



## **Foreign Labor Recruiter Protections Are Needed for All Temporary Work Visa Categories - Especially H-2A Workers - to Prevent Human Trafficking Before It Starts**



### **BACKGROUND**

Roughly 350,000 immigrants come to California annually on temporary work visas. These federal categories include but are not limited to A-3, B-1, H-1B, H-1C, H-2A, H-2B, L-1, O-1, 1, P-3, and TN visas. Immigrant workers are commonly recruited for seasonal or temporary work in the United States through Foreign Labor Recruiters (FLRs). These recruiters are sometimes referred to as Foreign Labor Contractors and can consist of large companies or individual contractors that operate in foreign countries and in the United States. For decades now, Foreign Labor Recruiters have been able to employ fraudulent and illegal tactics to recruit workers because there has been no uniform Federal mechanism to prevent and hold FLRs accountable for their unlawful schemes and tactics.

In 2014, California legislators passed SB 477 (Steinberg), a bill intended to protect internationally recruited workers from debt bondage, contract fraud, retaliation, indentured servitude, and human trafficking by establishing a regulatory and accountability framework for FLRs contracting with employers in the State. SB 477 was designed to prevent human trafficking and forced labor of **all** foreign workers resulting from the exploitative and abusive practices of FLRs. This legislation intentionally did *not* list specific visa categories in its definition because federal temporary visa categories could change or expand over the years. The only visa category intended to be exempt from this legislation was the J-1 Visa.

SB 477 defined a foreign labor recruiter as a person who performs "foreign labor contracting activity."<sup>1</sup> In 2014, Section 9998.1 of the Business and Professions Code was amended to define "foreign labor contracting activity" as follows:

"Recruiting or soliciting for compensation a foreign worker who resides outside of the United States in furtherance of that worker's employment in California, including when that activity occurs wholly outside the United States. 'Foreign labor contracting activity' does not include the services of an employer, or employee of an employer, if those services are provided directly to foreign workers solely to find workers for the employer's own use.

SB 477 was successfully enacted in 2014 but due to a drafting error was interpreted to apply to H-2B workers only. At that time H-2B workers constituted about 5% of all temporary immigrant workers coming to the State – today they make up less than 3% of the roughly 350,000 immigrants who are admitted to California every year for temporary work. Despite the success of the legislation for H-2B workers, California continues to lack a regulatory framework that

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<sup>1</sup> Those recruiting for J-1 visas are specifically exempted from being covered under SB 477 protections. *See* Bus. & Prof. Code 9998.1(d) "foreign labor contractor" does not include a person licensed by the Labor Commissioner as a talent agency under Chapter 4 (commencing with Section 1700) of Part 6 of Division 2 of the Labor Code, or a person who obtained and maintains full written designation from the United States Department of State under Part 62 of Title 22 of the Code of Federal Regulations.

protects all immigrant workers coming to the state annually thus leaving nearly 345,000 workers - 45,000+ of which are H-2A workers - without essential protections and safeguards against exploitation, abuse and human trafficking that ensues because of the way these workers are often illegally recruited.<sup>2</sup>

## **H-2A RECRUITED WORKERS ARE IN PARTICULAR NEED OF SB 477 PROTECTIONS**

### **1) H-2A workers in California are often abused and entrapped by recruitment practices which are highly profitable for the recruiter company and/or individuals who recruit workers**

Between 2017 and 2022, the number of certified H-2A workers—those who are requested by employers and then certified by the Department of Labor (DOL)—grew by 64.7 percent.<sup>3</sup> California receives the 2<sup>nd</sup> highest number of H-2A workers annually of any other state with Monterey County, CA receiving the most H-2A workers of any county in the country.<sup>4</sup> There are an unlimited number of H-2A agricultural visas available each year, but there is an annual limit caps on other visa categories. According to Court records, recruiters circumvent the annual caps of other visas like H-2B by applying for H-2A employees and sending them to H-2B sites.<sup>5</sup> This is a loophole that is critical to close.

Farm labor contractors (FLCs) are playing an increasingly significant role in hiring H-2A workers. These contractors specialize in recruiting and hiring farmworkers, often provide housing and transportation to the farms. The share of H-2A employment managed by FLCs surged from 15% in 2010 to 44% in 2022.<sup>6</sup>

Farm labor contractors are part of foreign recruiting networks. Most of the abuses of workers stem from the conduct of unlicensed contractors. There is no impetus to be licensed as the maximum fine is \$10,000 and the contractor can earn 10x – 20X that amount from exploited workers. Estimating 20 workers are managed by 1 contractor, research shows a contractor can amass a pre-tax profit of 47.3% from labor exploitation.<sup>7</sup> Reports further show that farm labor contractors are the biggest violators of federal labor standards for farm workers in California.<sup>8</sup>

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<sup>2</sup> DEPARTMENT OF HOMELAND SECURITY periodically outlines the number of Nonimmigrants Residing in the United States – recent reports for 2016 and 2019 can be found at [https://ohss.dhs.gov/sites/default/files/2023-12/Nonimmigrant\\_Population%2520Estimates\\_2016\\_0.pdf](https://ohss.dhs.gov/sites/default/files/2023-12/Nonimmigrant_Population%2520Estimates_2016_0.pdf) and [https://ohss.dhs.gov/sites/default/files/2023-12/ni\\_population\\_estimates\\_fiscal\\_years\\_2017\\_-\\_2019v2.pdf](https://ohss.dhs.gov/sites/default/files/2023-12/ni_population_estimates_fiscal_years_2017_-_2019v2.pdf). These numbers are based on the number of “temporary workers” minus the number of “exchange visitors” in California. “Exchange Visitors” generally refers to individuals on J-1 Visas who also provide temporary migrant labor to local economies but are excluded from this legislative advocacy; 2024 estimations are based on the rapid increase of temporary migrant programs nationally which consistently report that CA continues to be a major recipient of migrant workers through these programs. See American Immigration Council, “The Expanding Role of H-2A Workers in U.S. Agriculture” (June 11, 2024), available at <https://www.americanimmigrationcouncil.org/research/h-2a-workers-us-agriculture>

<sup>3</sup> American Immigration Council, “The Expanding Role of H-2A Workers in U.S. Agriculture” (June 11, 2024), available at <https://www.americanimmigrationcouncil.org/research/h-2a-workers-us-agriculture>

<sup>4</sup> *Id.* at Note 5

<sup>5</sup> Ryan Murphy, “Employers Banned from hiring H-2A Worker can Reinvent Themselves to Hire Again,” *Investigate Midwest* (Sept. 14, 2023), available at <https://investigatemitwest.org/2023/09/14/employers-banned-from-hiring-h-2a-workers-can-reinvent-themselves-to-hire-again/>

<sup>6</sup> [Report: Challenges and Trends of H-2A workers in agriculture](https://www.agdaily.com/news/report-challenges-and-trends-of-h-2a-workers-in-agriculture/), *AgNews Daily*, (Aug. 12, 2024), available at <https://www.agdaily.com/news/report-challenges-and-trends-of-h-2a-workers-in-agriculture/>

<sup>7</sup> Siddarth Kara, *Modern Slavery: A Global Perspective*, Chap 3, Table B7 (Columbia University Press 2017)

<sup>8</sup> Daniel Costa, Philip Martin, and Zachariah Rutledge, Federal labor standards enforcement in agriculture: Data reveal the biggest violators and raise new questions about how to improve and target efforts to protect farmworkers Dec,15, 2020. Available at <https://epi.org/213135>

The need to regulate the recruitment practices of these contracts can be illustrated by a survey of over 1000 agricultural workers in California's Central Valley. These interviews with immigrant workers uncovered:

- 303 cases of human trafficking, 128 of which were H-2A visa holders.<sup>9</sup> In every case, regardless of the worker's status, a recruiter was involved.
- 253 cases of debt bondage<sup>10</sup>
- 73 of the 128 interviewed had overstayed visa terms and were in multiyear forced labor situations because employers failed to undertake the time/expense of filing annual paperwork
- Recruiting fees ranged from \$2,000-5,000.<sup>11</sup>

In a more recent report published in 2023, John Sarraf, a fraud prevention manager with the U.S. Consulate General in Monterrey, Mexico, where the [most H-2A visas](#) in the world are processed, stated that the typical cost of an illegal recruitment fee for a job that actually exists in the U.S. is around \$2,000, which is almost what some Mexican workers make in a year.<sup>12</sup> In cases of pure fraud, where recruiters have sent workers to the consulate for H-2A visas and jobs that don't exist, hopeful workers have been robbed of as much as \$8,000.<sup>13</sup>

These statistics document the ways in which H-2A workers are vulnerable to exploitation and human trafficking because of the unregulated ways in which foreign labor recruiters and contractors through foreign recruiter networks pervasively defraud and entrap these individuals.

## 2) Neither Federal nor other California laws or policies offer equivalent protections to H-2A workers

As it had for the last 10 years, in 2024 the National Human Trafficking Hotline reported that H-2A visas are the temporary visa category with the most instances of human trafficking.<sup>14</sup> **While Federal Law bans the use of recruiting fees, there is no effective mechanism for enforcing the prohibition throughout the chain of recruiters.**

California's farm labor contractor (FLC) licensing policy primarily focuses on working conditions *after* a worker is hired and on the contractor's obligations to the employer for whom he recruited the worker - it does not cover the activities of contractors recruiting migrant workers. SB 477's procedures **do not** conflict with any of the duties of farm labor contractors, but only augment their responsibilities to equal that of labor contractors recruiting under other visa categories.

Similarly recent policy changes at the national level – The Farmworker Protection Rule<sup>15</sup> - and state level – AB 636<sup>16</sup> - do not offer protections to immigrant workers at the point of recruitment in their home country. The Federal Farmworker Protection Rule does take some

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<sup>9</sup> *Id.* at 108.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Tina Vasquez, "Human Trafficking or guest worker program? H-2A's systemic issues result in catastrophic violations" Prism (Apr. 14, 2023), available at <https://prismreports.org/2023/04/14/h2a-visa-wage-theft-exploitation/>

<sup>13</sup> *Id.* at Note 13.

<sup>14</sup> Polaris (2024). *California Human Trafficking Data, 1/1/2017 - 11/30/2022*. Unpublished raw data from The National Human Trafficking Hotline, [polarisproject.org](https://polarisproject.org)

<sup>15</sup> DEPARTMENT OF LABOR, Improving Protections for Workers in Temporary Agricultural Employment in the United States, 89 Fed. Reg. 24077 (Apr. 29, 2024) available at <https://www.federalregister.gov/documents/2024/04/29/2024-08333/improving-protections-for-workers-in-temporary-agricultural-employment-in-the-united-states>

<sup>16</sup> Assembly Member Ash Kalra (2024) *Assembly Bill 636: Mandatory Disclosure of Farmworker Rights* (AB 636) . California Legislature. [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB636](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB636)

steps towards documenting which foreign labor recruiters are used by employers but does not create enforcement mechanisms that prevent unlawful practices abroad.

While both these policies seek to empower farmworkers in the United States, neither guard against the ways in which FLRs defraud and lure workers into paying illegal recruitment fees, take on debt to pay for travel expenses, and/or mislead immigrants into the true conditions and nature of the work they will be performing in the United States.<sup>17</sup> A chart comparing California and Federal policies to the proposed legislation can be found [here](#).

As the illustrated above and reiterated in the table below, the only way to prevent debt bondage and human trafficking that ensues from these illegal practices is through regulations of FLRs directly.

### 3) SB 477's legislative history demonstrates the intent to include H-2A workers

As the bill's author, former Sen. Darrell Steinberg and current Mayor of Sacramento, stated: "The legislative intent of SB 477 was to cover all temporary foreign workers coming to California through the foreign labor recruitment process on a wide range of visa categories including H-2A workers. The bill was never intended to be limited to coverage of just H-2B workers."<sup>18</sup>

### 4) SB 477 Protections are not duplicative of any existing law or policy

Claims that SB 477 protections are duplicative and do not need to extend to all temporary workers are an incorrect statement of the law. This is especially true of statements stating that the California farm labor contractor provisions already provide these protections in this proposed legislation.

Farm Labor Contractors (FLC) is a person or entity that employs workers to perform tasks related to farm production for a fee. Their services include supplying board, lodging, or transportation, supervising workers and/or paying wages. They work with those in the agricultural industry *only* which includes immigrants admitted through the H-2A program as well as other farmworkers. These individuals may be involved in foreign labor recruitment abroad as well but **FLC provisions in California are focused on regulating abuse and exploitation that may ensue from FLC misconduct in the United States.**

In comparison, SB 477 focuses on protecting all temporary immigrant workers – not just agricultural workers – and prevents exploitation and trafficking through a regulatory framework that addresses how vulnerable workers are preyed upon and defrauded before they ever enter the United States. The table below outlines the obligations of FLRs in comparison to Farm Labor Contractors to demonstrate the lack of overlap between these policies.



Farm Labor Contractor (FLCs) Obligations under Current California Law	Foreign Labor Recruiter (FLR) Obligations under SB 477
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<sup>17</sup> Records from the U.S. Department of Labor (DOL) showed \$7.2 million in unpaid wages due to thousands of H-2A workers victimized by wage theft over the previous decade had never been returned to them. See Tina Vasquez, "Human Trafficking or guest worker program? H-2A's systemic issues result in catastrophic violations" Prism (Apr. 14, 2023), available at <https://prismreports.org/2023/04/14/h2a-visa-wage-theft-exploitation/>

- Must take the farm labor contractor exam every two years
- Must have and show a valid and current California farm labor contractor's license.
- Must have and show a valid and current FLC federal registration certificate from the U.S. Department of Labor.
- Must be registered with the Agricultural Commissioner in each county where you supply labor.
- Must have a bond for the appropriate amount posted with the Labor Commissioner.
- Must have workers' compensation insurance.
- Must disclose all people who have a financial interest in your contracting business.
- Every year, enroll and participate in at least nine hours of an approved FLC class, of which one hour should cover sexual harassment prevention.
- Notify the Department of Labor Standards and Enforcement (DLSE) immediately of any changes related to the business officers, address, legal entity, partnerships, etc."
- In addition, a FLC license may be revoked "if you do any of the following:
- Violate any state or federal law governing farm labor contractors, including health and safety, payment of wages, or lack of workers' compensation insurance.
- Include any false information on your application.
- Change any condition under which the license was issued.
- Allow any employee to drive a farm labor vehicle without proper license and certification.
- Fail to pay wages promptly
- Fail to comply with an FLC contract
- Sell alcoholic beverages as part of the FLC business ... <sup>19</sup>

**Disclosure:**

- Provide full and fair information to foreign workers, in a language they understand, about the terms and conditions of work in California at the *time of recruitment abroad*. A recruiter may not knowingly provide a worker with false or misleading information at the point of recruitment.
- Employers using the services of an FLR to obtain workers are only required to provide the name of the FLR to the California Labor Commissioner.

**Bona fide job offer:**

- No contractor may solicit a foreign worker for a job in California in the absence of a bona fide offer of employment.
- A contractor may not charge a worker a fee related to recruiting activities.
- Contract terms and conditions may not be changed without adequate notice to workers.

**Registration:**

- FLRs must register with the California Department of Labor and satisfy bonding requirements.
- Employers are exempt from liability for FLR misconduct for registered FLRs only

**Enforcement:**

- FLRs are subject to civil and criminal penalties for violations. Employers who use unregistered FLRs can be held joint and severally liable for misconduct of the FLR
- Aggrieved workers have civil causes of action against both contractors and employers to protect their interests.

**SKILLED TEMPORARY IMMIGRANT WORKERS ALSO NEED FOREIGN LABOR RECRUITER (FLR) PROTECTIONS UNDER SB 477**

H-2A visa holders are not the only vulnerable workers - **Recent news reports highlight the same fraudulent practices are used to recruit highly skilled immigrant workers through programs like the TN visa for technical jobs such as engineering.**<sup>20</sup> Similar to

<sup>19</sup> DEPARTMENT OF INDUSTRIAL RELATIONS (DIR), Farm Labor Contractor License Examination Study Guide (January 2020), *available at* [https://www.dir.ca.gov/dlse/flc\\_stdtygd.pdf](https://www.dir.ca.gov/dlse/flc_stdtygd.pdf)

<sup>20</sup> "Lawsuits Reveal Labor Abuses Faced by Some Migrant Workers on TN", Immigration Impact (July 25, 2024) Visas, *available at* <https://immigrationimpact.com/2024/07/25/class-action-lawsuits-labor-abuses-migrant-workers-on-tn-visas/>

H-2A cases, temporary immigrant workers that are considered 'highly skilled' have been defrauded, entrapped and exploited because of fraudulent recruitment practices. In these cases, TN or H-1B visa applicants were promised highly paid, skilled jobs under certain conditions and based on these promises by recruiters, temporary immigrant workers have paid significant visa fees, travel expenses for consular processing, and relocation to the U.S. only to discover upon their arrival in the U.S. that the reality of their situation is very different than what was promised by the recruiter. In a recent case involving TN Visas, immigrant workers thought they were going to work as engineers but were instead forced to work in warehouses and on automotive assembly lines.<sup>21</sup>

Although skilled temporary workers are commonly viewed as not susceptible to exploitation and abuse by FLRs, there are also extensive cases documenting the abuses and exploitation workers recruited under the H-1B and E-2 categories, and the illegal use of the H-1B program by certain FLRs. Prosecutions of FLR abuse of the H-1B program in hiring workers for California companies include multiple actions against Infosys (2015-19), India's second largest company and a major supplier of foreign workers to California companies including Southern California Edison, Disney and the University of California, San Francisco (UCSF),<sup>22</sup> as well as cases against Cloudwick Technologies (2018), another FLR supplier whose clients include Apple, Comcast, Verizon and Visa,<sup>23</sup> and Login Consulting Services, Inc. (2019).<sup>24</sup>

Since the passage of the Trafficking Victims Protection Reauthorization Act (TVPPRA) in 2003, nearly 400 civil trafficking cases have been filed with nearly 50% of those cases being filed by

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<sup>21</sup> "Lawsuits Reveal Labor Abuses Faced by Some Migrant Workers on TN", Immigration Impact (July 25, 2024) Visas, available at <https://immigrationimpact.com/2024/07/25/class-action-lawsuits-labor-abuses-migrant-workers-on-tn-visas/>

<sup>22</sup> In 2017, Infosys, India's second largest company and a major FLR providing foreign workers to U.S. companies, paid \$1 million to settle an investigation into its H-1B visa violations. See <https://economictimes.indiatimes.com/corporate/infosys-to-pay-1m-to-settle-case-of-visa-violations-in-ny/articleshow/59294907.cms> \*\*In 2015, Southern California Edison, was implicated in an H-1B scandal when it fired 400 IT workers and hired Infosys to replace them with foreign workers recruited on H-1B visas. See <https://www.latimes.com/opinion/editorials/la-ed-visas-tech-workers-h1b-20150217-story.html>; See also <https://www.theatlantic.com/business/archive/2016/12/fixing-h-1b-visa-loophole/509639/> \*\*In 2015, Disney was implicated in an H-1B scandal when it fired 200 workers and hired Infosys to replace them with foreign workers on H-1B visas. See <https://www.theatlantic.com/business/archive/2016/12/fixing-h-1b-visa-loophole/509639/> \*\*In 2016, the University of California, San Francisco, laid off 80 IT workers after signing a contract with Infosys to hire H-1B workers. See <https://www.theatlantic.com/business/archive/2016/12/fixing-h-1b-visa-loophole/509639/> \*\*In 2019, Infosys agreed to an \$800,000 settlement with the State of California, which had accused the company of evading taxes by using B-1 business-visit visas for hundreds of foreign workers instead of the hard-to-obtain and expensive H-1B visas. See <https://economictimes.indiatimes.com/corporate/infosys-to-pay-1m-to-settle-case-of-visa-violations-in-ny/articleshow/59294907.cms>; <https://www.latimes.com/opinion/editorials/la-ed-visas-tech-workers-h1b-20150217-story.html>; <https://www.theatlantic.com/business/archive/2016/12/fixing-h-1b-visa-loophole/509639/>; See also <https://www.mercurynews.com/2019/12/17/h-1b-visa-indian-outsourcer-infosys-settles-with-california-over-alleged-visa-scam-tax-evasion/> \*\*From 2006 to 2017, Infosys was responsible for "falsifying documents, false reporting and/or falsely identifying their employees for the purposes of procuring the wrong immigration visa for their employees that were traveling to the United States." A whistleblower attended Infosys planning meetings in 2010 in which managers discussed a need to get around H-1B restrictions by using B-1 visas to cut costs and increase profits. See <https://www.mercurynews.com/2019/12/17/h-1b-visa-indian-outsourcer-infosys-settles-with-california-over-alleged-visa-scam-tax-evasion/>

<sup>23</sup> In 2018, the US Department of Labor found Cloudwick Technologies, a California-based IT services company, guilty of severely underpaying its workers hired on long-term H-1B visas. The company is owned by Indian-American Mani Chhabra and serves clients including Apple, Comcast, Verizon, and Visa. The company was ordered to pay \$173,044 in back wages to a dozen employees and to hire an independent third-party monitor to help ensure future compliance. See Ananya Bhattacharya, "A US tech company promised its H-1B workers \$8,000 a month but paid them \$800," Quartz (May 2, 2018), available at <https://qz.com/india/1268241/h-1b-visa-abuse-a-california-company-promised-its-foreign-workers-8000-and-paid-them-800>

<sup>24</sup> In 2019, the Department of Labor found Login Consulting Services Inc., a staffing and recruitment company based in El Segundo, California, in violation of the H-1B foreign labor certification program, requiring the company to pay \$58,815 to two Employees. See U.S. DEPT OF LABOR, "US Department of Labor Investigation Results in Southern California Company Paying Employees \$58,815 for H-1B Visa Program Violations," (July 17, 2019) available at <https://www.dol.gov/newsroom/releases/whd/whd20190717-2>;

immigrants who were admitted on temporary work-visa programs.<sup>25</sup> At least 25 of the civil trafficking cases that have been filed were brought by plaintiffs who alleged human trafficking and/or forced labor while in the United States through the H-1B, E-2, or the TN Visa programs.<sup>26</sup> These practices not only harm the immigrant workers who are abused and exploited, but also negatively impacts U.S. workers by decreasing wages and opportunities.<sup>27</sup>


## **CONCLUSION**

Due to the growing expansion of temporary work visa programs in California and the continued lack of Federal and state oversight and protection for these immigrant workers, it is imperative that the State adopt legislation protecting *all* temporary immigrant workers. In doing so, California will safeguard the integrity of these foreign workers and by extension, protect ethical businesses that will no longer have to compete with those who circumvent and profit from violating the law.

## **ABOUT THE SUNITA JAIN ANTI-TRAFFICKING INITIATIVE**

The Sunita Jain Anti-Trafficking Initiative (SJI) is an evidence-based, practitioner-led, and survivor-informed think tank that intentionally fills gaps in human trafficking prevention by advocating for systemic change and policy innovation. Our work is driven by centering the voices of survivors in our practice and proposed policies. SJI's team consists of experienced practitioners who have been working directly with trafficking survivors and policy initiatives for over 20 years to address and curtail human trafficking.

## **CONTACT INFORMATION**



**Stephanie Richard, Esq.**  
Policy Director  
[Stephanie.Richard@lls.edu](mailto:Stephanie.Richard@lls.edu)  
(213) 375-8377

**Aradhana Tiwari, Esq.**  
Senior Policy Counsel  
[Aradhana.Tiwari@lls.edu](mailto:Aradhana.Tiwari@lls.edu)  
(213) 736-8377



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<sup>25</sup> The Human Trafficking Legal Center, Federal Human Trafficking Civil Litigation: 2020 Data Update (2021), *available at* [https://htlegalcenter.org/wp-content/uploads/Federal-Human-Trafficking-Civil-Litigation-Data-Update-2020\\_FINAL.pdf](https://htlegalcenter.org/wp-content/uploads/Federal-Human-Trafficking-Civil-Litigation-Data-Update-2020_FINAL.pdf); *see also* <https://www.htlegalcenter.org/wp-content/uploads/Federal-Trafficking-Cases-Involving-Legal-Visas.pdf>

<sup>26</sup> Civil Trafficking cases include but are not limited to: *Agbo v. MCB Clinical Research Centers*, No. 1:19-cv-02064 (D. Colo.); *Delos Reyes v. Abundant Nursing*, No. 1:19-cv-02596 (E.D.N.Y.); *Mallela v. CogentInfotech Corp.*, No. 2:19-cv-01658 (W.D. Pa.); *Cruz v. Management Health Systems, LLC*, No. 9:19-cv-81601 (S.D. Fla.); *Magbojos v. Grandison Management*, No. 1:18-cv-03520 (E.D.N.Y.); *Guan v. Ran*, No. 1:17-cv-00332 (E.D. Va.); *Saiyed v. Archon*, No. 2:16-cv-09530 (D.N.J.); *Bernal v. Rana*, No. 1:15-cv-00889 (S.D.N.Y.); *Saraswat v. Jayaraman et al*, No. 1:15-cv-04680 (E.D.N.Y.); *Mojsilovic v. University of Oklahoma*, No. 5:14-cv-00886 (W.D. Ok.); *Access Therapies v. Mendoza*, No. 1:13-cv-01317 (S.D. Ind.); *Calumba v. Massey*, No. 1:13-cv-08936 (S.D.N.Y.); *Javier v. Beck*, No. 1:13-cv-02926 (S.D.N.Y.); *Panwar v. Access Therapies, Inc.*, No. 1:12-cv-00619 (S.D. Ind.); *Tuburan v. Massey*, No. 1:12-cv-08561 (S.D.N.Y.); *Singh v. Ling Technologies*, No. 1:11-cv-00844 (E.D. Va.); *Amerineni v. Maruthi Technologies, LLC*, No. 3:11-cv-03548 (N.D. Tex.); *Aguirre v. Best Care Agency, Inc.*, No. 2:10-cv-5914 (E.D.N.Y.); *Ramakapeta v. Marlabs*, No. 2:10-cv-04650 (D.N.J.); *Nunag-Tanedo v. East Baton Rouge Parish School Board*, No. 8:10-cv-01172 (C.D. Cal.); and *Mallannagari v. GSS America, Inc.*, No. 1:09-cv-1352 (N.D. Ill.). Federal civil labor trafficking cases filed by E-2 visa holders include: *Alabado v. French Concepts, Inc.*, No. 2:15-cv-02830 (C.D. Cal.); *Treemeth v. Typhoon!, Inc.*, No. 3:12-cv-00882 (D. Or.); *Baricuatro v. Industrial Personnel and Management Services, Inc.*, No. 2:11-cv-02777 (E.D. La.); and *Reabroy v. Typhoon!, Inc.*, No. 3:08-cv-01178 (D. Or.).

<sup>27</sup> Combating Fraud and Abuse in the H-1B Program, THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS), (Feb. 9, 2021) *available at* <https://www.uscis.gov/scams-fraud-and-misconduct/report-fraud/combating-fraud-and-abuse-in-the-h-1b-visa-program>