

IN THEIR OWN WORDS: THE LIVES OF GUESTWORKERS



H-2B Visa Holders in the Gulf Coast Testify About Their Reality

*The Alliance of Guestworkers for Dignity
is a grassroots project of
the New Orleans Workers' Center for Racial Justice*

In its final hours, the Bush administration passed new regulations that amount to a disaster for guestworkers arriving to work in the United States- workers already subject to severe exploitation.

Since Hurricane Katrina, H-2B guestworkers have organized in labor camps and work-sites across the Gulf Coast to defend themselves against the often brutal conditions of the H-2B program.

*These testimonies were gathered from members of the Alliance of Guestworkers for Dignity,
A project of the New Orleans Workers' Center for Racial Justice.
They were compiled and edited and by Saket Soni, Jacob Horwitz, and Daniel Castellanos.
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DANIEL CASTELLANOS CONTRERAS

“If change has come to Washington, it needs to include us.”

Daniel was among the first guestworkers to arrive in New Orleans after Hurricane Katrina. He and 300 others were brought to the U.S. on H-2B visas by Decatur Hotels, LLC. Workers found themselves in horrific conditions, and started to organize. Their legal fight is now a battleground for the rights of guestworkers in the United States.

My name is Daniel Castellanos. I'm from Lima, Peru. I am a father and a husband. I came to the United States on an H-2B visa. I am an organizer and a founding member of the Alliance of Guestworkers for Dignity, a membership organization of guestworkers who came together to fight exploitation after Hurricane Katrina.

Guestworker programs are the subject of great debate in the United States. We believe that debate needs to include those directly affected – the guestworkers themselves. As an organization of guestworkers, we are experts on the realities of guestworker programs. I want to share that reality with you.

Just after Katrina, I saw an ad in a Peruvian newspaper. An employer in New Orleans was looking for workers. My family was desperate for money. The economy of Latin America pushes us into hopelessness and vulnerability – the kind of vulnerability that Americans are just beginning to understand. We are forced to wander far from our families in search of jobs. I responded to the advertisement.

Recruiters for Patrick Quinn III, a New Orleans hotel giant, promised us good jobs, fair pay, and comfortable accommodations. They asked for \$3,000.00 as payment for the opportunity to work in the United States. I plunged my family into debt to pay the fees.

When I came to the United States I found that all the promises they made were false. Patrick Quinn had brought about 300 workers from Peru, Bolivia and the Dominican Republic on H-2B visas. We were living in atrocious conditions and were subjected to humiliating treatment. When we raised our voices, we were threatened with deportation. And because of the terms of the H-2B visa, we could not work for anyone else.



I found out that in order to receive H-2B visas, Patrick Quinn had to convince the Department of Labor that he could not find a single U.S. worker willing or able to do the work he was offering. When I arrived in New Orleans, I found that his hotels were full of displaced African Americans – survivors of Hurricane Katrina who were desperately looking for work. Quinn had received a multi-million dollar contract from FEMA to house Katrina survivors in his hotels.

If Quinn had needed workers, all he had to do was to go to his own hotel and offer people work. Instead of hiring workers from the displaced and jobless African American community, he sent recruiters to hire us. At around \$6.00 an hour we were cheaper. As temporary workers, we were more exploitable. We were hostage to the debt in our home countries; we were terrified of deportation; and we were bound to Quinn and could not work for anyone else. We were Patrick Quinn's captive workforce.

But Patrick Quinn underestimated us. We built an organization and filed a major federal lawsuit against him. Two days after the lawsuit was filed, Quinn retaliated against me, firing me illegally. I fought back, and the National Labor Relations Board ordered him to reinstate me.

Meanwhile, we heard stories – some much worse than our own – of other guestworkers who were being stripped of their dignity by employers across the Gulf Coast. Employers were holding workers captive in labor camps; confiscating their passports; subjecting them to surveillance; leasing workers for a profit in violation of morality and the law; trafficking workers into conditions of imprisonment. We called it modern-day slavery, and decided to fight. With over 150 H-2B workers across labor camps and industries in the Gulf Coast, we founded a membership organization called the Alliance of Guestworkers for Dignity.

Since our founding, we have fought publicly to defend the rights of guestworkers. We have protested employers who exploit us. We have confronted recruiters, subcontractors, and the police -- the white power structure of the racist South. We have conducted citizens' arrests, triggered federal investigations, and freed guestworkers from conditions of involuntary servitude in labor camps and plantations. We have traveled on foot to Washington, and held hunger strikes to force members of Congress and the U.S. Department of Justice to confront the exploitative realities of the H-2B program.

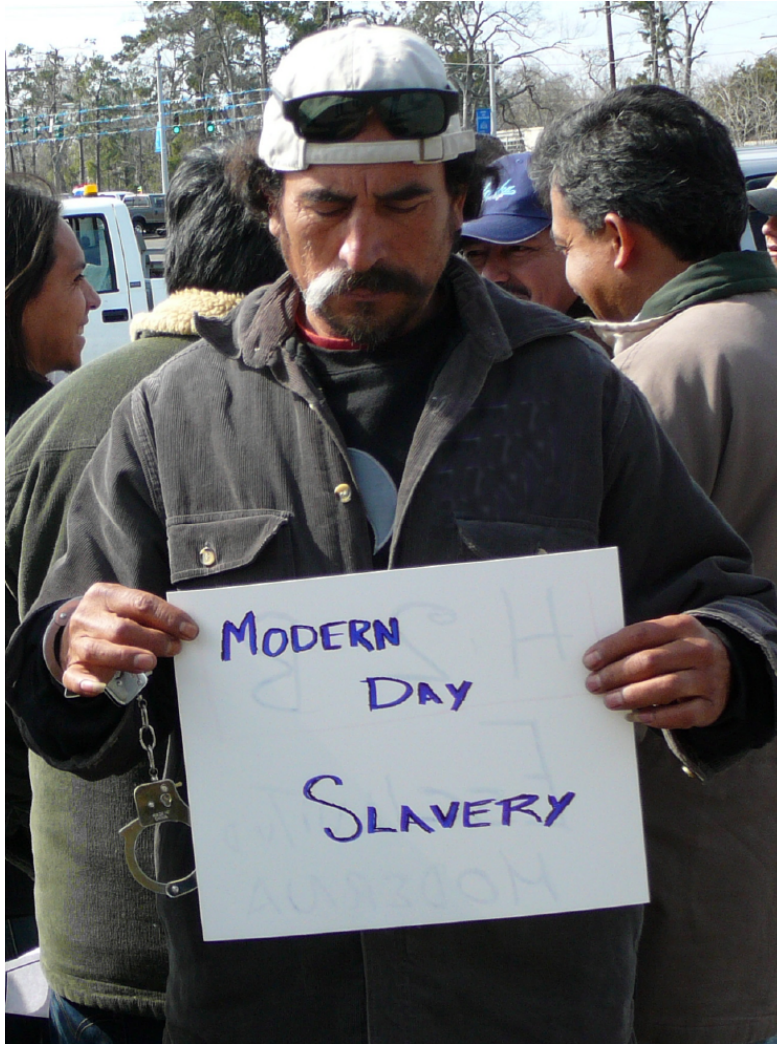
We ask that you join our fight. Can you sit silently while men and women are subjected to such humiliation? The guestworker program challenges our ability to call ourselves human beings. We cannot continue to be captive labor, exploited by employers and used to undermine U.S. workers.

If change has come to Washington, it needs to include us.

JUAN TREJO HERNANDEZ

“We are worse than dead.”

In January 2007, Juan Jose Trejo paid thousands of dollars to the agents of a U.S. H-2B employer named Matt Redd. Redd promised jobs that didn't exist, and illegally seized workers' passports to prevent them from “deserting” him. Juan Trejo and his coworkers staged public protests to get their passports back. But they were never given the work they had been promised. As debts grew, so did desperation.



My name is Juan Jose Trejo Hernandez. I was born in Queretaro, Mexico. I am the proud father of three beautiful children – and the lucky husband of a woman whose love God has graced me with forever.

One day I saw an ad in the paper looking for welders in New Orleans. I met the recruiters. They were recruiting for a U.S. employer by the name of Matt Redd. Matt Redd's agents told me how much I would earn, how I would live in the United States, that country where I could better my life financially. They said I would only have to pay for the passport processing fee.

I arrived home and told my wife. Our happiness was unstoppable. I was going to try to make our dreams come true. With tears in my eyes I said goodbye to my family. Then the problems began.

First, Matt Redd's recruiters told us we would have to pay \$400.00 for the visas. I was very uncomfortable with this news because this was not our original agreement. But they said I we would quickly earn back the money.

Then we were transported from Matamoros to Texas. There at the border we met our employer, Matt Redd. He walked through the bus and took our passports, telling us that he needed them for immigration.

We started to ask Matt Redd questions. He told us he would not reimburse us the money we had spent on our visas. The recruiters had lied to us. He tried to calm us down saying that there was no need to worry, we would get plenty of work when we got to New Orleans.

Another lie. We never arrived in New Orleans. Matt Redd transported us to a small town called Westlake, Louisiana. He handed us over to the person in charge of his apartments. We were told to get settled in – eight men packed into two-room apartments. There weren't enough mattresses for all of us-- we were given box springs to sleep on.

The next day we were told we had the day off. Another day went by, and another – and still no work. "What's happening?" we asked. We waited for answers, but they never came.

There was no work. At the end of the week Matt Redd informed us that the contract for the company we were going to work under had fallen through. How could I call home? What would I say? Somehow I managed to explain to my wife that there was no work. She said she would find money to eat.

We demanded our passports back. Matt Redd said he needed to keep them to prevent us from deserting our jobs. Thanks to the advice we got from the Alliance of Guestworkers for Dignity, we knew we had a right to have our passports.

We organized a protest to demand our passports, with the help of the African American community of New Orleans. Matt Redd was forced to give the passports over to the police – and the workers got their passports back.

After that weeks passed, it had been over two months, but the work Matt Redd promised never came. We could not work for anyone else, and we could not go back home to our debts. We were trapped.

We came with documents to work, not to commit crimes. People like us leave behind our families and debts and what's more: dreams and hopes of a better life.

The emotional toll is so high. When we talk to our families, it's difficult to tell them the truth. We are all in terrible desperation. Our debts continue to rise, and we don't know if it is going to get better.

We are worse than dead.

The desperation of our wives, our children is impossible. If we call them it's to find that they have fallen sick and we can't help them – financially or emotionally. We can't handle it on the telephone.

I have woken from the dream that I had in my country into a nightmare that I don't wish on anyone else.

MURUGANANTHAM KANDHASAMY

“I won’t be silenced.”



Murugan paid over \$20,000 to Signal International’s recruiters in the promise of a green card. Instead, he and hundred of others were trafficked into the Gulf Coast on H-2B visas. In March 2007, Signal International’s labor camp in Mississippi became a national flashpoint when the company deployed armed guards attempt the deportation of workers who were organizing. One year later workers escaped, and launched a heroic campaign to expose the company.

Ever since I was a child, I dreamed of coming to America. I heard it was a land of liberty and justice. My wife and I had been married three months when I was trafficked to the United States to work for a company called Signal International, LLC.

Signal International’s agents charged \$20,000 for the opportunity to work. They promised green cards and family visas. I drowned my family in debt to pay the \$20,000 – I even took a loan off my father-in-law’s pension. I sacrificed everything I had so that my wife and I could live the American dream here together.

Instead I found myself in a nightmare. I was brought to Signal’s labor camp in Texas. Other Indian workers were taken to a labor camp in Mississippi. Instead of green cards, we got ten-month H-2B visas. The visa tied us to one employer. We had been lied to: there were never any green cards or family visas.

Signal International subjected us to inhumane living conditions, discrimination, and constant

threats of deportation. When workers in the Mississippi labor camp organized and started meeting at a local Catholic church, the company conducted a pre-dawn raid on them with armed private security. Guards detained the organizers and attempted to forcibly deport them. Workers went on strike to prevent the deportation of their organizers.

One year later we escaped from the labor camps and reported Signal International to the Department of Justice for labor trafficking. I was one of the men who marched to Signal’s headquarters and spoke out publicly, asking the Department of Justice to prosecute a criminal. We filed a major lawsuit against Signal. We walked to Washington, D.C. – traveling on foot in the tradition of Mahatma Gandhi – because we needed to tell Congress the reality of their guestworker program. I participated in a hunger strike to force the Department of Justice to prosecute Signal. I testified before the Department of Justice because someone has to stand up and tell the truth.

Without structural changes in the H-2B program, companies like Signal will continue to use the guestworker program as a tool of human trafficking. Yes: I’m worried about the safety of my family in India because I have spoken out publicly, but I won’t be silenced.

My commitment to protect other workers from suffering what I have suffered gives me courage. I hope that if I speak up, I can help make America the country I always dreamed that it was. Otherwise, thousands of workers will enter year after year into a nightmare.

TOMAS ARIAS

"I had to agree that they could confiscate my house."

Tennessee-based Cumberland Environmental Resource Company brought Tomas Arias on an H-2B visa from Peru. He was forced to pay close to \$4,000.00 cumulatively for the visa, and had to leave the deed to his house with Cumberland's recruiters, "as a guarantee that [he] would not escape." Cumberland brought H-2B workers from Peru, Bolivia, and El Salvador for jobs that didn't exist, and then leased them to work on military bases, in prisons, and at other work-sites across the South. Trapped in debt, and desperate, Tomas and his coworkers decided to organize, and faced retaliation.



I'm from Lima, Peru. I have four children-- three girls and one little boy. Before I came to the United States, I was a construction worker.

The recruiter [for Cumberland Environmental Resource Company] promised me work in the United States as an assistant carpenter, doing debris cleanup on a construction site. She said the work would start in August 2008.

In order to apply, I would have to pay a \$250.00 application fee. If I received the visa, I would have to pay another \$2,000.00. I would also have to pay for my own plane ticket – an additional \$600.00. I would also have to leave money behind for my family. All in all, it would cost me more than \$4,000.00 to come to the United States on an H-2B visa.

As a guarantee that I would not try to escape Cumberland, I had to leave the recruiter the deed of my house. I had to agree that they could confiscate my house if I didn't pay the fee, or if I tried to leave the company and tried to work somewhere else.

On the August 18, 2008, my H-2B visa arrived. It was a six-month visa. I took out a loan on my house through a private lender at 20% monthly interest, and paid \$2,000.00 for the visa.

Then Cumberland's recruiter announced that I would not leave for the U.S. until October 21, 2008. The work wasn't ready yet. But my visa was only valid for six months! They were making me lose two months waiting for a contract that I had already paid for.

When I arrived in Tennessee on October 21, a representative of Cumberland met me and told me that I had arrived too early. I shouldn't have come until November 2, 2008. He said that on November 3, he would pick me up and take me to the company office. So I had to wait another two weeks without work.

On November 3, I was taken to the company office. There they told me I would have to do a one-week training course in asbestos removal. I protested-- that was not the job I had been promised. I had been waiting three months since my visa arrived to start work in construction. I was running out of money. They told me to be patient. They took me to the super market and told me not to worry. They bought me food. Later they charged me for it.

Then Cumberland's representatives told me that in order to bring me here on an H-2B visa, they had to pay the recruitment agency in Peru \$2,500.00. They said I would have to pay this back. I said I had paid in Peru, and I couldn't pay again. But they said not to worry: I would make the money fast -- "you'll recuperate the \$2,500.00 instantly," the manager told me.

The company told me that after the Asbestos training I could apply for jobs all over the South. They promised that I would begin work "on Monday." Monday arrived and there was no work. Then another Monday arrived and still nothing.

And then on the November 17, I was sent to work for four days in a children's prison in Murfreesboro, TN. When I got my paycheck it was full of deductions.

Then another month passed without work. I was desperate. I went to the office every Monday asking for work and they always said the same thing: "work is coming." But it never did.

Finally, I was sent to do a job in Alabama -- to a U.S. Air force base in Montgomery. Since I didn't have an Asbestos license for Alabama they wouldn't let me work. I had to pay someone to take me back to Nashville, and I wasted another \$60.00.

By then my visa was about to expire. Cumberland asked me for another \$1,200.00. They told us that they had applied for visa extensions for us -- and that we would have to pay \$682.00 to an agency in Baton Rouge and another \$600.00 to Cumberland for processing. I said I already paid fees in Peru.

That was when I stated to organize with the other Peruvian workers of Cumberland. With the help of the Alliance of Guestworkers for Dignity, we submitted a petition to Cumberland, asking for a meeting with Gary Lang, the owner of the company.

When we started to organize, Cumberland retaliated -- as soon as we asked for the meeting, Gary Lang fired us.

We know our rights in the United States, and know that we were fired illegally. We rejected the firing and went on strike. We filed charges with the National Labor Relations Board, and filed complaints with the Department of Labor, asking that the authorities investigate Gary Lang and Cumberland.

MOISES MOREIRA SANTOS

“I became a fugitive.”

Moises organized to hold his Mississippi-based boss accountable and was fired. He continued to fight, winning a favorable decision from the National Labor Relations Board.



My name is Moises Moreira Santos, and I am from Sao Paulo, Brazil. I am married and have two small children. I am a welder. I came to Pascagoula, MS on an H-2B visa on December 11, 2007 to work for a company called Five Star Contractors, LLC.

In Brazil, Five Star's agents promised that three days after I arrived in the U.S. I would be put to work. I was told that I would get a minimum of 40 hours a week, overtime pay, and that I would work directly for Five Star. I was promised good living conditions, free of charge.

When I arrived, I was shocked. We were being made to live in storage containers and charged \$75.00 week for it. And there was no work. I asked when I would start working, and the company said it would be soon. Every week they said, "You will start work soon," but we never did. What could we do? I just waited.

Before I came to the U.S., I had to borrow about \$7,000.00 from a loan office to pay all of the recruitment and travel costs. As time passed, my debt grew to almost \$10,000.00

And still, weeks after we arrived, there was no work.

With the help of the Alliance of Guestworkers for Dignity, we started to organize, and held meetings to decide our course of action. We wrote a petition demanding our rights. I signed. I told other people about the petition. Then I was nominated to be one of the people to speak when we turned gave it to our boss.

We gathered to confront our employer, Brian Knight, the owner of Five Star. I explained to Brain Knight why we were there, and I turned in the petition. Brian Knight became furious. He insulted me. He said I was a bad welder and that I was just here to cause problems – and that they were going to fire me for my bad behavior.

Twenty minutes later, he called me into his office and he told me to pack my belonging because I was going to be deported. I was fired for insubordination. So I packed my things and escaped before they could deport me. I became a fugitive.

Later I reported the company to the National Labor Relations Board and won. The Board ruled in my favor, and punished Brian Knight. As a member of the Alliance of Guestworkers, I have heard too many stories like mine. We need to force the government to change this H-2B system so that Brian Knight and others like him cannot exploit the workers who come to this country after me.

