

**DECLARATION OF LINDA OALICAN,
ON BEHALF OF DAMAYAN MIGRANT WORKERS ASSOCIATION**

*Petition Alleging Violations by the United States of America of the Human Rights of Domestic
Workers Employed by Diplomats*

1. Damayan Migrant Workers Association (Damayan) is a non-profit grassroots and membership-based workers' organization based in New York and New Jersey, led by Filipino domestic workers. We are a co-founder of the National Domestic Workers Alliance and co-anchor of the Alliance's Beyond Survival campaign to end the human trafficking of domestic workers in the U.S.
2. Damayan means "to help each other" in Filipino. Our mission is to educate, organize and mobilize low-wage Filipino workers – especially women domestic workers – to fight for their labor, health, gender and im/migration rights, while challenging the root causes of our forced migration through membership engagement, leadership development, basic health services, legal support and campaigns.
3. Damayan's membership, Board, staff, and volunteers include people who have survived labor trafficking in the United States. Together, we provide other labor trafficking survivors the support they need to restore their freedom, assert their basic human rights, and move towards economic stability. Our services include helping survivors develop escape plans, secure emergency housing and financial assistance, access social and legal services, find employment, and facilitate family reunifications.
4. Trafficking is a problem that particularly impacts workers from the Philippines. According to the U.S. government, the home country of the most people granted T-visa certifications between 2001 and 2017 was the Philippines.¹ The T Non-Immigrant Status Visa allows survivors to remain legally in the U.S., access basic services, and potentially reunite with family members, if they can demonstrate that they were trafficked into the U.S. and cooperate with law enforcement in the investigation and/or prosecution of their traffickers.
5. Since 2007, through our network of pro bono attorneys, Damayan has helped more than 40 domestic workers escape slave-like conditions, recover unpaid wages, obtain special immigration protections, seek accountability from their employers through the courts and through public campaigns, secure housing, reunite with their families, and much more.
6. Among these survivors is a one distinct group: domestic workers who have worked in slave-like conditions for diplomats and other foreign officers working for international organizations. As home to the United Nations and the second largest number of diplomatic missions in the U.S., the New York City-area is an area where such trafficking of domestic workers has been – and in 2019, continues to be – a pressing problem.

¹ <https://www.acf.hhs.gov/otip/resource/fscertdata>

7. Based on our personal experiences as trafficked domestic workers and those of the many we have helped, the U.S. government is still falling short of taking meaningful action that could minimize if not prevent such trafficking and help survivors obtain justice once they begin their lives anew.
8. Employment with a diplomat or consular official is even more risky than ordinary domestic work. These high-ranking individuals always have far greater social and often political power than their domestic workers have, whether in their community in the U.S. or in their home country.
9. Additionally, unlike typical employers, the A-3/G-5 employer is covered by diplomatic immunity. As a result of this immunity, they cannot be sued in U.S. courts unless their country waives this immunity. This means that if a domestic worker is denied wages, required to work 18-hour days, denied healthcare, or even assaulted, the default scenario is that the person will not be able to get any justice or relief from their abuser.
10. In 2015, the U.S. issued 1,113 new A-3 visas and 711 new G-5 visas. Of these, the largest numbers were granted to people whose country of origin was the Philippines (294 A-3 and 135 G-5).
11. In recent years, Damayan has assisted approximately a dozen A-3 or G-5 visa holders escape trafficking at the hands of diplomats and other foreign officials. However, through our outreach and other community work, we know that, as of May 2019, many more A-3 and G-5 domestic workers continue to work under exploitative conditions and were convinced to come to the U.S. under false pretenses.
12. Even though many have received a pamphlet from the U.S. consulate providing them information for the National Human Trafficking Hotline in recent years, many remain do not realize that they fall under the definition of a trafficking survivor to the extent they were brought into the country pursuant to fraudulent agreements or representations about their jobs.
13. Among our members who were trafficked, almost none have ever used the Hotline. Most realize that they were trafficking survivors through their own research on the internet or through contact with Damayan members or our social media.
14. Because the validity of a person's A-3/G-5 visa depends on their continued employment with their trafficker or abuser, even those who are aware of their rights or that they have been trafficked are reluctant to call the Hotline out of fear of being placed in immigration detention or being deported.
15. Workers who recognize their employers have violated the terms of their employment agreement or are treating them unlawfully are often unable to remedy their situation because of the same fear of law enforcement and immigration authorities. When some have confronted their employers about unpaid wages or 90+ hour workweeks, they have

