



Freedom Network USA

ILR INTERNATIONAL
LABOR
RECRUITMENT
WORKING GROUP



July 10, 2019

Dear Senator,

The Alliance to End Slavery and Trafficking (ATEST), Freedom Network USA (FNUSA) and the International Labor Recruitment Working Group (ILRWG)¹ write to urge you to oppose harmful appropriations riders that would undermine fundamental rights and protections for working people. As anti-trafficking groups and groups that work to end labor abuses, we believe expansion of the flawed and abusive H-2A and H-2B temporary visa programs would lead to greater incidences of human trafficking, forced labor, debt bondage, and other abuses. We ask that you oppose any rider that seeks to expand these programs or strip away basic worker protections.

Specifically, we write to oppose two H-2 visa riders that were included in the House DHS Appropriations and to ask that you oppose any similar amendments in the Senate appropriations process.

¹ [ATEST](#) is a U.S. based coalition of human rights NGOs that advocate for solutions to prevent and end all forms of human trafficking and modern slavery around the world. [FNUSA](#) is a coalition of 68 NGOs and individuals that provide services to, and advocate for the rights of, trafficking survivors in the United States. The [ILRWG](#) is a strategic alliance of nearly 30 organizations and academics across labor sectors that work alongside internationally recruited workers, analyze labor markets and economic conditions, and advocate for the rights of all working people in this country.

The following organizations are members of ATEST: Coalition of Immokalee Workers (CIW), Coalition to Abolish Slavery and Trafficking (CAST), Free the Slaves, Human Trafficking Institute, National Network for Youth (NN4Y), Polaris, Safe Horizon, Solidarity Center, T'ruah: The Rabbinic Call for Human Rights, United Way Worldwide, Verite, Vital Voices Global Partnership. For more information, visit www.endslaveryandtrafficking.org.

For a list of Freedom Network USA members see <https://freedomnetworkusa.org/current-members/>.

The following organizations and individuals are members of the ILRWG: AFL-CIO; American Federation of Teachers (AFT); Janie Chuang and Jayesh Rathod from the American University, Washington College of Law; Centro de los Derechos del Migrante, Inc. (CDM); Coalition to Abolish Slavery and Trafficking (CAST); Department for Professional Employees (DPE); Economic Policy Institute (EPI); Farmworker Justice; Farm Labor Organizing Committee; Jennifer Gordon from Fordham University School of Law; Patricia Pittman and Susan French from George Washington University; Tiffany Williams from the Institute for Policy Studies; Jobs with Justice; Justice at Work; Justice in Motion; National Domestic Workers Alliance; National Employment Law Project; National Guestworker Alliance, New Orleans Workers' Center for Racial Justice; Oxfam; Polaris; Safe Horizon; Service Employees International Union; Solidarity Center; Southern Poverty Law Center; UniteHere! International Union; Jennifer Hill from the University of Miami, School of Law; Sarah Paoletti from the University of Pennsylvania Law School; and Verité. For more information, visit www.fairlaborrecruitment.org.

- **Oppose any amendment that would expand the number of H-2B visas beyond the statutory cap.**
 - Key immigration policy issues should be debated, discussed, and voted on by the appropriate committees of jurisdiction—including decisions about annual caps and permissible employment in temporary work visa programs. However, appropriations riders in recent years have enabled the Departments of Homeland Security and Labor to authorize substantial increases in the number of H-2B visas. Despite repeated, bi-partisan requests from Senate Judiciary Committee, these two federal agencies have failed to produce any evidence or rationales that would justify those increases. Employer demand for H-2B workers must not be used as a proxy for real, verifiable need in the labor market, since employers have many reasons to prefer hiring H-2B workers whom they can legally underpay and whose fate they can control by virtue of visa rules.
- **Oppose any amendment to expand the uncapped H-2A program to include year-round work.**
 - Expanding the H-2A program to year-round jobs would contravene the purpose of the program and further distort the agricultural labor market. Lifting the seasonality requirement for a work visa program designed to fill *temporary* labor shortages in agriculture would grant farm employers the ability to replace their current employees in permanent, year-round jobs with a captive, vulnerable and disposable labor force with severely limited rights.
 - Some [research](#) suggests that H-2A workers in year-round agricultural jobs would earn less than the existing workforce, further degrading wages and labor standards in an industry where many workers already earn far below the poverty line.
 - In addition, allowing agricultural employers unlimited access to temporary visas for permanent positions would undermine essential efforts to improve the conditions in year-round industries, such as dairy. Dairy workers labor nearly round the clock under [difficult and dangerous working conditions, leading to tragedies such as death by drowning in a manure pit](#).
 - Moreover, expanding the H-2A program to year-round jobs may worsen the plight of roughly one million current farmworkers who already face the daily threat of deportation and would also have to fear displacement by employers who prefer captive H-2A workers.

If such amendments are included in the final FY 2020 spending bills, more workers will face unacceptable risks like debt bondage, indentured servitude and other trafficking abuses. H-2 workers often pay high fees to access jobs in the U.S., and are extremely vulnerable to abuse due to the structure of the visa programs, which authorize them to work long hours for low pay, but do not allow them to change employers, exercise their rights, or truly integrate into our society.

We urge you to reject appropriations riders that would further the exploitation of hard-working men and women and prevent the improvement of pay and conditions in difficult and dangerous industries. Abuses in the H-2 visa programs are rampant and well documented—by news organizations, government audits, and worker advocates—and often rise to the level of human trafficking, forced labor, and indentured servitude. Without fundamental reforms, expansion of H-2 visa programs will result in more abuse.

Sincerely,

Alliance to End Slavery and Trafficking
 Freedom Network USA
 International Labor Recruitment Working Group

