

Labor Trafficking in Construction and Hospitality

Topical Brief

Immigrant Workers

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Study Rationale and Objective

Although law enforcement and community interest in human trafficking has increased tremendously since passage of the Trafficking Victims Protection Act in 2000, most anti-trafficking efforts by law enforcement and community-based organizations have focused on sex trafficking. Labor trafficking, when prioritized at all, is often conceptualized as a single phenomenon—the variation in industries in which labor trafficking occurs and the variation in victim experiences within these industries are sorely overlooked. The lack of sector-specific knowledge about labor trafficking victimization limits the extent to which law enforcement, regulatory agencies, health officials, and community-based advocates can identify and respond to this crime.

The objective of this study was to explore how the recruitment, control, concealment, and needs of labor trafficking victims vary across industries in two sectors: construction and hospitality (i.e., restaurants/bars and hotels/resorts). The study included primary data collection activities in four communities: Denver Metro Area, CO; Summit County, CO; Chicago Metro Area, IL; and New York Metro Area, NY.¹

Research Questions

- 1 Does labor trafficking victimization manifest itself differently in distinct industries?
- 2 What is the underlying supply chain structure of labor trafficking in the construction and hospitality sectors? Who are the actors and agencies involved?
- 3 Are there points throughout the stages of recruitment, control, and concealment of labor trafficking in these industries that could present opportunities for identification and intervention?

¹ We originally planned to focus only on Suffolk County; however, because we were unable to recruit a sufficient number of workers, we expanded the focus to all of the New York Metro area.

This brief provides an overview of key findings related to how immigrant workers in these industries are vulnerable to exploitation because of their legal status. As immigrants make up a significant proportion of workers in both industries, both workers and experts we interviewed shared how employers exploit both authorized and unauthorized workers' immigration status and prevent them from seeking help for their exploitation. Immigrant workers also experience barriers to accessing legal help and other community-based assistance for their exploitation. Last, we provide an overview of interventions that can prevent, respond to, and intervene in employers' exploitation of immigrant workers and allow immigrants to work with safety and dignity.

Study Design

This brief is part of a larger study that explores how the recruitment, control, concealment, and needs of labor trafficking victims vary across industries in two sectors (construction and hospitality) across four study sites (Denver Metro Area, CO; Summit County, CO; Chicago Metro Area, IL; and New York Metro Area, NY). This brief draws on two primary sources of data: (1) interviews with 20 workers, 13 (65%) of whom were immigrants, whose responses to a previous survey indicated that they had experienced at least 10 forms of labor abuse or exploitation; and (2) interviews with 22 experts who worked in worker organizing, social and legal services, and other organizations engaged in preventing or responding to labor trafficking in these industries.



For more information on the survey and interview methods used in this study, please see the study's Final Report, available [here](#).

EXHIBIT 1. Immigrant Workers' Legal Status by Industry

Legal Status	Construction (%) (n = 175)	Hospitality (%) (n = 121)
Guestworker visa	1 (0.5%)	5 (2.5%)
J-1 visa	1 (0.5%)	28 (13.6%)
Refugee or asylee status	76 (34.4%)	27 (13.1%)
Applied or waiting for any legal status	15 (6.8%)	14 (6.8%)
Undocumented	82 (37.1%)	47 (22.8%)

Note: This subsample of surveyed workers does not include individuals who were born outside the United States and subsequently naturalized to U.S. citizenship or adjusted to legal permanent resident status. Legal status is self-reported by survey respondents; it is possible that respondents selected a visa or legal status category that they intend to apply for, have applied for and are waiting for adjudication, or have in hand.

How Immigrant Workers Are Vulnerable to Exploitation in Construction and Hospitality Jobs

Immigrant workers make up a significant proportion of the construction and hospitality workforce: an estimated 30% of workers in the construction industry² and 22% of workers in the hospitality industry³ are immigrants. These are likely undercounts because a proportion of immigrant workers lack work authorization. Below, we summarize some key reasons that certain workers' legal status may make them vulnerable to exploitation, and then we consider factors that are common to immigrant workers regardless of legal status.

Lack of Work Authorization

Immigrant workers without valid work authorization (see sidebar) cannot legally work and may instead work for employers who hire them informally or "under the table." Both experts and workers described how the lack of work authorization meant that such workers are subject to exploitation that U.S.-born workers or workers with authorization are not:

When you're legal, you can have a good job. Things are different then, but when you are illegal, that is, no, you are not well, because your papers aren't right. So you have to put up with being humiliated, they know that you have to put up there, that they don't let you, that they limit everything, because, as they say, "She has no papers, she has to be here." So you sometimes feel that you do. They take advantage of that, because you are there. Well, without papers. (Hospitality Worker, Summit)

Workers without work authorization also cannot join labor unions, one of the primary ways that workers organize to prevent labor abuses in the hospitality and construction industries. In cities where labor unions are common and have power in determining wages, workplace protections, and other benefits, unauthorized workers are shut out of membership.

What Is "Work Authorization"?

Work authorization, also known as an Employment Authorization Document (EAD) or a "work permit," is a temporary benefit issued by U.S. Citizenship and Immigration Services (USCIS) that allows an immigrant to legally work in the United States. Immigrants with certain legal statuses are eligible to apply for and renew an EAD, often with an application and renewal fee. Immigrants who do not have legal status are typically not eligible for an EAD unless they have a pending application for a legal status that allows for work authorization. Immigrants who do apply for an EAD often find that receiving a decision from USCIS takes several months.

²Siniavskaia, N. (2024, November 20). Immigrant share in construction sets new record. National Association of Home Builders Eye on Housing. <https://eyeonhousing.org/2024/11/immigrant-share-in-construction-sets-new-record/>

³New American Economy Research Fund. (2020). Immigrant workers in the hardest-hit industries. <https://research.newamericaneconomy.org/report/immigrant-workers-in-the-hardest-hit-industries/>

Fear of Deportation

Immigrant workers without legal status fear that reporting their workplace abuses will lead to their deportation. Workers and experts shared that immigrant workers often fear reporting their exploitation and abuse to government authorities who they believe can deport them. This hospitality worker was afraid to report her workplace abuse to police for this reason:

I didn't know how I should have reacted. I didn't have legal advice. A person to tell me, "If you're treated badly by an agent at work, you can... sue." Not me.... I didn't know anything about that. And much more so now that I am an immigrant. So I said, "Well, maybe the police will deport me if I complain." Then I was a little afraid of being able to speak out in a lawsuit or make a complaint. (Hospitality Worker, New York)

Inability to Change Employers

Workers with work visas that require employer sponsorship, such as the H-2 and J-1 visas, face legal restrictions on changing employers. As one Denver expert explained:

There are extraordinary problems with the use of visas that tie workers to a particular employer. Obviously, without the ability to exit a particular job, workers have their bargaining power to negotiate for higher wages or better treatment or better working conditions is completely undermined because it's either stay there and put up with it or leave the country, which is a pretty dramatic and stark choice for many people. (Expert, Denver)

Other immigrant workers may also feel that they cannot change employers because they fear not being able to secure another job because they lack work authorization, or because securing a job as an unauthorized worker was initially so challenging that they do not want to search again. An expert who worked in immigrant worker organizing described this dynamic:

Once you get a job, once you've gone through the screening process, you really don't want to be in that situation again. So I very often meet people who are... working in these terrible situations because they have no guarantee that they can move on to something better, right? So I can make a fuss. But what do I do? You know, "I can't be unemployed, I've got a family, I've got responsibilities." So they tough it out. (Expert, Chicago)

A worker echoed this sentiment, sharing that she feared telling anyone about her abusive hospitality employer because her lack of work authorization would render her unable to find a new job:

I've searched, because since I don't have a work permit, I haven't dared to look around for another type of work because they tell me that they won't give me a job if I don't have a work permit. (Hospitality Worker, New York)

Lack of Workplace Rights Knowledge

Immigrant workers, especially those without work authorization, may believe they have no labor rights. As several experts reiterated, this is not true: even workers without legal authorization to work in the United States have protections against abuse and exploitation, and employers that break civil and criminal laws when they require workers to work overtime with no pay, underpay workers, or create dangerous working conditions can be subject to enforcement by government agencies. Workers may not know that they have civil or criminal legal recourse against their employers for workplace exploitation:

Workers are often not aware prior to coming here that these are things that constitute wage theft. They figure that they have to put up with it, you know? "Well, I don't want to say no and then I lose my job." So, okay. If you're telling me that I because I broke a dish, I have to pay for it or because somebody didn't pay their tab, I have to split that with 50-50 or because the till was short 20 bucks, I owe you \$20. And then they often just go ahead and let the employer get away with that. (Expert, Chicago)

Lack of English Proficiency

Immigrant workers who are not proficient in English may not be able to understand labor laws and their rights as workers, communicate with employers, seek help from service providers and government authorization, and advocate for themselves effectively:

[Exploitation] happens a lot with non-English speakers because it's so easy for them to not understand things or to be asked to do certain things and, you know, added later to the contract or "I'll pay you for this." And they kind of take that. They need to bring money home for their family. So whatever it is, they will accept. And unfortunately, [employers] take advantage of, they're being taken advantage of. (Expert, Summit)

Lack of Affordable Housing or Eligibility for Housing Programs

Experts and workers in Denver, Summit, and New York all shared that the high cost of housing, which affected low-income residents regardless of citizenship, could also be especially hard on immigrant workers who feel they cannot complain about or leave abusive employers and risk losing their housing. Workers on employer-sponsored visas who were dependent on employer-provided housing knew they would lose their housing if they tried to leave their employers:

I'm sure you have found, especially in ski country, workers have nowhere to live. There's no housing. And so I think something that sort of undermines worker power even more, is, you know, [Resort Name] and other large employers in the mountains sometimes offer employee housing. So if your choice is "Complain about mistreatment on the job and get deported and lose my home," that's an even more stark choice. (Expert, Denver)

Other immigrant workers who did not have legal status were ineligible for housing assistance, either because nonprofit housing providers were restricted by their funding to serve only immigrants with legal status, or because their lack of legal status made them ineligible for government housing programs:

There's no way that we can send someone to the Department of Social Services for temporary housing if the person is not documented—if a person doesn't have a green card or is a naturalized U.S. citizen or has a TPS [Temporary Protected Status], you know, someone from Central America. There is a homeless shelter, Maureen's Heaven. But they cannot provide housing to people who are undocumented because they receive federal funding. Because they receive government funding, they are not allowed to. (Expert, New York)



Specific Vulnerabilities Based on Legal Status

In this study, we surveyed and interviewed immigrant workers who had several kinds of legal status, including specialty work visas and no legal status at all. Workers with some of these legal statuses may experience specific vulnerabilities to labor exploitation, including constraints on seeking help for and leaving exploitative labor conditions.

- **Seasonal workers on H-2 visas** are bound to their sponsoring employer. Seasonal workers have limited ability to change employers. They may also have employer-provided housing, meaning leaving an exploitative employer would also mean losing their housing in areas with a high cost of living.
- **Recent migrants, including recent asylum seekers** who have migrated to cities across the United States, are vulnerable to labor exploitation due to their lack of English proficiency, lack of work authorization, or a pending work authorization application that is taking many months to adjudicate. Their unfamiliarity with their new community, lack of stable housing, and other financial stressors mean that employers can exploit their desire for any job, including exploitative jobs.
- **Unaccompanied children** who are released by U.S. Department of Health and Human Services to sponsors in the community may feel pressure to work in exploitative jobs to send money to their families or pay their sponsors for sponsorship costs. Experts in this study shared stories of such children whose sponsors were implicitly or explicitly threatening to cease sponsorship unless they received financial payment, which the children would earn by working in dangerous jobs.

How Employers Use Workers' Immigration Status to Exploit Their Labor

Hiring Immigrant Workers

While immigrant workers are vulnerable to exploitation in the hospitality and construction industries, their exploitation does not occur on its own; rather, employers actively hire and abuse immigrant workers, often precisely because they lack legal status, work authorization, or both. Experts and workers understood exploitative employers to purposefully hire immigrants without work authorization because they are cheaper to employ: (1) immigrant labor is cheaper than that of U.S. citizens and (2) employers can bypass paying workers' compensation, unemployment insurance, Social Security, income tax, and other legally required benefits, protections, and payments. Employers can also avoid costly safety measures, as one expert shared:

A lot of these roofers are not following OSHA [Occupational Safety and Health Administration regulations].... But when you see no tie-off—again, they don't have workers [compensation]—[and] you fall off that roof, what's going to happen? Like, you know, it's not like you can go somewhere and be like, "Okay, I'm going to go sue the company." They'll be like, "Well, why are you in this country?" And that's unfortunately how this exploitation continues to manifest itself. (Expert, Chicago)

Employers also know that immigrant workers are fearful of reporting these illegal labor practices to legal authorities or potentially losing their jobs if they are fired or an employer is punished:

I would say anyone who doesn't know their rights is vulnerable to being exploited, right? But more to [your] question, anybody who is or is perceived to be an immigrant. And on top of that, an immigrant without status here in the United States. So I see it as a very deliberate practice on the part of employers to attract and employ a workforce who fits that criteria because they understand them to be more docile, obedient, complacent, more apt to tolerate abuse. (Expert, Chicago)

Workers echoed this sentiment: they were often aware that their employers knew they were undocumented and therefore took advantage of this fact. This construction worker shared how his employer refused to pay him for his work, and that other immigrant workers shared the same fate:

He knows I don't have one, any papers. He knew that I have no papers. There's nothing I can do. I can't. I can't complain. I can't do anything because he knows I can't do it. That's why he took advantage.... That is the risk faced by someone who does not have documents. (Construction Worker, Chicago)

Recruiting Immigrant Workers

Related to the topic of employers who purposefully hire immigrant workers because they are cheaper and easily exploitable, some employers actively recruited immigrant workers to migrate to the United States for the purposes of working in their businesses. In Summit County, for instance, ski resorts intentionally seek out seasonal immigrant workers to work in their hospitality industry:

What we see is that employers are more likely to use visas to bring folks in from other countries to fill jobs. We see that with the use of J-1 interns and other J-1 type visas. And I think seasonality can be a reason or excuse for using those visas rather than filling with jobs locally. (Expert, Denver)

Experts also described how employers would encourage immigrants to migrate to the United States with promising job opportunities, only to later abuse and exploit them once they were here:

We also see cases involving labor trafficking by family members, whether that's... within a home or outside of the home. We'll see... extended family members promising a safe place to live, opportunities in the U.S., and then trafficking that person by compelling labor in the household and also outside the household where they take their wages. That job can be... really any job. (Expert, Chicago)

Threatening Workers to Prevent Them From Seeking Help and Reporting Abuse

Workers' fears of being deported because they report their workplace abuses to legal authorities were not unfounded, as workers we interviewed shared that their employers explicitly used this threat to prevent them from seeking help. When asked if he had ever been threatened by his employer to behave or follow orders, or something bad would happen to him, this construction worker reported affirmatively:

Threatened once. And sometimes we demand what is right and they tell us, "We can call the police to deport you." Which is impossible, because one here is legal, one has not crossed illegally. You have your document but like that, bold—I mean, they want to intimidate. (Construction Worker, Chicago)

These stories were often shared by experts who worked directly with abused immigrant workers. This expert explained that employers' threats could be explicit or implicit:

The threats are often about use of immigration. "You know, he'll be deported. I'll call immigration" or, you know, "If I call the police, then they'll call immigration. And you have kids here and you're never going to see your kids again. They'll stay here and I'll keep them and they'll pay off your debt for you," things like that. But sometimes the threats are a lot subtler. (Expert, Chicago)

This was true in the story of how unaccompanied children may be exploited for labor by their sponsors through both implicit and explicit threats:

We do see sometimes, well, that sponsor then will take advantage of the situation and say, "Well, now you owe me for helping you out and getting released." And then they might make up something and be like, "Oh, it cost me \$2,000 to get you released." Or "I had to pay for your trip to get to Colorado and so now you owe me." And so then they use that to kind of show that they owe them. (Expert, Denver)

The implied threat is that if the child does not work and pay money to their sponsor, they will cease sponsoring them and the child will be more easily deported to their origin country.

Interventions That Prevent, Protect Against, and Respond to Immigrant Workers' Labor Exploitation

Role of Government Agencies

Several federal government agencies have oversight of immigrant workers, including how employers should treat workers because, or regardless, of legal status.

- **Federal and local departments of labor (DOLs)** play a key role for immigrant workers who participate in workplace abuse investigations, both by investigating labor abuses and by conferring letters of support for deferred action (see the DALE Program section below). The federal DOL also oversees employers that sponsor work visas; it can investigate abusive employers and prevent them from sponsoring future immigrant workers.
- The **U.S. Department of Homeland Security (DHS)** is the federal agency that oversees immigration law, including immigration visas and legal status programs. DHS provides work authorization for eligible immigrant workers, including workers who have received authorization to participate in the Deferred Action for Labor Enforcement (DALE) Program, and provides T visas for immigrant victims of labor trafficking. DHS also provides work visas, such as H-2 seasonal visas.



While federal agencies may be most prominent because immigration is a federal issue, state and local government agencies also have important roles in preventing and responding to immigrant workers' exploitation. Experts mentioned the following practices in their communities:

- **Local policies and practices that encourage immigrant workers to report labor abuses**, including law enforcement agencies that build trust with immigrant communities and cities that enact policies to prevent the reporting of residents' legal status to federal immigration authorities, can assuage some immigrant workers' fears of deportation.
- Because of federal funding restrictions on legal services nonprofits that serve immigrant clients, **local funding for immigrant legal services** can increase access to legal representation for immigrant workers who need to file civil remedies against employers or help them seek DALE Program participation or T visas.

Summary of Recommendations

- Federal and local departments of labor should continue to investigate labor abuses and enforce accountability mechanisms on abusive employers and provide letters of support for workers applying to the Deferred Action for Labor Enforcement Program. The federal DOL should prevent abusive employers from sponsoring future immigrant workers on seasonal work visas.
- The U.S. Department of Homeland Security should adjudicate and provide EADs, U visas, T visas, and DALE Program authorization in a timely manner.
- Local government agencies should implement policies that encourage immigrant workers, regardless of legal status, to report labor abuses and provide funding for legal service providers to support workers in doing so.
- Local community-based organizations, immigrant-serving organizations, and victim service providers should continue providing Know Your Rights education and awareness to immigrant workers.
- Labor unions and their members should advocate for nonmembers, including immigrant workers.
- Community-based worker organizing efforts should continue advocating for immigrant workers regardless of legal status and in culturally specific ways.

DALE Program

Experts interviewed in summer 2023 described how local and federal labor agencies and community organizations were implementing DOL's then-new DALE Program. The purpose of the program is to encourage immigrant workers to report workplace abuses without fear of deportation. In return, workers can receive work authorization and deferred action, a form of temporary legal protection against deportation.

The DALE Program involves both federal and local agencies and organizations: although DHS ultimately provides deferred action to workers after the U.S. DOL certifies the worker as having helped with a labor investigation, applicants may also have a letter of support from a local DOL attesting to their participation. Also, as we learned from interviewing worker organizing and other immigrant-serving organizations, immigrant workers can initiate DALE Program participation through complaints against their employer in collaboration with other workers:

What kicks off this process is workers coming together and discussing and identifying workplace concerns.... They decide that they want to take some collective action or file charges with a government agency. So say, for example,... "We have dangerous conditions here. There's machinery, there's amputation risks." They file a charge with OSHA. OSHA meets with the workers, collect[s] the workers' account of what is happening there, follows up with an investigation, finds the employer at fault.
(Expert, Chicago)

Community-based organizations and worker organizing also play a key role in helping educate workers about DALE and assisting with getting a letter of support from DOLs:

We have done a lot of education, not just for workers, but for labor organizations, unions, and even government agencies, as far as how to implement these programs in a way that is most beneficial and accessible to workers. (Expert, Chicago)

Know Your Rights Education and Awareness

Many workers and experts emphasized how immigrant workers' lack of knowledge regarding their labor rights made them vulnerable to exploitation. Increasing immigrant workers' knowledge, therefore, was a common recommendation provided by workers to other workers. When asked what advice he would give to other workers in exploitative situations, one worker explained,

Well, first to know what rights you have, honestly. See what rights you have, because you arrive so ignorant from our countries that you don't know that you have rights. Because I was always with that... fear all the time, that I didn't have any rights because of the situation that I was in. So I always thought that those who were legally here were the ones who had the right and that I had no right to anything, because that's why I was always discriminated against. (Hospitality Worker, Chicago)

Experts across organizations described Know Your Rights education and awareness efforts, including trainings and campaigns, as a key intervention that could help prevent immigrant workers from experiencing exploitation, encourage them to report abusive employers in the future, and protect them from future exploitation.

I think the new immigrant will always be more vulnerable. Like right now with us, we founded the [Know Your Rights program] because we realized quickly that they need more attention on, you know, how to teach them about their rights, even if they just arrived, to avoid to be exploited.... Because even though you're an immigrant or undocumented, you still have rights and you still have a right to your own wages. (Expert, Denver)

Labor Unions

Even though unauthorized immigrant workers may not be able to formally join labor unions, labor unions can still advocate for nonmembers, including immigrant workers. One legal service provider shared a story of how labor union members reached out on behalf of their nonunionized immigrant co-workers to report potential workplace abuses:

Another case we had, it was actually union workers who reached out to us and asked for us to come talk to their colleagues who were nonunion, Spanish-speaking only, and who they just felt were being abused at the job site.... But the union there was very protective of these men.... They put up the place for people to meet,... they brought food. They were super, they organized everything every time. They were really, really present for it, which I was impressed with. (Expert, Chicago)

Community-Based Worker Organizing

Workers' rights organizations and other community-based, grassroots worker organizing are also a way in which immigrant workers can learn about their rights, share information about abusive employers and help-seeking resources, and support each other. Unlike labor unions, these means of organizing do not exclude workers on the basis of immigration status. Organizations may also be culturally specific and geared toward workers from certain countries of origin, speakers of a shared language, or a specific workforce from these countries.

There are workers' rights centers here in Chicago that do a lot of that work and they are kind of all culturally specific. So, for example, [organization], they're a faith-based workers' right[s] center here. And they have a large Spanish-speaking population with Spanish-speaking staff. And then they also have the Polish population with Polish-speaking staff.... We have [organization name], which is a workers' rights center for domestic workers from the Philippines. And all of their staff are also from that background and speak the language. So we have really good, culturally specific..., boots-on-the-ground organizations. (Expert, Chicago)

Conclusion

Immigrant workers face additional vulnerabilities to labor exploitation in the hospitality and construction industries because of their legal statuses. Whether they lack work authorization because they lack legal status or they have restrictive employer-sponsored work visas, immigrant workers often find themselves unable to report labor abuses or seek help for their exploitation. However, government, social services, and labor organizations can work together to seek interventions that protect immigrant workers from abuse, bolster their labor rights, and prevent their future exploitation in many ways.

For detailed findings and additional information on the full study, visit <https://www.rti.org/impact/labor-trafficking-construction-hospitality>.

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