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ENGENDERING EXPLOITATION: Worker Stories



Transnational Legal Clinic

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Justice for Migrant Worker Women was born of a collaboration between Centro de los Derechos del Migrante, Inc. (CDM) and the University of Pennsylvania Transnational Legal Clinic (TLC). Together, we envisioned a comprehensive, cross-sector, cross-visa study of U.S. labor programs that allow U.S. employers to recruit foreign workers for temporary employment, focusing especially on the impact of these programs on migrant women. The research conducted for this effort reflects substantial desk research combined with in-depth interviews. The study is also informed by questions, conversations, and intakes with thousands of workers that CDM has reached through legal services, community outreach, and policy advocacy over the past twelve years.

Worker Stories is a brief, diverse sampling of narratives collected through qualitative interviews with migrant worker women. The interviews were developed in collaboration with migrant worker women leaders

belonging to the CDM-supported Comité de Defensa del Migrante (Migrant Defense Committee, or Comité) in a series of workshops and focus groups conducted in July and August of 2016. Comité leaders also led efforts to identify interview subjects, and some participated in interviews themselves. Interviewees were asked about their experiences in labor recruitment, during employment in the U.S., and afterwards. They also shared their resilience strategies and provided recommendations for the future of these programs and migrant workers' rights.

Many thanks to the students and professors of the New England School of Law's Human Rights and Immigration Law Project, American University Washington College of Law's Civil Advocacy Clinic and International Human Rights Clinic, for conducting surveys. CDM also thanks our many dedicated volunteers who contributed to this project in 2016-2017.



Centro de los Derechos del Migrante, Inc. is a transnational, non-profit organization dedicated to improving the working conditions of migrant workers in the United States. Headquartered in Mexico City, Mexico and with offices in Juchitán, Oaxaca and Baltimore, Maryland, CDM's innovative approach to legal advocacy and organizing accompanies workers in their hometowns, at the site of recruitment, and in their U.S. worksites through legal services, community education and leadership development, and policy advocacy. Our Migrant Women's Project (Proyecto de Mujeres Migrantes, or "ProMuMi") promotes migrant women's leadership in advocating for just labor and immigration policies that respond to the particular challenges that women face when migrating to the U.S. for work.



The Comité de Defensa del Migrante (Migrant Defense Committee or Comité) is a group of community-based leaders who organize and empower migrant workers to defend themselves and educate their co-workers. Founded in 2006 and comprised of current and former migrants and their family members, the Comité forms a human chain across Mexico and the United States. Comité leaders train other migrants in human rights, building a culture of informed migrants to protect workers' rights all along the migrant stream.



Since its founding in 2006, the University of Pennsylvania Law School's **Transnational Legal Clinic** (TLC) has represented individuals seeking asylum and other forms of immigration relief from across the globe and has worked alongside and on behalf of international human rights and community-based organizations on a range of rights-based issues, particularly as they relate to migrants.



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Name: **“Sandra”**

Visa: **J-1 Summer Work Travel**

Country of Origin: **Peru**

U.S. State(s) of employment: **Vermont**

Position: **Housekeeper**

Duties: **Housekeeping**

Ratio men/women in workplace: **90:10**



Sandra was looking forward to learning English, immersing herself in American culture, and earning a decent wage through the J-1 Summer Work Travel program. An authorized, U.S. J-1 sponsor agency, working through a local partner in Sandra’s native Peru, had promised her an enriching, three-month cultural experience at a ski resort in Vermont, where she would have access to sufficient transportation and opportunities to take full advantage of her surroundings and community. In addition, they said, she would earn enough take-home pay to easily cover the more than \$2000 she spent in visa costs, travel expenses, and agency fees. Once in the U.S., she became concerned, however, when her hours and housing conditions fell far short of those established. It was only after contacting the Peruvian Embassy that the sponsor agency, who had been largely unresponsive to her complaints, placed her in another position as a housekeeper. Burdened with loans for her recruitment process and at the mercy of the whims of her sponsor agency, Sandra was forced to accept the employment offer, or return home to mounting debt. Her new place of employment was a far cry from the cultural exchange the program described: instead, she toiled long hours at minimum wage that caused her physical and mental

exhaustion. Suffering lesions to her hands from gruelling work, she was told that the hotel had no medicine available; as such she treated her wounds with leftover lotions found in hotel guests’ rooms. Living in a substandard room in the hotel, she worked under isolating conditions with no opportunity for cultural immersion, meeting only a few of her co-workers. She had to request permission from her employer for transportation to town, which was often denied. She had limited access to the outside world, amenities, or food. Sandra felt that she was constantly starving found herself scavenging for pieces of fruit that customers left behind. When another, female co-worker suffered a sexual assault by an hotel employee, they kept silent - with nowhere else to turn, she feared retaliation in the place she lived and worked.

After returning to Peru, Sandra successfully sought a reimbursement from her sponsor for program fees with the help of a non-profit legal services organization. All the same, she feels she would not return to work again under similar circumstances. She argues that there should be greater government oversight over the J-1 programs and sponsor agencies to ensure that others like herself won’t experience the same problems.

“I initially participated in this program to learn about U.S. culture, amongst other things. Throughout my employment, I was essentially isolated within my room, unable to experience any aspect of American culture.”

Name: **Beatriz**
Visa: **TN**
Country of Origin: **Mexico**
U.S. State(s) of employment: **Texas**
Position: **Management Consultant**
Duties: **Secretarial duties**
Ratio men/women in workplace: **0:100**



Unbeknownst to Beatriz, her employer had declared bankruptcy before she had even been hired. A native of Mexico, Beatriz and two daughters had travelled to the United States as dependents of her husband, who had received a TN visa. Unfortunately, the terms of the TN visa were not designed for families, and the dependent status Beatriz and her teenage daughters received did not allow her to legally work in the U.S. While she maintained her consulting job in Mexico from abroad, when a Texas-based management consulting firm offered her an attractive TN visa sponsorship, she quit her consulting position, which she had held for 13 years. In the employment offer, Beatriz's new firm described her "significant business management and consulting experience" as prerequisites to her skilled employment. On her first day of work, however, she was shocked to discover that she had been deceived. Although hired to train and supervise other staff, Beatriz was the company's sole employee, besides her supervisor. There was no place, or people, for her to apply her skills or knowledge. Instead, she was forced to work as a secretary, putting in extensive overtime hours to compensate for six vacant positions. When she suggested that her supervisor hire additional staff, he became aggressive, holding her hostage in their

office as he humiliated and berated her for hours. She felt scared, humiliated, and disrespected. During this time, her spouse abandoned her and her children, leaving Beatriz as the sole provider for her family. Only three months after beginning her employment, the firm closed, leaving her without an income or options for employment. Unable to legally work for another company under the terms of the TN visa, she suffered heavy financial loss and emotional distress.

Seeking legal help for herself and her daughters, Beatriz reached out to the Mexican consulate, who advised her to simply return home. The nonprofit organizations she contacted were at capacity, and she didn't have money for a private lawyer. Those she contacted said they didn't have enough information about TN visas to assist her. The Mexican Embassy just told her to return to Mexico. A church in Texas provided her with assistance for food, gas, and money.

Despite having read about the TN visa in detail, Beatriz was gravely deceived. She urges government agencies to properly regulate TN businesses and employers, ensure that they are financially solvent, and that they respect workers' terms of employment.

Ignorance about this type of visa is the biggest problem. I lost everything we have because I am not able to work for another company. I was not able to defend my rights.

Name: **“Mara”**

Visa: **J-1 Au Pair**

Country of Origin: **Brazil**

U.S. State(s) of employment: **Massachusetts**

Position: **Au Pair**

Duties: **Child care, housekeeping, transportation, homework help, meal preparation**

Ratio men/women in workplace: **N/A**



Mara had dreamed of coming to the United States to pursue an acting career. A friend put her in touch with an authorized J-1 sponsor agency. After meeting the J-1 Au Pair Program requirements, she paid the sponsor agency \$300 and was placed with a family in a small town in Massachusetts. Before departing Brazil, Mara received a contract describing her duties, but not her pay. Once in Massachusetts, Mara lived in her employer’s home and worked for 45 hours per week caring for their children, transporting them to school and other activities, helping with their homework, and preparing meals. For this work, she was paid \$195.75 per week. On the occasion that she was required to work additional hours, Mara’s employers compensated her in-kind with presents or gift-cards. Her employers told her that eating with the children counted as her “break.” Having had no prior contact with the family before her placement, Mara soon began have difficulties working with the children charged to her care, who began to mistreat her. She complained to the sponsor agency, which ignored her pleas. After three months, Mara’s family terminated her employment, and she

scrambled to find another placement. She lost two weeks’ of work and income during this time, but considered herself lucky to have been placed with another employer in a different state: according to Mara, in her experience, it was common for au pairs to be kicked out of their placement homes and sent home.

Despite being the only au pair in her household, Mara sought comfort in her friendship with other au pairs she met in her classes and online. She found that finding a “good” family was entirely based on luck, and she heard about families that “really wanted to enslave the au pair.” She recommends that the au pair program should establish higher pay, especially in households with more children, and should set more clearly-defined work schedules and duties that strike a better balance between workers’ and employers’ interests. She felt it was unfair that her host family had the sole power to set her schedule and sometimes left her in charge of the kids, alone, full-time. She lived in constant fear of being sent home for complaining.

“Even if you’re not working in your free time, you don’t have rights to do whatever you want to do. You’re being watched all the time. Some families put a curfew.”

Name: **Lisette**

Visa: **C1/D**

Country of Origin: **Mexico**

U.S. State(s) of employment: **California, Hawaii**

Position: **Buffet steward**

Duties: **Prepare and serve meals, clean up, provide room service**

Ratio men/women in workplace: **50:50**



A recent college graduate, Lisette was eager to improve her English, learn a new language, and travel. Working on a cruise ship seemed like a perfect match. Program coordinators at her university put her in contact with a recruitment agency, which connected her with a California-based cruise line. Shortly thereafter, she was ready to embark. Upon arrival in California, Lisette was assigned to a route, not knowing where the cruise ship was going. Although she struggled to read her English language contract, Lisette trusted that that a reputable, American company would provide her with a positive experience. She never could have imagined what awaited her.

For the next two months, Lisette suffered exhaustion and psychological distress under a hostile environment she described as “authoritarian.” Tasked with meal service duties, Lisette worked day and night. The breaks she had been promised turned out to be as short as four to six hours - the only time she could use for sleep. With no overtime pay, her earnings amounted to less than \$4 per hour. Having received insufficient job training, she lived in constant fear of her supervisor, who ridiculed staff and berated their errors without mercy. She did not always have access to her visa and passport, which were held for “safekeeping” in a company office.

Living within “constant confinement” and having little communication with her family only made the situation worse. Lisette watched as the work took its toll on her workmates, who self-medicated with drugs, alcohol, or sex. Fearing retaliation, most kept silent about their treatment. She heard about sexual assaults perpetrated by supervisors, who would freely ask female staff for sexual favors. She and her shipmates found brief respite while in port, when those with visas were allowed six-hour visits to the mainland. All the same, Lisette’s hair began to fall out. Months later, after returning home to Mexico, Lisette was shaken to learn that one of her shipmates had committed suicide.

Although Lisette herself has actively sought justice for her case, she has been told that the odds are stacked against her. Today, she advocates for more breaks, overtime pay, and improved living conditions for cruise ship workers. She is outspoken about the dangers of misleading recruitment, wishing recruiters would thoroughly explain workers’ contractual rights and responsibilities so that prospective workers could make informed decisions about their employment.

“I had so much confidence going with an American company... I thought they were going to pay me for the extra hours I worked. I thought I was going to have more control. I was very deceived.”

Name: **Estefani**

Visa: **J-1 Au Pair**

Country of Origin: **Brazil**

U.S. State(s) of employment: **Massachusetts**

Position: **Au Pair**

Duties: **Caring for children, laundry, housekeeping**

Ratio men/women in workplace: **N/A**



Estefani learned about cultural exchange opportunities in the United States from a teacher at school, and decided to apply. Although she consulted various visas, the only one she could afford was the J-1 au pair program. Altogether, she estimates having paid between \$1500-\$2000 up front in program fees and travel costs, excluding additional costs for six course credits upon arrival. Estefani was placed with a divorced couple in Massachusetts, where she split her time between two homes caring for children, doing laundry, and transporting them to school. Although her terms of employment did not include housework, Estefani's employers soon insisted that she do laundry, dishes, cleaning and yard work. In one home, the host parent stopped hiring a housekeeping service, expecting Estefani to clean instead. In the other, her employer became so verbally aggressive with her over housework that Estefani tried to quit. Earning \$195.75 for 35 hours of work per week, Estefani paid her own telephone bill, educational expenses, and occasionally bought food when her employer failed to do so. She found that her salary barely allowed her to purchase necessities like shampoo, let alone pay for travel and cultural activities. One of the host parents kept her under watch, frequently entering Estefani's room and monitoring her social activities during her free time. Facing a constantly shifting schedule and requests for weekend hours, Estefani found herself postponing her classes and falling behind on her English goals. When she was unable to complete her credit requirements on time, her host family only reprimanded her for wanting to prioritize

schoolwork. She occasionally endured sexist or racist comments from her employers about her Brazilian heritage. Overall, Estefani found that her au pair experience was contrary to the cultural exchange program she had been sold.

Estefani noticed that the local childcare consultant (LCC) charged with overseeing her placement was highly biased toward her employers, who she had known for eight years; when Estefani complained about her conditions, the LCC would only tell her to be more "understanding." Changing sponsor agencies seemed to be impossible. Estefani felt both her legal status and race placed her at a disadvantage to advocate for herself against the powerful interests of sponsor agencies. "If I need the government to help me," she explained, "I would be the weakest person dealing with a big entity and lobbyists... I feel like it's convenient for the government to continue with this au pair program." Instead, Estefani dedicated time to educating herself online about her rights. She felt trapped in the program, worried that her visa would be taken away if she tried to change her circumstances.

Estefani feels that her experience has made her feel a little depressed. She believes that au pairs should have access to affordable mental health services and other types of local resources. Moreover, Estefani wishes that au pairs' work would be clearly defined in a contract, and that host families should be held to the same standards and vetting process to which au pairs themselves are subjected.

"It's false advertisement. It feels like hell on earth, but it's advertised as an amazing experience. It's sold to the au pairs as a cultural exchange, but to the family as free/cheap labor. We are too vulnerable. We should feel like we have freedom."

Name: **Daria**
Visa: **H-2B**
Country of Origin: **Mexico**
U.S. State(s) of employment: **Anonymous**
Position: **Vegetable packer**
Duties: **Sort and pack cucumbers**
Ratio men/women in workplace: **30:70**



Daria had to fight to find a recruiter that would give her the opportunity to work in the United States. Recruiters charged money for the opportunity to work, so Daria had to take out loans. She landed an agricultural position, but soon found that opportunities for men and women were not equal at her worksite; while men were sent to harvesting jobs with H-2A visas, women like Daria were given H-2B visas and were assigned to sorting vegetables.

Immediately, Daria found that her work, and pay, did not meet expectations. Earning 10% less per hour than promised, Daria and her female colleagues also only worked three to five hours per week - a far cry from the forty hour workweek described. When work was scarce, Daria watched as the company supervisor would come by and pick up the men for work, leaving the women behind to clean their dormitories. She described the supervisor as a crass and intimidating man, who would yell at the women for being slow. The company took her passport from her, retaining it until the end of the season.

Daria's worksite was so remote that she and her colleagues had no choice but to live in company-provided farmworker housing, for which they paid monthly rent. The dormitories were poorly equipped for mixed-gender living. To reach the bathrooms, for example, Daria and the other women would have to walk through the men's dormitories. The bathroom itself, shared by both men and women, was a common room of stalls, with only a door to the outside. This experience made Daria excruciatingly uncomfortable, especially when some of the men had been drinking.

Far from town, and with no telephone, Daria and her female co-workers had little communication with their families or with the outside world. They were always waiting for work. The stress and isolation finally took its toll, and one day, Daria collapsed, unconscious. At the hospital, she was diagnosed with deep emotional distress. Eventually, she found strength in a church group, whose members prayed with her and gave her encouragement.

"It was a pigsty. There was no door. I cried a lot because everything was terrible – I had to sleep on the floor and I suffered backaches and couldn't sleep. The floor was very dirty. Those who had worked there longer were better off because they managed to buy mattresses."

Name: **Heidi**

Visa: **J-1 Au Pair**

Country of Origin: **Mexico**

U.S. State(s) of employment: **Massachusetts**

Position: **Au Pair**

Duties: **Cleaning, cooking, childcare, transportation, laundry, pet care**

Ratio men/women in workplace: **N/A**



As a J-1 au pair, Heidi was told that she would be treated to a year-long cultural exchange as a member of an American family. Soon after arrival, she began to see things differently. What started as childcare quickly snowballed into full-blown housework. Heidi found herself cooking for not only the children, but for the whole family; cleaning; taking care of the dog; and working seven days per week. Wanting to fit in with her host family, Heidi was eager to be extra-helpful, but soon she began to feel exploited. She took care of four children and earned the same \$197.75 weekly wage as au pairs who cared for one. She was only allowed breaks on days that she worked more than ten hours, and sometimes, not at all. Her employer even asked her to teach the children Spanish, requiring Heidi to develop a curriculum and measuring results. When she tried to set boundaries, Heidi's employers told her she wasn't doing her job. On one occasion, she and the employer argued. The employer told her, "I hired you so you could work 24/7 so I don't have to worry." Although Heidi's J-1 program entitled her to a partial academic subsidy, she was forced to pay her education back to her employers through deductions on her pay check.

Heidi also struggled with racist overtones in her employer's communication, like when she explained she "would

never hire a European au pair because they don't work as hard as an Hispanic." Her employer's use of the phrase "you Mexicans" made her uncomfortable. And there were times when Heidi felt that the family was spying on her. Her employer would go into her room and make comments about the state of her bed. When Heidi was out of the house, her employer would sometimes call her, her boyfriend, or even her boyfriend's family, to check up on her whereabouts.

When Heidi tried to tell her local childcare consultant (LCC) that she was working overtime and never getting a day off, the LCC sided with the employer. Heidi felt harassed by her LCC, who addressed Heidi's concerns with a "it's not me, it's you" attitude. Once, the LCC threatened her. Heidi felt that she didn't know her rights. Another time, when a teacher at the child's school asked if she was being treated well, Heidi was too scared to respond.

Heidi recommends that host families undergo the same psychological tests, criminal record checks, and other evaluation to which the J-1 Au Pair Program subjects au pairs. She argues that the rate of pay - \$195.75 per week - should increase with the number of children in the home, or for additional activities. She herself had paid her sponsor agency more than \$1500 in program fees.

"[My employer] works as a police officer and told me if she finds out I'm breaking any rules there will be consequences... things got so bad that I had to see a therapist."

Name: **Adareli**
Visa: **H-2B**
Country of Origin: **Mexico**
U.S. State(s) of employment: **Louisiana**
Position: **Chocolate packer**
Duties: **Sort and pack chocolates on assembly line**
Ratio men/women in workplace: **10:90**



Growing up, Adareli never understood why anyone would want to leave her hometown in Hidalgo, Mexico to work in the United States. It wasn't until she graduated from high school and struggled to find employment that she considered migrating. The recruitment process was competitive and difficult, and especially so for women: while men in her community were able to apply for both H-2A and H-2B jobs in different industries, women were only offered H-2B factory work. Her local recruiters argued that women's physical limitations disqualified them from certain jobs.

When Adareli arrived at the factory in Louisiana, she found that her supervisors did not respect her and her colleagues' dignity as women or human beings. Her male counterparts would earn more, carrying and stacking boxes, while women packed chocolates on assembly lines. In the words of her boss, H-2B workers' only role was to work - the

company would not tolerate complaints or illnesses. Having paid transportation and visa costs, Adareli continued working to pay back her debts. On her fourth season of work, Adareli and seventy colleagues implemented a work stoppage, demanding fair labor standards. Afterwards, the working conditions mildly improved; nevertheless, Adareli's fear of retaliation was realized when the company decided not to hire her or her coworkers again.

Adareli has dedicated much of her time and energy to fight for workers' rights and transparency in recruitment. She wishes that recruiters would be up front with migrant workers about employment terms, and that employers would give women an equal chance to prove their abilities. She advocates for greater job mobility, arguing that migrant workers should be able to switch employers to escape exploitative working conditions and seek fair employment in the U.S.

"I would talk to my female colleagues about our rights so that we would defend our dignity. But I realized, in that environment, fear was still preventing us from standing up for ourselves like we were meant to do; fear to lose our job, have to return to Mexico and not being able to support our families... I wish that as migrants, we wouldn't be tied to an employer, wouldn't lived bound and unable to change jobs in the face of unjust conditions."

Name: **Mayra**

Visa: **B-1**

Country of Origin: **Mexico**

U.S. State(s) of employment: **Florida**

Position: **Domestic worker**

Duties: **Housekeeping, cooking, household shopping, caring for pets**

Ratio men/women in workplace: **N/A**



Mayra responded to an online advertisement: a wealthy family was looking to hire a domestic worker over 35 years of age at their Florida home through a Mexico-based recruitment agency. Although the agency provided only vague information about her employment, Mayra was attracted to the prospect of earning a U.S. salary far above what she could earn as a domestic worker in Mexico. She understood only that her primary responsibility would be to care for children. She wouldn't learn about her schedule, or even the name of the family, until she arrived in the United States and began work. To discourage her from changing her mind before departure, the recruitment agency representatives held onto Mayra's passport and visa, returning it to her at the airport on the day of her flight. Feeling pressed by a family illness and mounting financial concerns, Mayra trusted that the opportunity was worthwhile.

Once in Florida, Mayra quickly realized she'd been misled. Working fifteen-hour days, she was paid \$5 per hour or less. Besides caring for the children, she performed all household duties, including cleaning, cooking, shopping,

and caring for the dog. Mayra was only permitted to leave the house on Sundays -- after walking the dog -- and she had to let her employer know where she was at all times. Through psychological manipulation, her employer made Mayra feel too helpless to take any action against her deplorable working conditions. She had little contact with the outside world. It was months later, when she began to speak with other domestic workers in her neighborhood about her situation, that Mayra realized her employers were exploiting her.

Mayra is determined to ensure that others aren't subject to the conditions she experienced. She is now certain that employers understand, and take advantage of, some workers' economic needs. She wishes migrant workers would have access to legal services, which she has struggled to secure. She is also critical of the recruitment agency's obscure dealings and their lack of accountability, and believes that recruiters should be held accountable for their role in exploitation.

"The lack of information about our rights and access to legal services leaves us in a vulnerable position. I wish I could tell other domestic workers that they should fight for fair compensation... It's worth it to inform yourself. Know that you have rights."

Name: **Barbara**
Visa: **J-1 Au Pair**
Country of Origin: **Mexico**
U.S. State(s) of employment: **Ohio**
Position: **Au Pair**
Duties: **N/A**
Ratio men/women in workplace: **N/A**



Barbara wanted to be an au pair, but she never got the chance. Instead, she experienced first-hand how obscure and bureaucratic the J-1 recruitment process can be. A native of Mexico, Barbara was hoping to travel to the United States through the Au Pair Program in order to learn English and gain professional experience abroad. She sought out one of the few sponsor agencies that are licensed to manage au pair hiring and placement, and which charge participation fees to both prospective au pairs and host families alike.

Three days after arriving in the U.S. for her requisite au pair training, Barbara's dreams came to a screeching halt. For reasons that still remain unclear to her, the sponsor agency confronted Barbara, accusing her of being unfit for work and citing a medication she was no longer taking. Having been initially cleared for participation, Barbara was taken aback. She felt targeted and alone. She did not have access to a lawyer who could defend her, nor a doctor who could conduct the needed tests to make her case. She wanted to reach out to her family for help, but she was unable to

communicate with them due to limited phone access. Back home, her family struggled to contact her and became increasingly worried when they received no response.

After a long, legal process that challenged the sponsor agency, Barbara managed to recover a percentage of the program fee. Intent to start anew, she applied once again to be an au pair through a different licensed agency. Nevertheless, after making her payment, her application was denied. Barbara learned that the first agency had accused her of misusing her visa and filed a report. As a result, Barbara was marked delinquent.

Today, Barbara is a vocal advocate for greater recruitment transparency for J-1 workers. She argues that the agencies responsible for au pair recruitment should be monitored and held accountable for the conditions they promise. She also believes that the program could be improved by guaranteeing access to legal and health services for program participants and by providing workers with independent, workers' rights education and support.

“They do not give correct information. There’s a lack of transparency and accuracy in the recruitment process, and everybody is interested in money. Recruiters only try to generate commissions from applicants.”

Name: **“Leticia”**

Visa: **TN**

Country of Origin: **Guatemala**

U.S. State(s) of employment: **Massachusetts**

Position: **Researcher**

Duties: **Research**

Ratio men/women in workplace: **N/A**



Leticia hoped that working in the United States would provide her young, autistic son with a better life. Living in Guatemala, she found there was little public awareness of autism, let alone public schools or programs to meet her son’s special needs. The few, private school opportunities available were more expensive than she could afford. When a biotechnology firm in Massachusetts offered her a temporary research position, the monthly salary was well above similar positions in Guatemala. With a letter of support from her would-be employer, Leticia was able to apply for a TN visa, which allows U.S. employers to hire workers possessing certain qualifications and skill sets for temporary positions. With the promise of a stable income, Leticia was willing to cover her own and her son’s travel and visa expenses, which her employer promised to reimburse. However, upon arrival, Leticia discovered that her job was not what she expected. Instead of a reimbursement, her employer began to deduct hefty fees

from her paycheck for her shared housing and other costs, leaving her with barely \$400 per month to live on. When she brought her economic hardship to her employer’s attention, he gave her a “child bonus,” only to take the money back a few weeks later. Her employer, who was also her landlord, became verbally abusive, and he kept her emails and online activity under constant surveillance. Feeling isolated, exploited, and struggling to make ends meet, Leticia was eventually diagnosed with Post Traumatic Stress Disorder (PTSD).

Leticia eventually sought legal assistance, but she was told she did not have any recourse without jeopardizing her immigrant status. She feared taking legal action. Tied to her employer by the terms of her TN visa, Leticia’s only option was to quit and seek emotional assistance for herself and her son.

“There is no freedom. I felt trapped. The problem with the work visa system is that your boss holds over your head that he brought you to America. I will never apply to get a work visa again because of the horror that I have been through. I am grateful to have the opportunity to warn women about my situation so they know that they have the right to not be treated poorly.”

Name: **Claudia**
Visa: **J-1 Au Pair**
Country of Origin: **Colombia**
U.S. State(s) of employment: **Massachusetts**
Position: **Au Pair**
Duties (actual): **Care for children, light housework**
Ratio men/women in workplace: **N/A**



Claudia was certain that the J-1 Au Pair Program would help her fulfill her wish to travel to the United States and learn English. Her terms of employment specified she would work 45 hours per week providing childcare, and that she should keep the house, and her personal space, reasonably organized. Once at work, Claudia felt her employer was taking advantage of her; she was often asked to do housekeeping and management, and her weeks frequently exceeded 45 hours. Rarely could she take weekends off, as initially promised, because living in the same house as her employers meant she was frequently on call. Claudia was never paid for extra hours she worked.

Four months into the program, Claudia's employers began to withhold her paycheck. When Claudia asked for her salary, her boss refused, saying he had lost his income. He became upset, even hostile, and he made threatening calls. When her employer restricted Claudia's access to the internet,

she felt isolated and scared. Claudia reported the incident to her local childcare consultant (LCC), who reminded the family to pay. In response, the family put Claudia's clothes in a trash bag and kicked her out of the house. She had to stay at the LCC's home for two weeks and an ultimatum: either find another host family, or risk being sent back to Colombia.

Claudia recommends that the U.S. government closely monitor the J-1 Au Pair Program, and that lack of oversight means "au pairs are being exposed to families who are abusing other au pairs." During her employment, Claudia felt she had "absolutely zero" protection, and she urges the program to report rampant abuses to authorities. She also wants both families and au pairs to understand au pairs' rights under the law, especially in regard to overtime hours and pay.

"The program needs to educate the families with how to treat au pairs and what the laws are with regards to au pairs [and] make sure they understand the law and what abuse means. We never never knew who would protect us."

Name: **Silvia**
Visa: **H-2B**
Country of Origin: **Mexico**
U.S. State(s) of employment: **Maryland**
Position: **Seafood processor / Crab picker**
Duties: **Remove crab meat from shells**
Ratio men/women in workplace: **50:50**



The only employment in Silvia's Mexican hometown is seasonal, corn husk processing for tamales. The process uses strong, pungent chemicals that many suspect are unhealthy; even then, those jobs are sporadic and difficult to come by. Silvia needed to provide for her parents and two children, and so like many women in her community, she decided to apply for a job processing crab meat on Maryland's Eastern Shore. Labor recruitment was politically challenging, as many women vied for few, available spots. The H-2B application process was expensive and complicated, but with the need to support her family, Silvia had no other choice. Without clear information to distinguish between genuine and fraudulent recruiters, Silvia lost money on several false offers. Out of ten recruitment attempts, Silvia succeeded in obtaining work in the United States five times.

As she applied for different jobs, Silvia realized men and women were not offered the same opportunities: year after year, most men had their choice of H-2B seafood

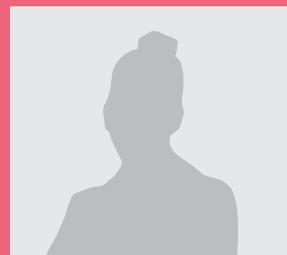
processing jobs or H-2A harvesting positions, where they earned higher wages and free housing. Women would simply be appointed to pick crab.

Discrimination followed Silvia to her workplace in Maryland, when she discovered that men and women were assigned different roles. While Silvia and other migrant worker women scraped crab meat from jagged shells, men would lift and empty buckets and cook crab. She noticed that her male counterparts also frequently worked more hours given the tasks they were assigned to do.

During her time in Maryland, being away from her children had an emotional impact on Silvia. While she would have liked to bring her kids along to Maryland with her, she knew that her salary would not be enough to support them financially. After paying her rent and food expenses, she would send her remaining salary home to her family. She wishes that the men in her community who had access to different, better-paying jobs would use their influence to recommend women to their employers.

"We don't like the work, but we don't question it. Why would we, if it's the only thing there is?"

Name: **Johanna**
Visa: **J-1 Au Pair**
Country of Origin: **El Salvador**
U.S. State(s) of employment: **California, New York**
Position: **Au Pair**
Duties: **Care for, bathe, feed children**
Ratio men/women in workplace: **N/A**



Johanna, a teacher, wanted to follow her dream of working with children with disabilities, but she could not find relevant employment in El Salvador. Upon discovering the J-1 Au Pair Program, she thought it would be an opportunity to focus on her field while having an adventure, too. Reading the cultural exchange program's description, she was willing to pay the program fee required for participation. Johanna believed the sponsor agency's publicity that she would be regarded as a "big sister" in an American family, and that she would be able to go to school.

Before starting work caring for three children with a host family in New York, Johanna had been told she would be entitled to two days off each week, no questions asked. Her new employers soon informed her that, aside from sick days, any days off must be requested and approved. Faced with so many kids - one of them autistic and requiring special care - Johanna felt like she could never take a break. Even though the job was supposed to include room and board, her employers would cook for themselves only, protect their food with labels, and they would avoid taking her to the store. Her employers provided her with an additional \$20 weekly allowance, with which she was

expected to feed herself. She brought her troubles to the attention of her local childcare consultant (LCC), who "didn't seem to care." Her location and lack of access to transportation left her feeling isolated and alone. Homesick and constantly worried about money, she struggled with her decision to stay, but felt ashamed of returning home with no money and no improvement in her English. Finally, fed up with her situation, Johanna left four months before her program ended.

Johanna wishes that J-1 recruitment agencies would be transparent on expectations for both the au pairs and host families, and that employers should be better educated. Her greatest frustration is that recruitment agencies characterize the program in an unrealistic way, selling "two different realities" to families and au pairs. She feels that "both sides are being sold something unrealistic - the families think they are getting cheaper nannies, and the au pairs want to explore. The company says you'll be [an] extra [set of] hands, not an employee."

"When you come to the U.S., you think you'll meet people, make money, and learn English. But you cannot do any of that. You're with a baby the whole time -- being paid very little. I left the program because it was not helping me achieve the goals for which I came to the U.S."



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