

Before the

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
ORGANIZATION OF AMERICAN STATES

**Domestic Workers Employed by Diplomats
vs.
The United States of America**

**Petition No. P-1481-07
OBSERVATIONS CONCERNING THE MAY 4, 2016
RESPONSE OF THE UNITED STATES GOVERNMENT
March 12, 2021**

APPENDIX 3

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OBSERVATIONS CONCERNING THE
MAY 4, 2016 RESPONSE OF THE UNITED STATES GOVERNMENT**

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EXHIBIT 3A

Declaration of Edith Mendoza

Final Observations on the Merits Alleging Violations by the United States of America of the Human Rights of Domestic Workers Employed by Diplomats

I, Edith Mendoza, swear and affirm that the following is true and correct to the best of my information, knowledge, and belief:

1. I am a national of the Philippines and have lived and worked abroad to financially support my family. My family has continued to live in the Philippines during this period. My native language is Tagalog, and I am proficient in English.
2. From January 2015 to June 2016, I worked as a domestic worker for German diplomat Pit Koehler, his wife, Marieke Koehler, and their four children in their Westchester County home. During the course of my employment, my employers treated me as less than human. I felt like a slave in their household.

Background

3. I was contacted by Pit Koehler and Mrs. Koehler in 2014 while working in Qatar as a domestic worker. They found me through the website “greaupair.com.”
4. At the time, Mr. Koehler was working at the United Nations in New York City. He lived with his family in a home outside the city.
5. After my interview, Mr. Koehler offered me employment and agreed to sponsor me for a visa to enter the United States. I entered into a contract with Mr. Koehler “for domestic staff” in 2014.
6. In 2014, I went to the U.S. consulate in Qatar for a visa interview to obtain a G-5 visa.
7. I showed my employment contract to the U.S. consular official in Qatar. No one at the U.S. Embassy told me about my rights under the contract or if I had a dispute with my employer. Additionally, no one at the Embassy gave me any information about my rights as a worker or my rights against discrimination and harassment under U.S. law.
8. After my interview, I was issued an A3-visa even though I was seeking a G-5 visa. When I informed Mr. and Mrs. Koehler about this error, they insisted that I nevertheless travel to the U.S. to begin working for them and said that they would convert it to a G-5 after my arrival.
9. When I entered the U.S. in 2015, I showed immigration officials at the airport my passport, visa, and employment contract. No one provided me any information about how to enforce these rights or where to go if I needed legal or emergency assistance.
10. Mrs. Koehler picked me up from the airport and drove me directly to their home. Upon arrival, they took my passport for approximately 5-6 months until they obtained a G-5 visa for me.
11. Soon after I began working for Mr. Koehler and his family, it was clear that they did not

care about my rights or honoring our contract terms concerning hours, pay, or responsibilities.

12. They also spoke to each other in German while at home, a language that I did not understand, though we all spoke English. I felt further isolated and discriminated against because they continued to speak in this language all the time. It was almost as if they did that to pretend I was not there, so they would not have to talk to me or be aware of my presence unless they were talking to me about work.

Working Conditions

13. The employment contract stated that the Koehlers would pay me at the rate of \$10.02 per hour for a 35-hour workweek and provide room and meals without charge. The contract also required them to pay me at 1.5 times my hourly rate for any hours worked over 40 each week.
14. During my phone interview and again upon arrival in the U.S., Mr. Koehler and Mrs. Koehler said my primary responsibility would be childcare. They said that I would also have to do some "light" housekeeping, as needed.
15. Despite our contract and conversations, my job duties included much more than just childcare. In addition to looking after the youngest child during the day and older children (all under age 10) when they came home, the Koehlers expected me to maintain and complete deep cleaning of the six-bedroom, six-bathroom home, and two-car garage. This meant that I was required to regularly sweep, vacuum, and mop the floors; scrub the walls; dust and clean air-conditioning vents, light fixtures, windows, and the fireplace; clean the garage and wash the two cars; clean up after the family pets; collect everyone's dirty clothes, then wash, iron, and fold all the laundry, with occasional sewing to fix missing buttons or other repairs; change bedsheets, tidy closets; organize the children's toys from smallest to largest in each room; take out the garbage; occasionally do grocery shopping; prepare breakfast and pack lunch for the children, catering to each child's food preferences; make daily dinner for the family, as well as meals for occasional guests and visitors; do seasonal work such as shoveling snow; cleaning after the pet birds (who were uncaged in the home part of the time) and other tasks, if requested.
16. As a result, in spite of what my contract said, I regularly worked over 90 hours per week for the Koehlers. For the duration of my employment, my work schedule was Monday through Thursday from approximately 6:30 am to 10:30 pm, Friday 6:30 am to 12:30 am or 1:00 am, and Saturday 7:30 am to 4:00 pm.
17. Sundays were usually my one day off, but if the family was away for the day or on vacation, I was required to take care of the pets, plants, pick up mail, and do other chores.
18. Mr. Koehler and his wife did not permit me to take any breaks during working hours. Because Mrs. Koehler worked from home, if she saw me taking a break, she would remind me there was work still to be done and direct me to some thing or another. I did not have any real break until night after the family had gone to sleep.
19. Even when she did not say anything, the sheer amount of work I had to complete left me

with no time to take a break. She required me to finish many duties during the day before the children came home since I would have to take care of them when they arrived too. So, for instance, rather than taking a meal break during the workday, I typically ate a little here and there while carrying out my work responsibilities.

20. I was able to get an average of only four or five hours of sleep per night. During the winter, it was hard to sleep even this much because my room was cold, and they had asked me to turn off the heater at night because it created a bad smell that went upstairs, where they slept.
21. Throughout the entire tenure of my employment, the Koehlers paid me only \$350.70 per week, which was deposited directly into my bank account.
22. A few months into the job, I asked about overtime pay as was agreed upon in our contract. The Koehlers refused, saying that I was already getting free housing, food, and laundry. Even though these things were part of our agreement and not a substitute for overtime pay, the Koehlers never paid me overtime and instead suggested I was being ungrateful or too demanding by asking them to fulfill their half of the employment contract.
23. I bought multiple things related to my work responsibilities with my own money, including things to protect me from inhaling or having contact with the strong chemicals that I had to use for cleaning. They never bought or provided me any protective tools, so I purchased things like gardening supplies, gloves, and face masks myself.
24. Whenever I asked for reimbursement, they would tell me to remind them later, but they would not pay me.
25. I felt shy about asking my employer repeatedly for payment and also afraid because my visa depended on my position with them. Eventually, I gave up asking for the wages or other payments my employers owed me.
26. During the time I was employed with the Koehlers, I did not consult a lawyer about my rights.

Liberty

27. I had never been to the U.S. before my employment with the Koehlers. When Mrs. Koehler brought me from the airport to their home, I had no sense of where I was being taken.
28. Once at their home, I did not know anything about the city in which I was living. I did not know whether there was any local public transportation. I did not know how to contact emergency services or a church I could attend. In fact, early on, I did not leave the house for three months because I did not know the area around me, and I had no means of transportation. I slowly learned about taxis, trains, and other basic matters on my own, often through the internet, not because Mr. Koehler or his family provided me any information on how to get around if I ever left the house or needed help.

29. The Koehlers did not inform me, and for months I did not know, that they had placed cameras throughout the home. I only found out when Mrs. Koehler made comments about acts/events no one could have seen. The cameras made me feel like I had no privacy.
30. Mr. Koehler and his family also had a security alarm system for their house, but they never told me the passcode for turning it off or on. Therefore, I could never leave the house when I wanted to unless I had their permission or they knew I was leaving.
31. Although I was not required to purchase my own food or groceries, I was not free to eat anything I wished. For example, for dinner I cooked whatever the family wanted and ate some portion of that. Only sometimes, I cooked separate Filipino food for myself. I was never reimbursed for the cost of my own food, even though they had told me meals would be provided.
32. Eating during the day was difficult because of the work I needed to do and because the family did not allow me meal breaks. Between feeling that I was being watched, not being able to not take breaks, having so much work to do, and needing to keep my employer happy, I began eating less and less so that it wouldn't require me to take breaks and no one would notice any missing food. I ate little by little from what I bought for myself to get energy.
33. I was unable to go to the doctor until one year after being employed because the Koehlers refused to give me a day off, and I was unable to find a doctor available to see me on Sundays, which was my regular day of rest.

Health and Wellbeing

34. In late 2015, I asked for a day off from work to see a doctor because I was feeling very ill, but Mr. Koehler told me I had to wait until they left for vacation, which was not until the end of the year. But because I needed to care for their pets, plants, and maintain the house while they were gone, and prepare for their return, it was not realistic for me to take time off then to see a doctor. They finally gave me a day off on my birthday, which was the first time I saw a doctor since my arrival around one year prior.
35. I tried to find a doctor in the same town as or close to the Koehlers' home, but I could not find a place that would accept my insurance. The Koehlers provided me no help. I tried multiple places and eventually found a doctor located about an hour away from the house.
36. My doctor told me that I had high cholesterol and asked me about my diet. I explained that I depended on my employers for the food I had to eat and could not do my own separate grocery shopping, given the restraints on my time and freedom of movement.
37. My doctor also told me I needed to take some rest days, and he gave me a medical certification saying that I needed at least four days off. When I gave the note to Mr. Koehler and his wife, they were upset and said such time off was not acceptable. They began insisting that I sign a contract saying I agreed that I would not receive two weeks' pay because I was taking time off.

38. I refused to sign the contract, but in early 2016, my illness continued to worsen. I had terrible headaches, felt dizzy, and had blurry vision. My menses was irregular to the point where I was bleeding non-stop for several weeks.
39. During one visit to my doctor, there was a severe snowstorm, and I was unable to return to the Koehlers' house. They were furious.
40. I stayed with someone for a few days to rest for my health and to recuperate, all the time scared and stressed about the Koehlers' reaction. When I returned to work, they were very upset and told me my leave was unreasonable.
41. Soon after this event, the Koehlers claimed they had told immigration authorities I was no longer working for them. I was scared that I might be in trouble or my visa might be in jeopardy, and I tried to make the Koehlers happy with my work.
42. As I continued to work without a break, my sickness persisted. A few months later, I visited the doctor twice during one month in the spring. After the second appointment, Mr. Koehler threatened to fire me if I missed work again.
43. The following month, I knew I needed to see the doctor again for follow-up care. I knew this also meant that the Koehlers would fire me and that maybe they would turn me over to immigration officials, even though my health was declining. Over several weeks, I gathered the courage to leave their home permanently, without telling them in advance. Over several weeks, I slowly snuck out my belongings a little at a time and left them with some friends. Eventually, all I had left fit in one small bag, and I snuck out one night. Consequently, they fired me.
44. In the first year after I escaped, I had an extremely difficult time. I had nowhere to go, no work. I did not always know where to go for help. Through a Filipino church community, I was connected with free social and legal services through a local organization.

Legal Assistance

45. In the year after I left Mr. Koehler and his wife, I met another woman who also had been a domestic worker for them and who had been subject to the same inhumane conditions. Almost a year after I left my job with Mr. Koehler, and through the help of Urban Justice Center, a community advocacy and legal organization, I filed a lawsuit in federal district court in the U.S. against Mr. Koehler and his wife based on the conditions we were required to work under and the negative impact on our health and well-being.
46. A few months later, the federal court judge dismissed the lawsuit based on diplomatic immunity.

Conclusion

47. I received a T-visa a few months after I left the Koehlers' home, which has allowed me to stay in the U.S. because I am a survivor of labor trafficking. I have since made a life for myself here.
48. Until July 2020, I worked as a community organizer at Damayan, fighting labor

trafficking, labor fraud, and wage theft. I used my experience as a tool to help others demand fair labor standards to achieve economic and social justice for domestic workers and other low-wage workers.

49. My experience has had lasting effects on my family in the Philippines and me. In addition to the toll that the long work hours, physical labor, lack of sleep, and poor nutrition had on my body, I am still dealing with the emotional trauma of being totally disregarded as a human being. I fight depression, have difficulty sleeping, feel angry and frustrated, and remember the feelings of helplessness, sadness, and isolation I felt when I worked for the Koehler family.
50. Even while I was working there, connecting with family and making friends was difficult because of my emotional state. That disconnection from my family has had a particularly long-term and devastating impact on my family. While working for the Koehlers, because of my long work hours, the time difference, and my own sadness and exhaustion, I could not have regular or meaningful conversations with my teenage daughter in the Philippines. While I am recovering emotionally now, my daughter has developed depression and attempted suicide in part because of the stress of knowing her mother's living conditions and worrying about me, in addition to her own self and the rest of my family. While working, I was able to provide at least some financial support for them, but that decreased and stopped altogether for a time while I tried to restart my life after leaving the Koehler house.
51. My story is just a small part of the experience of domestic workers employed by diplomats in the United States. While still traumatic, I continue to share my story so that I can help make a difference for other domestic workers.
52. I believe that just because someone is a diplomat does not mean that they can do whatever they want. We are human too, and we deserve to work with dignity and respect.

Update

53. In January 2021, I received news that Mr. Koehler and his wife had resettled to Germany at some point since I escaped their household. In the last six months, Mr. Koehler was invited to speak on his history of international human rights advocacy as a German diplomat at Bauhaus University in Weimar, Germany. We learned about this through a Filipino worker advocate in Germany, connected to Damayan's expansive advocacy network. The Koehlers still owe me roughly \$75,000 for unpaid wages.
54. In July 2020, I left my community organizer role at Damayan to focus on my spiritual advocacy within the Filipino community as a pastor in Queens, New York. I am still seeking justice for the abuses I endured in the Koehler household.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Name: Edith Mendoza

Date: March 5, 2021

City, State: New York, New York

EXHIBIT 3B

Declaration of Suzu Gurung

Final Observations on the Merits Alleging Violations by the United States of America of the Human Rights of Domestic Workers Employed by Diplomats

1. My name is Suzu Gurung, and I was born in India in 1988. I am of Nepali descent and speak Nepali and Hindi.
2. My father worked in the Indian army, and my mother was a housewife. We lived in a middle-class household. My elder sister worked as a domestic worker in an Indian diplomat's house, which prompted me to look for work as a domestic worker.
3. I started working as a G5 domestic worker in New York at age 17 in 2005. I was hired by an Indian diplomat. Before I left Delhi, India, I had to go to the local U.S. Embassy to receive my physical copy of the G5 visa. At the Embassy, they gave me information on my salary and the workplace benefits and educational offerings available to me as a G5 visa recipient. I did not receive these benefits when I arrived at the diplomat's house in the U.S.
4. I did not have a written contract with the diplomat – nor did I have a contract or written agreement detailing my rights with the U.S. Embassy. Before my arrival to the U.S., I was told that the diplomat would help me further my studies by enrolling me in an English class, as I only spoke Hindi and Nepali. She and her husband informed me that I would only work eight hours a day, after which I would be able to rest. They promised me that I would be paid \$9.50 an hour. They promised me time off on weekends, paid vacation time, and sick leave. I did not receive any of these basic rights.
5. During the three years and four months that I worked for the diplomat and her family, I worked nonstop, far more than the 8 hours of daily work that we had agreed upon when I started the position. I also worked on weekends. I had to cook every meal, making different food for the diplomat and her husband; after one year, the diplomat's mother moved in with them in New York. I had to clean the diplomat's house, do her and her family's laundry, polish their shoes, and do any number of involved tasks. I also was required to take care of my employer's guests. The diplomat had between three and four guests stay at the house every month. My employer and I had no agreements about guests before I began.
6. The diplomat and her husband had promised me about \$9.50 an hour before I started the job. Once I started working, they told me they were depositing my earnings in a bank account for me. I did not have the information for this account and never saw or received the money they promised me. I did not get any time off or sick leave benefits for the entire three years and four months I worked for the family. When I said I wanted to go back to India because I wasn't being paid, they ignored my requests.
7. When I asked my employer about the English lessons that had been promised to me, they ignored my inquiries.

8. I was constantly monitored and controlled by my employers. There were no video cameras in the house, but they would look the house over when they got home to make sure I had not touched anything, question me about what tasks I had finished while they were gone, and check the fridge and pantry to see if I had eaten anything while they were out. I was only allowed to eat when they permitted me to. On one occasion, when my employers were out of the house, I ate a piece of bread because I was really hungry. As soon as the diplomat came home from the office, she went straight to the fridge to see if I had eaten anything. She immediately interrogated me about whether I had eaten any of the bread. She figured out that I had eaten a piece because she had counted eight slices of bread in the loaf, one less than had been there in the morning. She yelled at me for eating the slice.
9. My employers instructed me to cook only enough food for the two of them – often with products shipped from India – with only a little leftover food for me. I would get one piece of roti. I craved rice, but there was never enough for me. I was always instructed to cook only half a glass of rice for them. I told them I needed more food, specifically rice, but they said it was too expensive and refused. Sometimes I would eat the leftovers off their plates because I was so hungry. When our groceries got low, they would blame it on me, telling me that I was eating too much, even though I was not getting enough to eat. I always went to bed hungry.
10. My employers would not let me buy my own toiletries, like shampoo or soap. Instead, the family would save the small toiletry samples they received when they stayed in hotels and give them to me to use one by one. These toiletry samples were very small. I had to ration them. They were not sufficient to clean myself. I had one toothbrush for over a year and a half.
11. I also faced daily mental harassment from my employers. They reminded me every day that if I ever left the house, the police would pick me up, rape and beat me, and then load me up in a cargo plane and send me back to India. I remember the diplomat's husband telling me, "If you stay here without us, the government will not let you work. They take all the money you've earned from you. They will send you back right away."
12. I suffered from trauma from my employers' treatment for a very long time. Once I escaped their household, I would shiver and have panic attacks when I had flashbacks. The sight of mangoes triggered me. It reminded me of the family: When they ate mangoes, they would only give me the seeds. I am better now, but I still cannot eat fruits, and every time I see mangoes, it reminds me of them.
13. The diplomat took me back to India once during my employment with her when her family went on vacation there. I wanted to visit my mother, who was sick at the time, but the family did not let me. Instead, I was made to stay in the house all day, taking care of the diplomat, her husband, her mother-in-law, and her two brothers and their wives.
14. Fear was one way my employers controlled me. Otherwise, they simply restricted where I moved. They would not let me leave the house other than once or twice a week to get groceries. The diplomat would time how long my trips to the store would take me. When

I took too long, she would tell me to hurry up or reprimand me. She also monitored what foods I purchased for the house. If the price of milk was five or ten cents more than her allotted milk budget, she would make me return it.

15. When they left for work, the diplomat and her husband would lock their bedroom so I could not enter. When they returned from work, they would make me clean their bedroom while watching me. If they went somewhere on vacation, they would take all the decorations from the living room and lock them in their room until they came back. As soon as they returned home – whether from work or a vacation – they would check everything in the house to make sure I had not eaten or stolen anything. I don't know why they hid the decorations from me. I once asked them why they did that, and they said in Hindi, "What's it to you. Shut up and don't talk back." I felt really bad that they didn't trust me. I don't know why they kept me there if they didn't trust me.
16. If they came back to the house late at night, I was required to wait up until they returned to make them food. They did not give me prior notice about when they would return to the house. It was expected that I be at their constant beck and call throughout the majority of my employment – three and half years.
17. We lived in an apartment building where other diplomats lived. Those diplomats also employed domestic workers. I saw these workers in the elevator on my way out to run errands. They were older domestic workers, above 40, always women, who were shy, not very educated, and who spoke limited or no English. They seemed scared and refused to talk to others. I think they were fearful of people outside their household like I was. I believe these qualities made them easy targets for employers to take advantage of – just like me, though I was much younger than they were, having started working for this family at 17.
18. Even though I met other domestic workers in the elevator, these interactions were limited. I felt isolated, particularly because I only spoke Nepali and Hindi and could not easily speak with most people outside our household. I had to control my thoughts not to get depressed. My mind would go to dark places stuck in the house all day. I felt completely alone.
19. After three years and four months working at the diplomat's house – being abused, surveilled, and refused pay – I was out grocery shopping when I heard someone speaking Nepali on the phone. I introduced myself. The woman worked as a nanny. She told me about Adhikaar and gave me their number. I did not know about Adhikaar before that, and I did not have a passport or paperwork, as the diplomat kept them locked up at her house, so I could not escape with the woman at that moment. Later, I called the woman secretly on the diplomat's home phone – as I was not allowed access to my own phone – and let her know my employers were not paying me and that I needed to escape from my living situation. She invited me to stay with her. When my employers were out of the house, I took a cab to her house and stayed with her for 14 days. After two weeks at her house, recuperating from the abuse I had endured, I called Adhikaar and shared my story with them. I went into Adhikaar's office, and they helped me get settled in a new home. My employers could not contact me because I did not have a phone or any means for

them to contact me. The unfortunate reality of this was that I did not have my passport or any other of my paperwork, which limited the jobs I could get.

20. I did not report the treatment I faced before this because of my fear of the police that my employers had instilled in me. I was sure that if I went to the police, they would rape me and throw me in jail.
21. Before I ran into the Nepali-speaking woman at the grocery store, I did not have anybody to rely on while working in the diplomat's house.
22. After escaping my workplace, I filed a lawsuit against the diplomat with the help of Adhikaar, which connected me to pro bono lawyers.¹ My fight for justice is still ongoing. I won the case, and the diplomat was ordered to pay me 1.5 million dollars, but by that point, she had already left the country and had started working as an ambassador to Italy, covered by her diplomatic immunity. Even though I won the lawsuit, I have not received justice nor compensation for the work I performed that I wasn't paid for. Who do I ask for that compensation from? The U.S. government? The Indian government? Where is my justice?
23. Since leaving that workplace, I received a green card through the T-visa program. I currently work as a domestic worker, where I am paid a livable wage for my work and am regarded as an equal to my employer. I work for a couple on the Upper West Side of New York until March 2020. The husband is a banker, and the wife owns a café. I am responsible for their one child, who is almost two years old.
24. I had to leave the A3-G5 program because my employers took my passport, and I was left with no paperwork in the U.S. In my current job, I know my rights, so I am able to speak up for myself.
25. When the pandemic began, I was very scared that I would lose my job. My fear was confirmed when I was let go in March 2020 by my previous employees. As a result, I had to go on unemployment until June 2020, when I got my new job. Many friends, also domestic workers, lost their jobs when the pandemic began. They are still unemployed. Without income, they are struggling to pay rent and feed their families. If they do have a job, it is often for lower pay than what they were making before the pandemic.
25. The main obstacles to maintaining my safety in the A3-G5 program were the unsafe working conditions and the expectation that I constantly work. I was not given enough to eat, my wages were withheld from me, and my mental wellbeing was threatened by the constant fear of the world outside my employer's household, from the authorities to neighbors.
26. Before they enter the U.S., domestic workers should meet with an advisor or someone who makes sure that all workers are aware of their rights in the country. I went to the U.S. Embassy before coming to the states, but I just repeated things that my employer

¹ *Gurung v. Malhotra*, 851 F. Supp. 2d 583 (S.D.N.Y. 2012).

had instructed me to say. They did nothing to ensure that I was going to be working in a safe environment.

27. Laws and regulations are ultimately just words. Domestic worker authorities need to work to ensure that these laws and regulations are being followed in the workplace by creating a domestic work standards board.
28. Because of this experience, I have learned the importance of education. I would caution advise anyone coming to the U.S. to fully understand the laws and systems here before arriving in their workplace. I also would recommend that the U.S. government put in safeguards to ensure workers maintain possession of their own legal documents and do not give them up to their employers.
29. Educating workers on their rights is important to make sure they are not abused in the home or workplace. Just knowing that domestic workers have rights will not create change: We must be educated on our rights. Education allows workers like me to feel empowered to speak up when our rights are violated.
30. To make sure that domestic workers are safe on the job, government agencies should establish programs where they routinely check in on workers to make sure their living and working conditions are safe. Domestic workers and their employers need to be aware of the rules and regulations for hiring domestic workers, and it is the role of the government that admits domestic workers to work inside their borders to ensure that they are aware.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Name: Suzu Gurung

Date: March 2, 2021

City, State: New York, New York

EXHIBIT 3C

Declaration of Ruben Apolonio Bitas

Final Observations on the Merits Alleging Violations by the United States of America of the Human Rights of Hotel Workers and Domestic Workers

I, Ruben Apolonio Bitas, swear and affirm that the following is true and correct to the best of my information, knowledge, and belief:

1. My name is Ruben Apolonio Bitas. I was born on October 27, 1962 in Negros Occidental, Philippines. I currently live in Los Angeles, California, and work as a caregiver.
2. In 2008, I flew from the Philippines to the U.S. with a H-2B Temporary Non-Agricultural Worker visa with the goal of working to support my family back home.
3. When I arrived in the U.S., I worked as a hotel worker/domestic worker at a resort in Orlando, Florida. Eventually, I began working as a caregiver in facilities in California where I dealt with wage theft, unpaid overtime labor, threats of deportation, and employers who did not fulfill their end of the contract. I am a victim of human trafficking.

Background

4. In 2007, I had been working as a teacher in the Philippines for 18 years, but I was looking for opportunities for a new job that would help me support myself and my family better. That's when a friend of mine referred me to Northwest Placement Inc. – an agency that specializes in sending people to work abroad.
5. The agency promised that working in the U.S. as a housekeeper would pay significantly more than my teaching job in the Philippines. I was immediately interested in the opportunity because I believed it to be a chance for a better life for my family and me.
6. During one of Northwest Placement Inc.'s preparation meetings, they told me and the other workers in the program that they would place us in an apartment that would cost \$400 a month.
7. I applied to work abroad through the agency and prepared to leave for the U.S. shortly after. I had to pay over \$5,000 in job placement, program, medical, and transportation fees to the agency. The agency recommended a specific lending company to loan money from, but I did not go to them because there was a large interest fee of over 35% per year and compounded interest. I could not afford this fee, so I borrowed money from my brother-in-law.
8. The agency did not give me a contract until I arrived in the U.S., but they did promise me I would be making more than enough money to quickly pay back my loans, support my family, and take care of myself. The agency also told me I would

have a one-year worker's visa that I could renew after eight months.

9. Before leaving the Philippines, I had an interview with the U.S. Embassy. I paid \$150 for the interview. The agency urged me not to tell the U.S. Embassy staff about my work experience as a teacher or my graduate degree because I would be considered overqualified for the visa. They asked me a few questions about my life in the Philippines and why I wanted to go to the U.S. At no point during the interview did they ask for the agency's contract or inform me of my rights.
10. In January 2008, I arrived in Detroit, Michigan. When I arrived, I had to speak with a U.S. Customs and Border Protection agent at the airport, but they did not inquire about my work or contracts. That same day, I flew to Orlando, Florida, and soon after started working at Starwood Vacation Owner Resort in Orlando, Florida.

Working Conditions

11. Before starting my job at the Starwood Vacation Owner Resort, I went through orientation led by one of the Resort managers and a representative from the U.S. counterpart of Northwest Placement Inc. During the orientation, the manager and the agency representative gave me a seven-month contract and told me I had seven months before my H-2B visa expired. I was confused because in the Philippines, I was told by the agency that my visa would last one whole year. The manager said that if I tried to terminate my contract or move to another state, my visa would be revoked, and U.S. Immigration and Customs Enforcement (ICE) would find me and deport me.
12. According to the joint contract provided by Northwest Placement Inc. and Starwood Vacation Owner Resort, I was set to work as a housekeeper at Starwood Vacation Owner Resort for one year. My promised salary was \$8/hour plus a substantial amount in tips with an 8 hour/day, 40 hour/week work schedule. We were to be paid every two weeks. The contract did not outline job duties, overtime pay, or sick leave.
13. The contract also stated that housing would be provided if we paid over \$400 a month each, plus \$70 in rental insurance. My coworkers and I were surprised because when we had meetings with the agency in the Philippines, the agency representatives made it seem like the total rent would be \$400 a month, with no additional fees. We also thought there would be two to three people per apartment, but there were six people assigned to one apartment.
14. I was assigned to clean 14 villas – eight that needed deep cleaning after check-out, six that required routine housekeeping – in one 8-hour day, five days a week. Each villa had three bedrooms and two bathrooms. If I did not complete all 14 villas by the end of the workday, I would get yelled at. If I worked overtime to complete those duties, I was not allowed to work the following day. To complete my assigned villas, I would have to skip meals, or else I would not be able to finish my work within eight hours.
15. For my first two weeks of work, I received a total of \$80 after a housing fee and taxes

were deducted. For the duration of my time working there, I was only given a total of \$3 in tips; the housekeeper supervisor would take the majority of the tips. Payment for housing, which was an apartment shared by six people, was automatically deducted from my paycheck. I was not allowed to look for housing anywhere else. I was told it was part of my contract to live there and that I would not be allowed to move until my contract was completed.

16. The agency representatives of the U.S. counterpart to Northwest Placement Inc. always checked to see where I was going and tried to monitor my movements. They would ask my coworkers where I was going even when I was just walking to the grocery store to get food. My coworkers who came with me from the Philippines and I had to ask for permission to go anywhere besides home or the resort.
17. My main supervisor often talked down to me. There were instances where she would go to a villa I had already cleaned and spill liquids on the countertops and mirrors so that I would have to clean it again. She would threaten that I would not have work the next day if I did not work faster.
18. There was no access to phones during work. We had to put our devices in a locker. After work, we were allowed to use our phones, but I could not afford a phone at that time. We were allowed to use the computer at the office in the apartment complex we were forced to live in, but we had to ask for permission from the apartment staff first, and we were only allowed to use the computer for one hour a day.
19. Because I was overworked, underpaid, poorly treated, and felt like the agency's promises were lies, I began planning my escape from the resort after working there for one month.
20. Some of my coworkers and roommates, who also were from the Philippines, left after a week of working at the resort. I messaged them on Facebook, asking them how they were able to leave and find a plane ticket.
21. I messaged my cousin who lived in San Francisco, California on Facebook to book a plane ticket for me because I didn't want any of my housemates or coworkers to see that I was planning on leaving. My cousin booked my ticket for me and found a nurse in Fairfield, California, a town in the Bay Area, who owned a caregiving facility that I could work at.
22. In late February 2008, I left the apartment and went to the airport early in the morning, at around 4 am, when everyone was still sleeping. I didn't tell anyone, except for my cousin in San Francisco, that I was planning on leaving because I was afraid my coworkers would tell my supervisor.
23. I took a taxi to the airport, used the ticket my cousin had booked for me and left for San Francisco. When I arrived in San Francisco, the owner of the next caregiving facility I would work at in Fairfield picked me up and drove me to the facility.

24. From March 2008 to July 2008, I worked at three different caregiving facilities in California under the same H-2B visa I had when I first arrived in the States. I worked at the caregiving facility in Fairfield, California in March, a caregiving facility in Orange County, California in April, and a caregiving facility in West Covina, California, from May through July.
25. Similar to my situation in Florida, I ended up leaving each caregiving facility because I was being overworked, underpaid and threatened with deportation or the police if I looked for other work.
26. None of these facilities provided me with a written contract or agreement. But at the first caregiving facility, located in Fairfield, California, I was promised \$1,500 a month to work 8 hours/day and 6 days/week and an extra \$100 for every additional day I worked. After a month of work, I had worked 12-hour days and most nights and only received \$800 with an extra \$10 for an additional day I worked.
27. My boss at the Fairfield facility said that if I left or looked for other work, I would get reported to the police or ICE and deported as soon as my visa expired.
28. Because of the threats of deportation and being underpaid, I texted my cousin and told him I wanted to leave the facility. We planned my escape and one morning, at 2 am, I snuck out of the facility and was brought back to San Jose, California, by my cousin by car. Again, I did not tell any of my coworkers because I feared they would tell my boss and that the boss would force me to stay at the facility.
29. A few days later, I left that cousin's house for Long Beach, California, to work at another caregiving facility that my cousin connected me with. I found work at a second caregiving facility there, located in Orange County, California. I worked as a reliever. My hours and pay varied greatly from week to week, but after the first three weeks of working there, my boss told me I was being offered a permanent job and receiving a raise for the great work I was doing. I accepted his offer. Two days later, I was fired because I had arrived to work a few minutes late. At that time, I did not have my own car, so I relied on another cousin there for transportation who also had his own job and responsibilities. Because the hours I had to work at that facility changed from day to day, my cousin was not always available to drive me when I needed him to. That was the first time I was late, but without any warning, I was fired.
30. I began working at another caregiving facility a few days later. At this third caregiving group, located in West Covina, California, I worked five days a week, 10 hours a day, for \$7.50 an hour. I did not get paid overtime. I was not given a room to sleep in or a place to stay. Instead, I slept in the living room of the caregiving facility with other caregivers.
31. This caregiving group oversaw ten different facilities within West Covina, Covina, and

Glendora. I was responsible for working at all ten facilities. The owner often drove me from one facility to another each day I worked. Many times, I had to take the bus back to one of the West Covina facilities where I stayed from whichever facility I was brought to work. I had to pay for my own travel.

32. Because I was not getting paid enough to support myself or my family and I had heard of another caregiving facility in Santa Monica, California, I resigned from this job and left for Santa Monica shortly after.
33. At all three caregiving facilities, I was responsible for assisting the needs of several clients, which included grooming, caring for hygiene, cleaning rooms, doing laundry, feeding, giving medication, showering, and helping clients exercise. I often worked overtime without pay because I was expected to take care of multiple clients' needs at all times.

Liberty

34. After leaving the third caregiving facility, I worked at a caregiving facility in Santa Monica, California from 2009 to 2013. In 2013, I was hired by one of the clients who previously lived in the Santa Monica caregiving facility to do one-on-one in-home caretaking.
35. In my fourth and fifth workplaces, I was finally treated with respect and paid well. However, I am still expected to work 24/7. This makes it very difficult to take care of my legal matters and health.
36. Because my H-2B visa expired after leaving the caregiving facility in West Covina in 2008, I feel like I am in hiding.

Health and Wellbeing

37. Now in Santa Monica, I like my workplace more and I have found a community of other trafficking survivors and domestic workers through Pilipino Workers Center of Southern California ("PWC"). However, I am still stressed, tired, anxious, depressed, and do not want to socialize or be around people. I have nightmares and cannot sleep at times. I am afraid that my former supervisor at Starwood Vacation Owner Resort reported me to ICE after I left Florida because my supervisors repeatedly warned us that immigration would come after us if we escaped. I cry about what happened to me, and I am scared that I will be deported back to the Philippines.
38. Recently, PWC connected me with a psychologist so I could get a diagnosis that would be used towards my T-visa application. PWC scheduled the test and coordinated the appointment. I met with a psychologist who helped me understand why I have been feeling so depressed, anxious, hopeless, keep to myself, cannot sleep much at night, and

have nightmares. It was because of my trafficking experience. She told me that I have clinical depression and post-traumatic stress disorder.

39. PWC has invited me to health and wellness workshops that have helped me deal with some of these issues. However, I often cannot attend these workshops because I am expected to care for my client at all times as a one-on-one caregiver.
40. I am also dealing with some physical health issues. My work at Starwood Vacation Owner Resort was physically demanding; pain from where I previously had surgery before coming to the U.S. intensified, but I could not care for it because I could not afford medical bills or take time off of work to get it checked out. I also developed an ulcer from consistently skipping meals to complete my work while in Florida.
41. In 2020, I tested positive for COVID-19. I was not allowed to isolate and had to continue my work as a caregiver because no one else was able to care for the client. I no longer have COVID-19, but that was a difficult time for me.

Legal Assistance

42. For years after my final escape, I did not know that there was help for people like me. I learned through PWC about the different types of help that are available to trafficking victims and about a lawyer who may be able to help me. I have been working with this lawyer to prepare and submit a T-visa application to allow me to stay in this country.
43. My first T-visa application was declined. I was connected to a different lawyer through PWC who appealed my initial T-visa application. The appeal was denied twice. We are working on re-applying now.
44. In 2017, my previous lawyer reported my case to the Santa Monica Police Department on my behalf, and I have been ready and willing to share what happened to me with them so that they can investigate or prosecute my traffickers. However, we have not been contacted yet for any interview. I remain ready and available to help law enforcement.

Conclusion

45. Now, I am focused on healing and obtaining legal status, so I no longer live in fear and anxiety.
46. Many of the domestic workers I met during my time at the resort and the caregiving facilities also were threatened and taken advantage of by their employers, then-current and past. As domestic workers, we are constantly looking over our shoulders, uneasily aware of the dangers of this profession, while also working hard to provide for ourselves and our families.

47. I want to live in an America where domestic workers are recognized and appreciated for our work. One where we are not threatened because we came from a different country. When I can, I share my story with others to empower people who have been or currently are in a similar situation to the one I was in.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Name: /s/ Ruben Apolonio Bitas

Date: February 25, 2021

City, State: Los Angeles, CA

EXHIBIT 3D

Declaration of Erika Velasco Umlas

Final Observations on the Merits Alleging Violations by the United States of America of the Human Rights of Domestic Workers

I, Erika Velasco Umlas, swear and affirm that the following is true and correct to the best of my information, knowledge, and belief:

1. My name is Erika Velasco Umlas. I was born on August 30, 1990 in San Antonio Sasmuan, Pampanga, Philippines. I have two young children in the Philippines. I currently live in San Dimas, California, where I work as a caregiver to support my family.
2. In the Philippines, my struggle to help my family survive led me to work abroad in the Middle East on two separate occasions, where the families I worked for subjected me to involuntary servitude. The second family that I worked for brought me to the U.S., where I continued to work in a state of involuntary servitude.
3. From 2008 to 2011, I worked as a domestic worker for Waleed Ariqat, his wife, Diana Ariqat, and their four children in Jordan. In 2018, I worked as a domestic worker for Jamal Al Sharif, his wife, Patricia Segura, and their six children in Dubai and then moved with them to the U.S. for temporary business.
4. Under both employers, I was treated with hostility and underwent physical and emotional abuse. I never felt secure or safe while working for them.

Background (Jordan)

5. I applied for a job as a domestic worker with an agency based in Bacolor, Pampanga, Philippines. The agency helped me to get a tourist visa to travel to Amman, Jordan. When I arrived in Jordan another agency called Al Facker helped me get a job for one day for which I was not paid. Then the agency moved me to another house, where I worked for one month. I got paid \$200 for the entire month and the agency deducted \$100 from my pay. I asked the agency if they could find an employer who could give me more regular work.
6. The agency helped me get a two-year contract to take care of Waleed and Diana Ariqat's children. They had four children, Khalid, Hussam, Dana, and Jody. When I worked there, Khalid was 11 years old, Dana was 10 years old, Hussam was 8 years old, and Jody was 2 years old.
7. Mr. Waleed worked in Saudi Arabia. He would stay in Jordan for about two weeks each month. I was always with Ms. Diana and the children in Jordan.

Working Conditions (Jordan)

8. Every day, I woke up at 5:45 am. I prepared the lunch boxes for the family's three children. I made them breakfast. While the other children were at school, I took care of

the youngest child, Jody. I cleaned the house. Then I prepared lunch for Jody, fed her, gave her a bath, and put her to bed for afternoon naps.

9. Ms. Diana was out of the house and with her friends almost every day. After a year, Mr. Waleed found out that Ms. Diana was having an affair. Things changed after that. She suspected that I told Mr. Waleed. It was actually one of the children who saw that Ms. Diana was letting a man inside the house.
10. Ms. Diana started calling me names. She complained about me and everything I did, from my Filipino accent to the food I would make for the kids. I tried to be patient with her, but she became very mean to me. She would tell me what not to eat, and she would count the groceries to make sure I didn't take anything.
11. One day, I was cleaning the windows on the second level of the house, which were very big and tall. I was standing on the roof over the first floor as I cleaned them. As I was trying to get back inside the house, Ms. Diana deliberately closed the window on my hand and locked me outside. It was so painful that I released my grip and fell from the second floor to the ground below. Khalid saw what his mother did.
12. I tried to get up, but my knees were weak. I just laid on the ground. Ms. Diana came down and sprayed a bottle of perfume over my face. I wanted to sneeze, but I could not because of the pain. She took a bucket of cold water with ice and poured it all over my body. After that, I did not feel anything. I could not even open my eyes, but I could hear everything that was happening around me. Ms. Diana said that I was just being dramatic.
13. Mr. Waleed and his father stopped Ms. Diana from taunting me. They told her to wait for the ambulance to pick me up. She lied about closing the window on my hand to them and told them I had fallen.
14. The ambulance brought me to a hospital in Amman, Jordan. There I was treated for eight different fractures throughout my back. I ended up staying in the hospital for about three months, but I felt like I was neglected by the hospital staff because of my ethnicity and because I was not Muslim.
15. At the beginning of my hospital stay, a police officer took my statement, but I decided not to file a case because I thought about the children. I decided to go home after that, so I could heal and take a break. I wanted to be with my family. In the Philippines, my mother took care of me. I just wanted to go home and be around family. I stayed home for seven years.

Background (United Arab Emirates)

16. In 2016 and 2017, while in the Philippines, I got married and gave birth to my daughter.
17. At that time, my husband was a construction worker. To support our family, he applied for a job in Canada as a fruit packer. I borrowed 200,000 pesos from a lending agency so

that he could pay the recruitment agency's program and placement fees, but the recruitment agency ended up being a scam. We were left with a large debt.

18. Once I healed, I decided to work again as a domestic worker in Dubai, United Arab Emirates. My husband was supposed to go with me, but because there was a pending case against the recruiters who scammed him, the Philippine immigration services did not allow him to leave the country.
19. I arrived in Dubai by myself on January 15, 2018. Through the recruitment agency I had previously gone to, I was sent to work for Mr. Jamal Al Sharif, a restaurant and studio owner, and his wife, Ms. Patricia Segura. They had six children named Hamda Jamal, Mohamad, Rashed, Khalid, Aliah, and Essa.

Working Conditions (United Arab Emirates)

20. According to the contract I had signed, the other domestic workers and I hired by Mr. Jamal and Ms. Patricia should have had possession of our own passports and identity documents, but she hid these documents from us. The contract also stated that we would work eight to ten hours a day, six days a week, but we actually worked from 5:30 am until 11:30 pm, seven days a week. Additionally, my contract said I would only be taking care of one child, but I took care of all six children, and I was responsible for cleaning the house. It said that I would get one day off per week, but I never got any days off. I was paid 1,500 dirhams, the currency in the United Arab Emirates, or about \$400 U.S. dollars per month.
21. My work included bathing the children, preparing each meal, snacks, and drinks for the family, cleaning the seven-bedroom house, and doing the family's laundry. I also was tasked with driving the children to and from school and to their extracurriculars, feeding the younger children, and watching the children at all times.
22. The family employed three other Filipina servants while I worked for them. Ms. Patricia often dehumanized all of us. She would tell us, "If I see dirt on the floor, you will have to lick the floor." She would often call us stupid and say that we came from a country of "fucking poor people." Some of the children would call me names like "stupid," "idiot," and "damn donkey."
23. The other servants and I would take turns eating. Ms. Patricia would time us while we ate, often only giving us ten minutes to make ourselves food and eat. We were only allowed to eat leftovers and expired food.
24. One time, one of the other servants lost the house key. As punishment, Ms. Patricia made all four of us sleep in the hallway right outside the main door to the house.
25. If we broke anything or made mistakes with the laundry, we would get salary deductions. I got a deduction for sending some clothes for dry cleaning when I should not have.

26. Ms. Patricia always told the other workers and me that she did not care about the contract and that she had her own laws. She said that since she was paying us, we had to do whatever she told us to do.

Background (U.S.)

27. In June 2018, Ms. Patricia told me that we were going to the United States because the family owned property in San Diego, California. I was forced to come with them and was brought to the U.S. through a B-2 visa that would expire in one year.

28. They promised me that the only thing I had to do was to take care of the youngest child, Essa, when we got to the U.S., and that they would pay me \$10.50 per hour. I signed a contract agreeing to such, which they presented to the U.S. Consulate in Dubai.

29. At my U.S. Consulate interview, the U.S. State Department official explained that if my employers did not follow the contract, I should not hesitate to complain. The family was not allowed to go into the interview with me, but they called me throughout it. I took pictures of the contract with my cell phone while I was in the consulate bathroom to send to Mr. Jamal and Ms. Patricia because I felt pressured by them. The U.S. Consulate gave me a number to call if I needed help. Unfortunately, I did not have time to take a picture of that number, and I lost it. After I left the U.S. Consulate, Ms. Patricia took away my contract and my passport. I was allowed to use my passport to get into the U.S., but then she took it away from me again.

Working Conditions (U.S.)

30. In San Diego, California, I worked from 6:00 am until midnight, sometimes until 1:00 am, for almost two months. I took care of Essa, but I also did everything else, including cooking, laundry, ironing clothes, cleaning, taking care of all the children. I also had to bring the six children to the park.

31. My schedule in the U.S. was similar to my schedule in Dubai. Ms. Patricia and Mr. Jamal went out often and left all of their children with me most days. They frequently went to Los Angeles and did not come back until late at night.

32. I worked more in the U.S. because I was solely responsible for the six children and all of the household chores. In Dubai, three other servants shared these responsibilities with me.

33. One other servant came with us. Her responsibility was to take care of the needs of Mr. Jamal's mother. She was taking care of one person, and I was taking care of six. Mr. Jamal kept both of our passports.

34. I only had time to sleep at midnight or 1:00 am. I was not allowed to sleep until all of the children were asleep. I slept on the couch downstairs, and the other servant slept on the other couch.

35. I never had a day off. I didn't even get a real break during the day. I was not allowed to speak to friends or family or speak in my native language, Tagalog. I was given a cell phone by Mr. Jamal and Ms. Patricia, but I could only use it to communicate with them and no one else.
36. It was hard to eat because Ms. Patricia watched me while I ate. I would eat the family's leftover food after they ate.
37. In the U.S., Ms. Patricia and Mr. Jamal never paid me. I asked for my salary because I was trying to pay the medical bill for my grandfather who had to go to the emergency room in the Philippines around that time. Ms. Patricia said she would pay the other servant and me when we returned to Dubai because she wanted to pay us in dirham and not in USD. She wanted to wait until we returned to Dubai so that they could pay me my regular salary there of \$400 instead of the wages I was entitled to in the U.S.
38. Two of the family's servants remained behind in Dubai to take care of their house. Ms. Patricia called them each day, telling them what to do. They were not being paid, and they did not have any fresh food, only frozen food. They escaped even though they did not have their passports. After they escaped, they submitted a complaint to the Philippine Embassy that helped them get their passports back.

Liberty

39. While I was still working in San Diego, my husband's cousin called me while Ms. Patricia was out of the house and asked how I was. His cousin also was located in San Diego. I told her about my situation, and that day she called some of her trusted friends, who lived in San Diego and volunteered at Pilipino Workers Center of Southern California ("PWC"), a nonprofit organization that does anti-human trafficking work, to try and see if they could help me.
40. Through my employment with Ms. Patricia and Mr. Jamal, I still had my B-2 visa that was good for eight more months. Ms. Patricia and her family were about to return to Dubai. I wanted to escape before they brought me back to Dubai. I knew where Ms. Patricia kept my passport. I took it while I was cleaning and put it in my pocket. When I escaped, all that I had was my passport, nothing else. I didn't take my luggage because I didn't want to look suspicious. I left around 6:00 pm in August 2018. My husband's cousin's friend from PWC picked me up while I was taking baby Essa's dirty diapers out to the trash. I stayed with my husband's cousin after that.
41. Since then, I have worked as a one-one caregiver for a few different clients. I got connected to my first caregiving job through my husband's cousin and my second caregiving job through PWC. I finally have my own room and access to my own belongings. The work is still hard, and the hours are long, but I feel safe, and I am treated with dignity.

Health and Wellbeing

42. I am currently receiving help from PWC. They help me with rent money and have given me a food card. They have given me the strength to stay in the U.S., to fight for my rights.
43. Sometimes I cannot sleep because I think about what will happen to me. I worry if I did the right thing. I wonder whether I will have the chance to take care of my children again. PWC has helped me to get into therapy.

Legal Assistance

44. I am currently not pursuing any lawsuits against the Ariqat or Al Sharif-Segura families but would be open to doing so if I had the chance. But right now, I am focused on applying for my T-visa. I do not know where I would even start if I were to pursue a lawsuit or if I would have enough money to support my family and sue my abusers at the same time.
45. PWC has connected me to a lawyer to get my T-visa application processed. We have not filed the application yet, but I hope we will file it soon. I am nervous but hopeful that my application will be approved. If it is approved, I will be less anxious about my immigration status, and I will hopefully be able to bring my husband and children to the U.S. and see them again after all these years.

Conclusion

46. Since escaping my trafficking situation in 2018, I have gained the strength, courage, and support to fight for my rights and for my family. I have found a community and support system in PWC that is helping me apply for my T-visa, get connected to mental health resources, and find a caregiving facility to work at that is safe.
47. Although I finally feel safe and secure, the years of exploitation and hostility I endured with both families still affect my life on a daily basis. When I think about those times or hear stories of domestic workers in similar situations, my body aches. I often cannot sleep because I am filled with anxiety and fear that I will be put in a trafficking situation again.
48. I cannot go back to my children and family in the Philippines because I would not be able to access the resources and protection that I have here in the U.S. I fear that I would be vulnerable to being trafficked a third time because I would have to work abroad again to support my children.
49. Many of the domestic workers I have worked with share this same pain and fear. We came to the U.S. expecting the land of opportunity but found opportunities constantly being stolen from us, if they were even offered in the first place. We are seeking protection for ourselves and accountability for those who mistreated us.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Name: Erika Velasco Umlas

Date: February 25, 2021

City, State: Los Angeles, CA

EXHIBIT 3E

Declaration of Riya Ortiz on Behalf of Damayan Migrant Workers Association

Final Observations on the Merits Alleging Violations by the United States of America of the Human Rights of Domestic Workers Employed by Diplomats

- 1.) My name is Riya Ortiz, I am the Lead Organizer and Case Manager at Damayan Migrant Workers Association (“Damayan”). Damayan is a 501(c)(3) membership-based and workers' led organization in New York and New Jersey. Damayan means “to help each other” in Tagalog. Founded in 2002 by a group of Filipino domestic workers, our mission is to educate, organize and mobilize low-wage Filipino workers, especially women domestic workers, to promote their labor, health, gender and immigration rights; and in particular to fight labor and human trafficking and wage theft, and to achieve economic and social justice for all.
- 2.) Damayan’s domestic worker advocacy goes back to our founding in 2002. In 2007, we co-founded the National Domestic Workers Alliance (NDWA) and served on their board of directors for roughly four years. In 2008, Damayan campaigned for member Marichu Baoanan to revoke her trafficker’s diplomatic immunity – a historic first in New York – and in the process retrieved her unpaid wages and assisted her in getting her T Nonimmigrant Status Visa (“T-visa”). This program allows survivors to remain legally in the U.S., access basic services, and file cases against their traffickers. In 2010, we joined the New York coalition that campaigned and passed the New York Domestic Workers’ Bill of Rights, which set basic working conditions and wage standards for domestic workers in the state, the first in the country. Currently, we advise Beyond Survival, NDWA’s national campaign to end the human trafficking of domestic workers in the U.S.
- 3.) In 2015, Damayan received the Wellstone Award from the Freedom Network USA in recognition of our work and contribution to the national fight against labor and human trafficking. In 2017, after four years of campaigning, we signed the first-ever anti-trafficking Memorandum of Understanding (MOU) with the Philippine Consulate. The MOU formalized cooperation between Damayan and the Consulate to provide outreach and assistance to Filipino nationals that become victims and survivors of labor trafficking and work towards the prevention of labor trafficking more broadly.
- 4.) Through our extensive network of pro-and low-bono attorneys, we ensure trafficking survivors are able to apply for T-visas. This program also allows survivors to remain legally in the U.S., access basic services, and file cases against their traffickers. It also allows eligible survivors to file for T-visa derivatives for their children and spouses, leading to successful family reunifications. Since 2007, Damayan has helped more than 60 domestic workers escape slave-like labor trafficking conditions. In 2011, we launched the “Baklas” (a Tagalog word meaning “break free”) Campaign. Through Baklas, we have helped 51 survivors receive T-visas. To date, we have reunified 31 of the 51 survivors with their families, bringing a total of 60 children and 17 spouses to the U.S.

- 5.) My role as the lead case manager is to oversee our case management work for our 38 currently-active cases, all labor trafficking cases, often with wage theft claims. I supervise our case manager and I directly handle complicated trafficking cases, especially those with requests for evidence (RFE). As the lead organizer, I ensure that all our survivors receive know-your-rights education and training on labor trafficking, and attend and complete Damayan's Workers Academy, which provides political education to labor trafficking survivors and aims to develop survivors into social justice leaders.
- 6.) To fight the labor trafficking of Filipino domestic workers, we do targeted one-on-one outreach to victims and survivors. We largely rely on survivors to identify and encourage victims that are still in hiding or not public about the abuses they have endured to get the help they need and seek justice. We recognize the right of victims and survivors to decide for themselves if and when they want to apply for t-visas, attempt to reclaim their unpaid wages, and file cases against their traffickers. When they are ready, we provide the support they need to restore their freedom, assert their basic human rights, and assist them move towards economic stability. Our services include helping survivors develop escape plans, secure emergency housing and financial assistance, access social and legal services, find employment, and reunite with their families. We provide comprehensive case management and organize and empower victims, survivors, and their families through education and know-your-rights trainings on trafficking, workers and immigrant rights, political education. We encourage our members to become leaders through Baklas.
- 7.) We also help survivors and workers retrieve unpaid wages and fight labor abuses and labor fraud. Damayan has helped workers recover more than \$850,000 in unpaid wages. Additionally, we assist uninsured and undocumented workers access basic health services through collaborative health fairs and referrals to our partner health providers, like the Family Health Centers in NYC.
- 8.) In the fight against labor and human trafficking, we address the root causes of Filipino forced migration: massive poverty and unemployment in the Philippines. These economic factors drive Filipinos overseas to find work. Every day, thousands of Filipino migrant workers leave the Philippines. These workers leave to ensure their family's economic survival. They migrate to countries around the world, often opting to work in the U.S. and other Western countries when given the chance, with the understanding that "*the West is best*" for pay, social service provision, and quality of life.
- 9.) Damayan's members are Filipino migrant workers, mostly domestic workers, including nannies, babysitters, family cooks, and housekeepers. Others work as room cleaners in hotels, as doormen in apartment buildings, and in restaurants as cooks, servers, and dishwashers. These migrants enter the country to work under the A3-G5 program, for workers hired by diplomatic officials, the B-1 program, for workers hired by business professionals, the B-2 program, a program intended for tourism but sometimes used by workers, the H-2B program, for temporary non-agricultural workers, and the J-1 program, a visa program for au pairs and other workers seeking cultural exchange-based work. Most workers with A3-G5, B-1, B-2, and H-2B visas are in their thirties, forties, and fifties. J-1 visa holders are often younger, in their twenties. These workers speak

mostly Tagalog and Bisaya. Many of our members are labor and human trafficking survivors.

- 10.) Our domestic worker community can be broken down even further into two types: workers of middle and upper-middle class backgrounds and migrants of lower income backgrounds in the Philippines. The former come to the U.S. with work experience as small business owners, college-educated professionals, and other white-collar positions. The latter group comes to the U.S. as former domestic workers, street vendors, janitors, and other unskilled positions. While both types of workers face the threat of labor abuse in their workplaces, and are infrequently versed in their labor rights – those who come from lower income backgrounds, often lacking formal education, and who may have worked as domestic workers in the Philippines (called “circular domestic workers”) – often do not have previous work experience in fields where they have been able to demand justice when their rights are violated. This is typically either because labor standards in their fields of work were not enforced or because they were not educated on their rights in these jobs. Thus, these workers, inexperienced in voicing labor complaints, are at an even higher risk of being abused as domestic workers when they arrive in the U.S.
- 11.) Damayan has observed weak enforcement of existing laws to protect domestic workers, especially of A-3 and G-5 domestic workers in the United States. For example, Section 203 of the 2008 William Wilberforce Act, which reauthorized the Trafficking Victims Protection Act, “requires the Secretary of State to suspend, but for such period as the Secretary determines necessary, the issuance of A-3 or G-5 visas to applicants seeking to work for officials of a diplomatic mission or an international organization, if the Secretary determines that there is credible evidence that (1) one or more employees of such mission or international organization have abused or exploited one or more A-3 or G-5 visa holder, and (2) that the diplomatic mission or international organization tolerated such conduct.”¹ This authority of the Secretary of State is very rarely enforced. Indeed, only one country – Malawi – has ever been suspended.² The enforcement of Section 203 of the Act will reduce the number of offending diplomats and consular employees, and the likelihood of trafficking of domestic workers in these workplaces. Domestic worker trafficking still persists today, ten years since Damayan’s anti-trafficking campaign, Baklas, was launched in 2011.
- 12.) The lasting impact of the Trump Administration’s policy-driven anti-immigrant agenda also is of concern. This presidency changed the cultural perception of migrant domestic workers, and their treatment by the agencies responsible for their protection and immigration status oversight. The Trump Administration’s xenophobic immigration agenda painted the picture that all immigrants, migrants, both documented and undocumented, are dangerous and unworthy of staying in the United States.

¹ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, 22 U.S.C. § 203 (2008).

² *US Suspends Visas for Malawi Diplomats’ Domestic Workers*, BBC (June 21, 2019), <https://www.bbc.com/news/world-africa-48724294>.

- 13.) One way that this has impacted domestic workers is in the U.S. Citizenship and Immigration Services' (USCIS) treatment of T-visa applicants who have endured trafficking or labor rights violations. Prior to 2016, Damayan had a largely positive track record of obtaining T-visa status for our trafficked domestic worker members. After the election of former President Trump, this began to change. Our previously-trafficked worker members, seeking T-visa status, began to receive RFE notices from USCIS, requiring they submit additional information like very detailed psychiatric evaluations from licensed psychiatrists to report the number, dates, and content of the sessions with the victim. Before the Trump Administration, it was enough to submit a short general statement from the psychiatrist noting that the potential victim was suffering from trauma. Once someone has received an RFE, we have found there to be a fifty-fifty chance that the applicant will be denied a T-visa.
- 14.) Our clients began to see more of their applications denied beginning in 2016, for inane and irrelevant reasons. One of our client's application was denied because she had not signed one document out of an entire application. Another client had her entire mental health history reviewed and interrogated. Many of our clients experienced negative physical and mental health side effects, including suicidal ideation, as a result of the harsher, more invasive T-visa interviewing and application process. As soon as Damayan and other worker advocates became familiar with how to assist their clients during the new USCIS processes, the agency would change its application review process – formally or informally – requiring us and domestic workers to relearn how to navigate these opaque and complicated processes. Time will tell if the Biden Administration will change their approach to the T-visa application review process, but we worry about the lasting impact of the Trump Administration's xenophobic practices on internal USCIS practices.
- 15.) This problem exemplifies the harsh reality of what it is to be a visa-holding domestic worker in the United States: one's immigration status is tied to one's working status. If the latter becomes compromised – whether by dismissal, or worse, trafficking or labor abuse – so does the person's legal status. In the case of the A3-G5 program, where employers are not subjected to criminal procedures if they abuse their employees, domestic workers must rely on the moral uprightness of their diplomat to abide by labor laws and establish good working conditions for them.
- 16.) When a domestic worker is trafficked or abused, forcing them to leave their workplace, their work visa status is revoked, leaving them in the lurch without formal legal status. As the Trump Administration's increased denial of these workers' T-visa applications suggests, this series of events can lead to a worker's deportation. One recommendation for the U.S. government is to ensure that previously-trafficked workers be guaranteed a work permit and access to Medicaid health services during the pendency of their cases. It is only right that these workers, after enduring severe abuse and poor working conditions, be guaranteed an income, healthcare, and a sense of stability after they have been mistreated.

- 17.) Many elements challenge domestic worker safety. Here, we detail these challenges *before, during, and after* a domestic worker has been trafficked. While the hurdles experienced by domestic workers are varied in each stage, each is defined by a lack of accountability and oversight.
- 18.) Before a domestic worker arrives to the workplace, there is little oversight in the terms of agreement around their employment, whether these are verbal or written contracts. Workers are often promised certain working conditions – a particular hourly rate, an agreed-upon fixed schedule, established time off, sick leave – which are easy to manipulate by the employer once the domestic worker has agreed to take the job. Damayan’s client population, Filipino domestic workers, often choose to come to the U.S. because of a combination of factors: debt, health, familial support, and other elements. The reality of these life factors pushes workers to accept work without applying scrutiny towards their future working conditions. Even so, the establishment of working conditions and terms of employment that allow for a domestic worker to work safely and securely should mainly be the responsibility of the U.S. government. These visa programs are, after all, regulated by the U.S. government, and inherently pro-employer. Employers – whether diplomat or other – pay cheaper wages for domestic work than is often mandated by local minimum wage laws, among other benefits. Domestic workers, on the other hand, frequently endure poor working conditions only to be denied wages or have their pay reduced, against the terms of their contract. Thus, it is only fair – and undeniably necessary – that the U.S. government should improve domestic workers’ worksite conditions and labor standards by better and more extensively regulating employers’ workplace conduct and domestic worker treatment. The U.S. government is the only actor that can truly force employers to take care of their workers.
- 19.) Once a domestic worker arrives on the job, there is little regulation over the domestic worker’s working conditions and the employer’s contractual obligations. The case of Edith Mendoza illustrates this well.³
- 20.) Edith Mendoza was an A3-G5 domestic worker in the house of Pit Koehler, a United Nations employee, and his family, in New York from January 2015 to June 2016. She was contracted by the Koehler family through the website “greataupair.com.”
- 21.) Edith’s contract stated that her starting salary would be \$10.02 per hour based on a 35-hour week, plus room and meals, and that she would receive 1.5 times her hourly rate for any hours worked over 40 in a week. It also stated her hours of work would be Monday to Friday, from 7:00 am to 9:00 pm, and a Saturday morning shift, which would be included in the 40-hour work week. Her actual work schedule was Monday to Thursday from approximately 6:30 am to 10:30 pm, Friday 6:30 am to 12:30 am, and Saturday from approximately from 7:30 am to 4:00 pm, totaling around 90.5 hours per week. The Koehlers did not allow her any breaks during her work hours. Edith was paid \$350.70 per week for her work and never any overtime compensation or spread-of-hours compensation. In New York State, domestic workers are entitled to overtime pay – that

³ *Pahagas et al. v. Koehler et al.*, 7:17-cv-04898 (S.D.N.Y Nov. 17, 2017).

is, one-and-a-half times their hourly rate for all hours worked over her weekly schedule. They also are entitled to spread-of-hours pay – one hour’s worth of pay at the regular rate on any day where the difference between the time they start work and end work is more than ten hours.

- 22.) Edith also was constantly monitored: there was a camera installed in the house, which tracked her movements. She could only ever leave the house twice a day to pick up the newspaper on the front steps; the Koehlers ensured this by setting an alarm on the house’s doors that would beep when opened. They interrogated her about her trips outside the house. Her employers also demonstrated flagrant disregard for Edith’s bodily health. As she continued to work for the Koehlers, she began to have issues with her menstruation. Despite her frequent asks to get time off to see a doctor, they only permitted her time off on Sundays, when all doctors’ offices were closed. On one occasion, she was so sick that she bled an entire bathtub’s worth of blood.⁴ Instead of taking care of her, Edith’s employers instead instructed her to respect and honor them, almost like deities.
- 23.) There were no mechanisms in place to ensure that Mr. Koehler was abiding by his contractual obligations and that Edith was being treated with dignity. Similarly, there was no clear contact to whom she could call and complain.
- 24.) Edith only managed to escape from the Koehler’s household after mustering up the courage to carry out a careful and well-orchestrated plan. Weeks before she left for good, she began to move her personal possessions out of her employer’s house, taking bag after bag to a friend’s house on her one day off a week. On the day she left, she slipped out of the house in a contracted taxi. Unfortunately, she ended up in another compromised housing situation, with no funds and very little possessions. Ultimately, however, Damayan assisted her find a job, allowing her to find stable housing, something that does not always happen after a domestic worker is trafficked. In cases like Edith’s, many abused domestic workers end up in domestic violence situations, fleeing one dangerous situation for another, because they perceive their partner to be a safe haven after enduring the abuses of their workplace. Other workers begin new jobs and keep working under conditions similar to their previous abusive work situations because they do not know what they can demand of their employers.
- 25.) At no point did the U.S. State Department offer any assistance to Edith after her trafficking experience, a clear failure to protect a worker it brought into the country and promised to protect, just like all other A3-G5 workers.
- 26.) Experiences like Edith’s are common as much as they are grim. For this reason, a good deal of Damayan’s outreach work is about instilling dignity in our member population. We aim to encourage our members to understand their worth as people and as workers, something their migration experiences, and former workplaces, have not done. Part of this work is political education: we encourage our members to think about how power,

⁴ The cruel irony of such horrific treatment is that Mr. Koehler was a human rights advocate who promoted gender justice throughout his professional career.

race, class, and other intersectional identities oppress some and privilege others. Aside from this, we teach our members about their rights and ways that employers may try to violate them, so that they will be more equipped to speak out if that occurs.

- 27.) The U.S. government has argued that they have made changes to the A3-G5 program that have resulted in better accountability and oversight measures. One such measure they point to is the A3-G5 in-person registration program, instituted in 2015, at the heed of domestic worker advocates, including Damayan, Human Trafficking Legal Center, and others. This program aims to ensure that trafficking does not occur in participating diplomats' households by checking in with their domestic workers by phone. Despite these efforts, criminal prosecution of diplomats who have trafficked domestic workers remains low,⁵ an indicator that such programmatic changes are not far reaching enough to protect workers.
- 28.) Furthermore, Damayan's recommendation, which the State Department has not yet heeded, despite our insistence, is to provide diplomatic domestic workers with a list of local, grassroots domestic rights organizations that can respond to specific A3-G5 domestic workers' on-the-job complaints in a culturally-sensitive manner.
- 29.) Beyond this, Damayan recommends several policy reforms to improve the conditions of domestic workers, including but not limited to A3-G5 workers, in the United States.
- 30.) First, the U.S. government should dissolve the diplomatic immunity provision of the A3-G5 program. The U.S. government cannot rely on the goodness of employers' hearts to ensure that they abide by labor laws. Labor trafficking and abuse are crimes. The U.S. government must hold diplomats accountable with clear standards for worker treatment and clear consequences for those diplomats who traffic or inflict other labor abuses on their domestic workers.
- 31.) Second, the U.S. government should ban countries, and the diplomats who represent them, from qualifying for A3-G5 visas if those diplomats have histories of labor abuse. This need not be a permanent ban – a temporary one is sufficient to send the message that abusive labor practices are not entertained at the domestic or international level. This will hopefully work to further stigmatize domestic worker trafficking and abuse across countries, which will, in turn, work against further cycles of mistreatment.
- 32.) Third, the State Department should adopt Damayan and other advocates' recommendation to distribute the information of local, culturally-competent worker organizations to domestic workers as part of the in-person registration program. Additionally, the State Department should release the registry of A3-G5 workers across the country to advocate organizations like Damayan, so that organizations such as ours can reach out to these workers and educate them on how to recognize and report labor abuses and assist them access legal assistance and social services if they are trafficked. This list would be confidential and distributed to relevant advocacy organizations with a

⁵ Martina E. Vandenberg & Sarah Bessell, *Diplomatic Immunity and the Abuse of Domestic Workers: Criminal and Civil Remedies in the United States*, 26 Duke J. Comp. & Int'l L. 595 (2016).

demonstrated track record of assisting trafficked and abused workers, only upon the agreement of the A3-G5 worker. As it stands, so much of our work – Damayan’s and other worker advocate organizations’ – is reactive. That is, we respond to the needs of already-trafficked and already-abused workers. It is difficult to stop abuse before it happens, because the household – the working venue for domestic workers – is effectively a black box. Such a list would work to help us support domestic workers before they face labor abuses to avoid these experiences.

33.) Above all, domestic workers should be treated like any other worker. This looks like treating domestic workers with dignity and respect, which translates materially to paying these workers at least, or above, the minimum wage, and providing them with overtime, sick leave, and healthcare. As COVID-19 has underscored, domestic workers are treated as disposable. Our members have been forced to stay in their employers’ houses, even during their time off, for their employers’ fear of COVID-19. Many others have lost their jobs or had their pay reduced with no explanation. So often, exploitative working relationships between abused domestic workers and their employers indicate the employers’ explicit or implicit belief systems about migrants, about Brown and Black women, about non-English speakers. We must all double down to regulate and monitor domestic work to prevent destructive ideologies – xenophobia, white supremacy, ableism, sexism, and other exclusionary frameworks – and those who believe in them, from abusing and trafficking domestic workers, but especially the U.S. government, who admits these workers to the country and is, more than anyone else, responsible for their wellbeing.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.



Name: Sierra Ortiz
Lead Organizer and Case Manager
Damayan Migrant Workers Association
410 W 40th St, New York, NY 10018

Date: March 8, 2021

City, State: New York, New York

EXHIBIT 3F

NATIONAL DOMESTIC WORKERS ALLIANCE

Declaration of Ai-jen Poo on Behalf of the National Domestic Workers Alliance

I, Ai-jen Poo, swear and affirm that the following is true and correct to the best of my information, knowledge, and belief:

1. I am a co-founder of the National Domestic Workers Alliance (NDWA) and have been the Executive Director since 2010. Before that time, I was a co-founder of Domestic Workers United in New York City, one of the founding organizational members of NDWA.
2. The National Domestic Workers Alliance is the nation's leading voice for dignity and fairness for the millions of nannies, housecleaners, and homecare workers in the United States. Founded in 2007, NDWA works for respect, recognition, and labor protections for domestic workers.
3. The Alliance is powered by over 70 affiliate organizations and local chapters and by thousands of domestic worker members in all 50 states. NDWA works to improve working conditions for domestic workers—leading policy advocacy, research, and the development of innovative solutions to address the unique challenges of this sector—while building a powerful movement rooted in the rights and dignity of domestic workers, immigrants, women, and their families.

Domestic Workers in The U.S.

4. There are over 2.5 million domestic workers in the United States, who work in individual homes as caretakers for seniors, people with disabilities, children, and homes. Unfortunately, being a domestic worker too often means living in poverty and tolerating abuse. Domestic work is often hidden, and workplaces are unregistered and unregulated.
5. With deep roots in the enslavement of African peoples, the domestic work industry was built on the centuries-long economic exploitation and subjugation of Black women.
6. Today, domestic work carries the legacy of racist exclusions from many of the basic labor protections afforded to other workers, including certain key protections under the Fair Labor Standards Act, Occupational Safety and Health Act, and Title VII protections against harassment and discrimination.
7. Domestic work continues to be done overwhelmingly by women, mostly Black and other women of color, and a large percentage are immigrants. Fighting the perception that care work is not “real” work, domestic workers have faced major obstacles to exercising their rights as workers and winning fair treatment.
8. These long-standing exclusions have contributed to domestic workers' vulnerability to exploitation by their employers—both day-to-day undervaluing and indignities and more extreme forms of abuse like trafficking—and to significant barriers to accessing the remedies available to other workers.

9. A survey of over 2,000 domestic workers in 14 cities in the United States conducted by NDWA and the University of Illinois Chicago's Center for Urban and Economic Development published in 2012 found that 23% of domestic workers overall—and 67% of live-in domestic workers—were paid below state minimum wages, and 30% reported having their employer disregard at least one provision of their employment contracts.¹
10. In addition, 70% of all respondents were paid less than \$13 an hour, 65% reported having no health insurance, 82% did not receive paid sick leave, 29% reported having medical problems resulting from their work, and 25% of live-in workers reported getting less than 5 hours of sleep at night in the previous week. Twenty percent of respondents reported having trouble paying for food in the previous month because of their low wages.²
11. Black domestic workers in particular report widespread discrimination and harassment, in addition to low wages. According to a 2020 study published by the Economic Policy Institute, the median hourly wage for Black domestic workers in 2019 was \$12; the median annual salary in 2018 was \$20,362.³ Thus, the median annual salary for Black domestic workers was less than the poverty line for a family of three in 2018.⁴ In practice, wages are often even lower due to the high incidence of wage theft and other wage and hour violations.
12. Black domestic workers are represented across all domestic work occupations, but there are especially high concentrations of Black women in homecare. More than a quarter of agency-based homecare workers are Black.⁵ While homecare is one of the fastest-growing industries in the country, Black direct care workers have yet to see wages and benefits rise to meet the demands for qualified professional caregivers. Black women earn less for their work in homecare than any other group.⁶

Domestic Worker Stories

13. The following are personal stories submitted by domestic workers who are members of the National Domestic Workers Alliance as part of advocacy work to illustrate the need for policy changes that would strengthen protections for domestic workers in the United States and ensure that domestic work jobs provide fair treatment and fair wages.
14. Lara was a live-in nanny. Sometimes her employers required her to work up to 20 hours a day, but they never paid her for the extra hours. Her stolen wages for unpaid overtime totaled \$350 a week. One night, Lara returned from a trip with her employers. After she put the children to bed, her employers fired her without notice. It was 9 pm on a Wednesday night. If not for a friend who offered a place to stay that night, she would have been homeless.

¹ Linda Burnham & Nik Theodore, *Home Economics: The Invisible and Unregulated World of Domestic Work* xi (Na'l Domestic Workers All., 2012),

<http://www.domesticworkers.org/sites/default/files/HomeEconomicsEnglish.pdf>.

² *Id.* at 18, 24, 28, 30, 33.

³ Julia Wolfe, Jori Kandra, Lora Engdahl & Heidi Shierholz, *Domestic Workers Chartbook* 48, 52 (Econ. Pol'y Inst., 2020), <https://files.epi.org/pdf/194214.pdf>.

⁴ *See* Annual Update of the HHS Poverty Guidelines, 83 Fed. Reg. 2642, 2643 (Jan. 18, 2018).

⁵ Wolfe et al., *Domestic Workers Chartbook*, at 42.

⁶ Wolfe et al., *Domestic Workers Chartbook*, at 48.

15. Beatriz came to the U.S. as an au pair with a J-1 visa. She earned a flat salary of \$195.75 per week. After working excessive, unpaid overtime hours, Beatriz fell ill. Unable to take breaks even to visit the restroom, Beatriz eventually had to seek treatment for a bladder infection. The doctor also diagnosed her with chronic stress headaches as a result of being overworked. After Beatriz fainted during another visit to the doctor, her host family called her at the hospital to reprimand her for being late to pick up the children. Beatriz later worked for a different host family that constantly monitored her whereabouts outside of work, going so far as to surveil her internet usage and plant a GPS on the car she was required to drive as part of her work responsibilities.
16. Danuta worked 84 hours per week and earned just \$500 a week caring for a patient with Parkinson's and dementia. After eleven months of work, with the help of a community organization, Danuta realized she was owed over \$11,000 in stolen wages.
17. Ruth worked 12-hour shifts, seven days a week, as a live-in homecare worker, taking care of a husband and wife. She earned \$10 an hour and never any overtime. After two years, she left her job because the agency that employed her asked her to sign a contract saying they would not be responsible if there was an accident on the job. They wanted her to fill out a 1099 as an independent contractor. When she refused to sign, they fired her. Since she was a live-in worker, she had to scramble to find a place to stay.
18. June worked as a live-in homecare worker caring for a male employer. On her very first night on the job, he asked her to get into bed with him. Over the course of the next several months, he groped her repeatedly. June felt she could not tell the agency she worked for about the harassment because she knew they would take her off the job, and she needed the income to pay for her medication and rent. She felt isolated and alone and did not know where to turn for help. She left as soon as she could find another job, and it wasn't until months later that she learned her employer had harassed other women who worked for him previously as well.

Impact of COVID-19 on Domestic Workers

19. The COVID-19 pandemic has exacerbated already precarious employment and unsafe working conditions for domestic workers. To obtain data on the impact of COVID on domestic workers, NDWA Labs conducted weekly surveys between March and September, 2020 with responses from more than 20,000 cleaners, nannies, and homecare workers. The results were published in an October 2020 report.⁷
20. The research found that by late March, more than 90% of survey respondents lost jobs due to COVID-19.⁸ The percentage of workers without any jobs in September was nearly four times the percentage before COVID-19. For six consecutive months, more than half of the workers surveyed were unable to pay their rent or mortgage.⁹
21. The vast majority of domestic workers did not apply for unemployment insurance or the CARES Act's \$1200 stimulus check from the federal government, mainly because they did not believe they qualified due to immigration status, payments in cash from their employers, or because the worker was employed part-time by multiple employers.¹⁰

⁷ Paulina López González & Tracy Anderson, *6 Months in Crisis: The Impact of COVID-19 on Domestic Workers*, NDWA Labs (2020), <https://domesticworkers.org/6-months-crisis-impact-covid-19-domestic-workers>.

⁸ *Id.* at 4.

⁹ *Id.*

¹⁰ *Id.* at 23.

22. A second survey conducted by NDWA’s We Dream in Black program in partnership with the Institute for Policy Studies’ (IPS) Black Worker Initiative, between May 19 and June 6, 2020, looked at the impact of COVID-19 on Black immigrant domestic workers. More than 800 Black immigrant domestic workers in Massachusetts, Florida, and New York participated in the survey.¹¹
23. Seventy percent of the survey respondents reported either losing their jobs (45%) or receiving reduced hours and pay (25%) due to COVID-19.¹² Undocumented workers were nearly twice as likely as documented workers to be terminated.¹³ Fifty-two percent of workers reported that their immigration status has a negative impact on their ability to find new work.¹⁴
24. Sixty-five percent of respondents said they are fearful or at risk of eviction or utility shut off in the next three months.¹⁵ Forty-nine percent reported being fearful of seeking assistance or resources from the federal, state, or local government due to their immigration status.¹⁶ Seventy-three percent of respondents who continue to work during the pandemic have not received personal protective equipment (PPE) from their employers.¹⁷
25. The lack of workplace protections, access to medical care, and paid time off has forced these live-out domestic workers—essential but undervalued throughout the pandemic—to put their own health and that of their families at risk in order to do their jobs. At the same time, for the extremely high number of domestic workers who have lost jobs due to COVID, the lack of a social safety net, and exclusion from government relief and benefits, has left them even more vulnerable than they were before COVID-19.

Domestic Worker Trafficking in the U.S.

26. Due to the characteristics of the workforce and nature of the workplace, domestic workers are particularly vulnerable to human trafficking: being overwhelmingly women, many of them immigrants unfamiliar with U.S. laws, working in the homes of their employers, dependent on their employers not only for salaries but in many cases for shelter, food and immigration status.
27. Recruitment by international labor recruiters, who commonly charge fees for obtaining jobs and visas, is a common method of job placement and can result in indebtedness and indentured servitude.
28. Because their stay in the U.S. is contingent on their employment, domestic workers on employment-based visas are often reluctant to denounce abuse or seek help, as are those who come to work outside of legal channels.

¹¹ Nat’l Domestic Workers All., We Dream in Black & Inst. for Policy Studies, *Notes from the Storm: Black Immigrant Domestic Workers in the Time of COVID-19* (2020), <https://domesticworkers.org/notes-storm-black-immigrant-domestic-workers-time-covid-19>.

¹² *Id.* at 2.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 3.

Findings of the Beyond Survival Campaign

29. NDWA launched the Beyond Survival campaign in 2013. The mission of the campaign is to end the human trafficking of domestic workers in the U.S. Beyond Survival focuses on lifting up the experience and expertise of trafficked domestic workers and developing the leadership of survivors to organize to win federal policy changes that expand resources and protections for domestic workers and hold traffickers accountable.
30. The campaign is led by local grassroots organizations affiliated with NDWA: Damayan Migrant Workers Association, Adhikaar, Matahari Women Workers Center, Miami Worker Center, Pilipino Worker Center, Fe y Justicia Worker Center, and Border Workers United.
31. In 2017 the campaign released a report, “The Human Trafficking Of Domestic Workers In The United States: Findings from the Beyond Survival Campaign,” based on data from 110 domesticworker trafficking cases where organizations from the campaign provided various forms of support to survivors.¹⁸
32. While the specific conditions and forms of abuse varied among the cases, certain indicators were present in a majority of cases in the report. Eighty-five percent of the survivors had at least part of their pay withheld, 80% had been tricked with false or deceptive employment contracts, 78% had employers threaten to report them for deportation if they complained about their working conditions, 75% had their movements and communication restricted or monitored by their employers, 62% had their passports or other identification confiscated, 74% reported emotional or verbal abuse by their employer, 66% reported physical or sexual abuse, either by their employer or a family member of their employer, and 45% reported fearing physical harm if they were to try to leave.¹⁹
33. Among the organizations in the campaign, a majority of the survivors they work with, around 75%, came to the U.S. with employment-related visas.²⁰ These survivors came primarily on A-3, G-5, and B-1 visas, but others had come on J-1 visas, as students (F-1) or on low-skilled seasonal visas (H-2B).
34. In order to address the problem of labor trafficking of domestic workers and to ensure that all domestic workers in the U.S. are treated with dignity and respect, several policy changes are needed at the federal level.

Recommendation: Eliminating Vulnerability for Migrant Workers

35. Domestic worker survivors of trafficking whose status in the U.S. is tied to an employment-based visa, and those who lack immigration status or employment authorization, face tremendous hurdles to accessing justice and holding their employers accountable.

¹⁸ Sameera Hafiz & Michael Paarlberg, *The Human Trafficking Of Domestic Workers In The United States: Findings from the Beyond Survival Campaign*, Nat’l Domestic Workers All. & Inst. for Pol’y Stud. (2017), https://www.domesticworkers.org/sites/default/files/bs_report2017.pdf.

¹⁹ *Id.* at 6.

²⁰ *Id.*

36. Fear of losing their visa if they speak out against an abusive employer or leave a job, and for undocumented workers, the fear of being reported to ICE and deported keep many workers from filing complaints or leaving jobs, even when their rights are being violated.
37. Many immigrant workers do not have adequate access to information about their workplace rights, minimum wage, and other protections in order to make sure they are being treated fairly. They also are unlikely to know where to get help or report abuse.
38. A comprehensive overhaul is needed to reduce vulnerabilities to exploitation inherent in these and other work visa programs, including regulation of labor recruiters, access to rights information and legal help, and the ability of workers to change employers while working in the U.S. without losing their immigration status.

Recommendation: Promoting Accountability

39. Most of the organizations in Beyond Survival have supported survivors to pursue civil litigation against their employers, and some have been successful in winning back stolen wages. However, accountability continues to be a major problem, particularly for workers in the U.S. on A3-G5 visas in cases involving traffickers who are diplomats and who can take advantage of legal protections such as diplomatic immunity to circumvent legal protections for domestic workers.
40. Employers are often able to avoid paying wages after judgments are entered against them by moving outside of the U.S. Further advocacy efforts are needed to change policies and practices to ensure that domestic workers across the range of employment visa categories are afforded the same rights and protections as other workers and that there are effective systems in place for workers to access justice and ensure accountability for employers who commit trafficking and other forms of abuse.

Recommendation: Partnerships with Community-Based Organizations

41. The Department of State registration and monitoring program for domestic workers employed by diplomats, and other programs designed to protect domestic workers with A3 or G5 visas, represent a much-needed step towards preventing trafficking and other abuses. This program has been responsible for identifying some cases of trafficking and providing support and resources to survivors. However, periodic monitoring by a government agency that domestic workers on A3-G5 visas do not know or trust, and with limitations due to language barriers and lack of cultural familiarity, is not enough.
42. In addition to expanding this program to other cities with a high number of A3-G5 visa holders, the State Department should work with culturally and linguistically appropriate community-based organizations that can help provide workers with information on human trafficking and rights education and ensure that workers have access to support and referrals to legal or other resources in cases of trafficking or abuse. This is an important strategy for the prevention and early identification of trafficking.

Recommendation: Strengthening Protections for Immigrant Survivors

43. Beyond strengthening prevention and identification of trafficking cases, existing protections for survivors must be enforced and enhanced. In recent years, legal protections for survivors of trafficking were rolled back or weakened.
44. One of the critical protections that has enabled many immigrant survivors to escape trafficking and address their longer-term needs and safety is the T visa, which allows certain immigrant survivors of trafficking to obtain a visa to remain in the U.S.
45. These protections have come under threat due to narrower interpretations of eligibility, increasing difficulties in getting law enforcement or labor agencies to certify T-visa applications, and lower USCIS approval rates.²¹ Potential applicants have also been deterred by a rule change that denied visa applicants will automatically be issued a Notice to Appear by USCIS,²² and by the Department of Justice's elimination of immigration judges' ability to administratively close cases, a recourse that has been used by survivors of violence who are eligible for immigration relief but are currently in deportation proceedings and face lengthy wait times for their visas.²³
46. Several law enforcement agencies share responsibilities for investigating claims of labor trafficking, but the Department of Homeland Security's Immigration and Customs Enforcement (ICE) is often the primary federal investigating agency responsible for addressing cases of domestic worker trafficking involving immigrants (both those working with or without legal authorization). Given ICE's role in deporting unauthorized immigrants, trafficked domestic workers are reluctant to report crimes committed against them to that agency.
47. Increasingly harsh and indiscriminate immigration enforcement measures, coupled with a rise in anti-immigrant hate crimes, have created a climate of fear and added barriers for immigrant survivors of trafficking to access safety. This fear has been exacerbated by the entanglement of ICE with state and local law enforcement agencies, which create the impression of local law enforcement as a federally deputized deportation force.
48. To ensure immigrant survivors can access safety and help, immigration enforcement practices must be changed to meet the needs of trafficking survivors and improve access to benefits and remedies. Such changes should include: ending the involvement of state and local police in immigration enforcement, ensuring immigrant workers can assert their labor rights without fear of deportation, and restoring prosecutorial discretion that prioritizes family reunification and human rights.

Recommendation: Ensuring domestic workers have full federal workplace protections

49. The historical exclusion of domestic workers from basic workplace protections that cover other workers in the U.S. under federal law, combined with unique conditions faced by workers who are often the only employee in a private home, continue to foster widespread workplace abuse in

²¹ M.G. Grant, *It Is Now Even Harder for Trafficking Survivors to Get Visas*, The Appeal (Aug. 22, 2018), <https://theappeal.org/it-is-now-even-harder-for-trafficking-survivors-to-get-visas/>.


²² U.S. Citizenship & Immigr. Serv, Notice to Appear Policy Memorandum (June 28, 2018), <https://www.uscis.gov/legal-resources/notice-appear-policy-memorandum>.

²³ *The End of Administrative Closure: Sessions Moves to Further Strip Immigration Judges of Independence*, Catholic Legal Immigr. Network, Inc. (Apr. 4, 2018), <https://cliniclegal.org/resources/end-administrative-closure-sessions-moves-further-strip-immigration-judges-independence>.

this industry and to prevent domestic workers from effectively exercising their existing rights and demanding dignity and fairness at work.

50. The domestic worker movement has successfully won policy changes, Domestic Worker Bills of Rights, at the state and municipal level in nine states and two cities to include domestic workers in local workplace protections. These victories have demonstrated both the need for inclusion and that the unique employment conditions for domestic workers should not exclude them from the rights afforded to other workers.
51. However, a majority of domestic workers in the U.S. remain unprotected by critical labor rights and benefits. To remedy this, Congress must pass the national Domestic Worker Bill of Rights, federal legislation first introduced in 2019.
52. The national Domestic Worker Bill of Rights covers three major gaps in protecting domestic workers by: 1) including domestic workers in common workplace protections like paid overtime, paid sick days, safe and healthy working conditions, meal and rest breaks, and freedom from sexual harassment; 2) creating new protections to address the unique challenges of domestic work, like written agreements, fair scheduling, a new wage and standards board, and support for survivors of sexual harassment; and 3) ensuring that rights can be enforced and implemented with resources for know-your-rights education and mechanisms against retaliation.
53. Passing the national Domestic Worker Bill of Rights will be an important step towards ensuring that all domestic workers in the U.S. enjoy equal protection under the law and the right to work with dignity, fair wages, and freedom from abuse and harassment.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Name:  Ai-jen Poo

Position/Title: Executive Director, NDWA

Date: 3/8/2021

City, State: Chicago, IL

EXHIBIT 3G

Declaration of Narbada Chhetri on Behalf of Adhikaar

Final Observations on the Merits Alleging Violations by the United States of America of the Human Rights of Domestic Workers Employed by Diplomats

1. My name is Narbada Chhetri, and I am the Director of Organizing and Programs of Adhikaar in Woodside, Queens, in New York City. Adhikaar, which means “rights” in Nepali, is a women-led workers’ and community center that provides direct services to and organizes the Nepali-speaking community to promote social justice and human rights for all. Our unique position as a worker-and community-center allows us to provide essential services to newer members of our immigrant community who work in marginalized industries, such as domestic work. We have 5,000 members and we serve an estimated 10,000 individuals per year.
2. We have four general program areas: workers’ rights, immigration rights, healthcare access, and language justice. Through our direct services work, we provide case management, legal referrals, and workforce development training to our members in each of these areas. We also use these programs to engage our community members in organizing and advocacy to create change at the local, state, national, and global levels.
3. I have worked with Adhikaar since 2007. In my current role, I direct the organization’s programs, services, and advocacy in support of domestic workers. This work includes direct empowerment of community members through know-your-rights and workforce development training for nannies and other domestic workers; case support for domestic workers who have been trafficked, assaulted or harassed, underpaid or otherwise had their rights violated; and, coordinating and overseeing our advocacy campaigns, policy implementation efforts, and organizing.
4. Adhikaar became involved in supporting and advocating for domestic workers because many members of our community work in people’s homes as part-time and full-time housekeepers, nannies, and home health attendants, for example. Some are live-in and others commute to work. Almost all of our members who work in these positions are women between 20 and 60 years of age. The vast majority are immigrants with different types of visas and immigration statuses who have come to the U.S. from Nepal, Tibet, and India, and whose primary language is Nepali. Some of these workers are survivors of trafficking who were brought to the U.S. on A-3-G-5 visas as employees of diplomatic or consular officials, or on B-1 and B-2 visas, which are non-tourist business and tourist visas, respectively.
5. The experiences of our members employed as domestic workers have shown us how vulnerable they are to abuse and exploitation by their employers. A major problem for our domestic worker members is that they are verbally promised – not in writing – certain work conditions by their employers, but the employers later deviate from these

agreements or abandon them altogether. These false promises and broken contracts frequently relate to things like exceeding the described or agreed-to work hours/schedule, denying vacation days or personal time, adding job responsibilities beyond what was discussed, and failure to pay for hours worked, whether regularly scheduled or overtime.

6. For example, an employee promised a two-week paid vacation may receive the time off, but only at the family's behest and convenience. Another common problem reported by our members who have been live-in domestic workers has been about the poor quality of their living quarters. We have had multiple members tell us that they were promised a room as part of their employment arrangement, but then have ended up sleeping in their employers' child's room, forced to care for the child throughout the night, resulting in a 24-hour workday.
7. Members also have described facing physical and verbal abuse, harassment, and discrimination, with their employers insulting or degrading them or their work based on their gender or nationality/ethnicity. Others have described being injured at work, either through accidents or as a result of the ordinary physical demands of domestic work, combined with long hours and use of cleaning supplies or tools with inadequate gloves, masks, or other protective measures. In both such categories, employers have refused to compensate the workers, regardless of the employers' responsibility or role in the injuries caused.
8. In situations where employers have violated a domestic worker's rights or the worker has fallen ill or been injured, employers have been known to fire the worker without any notice, especially those who assert their rights by asking their employer to abide by law or contract, and then refuse to provide compensation they owe the domestic worker.
9. As a result, Adhikaar has worked in coalitions to obtain better protections for domestic workers and policies governing their employment conditions. For example, we worked with other workers' rights and immigrants' rights groups in New York State to help pass a state-level Domestic Workers' Bill of Rights in 2010 and worked with other groups in the U.S. and abroad in support of the International Domestic Workers Convention. Right now, because the U.S. does not have national legal protections to cover domestic workers, we are working with grassroots groups to help pass a Domestic Workers' Bill of Rights in New Jersey to protect domestic workers, including some of our members, who are employed there.
10. Since New York state's adoption of the Domestic Workers' Bill of Rights in 2010, domestic work standards have improved locally in some respects – but there are still loopholes that allow employers to ignore the law. For example, the Bill of Rights specifies a minimum wage, mandates overtime pay, and requires annual time off and weekly time off for full-time domestic workers. Even though the Bill of Rights' overtime provision states that a live-in domestic worker must be paid one-and-a-half times their

regular hourly rate for every hour they work over 44 hours, most employers pay such workers a flat rate instead of by-the-hour and thus avoid this requirement.

11. Whether a worker receives the guarantees of the Bill of Rights partly depends on a worker's familiarity with its provisions. But knowledge of their rights is not always enough since, as many of our members have experienced, domestic workers can and are often fired by their employers for requesting that they be paid wages or otherwise work under conditions that are required by this law.
12. Domestic workers continue to be imperiled by the conditions of their work, even in states like New York, where the Domestic Workers' Bill of Rights is active for other reasons as well. Even though New York's Bill of Rights has existed in the state for eleven years, there are limitations to its provisions. It does not mandate health coverage, nor does it address retirement planning assistance for tax-paying domestic workers who frequently end up with no retirement funds when they stop working in older age.
13. A particularly cruel irony that the 2010 Bill does not consider is the need for childcare support for domestic workers who also are parents and who leave their own children to take care of their employers' children. This issue has worsened in wake of the COVID-19-induced school closures across New York state. Adhikaar's current CARE Platform campaign – a Domestic Workers' Bill of Rights 2.0 for New York – will address and promote basic health coverage for all domestic workers, establishing domestic worker retirement and childcare assistance programs.
14. Beyond the limitations of New York's Domestic Workers' Bill of Rights, domestic workers continue to face numerous threats to their safety because of the nature of their work, which takes place in homes and behind closed doors. Once working in a household, domestic workers are subject to the will of their employees who may or may not abide by the Bill's provisions or follow equitable labor practices.
15. Notably, before domestic work even begins, employment agencies are a complicating factor for workers. These agencies infrequently vet employers looking to hire domestic workers, and they do not often provide recourse for workers when there are workplace issues. This can, and often does, result in workers being subjected to discriminatory and unlawful treatment in the workplace. Domestic workers are often charged steep fees to find employment through these agencies, a harsh reality for workers who often live paycheck to paycheck.
16. Domestic workers' bodies and time are highly regulated by their employers. Employers determine when and what their domestic worker eats, where and when the worker can leave the home, and when and what kind of time-off the worker is allowed. The situation for live-in domestic workers, who rely on their employer for both wages and housing, is especially difficult. These workers generally do not receive adequate living quarters,

either sleeping in the basement, often where there is no phone reception, or in the children's room, where they must take care of them 24/7. And when a domestic worker is someone whose visa status is tied to their employment, the employer's ability to control the domestic worker's life and movement is even stronger.

17. Adhikaar regularly works with domestic workers who are survivors of, or still living under, such trafficking. We have a support group for members who were trafficked to the U.S. – that is, those who were brought by or for their employer on a temporary or work visas and then found themselves in situations much different, and much worse, than what they were promised or described when they had agreed to the position, whether in the U.S. or before arriving here. Today, the majority of the trafficking survivors we work with were brought to the U.S. on A-3/G-5 or B-1/B-2 visas.
18. Although the U.S. has made changes to the A-3/G-5 visa program in recent years, our organization has not witnessed significant improvements for workers brought to the U.S. on these visas. Employers of trafficked domestic workers regularly use tactics of isolation to control their workers, and the current A-3/G-5 visa program has not done anything to prevent or provide greater assistance to domestic workers facing such isolation and control.
19. For example, employers of A-3/G-5 workers can and do prohibit live-in domestic workers from leaving the home through commands, threats, or even physical measures (e.g., making a domestic worker sleep in the basement instead of a proper bedroom, where they have no cell reception). They may prevent or forbid the domestic worker from communicating with family members, friends, or other domestic workers in or outside the house. And, as a result of changes in technology recently, employers use surveillance measures in invasive and intimidating ways. Workers are frequently monitored with video cameras and recorders, sometimes hidden and sometimes not, to ensure that they are abiding by the mobility or communication restrictions the employer has set forth.
20. Employers also use scare tactics to frighten members who are new to the U.S., who are less comfortable or less conversant in English, and who know virtually nothing about the place in which their employer lives, to keep domestic workers from leaving even if they had the chance. We have heard accounts from workers whose employers have warned them that the police will arrest and deport them if they leave the house to ensure the worker does not leave the premises even if she has the opportunity. One member was too afraid to leave her employers' home because she was new to the U.S. and her employers told her that the U.S. was a dangerous place where police officers would rape and deport her.
21. In addition to failing to prevent domestic workers from being lured on false promises and then being abused, underpaid, isolated, or worse, the U.S.' policies and laws do not allow former A-3/G-5 domestic workers to receive relief after being abused by their employers.

Even in states that have Domestic Workers' Bill of Rights, like New York, the pay and working condition requirements have little meaning since the program's diplomatic immunity provision means that U.S. courts are effectively not available to prosecute the abusive employers of A-3/G-5 workers whose rights have been violated.

22. The changes that the U.S. State Department has made to the A-3/G-5 program in the past few years have not eliminated the barrier that diplomatic immunity creates for domestic workers seeking relief in U.S. courts after being trafficked. The changes also have not prevented former employers from retaliating against the domestic worker directly or indirectly by harming their family back in their home countries. We recently had one Adhikaar member who did not want to file a lawsuit or otherwise accuse their employer, let alone try to get compensation from them, because his employer knew who his family members were and where they lived in their home country. He was scared to speak out because he feared for his family's safety and wellbeing. Even though the U.S. government knows that this is a regular concern for A-3/G-5 workers, it has not done anything to protect against this.
23. Sometimes, even if an A-3/G-5 domestic worker cannot get justice through the U.S. court system, they have been able to reach an out-of-court settlement with the former employer. But, again, because of the diplomatic immunity provision and because of a lack of worker safeguards in the A-3/G-5 visa system, many Adhikaar members have not been able to collect unpaid wages, and diplomats have not been held accountable for their actions, often continuing to work as diplomats or other positions of worker, even after their abusive behavior comes to light.
24. Another particularly harmful feature of the A-3/G-5 program is that workers are infrequently able to publicize the out-of-court settlements they reach with their abusers because these settlements often come with nondisclosure agreements. This presents a problem to workers and advocates: the ability to publicize the stories of workers harmed by their employers is crucial for empowering other trafficked domestic workers and discouraging employers from taking advantage of their workers. These stories show that domestic workers can demand justice when their rights are violated and some remedies are achievable. These stories also alert other advocates and lawmakers that this area of work is rife with abuse and under-regulation. Eliminating secrecy from the justice-seeking process for A-3/G-5 domestic workers is of the utmost importance. Workers should be able to speak about their cases before, during, and after they have concluded. The U.S. could prohibit such nondisclosure agreements to employers as a condition of employing A-3/G-5 workers because it is aware of this practice, but it has not done so.
25. The risks that domestic workers face on the job are always relevant, but these circumstances are even more dire almost a year into the COVID-19 pandemic. Our members, mostly Nepali-speaking, immigrant women, often live paycheck to paycheck. The COVID-19 crisis has seriously impacted our members' lives. With many people

working from home and now less in need of cleaning and caretaking duties from an outside person, the overall demand for domestic work has decreased. Adhikaar's domestic worker members have had their hours and days cut. In other cases, they have been fired for catching COVID-19, often as a result of commuting to their jobs on public transportation. Many lost their jobs in March 2020 and have not been rehired since. We estimate that more than 50% of our members are unemployed right now.

26. Domestic workers are essential workers. They were essential before the pandemic and they are essential now. Even still, there has been no attempt by local or federal authorities to provide domestic workers with the personal protective equipment that we provide medical workers. Non-citizens also have not received any stimulus relief this year, which Adhikaar has tried to remedy through the establishment of an emergency relief fund. In 11 months, we have distributed \$219,000 to 438 of our members through a fund established by the National Domestic Workers Alliance. This month, we will distribute another \$94,000. This is our effort to support our members, but it cannot stop there.
27. Various measures would be helpful in improving conditions for domestic workers. To improve oversight of the A-3/G-5 worker program specifically, federal and state government agencies should directly collaborate with community-based organizations to ensure the safety and dignity of domestic workers before, during, and after their employment by diplomatic officials. The U.S. government should vet diplomats entering the country even more thoroughly than they are currently vetted and should take more assertive measures to ensure that domestic workers are educated on their rights before they enter their new workplaces.
28. Other measures should be implemented to improve the lives of domestic workers more broadly. Mandating that employers provide domestic workers with written contracts outlining the particulars of their working terms – wage information, working hours, sick pay leave, vacation time, and other relevant information – would concretize what is now mostly verbally established. Creating a state-specific domestic workers standards board to regulate and monitor working conditions for these workers would also be extremely helpful. Such a board would establish guidelines particular to each state of operation. This oversight is crucial to establishing best practices for domestic work and assuring the compliance of individual households across the country to these standards.
29. Beyond a standards board, domestic workers need to be educated on their rights in the workplace. We recommend that state governments educate workers on their rights before they enter the household, so that they are equipped to navigate – and alert authorities – for instances where their rights may be compromised.
30. Language barriers are a large obstacle for domestic workers in accessing and understanding the government services available to them. To ameliorate this issue, a government-sponsored know-your-rights education program should be made accessible

to domestic workers in all languages, so that this information is not lost in translation. In addition to this, all court-related services concerning domestic worker rights violations should be appropriately translated and interpreted by government-provided translators and interpreters. Government agencies should outlaw employment agencies and establish state-funded programs in their place that find and vet households for these workers, eliminating the need for employment agencies.

31. To ensure that domestic workers are treated with equality, fairness, and dignity, it is important that we change the societal conception of domestic work. Domestic workers do professional work, the only difference between their work and others' is that their workplace is in the home. It is crucial that we begin to shift the cultural narrative around domestic work, its importance, and the workers who make it possible. As the COVID-19 crisis has underscored, domestic workers – the people who take care of our elderly, our children, our families, and our homes – are essential workers. We must remember that as we move forward, through the pandemic, and beyond.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Name: /s/ Narbada Chhetri
Director of Organizing and Programs
71-07 Woodside Avenue, 1st Floor
Woodside, NY 11377

Date: March 9, 2021

City, State: Jackson Heights, New York

EXHIBIT 3H

Declaration of Daniana Trigoso-Kukulski on Behalf of Fe y Justicia Worker Center

Final Observations on the Merits Alleging Violations by the United States of America of the Human Rights of Domestic Workers Employed by Diplomats

1. My name is Daniana Trigoso-Kukulski. I am the executive director of Fe y Justicia Worker Center (FJWC), a worker rights community organization in Houston. We have existed for more than fourteen years. We are dedicated to creating positive change with and for low-wage workers by providing services, building peer support networks, and mobilizing campaigns. All our efforts, from public education to case resolution services to advocacy campaigns, are driven by members: low-wage workers who become leaders in realizing the mission and exercising governance of the FJWC. Our organization exists because we believe everyone should have a safe and healthy workplace, and we believe in working-class people's collective power to create change.
2. We at FJWC have observed different patterns of domestic workers abuse in the Houston metropolitan area.
3. Sexual harassment is a huge problem for domestic workers, the majority of whom are women. The sexual harassment workers face often comes from their male employers or their employers' male family members. Sexual harassment and assault in the domestic work context often occurs subtly: a male family member will touch the domestic worker as she walks by and chalk it up to an accident. Over time, this repeated behavior becomes normalized, almost acceptable. Typically, when the worker raises the issue, the family member denies the abuse.
4. The abuse can extend to the domestic worker's family members. I remember in one case a FJWC domestic worker client reported that her seven-year-old daughter had been assaulted by the 17-year-old son of her employer. She had brought her daughter to work that day because she did not have childcare. When the worker brought this up to the son, he denied ever touching the daughter. Such denial is routine.
5. Beyond sexual assault, a common concern for our domestic worker members is deviation from the terms of employment that the employer and the domestic worker first agree to, either verbally or in writing. Specifically, we have observed that the hours, pay, work schedule, and promised time off frequently vary from what was initially agreed upon. Workers report that their wages and hours can often suddenly decrease, without explanation. Another common problem that we see is workers not being given time off for routine health procedures, such as mammograms or pap smears. Others, mostly live-out domestic workers, who commute to their jobs, are frequently forced to buy cleaning supplies to do their jobs, even though the employer had promised to furnish them. Workers are very infrequently reimbursed for these cleaning supplies, diminishing their already limited income.
6. Live-in domestic workers face additional hurdles because of the isolated nature of their employment and the conditions created by their employers. In the Houston area, such workers are often brought into the U.S. by oil executives and those involved in the

region's expansive energy industry, and routinely do not have access to their personal documents, like passports and visa documents, on the job. We have heard numerous live-in domestic workers say that their employer gave them strict instructions not to speak with anyone outside, and sometimes even inside, the home. One of our members who worked as a live-in domestic worker actually worked along with another domestic worker, but the employer forbade our member from speaking with her. We also have heard from domestic workers who had preexisting social connections to each other and ended up worked in different homes within the same suburban neighborhood or gated community, but their employers forbade them from socializing with or even speak to one another.

7. In addition to the work conditions and arrangements that make domestic workers susceptible to abuse, the failure of federal, state, and local government to take preventative measures or meaningful remedial measures exacerbates their vulnerability. Domestic workers are left out of many federal law-based labor and employment protections. On top of that, Texas does not have any policies or provisions that specifically protect domestic workers. To the extent the state follows federal labor protections, domestic workers in our community are left largely unprotected.
8. Furthermore, the vast majority of domestic workers do not have written contracts with their employers since the law does not require them to. So when a dispute does arise about changed terms or conditions, workers do not have any document they can point to when their employers suddenly change the terms of their employment. The absence of a written contract also makes it difficult to prove their employer is in the wrong, if the worker wishes to go to court or file a claim with some type of government agency.
9. An added complication is that domestic workers in the area are infrequently aware of their rights, such as whether they qualify for the local minimum wage, if they are allowed restroom breaks, and if they qualify for paid time off for sick leave. Local, state, and federal governments should be responsible for this education.
10. Another factor that makes our community of domestic workers particularly vulnerable is that about 95% are primarily Spanish-speakers and many are undocumented immigrants who fear interacting with law enforcement. Many of our workers do not – and feel they *cannot* – trust the legal system or government actors. This frequently forces domestic workers into accepting poor labor conditions.
11. FJWC has different projects and campaigns to support domestic workers whose rights have been violated or who are seeking social services. La Colmena is one such effort. Founded fourteen years ago, La Colmena ("The Beehive") is a network of members working towards building the collective power of domestic workers in Houston. They are trainers, promoters, and advisors who reach out to raise awareness about workers' rights and improve working conditions for domestic workers. To achieve this, the trainers, promoters, and advisors are assigned to different locations in the Houston area, establishing a wide geographic range to serve diverse communities.

12. Domestic worker labor trafficking accounts for the majority of human trafficking in the state of Texas. FJWC is the only Houston-based organization dedicated to preventing and responding to labor trafficking. FJWC conducts outreach to document labor abuse in Houston, screen workers for labor trafficking, and provide rapid response when we find labor trafficking red flags. FJWC also convenes a peer support and advocacy group for labor trafficking survivors. Recently, we have begun the process of establishing a shelter for trafficking survivors in the Houston area. This project is a response to the high rate of worker trafficking in Houston and the lack of federal-or state-provided safeguards – from domestic worker-specific state labor laws to social services for trafficking victims – in place here in Texas to support survivors.
13. Established in 2011, FJWC’s Occupational Safety and Health Education program, which operates in English and Spanish, focuses on educating hard-to-reach workers, including domestic workers, and small employers on occupational safety. Through this program, FJWC has recruited and trained more than 1,700 people in the Houston area, on diverse health and safety topics.
14. FJWC served 3,000 clients last year, supporting domestic and other low-wage workers file litigation regarding labor violations, locate and receive social support, and learn about their labor rights. Apart from that, FJWC has 240 working members who are involved in domestic worker leadership training, know-your-rights peer education efforts, and worker-led campaigns across the Houston metropolitan area. A majority of these workers come from Mexico, another portion come from Central American countries (e.g. Guatemala, El Salvador, etc.). Recently, the percentage of domestic workers hailing from Colombia and Venezuela has increased by a large margin. Of our members – composed of domestic and other low-wage workers – 239 are women. We have one male member. Our workers range from 19 to 60 years of age.
15. While domestic workers have begun to be recognized as important members of the workforce during the COVID-19 pandemic, as people have begun to recognize the essential role that domestic workers play in enabling people to manage full-time employment with family and personal obligations, the U.S. government must do more to protect these workers.
16. FJWC sees various pathways to improving conditions for domestic workers.
17. First, the U.S. government must establish a federal Domestic Workers’ Bill of Rights to ensure that domestic workers are entitled to a minimum wage, written employment contracts, and other expansive and domestic work-specific labor protections (e.g., retaining possession of personal identification documents, guaranteed meal breaks, non-work personal time, etc.).
18. Second, the U.S. government must create systems to meaningfully monitor and enforce established contracts between employers and their domestic workers.
19. Third, the U.S. government should provide expansive and effective medical coverage to all domestic workers in the country, regardless of visa or immigration status.

20. While just a start, these recommendations would begin to change the conditions for domestic workers – from dangerous and unpredictable – to something resembling dignified work. We strongly believe that the seeds of change must start with the U.S. government.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Name: Daniana Trigos-Kukulski
Executive Director
Fe y Justicia Worker Center
209 James St, Houston
TX 77009, USA

Date: March 5, 2021

City, State: Houston, Texas

EXHIBIT 3I

Declaration of Sulma Guzmán on Behalf of Centro de los Derechos del Migrante

Final Observations on the Merits Alleging Violations by the United States of America of the Human Rights of Domestic Workers Employed by Diplomats

1. My name is Sulma Guzmán, I am the Policy Director and Legislative Counsel at Centro de los Derechos del Migrante (CDM). I have been in this position for over two years. I direct CDM's policy and legislative work. CDM is a Mexico City and Baltimore-based nonprofit that supports largely Mexico-based migrant workers to defend and protect their rights as they move between their home communities in Mexico and their workplaces in the United States. We advocate for migrant workers who come to the U.S. in a number of temporary work visa programs by community-based client education, delivery of legal services, and campaign advocacy here and abroad. With our binational, multilingual staff and geographic reach, we have grown in response to increasing needs for our advocacy and services and seek to overcome the border as a barrier to justice.
2. CDM works most frequently with domestic workers who have experienced labor abuses in the J-1 visa program, more formally known as the J-1 Exchange Visitor Visa Program. In 1986, Congress created the J-1 visa *au pair* program as an implementation of the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87–256, 22 U.S.C. § 2451, et seq. (1988). The program was designed to partner American host families with young foreign nationals who would provide childcare in exchange for immersion in American culture and access to the American higher education system. The J-1 program is one of fourteen temporary migration programs run by the U.S. State Department. Today it is advertised as a cultural exchange program in which foreign nationals live and participate in the home life of a host family, providing childcare for the family while attending a post-secondary educational institute.
3. Participants in the J-1 program comprise women between 18 and 26 years old,¹ with a large portion coming from across Latin America. Many of these participants choose to be in the J-1 visa program so they can learn or improve their English, earn money, and continue with their professional careers, which they started in their home countries.
4. The program regulations pertaining to the number of hours an *au pair* can work in the household indicate that the *au pair* is not meant to be the sole caretaker for the household. The program forbids *au pairs* from working more than ten hours a day or 45 hours a week on childcare for the host family.² J-1 *au pairs* are mandated to enroll in a minimum of six academic credits at a post-secondary institution during their year in the program.³ The host families are required to provide the *au pair* with transportation to and from their educational facility and provide between \$500 and \$1,000 to assist with enrollment costs.⁴ *Au pairs* are legally entitled to wages that comply with federal

¹ 22 C.F.R. § 62.31(d) (2018).

² 22 C.F.R. § 62.31 (a),(c)(2),(e)(5) (2018).

³ 22 C.F.R. §§ 62.31(a),(j)(2) (2018).

⁴ 22 C.F.R. § 62.31(k)(1)(2018).

standards. However, sponsor agencies limit *au pair* wages to \$4.35 per hour; their legal justifications for doing so are currently the subject of litigation.⁵

5. Rather than being treated with dignity and respect as valuable participants in a “mutually rewarding”⁶ cultural exchange program, many *au pairs* are treated as underpaid domestic workers, or worse.
6. Because J-1 *au pairs* work within the home, they are a captive labor force, subject to the whims and abuse of their host families. While not all J-1 *au pairs* have bad experiences, the conditions of their work – specifically, the lack of effective oversight within the home – make it very easy for this population to be abused. Lack of strong government oversight allows bad actor families and bad actor sponsor agencies who connect these families to J-1 *au pairs* to ignore these workers’ labor rights.
7. Unscrupulous host families violate the rights of *au pairs* in different ways. They can, and often do, change the terms of the *au pair*’s working conditions after the *au pair* has arrived in the United States. Host families often change the *au pair*’s hours, required tasks, and also set strict house rules that limit the *au pair*’s access to food, healthcare, and freedom of movement. In particularly bad situations, host families control their *au pair*’s access to the outside world by preventing them from going out to see friends. We have heard of situations in which the host families have taken their *au pair*’s cellphone away.
8. Host families will threaten their *au pair* by saying they will call Immigration and Customs Enforcement (ICE) if they disobey their orders. Many *au pairs* have shared how their host family took their passports away under the guise of “safekeeping.” Because *au pairs* come to the U.S. through the J-1 Exchange Visitor Visa Program, their legal status – and ability to stay in the U.S. – is dependent on their employment with the host family. This has a chilling effect on *au pairs* coming forward with worksite abuse or labor and employment rights violations.
9. Once in the United States, *au pairs* may find themselves unable to achieve the educational component of the J-1 visa program. Either the *au pair* is required by the family to work around the clock and therefore does not have time to attend their classes or the host family does not provide the necessary transportation, educational stipend, or logistical assistance for the *au pair* to be able to enroll in their classes. In this situation, the host family is violating the terms of the J-1 program agreement by not ensuring that the *au pair* has a meaningful opportunity to complete the educational component.
10. *Au pairs* who are injured on the job often have difficulty accessing proper medical treatment because host families do not get them prompt medical attention. There are

⁵ *Beltran v. InterExchange, Inc.*, No. 14-cv03074-CMA-KMT, 2016 U.S. Dist. LEXIS 21065 (D. Colo. Feb. 22, 2016) (challenging sponsor agencies’ practice of setting wages at \$195.75 per week), *adopted in part, rejected in part*, 176 F. Supp. 3d 1066 (D. Colo. Mar. 31, 2016), *appeal docketed*, No. 17-1359 (10th Cir. Oct. 12, 2017); *see discussion infra*.

⁶ *Au Pair Program*, U.S. Dep’t of State, <https://j1visa.state.gov/programs/au-pair> (last visited Feb. 23, 2021).

many stories of *au pairs* that were injured in the host family's house, only be told that the pain would eventually go away.

11. Another major obstacle to ensuring the health, safety, and dignity of *au pairs* in their workplace is the weak oversight of U.S.-based *au pair* agencies responsible for connecting *au pairs* with host families. There is little transparency in the placement, family vetting, and contract negotiation process. *Au pair* agencies have strong lobbying power in D.C. and frequently advocate for policies that disadvantage *au pairs*. The majority of *au pairs* do not know about their labor and employment rights in the United States because they are not informed by the sponsor agencies, their host families, or by the U.S. government. This lack of knowledge causes many *au pairs* not to raise worksite complaints because they do not know what their rights are.
12. CDM currently represents two former female *au pairs* in a wage and hour and labor trafficking case, filed in June 2020.⁷ Both survivor plaintiffs, Tatiana Cuenca-Vidarte and Sandra Peters, worked in the home of defendants Michael C. Samuel and Adam Ishaeik in Maryland (“the Samuel family”). Each woman incurred significant expenses in order to participate in the J-1 visa program on the promises of being able to learn English and experience American life and culture while being an integral part of an American family. Instead, plaintiffs were subjected to routine cruelty and threats of serious harm. While working for the host family, the plaintiffs were not treated as members of any family; rather, they were overworked, underpaid, and severely abused.
13. The Samuel family abused both plaintiffs verbally and emotionally throughout their respective periods of employment, routinely threatening deportation and malicious abuse of the J-1 program if plaintiffs failed to continue working excessively long hours as demanded by defendants. Both women were not allowed to eat certain foods, occupy certain spaces in the house, travel outside the home, or interact with certain people. The Samuel family routinely screamed at the plaintiffs that they were “dirty.” The family made near-constant threats of deportation in order to force plaintiffs to work longer and harder. Defendants also made explicit threats that they would make false allegations of sexual abuse against the women in order to ensure the plaintiffs’ continued labor.
14. Both women routinely worked in excess of the 45 hours per week they were promised by their *au pair* agencies and were directed to perform work that was far beyond childcare and child-related tasks.
15. Additionally, both women were cheated out of their hard-earned and legally mandated wages through manipulated contracts purporting to entitle plaintiffs to only \$195.75 for 45 hours of work, in violation of federal and state minimum wage and overtime laws.
16. The first plaintiff, Sandra Peters (née Guzman-Reyes), participated in the *au pair* program to work on her English to one day return to Mexico. She was placed with the Samuel family through an *au pair* agency. Her contract was not honored. She worked

⁷ *Cuenca-Vidarte et al. vs. Samuel et al.*, No. 8:20-cv-01885 (D. Md. July 7, 2020)

around the clock, which took a toll on her physical health. She had limited freedom of movement, and the Samuels heavily controlled her actions.

17. The second plaintiff, Tatianna Cuenca-Vidarte, a Colombian national, paid 5,200,000 Colombian pesos, approximately \$1,400 U.S. dollars, to participate in the J-1 program. The Samuel's AuPairCare agent described the program as a wonderful opportunity to live and work in the United States while taking classes and improving her English-speaking skills. Tatiana was assigned to help with childcare and child-related tasks for the Samuel family; those tasks were to include general supervision, meal preparation, and light housekeeping as it related to the children. Pursuant to federal law, Tatiana was required not to work more than 45 hours per week or ten hours per day. She also was required a minimum of one-and-one-half days off every week and one full weekend off.
18. Tatiana's experience, from November 2017 to September 2018, was vastly different from what had been advertised to her. The Samuel family routinely flouted their statutory and contractual obligations as employers by requiring Tatiana to do heavy housework and to work far in excess of the maximum hours set by law. The family had agreed to reimburse Tatiana for her transportation costs to and from her English language classes, which they did not.
19. The family exerted extreme control over Tatiana by monitoring her every move through a network of surveillance cameras placed throughout the house and front and back yards. The Samuel family would reprimand and berate her if she did not comply with a highly regimented daily schedule of childcare and house cleaning.
20. The family required Tatiana to perform heavy non-childcare-related work that included mopping and cleaning windows, doors, and light switches. The Samuel family compelled her to deep clean the kitchen, including cleaning the oven, microwave, tables, cabinets, refrigerator, and stove. They pushed her to use harsh cleaning supplies and bleach, sometimes without providing her with gloves. As a result, Tatiana's hands became dry and cracked from the harsh chemicals, and she developed a chemical sensitivity to cleaning supplies that persists to this day.
21. When she objected to these additional cleaning tasks, the Samuels retaliated by restricting her access to certain parts of the house. One such instance occurred when the Samuel family told her she was no longer allowed to use the guest bathroom after Tatiana objected to cleaning it more than twice a month.
22. The Samuel family also restricted Tatiana's access to food in multiple ways. First, they only provided her with a limited variety of cheap, mostly processed food items, such as chicken nuggets, meatballs, milk, beans, rice, and bread. Although the Samuel family had fresh fruits and vegetables, they told her she was only allowed to eat the cheaper, less nutritious food that the family had purchased and set aside for her. The family's filtered water also was off-limits to her.

23. The Samuels went to great lengths to control Tatiana. They even set a 15-minute shower time limit and required her to clean the bathtub immediately after she showered. This had a psychological impact on her.
24. The Samuels regularly belittled and berated Tatiana by calling her stupid, dirty, useless, and slow and told her that there was something wrong with her. As a result of this verbal abuse, she developed anxiety and low self-esteem.
25. The Samuel family also exerted intense control over Tatiana's movement in several ways. For example, they often forbade her from using their car, despite requiring her to get a drivers' license. Additionally, every time Tatiana left the Samuel family's home, she had to notify the Samuels and inform them of who she was meeting with and what she was going to do.
26. The Samuel family often met Tatiana's protests and complaints with the veiled threat of deportation. Although her contract with AuPairCare gave Tatiana the right to seek a placement with another family, the process required a positive recommendation from her current host family, in this case, the Samuels. Without a positive recommendation from the current host family, a rematch would fail and thus force Tatiana to return to her home country.
27. Knowing this, the Samuels often threatened to give Tatiana a terrible reference if she failed to comply with their every demand, including their demands that she work in excess of the weekly 45-hours set by the contract. As evidence of the strength of this threat, Dr. Samuel informed Tatiana about a prior *au pair* who had worked for the family who was unable to rematch and was forced to return to Colombia. Hearing this scared her and she felt compelled to continue working for the family.
28. As a result of the Samuel's unrelenting work schedule, constant surveillance, verbal abuse, movement restriction, and not giving her healthy food, Tatiana experienced a high level of stress and overall lack of nutrition that caused her to lose hair and gain weight.
29. Tatiana and Sandra's experiences – specifically, the abuse they endured in the workplace – are not uncommon in the J-1 program. Abuse endured by *au pairs* in the worksite tends to cause both mental and physical harm, as we have observed in our worker outreach efforts.
30. There have been various efforts at the state and federal level to improve the conditions of J-1 *au pairs*, though this has been a halting effort. In December 2019, the First Circuit ordered that J-1 *au pairs* must be paid *at least* the state minimum wage in states that fall under its jurisdiction, a major victory for J-1 workers previously mandated to receive only \$4.35 an hour. This decision was met with resistance from the U.S. Department of State, which shortly thereafter released a proposed federal rule to preempt J-1 *au pairs* from being paid the state's minimum wage, a move designed to ensure that *au pairs* could not earn more than the federally-mandated stipend.

31. Necessary to improving the J-1 Exchange Visitor Visa Program are increased transparency and oversight of the sponsor agencies that recruit and place J-1 participants in any of the 14 programs throughout the country. In December 2020, CDM along with 36 other workers' rights organizations, briefed the Biden Administration on recommendations for the J-1 worker program. While our recommendations are directly addressed to the Biden Administration, these hold for the U.S. government more broadly, during this Administration and beyond. The U.S. government has historically and contemporarily failed to protect J-1 *au pairs*. Our recommendations are as follows:
32. First, the Biden Administration should appoint an experienced worker advocate to head the Bureau of Education and Cultural Affairs at the Department of State to expand their oversight to the J-1 program, in partnership with the U.S. Department of Labor (DOL). Such an appointment would extend DOL's labor expertise to the J-1 program, in desperate need of increased regulation, transparency, and oversight in order to assure its compliance with U.S. labor laws.
33. Second, with this partnership established, the State Department and DOL should expand the J-1 worker protections to guarantee that J-1 workers have robust labor and employment protections and that the program does not adversely affect the wages and working conditions of U.S. workers. This includes clarifying and reaffirming the federal, state, and local laws that protect J-1 workers and requiring J-1 employers abide by the program's regulations and appropriate laws.
34. Third, the Biden Administration should do all in its power to regulate the J-1 recruitment process to protect these workers from fraud, discrimination, and human trafficking.
35. Fourth, it is essential that the Biden Administration do all in its power to provide and expand effective pathways for legal recourse for J-1 workers whose rights have been violated. This commitment could be achieved by extending J-1 visa status for qualifying workers, certifying requests for U and T visas for J-1 workers abused or trafficked on the job, and forbidding employers and J-1 sponsor retaliation against workers who assert their rights under any local, state, or federal law, among other recommendations.
36. Fifth, the Administration should publicize detailed information about the J-1 program and the demographics of those involved in the program, including contractual and payment obligations from recruiters and sponsors, occupations, wages, employers, job sites, and demographic data needed to prevent discrimination based on country of origin, age, and gender, on a publicly available website.
37. Sixth, and finally, the Administration must require that the program reaffirm its commitment to cultural exchange opportunities for participants of the J-1 program. The J-1 program must establish and mandate that J-1 participants have access to meaningful cultural activities away from work while preventing their overwork.
38. As mentioned above, there are many changes needed to improve the J-1 program and work towards ensuring that domestic workers are treated with equality, fairness, and dignity. Perhaps the most urgent of these recommendations, however, is the need for the J-1 program to be reconceived of as a work program in addition to a cultural exchange

one. Such categorization as solely a cultural exchange program obscures the abuse that can, and often does, take place within the program.

39. While other temporary work visas, like the H-2A and H-2B programs, for agricultural and non-agricultural work, are overseen and regulated by DOL, the main federal agency charged with labor standards enforcement, the U.S. State Department oversees the health and safety concerns of J-1 *au pairs*. The U.S. State Department should not be solely tasked with regulating the J-1 visa program, as its expertise is not in the regulation and protection of workers – which J-1 *au pairs* are. Rather, the U.S. State Department should join forces with DOL to ensure the safety and dignity of J-1 workers.

I declare under penalty and perjury under the laws of the United States that the foregoing is true and correct, to the best of my knowledge.

Name: /s/ Sulma Guzmán

Policy Director and Legislative Counsel
Centro de los Derechos del Migrante, Inc.
822 Guilford Avenue, #970
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Date: March 4, 2021

City, State: Baltimore, Maryland

EXHIBIT 3J

**Declaration of Sarah L. Bessell
On Behalf of The Human Trafficking Legal Center**

*Final Observations on the Merits Alleging Violations by the United States of America of the
Human Rights of Domestic Workers Employed by Diplomats*

1. My name is Sarah L. Bessell. I am the Deputy Director of the Human Trafficking Legal Center, a non-profit organization dedicated to helping survivors obtain justice. Since its inception in 2012, the Human Trafficking Legal Center has trained more than 4,000 attorneys at top law firms across the country to handle civil trafficking cases pro bono, connected more than 300 individuals with pro bono representation, and educated more than 25,000 community leaders on victims' rights. The organization advocates for justice for all victims of human trafficking.
2. The Human Trafficking Legal Center maintains comprehensive databases of federal civil and criminal trafficking cases filed in U.S. federal courts. These databases contain many cases involving the trafficking of domestic workers for forced labor. In domestic servitude¹ cases, traffickers hold their victims in involuntary servitude in the home, requiring them to cook, clean, and, in some cases, care for children or elderly members of the household. Victims alleging domestic servitude often describe being subjected to inhumane living conditions and forced to work around the clock for little or no pay.²
3. Domestic servitude cases account for just 14% of federal criminal labor trafficking cases charged since 2009.³ Domestic servitude cases make up 23.5% of all federal civil trafficking cases filed in the U.S. courts.⁴ These figures do not capture the full extent of domestic servitude cases in the United States. These numbers underestimate the extent of this abuse due to the paucity of federal forced labor prosecutions⁵ and the difficulty survivors face in filing civil lawsuits. Nevertheless, civil and criminal court dockets do provide insight into domestic servitude in the United States.
4. Domestic servitude is a problem that overwhelmingly impacts female migrant workers. In all U.S. federal criminal prosecutions involving the trafficking of domestic workers brought since 2009, the victims were female. On the civil side, 93% of federal civil cases alleging domestic servitude (99 total) were filed by women. The majority of domestic worker victims are foreign-born nationals who have been recruited to work in the United States.⁶ In a large number of federal criminal and civil trafficking cases, victims have legal visas to work as domestic workers.⁷ A large number of federal civil trafficking cases have been filed by A-3 and G-5 visa holders who were trafficked by diplomats or international officials.⁸ Criminal prosecutions of employers of A-3 and G-5 domestic workers – indeed, prosecutions of any employers of domestic workers – are rare in the United States. And prosecution of cases involving officials with diplomatic immunity are practically non-existent.⁹
5. Regardless of visa type, immigration status renders domestic workers vulnerable to traffickers. Unscrupulous employers threaten foreign workers with revocation of their employment sponsorship, blacklisting, or even deportation to coerce the workers into domestic servitude. Threats of deportation are a common means of coercion in trafficking cases. In more than two-thirds of federal civil cases involving domestic workers (69 total), defendants allegedly threatened victims with deportation in order to compel their labor.¹⁰ Threats of deportation were alleged in about half of all federal criminal domestic servitude prosecutions (16 total).¹¹

6. Physical and sexual violence are common features in domestic servitude cases. More than 40% of federal civil domestic servitude cases (45 total) involved actual physical violence (27% or 29 cases)¹² or threats of violence (15% or 16 cases).¹³ In federal criminal domestic servitude cases, the rate of violence or threats of violence was even higher. More than 60% of cases (22 total) involved actual violence (60% or 21 cases)¹⁴ or threats of violence (3% or 1 case).¹⁵ In Minnesota, an employer was sentenced to one year in prison after she pled guilty to holding a domestic worker in forced labor. In addition to forcing the domestic worker to work 18-hour days, the defendant subjected her to constant physical abuse, including punching, kicking, and tearing out the victim's hair.¹⁶ In California, a couple was sentenced to over 15 years in prison for recruiting domestic workers from India and forcing them into domestic servitude. The couple physically abused their victims, in one incident slamming a victim's hands on a gas stove, causing her to suffer first and second-degree burns.¹⁷
7. Sexual violence against domestic workers occurred in 16% of federal civil domestic servitude cases (18 total).¹⁸ Again, the figure was higher in federal criminal cases, with 40% of prosecutions (14 total) alleging sexual violence.¹⁹ Case dockets indicate that domestic workers are subjected to sexual harassment²⁰ or forced to give sexual massages to male employers.²¹ In more extreme cases, domestic workers were sexually assaulted or raped by their employers or male members of the household.
8. Many domestic workers are denied access to adequate medical care by their employer-traffickers. This abuse was alleged in roughly half of federal civil domestic servitude cases²² (52 cases) and in about a third of federal criminal prosecutions (12 cases).²³ Some medical conditions may begin as minor issues but become serious when left untreated. In a civil trafficking case brought in Washington, D.C., *Mazengo v. Mzengi*, a Tanzanian diplomat and his wife held a young woman in domestic servitude for four years, paying her nothing.²⁴ During this time, the victim suffered severe ingrown toenails that went untreated for years. She was unable to wear shoes or walk without pain. Traffickers finally allowed her to see a doctor; her condition required surgery to remove the ingrown toenails.²⁵ The doctor told the victim that if she had waited any longer to seek medical treatment, she might have lost her toes.²⁶
9. Severe medical conditions, left untreated, are sometimes a factor motivating an escape attempt. In *United States v. Al Homoud*, a case prosecuted in Texas, a Qatari military official and his spouse held two women in domestic servitude for eight months. One victim suffered excruciating pain but was denied medical treatment. Eventually, she told the court, she felt that she had no choice but to run away and "beg for money for food and medicine." This victim was later diagnosed with cancer.²⁷ Domestic workers are also denied access to dental care. In *Lagasan v. Al-Ghasel*, a domestic worker experienced severe tooth pain but was not allowed to go to the dentist. Following her escape, the victim was required to have seven teeth pulled.²⁸
10. In some cases, employers recruit domestic workers with promises of educational opportunities in the United States. The trafficker-employers then deny domestic workers' access to education. Approximately one in ten survivors in federal civil domestic servitude cases experienced limited access to education.²⁹ A quarter of victims in criminal prosecutions of the perpetrators experienced denial of education.³⁰ Victims have been promised and denied access to English classes,³¹ nursing school,³² and continuing or general education.³³

11. Employers frequently create a climate of fear, causing domestic workers to remain in situations of forced labor or involuntary servitude due to fear of arrest or deportation. In *Cruz v. Maypa*,³⁴ for example, the court of appeals found that the defendants had held the victim as a virtual prisoner by “confiscat[ing] her passport, isolat[ing] her from other people, monitor[ing] her communications, and threaten[ing] that she would be imprisoned and deported if she tried to escape.”³⁵
12. These threats can continue even after a domestic worker escapes. More than a quarter of civil domestic servitude cases included allegations that employers used retaliatory or intimidation-based tactics to limit domestic workers’ access to courts.³⁶ Similar attempts to limit access to courts occurred in about 15% of criminal cases.³⁷ In *Kiwanuka v. Bakilana*,³⁸ a domestic worker was allegedly trafficked from Tanzania on a G-5 visa by an employee of the World Bank. The employer promised that she could finish her studies in the United States.³⁹ Kiwanuka was able to escape with the help of the FBI. Federal authorities prosecuted Bakilana for lying to the FBI, ordering her to pay restitution of \$41,626.80 to Kiwanuka in back wages.⁴⁰ Defendants allegedly began searching for the victim, making inquiries about her location with her family back in Tanzania. Kiwanuka stated that she was fearful for her safety and forced to live in hiding.⁴¹
13. Criminal and civil court documents paint a picture of common elements of the abuse and exploitation of domestic workers. The data of the Human Trafficking Legal Center also illustrate that domestic workers often must resort to federal civil cases in order to have a day in court. Domestic servitude federal prosecutions overall are low: just 39 cases since 2009. In the same period, 2009 to January 2021, domestic workers brought 108 civil cases in the federal courts alleging forced labor and/or involuntary servitude. This failure to prosecute domestic servitude cases is simply part of a larger phenomenon in the United States: a failure to prosecute labor trafficking cases generally. In FY 2020, the U.S. Government prosecuted 210 human trafficking cases; only 14 of those cases were for labor trafficking.⁴²
14. The subset of diplomatic/international organization domestic servitude cases paints an even more stark portrait of the de facto impunity that abusive employers enjoy in the United States. Since 2009, federal prosecutors have brought only 11 criminal cases against perpetrators alleged to have held A-3 or G-5 domestic worker visa-holders in forced labor. In contrast, domestic workers with A-3 and G-5 visas brought 38 civil cases against their employers in the same period.

I swear under penalty of perjury that the foregoing declaration is true and correct.



Sarah L. Bessell

March 1, 2021

Date

¹ “Domestic servitude” is a term of art synonymous with the forced labor and involuntary servitude of domestic workers. The U.S. Department of State defines domestic servitude as, “[i]nvoluntary domestic servitude is a form of human trafficking found in distinct circumstances—work in a private residence—that create unique vulnerabilities for victims.” See U.S. Dep’t of State, *What is Modern Slavery?*, <https://www.state.gov/what-is-modern-slavery/#domestic>.

² See e.g. Report and Recommendation at 8, 9, *Lagasan v. Al-Ghasel*, 1:14-cv-01035 (E.D. Va. Feb. 18, 2015) (plaintiff forced to work up to 19 hours per day, seven days per week, cleaning, cooking, laundering, and caring for defendants’ children, denied access to medical care, isolated from the outside world, and forced to sleep on a closet floor).

³ Since 2009, the U.S. government reports that it has filed 212 criminal labor trafficking cases in the federal courts. See U.S. Dep’t of State, *Trafficking in Persons Report*, 2010 - 2020. For FY 2020 data, see U.S. Dep’t of Justice, *Justice Department Recognizes the 10th Annual Human Trafficking Prevention Month* (Jan. 29, 2021), <https://www.justice.gov/opa/pr/justice-department-recognizes-10th-annual-human-trafficking-prevention-month>. Of these, the Human Trafficking Legal Center has identified 39 cases of domestic servitude filed under federal trafficking laws found at Chapter 77 of Title 18 of the U.S. Code. Data on file with the Human Trafficking Legal Center.

⁴ Since 2003, trafficking victims have filed 460 cases under the Trafficking Victims Protection Reauthorization Act’s private right of action. Of those, 108 have been filed by victims of domestic servitude. Data on file with the Human Trafficking Legal Center.

⁵ The U.S. government reports that it filed only 12 forced labor prosecutions in fiscal year 2019. See U.S. Dep’t of State, *Trafficking in Persons Report*, 2020. Only 14 forced labor prosecutions were filed in fiscal year 2020. See U.S. Dep’t of Justice, *Justice Department Recognizes the 10th Annual Human Trafficking Prevention Month* (Jan. 29, 2021), <https://www.justice.gov/opa/pr/justice-department-recognizes-10th-annual-human-trafficking-prevention-month>.

⁶ All federal civil domestic servitude lawsuits have been filed by foreign-born victims. Four criminal cases, stemming from three unique trafficking incidents, involved U.S. citizen victims. In two of those cases, the U.S. citizen victims had cognitive or developmental disabilities, see *US v. Brown (Daniel)*, 1:13-cr-00341 (N.D. Oh.); *US v. Callahan (Jordie) et al*, 1:13-cr-00339 (N.D. Oh.); *US v. Knope (Raylaine) et al*, 2:18-cr-00160 (E.D. La.), while the third victim was a minor, see *US v. Soe (Yan) et al*, 1:09-cr-00031 (W.D. N.Y.).

⁷ See Human Trafficking Legal Center, *Federal and Criminal Civil Trafficking Cases Involving Legal Visas* (2020), <https://www.htlegalcenter.org/wp-content/uploads/Federal-Trafficking-Cases-Involving-Legal-Visas.pdf>.

⁸ Thirty-eight civil trafficking lawsuits have been filed by A-3/G-5 domestic workers, equating to 35% of all domestic servitude civil cases filed in the U.S. federal courts. See *Ayapponey v. Kunikiraman*, 1:08-cv-04133 (N.D. Ill.); *Baoanan v. Baja*, 1:08-cv-05692 (S.D. N.Y.); *Barjo v. Cherian*, 8:18-cv-01587 (D. Md.); *Bhardwaj v. Dayal*, 1:11-cv-04170 (S.D. N.Y.); *Butigan v. Al-Malki*, 1:13-cv-00514 (E.D. Va.); *Carazani v. Zegarra*, 1:12-cv-00107 (D.D.C.); *Chere v. Taye*, 2:04-cv-06264 (D.N.J.); *Cruz v. Maypa*, 1:13-cv-00862 (E.D. Va.); *Doe v. Amal*, 1:12-cv-01359 (E.D. Va.); *Doe v. Khobragade*, 1:18-cv-11134 (S.D. N.Y.); *Doe v. Penzato*, 3:10-cv-05154 (N.D. Cal.); *Doe v. Siddig*, 1:10-cv-01256 (D.D.C.); *Doe v. Zinsou*, 1:19-cv-07025 (S.D. N.Y.); *Elat v. Ngoubene*, 8:11-cv-2931 (D. Md.); *Gurung v. Malhotra*, 1:10-cv-05086 (S.D. N.Y.); *Hussain v. Shaukat*, 1:16-cv-00322 (E.D. Va.); *Jeganathan v. Krishnan*, 1:16-cv-06784 (S.D. N.Y.); *Judavar v. Al Mannai*, 1:11-cv-00625 (D.D.C.); *Kiwanuka v. Bakilana*, 1:10-cv-01336 (D.D.C.); *Kunamwene v. Mwoombola et al*, 1:19-cv-01957 (D.D.C.); *Laamime v. Abouzaid*, 1:13-cv-00793 (E.D. Va.); *Leo v. Al Naser*, 1:08-cv-01263 (D.D.C.); *Lipenga v. Kambalame*, 8:14-cv-03980 (D. Md.); *Maysaroh v. American Arab Communications, LLC*, 1:13-cv-01743 (D.D.C.) (later 1:14-cv-00866 (E.D. Va.)); *Mazengo v. Mzenzi*, 1:07-cv-00756 (D.D.C.); *Nabong v. Paddayuman*, 1:17-cv-00400 (D.D.C.); *Oluoch v. Orina*, 11-cv-3117 (S.D. N.Y.) (later 1:14-cv-421 (S.D. N.Y.)); *Ouedraogo v. Bonkoungou*, 1:15-cv-01345 (S.D. N.Y.); *Pattaiso v. Alahmad*, 1:14-cv-00041 (M.D. Pa.); *Rana v. Islam*, 1:14-cv-1993 (S.D. N.Y.); *Rios Fun v. Pulgar*, 2:13-cv-03679 (D.N.J.); *Sabbithi v. Al Saleh*, 1:07-cv-115 (D.D.C.); *Sakala v. Milunga*, 8:16-cv-00790 (D. Md.); *Sulaiman v. Laram*, 1:16-cv-08182 (S.D. N.Y.); *Tamang v. Mehra*, 1:17-cv-00370 (E.D. Va.); *Tekle v. Al Saud*, 1:18-cv-00211 (E.D. Va.); *Villarreal v. Tenorio*, 8:11-cv-2147 (D. Md.); *Waru v. Madhvani*, 1:05-cv-00662 (D.D.C.).

⁹ The U.S. Department of State can request a waiver of immunity from a diplomat’s host country, but as of 2016, this had only occurred two times in human trafficking cases. See *United States v. Soborun*, 2:12-mj-03121 (D.N.J.); *United States v. Khobragade*, 1:14-cr-00176 (S.D. N.Y.); *Martina E. Vandenberg & Sarah Bessell, Diplomatic Immunity and the Abuse of Domestic Workers: Criminal and Civil Remedies in the United States*, 26 DUKE J. COMP. & INT’L L. 595, 619 n.216 (2016); *Martina E. Vandenberg, Opinion, Diplomats Who Commit Domestic-Worker*

Crimes Shouldn't Get a Free Pass, WASHINGTON POST (Jan. 1, 2014),

https://www.washingtonpost.com/opinions/diplomats-who-commit-domestic-worker-crimes-shouldnt-get-a-free-pass/2014/01/01/61b750b6-719d-11e3-9389-09ef9944065e_story.html.

¹⁰ See *Ayapponey v. Kunikiraman*, 1:08-cv-04133 (N.D.Ill.); *C.G.B. v. Santa Lucia*, 2:15-cv-03401 (D.N.J.); *Daniel v. Madumere*, 4:19-cv-01945 (S.D.Tex.); *Mbome v. Njie*, 4:18-cv-00597 (N.D.Tex.); *Barjo v. Cherian*, 8:18-cv-01587 (D.Md.); *Bhardwaj v. Dayal*, 1:11-cv-04170 (S.D.N.Y.); *Butigan v. Al-Malki*, 1:13-cv-00514 (E.D.Va.); *Carazani v. Zegarra*, 1:12-cv-00107 (D.D.C.); *Dumapias v. Haybyrne*, 1:20-cv-00297 (E.D.Va.); *Chere v. Taye*, 2:04-cv-06264 (D.N.J.); *Cruz v. Maypa*, 1:13-cv-00862 (E.D.Va.); *Baxla v. Chaudhri*, 1:16-cv-01218 (E.D.Va.); *Doe v. Amal*, 1:12-cv-01359 (E.D.Va.); *Doe v. Howard*, 1:11-cv-01105 (E.D.Va.); *DSouza v. Lobo*, 2:09-cv-00410 (E.D.N.Y.); *Fernandes v. Hayes*, 6:11-cv-00137 (W.D.Tex.); *Woods v. Armand*, 1:17-cv-02550 (E.D.N.Y.); *Jose v. Joshua et al*, 2:19-cv-04583 (E.D.N.Y.); *Abafita v. Aldukhan*, 1:16-cv-06072 (S.D.N.Y.); *Doe v. Penzato*, 3:10-cv-05154 (N.D.Cal.); *Lagayan v. Odeh*, 1:15-cv-01953 (D.D.C.); *Hara v. Mak*, 2:13-cv-02924 (E.D.N.Y.); *Doe v. Zinsou*, 1:19-cv-07025 (S.D.N.Y.); *Midjan v. Chan*, 3:07-cv-01977 (N.D.Cal.); *Franco v. Diaz*, 1:14-cv-1909 (E.D.N.Y.); *Garcia v. Curtright*, 6:11-cv-06407 (D.Or.); *Gurung v. Malhotra*, 1:10-cv-05086 (S.D.N.Y.); *Lagasan v. Al-Ghasel*, 1:14-cv-01035 (E.D.Va.); *Hernandez v. Attisha*, 3:09-cv-02257 (S.D.Cal.); *Jeganathan v. Krishnan*, 1:16-cv-06784 (S.D.N.Y.); *Judavar v. Al Mannai*, 1:11-cv-00625 (D.D.C.); *Kiwanuka v. Bakilana*, 1:10-cv-01336 (D.D.C.); *Kunamwene v. Mwoombola et al*, 1:19-cv-01957 (D.D.C.); *Laamime v. Abouzaid*, 1:13-cv-00793 (E.D.Va.); *Blanco v. Perdomo*, 1:13-cv-20374 (S.D.Fla.); *Lama v. Malik*, 2:13-cv-02846 (E.D.N.Y.); *Lipenga v. Kambalame*, 8:14-cv-03980 (D.Md.); *Bibi v. Shakil-v. Ur-Rahman et al.*, 1:20-cv-10478 (E.D.Va.); *Oh v. Choi*, 1:11-cv-03764 (E.D.N.Y.); *Mazengo v. Mzengi*, 1:07-cv-00756 (D.D.C.); *Paucar v. Marquez*, 13-cv-24067 (S.D.Fla.); *Ramos v. Hoyle*, 1:08-cv-21809 (S.D.Fla.); *Moulouki v. Epee*, 1:14-cv-05532 (N.D.Ill.); *Nabong v. Paddayuman*, 1:17-cv-00400 (D.D.C.); *Ndukwe v. Ndukwe*, 2:09-cv-06443 (D.N.J.); *Oluoch v. Orina*, 11-cv-3117 (S.D.N.Y.) (later: 1:14-cv-421 (S.D.N.Y.)); *Bergado v. Velonza*, 2:17-cv-09070 (C.D.Cal.); *Bolocon v. Sermoneta*, 1:16-cv-00521 (S.D.N.Y.); *Ouedraogo v. Bonkougou*, 1:15-cv-01345 (S.D.N.Y.); *Pattaiso v. Alahmad*, 1:14-cv-00041 (M.D.Pa.); *Ara v. Khan*, 1:07-cv-1251 (E.D.N.Y.); *Eusebio v. Assaf*, 1:11-cv-00811 (N.D.Ill.); *Martinez v. Calimlim*, 2:08-cv-00810 (E.D.Wis.); *Masangcay v. Kamenetskaya*, 1:18-cv-03666 (E.D.N.Y.); *Mortal v. Nolasco*, 1:10-cv-06008 (E.D.N.Y.); *Roncesvalles v. Gulec*, 0:19-cv-60495 (S.D.Fla.); *Suarez v. Scudder*, 2:18-cv-05777 (E.D.N.Y.); *Sabbithi v. Al Saleh*, 1:07-cv-115 (D.D.C.); *Sakala v. Milunga*, 8:16-cv-00790 (D.Md.); *Sulaiman v. Laram*, 1:16-cv-08182 (S.D.N.Y.); *Salgado v. Gunawardane*, 2:04-cv-7378 (C.D.Cal.); *Dlamini v. Babb*, 1:13-cv-02699 (N.D.Ga.); *Tekle v. Al Saud*, 1:18-cv-00211 (E.D.Va.); *Nassali v. Kamy*, 8:19-cv-02444 (D.Md.); *Canal v. de la Rosa Dann*, 09-cv-3366 (N.D.Cal.); *Villarreal v. Tenorio*, 8:11-cv-2147 (D.Md.); *Mendoza v. Valdavia*, 1:19-cv-08011 (N.D.Ill.); *Waru v. Madhvani*, 1:05-cv-00662 (D.D.C.); *Mugambiwa v. Chiweshe*, 1:17-cv-02541 (D.Md.).

¹¹ See *US v. Albarghuthi (Huthaifa) et al*, 3:10-cr-00339 (N.D.Tex.); *US v. Aman (Zahida) et al*, 3:19-cr-00085 (E.D.Va.); *US v. Babb (Juna) et al*, 1:09-cr-00520 (N.D.Ga.); *US v. Bello (Bidemi)*, 1:10-cr-00397 (N.D.Ga.); *US v. Ding (Fang Ping) et al*, 4:09-cr-00573 (N.D.Cal.); *US v. Edwards (Alfred) et al*, 8:11-cr-00316 (D.Md.); *US v. Homoud (Hassan) et al*, 5:15-cr-00391 (W.D.Tex.); *US v. Hunaity (Alia)*, 1:18-cr-00723 (D.N.J.); *US v. Jensen (Donald) et al*, 4:12-cr-00085 (S.D.Iowa); *US v. Kartan (Satish) et al*, 2:16-cr-00217 (E.D.Cal.); *US v. Kenit (Edk) et al*, 3:11-cr-05182 (W.D.Wash.); *US v. Mondragon (Angel) et al*, 2:15-cr-00386 (W.D.Wash.); *US v. Murra (Olga)*, 4:16-cr-00078 (N.D.Tex.); *US v. Nsobundu (Chudy) et al*, 4:16-cr-00089 (S.D.Tex.); *US v. Sihombing (Elina) et al*, 2:11-cr-02237 (D.N.M.); *US v. Tolan (Mervat) et al*, 1:11-cr-00526 (E.D.Va.).

¹² See *Edwards v. Edwards*, 8:12-cv-03761 (D.Md.); *Baoanan v. Baja*, 1:08-cv-05692 (S.D.N.Y.); *Balite v. Bishman*, 6:11-cv-6252 (D.Or.); *Mistry v. Udwardia*, 5:12-cv-00034 (W.D.Ok.); *Daniel v. Madumere*, 4:19-cv-01945 (S.D.Tex.); *Mbome v. Njie*, 4:18-cv-00597 (N.D.Tex.); *Doe v. Pletin*, 2:18-cv-06974 (E.D.N.Y.); *Guobadia v. Irowa*, 2:12-cv-4042 (E.D.N.Y.); *Brojer v. Kuriakose*, 2:11-cv-03156 (E.D.N.Y.); *Samirah v. Sabhnani*, 2:08-cv-2970 (E.D.N.Y.); *Chere v. Taye*, 2:04-cv-06264 (D.N.J.); *Meda v. Kogda*, 1:17-cv-06853 (S.D.N.Y.); *Woods v. Armand*, 1:17-cv-02550 (E.D.N.Y.); *Lagayan v. Odeh*, 1:15-cv-01953 (D.D.C.); *Doe v. Zinsou*, 1:19-cv-07025 (S.D.N.Y.); *Franco v. Diaz*, 1:14-cv-1909 (E.D.N.Y.); *Hussain v. Shaukat*, 1:16-cv-00322 (E.D.Va.); *Judavar v. Al Mannai*, 1:11-cv-00625 (D.D.C.); *Garnica v. Edwards*, 1:13-cv-3943 (S.D.N.Y.); *Leo v. Al Naser*, 1:08-cv-01263 (D.D.C.); *Oh v. Choi*, 1:11-cv-03764 (E.D.N.Y.); *Mazengo v. Mzengi*, 1:07-cv-00756 (D.D.C.); *Ara v. Khan*, 1:07-cv-1251 (E.D.N.Y.); *Rana v. Islam*, 1:14-cv-1993 (S.D.N.Y.); *Rong v. Hong Kong Entertainment, Ltd.*, 1:05-cv-48 (N.M.I.); *Roe v. Howard*, 1:16-cv-00562 (E.D.Va.); *Sabbithi v. Al Saleh*, 1:07-cv-115 (D.D.C.); *Velez v. Sanchez*, 1:04-cv-04797 (E.D.N.Y.); *Canal v. de la Rosa Dann*, 09-cv-3366 (N.D.Cal.).

¹³ See *Arma v. Prakoso*, 8:14-cv-03113 (D.Md.); *Butigan v. Al-Malki*, 1:13-cv-00514 (E.D.Va.); *Dumapias v. Haybyrne*, 1:20-cv-00297 (E.D.Va.); *Doe v. Amal*, 1:12-cv-01359 (E.D.Va.); *Abafita v. Aldukhan*, 1:16-cv-06072 (S.D.N.Y.); *Doe v. Khobragade*, 1:18-cv-11134 (S.D.N.Y.); *Doe v. Penzato*, 3:10-cv-05154 (N.D.Cal.); *Elat v.*

Ngoubene, 8:11-cv-2931 (D.Md.); Gurung v. Malhotra, 1:10-cv-05086 (S.D.N.Y.); Lagasan v. Al-Ghasel, 1:14-cv-01035 (E.D.Va.); Laamime v. Abouzaid,, 1:13-cv-00793 (E.D.Va.); Moulouki v. Epee, 1:14-cv-05532 (N.D.Ill.); Oluoch v. Orina, 1:14-cv-421 (S.D.N.Y.) (prev: 11-cv-3117 (S.D.N.Y.)); Ouedraogo v. Bonkougou, 1:15-cv-01345 (S.D.N.Y.); Pattaiso v. Alahmad, 1:14-cv-00041 (M.D.Pa.); Waru v. Madhvani, 1:05-cv-00662 (D.D.C.).

¹⁴ See US v. Ac-Salazar (Santos) et al, 1:20-cr-00700 (N.D.Ill.); US v. Albarghuthi (Huthaifa) et al, 3:10-cr-00339 (N.D.Tex.); US v. Avelenda (Jose), 2:11-cr-00949 (C.D.Cal.); US v. Bello (Bidemi), 1:10-cr-00397 (N.D.Ga.); US v. Brown (Daniel), 1:13-cr-00341 (N.D.Oh.); US v. Callahan (Jordie) et al, 1:13-cr-00339 (N.D.Oh.); US v. Cros-Toure (Denise) et al, 4:18-cr-00230 (N.D.Tex.); US v. Ding (Fang Ping) et al, 4:09-cr-00573 (N.D.Cal.); US v. Huang (Lili), 0:16-cr-00263 (D.Minn.); US v. Hunaity (Alia), 1:18-cr-00723 (D.N.J.); US v. Kartan (Satish) et al, 2:16-cr-00217 (E.D.Cal.); US v. Knope (Raylaine) et al, 2:18-cr-00160 (E.D.La.); US v. Majeed (Firas) et al, 3:16-cr-00819 (S.D.Cal.); US v. Mondragon (Angel) et al, 2:15-cr-00386 (W.D.Wash.); US v. Murra (Olga), 4:16-cr-00078 (N.D.Tex.); US v. Nsobundu (Chudy) et al, 4:16-cr-00089 (S.D.Tex.); US v. Paz-Rodriguez (Ronald) et al, 4:20-cr-00082 (N.D.Okla.); US v. Penzato (Giuseppe) et al, 3:12-cr-00089 (N.D.Cal.); US v. Sihombing (Elina) et al, 2:11-cr-02237 (D.N.M.); US v. Soe (Yan) et al, 1:09-cr-00031 (W.D.N.Y.); US v. Toviave (Jean Claude), 2:11-cr-20259 (E.D.Mich.).

¹⁵ US v. Yannai (Joseph), 1:10-cr-00594 (E.D.N.Y.).

¹⁶ See U.S. Dep't of Justice, *Woodbury Woman Sentenced To Prison In Labor Trafficking Case* (Aug. 24, 2017), <https://www.justice.gov/usao-mn/pr/woodbury-woman-sentenced-prison-labor-trafficking-case>.

¹⁷ See U.S. Dep't of Justice, *Former Stockton Couple Convicted of Human Trafficking Charges Related to Forced Labor of Foreign Nationals* (Mar. 18, 2019), <https://www.justice.gov/usao-edca/pr/former-stockton-couple-convicted-human-trafficking-charges-related-forced-labor-foreign>. See also U.S. Dep't of Justice, *Husband Sentenced to over 15 Years in Prison for Human Trafficking Convictions Related to Forced Labor of Foreign Nationals* (Oct. 22, 2020), <https://www.justice.gov/usao-edca/pr/husband-sentenced-over-15-years-prison-human-trafficking-convictions-related-forced>.

¹⁸ See Arma v. Prakoso, 8:14-cv-03113 (D.Md.); Balite v. Bishman, 6:11-cv-6252 (D.Or.); Chere v. Taye, 2:04-cv-06264 (D.N.J.); Doe v. Amal, 1:12-cv-01359 (E.D.Va.); Doe v. Howard, 1:11-cv-01105 (E.D.Va.); Doe v. Penzato, 3:10-cv-05154 (N.D.Cal.); Doe v. Pletin, 2:18-cv-06974 (E.D.N.Y.); Doe v. Zinsou, 1:19-cv-07025 (S.D.N.Y.); Josenia Ferreyra Santos v. Villalona et al., 1:20-cv-05253 (S.D.N.Y.); Judavar v. Al Mannai, 1:11-cv-00625 (D.D.C.); Leo v. Al Naser, 1:08-cv-01263 (D.D.C.); Maysaroh v. American Arab Communications, LLC, 1:13-cv-01743 (D.D.C.) (later 1:14-cv-00866 (E.D.Va.)); Mistry v. Udwardia, 5:12-cv-00034 (W.D.Ok.); Nabong v. Paddayuman, 1:17-cv-00400 (D.D.C.); Ouedraogo v. Bonkougou, 1:15-cv-01345 (S.D.N.Y.); Paucar v. Marquez, 13-cv-24067 (S.D.Fla.); Roe v. Howard, 1:16-cv-00562 (E.D.Va.); Woods v. Armand, 1:17-cv-02550 (E.D.N.Y.).

¹⁹ See US v. Albarghuthi (Huthaifa) et al, 3:10-cr-00339 (N.D.Tex.); US v. Andres (Javier) et al, 2:14-cr-01461 (D.Az.); US v. Avelenda (Jose), 2:11-cr-00949 (C.D.Cal.); US v. Brown (Daniel), 1:13-cr-00341 (N.D.Oh.); US v. Callahan (Jordie) et al, 1:13-cr-00339 (N.D.Oh.); US v. Jensen (Donald) et al, 4:12-cr-00085 (S.D.Iowa); US v. Kenit (Edk) et al, 3:11-cr-05182 (W.D.Wash.); US v. Mondragon (Angel) et al, 2:15-cr-00386 (W.D.Wash.); US v. Nnaji (Ngozi) et al, 4:09-cr-00172 (N.D.Tex.); US v. Penzato (Giuseppe) et al, 3:12-cr-00089 (N.D.Cal.); US v. Soe (Yan) et al, 1:09-cr-00031 (W.D.N.Y.); US v. Tolan (Mervat) et al, 1:11-cr-00526 (E.D.Va.); US v. Toviave (Jean Claude), 2:11-cr-20259 (E.D.Mich.); US v. Yannai (Joseph), 1:10-cr-00594 (E.D.N.Y.).

²⁰ Edwards v. Edwards, 8:12-cv-03761 (D.Md.); Maysaroh v. American Arab Communications, LLC, 1:13-cv-01743 (D.D.C.) (later 1:14-cv-00866 (E.D.Va.)); Chere v. Taye, 2:04-cv-06264 (D.N.J.).

²¹ Balite v. Bishman, 6:11-cv-6252 (D.Or.); Chere v. Taye, 2:04-cv-06264 (D.N.J.); Lama v. Malik, 2:13-cv-02846 (E.D.N.Y.).

²² See Abafita v. Aldukhan, 1:16-cv-06072 (S.D.N.Y.); Ara v. Khan, 1:07-cv-1251 (E.D.N.Y.); Avila v. Espinel, 1:19-cv-08385 (N.D.Ill.); Barjo v. Cherian, 8:18-cv-01587 (D.Md.); Bergado v. Velonza, 2:17-cv-09070 (C.D.Cal.); Bibi v. Shakil-v. Ur-Rahman et al, 1:20-cv-10478 (E.D.Va.); Blanco v. Perdomo, 1:13-cv-20374 (S.D.Fla.); Brojer v. Kuriakose, 2:11-cv-03156 (E.D.N.Y.); C.G.B. v. Santa Lucia, 2:15-cv-03401 (D.N.J.); Carazani v. Zegarra, 1:12-cv-00107 (D.D.C.); Chere v. Taye, 2:04-cv-06264 (D.N.J.); Cruz v. Maypa, 1:13-cv-00862 (E.D.Va.);Doe v. Amal, 1:12-cv-01359 (E.D.Va.); Doe v. Howard, 1:11-cv-01105 (E.D.Va.); Doe v. Khobragade, 1:18-cv-11134 (S.D.N.Y.); Doe v. Siddig, 1:10-cv-01256 (D.D.C.); Doe v. Zinsou, 1:19-cv-07025 (S.D.N.Y.); Dumapias v. Haybyrne, 1:20-cv-00297 (E.D.Va.); Elat v. Ngoubene, 8:11-cv-2931 (D.Md.); Garnica v. Edwards, 1:13-cv-3943 (S.D.N.Y.); Guobadia v. Irowa, 2:12-cv-4042 (E.D.N.Y.); Hernandez v. Attisha, 3:09-cv-02257 (S.D.Cal.); Jose v. Joshua et al, 2:19-cv-04583 (E.D.N.Y.); Josenia Ferreyra Santos v. Villalona et al., 1:20-cv-05253 (S.D.N.Y.); Kiwanuka v. Bakilana, 1:10-cv-01336 (D.D.C.); Laamime v. Abouzaid, 1:13-cv-00793 (E.D.Va.); Lagasan v. Al-Ghasel, 1:14-cv-01035 (E.D.Va.); Leo v. Al Naser, 1:08-cv-01263 (D.D.C.); Lipenga v. Kambalame, 8:14-cv-03980

(D.Md.); *Martinez v. Calimlim*, 2:08-cv-00810 (E.D.Wis.); *Masangcay v.*; *Kamenetskaya*, 1:18-cv-03666 (E.D.N.Y.); *Mathai v. George*, 1:13-cv-00997 (N.D.N.Y.); *Maysaroh v. American Arab Communications, LLC*, 1:13-cv-01743 (D.D.C.) (later 1:14-cv-00866 (E.D.Va.)); *Mazengo v. Mzengi*, 1:07-cv-00756 (D.D.C.); *Mbome v. Njie*, 4:18-cv-00597 (N.D.Tex.); *Meda v. Kogda*, 1:17-cv-06853 (S.D.N.Y.); *Mistry v. Udwadia*, 5:12-cv-00034 (W.D.Ok.); *Moulouki v. Epee*, 1:14-cv-05532 (N.D.Ill.); *Mugambiwa v. Chiweshe*, 1:17-cv-02541 (D.Md.); *Munoz v. Rossi*, 1:13-cv-00884 (D.D.C.); *Oh v. Choi*, 1:11-cv-03764 (E.D.N.Y.); *Paucar v. Marquez*, 13-cv-24067 (S.D.Fla.); *Ramos v. Hoyle*, 1:08-cv-21809 (S.D.Fla.); *Rios Fun v. Pulgar*, 2:13-cv-03679 (D.N.J.); *Roncesvalles v. Gulec*, 0:19-cv-60495 (S.D.Fla.); *Sabbithi v. Al Saleh*, 1:07-cv-115 (D.D.C.); *Salgado v. Gunawardane*, 2:04-cv-7378 (C.D.Cal.); *Samirah v. Sabhnani*, 2:08-cv-2970 (E.D.N.Y.); *Sulaiman v. Laram*, 1:16-cv-08182 (S.D.N.Y.); *Sulastri v. Halsey*, 2:12-cv-3538 (E.D.N.Y.); *Tekle v. Al Saud*, 1:18-cv-00211 (E.D.Va.); *Woods v. Armand*, 1:17-cv-02550 (E.D.N.Y.).

²³ See *US v. Ac-Salazar (Santos) et al*, 1:20-cr-00700 (N.D.Ill.); *US v. Bello (Bidemi)*, 1:10-cr-00397 (N.D.Ga.); *US v. Cros-Toure (Denise) et al*, 4:18-cr-00230 (N.D.Tex.); *US v. Hunaity (Alia)*, 1:18-cr-00723 (D.N.J.); *US v. Kenit (Edk) et al*, 3:11-cr-05182 (W.D.Wash.); *US v. Mondragon (Angel) et al*, 2:15-cr-00386 (W.D.Wash.); *US v. Paz-Rodriguez (Ronald) et al*, 4:20-cr-00082 (N.D.Okla.); *US v. Sihombing (Elina) et al*, 2:11-cr-02237 (D.N.M.); *US v. Soe (Yan) et al*, 1:09-cr-00031 (W.D.N.Y.).

²⁴ Report and Recommendation at 4, *Mazengo v. Mzengi*, No. 1:07-cv-00756 (D.D.C. Dec. 20, 2007).

²⁵ *Id.* at 5-6.

²⁶ *Id.* at 6.

²⁷ Transcript of Sentencing Hearing at 22-24, *US v. Homoud*, No. 15-cr-00391 (W.D. Tex. Feb. 9, 2016).

²⁸ *Lagasan v. Al-Ghasel*, 1:14-cv-01035 (E.D.Va.).

²⁹ See *Chigangu v. NDusha*, 5:14-cv-00062 (E.D.Ky.); *Doe v. Siddig*, 1:10-cv-01256 (D.D.C.); *Elat v. Ngoubene*, 8:11-cv-2931 (D.Md.); *Guobadia v. Irowa*, 2:12-cv-4042 (E.D.N.Y.); *Kiwanuka v. Bakilana*, 1:10-cv-01336 (D.D.C.); *Lipenga v. Kambalame*, 8:14-cv-03980 (D.Md.); *Mistry v. Udwadia*, 5:12-cv-00034 (W.D.Ok.); *Mugambiwa v. Chiweshe*, 1:17-cv-02541 (D.Md.); *Ouedraogo v. Bonkougou*, 1:15-cv-01345 (S.D.N.Y.); *Velez v. Sanchez*, 1:04-cv-04797 (E.D.N.Y.); *Woods v. Armand*, 1:17-cv-02550 (E.D.N.Y.).

³⁰ See *US v. Ac-Salazar (Santos) et al*, 1:20-cr-00700 (N.D.Ill.); *US v. Bello (Bidemi)*, 1:10-cr-00397 (N.D.Ga.); *US v. Cros-Toure (Denise) et al*, 4:18-cr-00230 (N.D.Tex.); *US v. Hunaity (Alia)*, 1:18-cr-00723 (D.N.J.); *US v. Kenit (Edk) et al*, 3:11-cr-05182 (W.D.Wash.); *US v. Mondragon (Angel) et al*, 2:15-cr-00386 (W.D.Wash.); *US v. Paz-Rodriguez (Ronald) et al*, 4:20-cr-00082 (N.D.Okla.); *US v. Sihombing (Elina) et al*, 2:11-cr-02237 (D.N.M.); *US v. Soe (Yan) et al*, 1:09-cr-00031 (W.D.N.Y.).

³¹ *Chigangu v. NDusha*, 5:14-cv-00062 (E.D.Ky.).

³² *Mugambiwa v. Chiweshe*, 1:17-cv-02541 (D.Md.).

³³ *Doe v. Siddig*, 1:10-cv-01256 (D.D.C.); *Guobadia v. Irowa*, 2:12-cv-4042 (E.D.N.Y.); *Kiwanuka v. Bakilana*, 1:10-cv-01336 (D.D.C.); *Lipenga v. Kambalame*, 8:14-cv-03980 (D.Md.); *Ouedraogo v. Bonkougou*, 1:15-cv-01345 (S.D.N.Y.); *Mistry v. Udwadia*, 5:12-cv-00034 (W.D.Ok.); *Velez v. Sanchez*, 1:04-cv-04797 (E.D.N.Y.); *Woods v. Armand*, 1:17-cv-02550 (E.D.N.Y.).

³⁴ 773 F.3d 138 (4th Cir. 2014).

³⁵ *Id.* at 145-46.

³⁶ See *Abafita v. Aldukhan*, 1:16-cv-06072 (S.D.N.Y.); *Arma v. Prakoso*, 8:14-cv-03113 (D.Md.); *Bibi v. Shakil-v. Ur-Rahman et al*, 1:20-cv-10478 (E.D.Va.); *Bonilla v. Buch*, 1:18-cv-02092 (D.Colo.); *Butigan v. Al-Malki*, 1:13-cv-00514 (E.D.Va.); *Chere v. Taye*, 2:04-cv-06264 (D.N.J.); *Chigangu v. NDusha*, 5:14-cv-00062 (E.D.Ky.); *Cruz v. Toliver*, 5:04-cv-231 (W.D.Ky.); *Doe v. Amal*, 1:12-cv-01359 (E.D.Va.); *Doe v. Howard*, 1:11-cv-01105 (E.D.Va.); *Doe v. Pletin*, 2:18-cv-06974 (E.D.N.Y.); *Doe v. Siddig*, 1:10-cv-01256 (D.D.C.); *Dumapias v. Haybyrne*, 1:20-cv-00297 (E.D.Va.); *Elat v. Ngoubene*, 8:11-cv-2931 (D.Md.); *Franco v. Diaz*, 1:14-cv-1909 (E.D.N.Y.); *Hara v. Mak*, 2:13-cv-02924 (E.D.N.Y.); *Josenia Ferreyra Santos v. Villalona et al.*, 1:20-cv-05253 (S.D.N.Y.); *Kiwanuka v. Bakilana*, 1:10-cv-01336 (D.D.C.); *Kunamwene v. Mwoombola et al*, 1:19-cv-01957 (D.D.C.); *Lagayan v. Odeh*, 1:15-cv-01953 (D.D.C.); *Lipenga v. Kambalame*, 8:14-cv-03980 (D.Md.); *Mathai v. George*, 1:13-cv-00997 (N.D.N.Y.); *Moulouki v. Epee*, 1:14-cv-05532 (N.D.Ill.); *Nassali v. Kamyia*, 8:19-cv-02444 (D.Md.); *Oluoch v. Orina*, 1:14-cv-421 (S.D.N.Y.) (prev: 11-cv-3117 (S.D.N.Y.)); *Rios Fun v. Pulgar*, 2:13-cv-03679 (D.N.J.); *Roe v. Howard*, 1:16-cv-00562 (E.D.Va.); *Sabbithi v. Al Saleh*, 1:07-cv-115 (D.D.C.); *Sulaiman v. Laram*, 1:16-cv-08182 (S.D.N.Y.); *Velez v. Sanchez*, 1:04-cv-04797 (E.D.N.Y.).

³⁷ See *US v. Edwards (Alfred) et al*, 8:11-cr-00316 (D.Md.); *US v. Kenit (Edk) et al*, 3:11-cr-05182 (W.D.Wash.); *US v. Nsobundu (Chudy) et al*, 4:16-cr-00089 (S.D.Tex.); *US v. Penzato (Giuseppe) et al*, 3:12-cr-00089 (N.D.Cal.); *US v. Sihombing (Elina) et al*, 2:11-cr-02237 (D.N.M.).

³⁸ Complaint at 17, *Kiwanuka v. Bakilana*, 1:10-cv-01336 (D.D.C. Aug. 9, 2010).

³⁹ *Id.* at 4–5.

⁴⁰ See Restitution Judgment, *US v. Bakilana*, 1:10-cr-00093 (E.D.Va. July 2, 2010). See Judgment, *US v. Bakilana*, 1:10-cr-00093 (E.D.Va. July 2, 2010).

⁴¹ Complaint at 17, *Kiwanuka v. Bakilana*, 1:10-cv-01336 (D.D.C. Aug. 9, 2010).

⁴² See U.S. Dep't of Justice, *Justice Department Recognizes the 10th Annual Human Trafficking Prevention Month* (Jan. 29, 2021), <https://www.justice.gov/opa/pr/justice-department-recognizes-10th-annual-human-trafficking-prevention-month>.