



Office of  
Immigrant Affairs  
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Commissioner

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"Labor Trafficking in the Domestic Worker Industry: Resources for Victims in New York City"

Thank you to Committee Chair Menchaca and the members of the Committee on Immigration.

In my role as the Commissioner of the New York City Mayor's Office of Immigrant Affairs, I work on policies and programs to improve the lives of immigrant New Yorkers on behalf of Mayor de Blasio. Among the most important aspects of this work is to provide support to the most vulnerable and isolated immigrant residents of our city. These include the population that we are here to discuss today: domestic workers who have been victims of crimes such as labor trafficking.

Mayor de Blasio and the entire Administration are firmly committed to supporting domestic workers who have been the victims of labor trafficking, as well as other immigrant victims of trafficking. I am pleased to be here to discuss this issue and the resources available to victims.

### **Overview of the Issue**

Labor trafficking is a crime and a severe violation of human rights in which an individual is compelled into labor through force, fraud, or coercion. Labor trafficking is illegal under both federal and state laws. Federal law states prohibits using fraud or coercion to recruit, transport or obtain someone for the purpose of labor, debt bondage or involuntary servitude.<sup>1</sup> New York law further defines fraudulent or coercive behavior as it relates to labor trafficking to include activities such as the withholding of immigration documents, instilling fear in a person in order to engage in labor activities, and to threaten deportation or criminal charges against someone in order to induce them to work.<sup>2</sup>

Immigrant domestic workers are often particularly at risk for labor trafficking because of their unique vulnerabilities as limited English proficient individuals with less access to resources and a higher risk of worker exploitation. In New York City, of the trafficking cases that are reported, the most commonly reported type involve domestic workers who are employed within private residences by families other than their own and typically perform tasks such as cooking, housekeeping, child care and elder care.<sup>3</sup> Many of these workers are "live-in," meaning that they live in the residences of their employers. As these workers most often face abuse and exploitation within private residences, it can be difficult to identify victims and conduct outreach in a manner that does not endanger the victim's safety.

It is important to note that while my testimony today will focus on domestic workers who have been the victims of labor trafficking and are *not* victims of sex trafficking – which is the

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<sup>1</sup> 22 U.S.C. § 7102(9)(B)

<sup>2</sup> N.Y.P.L. § 135.35

<sup>3</sup> Of the City Bar Justice Center's labor trafficking clients, 79.3% were domestic workers. Suzanne Tomatore & Laura Matthews-Jolly, *Spotlight on 150 Human Trafficking Cases*, City Bar Justice Center (Dec. 2013) (hereinafter "City Bar Justice Center Report").

recruitment, transport or obtainment of a person for the purpose of a commercial sex act<sup>4</sup> – many labor trafficked domestic workers face sexual harassment and assault in the workplace. These two categories of human trafficking, labor trafficking and sex trafficking, feature much overlap in the services needed once victims are able to escape.

### **Description of Population: Demographics and Unique Vulnerabilities**

According to a broad survey by the National Domestic Workers Alliance, the vast majority of domestic worker trafficking victims are adult immigrant women who were recruited in their home countries for work in the United States.<sup>5</sup> Most victims come from Asia or Latin America. The Urban Institute and the City Bar Justice Center have found that the Philippines, Indonesia, India, Nepal, Nigeria and Mexico are the most common countries of origin.<sup>6</sup>

Most arrive in the United States with temporary work or tourist visas.<sup>7</sup> Some come through diplomatic visas.<sup>8</sup> Before they leave their home country, victims may be given employment agreements that seem to comply with U.S. labor laws. They are promised decent wages, 40-hour work weeks and benefits.<sup>9</sup>

Once in the U.S., traffickers use various tactics to dehumanize victims and exploit them. Victims are forced to work excessive hours, denied pay or given less pay than promised. Numerous cases involve workers being forced to sleep on floors, in garages or children's rooms with no privacy, and the inability to prepare their own food or access the family's food.<sup>10</sup>

Live-in domestic workers, in particular, are extremely isolated. Many are physically prevented from leaving the employer's house without a chaperone and are restricted from making phone conversations or seeing visitors.<sup>11</sup> Many cases involve instances of physical and sexual abuse by the employer or family members of the employer and the denial of medical care.<sup>12</sup>

It is important to note that while physical abuse and violence are certainly present in domestic worker trafficking cases, there are also many cases that involve more subtle, nuanced forms of

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<sup>4</sup> 22 U.S.C. § 7102 (9)(A), (10)

<sup>5</sup> A survey of 547 domestic workers in New York City revealed that 93% of respondents were female and 99% were born outside the United States. Tiffany Williams, *Beyond Survival: Organizing to End Human Trafficking of Domestic Workers*, National Domestic Workers Alliance (Jan. 2015) (hereinafter "NDWA Report").

<sup>6</sup> Colleen Owens et. al, *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States*, Urban Institute Justice Policy Center (Oct. 2014) (hereinafter "Urban Institute Report"); City Bar Justice Center Report.

<sup>7</sup> Urban Institute Report at xvii; NDWA report.

<sup>8</sup> *Id.*

<sup>9</sup> NDWA Report at 15; Urban Institute Report at 7-9.

<sup>10</sup> NDWA Report at 32.

<sup>11</sup> NDWA Report at 32.

<sup>12</sup> Urban Institute Report at 7-9.



coercion, such as psychological abuse and threats. Such long term isolation can have significant effects on individual mental health.<sup>13</sup>

Traffickers often manipulate domestic workers to remain in forced labor by manipulating debts they may owe for recruitment or travel expenses to get to the U.S., or exploiting their immigration status. Even though federal and state labor laws protect all workers regardless of immigration status, workers often are led to believe that they are unable to claim worker protections because of their temporary or undocumented immigration status. In many instances, employers confiscate the worker's passport and threaten the worker that she will be reported to immigration officials.<sup>14</sup>

### **Needs of Domestic Worker Trafficking Victims**

Similar to situations of domestic violence, the combination of fear, shame and privacy of the home are barriers preventing domestic workers from getting help. Extreme isolation, physical barriers, psychological abuse and the fear of deportation often make victims reluctant to contact law enforcement. Therefore, outreach and awareness about the availability of services is key in helping victims ultimately escape and get help.

Once they do escape from their traffickers and are able to seek services, domestic worker trafficking victims often experience a myriad of complex legal and other issues.

Victims typically need assistance to report the crime to law enforcement and possibly receive restitution. They also need assistance to pursue civil legal claims against the employer in order to win back their lost wages and other civil damages. Victims also typically need immigration legal services. Although the majority of victims enter the U.S. on a lawful visa, most victims are undocumented by the time they escape. Many may be eligible, however, for visas made available under federal immigration law for victims of certain crimes and/or trafficking who have been or are willing to be helpful to law enforcement. These visas are called U and T nonimmigrant visas and, if granted, would allow for the victim to receive temporary legal status, employment authorization, and eventual eligibility to apply for a "green card" or permanent residence. Victims who are eligible to apply for these visas will need the immigration legal assistance to help obtain the proper documentation from law enforcement, as well as prepare the application and other supporting documents.

In addition to legal help, domestic worker trafficking victims are generally in need of several other types of social services after escape, the most urgent of which is often housing. As a large

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<sup>13</sup> NDWA Report at 34.

<sup>14</sup> NDWA Report at 22.

number of victims are live-in domestic workers, victims need the help of social service agencies who can help them find emergency shelter and long-term transitional housing.

Victims also need counseling services to help them deal with the trauma of abuse. Many are also in need of medical assistance, particularly if they have been physically or sexually assaulted during the course of their employment.

### **Resources for Victims**

When a victim comes forward, there are a variety of services available to them to address their various legal, social and supportive needs. Legal service organizations help victims to report the criminal activity to law enforcement, assert civil claims for unpaid wages and other damages, and obtain immigration relief. Social service agencies and community-based organizations aid in helping victims to find housing and provide supportive mental health services, job placement and education on worker rights.

The role of the legal services and community based organizations in addressing these needs is crucial because these organizations serve as an intermediary between the victim and the justice system, civil compensation and the social safety network. The nuanced methods of coercion employed by traffickers often make it difficult for law enforcement to identify victims. Legal services and criminal justice advocates play an important role in helping refer these cases to law enforcement for further investigation.

Researchers have also found that while the vast majority of domestic labor trafficking victims may realize at some point that they are being abused, many are not aware that they are being labor trafficked and that they are afforded rights under the law.<sup>15</sup> Often it is not until victims come into contact with trusted, on the ground, community-based organizations such as Damayan, Domestic Workers United, or Adhikaar that they realize that there are legal remedies and services available to help them escape. In many instances, organizations are able to help victims to find housing and mental health services and refer cases to legal providers, who are then able to assist the victim through the immigration and civil legal processes.

### **MOIA's Role in Connecting Victims**

Many City agencies, as well as our partners in the State and Federal government, provide assistance and support to immigrants who have experienced labor trafficking. MOIA serves as a resource as well through our referral and other work.

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<sup>15</sup> Colleen Owens et. al, *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States*, Urban Institute Justice Policy Center (Oct. 2014).



In addition to helping to connect individuals with immigration and other assistance available to victims, MOIA also has a newly launched webpage that is focused on describing resources for immigrant victims of crime. Particularly relevant to domestic workers who have experienced labor trafficking, the page includes information about the U and T nonimmigrant visa options and how to get help from service providers. This website content was developed in collaboration with the Mayor's Office to Combat Domestic Violence, the Mayor's Office of Criminal Justice and with the input of each of the City's District Attorney's offices. MOIA intends to continue working closely with MOCJ and MOCDV to develop additional outreach materials for immigrant crime victims.

At the same time, MOIA recognizes that providing adequate assistance for victims of labor trafficking is challenging due to the isolated nature of their exploitation and work environment.

MOIA looks forward to working with partners in community-based organizations and the advocacy community to continue learning about the needs of domestic workers who have experienced labor trafficking and how the City can better reach and serve this population.

### **Conclusion**

In closing, I want to recognize the efforts by New York City's agencies, the City Council, the community-based organizations, legal service and social service providers, and others who work to provide much needed support to this marginalized population. MOIA and the de Blasio Administration remains committed to addressing this issue and helping those victims become survivors. Thank you for the opportunity to address the Committee.