Work in the United States

This report quantifies the knowledge and experience developed by the **Beyond Survival campaign** of the **National Domestic Workers Alliance** and offers new findings about human trafficking in domestic work, a sector largely composed of immigrant women.

Through data gathered from in-depth interviews of six affiliates within NDWA's membership that focus on organizing domestic workers who have survived human trafficking we present our findings on the prevalence and trends related to human trafficking in this labor sector

**Our findings establish that:**

*domestic workers experience labor conditions that are often indicators of the most extreme form of labor exploitation – human trafficking;*

that resources are needed to meaningfully address the needs of survivors and support their leadership development; and that policy changes, at the federal level, are needed to effectively hold traffickers accountable and prevent the human trafficking of domestic workers.

**Domestic workers are nannies, housecleaners and direct care workers for the elderly and people with disabilities.** They may be paid directly by private homeowners, or by agencies, publicly-funded programs, and through online platforms. Data on the domestic worker workforce are difficult to compile, and estimates of the size of the workforce in the U.S. vary. The Economic Policy Institute estimated that in 2012 there were nearly 2 million domestic workers in the U.S.<sup>3</sup> The vast majority of domestic workers are women, many of whom are women of color, both African Americans and immigrants.<sup>4</sup>

Domestic workers are often paid very little, have few or no benefits, no access to workplace protections, and often face exploitative work conditions, with unclear and often verbal contracts and wide employer discretion to fire or discipline workers who complain about these conditions.<sup>5</sup>

Domestic workers were originally excluded from the **National Labor Relations Act (NLRA)**, the federal law which guarantees workers the right to form unions;<sup>6</sup> the **Occupational Safety and Health Act (OSHA)**, which sets workplace safety protections;<sup>7</sup> and the **Fair Labor Standards Act (FLSA)**, the federal law which sets minimum wage and overtime protections as a result of Southern senators who were not willing to accord equal protections to a workforce made up largely of black women.<sup>8</sup> The FLSA has since been amended to include most domestic workers under its protections, and more recently direct care workers as well; however domestic workers continue to be excluded from the NLRA and OSHA.

Thus the NDWA has sought to counteract these exclusions by campaigning for legislative protections at the state level. **Already, several states—California, Connecticut, Hawaii, Illinois, Massachusetts, New York, and Oregon—have passed Domestic Workers Bills of Rights.** These bills guarantee domestic workers a variety of rights including: protection against discrimination and harassment, guaranteed days of rest, termination notice rights, protection against retaliation for asserting rights, right to written employment records, right to regular wage payments, protections against unfair deductions of live-in expenses, improved access to disability benefits, and workers compensation.

Human trafficking, however, remains a problem endemic to the domestic work industry. US law defines severe forms of trafficking in persons as both a commercial sex act induced by force, fraud and coercion as well as “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.”<sup>9</sup> **The International Labour Organization (ILO) estimates nearly 21 million people are working under some type of forced labor in the world, and that illegal profits from such work arrangements total \$150 billion per year.**<sup>10</sup> Of that, the ILO estimates \$8 billion is generated from trafficking domestic workers.<sup>11</sup>

Due to the nature the workforce—women, often immigrants unfamiliar with US employment law, working in the homes of their employers, dependent on their employers not only for salaries but in many cases for shelter, food and immigration status — domestic workers are particularly vulnerable to trafficking. Recruitment by international labor recruiters, who commonly charge fees for obtaining jobs and visas, is a common method of job placement for domestic workers and can result in indebtedness and indentured

servitude.<sup>12</sup> Because their stay in the US is contingent on their employment, domestic workers on employment visas are often reluctant to seek help, as are those who come to work outside of legal channels.

A survey of over 2000 domestic workers in 14 cities conducted by NDWA and the University of Illinois Chicago’s Center for Urban and Economic Development found that **67% of live-in workers were paid below state minimum wages, and 30% reported having their employer disregard at least one provision of their employment contracts.**<sup>13</sup> These are in addition to problems of low pay and abusive conditions: **70% were paid less than \$13 an hour, 65% reported having no health insurance, 29% reported having some kind of long-term medical problems from their work, 25% of live-in workers reported getting no more than 5 hours of sleep at night.**<sup>14</sup> These conditions contribute to domestic workers facing some of the highest rates of trafficking in US labor markets.

NDWA launched the Beyond Survival campaign in 2013. The mission of the campaign is to end the human trafficking of domestic workers in the US. Beyond Survival focuses on lifting up the experience and vision of trafficked domestic workers. Rather than simply telling stories of abuse and survival, Beyond Survival tells stories of leadership and policy change led by workers themselves.

Major goals of the campaign include developing the leadership of domestic worker survivors to organize to end human trafficking and to win federal policy changes that expand resources and protections for domestic workers and hold traffickers accountable. In the new political climate brought on by the presidential inauguration of Donald Trump, the campaign seeks to urgently grow the capacity of the domestic worker movement to

identify trafficked workers and facilitate their access to justice, as well as demonstrate the importance of worker protections, immigrant rights and racial and gender equity to disrupt the continuum of labor exploitation that ends with human trafficking.



**SURVIVOR STORY**

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## *Shanti*\*

**Shanti was trafficked in 2006, at the age of seventeen, by a diplomat employer.**

Though the employer had promised to pay Shanti \$100 a month, she had only been paid a total of \$120 over three years. After three years of grueling sixteen hour workdays Shanti managed to escape in 2009. In 2010, Shanti connected with Adhikaar in 2010 and became a leader in the Beyond Survival campaign. According to Shanti, “joining Adhikaar and being a part of Beyond Survival gave me courage and the ability to speak about my struggles.”

Today, Shanti knows her rights and advocates for herself with her employer. Shanti also shares her experience and knowledge with other domestic workers and trafficking survivors and is certain her story has helped other trafficked workers come out of the shadows. Shanti now juggles work, home and movement building. Shanti has sought her back wages through the courts but has not yet received a penny of what she is owed.

\* SOME OF THE SURVIVOR NAMES HAVE BEEN CHANGED TO PROTECT CONFIDENTIALITY

## 2. Methodology

Key staff of the six NDWA affiliate organizations that anchored the Beyond Survival campaign in 2016 were interviewed between September and November of 2016 using a structured interview instrument with 41 questions. Interviewees were asked detailed questions about the services their organizations provide for domestic worker trafficking survivors, the prevalence of trafficking in their work and the trends they have observed. Four of the six interviews were conducted in person, two were conducted by telephone. Most of the interview questions had fixed multiple choice responses to allow for direct comparisons across affiliates. Some questions were open-ended to allow for detailed responses. Please see Appendix 1 for selected answers from the interview instrument.

## 3. Limitations

The interviews for this report were conducted in the months prior to the 2016 US presidential election. Thus the interview responses reported here were made without the knowledge that Trump would be in office and his policy agenda would be in play at the time of publication. Responses from NDWA anchor affiliates therefore reflect the situation faced by domestic worker survivors of trafficking under previous administrations. Given the Trump agenda which drastically intensifies policing, immigration enforcement and deportation, the challenges domestic workers face will grow and become more urgent.



## SURVIVOR STORY

# Rosa<sup>\*</sup>

**Rosa, was married at the age of 14. Her husband left her and her three children when Rosa was just 23.**

She worked as a housekeeper for 10 years. Rosa's brother, who she shared a home with, was shot by local gang members in front of her and her children. Rosa fled that very same night, on foot with her children, when the gang members threatened them.

Rosa and her children got on the train to head to the US. Her train was stopped and she was arrested. Rosa's children were separated from her and they were placed in an orphanage for three weeks.

Once Rosa was able to reunite with her children, she recommenced her journey to the US to seek safety from the gang who was threatening her and her family. She endured abuse at the hands of the people who were transporting her in order to prevent her children from being abused. When she entered the US, Rosa turned herself and her children in, stating she would prefer to be in jail in the US than killed by her brother's murderers.

In the US, while an attorney worked on her immigration case, Rosa worked as a domestic worker and construction laborer. While she worked in the US, her employers did not pay her and threatened her with deportation. Once she was paid \$20 for an entire day of work, including landscaping which her three children assisted with.

Rosa decided to formally complain about the labor conditions she experienced and was later connected to the Labor Justice Committee. She is currently pursuing a wage theft claim and believes strongly in speaking out to prevent others from going through what she did.

<sup>\*</sup> SOME OF THE SURVIVOR NAMES HAVE BEEN CHANGED TO PROTECT CONFIDENTIALITY



## 4.

# Profile of Beyond Survival Anchor Affiliates

In 2016, Six of NDWA's sixty affiliates were selected to anchor the Beyond Survival campaign. These organizations have demonstrated experience and expertise in both serving domestic worker survivors of trafficking, as well as organizing these survivors to lead anti-trafficking efforts.

The anchors, based throughout the country in California, Texas, Maryland, New Jersey, New York and Massachusetts, have developed expertise in region-specific trafficking issues and come together once a month by phone to discuss trends and best practices in their work as well as in-person during an annual campaign retreat.

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### ADHIKAAR



Meaning “rights” in Nepali, Adhikaar is a New York City-based community organization which organizes the Nepali-speaking community around issues including labor rights, immigration rights, language justice and health care. Founded in 2005, Adhikaar conducts research, leadership development, and policy advocacy on issues affecting the Nepali community, and also operates a community center in Woodside. In addition to domestic workers, Adhikaar also organizes restaurant, nail salon and gas station workers. Adhikaar was instrumental in advocating for New York’s Domestic Worker Bill of Rights.

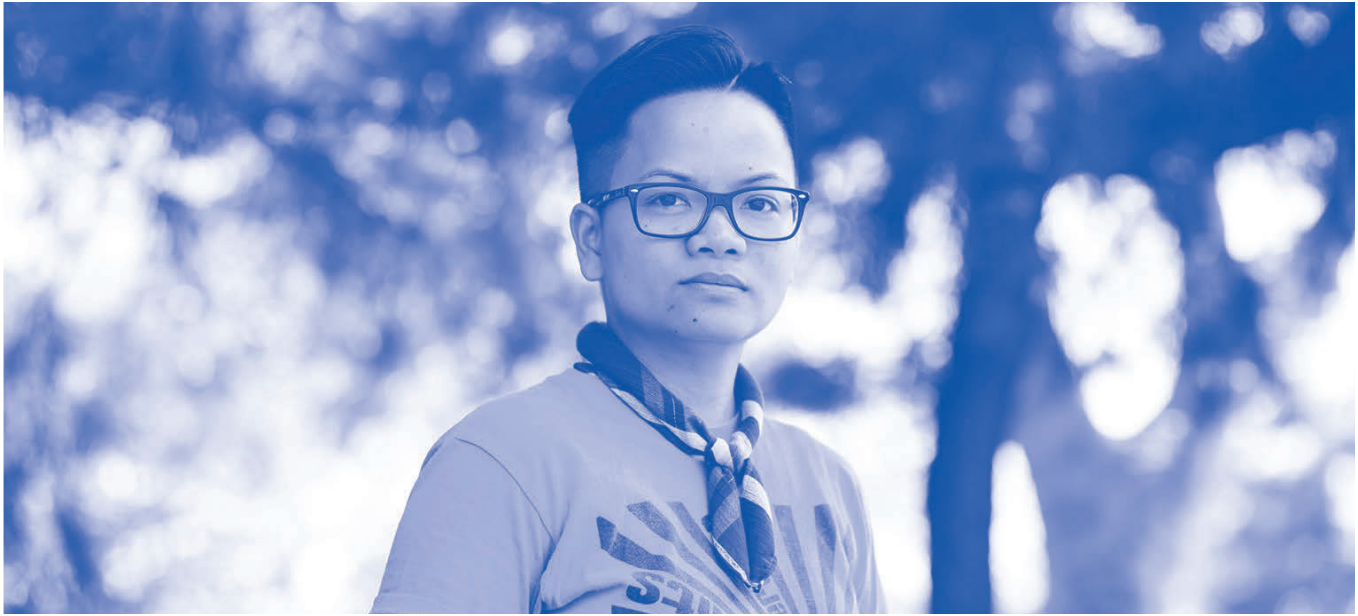
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### CASA



CASA was founded in 1985 to assist Central American refugees fleeing civil wars in the region. It has since expanded from its base in Takoma Park, Maryland to become the leading immigrant rights service and advocacy organization in the D.C. and Baltimore metro areas. CASA provides employment placement, workforce development and training, health education, citizenship and legal services, and financial, language, and literacy training to Latino and other immigrant workers in Maryland, Virginia, D.C., and Pennsylvania. In 2009, CASA advocated for and helped pass the Montgomery County Domestic Worker Law which, among other things, provides domestic workers the right to negotiate and receive contracts from their employers.





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## THE DAMAYAN MIGRANT WORKERS ASSOCIATION



The Damayan Migrant Workers Association is a New York and New Jersey-based community organization founded in 2002 to aid Filipino migrant workers and women domestic workers. Damayan advocates on behalf of gender and immigrant rights and against the labor export program of the Philippines. Its members are in New York, New Jersey, Connecticut, and Pennsylvania. Since 2011, Damayan has led a campaign, called Baklas, against human trafficking of Filipino workers. The association has assisted trafficking survivors with escape, relocation, family reunification, and wage theft recovery.

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## THE LABOR JUSTICE COMMITTEE



The Labor Justice Committee (LJC) was founded in 2009 to combat rampant wage theft in El Paso, Texas. It has since expanded its focus to include advocating on behalf of victims of labor exploitation and trafficking. LJC works with immigrant and low-wage workers to educate them in the areas of labor rights, self-advocacy and leadership development. LJC served as a source of data and information which aided in the creation of TX SB 1024 which allowed for the criminalization of wage theft. The Labor Justice Committee helped found the Lift Up El Paso Alliance (LUEPA) which was instrumental in securing the adoption of a local anti-wage theft ordinance in El Paso, TX and continues to utilize grassroots organizing and multi-organizational collaboration to effect policy change.



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## THE MATAHARI WOMEN'S WORKER CENTER OF GREATER BOSTON



The MataHari Women's Worker Center of Greater Boston was founded in 2002 to create community solutions and prevent human trafficking, family violence, and sexual and labor exploitation, under the leadership of women of color. MataHari works on cases related to labor and sexual exploitation including human trafficking and domestic violence, and provides counseling, legal, housing, and health services. MataHari engages in grassroots organizing for policy change benefiting domestic workers, cofounding the Massachusetts Coalition for Domestic Workers, and was heavily involved in the successful effort to pass Massachusetts' Domestic Workers' Bill of Rights.

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## MUJERES UNIDAS Y ACTIVAS



San Francisco-based Mujeres Unidas y Activas (MUA) was founded in 1989, originally out of a research project from San Francisco State University, and later developing into a membership-based Latina immigrant community organization advocating for immigrant women in the Bay Area. MUA has worked to improve access to prenatal care and translation services among health care providers, spearheaded efforts to pass California's Domestic Workers Bill of Rights, and has advocated for immigration reform with a pathway to citizenship.



## Part 2

# Findings



LAYUNIN

ILALAPAT ANG DEBATE

SALAYSAY ULOK SA PANGANGALAN NG TAO UPANG MABIGLAAN ANG PANGSASAMANTALA SA IKA-2000 WORKER + PANGANGALAN

• PANGSASAMANTALA SA IKA-2000 TULO NG KALIBRANG

• ITATAS ANG PANGANGALAN NG DEBATE MABIGLAAN SA IKA-2000 PANGSASAMANTALA TULO NG IKA-2000 NG PANGANGALAN

GOAL

TO SHIFT DEBATE

INFORMATIVE ON HOW

TRIPPING TO THE

DOMESTIC WORK

EXPORTS - IMPORTS

• BASE BLENDED TO CASE STUDY

• DEBATE TO CASE STUDY

• DEBATE TO CASE STUDY

Zarina

# 1. The Human Trafficking of Domestic Workers in the US

## DOMESTIC WORKER SURVIVORS OF TRAFFICKING

NDWA's Beyond Survival anchor affiliates organize nannies, housecleaners, and direct care workers for the elderly or people with disabilities. These organizations have processed a total of 110 domestic worker trafficking cases.

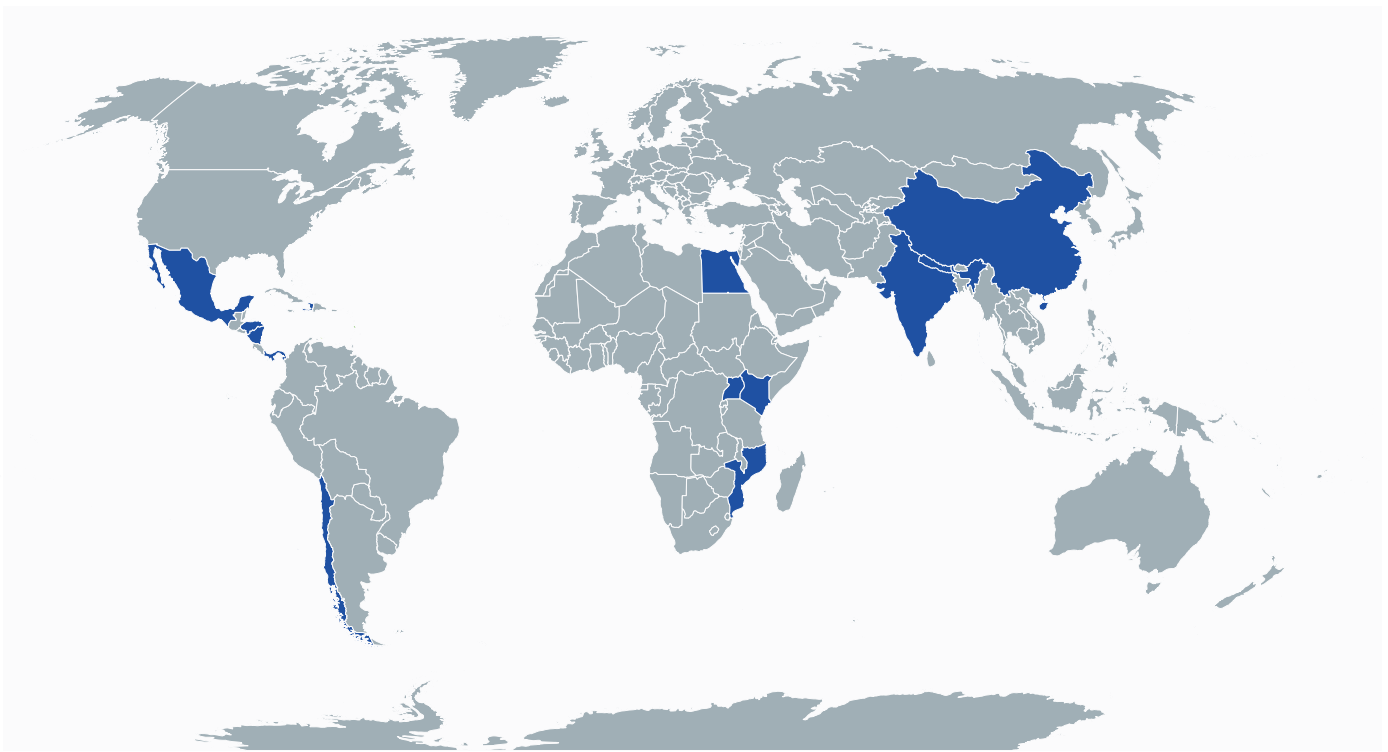
Forty-one of these survivors began working with the organizations in 2016; it is important to note that the size of the campaign grew in 2016 from being led by three anchor affiliates to six. Many of the six affiliates work with country or region specific immigrant communities, and of the 110 trafficking cases processed, the largest number of the survivors involved come from the **Philippines**.

Other countries of origin for survivors include **Mexico, Nepal, India, Honduras, Nicaragua, Chile, Haiti, China, Kenya, Egypt, Panama, Kenya, Uganda and Mozambique**. These survivors were trapped in their trafficking situations for varying lengths of time from months to years. Two affiliates report that the survivors they work with are in trafficking situations for typically 10 years.

The six interviewed organizations have provided services and built direct relationships with approximately 110 domestic workers who have been identified as survivors of human trafficking. These survivors come from all over the world including Mexico and Central America, China, the Philippines, Africa and South Asia. Among the most common abuses reported are nonpayment of wages, restricting and monitoring workers' movements, threats, isolation, confiscation of passports, and indebtedness.

Others report the average trafficking situations last one to five years. Two affiliates report that the longest length of time a survivor has been trapped in a trafficking situation is 20 and 25 years, respectively.

(COUNTRIES OF ORIGIN OF SURVIVORS WHO ARE BEYOND SURVIVAL CAMPAIGN MEMBERS)



## DOMESTIC WORKER VISAS

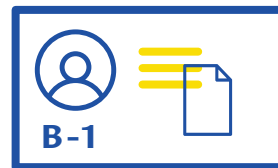
Every year thousands of domestic workers enter the United States as nonimmigrant visa holders to provide essential care work for families.

Most domestic workers with visas enter the US under these following visa categories:



### A-3 Visa

Domestic workers for foreign diplomats



### B-1 Visa

Domestic workers for certain categories of employers



### G-5 Visa

Domestic workers for employees of international organizations



### J-1 Visa

Au pairs

Most A-3 and G-5 workers are from Asia and Africa; the Philippines is the country that sends the most A-3 and G-5 workers to the US.<sup>15</sup>

**In the Trafficking Victims Protection Reauthorization Act (TVPRA)** of 2008, Congress responded to reports of wage theft, abuse and trafficking faced by A-3 and G-5 workers and enacted statutory protections for these categories of workers.<sup>16</sup> These protections include mandated employment contracts with comprehensive worker protections.<sup>17</sup> In implementing regulations, consular officials are required to provide visa applicants with know your rights information and review contracts with workers.<sup>18</sup> Unfortunately, though these protections exist, no accessible mechanisms to report or enforce contract violations exist.

B-1 domestic workers and J-1 au pairs do not enjoy all of the protections that A-3 and G-5 workers do. Data about B-1 domestic workers are largely unknown as neither the State Department nor DHS publicly share data about domestic workers who enter the US with B-1 designations.

Annually, over 13,000 au pairs come to the US from around the world through the J-1 visa program to provide full-time in-home childcare to American host families.<sup>19</sup> Though State Department regulations articulate that au pairs are protected by federal and state minimum wage and overtime protections,<sup>20</sup> it is the prevailing practice for au pairs to receive what amounts to \$4.35 an hour, far below federal and state standards.<sup>21</sup> Often au pair sponsoring agencies take no action when au pairs complain about working conditions and State Department has limited engagement with the stakeholder community on these concerns.

According to the anchor affiliates, many of the survivors they work with, between 70 to 100%, came to the US with employment-related visas. These survivors came on mainly A-3, G-5 and B-1 visas but others had come on J-1 visas, as students (F-1) or on low-skilled seasonal visas (H2-B). Affiliates serving largely Mexican and Central American domestic workers report working with

survivors, fewer of which had visas, less than 25%. Having a legal work visa is not necessarily a protection against abuse; the Urban Institute estimated 82% of cases of domestic worker trafficking it reviewed had come to the US on legal visas.<sup>22</sup> To reduce vulnerabilities to exploitation inherent in these and other work visa programs, a comprehensive overhaul is needed, including regulation of labor recruiters, access to rights information and legal help, and the ability of workers to change employers while working in the US.

## RECRUITMENT FEES

Workers coming to the US on work visas go through a variety of recruitment processes that can be unregulated and abusive.<sup>23</sup> For example, workers often pay coercive and exorbitant recruitment fees that result in indebtedness that increases their vulnerability to exploitation and trafficking once in the US. Of the six Beyond Survival affiliates, two organizations reported that it was common for survivors to have paid recruitment fees to enter the United States.

*One interviewee shared the story of a survivor who has charged a recruitment fee of \$40,000 which she was forced to pay off by working one full year for free.*

One organization found approximately 40% of survivors paid recruitment fees and the other organization said 100% of the survivors they worked with paid these fees. The amount of these fees vary from \$3,000 to \$9,000, and many workers sold personal belongings or borrowed money to pay them.

## FORCED LABOR INDICATORS

The International Labor Organization (ILO), a division of the United Nations that creates and oversees international labor rights agreements through a tripartite process that includes workers, employers and governments has developed a list of eleven indicators of forced labor.<sup>24</sup> The presence of one or more of these indicators may signal forced labor.

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THE INDICATORS OF ABUSE ARE:

VULNERABILITY,  
DECEPTION,  
RESTRICTION OF MOVEMENT,  
ISOLATION,  
PHYSICAL and SEXUAL VIOLENCE,  
INTIMIDATION and THREATS,  
RETENTION OF IDENTITY DOCUMENTS,  
WITHHOLDING OF WAGES,  
DEBT BONDAGE,  
ABUSIVE WORKING and LIVING CONDITIONS  
and EXCESSIVE OVERTIME.<sup>25</sup>



## THE INDICATORS OF ABUSE ARE

VULNERABILITY, DECEPTION,  
RESTRICTION OF MOVEMENT,  
ISOLATION, PHYSICAL  
AND SEXUAL VIOLENCE,  
INTIMIDATION AND THREATS,  
RETENTION OF IDENTITY  
DOCUMENTS, WITHHOLDING  
OF WAGES, DEBT BONDAGE,  
ABUSIVE WORKING AND  
LIVING CONDITIONS AND  
EXCESSIVE OVERTIME.



Beyond Survival anchor affiliates responded to interview questions about the prevalence of these ILO forced labor indicators among the survivors they work with. Overall, more than 60% of trafficked domestic workers had had their passports or other identification taken from them by their employers, and half of the affiliates reported that this had occurred with all of the trafficked domestic workers they had helped.

Another common indicator reported among the 110 survivors includes withholding of wages. Eighty-five per cent of the 110 survivors had

*One NDWA affiliate reported that survivors were commonly told by employers that the contracts were signed only for the purpose of obtaining visas and in actuality the contract terms were ignored and broken.*

not been paid or been paid less than minimum wage. Over three-quarters of the 110 domestic worker survivors had their movement restricted or monitored by employers and experienced intimidation and threats of some kind, including threats of deportation even for workers in the US on employment-related visas. For these domestic workers threats often included threats of job loss and loss of immigration status. Intimidation also often took the form of threats to the worker or her family in her home country.

Eighty per cent of the 110 survivors faced deception, another ILO indicator. This was commonly reported in the form of deceptive oral or written employment contracts. The deception includes changing terms of original employment agreements such as schedules, payment or work duties. Other forced labor indicators commonly experienced by the 110 survivors include isolation, abusive working and living conditions and excessive overtime.

*One domestic worker arrived from the Philippines on an H2B visa. She was promised room and board. Instead, her employer, a cleaning agency, provided her and three other domestic workers a roach-infested shipping container to live in. She and her co-workers would collect food from trash cans to eat.*

Obtaining an accurate assessment of the number of survivors who experienced physical and sexual violence is more challenging. Many domestic workers do not openly speak about these experiences and often speak about them with other service providers, such as lawyers or therapists, who were not interviewed for this report. One organization estimated that 15% of the survivors they work with experienced physical abuse. Other interviewees identified specific survivors who had experienced sexual harassment or other forms of sexual violence.

*One organization reported a case of 13 young domestic workers from Mexico who had been approached by a labor recruiter in Mexico and offered jobs, room and board, as well as educational opportunities in the US. Once in the US, these women were forced into to engage in commercial sex acts.*

*These women were later rescued by a Beyond Survival affiliate anchor in collaboration with a federal law enforcement agency.*



## SURVIVOR STORY

### *Karmo*\*

**Karmo came from a poor family in Nepal and starting working as a domestic worker at the age of thirteen.**

In 2003, Karmo came to the US, seizing the chance to work in the US on a G5 domestic worker visa which provided a huge opportunity to improve her family's living conditions.

However, once she came to the US, Karmo worked under terrible conditions. She was forced to work from early morning until late at night, isolated and prohibited from talking to other people. Karmo's passport had been confiscated by her employer and she was told she could be picked up by the police if she complained.

In 2014, Karmo was rescued by other trafficking survivors with the help of Adhikaar and CASA. Karmo went from the home where she was trafficked to the NDWA Assembly, a gathering of hundreds of domestic workers building power together. When she walked in, these women greeted Karmo with thunderous applause and welcomed her into the community.

After her rescue, Karmo experienced anger, frustration and hopelessness as she recovered from her trafficking situation. Karmo states, "The sweat of my labor was in vain, it is gone like flowing water. I am getting old but I don't have any money saved to live the rest of my life and my whole body is in pain."

Through educational and leadership opportunities she accessed through her work with Adhikaar as well as her participation in Beyond Survival, Karmo has had a chance to meet friends who have been in situations like her and she is ready to speak out and take action. In 2016, Karmo attended the biennial NDWA Assembly – this time as a survivor.

\* SOME OF THE SURVIVOR NAMES HAVE BEEN CHANGED TO PROTECT CONFIDENTIALITY

## 2. Best Practices

Beyond Survival affiliate anchors have a combined total of over **40 years working on domestic worker trafficking cases.**

Through their deep expertise in working with survivors and organizing domestic workers, they have developed best practices in working with domestic worker survivors of trafficking.

The six Beyond Survival affiliates vary in size, ranging from a staff size of two to over 100. Combined, the Beyond Survival anchors have a total of 14.5 full time staff dedicated to serving domestic worker survivors of trafficking. Most of these organizations receive all of their anti-trafficking funding through affiliate grants from NDWA. Two of the six organizations also receive government funding to serve survivors.

### HIGHLIGHTS IN BEST PRACTICES

**Damayan**, a Beyond Survival anchor affiliate since 2013, has negotiated a final memorandum of understanding (MOU) with the Philippines consulate in New York .

The MOU aims to hold the Consulate accountable for the prevention of labor trafficking and the programmatic protection and services for Filipino trafficking survivors in NY.

Under the proposed MOU, the Consulate would work with Damayan to provide emergency shelter, financial assistance, food, legal, and social services for survivors.

The MOU is currently with the Philippine Department of Foreign Affairs awaiting approval.

### INTEGRATING TRAFFICKING IDENTIFICATION TOOLS IN INTAKE PROCESS

Beyond Survival affiliate anchors have developed effective practices to identify domestic workers who have been victims of human trafficking. During initial intake interviews with domestic workers, the organizations are trained to inquire about many of the ILO indicators of forced labor.

For example, one organization which has developed expertise in organizing workers who have experienced wage theft, look for limited mobility or access to communications, when interviewing domestic workers. Interviewees also discussed conducting intake interviews at the worker's convenience and in comfortable locations. Two groups reported looking closely at employment contracts for red flags. In short, these organizations have made screening and identifying for trafficking a key component of their intake process for all the workers they see. Successful interviews involve an analysis of the forced labor indicia and establishing an effective rapport.

## FOCUS ON ORGANIZING AND POLITICAL EDUCATION

The six affiliate anchors leading the Beyond Survival campaign emphasize leadership development of survivors. These organizations organize survivors to conduct outreach to other domestic workers and speak out about trafficking. An integral component of organizing survivors includes fully educating survivors about worker rights and combatting the widespread ignorance and misinformation about US labor laws.

According to one interviewee, “(domestic worker trafficking survivors) believe that if they assert their rights they may get paid but they will get deported. That even if they seek out justice, it won’t happen because the courts don’t care.” Another interviewee reported that many survivors do not know about minimum wage laws and that even if they are paid sub-standard wages, they often assume they are being paid a lot because they remit most of their salaries to impoverished relatives, where a small amount of money goes further.

Another notable component is connecting survivors to service providers to stabilize other aspects of the survivors’ life, such as legal and social services. In addition, these organizations have developed leadership programs for survivors and skills-building opportunities, such as contract negotiation and public speaking trainings. These organizations recognize that survivors are best situated to recruit other workers for participation in domestic worker advocacy and they are the true experts in identifying workers who have been or are in trafficking situations. One interviewee specified that her organization prepares survivors to speak in public, talk to legislators and the media and testify at relevant hearings regarding their experiences. These skills were integral to help passing state legislation to enhance labor protections for domestic workers.



### SURVIVOR STORY

## Judith\*

**Judith left her family in the Philippines for the US in 2005. She began working as a domestic worker for a Japanese diplomat’s family in New York.**

Judith was promised \$1800 per month, paid holidays and other benefits but, in reality, she worked up to 18 hours per day and received \$500 per month. Judith provided full-time childcare and also was responsible for all the cooking and cleaning. Her employers held her passport and she was subject to physical abuse by her employers. Judith escaped her trafficking situation in 2006 and later was connected with Damayan through a friend. Judith recently reunited with her family, including her four children, in the US after ten years. Judith regularly attends Beyond Survival campaign events and is a key strategic advisor on the campaign’s policy agenda.

\* SOME OF THE SURVIVOR NAMES HAVE BEEN CHANGED TO PROTECT CONFIDENTIALITY

## PRACTICES RELATED TO ENGAGEMENT WITH LAW ENFORCEMENT

Labor trafficking is a crime, and several law enforcement agencies share responsibilities for investigating workers' claims of abuse.

The **State Department's Bureau of Diplomatic Security** investigates passport and visa fraud.<sup>26</sup> Additionally, the **Department of Labor** and the **Department of Justice** have personnel responsible for investigating issues relating to trafficking, as do many agencies at the state and local level. **The Department of Homeland Security's Immigration and Customs Enforcement (ICE)** is often the primary federal investigating agency for cases of domestic worker trafficking involving immigrants (both with or without authorization).

This creates an inherent conflict of interest given ICE's role in deporting unauthorized immigrants, causing trafficked domestic workers a deep reluctance to report crimes committed against them. This fear has been exacerbated by the entanglement of ICE with state and local law enforcement agencies, which create the impression of local law enforcement as a federally deputized deportation force. NDWA affiliates report instances of engagement with law enforcement authorities, with varying degrees of success. Given the Trump Administration's proposals to increase the entanglement of state and local police and immigration authorities these fears are only expected to grow exponentially.

The organizations interviewed recognized that survivors are reluctant to involve law enforcement in their cases, particularly if they are undocumented. Those which have had workers contact law enforcement report having engaged both federal and local authorities. A smaller number of cases involved local police, often reached through emergency 911 calls. One organization has found success working with a federal law enforcement agency involved in a human trafficking task force with a liaison who has a victim-centered approach. Another organization has worked with local law enforcement when planning rescues of domestic workers in trafficking situations for the purposes

of keeping the peace. Organizations noted that local law enforcement are not particularly helpful in labor cases like wage theft, and overall law enforcement rarely brings charges against exploitative employers.

## SERVICE PROVISION AND RESPONDING TO THE NEED

Interviewees were asked about the key services survivors seek from their organizations. The most acutely needed services identified were access to food and housing. Additionally, all anchor affiliates reported that survivors were in need of legal referrals. Five out of six affiliates also reported need for medical referrals and employment training, and four out of six reported need for case management, education, and psychological counseling. Other needs highlighted during interviews include more knowledge about life skills and the criminal justice system in the US.

Affiliate anchors were able to offer many of the services sought by survivors including referrals to legal and social services and continuing to serve as a community and social connector between the organization and the survivor. All anchor affiliates offer case management, leadership development, and referral services for external trafficking services. Other services offered by affiliates include opportunities for grassroots organizing, emergency funding and English language classes. The organizations were unable to directly provide shelter to survivors and emphasized the lack of existing resources to house trafficking survivors in safe and culturally competent environments.



## SURVIVOR STORY

# *Maria* \*

**As the sole provider for her children and mother, Maria was desperate to support her family.**

In 2007 Maria began working as a housekeeper for an El Paso businessman. For the next nine years Maria endured physical, psychological, economic and sexual abuse at the hands of her employer.

After the first week of work, Maria was forced not only to care for her employer's home but also perform housekeeping duties at a local motel and various rental properties owned by her employer. On average, Maria worked 16-18 hours a day for \$200 a week, far below minimum wage and overtime standards.

Maria's employer controlled who she was allowed to speak with and severely restricted her movements. For one month, Maria was imprisoned without contact with anyone in a motel room. To prevent her escape, she was tied to the bed. During the years Maria was forced to work for her employer, he threatened her with deportation citing his many connections in law enforcement and the courts.

Maria's employer also claimed that he and Maria were in a romantic relationship, at times calling it a marriage; he used these claims to wrongly justify sexually and economically abusing Maria.

When she found an opportunity to escape, Maria went to the Mexican Consulate and was connected to the Labor Justice Committee. At the time of her escape, Maria received a phone call stating that her employer had reported her to the police and Customs and Border Protection (CBP) so that she would be deported if she went anywhere near the border.

Maria shares her story because she feels that it is important for others to know and understand that they are not alone in these situations. Maria says it was difficult for her to leave her situation and she felt ashamed. She wants to help educate people on ways to identify and support victims of labor trafficking.

\* SOME OF THE SURVIVOR NAMES HAVE BEEN CHANGED TO PROTECT CONFIDENTIALITY



# 3.

## Policy Changes

During the interviews for this report, interviewees were asked to consider which policy changes are needed to address the needs of trafficking survivors. Interviewees responses fell into three main categories: trafficking prevention, access to legal protections and services, and trafficker accountability.

### TRAFFICKING PREVENTION

Several interviewees identified needed policy changes to prevent the trafficking of domestic workers. Specifically, interviewees felt that the exclusion of domestic workers from coverage under most federal statutes deepens the vulnerability of domestic workers and keeps the domestic work industry unregulated.

This fundamental exclusion and lack of strong enforcement of existing labor and employment laws protecting domestic workers contribute to the lack of access of domestic workers to minimum wage, overtime pay, health insurance, paid sick days, and termination notice, among others. Some of the needed policy changes to address these inequities are to end the exclusion of domestic workers in federal laws, to develop stronger enforcement strategies and mechanisms to make federal protections accessible for workers, and strengthen legal protections and enforcement mechanisms for domestic workers under state law.

One interviewee also identified a policy change to address the trafficking of domestic workers who

arrive in the US with employment visas. According to this interviewee, the US Department of State should share the list of workers arriving in the US with culturally and linguistically appropriate community-based organizations so that these workers can receive information on human trafficking and rights education, and build trust and develop relationships with domestic worker organizers. This is an important strategy for the prevention and early identification of trafficking.

Another interviewee suggested that employment conditions of domestic workers who come to the US on employment visas could be regulated if the workers' home countries created a mechanisms for returning workers to report the working conditions they experienced in the US. Their governments should also then respond to these returning workers' reports and investigate cases of exploitation and trafficking. Also, the migration process should reward recruitment agencies that have policies against coercive recruitment tactics or charge exorbitant recruitment fees. This interviewee also suggested changing worker visa programs to allow for visa portability, so that workers are not tied to a specific employer, thus removing one of the most effective methods of control employers have over domestic workers.

## ACCESS TO LEGAL PROTECTIONS AND SERVICES

Interviewees also identified policy changes related to access to legal protections and services that would benefit survivors. Primarily, two organizations felt that improving access to work authorization for survivors was crucial. Other suggested policy changes involved making the application process for nonimmigrant visas for victims of human trafficking (T Visa) easier and more efficient for survivors.

Another interviewee identified access to housing for trafficking survivors as a key area for policy reform.

## ACCOUNTABILITY FOR TRAFFICKERS

Interviewees identified the difficulties involved with accessing justice and accountability in domestic worker trafficking cases. Most of the affiliate organizations have worked with survivors who have pursued civil litigation against their employers. A few have been successful and resulted in the payment of back wages. One organization estimated that 40% of the civil cases the survivors they worked with pursued have been successful.

Despite these successes, accountability continues to be a problem, particularly in cases involving traffickers who are diplomats who can take advantage of legal protections such as diplomatic immunity. Other employers are able to avoid paying wages after judgments are entered against them by moving outside of the US or through other means. Interviewees have suggested policy changes that result in accountability measures where survivors, and other domestic workers, see that employers are held responsible for how they treat workers are desperately needed.

### HIGHLIGHTS IN POLICY CHANGES

CASA played an instrumental role in the passage of HB493/SB178 in Maryland, which expands existing state extortion law to include employers who threaten to notify law enforcement officials about a worker's immigration status. This will be a key tool in holding abusive employers accountable as employers will now be liable under criminal law for this type of coercion. This law also puts worker abuse in the realm of law enforcement rather than simply an administrative or regulatory issue.



# Part 3

# Conclusions &

# Recommendations

In the United States, there has been consistent bipartisan support for resourcing anti-trafficking initiatives.

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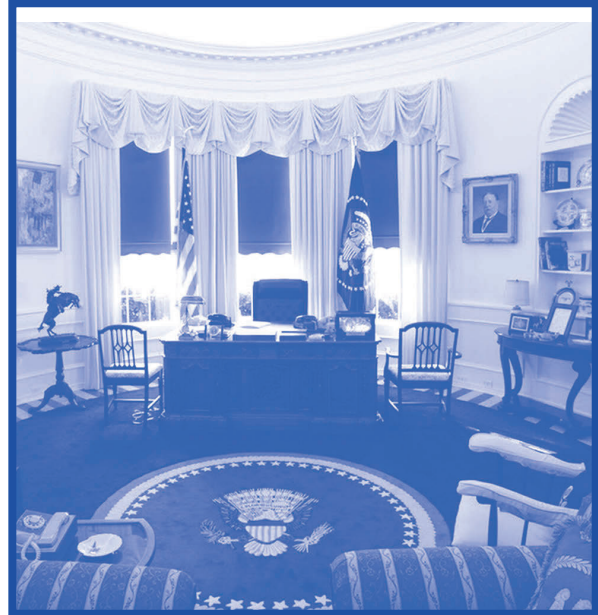
The **William Wilberforce Trafficking Victims Protection Act (TVPA)** was passed in 2000 and reauthorized in 2003, 2005, 2008 and 2013 with bipartisan support.

The passage of this legislation signals a watershed in US governmental efforts to combat human trafficking and devote funding to those efforts.

The early weeks of the Trump Administration have presented new challenges to Beyond Survival's mission of organizing domestic worker survivors of human trafficking. Since taking office Trump has issued numerous executive orders which, among other things, call for increased and expansive policing of immigrant communities and communities of color. Trump also seeks to detain and deport immigrants in much larger numbers as well as limit government enforcement of worker protections. US anti-trafficking efforts will inevitably face sharper challenges as a heightened atmosphere of immigration enforcement and deregulation will make it harder for trafficked workers to come forward and seek justice. Limited protections for workers and the valuation of corporate interests over human rights will increase the vulnerability of immigrant workers to exploitation and trafficking.

**Beyond Survival** offers the following recommendations to urge the US to continue the path forward, and resist any regressive efforts, towards ending all forms of human trafficking and centering the voices of survivors.

# Recommendations to the President and Executive Agencies



**I** The President should sign the reauthorization of the Trafficking Victims Protection Reauthorization Act (TVPRA) in 2017. The TVPRA should maintain its comprehensive strategy for ending all forms of human trafficking both globally and in the US.

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**II** The State Department should continue playing an integral role in ensuring domestic workers with nonimmigrant visas enter the US with valid and fair employment contracts and are apprised of their rights as workers; monitoring the conditions of employment during the pendency of the nonimmigrant visas; establishing avenues for workers to file complaints if there are workplace violations, abuse or trafficking; and holding employers accountable for abuse, exploitation and trafficking.

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**III** Change immigration enforcement practices to meet the needs of trafficking survivors and improve access to benefits and remedies for survivors of trafficking. Such changes should

include ending the involvement of state and local police in immigration enforcement, ensuring immigrant workers can assert their labor rights without fear of deportation and restoring prosecutorial discretion that prioritizes family reunification and human rights.

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**IV** The United States government should continue to be a global leader in protecting the rights of women, migrants and domestic workers by advocating for increased and inclusive protections through the ILO and setting international standards for grantmaking that support organizing and building worker voice.

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**V** Ensure that agencies, in particular the Departments of Homeland Security, Labor and State are committed to human rights and equal protection of all workers, including domestic workers, and are committed to creating cultures, within their agencies, of engagement and consultation with civil society and directly impacted workers.

# Recommendations to Congress



- I** Congress should pass the reauthorization of the Trafficking Victims Protection Reauthorization Act (TVPRA) in 2017. The TVPRA should maintain its comprehensive strategy for ending all forms of human trafficking both globally and in the US.

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- II** Congress should pass legislation to promote the rights of workers and limit resources to an already over-resourced immigration enforcement and detention system.

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- III** Congress should ensure that the US continues to act consistently with its democratic values and serve as a protection against discriminatory and abusive policies.

# APPENDIX 1:

## Selected Answers from the Interview Instrument



NDWA affiliates were interviewed in person or by phone in September and November 2016.

Selected interview questions and aggregate responses across all six affiliates are as follows:

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Overall, how many domestic worker survivors does your organization work with?

110 trafficking cases

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How many domestic worker survivors of trafficking that you work with have contracts with their employers?

69 total

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Has your organization been involved in rescuing any domestic workers from trafficking situations? If so, how many?

52 total

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On average, how long have survivors been in their trafficking situations before reaching you?

Anywhere between 6 months to 10 years

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What's the longest length of time you have seen that a trafficking survivor has been trapped in their trafficking experience?

25 years

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Approximately how many trafficking survivors did you work with in 2015, and how many were new?

52 total, 41 new

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What percentage of survivors you support came to the U.S. with visas?

Most organizations report from 70 to 100%

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How many survivors who you work with talked about having to pay recruitment fees to come to the U.S.?

35% total

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How many survivors have T or U visas?

38%

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How many survivors reported their experiences to law enforcement?

25%

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How many survivors report knowing anything about U.S. labor laws before coming to your organization?

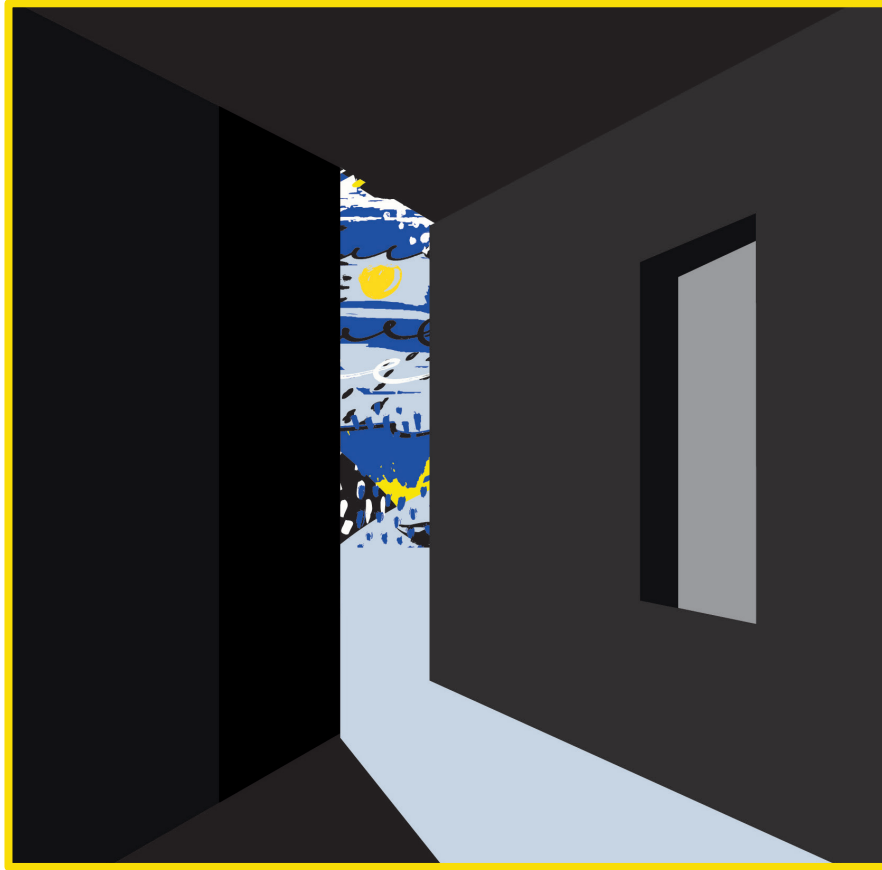
Nearly none



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