

**International Labour Trafficking from India to US:
Signal Workers on Hunger Strike for Justice**

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SUMMARY OF INDIAN WORKERS' HUNGER STRIKE

Why are these workers holding a hunger strike?

- Because after an 18-month struggle, it is their last resort for bringing the labour trafficking ring of Signal International and its US and Indian recruiters to justice.
- To expose abuses of the US guest worker visa program for the good of all workers—other Indian and foreign guest workers facing exploitation by companies like Signal.

How did they get here?

- In late 2006, US and Indian recruiters defrauded over 500 Indian workers of \$20,000 apiece for an American dream—false promises of good work and green cards—and delivered them to an American nightmare: temporary 10-month visas binding them to one employer, deplorable conditions at Signal International shipyards, and constant threats of deportation from the company.
- When workers started to organize in March 2007, Signal hired armed private security who detained and attempted to forcibly deport the organizers, driving one of them to a suicide attempt, then fired them. Workers continued to organize, and in March 2008, 120 of them escaped from Signal's labor camps, reported the company and its recruiters to the Department of Justice's Criminal Anti-Trafficking Unit, and filed a federal class-action lawsuit against the traffickers.
- After the walkout, nearly 100 of the workers made a 10-day pilgrimage in the steps of US civil rights leaders from New Orleans to Washington, DC, while being covertly surveilled, and intimidated by Immigration authorities—including outside the Civil Rights Memorial Center in Montgomery, AL. While the workers struggle to bring criminal traffickers to justice, Immigration is treating *them* like criminals.

What makes this human trafficking?

- Though many people associate human trafficking only with sex slavery, the Department of Justice says human trafficking is “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.”
- That's just what happened here. Defrauded, then trapped between an ocean of debt at home and constant threats of deportation at Signal, these workers, like many guest workers in the US, became forced laborers.
- When the guest workers organized, Signal used physical force against the organizers to force the other workers to continue working under deplorable and illegal conditions, violating criminal statutes against forced labor.

What are their demands?

- That the US government grant them the right to participate in an ongoing Department of Justice investigation into Signal and the recruiters by granting them Continued Presence in the US under the Trafficking Victims Protection Act until the investigation is completed.
- That US Congress hold hearings into the widespread abuses of the guest worker visa program to expose the truth: that the programs are being used as a legal form of modern-day slavery, locking American workers out while they lock exploitable foreign workers in.
- That the Indian government press the United States for justice in this case and a comprehensive labor agreement that will protect the rights of future workers.

Introduction

Indian workers are on hunger strike in Washington DC since May 14th to protest against fraudulent recruiting by Indian and American recruiters, and exploitation by Signal International, a US company; and negligence by the Indian government.

The immigration policy of the United States has always been dictated by labour market needs of the country. The US has opened and closed its borders and created numerous visa categories to ultimately create a labour market that is cheap and easy to control.

Most currently, H-2B visa has generated a lot of controversy among labour and immigrant rights activists who rightly claim that this visa is a modern-day form of indentured or bonded or slave labour.

The H-2B guestworker program permits U.S. employers to import foreign workers on short-term temporary visas to meet labour needs when employers attest that they cannot find U.S. workers to perform the available jobs. H-2B visas are non-immigrant visas, are only valid for work with the specific employer listed on the visa, and do not provide portable and/or transferable employment authorization for the visa bearer. H-2B visa is supposed to be only used for seasonal and temporary work. However, it is continually used by employers for bringing in cheap labour for regular jobs.

Signal International used Indian and American recruiters to bring hundreds of skilled blue collar workers from India to the US on H-2B visa and subjected them to fraud, terror and exploitation.

The workers said: “We have been treated like animals here.” These are all workers who, in situations of economic desperation, were vulnerable, and in a moment of vulnerability were recruited to come here.

The workers, organised as “Indian Workers Congress” are on hunger strike in Washington DC, demanding justice. They are seeking intervention from the Indian government to pressurise the US government to grant them humanity and justice.

US and Indian Companies Involved

Signal International is a corporation organized under the laws of Delaware, and is a provider of marine and fabrication services in the Gulf Coast region, with operations in Orange, Texas, and Pascagoula, Mississippi.

Global Resources, Inc. is a corporation organized under the laws of Mississippi and is engaged in the business of recruiting workers from India for employment in the United States. Michael Pol is the President of Global Resources, Inc.

Dewan Consultants Pvt. Ltd. (a/k/a Medtech Consultants) is a private limited liability company organized under the laws of India, which maintains offices in Mumbai (Bombay), India, and Dubai, United Arab Emirates. Sachin Dewan is the Director of Dewan Consultants, resides in India, and has substantial business contacts with New Orleans, Louisiana.

Dewan Consultants uses Pol and Global as their United States-based agents. Pol and Global use Dewan Consultants to act as their India and United Arab Emirates based agents. Dewan Consultants, Pol, and Global acted as a joint venture with respect to the recruitment, contracting, and provision of labor or services.

Gulf Coast Immigration Law Center L.L.C. (“GCILC”) is a limited liability corporation organized under the laws of Louisiana and located in New Orleans, Louisiana.

Law Offices of Malvern C. Burnett, A.P.C. is a professional law corporation organized under the laws of and located in New Orleans, Louisiana.

Indo-Amerisoft, L.L.C., a corporation organized under the laws of Louisiana and headquartered in New Orleans, Louisiana, and **J & M Associates** of Mississippi, Inc. are engaged in the business of recruiting and providing Indian labourers to United States companies and selling opportunities for United States immigration and employment to such labourers.

Dewan Consultants, Pol, Global, Burnett Law Offices and GCILC acted as agents of Signal International, J & M, Indo-Amerisoft for the purposes of recruiting, obtaining, contracting, transportation and/or providing for labor or services.

Initial Process of Recruitment: Promise of Green card

Since December 2003 through mid-2004, the recruiting companies placed advertisements promising that qualified candidates could obtain legal permanent residence (green cards) in the United States for themselves and their families.

The recruiters organized meetings and testing sessions with applicants to the ads. The U.S.-based recruiters traveled across state and international lines to attend meetings with applicants in UAE and India. They told the applicants that if they passed the skills tests and paid fees totaling approximately 5 to 8 lakh rupees (approximately \$12,000 to \$20,000), they would be able to apply for permanent resident (green card) status in the United States. They also said that in exchange for an additional fee of approximately \$1,500 per family member, applicants would be able to obtain legal permanent residence for their spouses and children.

At informational meetings and in telephone conversations, faxes, contracts, and other written documents, the recruiters told the applicants that the green card process, once commenced, would be completed within 18 to 24 months. They further promised to act diligently and do everything necessary to obtain green cards for the applicants in the timeframe stipulated.

Based on these and other contractually-binding promises made to them regarding green cards and work opportunities in the United States, the applicants signed contracts at various points with the recruiters.

The applicants gathered their life savings and borrowed staggering sums of money from family members, friends, banks, and loan sharks, often at high interest rates, in order to make the payments. Many mortgaged or sold their homes and/or land belonging to them or their families. Some of them cashed in life insurance policies and/or sold prized family possessions such as their wives' wedding jewelry.

When the applicants enquired at various points from the last half of 2004 through mid-2006 to check on the progress of their applications, these recruiters assured them that the process was going forward. Around January 2006, the recruiters notified the applicants that the labor certification required for their green card applications had been approved by the U.S. government.

By spring of 2006, after the 18 to 24 month period promised by the recruiters the applicants had still not received their green cards as promised. They had not been refunded the payments as promised by the contracts.

Recruitment continued: H-2B Visa and Green Card Promises

In the meantime, in late May and early June of 2006, Signal filed with the Mississippi Department of Employment Security, the Texas Workforce Commission, and the United States Department of Labor seeking permission to import and hire 590 foreign guestworkers. Around July 20, 2006 and August 17, 2006, the United States Department of Labor approved Signal's applications for 590 H-2B workers for the period of October 1, 2006 through July 31, 2007.

Signal sought workers to perform various jobs essential to its marine fabrication services business, including welding and fitting. Signal engaged the recruiters mentioned above to hire workers from India. The recruiters failed to disclose to the workers the fact that H-2B visas confer only a temporary non-immigrant status and that H-2B visa is fundamentally incompatible with applying for green cards.

The applicants, unaware of U.S. immigration law, agreed to transfer their green card applications to Signal's sponsorship and agreed to work for Signal under H-2B visas. Signal authorized the recruiters to represent that Signal would agree to sponsor bona fide green card applications for the applicants.

In order to secure H-2B visas to work for Signal, the applicants were required to be interviewed by United States Consular offices in Indian cities. These consular interviews necessitated them to pay the costs of travel to various cities including Chennai and Mumbai. The recruiters had pre-interview meetings with workers, where they made sure the applicants were up-to-date on paying the installments with the recruiters. They further required that the applicants pay an additional 35,000 to 45,000 rupees (\$800 to \$1,100) fee for H-2B visa processing.

The recruiters required them to sign documents permitting Sachin Dewan to receive their visa-stamped passports from the Consulate on their behalves. They told them that if they did not follow their instructions regarding the interviews, they would not receive their visas and would forfeit the all moneys they had previously paid.

Once visas were approved, consular officials sent their passports, with H-2B visas affixed, directly to Dewan. The recruiters held onto the workers' passports until after they had paid the final installments and signed the mandatory paperwork. Over 500 workers traveled from Mumbai to Signal's operations in the U.S. at various points from November 2006 to January 2007 on tickets arranged by the recruiters.

In Signal Labour Camps

Signal's labour camps are located in isolated, industrial areas removed from shopping areas, places of worship, and residential communities. The camps were enclosed by fences and accessible only by a single guarded entrance. The labour camp gates were constantly monitored by Signal's security guards. Signal guards also searched the workers' packages and bags when they entered the camps.

The Signal labour camp housed 24 men to a trailer and the bunkhouses had insufficient toileting and bathing facilities, resulting in long lines around the bathrooms before and after work shifts. Privacy was non-existent, and workers often experienced extreme difficulty sleeping due to the constant noise resulting from the close quarters and the comings and goings of workers who worked on different shifts.

Signal's personnel conducted surprise searches of the dormitory areas of the bunkhouses, including searches of workers' personal belongings. Signal deducted approximately \$35/per day (\$245 per week, or approximately \$1,050 per month) from the workers' paychecks for substandard accommodations and meals.

Some workers attempted to organize. In response, around March 7, 2007, Sachin Dewan called one worker Vijayan's wife at her home in India and warned her that Vijayan must stop making trouble. Vijayan's wife informed Vijayan of this call, and Vijayan called Dewan around March 8, 2007. During that conversation, Dewan told him that he had learned from Signal that Vijayan was organizing the workers and making trouble. He said if the organizing continued, all the workers would be sent back to India.

Signal management further threatened that they would not extend the H-2B visas if the workers brought an action against Signal. Early the next morning, March 9, 2007, Signal locked the gate to its Pascagoula labour camp, thereby obstructing the sole means of direct entry to and exit from the camp. Various methods to terrorise workers began.

So far, no green cards have been issued, H-2B visa was allowed to lapse although the agreement had been to renew it, and no payment has been refunded.

On March 9, 2007, Signal, in coordination with Sachin Dewan and private security guards, attempted to forcibly deport several workers in retaliation for speaking out against discriminatory conditions in Signal's labour camp.

Terrified by the threat of imminent deportation and the security guards pursuing him, Vijayan attempted suicide and had to be taken to a local hospital. Others were detained. Witnessing the events of March 9, 2007, the remaining workers

reasonably feared that they would suffer harm or physical restraint if they left employment with Signal. Deeply fearful, isolated, disoriented, and unfamiliar with their rights under United States law, these workers felt compelled to continue working for Signal.

Workers say: “Each of us paid from \$15,000 to \$20,000 to Indian and American recruiters who defrauded us with promises of green cards and permanent residency in the United States. We sold our homes and left our families drowning in debt....At Signal, we were forced to live in company trailers, 24 men packed into each, isolated from the world and forbidden visitors. For this, the company took \$1,050 a month from our paychecks. When we asked for the opportunity to search for more affordable housing, the company told us: ‘We invested millions in this camp, so you have to pay for it.’ Our visas, like all the visas in the H2B program, prevented us from working for any other company and left the constant threat of deportation hanging over our heads. ...we attempted to organize for our rights. The company sent armed guards into the camp while we slept and took our organizers away at gunpoint. They were locked in a room and told they would be deported. In desperation, one of them attempted suicide by slitting his wrist. We went on strike to force the company to release our organizers, but they were fired after their release.”

Sabulal Vijayan said: “when we make complain, the camp manager said to us that, ‘You are living in slums in India. It is better than that slums.’ ...I lose everything. How I can go back to India? There is nothing. My family is waiting for me to fulfill their wishes by earning something from America. ... These guys cheated me. From India, ... they cheated me, and family is cheated. And they are weeping for several days from this incident. ... And whenever we making some comments, they are saying that “Just shut your mouth.”

Launching of Indian Workers' Congress Struggle, USA March 10, 2008

On March 10, 2008, 100 workers decided to leave the camps where they said they lived like animals. The Indian Ambassador declined to meet with the workers despite their repeated requests. The workers (who have formed the organization Indian Workers' Congress) did a satyagraha march from New Orleans in the South to Washington DC in the North to protest the lack of response from the Ambassador. "Our own government has turned its back on us after we were treated like slaves," said Sabulal Vijayan. "This guest worker program held me captive in the United States while my father died in India without me by his side. I don't want compensation for my loss—I want justice for the migrant workers who come after me," said former Signal worker Paul Konar.

The workers met with a growing network of supporters and allies as they travelled through key sites of the US civil rights struggle. They received widespread national coverage in the US and raised a firestorm in the Indian media. The US Department of Justice has since opened an official investigation into the workers' charges of human trafficking, and the workers have filed a federal class-action lawsuit against the traffickers.

The group sent a list of demands to Ambassador Sen including putting pressure on the US Department of State to restrict travel to India for Signal's US recruiters, as well as pressure on the US government to halt any expansion of the guest worker program until both governments have adopted an agreement that reflects the interests of workers, as well as companies and recruiters.

On March 31st, after a nine-day *satyagraha* march nearly 100 Indian human trafficking survivors packed the central hall of the Indian Embassy in Washington, DC, for a three-hour meeting with Indian Ambassador Ronen Sen, along with over a dozen of the workers' advocates and major international news media.

Sen refused to advocate for the workers with US Department of Justice and other agencies, claiming that protocol forbade him from doing so. "We are not satisfied because the ambassador is locked in protocols. But human trafficking does not follow protocols," Sabulal Vijayan, a worker. "The company and the recruiters that exploited us were not doing things by the book. Human trafficking shatters all protocols and requires a response that does the same."

Hunger Strike of Indian Workers Congress, May 14-till present, 2008

On May 14th, the IWC launched a hunger strike in Washington DC to demand prosecution of the recruiters in US and India, the granting of safe stay to workers so that they can pursue their legal cases in the US without fear of reprisals, a US Congressional hearing, and the involvement of the Indian government.

The Indian Ambassador has refused to meet with them. On May 17, hundreds of American visitors who lined up outside the Indian Embassy for its first-ever official cultural day were met with the sight of Indian hunger strikers growing weak on the fourth day of a fast to protest their government's failure to support their quest for justice against a US-Indian labour trafficking ring. The American visitors and passersby came to speak with the workers and offer their support. Many also signed a petition supporting the hunger strikers' demands.

“We feel strong because in our hearts, we know our cause is just,” said hunger striker Paul Konar. Muruganantham Kandhasami, another hunger striker, said, “We know the US is a powerful country, and we know that Signal is a powerful company. That is why we are asking the Indian government to support us as we stand here with our lives shattered.”

United Food and Commercial Workers International VP Michael Wilson, said in support, “Nine score and 15 years ago, a great president—a great Republican president—signed the Emancipation Proclamation and ended slavery—but not indentured servitude. These workers are our brothers. Their fight is our fight. Congress should insist the Department of Justice take action. These workers shouldn't have to wait for another Emancipation Proclamation for justice.”

AFL-CIO General Counsel Jon Hiatt, announced the support of the AFL-CIO: “The AFL-CIO and its 10 million members are proud to support the hunger strike by these Signal workers. For decades, the AFL-CIO has been fighting against so-called guest worker programs, programs that are in reality indentured worker programs. These courageous workers have clearly shown us that the H2B program is a template for exploitation, and that we need to work together to expose the abuses of the program.”

The number of hunger strikers has doubled even as four of them are being hospitalized. The situation is grave and we are extremely concerned about the workers' health as well as the negligence of the Indian government.

Launching of Indian Workers Solidarity Congress, India, March 2008

In India, in March 2008, the workers' families met with the Kerala Chief Minister and with State Minister for External Affairs, Mr. E. Ahmed.

Mr. Ahmed said that the Minister for Overseas Affairs, Mr. Vayalar Ravi, has to take primary responsibility. In May, after many attempts, family members met with Minister Ravi, who in turn blamed the workers for being deceived.

The IWC Solidarity representatives met with Minister Ravi in Delhi on May 15th after the hunger strike had begun. He assured them that he would talk to the Ambassador and gave a second appointment to the representatives.

The family members held a solidarity hunger strike on May 21st in Cochin, which was inaugurated by MPs, unions, and other supporters.

Minister Ravi refused to meet with the representatives in Delhi, at the appointed time on May 23rd. The representatives went to meet him carrying letters from the family members who had been on hunger strike. He refused to recognise or meet the representatives, sending word that he was not there although we had confirmation that he was there.

The family members have held press conferences in Trivandrum, Cochin, and Delhi. The Signal workers' case has been extensively and continuously covered in national and regional media.

The IWC Solidarity has met with MPs from Kerala and Tamil Nadu, from CPI(M) and CPI. The Signal workers case was taken up in Rajya Sabha and at zero hour in the last Lok Sabha session under "Urgent Issues of Public Concern".

Members of Legislative Assembly in Kerala have agreed to raise the issue in the next session.

Urgent Attention Needed NOW

We are shocked at the lack of response, and in fact humiliating negligence, from the Indian government. The workers are demanding that

- The Indian government show its concern for the hundreds of Indian workers whose lives have been shattered by Indian and US companies acting in cooperation – by meeting with the hunger strikers and noting their immediate concerns.
- The Indian government express its support for humane treatment of the workers while they fight for justice through their legal case in the US.

The workers are the citizens of India. We expect the Indian government to protect its own citizens – be they professionals and business people or workers who face grave injustice.

Workers are living in fear in the US, without legal status and face imminent homelessness and starvation. Family members in India live in fear and desperation, worried about their relatives in the US and themselves facing threatening calls from the Indian recruiters. In the meantime, the Indian government turns its face away.

The Indian government's silence around its citizens' slavery in the US is deafening. It is not afraid to talk to Gulf countries' governments. Why is it afraid to do the same with the US government?

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