

February 25, 2020

Maryland Senate Finance
Senate Office Building, 11 Bladen St., Annapolis, Maryland 21401

House Economic Matters Committee
House Office Building, 6 Bladen St., Annapolis, Maryland, 21401

RE: SB 742 – SUPPORT

Dear Members of the Senate Finance and House Economic Matters Committees:

On behalf of Justice in Motion, I am writing to express support for SB 742, legislation to protect internationally recruited workers in Maryland from labor exploitation and trafficking. Specifically, we support the inclusion of a J-1 worker workgroup to study the treatment of J-1 workers in Maryland. Like other categories of internationally recruited workers, J-1s come to the U.S. to work, often after having been charged high fees and misled about the terms of their employment. J-1 workers deserve to be protected from labor exploitation and trafficking, too.

Justice in Motion is a non-profit based in Brooklyn. Our core program involves training and supporting a Defender Network, comprised of human rights advocates in migrants' countries of origin. The Network educates migrants before they come to the U.S., partners with U.S. advocates on specific cases of labor exploitation, and advocates for systemic change. Justice in Motion's U.S. legal staff trains U.S. advocates on representing migrants after they return to their homes abroad, and provides advice, referrals, and case facilitation support. Justice in Motion also engages in policy advocacy, both nationally and internationally, drawing from unique insight into how various temporary work programs operate, from the perspective of both the countries of employment and origin. We have projects in the United States, Canada, Mexico, and Central America.

Annually, over 15,000 workers came to work in Maryland on H-2 and J-1 visas. These workers are an integral part of our communities and our economy. H-2 workers harvest crops, cultivate our lawns, and compose the vital workforce that propels Maryland's important seafood industry. J-1 workers care for our children as au pairs, teachers, camp counselors, and lifeguards. They also serve in our restaurants, advance our universities, and staff our hotels. These temporary workers experience recruitment and workplace abuses. Recruiters discriminate in hiring, mislead workers as to the terms of employment, and charge workers recruitment fees that leave them indebted on the job. These debts serve as a barrier to reporting abuses, and as a result, Maryland is less safe.

Transparency in the recruitment process does not extend to the guestworkers in many cases. The recruiters and foreign affiliates of sponsor agencies are often not publicly registered. Workers report that these third parties require additional fees during the recruitment process, and they mislead workers as to the terms of the employment and living conditions in the United States.

These guestworkers regularly report that their employment is not what they were promised and that their indebtedness from recruitment fees results in economic coercion.

Businesses that rely on the J-1 and H-2 programs will tell you that SB 742 is an attack on their business model and the programs themselves. The reality is that this bill seeks to protect guestworker programs from widespread labor exploitation. In the case of the J-1 program, sponsor agencies and their powerful lobby have misled businesses into believing that the program will not be viable if J-1s are not charged fees. The reality is that sponsor agencies are not willing to take a cut themselves in order to protect J-1 workers from economic coercion.

Workers should not have to pay in order to secure a job.

When internationally recruited workers suffer abuses, the State of Maryland suffers. By eliminating recruitment fees for work in Maryland, ensuring workers receive a contract at the time of recruitment, and banning discrimination and retaliation, this legislation would combat debt bondage, human trafficking, and other forms of labor exploitation in Maryland.

Through a public registry of recruiters, the bill would level the playing field for employers who want to do right by their workers. By requiring recruiters to provide workers with an employment contract, this bill would ensure that international workers coming to Maryland are fully informed of the terms of their employment before they decide to take a job.

Justice in Motion strongly encourages you to pass SB 742 to protect J-1 and H-2 workers in Maryland. Thank you.

Sincerely,



Jeremy McLean
Policy and Advocacy Manager