

12-18-2012 Justice served with stiff penalties vs fraudulent teacher recruiter

Partido ng Mangggagawa - USA

Alliance-Philippines (AJLPP)

Bantay - Los Angeles

Echo Park Community Coalition (EPCC)

Joint Press Statement

December 18, 2012

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We, members of the Filipino community and different Filipino-American groups here in the US, extend our congratulations to the hundreds of Filipino teachers for their victorious struggle against their deceitful recruitment agency Universal Placement Inc. (UPI) and its owner Lourdes Navarro. We are happy that after four years of brave and sustained efforts on different fronts and winning different battles along the way, the case has reached the federal court which found these defendants liable for engaging in fraudulent practices.

In the federal class suit against Los Angeles-based UPI and Navarro, the jury awarded the teachers \$4.5 million in damages for violation of the California Employment Agency, Employment Counseling and Job Listing Act; for violation of the Unfair Business Practices under the California Business and Professional Code; and for misrepresentation under the California Civil Code.

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We commend the persistent efforts and unwavering resolve of the Filipino Educators Federation of Louisiana (FEFL) who spearheaded the efforts on behalf of all the teachers. We also applaud the American Federation of Teachers (AFT), the Southern Poverty Law Center (SPLC), the law firm Covington and Burling LLP and other advocates who supported the teachers in their quest for justice.

From 2007 to 2009, more than 300 teachers from the Philippines were recruited and deployed in different school districts in Louisiana to teach science, math and special education under the H1B visa program. After a selection process in the Philippines, the UPI's shady recruitment scheme required each teacher to pay an amount of more than \$5,000. The recruiters made it appear that this is all that they will have to pay. However after receiving the initial payment, the recruiters demanded more and more for different kinds of fees and charges. Having sold their properties and borrowed money to cover for the initial excessive payment, the teachers cannot back out as the recruiters would not refund those fees.

The recruiters would then threaten to give their slots to other applicants if additional payments were not made immediately. In violation of the laws of the Philippines, the state of Louisiana, and now it is proven that it violated the laws of the state of California as well, each teacher ended up paying an exorbitant amounts of \$16,000 and even more.

This is a ground breaking class action lawsuit and this should serve as a strong message to shady labor contractors who prey on the vulnerabilities of foreign workers whose main aim is to provide a brighter future for their respective families. Migrant workers rights should be respected, defended, and promoted as fervently as any human right. We should not allow these greedy recruitment agencies to deceive and take advantage of the dreams of migrants for their children and their families.

While the decision fell short in not finding that UPI and Navarro violated the Trafficking Victims Protection Act, we believe that what they orchestrated was a human trafficking scheme that systematically victimized hundreds of Filipino teachers and their families. Human trafficking is the recruitment and transportation of human beings for commercial exploitation by means of force, fraud, threats, deception, coercion or other means. Trafficking is characterized by taking advantage of the vulnerabilities of victims and can include different forms of exploitation such as forced labor or involuntary servitude among others.

Indeed, here there were no physical force or violence employed to coerce the teachers, but certainly another type of force was used - a force that is equivalent to economic duress. UPI and Navarro utilized different coercive and fraudulent methods to threaten serious economic harm to these teachers and their families who are already deep in debt by virtue of the exorbitant fees they were made to shoulder.

We strongly believe that the jury erred in this regard. Simply because the experiences of these Filipino teachers are not to the degree that involves violence or forced labor, it does not mean that this case is not a case of human trafficking. While our common notion of trafficking involves loading humans into the back of a van at gun point or coercing women and children into sex slavery, trafficking in any form is trafficking and should be punished to the utmost degree. The fact that what happened to these teachers does not fall into our ordinary notion of trafficking, does not diminish the atrocities of UPI, PARS and Lourdes Navarro.

At any rate, this is a big victory for the teachers who are now free from the onerous contract forced upon them by these labor contractors, which was declared void by the court. And the \$4.5 million in damages is a potent lesson that UPI and

Navarro will surely learn from. Further, this is a victory for all migrant workers and an inspiring story of sacrifice, courage and unity. ###