

Testimony of Mr. Aby K. Raju
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**The H-2B Guestworker Program and Improving the Department of
Labor's Enforcement of the Rights of Guestworkers**

Committee on Oversight and Government Reform
Domestic Policy Subcommittee

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My name is Aby K. Raju, and I am a structural welder from Kerala, India. I am married, and I have a one and a half year old son named Abraham, who we call Bobby. My father is retired and mother is a housewife. I support my wife, son, and parents financially.

I speak today on behalf of a group of about 500 guestworkers who were trafficked from India to Mississippi and Texas and on behalf of their families who are also victims of this crime.

I am honored to be invited by this Committee and to speak, along with the other guestworkers here today, about the severe labor exploitation that exists in the H-2B guestworker program. We urge the Department of Labor to work to make sure the laws of the United States are enforced to protect H-2B guestworkers, who are made especially vulnerable by the imbalance of power between workers and employers in the rules of the program.

We were recruited to perform welding, pipefitting, and other marine fabrication work, and we were subjected to forced labor and other serious abuses at Signal International LLC operations in Pascagoula, Mississippi and Orange, Texas. Signal and Signal's recruiters and agents operating in India, the United Arab Emirates, and the United States exploited and defrauded us by fraudulently recruiting us to work in the United States and effectuating a broad scheme of psychological coercion, threats of serious harm and physical restraint, and threatened abuse of the legal process to maintain control over us. Lured by their fraudulent promises of legal and permanent work-based immigration to the United States for ourselves and our families, we plunged ourselves and our families into debt to take advantage of these seemingly promising opportunities. We took out substantial loans, liquidated our life savings, and sold our family homes and valued possessions to pay mandatory recruitment, immigration processing, and travel fees totaling as much as \$20,000 per worker. Trusting in the truth of the immigration and work benefits that we had been promised, we further relinquished stable jobs in India and as guestworkers in the Persian Gulf.

Signal's main recruiting agents in India and the United Arab Emirates held our passports and visas and threatened, coerced, and defrauded us into paying extraordinary fees for recruitment, immigration processing and travel. We believed that if we did not work for Signal under the auspices of temporary Signal-restricted H-2B guestworker visas, we would suffer abuse or threatened abuse of the legal process, physical restraint, and/or other serious harm.

Upon our arrival in the United States, Signal required us to live in guarded, overcrowded, and isolated labor camps. Signal further deceived us regarding our visa status, threatened us with loss of immigration status and deportation, and generally perpetrated a campaign of psychological abuse, coercion, and fraud designed to render us afraid, intimidated, and unable to leave Signal's employ.

On March 9, 2007, Signal, in coordination with Sachin Dewan and private security guards, attempted to forcibly and unlawfully deport several guestworkers in retaliation for speaking out against discriminatory conditions in Signal's labor camp in Pascagoula, Mississippi. Terrified by the threat of imminent deportation and the security guards pursuing him, one guestworker in the Mississippi labor camp attempted suicide and had to be taken to a local hospital. During the same morning, Signal personnel and security guards successfully forced several other guestworkers into a locked and guarded room, detaining them for several hours, refusing their pleas for drinking water and permission to use the bathroom.

Having witnessed and/or heard of the events of March 9, 2007, we reasonably feared that we would suffer serious harm or physical restraint if we were to leave Signal's employ. Deeply indebted, fearful, isolated, disoriented, and unfamiliar with our rights under United States law, we workers felt compelled to continue working for Signal.

Advocates tell us that there are laws in the United States to protect guestworkers, but we have not found a U.S. government agency willing to enforce the laws to protect guestworkers. Instead, Signal told us that the U.S. Department of Labor had investigated its camps and its labor practices and approved them. Signal has also said publicly that the Immigration and Customs Enforcement Agency advised it to detain and attempt to deport our colleagues who spoke out against illegal conditions in the workplace and labor camps.

As workers, we have taken the steps that we can take to expose the truth of our reality and fight for justice. After escaping labor trafficking in the shipyards of Signal, we went on a Ghandian *satyagraha*, a truth march where we told the truth about our experience as survivors of trafficking and listened to the truth of severe labor exploitation and racial discrimination in the South. On May 14, 2008, we began a hunger strike in front of the White House that lasted 29 days to expose the ugly reality of the guest worker program. We demanded action against the criminal trafficking ring of Signal and its U.S. and Indian recruiters. We demanded that the Department of Justice vigorously pursue our case and protect us during the investigation so that we could fully participate in the criminal trafficking investigation against Signal.

To protect guestworkers and enforce the law, the Department of Labor must understand and respond to the situation guestworkers find themselves in—deeply indebted and with a visa tied to one employer. We have experienced firsthand how workers who make complaints face retaliation from their employers and surveillance by Immigration and Customs Enforcement. And we have not seen that our complaints have been taken seriously.

New Orleans Workers' Center for Racial Justice

To earn the confidence of guestworkers and build an effective enforcement system, the Department of Labor Wage and Hour Division should begin with the following steps:

- DOL should develop an outreach plan to inform guestworkers of the rights they have and the way to contact DOL. The plan should include mandatory postings by employers at worksites and labor camps where H-2B guestworkers work and live listing their rights and contact information for the DOL. DOL should also plan ahead to arrange for interpreters in languages spoken by guestworkers in their region.
- DOL should prioritize enforcement of laws requiring repayment of debts guestworkers incur in advance of coming. The pressure of these debts keeps many guestworkers from demanding their rights because they fear being deported back into debts they cannot repay.
- DOL should ensure guestworkers who make complaints are not retaliated against by their employers. Guestworkers are at a high risk of retaliation because their visa is tied to one employer. If a guestworker is fired in retaliation and deported, DOL will not be able to finish the investigation and the rest of the guestworkers will be afraid to cooperate.
- DOL should assist the guestworkers in remaining in the United States with work authorization during the investigation and resolution of the complaint. Because guestworkers are tied to the employer sponsoring their H-2B visa, employers easily exploit them. If employers saw that guestworkers facing exploitation could leave an abusive employer and receive adequate protections from the government to remain and work legally in the United States during the investigation, this would deter illegal exploitation by employers.
- DOL should ensure cases of severe labor exploitation, including human trafficking, that come in to DOL as complaints about federal wage and hour violations are identified through screening and referred to trained investigators working in collaboration with the Department of Justice.
- When guestworkers make complaints, DOL should expedite its investigation and resolution. Because guestworkers are present in the United States on temporary contracts, complaints should be investigated and resolved while the guestworkers are still in the United States. Otherwise DOL may lose its witnesses and guestworkers who have returned home may never receive their unpaid wages.
- DOL should report annually on the number of complaints received by H-2B guestworkers, the way they are resolved, and the percentage of settlement funds that are distributed within six months and one year from the settlement.
- DOL should prohibit employers, recruiters, lawyers, and others who abuse the program from bringing in guestworkers in the future.

Right now, many guestworkers are facing exploitation, but they are suffering silently. The Department of Labor cannot fix the abuses of this program without the confidence of these workers. Guestworkers will be watching how the Department of Labor responds to new

complaints. When complaints are not investigated and resolved in a timely way, it sends the message to guestworkers that DOL supports “business as usual.” When employers move forward without apparent oversight even after a worker comes forward, it sends the message to workers that their life has no worth.

Thank you for the opportunity to present this testimony and for your work to make sure future guestworkers do not suffer the way that we have suffered.