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Labor Trafficking Red Flags in Latest Work Visa Program Changes

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As the global pandemic stretches on, the U.S. government is making changes to work visa programs aimed at ensuring there are enough workers on the ground in this country to keep Americans fed and our economy

QUICK EXIT

The largest of the temporary work visa programs are H-2A, which brings men and women from other countries into the United States to work in agriculture and H-2B, which hires foreign workers temporarily for other manual labor jobs such as seafood and meat processing, cleaning, construction, working in carnivals and fairs and landscaping. The programs are designed to fill jobs U.S.-based employers claim they cannot fill with workers already in the country.

Among the most dangerous aspects of the H-2A and H-2B visa programs is that the workers who hold these visas are tied to the specific employer whose name is on their particular paperwork. Should they choose to leave that one employer, they lose their legal immigration status. This system gives employers inordinate power over workers – power that data shows is often used to abuse and exploit. All a trafficker needs to do to exert control is threaten to have a worker deported.

Workers know that deportation means they will most likely be held in deplorable (and now COVID-ridden) detention facilities, and be ineligible to return to the United States ever again – which in turn means for many, the opportunity to create a better future for their loved ones will disappear. The result is that year after year data from the U.S. National Human Trafficking Hotline shows that workers on temporary H-2A and H-2B visas are disproportionately represented amongst trafficking victims and survivors. **Between 2015 and 2019, the Trafficking Hotline reported more than 3,600 survivors of human trafficking who were legally working in the U.S. Approximately 87% of these individuals held H-2A and H-2B visas.**

Polaris and our partners are fighting to change this system and to replace it with one that allows workers the basic right to change employers without fear of retribution or deportation.

The temporary rule changes put in place because of COVID-19 appear to allow for at least some degree of portability for these visas, which seems encouraging – until you delve into the details. Under the temporary rule change, workers who have completed the terms of their original visas – generally not longer than three years – can stay in the United States and take a new, short-term position with a new employer.

Unfortunately, that temporary rule change does not put even the bare minimum of protections in place to ensure this portability does not become yet another tool for human traffickers who can with little or no oversight essentially trade human beings amongst themselves.

If that sounds exaggerated, consider this:

There is nothing to help workers get the information they need to make decisions about whether to take new jobs with new employers – no public announcement portal, no job boards, no information about wages they

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Unscrupulous employers and would-be traffickers can threaten workers with impunity, can insist they go to jobs that pay less than what they would willingly take, or require work they do not want to do. If the worker says “no” to any offer, the worker presumably has to then leave the country immediately.

The rule change does not clarify which of the alphabet soup of government agencies involved are responsible for oversight of these extended visas and the 400,000 guest workers in our country who may receive them.

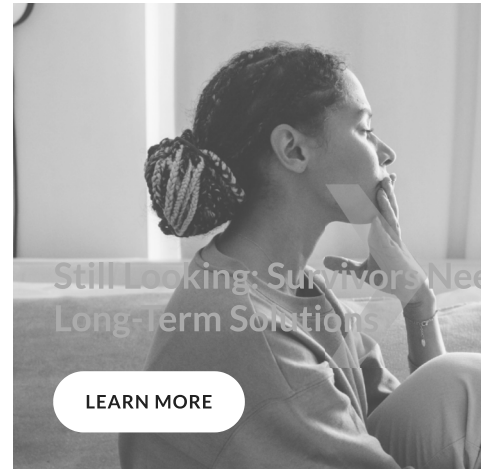
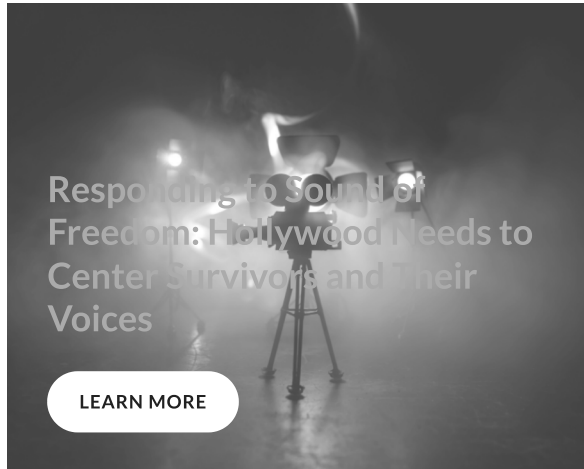
Indeed, the rule change explicitly states that it is in place to “benefit U.S. agricultural employers and provide stability to the U.S. food supply chain,” and quite blatantly does not consider the interests of workers at all. That is the kind of language and the kinds of programs that embolden traffickers.

The United States has officially said that agriculture workers are officially essential during the pandemic. But the very fact that these programs exist at all shows how badly we need temporary workers from overseas to keep our economy running pandemic or not. Let’s protect the people who put food on our tables and grocery store shelves and make our economy work for everyone. This program could truly be a win-win, but it could also be a boon for traffickers. It’s up to us.

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