



Fake Jobs for Sale:

Analyzing Fraud and Advancing
Transparency in U.S. Labor
Recruitment

About the Author

Centro de los Derechos del Migrante, Inc. (Center for Migrants' Rights, or CDM) is a transnational migrant workers' rights organization that supports migrant worker organizing and advocacy on both sides of the U.S. Mexico border and works to remove the border as a barrier to justice for migrant workers who experience workplace violations, exploitation and abuse during recruitment in Mexico and while living and working in the United States. CDM fights for a world where migrant workers' rights are respected and laws and policies reflect their voices. Through education, outreach, and leadership development; intake, evaluation, and referral services; litigation support and direct representation; and policy advocacy, CDM supports Mexico-based migrant workers in defending and protecting their rights as they move between their home communities in Mexico and their workplaces in the United States.

CDM would like to thank all who have contributed to this report, with special thanks to Abigail Kerfoot, David Vines, Mollie Cueva-Dabkoski, and the members of the Migrant Defense Committee for their invaluable contributions, without which this report could not have been made possible.

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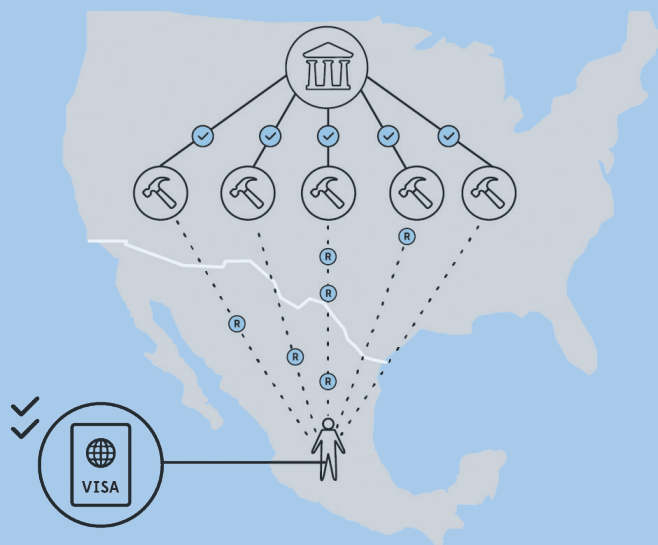
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Overview of Recruitment Fraud

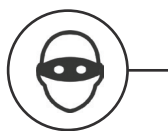
INTRODUCTION

Every year, hundreds of thousands of people come to the United States under the H2-A and H2-B visa programs to work in temporary, low-wage employment in industries such as agriculture, landscaping, forestry, traveling carnivals, and seafood processing, among others. The United States government authorizes these jobs at the request of employers, who must first meet a series of requirements, including the procurement of a “temporary labor certification.” As such, someone from another country can only obtain an H-2 visa to work for an employer whose terms and conditions have been approved by the United States government. The information that the United States government shares about H-2 certifications is incomplete, is available only in English, and is published with delays in an inaccessible format. Consequently, someone seeking employment in the United States has no way to verify available positions or review the certified terms of employment in real time.

In order to advertise this information and hire migrant workers in their countries of origin, employers generally turn to recruiters or private recruitment agencies, who may also assist in processing migrant workers' visas and arrange their transportation to the United States. Given the lack of available information, those seeking work in the United States oftentimes have no other option than to trust in recruiters to learn about work opportunities and access to H-2 visas. As such, recruiters monopolize information and control access to jobs, imposing fees and other illegal terms as conditions for accessing job descriptions, visas, and employment. The lack of transparency in H-2 visa programs generates obscure recruitment conditions which compromise both the migrant workers' labor and human rights.¹



The majority of workers hired through H-2 visas come from Mexico. In 2017 alone, 211,577 Mexicans obtained H-2 visas, representing 86% of the total amount of H-2 visas granted.² This, together with a rapid increase in the number of visas authorized in recent years,³ has created favorable conditions for the labor recruitment industry's expansion in the United States and Mexico and contributed to the proliferation of diverse actors offering work in the United States. Under their current operation, these programs allow Mexican workers to be hired for jobs in the United States through a barely regulated recruitment system characterized by impunity and lack of transparency in every step along the way. Scammers fabricate job offers to extract months or years worth of salaries from people searching for work by charging recruitment fees for job offers that are either false or nonexistent in the United States. Under this system, distinguishing real job offers from false ones becomes difficult both for migrant workers and advocates alike. Expecting to earn higher salaries in the United States, Mexican workers often use up their savings or obtain a loan in order to pay their recruiters; others simply hope that the recruiter will not make off with their money. When recruiters steal money in this way, neither U.S. nor Mexican laws provide an efficient mechanism for workers to seek justice.



By fabricating job offers in the United States and charging for these nonexistent employment opportunities, fraudulent recruiters plunder months and even years' worth of salaries from prospective workers.

For years, Centro de los Derechos del Migrante, Inc. (CDM) has documented fraudulent recruitment schemes that funnel hundreds of thousands of U.S. dollars per year into the pockets of fraudulent recruiters. This type of fraud is widespread, harming families and entire communities across all of Mexico. Victims of fraud, together with their families and communities, fall into poverty and debt without ever obtaining work in the United States. While fraud and recruitment fees are illegal in both the United States and Mexico, these practices are proliferating today at alarming rates and with increasing complexity. Within a context of high demand for migrant workers and little transparency, fraudulent recruiters operate with impunity in an informal, under-regulated labor recruitment network. For all too many workers, risking fraud becomes an inevitable step in their search for gainful employment in the United States.

In response, CDM has partnered with migrant worker leaders and human rights advocates to improve transparency and accountability within the recruitment process by spreading information, increasing public awareness, and encouraging community organizing. This report analyzes the information about recruitment fraud that CDM has collected in its thirteen years working in Mexico. It concludes with recommendations on how to improve the recruitment system as well as steps prospective migrant workers seeking employment in the United States can take to protect themselves from fraud. Although organizations like CDM have had success in helping migrants prevent recruitment fraud, fraudulent recruiters will continue to arise and operate with impunity until the responsible government agencies on both sides of the border take steps to regulate the international labor recruitment industry with greater transparency, oversight, and accountability mechanisms.



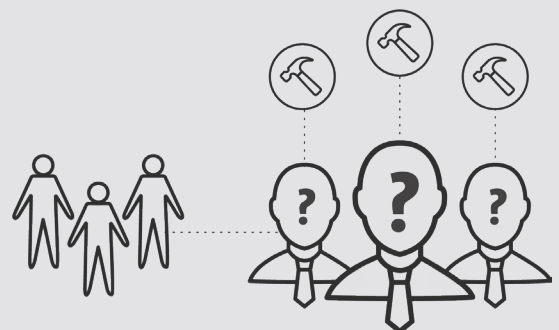
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What is Recruitment Fraud?

This report uses the term recruitment fraud to refer exclusively to false offers of employment in the United States. It is worth mentioning that there are other ways recruiters mislead people looking for work such as, for example, mischaracterizing inadequate or even inhumane employment conditions as favorable. For the purposes of this report, recruitment fraud occurs when a recruiter demands that a job seeker provide a monetary fee or identity documents in exchange for a visa for false or nonexistent employment. In order to complete this analysis, we presume that a job does not exist or is false when the recruiter does not provide a valid contract within the H-2 program's established timeline; when a recruiter demands a payment in order to connect a worker with a company or employer that does not exist; or when a job is offered at a company that does not have a valid foreign labor certification that can be verified by a U.S. consulate, the U.S. Department of Labor's iCert portal, or the company itself.

The collection of illegal recruitment fees for jobs in the United States is common practice in the labor recruitment system; even legitimate recruiters frequently collect a fee without facing consequences. As a result, migrant workers often have no other option than to pay the illegal recruitment fees in order to find work in the United States, regardless of whether or not the job is real. The lack of oversight that the U.S. and Mexican governments and employers exercise over recruiters and their practices means that job seekers continue to regularly pay fees for U.S. opportunities. As recruiters continue to operate in the shadows, prospective workers will be unable to distinguish between legitimate and false offers.

So long as recruiters continue to operate in the shadows, prospective workers will be unable to distinguish between legitimate and false offers.



Methodology

Since 2005, CDM has worked closely with leaders in the migrant worker community to map the labor recruitment process and document abuses such as recruitment fraud. CDM has obtained the information in this report through constant contact with who that have either found or attempted to find work in the United States. Overall, this report analyzes hundreds of cases of recruitment abuse reported between 2005 and July of 2018, of which 140 involved fraudulent employment offers. CDM received the majority of these cases between 2014 and 2018: during this period, we began to systematically document reports of fraud. Each case of fraud may have claimed anywhere between one to more than a thousand victims in as many as ten different states.

10,000

10 STATES

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It should be emphasized that the cases included in this report likely represent only a fraction of the Mexican population affected by fraud. The vast majority of the cases analyzed came from workers seeking out CDM in order to report a personal experience with fraud. What's more, nearly half of people seeking work who reported a fraud to CDM were only able to identify themselves as victims, given that they were unaware that others may have been affected by the same fraudulent scheme. However, it is highly unlikely that each fraud only impacted one person, as these schemes often affect dozens, if not hundreds of individuals - the vast majority of which will never report the fraud. As a result, as CDM's 2013 report *Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change* shows, one in ten migrant workers has paid a recruiter for a nonexistent job.

The information in this report was obtained principally through in-person and phone interviews conducted by CDM staff and volunteers. As part of our outreach and education initiatives, CDM staff members travel throughout Mexico to host workshops in order to inform current, former, and potential workers of their rights, share tips for avoiding fraud, and introduce them to Contratados.org and CDM's services. During these workshops, migrant workers and their families are able to ask questions and often share their stories of abuse or experiences with fraud. CDM documents these stories and adds them to our database for further analysis and follow-up.



Since its inception, CDM has worked closely with migrant workers, their families, and their communities to tackle the problems they face, from their hometowns to their workplaces in the United States. In 2013, CDM published *Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change*, which demonstrated that 1 in every 10 people had paid for a false or nonexistent job. Since then, working hand in hand with migrant worker leaders, we have redoubled our efforts to find solutions to this problem. To address the lack of transparency and accountability in the labor recruitment process, CDM worked alongside H-2 workers to design the Contratados.org platform, which we launched in 2014.

Contratados.org is a space for migrant workers to meet, form a community, and share anonymous information about their interactions with recruiters in Mexico and employers in the United States. Since we launched Contratados.org, the number of frauds reported to CDM has increased rapidly. In addition to receiving information about fraud that has already occurred, we are beginning to receive information about fraudulent schemes underway or in process. In these cases, we have been able to intervene in order to identify the job offer as fraudulent and prevent workers from submitting payments or personal identification documents to fraudulent recruiters. Nevertheless, fraud continues to be a widespread practice throughout Mexico, and in the overwhelming majority of cases, those violating workers' rights in the recruitment process will never face consequences.



Migrant Defense Committee



The Migrant Defense Committee (Comité de Defensa del Migrante, or “Comité”) was founded in 2006 as a means of organizing and empowering migrant workers. It is a group of migrant worker and community leaders who work to educate, defend, and empower themselves and their coworkers. The Comité is comprised of current and former migrant workers and their families, including H2-A, H2-B, J-1, and undocumented workers. Members voluntarily train fellow migrant workers about human rights along every step in the migration chain, linking up migrant worker communities in Mexico and in the United States.

CDM also operates a phone line to address migrant workers' questions or complaints. Occasionally, job seekers call to inform us that they have been defrauded by a recruiter and that they are looking for information about how to recover their money or hold their recruiter or recruitment agency accountable. If a person has been a victim of recruitment fraud, we ask when they paid and how many people were defrauded along with him or her. As can be expected, fraudulent recruiters rarely leave a paper trail, so while some data referenced in this report comes from bank receipts and other documented proof, the report relies heavily on information from fraud victims themselves. For the sake of consistency, all quantities have been converted to pesos using the Internal Revenue Service's (IRS's) Annual Average Exchange Rate applied to the year in which the fraud occurred.⁴

Job seekers typically reach out to CDM to verify a job offer from recruiters that seem suspicious. Members of the Comité, local authorities, and allied organizations consult CDM on recruitment activities in their communities and ask us to verify the legitimacy of job offers. CDM has different means of verifying the legitimacy of job offers, including reviewing iCert, the U.S. Department of Labor's online portal, which maintains a list of U.S. companies with valid temporary labor certifications. We also encourage prospective workers to verify a job offer with the U.S. Consulate in Monterrey to see whether or not the United States government has processed a given company's work visas. We frequently ask companies and employers directly whether they are hiring migrant workers, or whether they have contracted a recruitment agency or recruiter in particular. If after an exhaustive research process no reasonable doubt remains, we classify the job offer as fraudulent, regardless of whether or not the job seeker paid a recruitment fee at the time of the verification.

Analyzing the Impact of Recruitment Fraud

TOTAL COST OF RECRUITMENT FRAUD

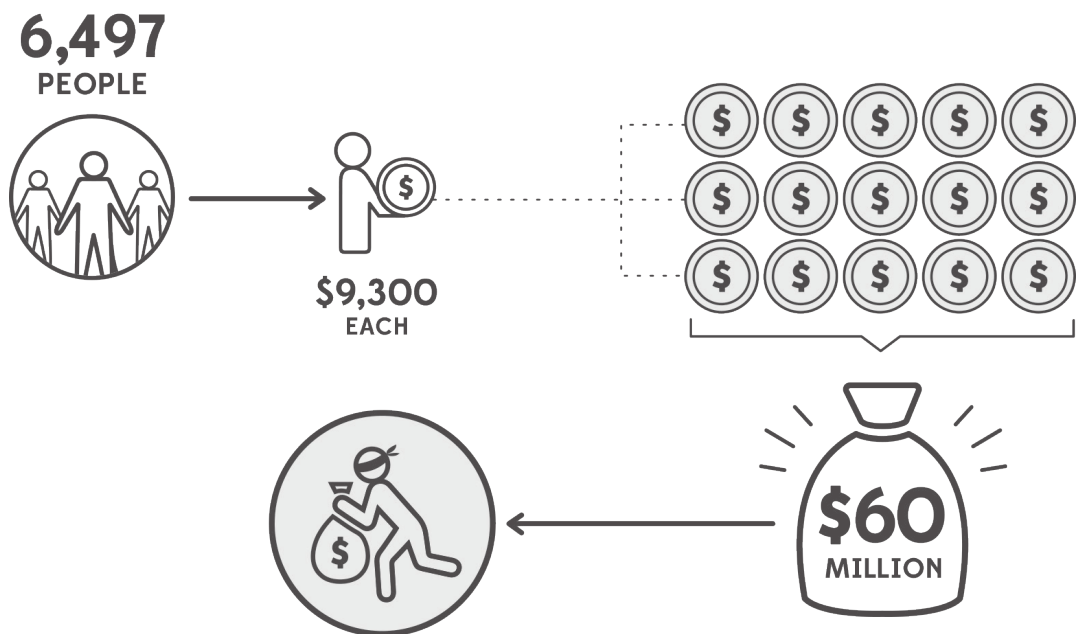
Since 2005, CDM has documented 88 different cases involving Mexican job seekers who have lost money through some fraudulent recruitment scheme. These cases represent the nearly 6,500 people that have, to date, paid a total of **\$60 million pesos** to fraudulent recruiters. In each case reported, we have collected data on the total number of defrauded people and the recruitment fee solicited. In total, CDM has received reports of fraud affecting 6,497 people who have each paid an average recruitment fee of \$9,300 pesos - the equivalent of three and a half months' worth of a minimum wage salary in Mexico - for a false or non-existent job offer.

The scale and impact of each recruitment fraud case varies greatly. While the majority of people reported that, to their knowledge, they were the sole victim of fraud, in 45% of the cases reported to CDM, ten or more individuals were defrauded in the same incident or scheme. In fifteen of these cases, those that reported fraud indicated that the same recruiter or recruitment agency had defrauded as many as 150 or more people.



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POTENTIAL FRAUD: ANALYZING PREVENTED FRAUD CASES

Raising awareness of the risks and implications of abusive recruitment practices has helped prospective workers to better protect themselves and avoid recruitment fraud. Between 2016 and 2018, CDM has investigated 50 instances of fraud in which concerned job seekers ultimately chose not to pay solicited recruitment fees or pursue the job offers further. In this period, CDM calculates that our investigations prevented 281 people from paying a total of **\$2.19 million pesos** in fraudulent fees.⁵



In one of the largest cases of recruitment fraud reported to CDM, recruiters spread an announcement via Facebook in May of 2017, targeting workers in Guanajuato and Veracruz. The Facebook post promised work in a nonexistent company in California called Strawberry Paradise. Although the post did not disclose a recruitment fee, people who responded to the post reported having to deposit \$5,800 pesos in a personal bank account in order to secure the job offer. After consulting with CDM, 120 people decided against paying and pursuing the offer further.⁶

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La compañía strawberry paradise esta solicitando personal de ambos sexos para trabajar en la pisca de la fresa en el estado de California por contrato temporal

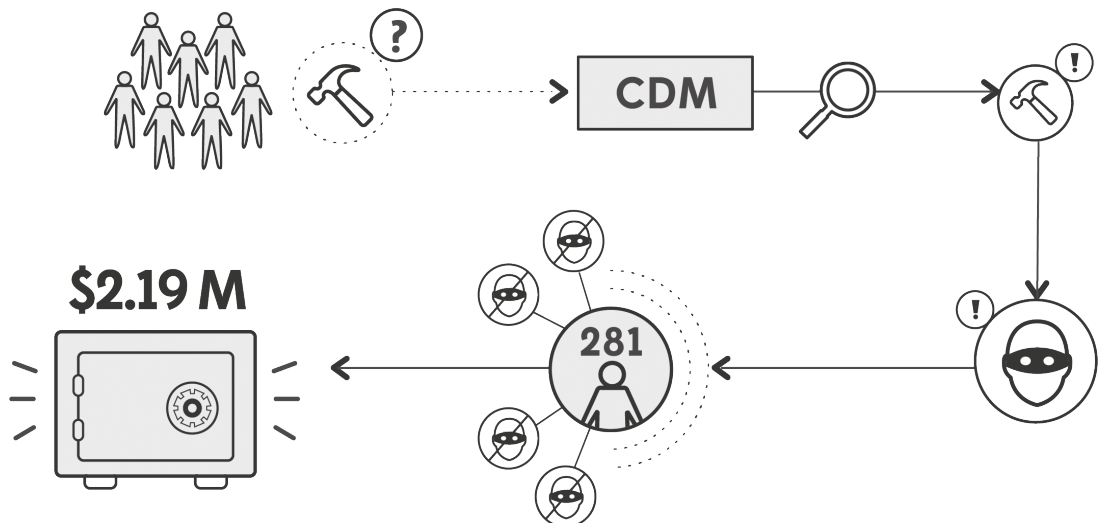
Requisitos para iniciar el trámite

Pasaporte vigente

Credencial de elector

si son aptos para trabajar se les darán los requisitos completos

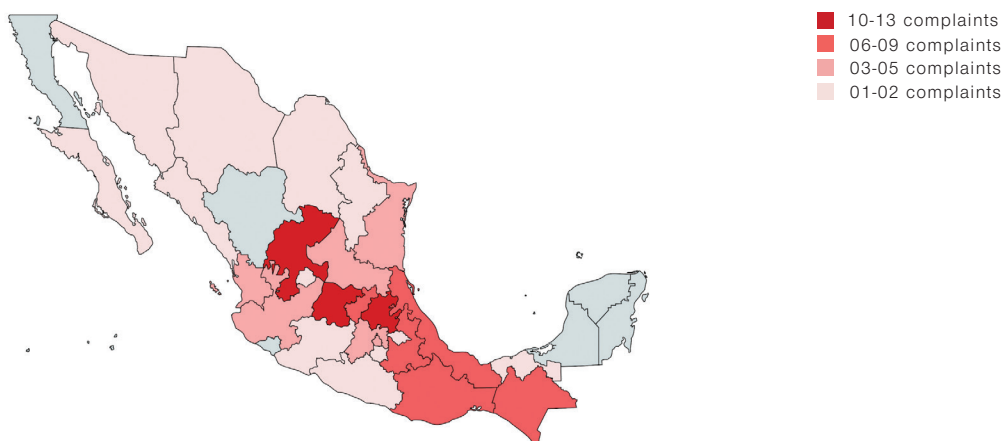
(NO SE PIDE DINERO NI TRÁMITES FRAUDOLENTOS COMENTARIOS OBSEOS Y FUERA DE LUGAR RESPECTO A MI PUBLICACIÓN SERÁN ELIMINADOS Y BLOQUEADOS ALA BREVEDAD BUEN DÍA



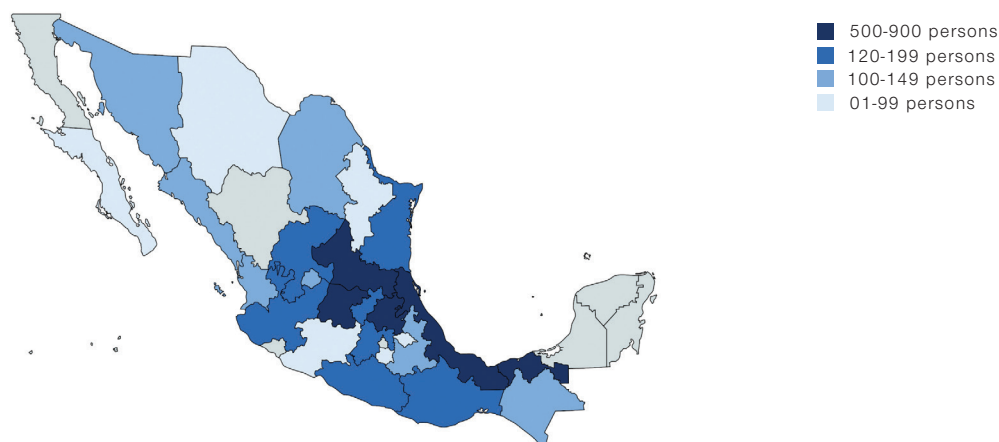
WHERE RECRUITMENT FRAUD OCCURS

Since 2005, CDM has documented recruitment fraud cases in 27 of the 32 Mexican states. This includes only those cases in which the job seeker paid a recruitment fee for a false or nonexistent job offer, including the cases where a job seeker paid a recruitment fee prior to investigating the offer's validity. CDM has documented most recruitment fraud cases in Guanajuato, Zacatecas, and Hidalgo, while San Luis Potosi, Tabasco, and Veracruz produced the most victims of fraud, due to the fact that a number of large-scale cases of fraud have taken place in the aforementioned three states. The following map illustrates the impact of recruitment fraud in each state.

Number of cases of recruitment fraud in Mexico reported to CDM, by state.⁷



Number of victims of recruitment fraud in Mexico, by state.⁸



What does Fraud Look Like?

EXAMPLES OF COMMON FRAUDULENT SCHEMES

Fraudulent recruiters employ various schemes and strategies to swindle job seekers. This section provides an overview of common tactics that fraudulent recruiters use to deceive prospective Mexican migrant workers seeking employment in the United States.



COLLECT MONEY FROM PROSPECTIVE WORKERS BEFORE DISAPPEARING AND BECOMING UNRESPONSIVE

Many recruiters maintain regular contact with prospective workers while soliciting and securing recruitment fees. However, once having collected payment, recruiters often disappear and become unresponsive. To cover their tracks, it is well known that recruiters use false names, disconnect their phones, and flee to other parts of the country.

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In 2016, 30 people from Santa Cruz de Juventino, Guanajuato heard about a job opportunity cutting and planting pine trees in Oregon. The job offered to pay \$13.75 per hour. Excited by the opportunity, each prospective worker paid the recruiter \$500 pesos and provided him with copies of their passports. Having assured the workers that he himself was also going to work in the pine plantation, the recruiter quickly gained their trust. Soon enough, however, the situation took a turn for the worse. On three separate occasions, the recruiter instructed the workers to travel to Monterrey, in the State of Nuevo Leon, for a visa appointment with the U.S. Consulate. Before each trip, the recruiter notified the workers that the appointments had been canceled, offering a variety of explanations. Shortly thereafter, the recruiter stopped responding to the group's complaints.⁹



In 2017, a recruiter defrauded 40 workers in the state of Jalisco after promising them H-2B visas in exchange for a \$900 peso fee. After collecting payment, the recruiter indicated that a truck would transport the workers from their community to the U.S. Consulate in Nuevo Laredo for an interview and, later, job placement. The workers paid the recruiter, looking forward to the possibility of working in the United States. Nevertheless, the truck never came and the recruiter soon disappeared, leaving the job seekers with nothing.¹⁰

DEMAND SUBSEQUENT FEES FOLLOWING AN INITIAL PAYMENT

In many cases of recruitment fraud, recruiters demand multiple, previously unannounced payments. After acquiring an initial deposit, recruiters may charge prospective workers with additional fees, varying from medical payments to insurance claims, sometimes requiring workers to travel long distances to complete these transactions. Despite making these additional payments, job seekers are no more likely to secure employment in the United States.



In 2015, a worker in the state of Chihuahua contacted a recruiter after seeing a promising advertisement to work in the United States. The recruiter responded that her company had no more vacancies and put the worker into contact with a second recruiter. Once the worker submitted an application, the recruitment agency demanded the worker pay \$250 dollars in administrative costs and requested he complete and submit a complex questionnaire. Shortly afterward, the recruiter insisted the questionnaire was not filled out properly and assessed the worker a penalty of \$200 dollars for the right to continue the application. Amidst a desperate search for work in the United States, the worker decided to make the payment and continue with the recruitment process. Through multiple payments, the job seeker paid the recruiter a total of \$1,200 dollars before ultimately backing out of the arrangement.¹¹



In 2016, a company by the name of Agricultural Guest Worker Recruitment Organization advertised H-2B visa opportunities with their firm in Sonora, Mexico. From the beginning, the company required that workers pay large sums of money to ensure a successful visa application. Having paid, many job seekers then received a forged letter appearing to be from United States Citizenship and Immigration Services (USCIS), which stated that their visa application had been approved. The document explained that in order to proceed, workers would need to purchase health insurance from a company called Safety First Insurance. After further investigation, CDM and allies determined that the document, offer, and insurance policy were false and notified the workers accordingly.¹²

CONVENE MASS COMMUNITY MEETINGS TO LURE HUNDREDS OF JOB SEEKERS WITH FALSE WORK OPPORTUNITIES

Many of the highest-impact cases of fraud occur after a recruiter manages to attract dozens, if not hundreds, of job seekers to a meeting in a given community. During these so-called ‘job fairs,’ recruiters offer presentations about supposed work opportunities in the United States. Often using fake paperwork, recruiters take this opportunity to con gathered workers out of large sums of money. This devastating tactic can drain a small community and its residents of substantial resources.



In 2012, a recruiter visited the town of Ejutla de Crespo, Oaxaca, offering work to 40 locals at an onion farm in Georgia in exchange for a \$2,900 peso advance. After promising that the job would start in November, the recruiter called the workers in April telling them that he could no longer secure the job offer. The recruiter soon stopped responding to the workers' attempts to contact him and never returned their money.¹³



In 2010, nearly 900 people in the state of Tabasco paid false recruiters between \$100 and \$250 dollars each for visas they would never receive. Beyond spending their hard-earned money on false job offers, a substantial financial blow considering the state's high rate of unemployment, the job seekers also disclosed their U.S. social security numbers and other personal information to the recruiters.¹⁴

COLLECT MONEY FROM A LARGE POOL OF WORKERS AND ONLY OFFER WORK TO A FRACTION OF THOSE WHO HAVE PAID, FAILING TO REIMBURSE THE JOBLESS WORKERS

In some cases, recruiters with real job offers engage in fraudulent over-recruitment by collecting fees from more workers than they can reasonably provide with jobs. While they may furnish a small number of the job seekers with work abroad, a recruiter who fails to fully reimburse the remaining, unemployed workers is still engaging in recruitment fraud.



In 2017, a Guanajuato-based recruitment agency advertised an opportunity to work in the pine industry in North Carolina. The company charged each of the 80 workers in the state who submitted an application \$3,515 pesos. Shortly thereafter, the agency admitted that no opportunities were available in North Carolina, assuring the job seekers employment in California instead. Although after a month the recruitment agency secured agricultural jobs for ten workers in the state of Washington, the company left the rest in limbo. The remaining 70 workers asked for their money back but never received an answer or an explanation from the agency.¹⁵

REQUIRE WORKERS TO TRAVEL WITHIN MEXICO TO ATTEND FALSE VISA INTERVIEWS OR TO MAKE PAYMENTS TO A RECRUITER

Recruiters frequently require prospective workers to pay fees in locations far from their hometowns, often sending them to different states entirely. Lured with false promises of visa interviews, workers who travel long distances may be forced to spend additional funds on travel costs in addition to the initial recruitment fee.



In 2012, a worker from the state of Hidalgo learned about a job opportunity in the United States from a flyer posted in his community. Interested in the opportunity, he traveled to Queretaro to pay the \$500 dollar recruitment fee and spent an additional \$1700 pesos on travel costs for the six-hour journey. Upon return, the worker received a call from the recruiter, who informed him that there was no job opportunity in the U.S. Furthermore, the recruiter stated that he would not reimburse the worker for his payment.¹⁶



In 2017, a prospective worker in Zitacuaro, Michoacan contacted CDM to report a recruitment offer with a U.S. landscaping company. The recruiter told the worker that he need only pay his travel to the U.S. Consulate in Monterrey, Nuevo León, after which he should return to Michoacan to await his approved visa. If his application was approved, the prospective worker would also be responsible for travel expenses to the United States. CDM researched the inquiry and found that this specific recruiter had previously charged recruitment fees of between \$500 and \$5,000 pesos, without ever securing visas for prospective workers.¹⁷

OFFER WORKERS TOURIST VISAS OR “OPEN” WORK VISAS IN THE UNITED STATES

Some recruiters have swindled workers by offering them work with tourist visas or, in some cases, non-existent “open visas.” Foreign workers, including Mexican citizens, cannot legally work in the United States on a tourist visa. Similarly, the U.S. government does not issue “open” work visas that allow workers to choose their own employer or perform unspecialized work for more than a year at a time.



After collecting \$1,000 pesos up front, the recruitment agency InterAmerica took advantage of two people in Zacatecas by offering “open visas” that would allegedly allow a worker to remain in the United States for over a year while working for his or her employer of choice. After the recruiter requested \$60,000 pesos for the “open visa,” the job seekers became wary of fraud and turned down subsequent offers of \$40,000 pesos and \$25,000 pesos each for the visas. They were not, however, able to recoup the initial \$1,000 peso downpayment.¹⁸



Chambamex

The recruitment agency Chambamex defrauded more than 3,000 Mexican workers in 19 states between December 2012 and April 2013 with the promise of jobs in the United States and Canada. The firm claimed to provide work in carpentry, gardening, and construction, and asked workers to provide their passports and \$7,000 pesos up front to secure a job. In total, Chambamex defrauded Mexicans out of more than 20 million pesos.

Despite the scale of the fraud, Mexican authorities systematically failed to investigate complaints against Chambamex. Only one attorney general’s office in one of the affected states processed and investigated the complaints.¹⁹ According to the Academic Unit on Development Studies of the Autonomous University of Zacatecas (*Unidad Académica en Estudios del Desarrollo de la Universidad Autónoma de Zacatecas*) and the International Network on Migration and Development (*Red Internacional de Migración y Desarrollo, RIMD*), limited regulation of recruiters and agencies exemplifies the Mexican government’s complicity with ongoing fraud, reiterating that the State’s only policy is that of impunity.²⁰

Because the Chambamex fraud was not directly reported to CDM, our data analysis does not include these figures. This case illustrates how far more people in Mexico are affected by and lose money to fraudulent recruitment schemes than the figures in this report capture.



Exploiting Confusion Around President Trump's Administration

The election of Donald Trump has heightened tensions between the United States and Mexico and created uncertainty about the future of migrant worker programs. Since President Trump's election, CDM has received a number of complaints about fraudulent recruiters who have exploited his erratic reputation in order to defraud migrant workers.

One recruiter transported a group of 90 people from Queretaro and Chiapas to Monterrey, Nuevo Leon in November 2017 after charging them approximately \$10,000 pesos each and collecting copies of their passports and birth certificates. However, upon arrival in Monterrey, the recruiter told the workers to return home, claiming that Donald Trump had closed the U.S. Embassy. Although the recruiter promised to bring the workers back to the U.S. Consulate in two months, he never reappeared.²¹

Earlier in 2017, a job seeker in Queretaro called CDM hoping to verify an employment offer on Rancho Longhorn cattle ranch in Texas. He became suspicious after the recruiter offered few details about the scope of the work involved, which the recruiter blamed on the new Trump Administration's alleged delay in processing visa applications. CDM was able to verify that no company named Rancho Longhorn had applied for an H-2 visa, and the worker managed to walk away before being defrauded.²²



Solicitation through Social Media and Traditional Media

In recent years, CDM has noticed an uptick in recruitment fraud originating online, most frequently through Facebook announcements. In 2016 and 2017, CDM received 11 separate complaints from workers who found fraudulent job offers advertised on Facebook or other online media platforms. It is likely that other defrauded workers made first contact with their recruiters through some electronic source.



In August 2016, a worker exchanged Facebook messages with a recruitment agency. The agency asked for \$5,000 pesos and told him to go to Monterrey to secure a work visa at the U.S. Consulate. The consulate denied the job seeker's visa application, as well as the applications of dozen others who the recruitment agency had likewise sent. None of the prospective workers were able to reach the agency again.²³

Although Facebook is becoming an increasingly common method of communication, recruiters continue to use traditional media to reach prospective workers, especially in rural areas where access to the internet is limited. In 2017, CDM received several calls in a matter of days in response to a series of radio ads played across Oaxaca offering employment with a forestry company in Texas. Although one caller confirmed that he did indeed receive a job in the United States, the recruitment company charged him an illegal fee of \$40,000 pesos.

Why Do People Pay?

There is a host of reasons why many prospective workers take the risk and pay recruiters thousands of pesos for the chance of obtaining a U.S. work visa. By and large, most workers are well aware of the risks involved. But due to the shortage of economic opportunities in their communities,²⁴ the lack of transparency in the recruitment process, and given the context of impunity under which both fraudulent and legitimate recruiters and agencies that charge illegal fees operate, many job seekers believe they have no choice but to gamble and potentially expose themselves to fraud if they want to find legal work in the United States.

LACK OF TRANSPARENCY AND ACCOUNTABILITY IN RECRUITMENT

Finding work in the United States is a murky process. The insufficient information that both governments publish prevents prospective workers from verifying any job offer with certainty. However, this partially-published information has proved useful to fraudulent recruiters by helping them to create convincing, sophisticated schemes. The partial transparency that existing government databases offer becomes a weapon in the hands of fraudulent recruiters, who mask false offers with verifiable details. Fraudulent recruiters may even supply their victims with doctored versions of real documents and direct them to the U.S. Citizenship and Immigration Services website to download and complete real visa application forms.²⁵ They fabricate websites and profiles for the employers they purport to represent in order to give the impression that a real company is offering them work. They even use the names and logos of real employers certified to offer temporary work visas to Mexican workers.



The partial transparency that existing government databases offer becomes a weapon in the hands of fraudulent recruiters.



It is not public ignorance, but rather the lack of transparency and accountability in the recruitment process, that allows recruiters and recruitment agencies to defraud prospective workers.

Because neither United States nor Mexican agencies maintain reliable, public registries of authorized labor recruiters and job placement agencies, these techniques of obfuscation and deceit can make it difficult even for trained migrant workers' rights advocates to distinguish fraudulent recruiters from real ones. There is often no way of guaranteeing whether an offer is real, short of calling the potential employer directly to inquire about their relationships with particular recruiters in Mexico. The available job verification mechanisms can be difficult to navigate, especially for someone who does not speak English, who is inexperienced with the U.S. recruitment process, or who has limited familiarity with similar databases or technological tools. Moreover, prospective workers may refuse to investigate job offers for fear of standing out as a "troublemaker" in the eyes of her prospective employer or before consular authorities, who will ultimately decide her visa eligibility.

Further, given the lack of oversight over the recruitment industry and the lack of law enforcement, prospective workers cannot even assume that illegal recruitment practices signal a fraudulent offer. It is often unclear what even constitutes an illegal recruitment fee: even where Mexican and U.S. regulations alike prohibit these fees,²⁶ both fail to distinguish clearly between legal and illegal fees. For example, in the case of H-2 workers, while recruiters may legally charge job seekers for the visa filing fee or for transport costs to be reimbursed by the employer, prospective workers often have no way of knowing if an illegal recruitment fee has been included in these costs, either as an extra fee or for the recruiter's own administrative, phone, and travel costs, among others. Thus, even if prospective workers are aware that recruitment fees are illegal, it may be unclear whether they are being charged a 'recruitment fee' at all. It is not workers' ignorance that fraudulent recruiters take advantage of, but rather the lack of clarity, transparency, and accountability that pervades the entire recruitment system. Given insufficient regulatory frameworks, lack of clarity regarding their responsibilities, and a profound lack of knowledge of the intricacies of the problem, government authorities may claim that workers pay recruitment fees for lack of awareness of their rights, limited education, or ignorance. Such reasoning places blame on victims rather than with wrongdoers and undermines legitimate complaints from migrants and organizations when fraud occurs.



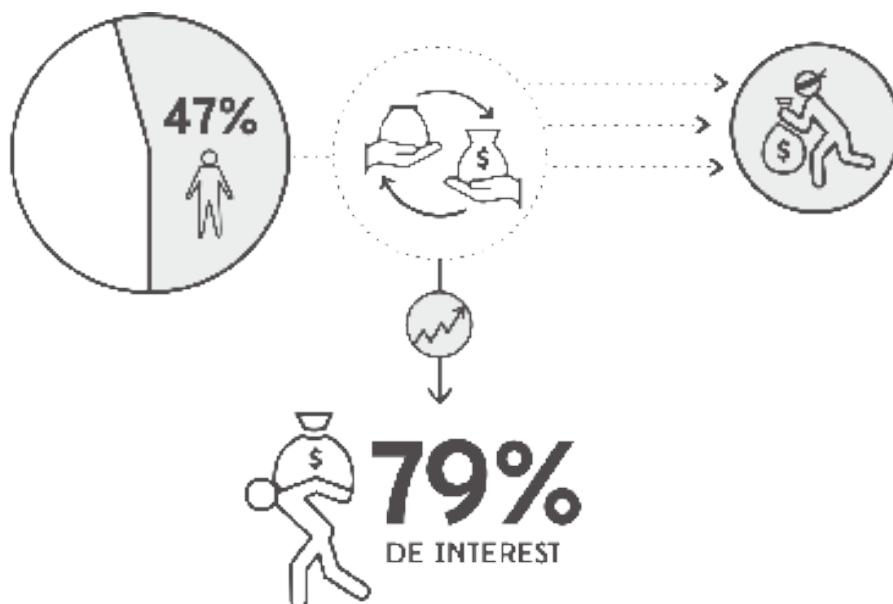
ECONOMIC NEED

Given the possibility of living and working in the United States, paying a large sum of money can be a rational decision, even if recruitment fees are illegal. Communities with the fewest economic opportunities are the ones that find themselves most vulnerable to recruitment fraud. CDM has observed that some recruiters seek to charge the highest recruitment fees in communities that have the greatest economic need.

In order to afford recruitment fees, workers may resort to drastic measures like selling their belongings and taking out high interest loans. CDM's report *Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change* showed that 47 percent of migrant workers take out loans to cover pre-employment costs at interest rates as high as 79 percent. Entire communities may pool all of the funds they have available to them, asking friends, family, and neighbors to contribute, for a chance at a work visa. In desperate circumstances, people in the most economically devastated communities in Mexico may assume great risk for the opportunity to earn a stable income.



In order to afford recruitment fees, workers may resort to drastic measures like selling their belongings and taking out high interest loans.



The High Cost of Recruitment in Chiapas

In March 2018, a worker from Chiapas reported to CDM that people in indigenous communities devastated by the earthquake on September 7 have become targets for fraudulent recruitment. Viewing temporary work visas as an opportunity, workers pay \$30,000 pesos or more each to recruiters. In order to come up with these incredible sums, some have pawned their belongings and pooled funds among friends, family, and neighbors.

WHAT DOES FRAUD HAVE TO DO WITH TRAFFICKING?

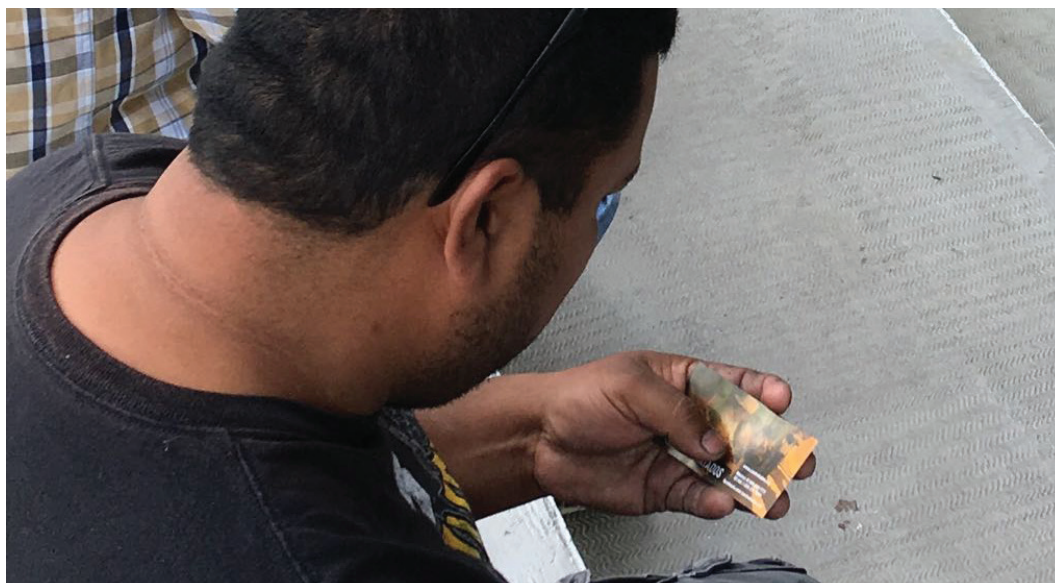
One of the central elements of trafficking is deceit. Traffickers take advantage of the lack of transparency and oversight that is endemic to the recruitment process in order to deceive their victims. Traffickers prey on the same vulnerable communities as fraudulent recruiters. Thus, workers that have already been defrauded, perhaps multiple times, accumulate recruitment debt that puts them at heightened risk of trafficking when they eventually arrive to work in the United States.²⁷ Addressing the problems in recruitment that we have outlined in this report – lack of transparency, accountability, information, and oversight – would also go a long way toward preventing labor trafficking.

Recruitment Fraud Continues to Evolve

CONTRATADOS.ORG

In order to address the lack of transparency and accountability in the recruitment process, in 2014 CDM launched Contratos.org, an online forum for migrant workers to share their experiences working with recruiters and employers by leaving anonymous reviews. By facilitating the free and transparent flow of migrants' crowdsourced knowledge about recruiters and employers, CDM hopes to fill the void in information that migrant workers have at their disposal when deciding whether or not to pay a fee to a recruiter. The platform is a tool for building worker power and serves as an invaluable resource for fraud detection and prevention.

Since launching Contratos.org, CDM has received a significant increase in fraud reports. Although recruitment fraud has always existed, and in many of these cases, workers have already been cheated out of thousands of pesos, Contratos.org provides a mechanism for reporting and preventing fraud. We have also begun to receive reports of ongoing fraud where workers have not yet paid recruitment fees in part or in full. Contact from migrant workers seeking to verify job offers allows us to investigate recruiters and employers and provide workers with a timely answer.



In 2016, a worker emailed Contratados.org about an agency supposedly charging people in Oaxaca recruitment fees of \$35,000 pesos each for the opportunity to work in the United States. Moreover, the recruiter refused to provide any information regarding the type of visa or the name of the company. Upon investigation, CDM found that the recruiter had already defrauded people in Tlaxcala. Despite the absence of information that would allow us to complete a more in-depth investigation, we helped the prospective worker identify several warning signs. The worker decided not to pay the \$35,000 peso fee. He shared a review on Contratados.org in order to alert others.²⁸

Since we launched Contratados in 2014, CDM has helped over 200 people avoid being defrauded. Even still, in the same period we received reports of a staggering 2,516 other individuals who had already paid fraudulent recruiters for the opportunity to work in the United States. While these interventions have helped to prevent hundreds of men and women from being defrauded, they have also revealed recruitment fraud's enormous reach and deep impact.

How can we combat recruitment fraud?

PREVENTION

In the absence of effective mechanisms for holding fraudulent recruiters responsible and recovering workers' stolen funds, prevention is a critical strategy in combating this problem. Fraud prevention strategies include:



Migrant workers' rights training

As an immediate response, government and civil society actors alike must warn job seekers about recruitment fraud warning signs, particularly in vulnerable communities. The same marginalized communities that most often send migrant workers to the United States are prime targets for fraudulent recruiters. Moreover, they are hit the hardest when recruiters succeed in defrauding members of the community.

Workers are often well aware of the prevalence of these fraudulent schemes. However, by sharing information about specific telltale signs of fraud and mechanisms that can help to verify whether a job offer is real, we can support workers in protecting themselves against recruitment fraud.

Radio campaigns

One of the most successful means of reaching out to migrant worker communities in Mexico is through radio campaigns. Traditional forms of media outreach are especially effective in rural communities where cellphone reception and internet access are sporadic at best. Workers often listen to the radio for news and entertainment throughout the day, even while they are working. Recruiters take advantage of this to reach out to workers with real and fraudulent offers alike.

Some radio campaigns directed towards migrant workers represent successful collaboration between governments and civil society. The “It’s Too Good to be True” (*Te La Pintan Retebonito*) campaign in Mexico and the “Ask, Record, Verify” (*Pregunta, Apunta y Verifica*) campaign in Mexico and Central America were strategic efforts that governments and civil society collaborations, like the Regional Initiative on Labor Mobility (INILAB), carried out in order to spread information about recruitment fraud prevention. In both cases, the knowledge that civil society organizations bring to the table regarding recruitment fraud, bolstered by government resources (human, economic, technological, etc.), laid the foundation for the creation of collaborative spaces in order to reach the highest number of people with useful and accessible information.

Contratados.org and other worker-facing resources

Several civil society organizations and government agencies have created fraud-reporting resources in an effort to inform workers and ultimately prevent recruitment abuses. Among them are the U.S. Embassy’s Fraud Prevention Hotline, United Farm Workers’ Repórtalo campaign, and CDM’s Contratados.org. Through all of these resources, workers can report incidents of recruitment fraud. However, the U.S. Embassy rarely makes information about reported frauds public, so this reporting mechanism does not serve to warn other workers about recruitment fraud. On the other hand, workers’ comments and reviews on Contratados.org are anonymous and publicly available to whomever visits the website, so workers can and do use it as a resource when deciding whether or not to pay a recruitment fee.



Train municipal authorities, including delegates, migrant services liaisons, and others

The authorities best-positioned to prevent recruitment fraud are generally local authorities. These authorities may have limited knowledge of temporary worker programs, what constitutes recruitment fraud, and much less how to prevent it. When equipped with basic knowledge about what constitutes recruitment fraud and how workers can defend themselves against it, local authorities can serve as a first line of defense against fraudulent recruiters entering their communities. They can take the lead in educating workers in their communities and collecting information on ongoing frauds and emerging trends in how those frauds are carried out. CDM and its allies have invested considerable effort to raise awareness among municipal authorities about recruitment fraud and how to confront it.



The case of Cerritos, San Luis Potosí

In November of 2015, CDM received an anonymous call from a resident of Cerritos, San Luis Potosí, who reported that an agency operating without license was offering visas for work in the United States in exchange for as much as \$4,500 dollars. Upon investigation, CDM discovered that the alleged recruiters had a history of committing fraud in the United States and that the visas being offered were nonexistent. Thanks to collaboration between local municipal authorities of Cerritos and CDM, the town was alerted of the fraud and an inspection was opened under Mexico's Secretariat of Labor and Social Welfare (*Secretaría de Trabajo y Previsión Social, STPS*), which eventually shut down the recruitment office.

Response

A worker who has been defrauded may take the following steps in order to report and document the incident. However, these reports very rarely lead to any concrete action by authorities on either side of the border. It should be mentioned that these reports occur in a context of rampant impunity in Mexico, where even the gravest human rights violations are not investigated in a timely, transparent, or effective manner. As a result, fraudulent recruiters operate in a system characterized by near-total impunity. Their victims have few to no meaningful remedies available to them, especially when they are cheated out of amounts of money that authorities consider insignificant.

Some workers have successfully shut down fraudulent recruiters by requesting an STPS inspection of their offices, but this method works only when the recruiter has provided a legitimate permanent address, which is exceedingly rare. Further, it rarely provides restitution to workers, who find themselves in even deeper poverty. Aggravated poverty and debt may drive workers to make even riskier bets in dealing with recruiters, putting them at risk of being defrauded again.

Report fraud to the Public Ministry (Ministerio Público)

Fraud is a crime codified throughout penal law in all of Mexico. By way of general reference, under Article 386 of Mexico's Federal Penal Code,²⁹ fraud occurs when a person deceives or takes advantage of someone for wrongful gain. Michoacan is the only state to recognize the crime of recruitment fraud.³⁰ As such, victims of fraud have the right to report the crime to their nearest Public Ministry.

- However, even when victims report fraud to the Public Ministry, authorities very rarely investigate fraud when it occurs on a small scale.
- Large-scale frauds and community-backed reports may be more likely to be investigated.

Request a labor inspection by the Inspection Unit of the Secretariat of Labor and Social Welfare (Secretaria de Trabajo y Prevision Social, STPS)

If the recruiter or recruitment agency has a permanent address, an inspection request filed with STPS is one means of holding them accountable, at least in part. The Regulatory Law of Article 28 of the Federal Labor Law (*Ley Reglamentaria del Artículo 28 de la Ley Federal del Trabajo*)³¹ establishes the STPS' authority to conduct inspections of recruiters' and recruitment agencies' offices to ensure their compliance with applicable law and regulations.

- An inspection can result in the imposition of a fine for the recruiter or recruitment agency; cancellation of their operating license; or closure of their office.
- Fraudulent recruiters almost never provide legitimate physical addresses, without which, STPS cannot perform an inspection. As such, this method is rarely an effective mechanism for addressing recruitment fraud.
- Unfortunately, even when there is a legitimate address for the recruiter, making a complaint to STPS does not provide victims of fraud with any form of compensation.

To request an inspection by STPS, call 55-3000-2700 ext. 5388, or send an email to: inspeccionfederal@stps.gob.mx.

Report fraud to the United States Consulate in Monterrey

Victims of fraud can call the U.S. Consulate in Monterrey (01-800-108-4724) in order to verify a job offer or report cases of recruitment fraud.

- Like similar resources, this complaint mechanism does not lead to any form of compensation for victims of fraud.
- Moreover, the information collected by the U.S. Consulate is only rarely made public. To obtain it, prospective workers and their advocates must make individual calls requesting information about specific recruiters or agencies.
- Furthermore, upon receiving these calls, the U.S. Consulate requests information that is generally not available to workers (such as the employer's approval of the Petition for Nonimmigrant Worker issued by USCIS).
- Finally, the line is only open between Monday and Friday from 8am to 3pm Central Time.

Community Report

Given the lack of reliable mechanisms to effectively denounce fraudulent recruiters and hold them accountable, migrant workers must organize and build power themselves. By acting together, they can demand that authorities take their complaints seriously. Building community makes it possible to spread the word about ongoing fraud and untrustworthy recruiters more quickly. Migrant worker organizations and collectives, like the Migrant Defense Committee, are examples of organizing strategies that advance community empowerment and the dissemination of information about workers' rights in the recruitment process in Mexico for foreign jobs.

Making use of the forms of communication that migrant workers already use, like Facebook, is one way to build off of their information and knowledge about fraudulent recruiters and agencies. All the reviews and comments that people leave on Contratados.org are published through the platform's Facebook account in order to deliver the information to a greater number of people through their preferred media. Upon receiving multiple comments about a specific recruiter or agency, CDM issues a fraud alert to its entire worker contact base.

PUBLIC POLICY ADVOCACY

The problems arising from H-2 temporary work programs must be effectively monitored by both countries.

The problems arising from H-2 temporary work programs must be effectively monitored by both countries. The Mexican and United States governments must generate binational mechanisms to ensure protection of and respect for workers' rights. Efforts to regulate recruitment to date have been limited to local or national efforts, which, although relevant and of potentially highly effective, are not designed to operate binationally or encourage shared responsibility between countries.

In 2015, the United States Department of Labor (DOL) published rules in the H-2B program that require employers and their attorneys or agents to provide the DOL with a list of all persons involved in the recruitment of H-2B workers, including recruiters or agents.³² The DOL must publish the list of recruiters, agents and operation locations. Although this information is useful, it is not accessible to migrant workers, and the registration can not easily be cross-referenced with the existing certifications published by the Department of Labor. In addition, the list is only published periodically throughout the year, which prevents workers from verifying the relationship between a recruiter and a job offer in real time. There is no equivalent registry in the H-2A program.

So far, proposals have been made to amend laws at the federal and state levels. Currently, CDM and partner organizations are working to ensure that a proposed law to regulate the international recruitment of migrant workers in Maryland is discussed and approved in the next year. CDM and its partners are also promoting the successful implementation of a recently approved law in California. Based on what both proposals establish, employers would be required to hire only state government-registered recruiters and to comply with another series of obligations to protect migrants.

Until these steps to make the recruitment system transparent are taken, fraudulent recruiters will continue to exploit the ambiguities of the process and violate workers' rights with impunity.

In Mexico, a series of reforms to the Regulation of Workers Placement Agencies (*Reglamento de Agencias de Colocacion de Trabajadores, RACT*) in 2014 to distinguish between recruiters hiring for jobs within Mexico and recruiters hiring for jobs abroad, as well as amendments to the criminal code of Michoacan defining the crime of recruitment fraud, have been some of the most significant legislative advances on this subject. However, no legislative amendment proposes a binational mechanism to monitor recruitment throughout migrant workers' migration process, including their employment in the United States.

Despite various efforts, there is no evidence that recruitment fraud has declined. To achieve this, U.S. and Mexican government agencies must maintain databases on authorized recruiters that are public, updated in real time, and accessible to migrant workers. Until these steps to make the recruitment system transparent are taken, fraudulent recruiters will continue to exploit the ambiguities of the process and violate workers' rights with impunity. The rules on worker recruitment must be clear and transparent, and their application must be rapid, consistent and adequately funded. They should explicitly specify which parties are responsible for violations of the rules and what the applicable sanctions are. In turn, the sanctions must be strong enough to discourage the fraudulent behavior of the recruiters. Recruitment agencies' licenses should last only one year, as recommended by the Committee of Experts on the Application of Conventions and Recommendations of the International Labor Organization.³³ Finally, a new model of labor migration is necessary, one that allows migrant workers to connect directly with employers through an online job search site that avoids both the need for recruiters and the fraud they commit.

Conclusion

Although CDM has seen a steady rise in reports of recruitment fraud, increased self-reporting has coincided with a rise in knowledge about fraudulent practices and greater community awareness. People in contact with recruiters are more frequently taking steps to verify job offers and, as a result, CDM can account for hundreds of workers who have avoided forfeiting money to fraudulent recruiters in the past two years. However, despite CDM's and other organizations' best efforts, including providing resources, popular education, and community outreach, recruitment fraud has not diminished. Moreover, failure to meaningfully address structural impunity and lack of transparency surrounding migrant worker recruitment allows fraudulent recruiters to continue to exploit these weaknesses.

Without adequate enforcement by the Mexican and U.S. governments, fraud will continue to grow and evolve unabated, afflicting more and more Mexicans and other workers recruited around the world. Jobs in the United States are in high demand and migrant workers earn substantial sums of money, which can make an important difference in especially small communities. Public officials will continue to take the path of least resistance by ignoring fraud unless communities organize and demand concrete action. Recruitment fraud will continue to affect Mexican workers, families and entire communities as long as impunity remains the norm.

Recommendations

Eliminating recruitment fraud requires: (1) absolute transparency in recruitment and accessible information that will allow migrant workers to verify jobs in real time; (2) robust migrant worker education that involves community leaders, community organizations and relevant government agencies; and (3) efficient and effective reporting mechanisms and information exchange among all responsible government agencies. In particular, we recommend:

MEXICO

Secretariat of Labor and Social Welfare (STPS)

- 1 Maintain a registry of recruiters and recruitment agencies authorized to place migrant workers abroad, which must be updated in real time and in a format that is public and accessible for migrant workers. The information in the registry should include the names of all the agents involved in the recruitment process, the names of the employers for whom migrant workers are hired, the number of people recruited and their sociodemographic characteristics (status, age, sex, etc.). The registry data must be published in an electronic and manipulable format. This registry must be linked to the database in the United States so that the entire recruitment chain is evident.
- 2 Require employers in the United States to only use recruiters and recruitment agencies authorized either by the U.S. or Mexican government.
- 3 Require the Federal Labor Inspectorate to monitor recruiters and recruitment agencies to ensure compliance with applicable regulations. Monitoring should take place regularly and whenever the Inspectorate receives a request or complaint about a specific recruiter, including complaints from other government entities at any level of government. In case of non-compliance, the agency should apply a sanction strong enough to discourage continuity or repetition of the violation. In all cases, the agency should issue and disseminate alerts about recruiters or recruitment agencies that violate laws or violate rights in order to inform migrant workers in a timely manner. The STPS must ensure that human and financial resources are sufficient for carrying out the monitoring work.
- 4 Define clearly which recruitment quotas are illegal and establish a prohibition on the levying of recruitment fees during employment in destination countries.
- 5 Coordinate with municipal governments and community organizations to disseminate this information in an appropriate manner to migrant workers and job seekers. Ensure that migrant workers know their rights, including which fees are illegal, strategies for verifying job offers, and tools for filing complaints in the event of suffering fraud.

MEXICO

State Attorney's Offices

- 1 Investigate expeditiously and effectively all cases of recruitment fraud, regardless of the amount of fraud or the number of people defrauded. Apply the appropriate sanction and ensure compensation for the damage to the victims, their families, and communities.

Municipalities

- 1 Train civil servants about work programs abroad, the rights of migrant workers, and the tools available to prevent recruitment fraud, including the use of Contratados.org.
- 2 Monitor recruiters and recruitment agencies operating in communities, verify job offers abroad advertised in newspapers, radios or flyers, and maintain contact with the STPS and the U.S. Embassy in Mexico to ensure legality of the actors and verify the job offers.
- 3 Coordinate with STPS and community organizations to disseminate information and train people in their communities about work programs abroad, migrant workers' rights, and how to prevent recruitment fraud.

United States³⁴

Department of Labor (DOL)

- 1 Maintain a registry of authorized recruiters and recruitment agencies, which must be updated in real time and published in a public and accessible format for migrant workers. The information in the registry should include the names of all the agents involved in the recruitment process, the names of the employers for whom migrant workers are hired, the number of people recruited and their sociodemographic characteristics (status, age, sex, etc.). The registration data must be published in real time in an electronic and manipulable format. Ensure that the registry is connected to the database in Mexico so that the entire recruitment chain is evident.
- 2 Require that employers use only recruiters and recruitment agencies authorized either by the U.S. or Mexican government. Ensure that employers declare in their applications the names of all recruiters or agencies that will intervene in the recruitment and hiring of migrant workers and that this information be included in the labor certifications that the DOL publishes in real time.

- 3 In case of payment of recruitment fees, the DOL must prohibit the employer from failing to hire migrant workers who have paid them. In any case, the DOL must ensure that the employer reimburses migrant workers for all recruitment fees paid immediately and penalizes the employer's failure to ensure the absence of illegal recruitment charges. The DOL must notify the competent authorities of the name and information of the recruiter or agency that collects said fees so that the necessary measures are applied in order to eradicate the practice, including the revocation of the registration or authorization.
- 4 Expel employers who use unauthorized recruiters or agencies or violate the rights of migrant workers during the recruitment process from H-2 programs.

Department of Homeland Security (DHS)

- Publish, in real time and in an accessible and adequate manner, information on employers who have obtained an authorization for the hiring of temporary nonimmigrant workers, including the number of the petition and the number of vacancies approved.

State Department

- 1 Ensure that information about recruiters, fraudulent recruitment agencies, and fraudulent schemes collected by the U.S. Embassy in Mexico is public and accessible in real time for migrant workers, defenders and local and federal authorities.
- 2 In situations where recruitment fees have been paid, migrant workers should not be denied work visas. The State Department, through the Embassies and Consulates, should give notice to the employers about their obligation to immediately reimburse the recruitment fees to the migrant workers they hire. The State Department should also inform the DOL about an employer's failure to prevent recruitment fees and ensure workers are reimbursed for any such fees they have already paid.

WORKERS AND ADVOCATES:

Steps to Prevent Fraud and other Recruitment Abuse

1

GET AS MUCH INFORMATION AS POSSIBLE ABOUT THE JOB OFFER



Verify the following details about any job offer from the recruiter:

- Name of the employer
- Job location (city and state)
- Type of visa and work responsibilities
- Hourly wage and hours of work promised per week
- Duration of job offer
- Housing conditions: rent, transportation, food, etc.

Contact CDM at 01-800-590-1773 to assess whether these details are consistent with a real job offer or not.

2

KEEP A WRITTEN RECORD OF ALL THE PROMISES A RECRUITER MAKES



Make note of all promises made by your recruiter or representatives of the company regarding wages and hours, and any other details about work responsibilities. If these promises are not kept, records can be highly useful in order to recover lost wages or take other legal action.

3

ASK FOR PERSONAL INFORMATION FROM YOUR RECRUITER



Make sure to find out your recruiter's full name, address, and any other identifying information that you can get. Recruiters who are hesitant to disclose this information are more likely to be committing fraud. Additionally, if you become a victim of fraud, this information will help you warn other members of the community and will be vital if you wish to report the fraud to the police.

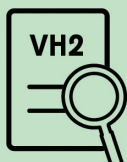
4

CONFIRM THAT THE EMPLOYER HAS A CERTIFICATION FROM THE UNITED STATES DEPARTMENT OF LABOR



- All employers who hire H-2 workers need to be certified by the U.S. Department of Labor and delineate how much workers will be paid, how many hours they will work, and the tasks they will be expected to do. All employer certifications can be viewed at icert.doleta.gov.
- If you would like assistance, you can call CDM at 01-800-590-1773.

5



VERIFY THAT THE COMPANY HAS SUBMITTED AN APPLICATION FOR H-2 VISAS WITH A U.S. CONSULATE

The U.S. Consulate in Monterrey has a telephone hotline dedicated to verify whether or not U.S. employers have submitted visa applications for migrant workers. To contact the consulate, call 01-800-108-4724 between 8:00 and 15:00 (Central Time) or email them at visasMTR@state.gov. Make sure to include the name of the employer in question and the state in which they are located.

6



CHECK TO MAKE SURE YOUR RECRUITER IS REGISTERED WITH MEXICO'S SECRETARIAT OF LABOR (STPS)

- The Secretary of Labor (Secretaría del Trabajo y Previsión Social) maintains a registry of all recruitment agencies who have permission to operate in Mexico. You can view the list online through the Secretary of Labor's website, stps.gob.mx.
- Please be advised that not all valid recruiters are listed on this online database, while some recruiters who are listed have been accused of fraudulent activities.

7



ENTER A SEARCH FOR THE EMPLOYER AND RECRUITER IN CONTRATADOS.ORG TO CHECK FOR NEGATIVE REVIEWS OR OTHER RED FLAGS

- Prospective workers with a job offer in the United States should always visit Contratados.org and search for the employer and their recruiter by name. Contratados.org has reviews and comments about hundreds of employers and recruiters written by other migrant workers who have been recruited or employed by them in the past.
- Look for red flags: fraud is likely when a recruiter makes promises that are extravagant or impossible to keep.

8



NEVER PAY A VISA FEE BEFORE VERIFYING AN OFFER. MAKE SURE TO PAY THE COST FOR THE VISA DIRECTLY TO THE CONSULATE—NOT TO A RECRUITER

The cost of an H-2 visa (currently \$190 dollars, or approximately \$3600 pesos) should be paid directly to a U.S. Consulate. The fee can be paid directly online by visiting <http://mexico.usvisa-info.com>. The website also gives workers the option to print a receipt that can be paid in person at any Banamex or Scotiabank. Workers who give money to their recruiter to cover the cost of a visa put themselves at greater risk of falling victim to fraud.

9

EXERCISE EXTREME CAUTION WHEN RECRUITERS DEMAND EXTRA FEES



It is illegal for a recruiter to demand fees for their services under U.S. and Mexican law. If a recruiter demands payment for a job or for their services, it is a sign that the job offer might not be real. While it is true that many migrant workers who pay recruitment fees receive legitimate job offers, workers should proceed with caution when dealing with any recruiter who demands a fee.

10

IF YOU DO GET A JOB IN THE UNITED STATES, KEEP ALL OF YOUR PAY STUBS AND RECEIPTS



- At the end of each pay period, workers will receive a pay stub that documents your wages for the period and the number of hours you have worked. These records are vital if, at the end of the work season, your employer has paid you less than promised or if you were not given the opportunity to work at least three-fourths of the hours listed on the employer's H-2 applications, as required by law.
- You should also keep any receipts for required work expenditures and costs associated with getting from your community to your place of employment such as transportation, food, and hotels. Generally, an employer is obliged to reimburse these costs in your first week on the job.

11

WRITE A REVIEW ABOUT YOUR EXPERIENCE ON CONTRATADOS.ORG TO HELP OTHER WORKERS



Share information about your experience with your recruiter and your employer on [Contratados.org](https://contratados.org) to let other workers know if they are trustworthy and likely to treat them fairly, to help them make better-informed decisions.

References

- 1 To learn more about the abuses migrant workers face during the U.S. H-2 recruitment process, consult *Recruitment Revealed: Fundamental Flaws in the H-2 Temporary Worker Program and Recommendations for Change*, consulted August, 2018.
- 2 Visas granted by category and nationality in 2017 by the US State Department, available at: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html>, consulted August, 2018.
- 3 See: <https://www.epi.org/blog/h-2a-farm-guestworker-program-expanding-rapidly/>, consulted September, 2018.
- 4 At the time this report is being written, the IRS has yet to publish the Annual Average Exchange Rate for 2018. Therefore, the exchange rate applied for this year was calculated using the interbank exchange rate provided by OANDA, the largest foreign exchange platform.
- 5 On average, individuals avoided a recruitment fee of \$7,800 pesos. In some cases, job seekers had already paid a fee in advance and consulted CDM to determine whether they should continue to pay a recruiter additional installments. The report analyzes these cases within both recruitment fraud and prevented fraud categories.
- 6 Survey 2525
- 7 Made with <https://mapchart.net/mexico.html>
- 8 Made with <https://mapchart.net/mexico.html>
- 9 Survey 2340
- 10 Survey 2729
- 11 Survey 2239
- 12 Survey 2191
- 13 Survey 1786
- 14 Survey 0022
- 15 Survey 2691
- 16 Survey 1534
- 17 Survey 2487
- 18 Survey F8
- 19 See: <http://www.milenio.com/estados/defraudados-por-chambamex-piden-ayuda-a-la-pgr>, consulted July, 2018.
- 20 Ver: <http://www.reforma.com/aplicacioneslibredefault.aspx?id=331984&md5=fa6437b9873417bf7b5aec825cca548f&ta=0dfdbac11765226904c16cb9ad1b2efe>, consulted July, 2018.
- 21 Survey 2770
- 22 Survey 2535
- 23 Survey 2371
- 24 To provide perspective, in 2018, an agricultural worker in Mexico may earn a minimum of \$88 pesos per day, while workers employed comparably in the United States may earn double that in a single hour.
- 25 Survey 2926
- 26 Article 5, Regulation of Worker Placement Agencies (*Reglamento de Agencias de Colocación de Trabajadores*), published in the Mexico Federal Official Gazette in March 2006. H-2A Worker Rights and Employer Obligations, 20 CFR 655.135(j); H-2B Worker Rights and Employer Obligations, 20 CFR 655.20(o).
- 27 According to statistics published by Polaris, of the labor trafficking cases reported to the organization between January 1, 2015 and December 31, and of those in which it was possible to determine a person's legal status, nearly 50 percent were people that had traveled to the United States under a temporary work visa. See: <https://polarisproject.org/sites/default/files/Polaris%20Temporary%20Work%20Visa%20Report.pdf>, consulted August, 2018.
- 28 Survey 2198
- 29 Available at http://www.diputados.gob.mx/LeyesBiblio/pdf/9_210618.pdf, consulted September 2018.
- 30 Article 218, section XIX, Penal Code of the State of Michoacan de Ocampo, available at Código Penal <http://www.educacion.michoacan.gob.mx/wp-content/uploads/2016/08/CO%2%A6%C3%BCDIGO-PENAL-PARA-EL-ESTADO-DE-MICHOACA%2%A6%C3%BCN-DE-OCAMPO.pdf>, consulted July 2018.
- 31 Regulation of Worker Placement Agencies (*Reglamento de Agencias de Colocación de Trabajadores*), published in the Mexico Federal Official Gazette in March 2006. Available at <http://www.diputados.gob.mx/LeyesBiblio/regla/n261.pdf>, consulted July 2018.
- 32 20 C.F.R. § 655.9(c); see U.S. Dept. of Labor, Office of Foreign Labor Certification, Foreign Labor Recruiter List, available at https://www.foreignlaborcert.dola.gov/Foreign_Labor_Recruiter_List.cfm.
- 33 Gutierrez, P. (July 2014) Estudio de evaluación del Reglamento de Agencias de Colocación de Trabajadores y mecanismos de intercambio de información entre México y Estados Unidos sobre el reclutamiento y la contratación de trabajadores (as) migrantes temporales mexicanos (as) bajo el esquema de visas H-2A y H-2B. INEDIM. Available at http://www.estudiosdemigracion.org/inedim2013/documentosypub/publicaciones/ract_informe.pdf, p. 44.
- 34 To review additional recommendations on measures that the United States should take to ensure greater transparency and accountability in the recruitment of Mexican workers for H-2 visas, see: <http://cdmigrante.org/wp-content/uploads/2018/09/Revelando-el-Reclutamiento-Espanol.pdf>, consulted Agosto 2018.



Estacionamiento
Público

Entrada

VISA

- * Asesoría para
trámite de vis
 - * Llenado de
solicitud DS-1
 - * Recibo MRV
 - * Agendado
de Citas
- Ocampo No. 431

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