

## Determining what level of exploitation is enough to qualify as “trafficked” leaves most migrants out of assistance

*One of the darker aspects of globalisation has been the growth in human trafficking, from poorer to richer countries. While many government programs have been put in place to try and address this problem, they often do not reach all those who need help. Using examples from the Dominican Republic and the United States, [Denise Brennan](#) writes that how ‘trafficked’ people are designated by governments means that many of those who are trafficked, as well as migrants who need assistance, are often left out. She argues that antitrafficking measures should address the entire spectrum of how migrants can be abused and offer protections to a range of migrant workers who are exploited — not just the most extreme cases.*



To warn women about the potential dangers of migration for work, a nongovernmental organization (NGO) in the Dominican Republic adopted the slogan “Don’t Believe the Stories.” It was a tough sell. Maria Cristina who had been trafficked into sex work in Argentina planned to leave her small town once again. She worked part-time in a hair salon but her earnings did not come close to paying her bills. When I asked her how she thought she could save money working overseas, especially working low-wage jobs, she smiled and threw up her arms, “Who knows? I’ll do whatever, washing, cleaning, restaurant work.” She prepared to use her home as collateral to pay a loan shark to help arrange her travel.

This revolving door off the island soon after migrants return presents NGO’s with many challenges. How can they convince those with few income-earning opportunities to stay put? Nearly every community, no matter how remote, shows signs of money earned by women and men who have migrated for work abroad. Newly built and brightly painted cement houses, or sturdy additions put on old ones, stand out in communities where houses are made of wood and corrugated tin roofs. Migration off the island for work is a frequent solution for Dominicans laboring on the edge of the island’s economy. They need to “believe the stories.”

Patterns of migration for economic mobility are not new or unusual in the Dominican Republic’s history. In the early 2000s, however, the issue of trafficking into forced labor began to change the Dominican migration experience, as it has for migrants throughout the world. In response to U.S. pressure, following the passage of the Trafficking Victims Protection Act of 2000 (TVPA) and the launch of the State Department’s [Trafficking in Persons Report \(TIP report\)](#), the Dominican government undertook a campaign that ostensibly sought to protect Dominican women working overseas. Applying a liberal definition of “trafficking,” this effort returned women to the Dominican Republic who had experienced coerced labor as well as those who had been less severely exploited.

As an anthropologist, I interviewed Dominican women who had been living and working in Argentina and were returned to the island as “trafficking victims.” These women may or may not have been trafficked into forced labor. What is certain is that by labeling them as “trafficked,” the Argentine and Dominican governments were able to use their identification as trafficked to improve their standing in the *TIP report*. The primary difference between these women’s stories of migration and those of the thousands of Dominican women who migrate off the island every year for work lies in the determination by the International Organization of Migration (IOM) that these women had been trafficked. Some fifty Dominican women who received this trafficking designation were sent back by the IOM to the Dominican Republic between 2002 and 2003.

Upon hearing the Dominican returnees’ stories, however, I realized that not all their accounts align with common definitions of trafficking. While some stories of extreme exploitation seemed to rise to the level of trafficking, others were stories of bad luck and bad timing during the downward spiral of the Argentine economy. These Dominican women made money in Argentina, just not enough to buy a plane ticket back to the Dominican Republic. Once designated trafficked, however, the IOM paid for their return tickets. A trafficking designation, whether from their

home country, the host country's government, or the IOM, can significantly change the life course of migrant workers.

Determining who qualifies as "trafficked" is central to governments' control over who may stay within their borders. The designation of "trafficked" is not neutral to those who receive this designation and accompanying benefits or to those who are left out. In the case of the Dominican returnees, this legal designation was broadly applied. Women who lost their jobs during a nation-wide economic downturn in Argentina were lumped together with women whose employers took their passports, withheld pay, forced them into work they had not agreed to do, and in some cases beat and raped them.

I also have spent the past ten years following the lives of trafficking survivors in the United States. Unlike the Dominican migrants in Argentina who elected to return to their home country, the formerly trafficked persons I met chose to stay in the United States. Their severe exploitation qualified them for a new visa, a T visa. While a trafficking designation appears to have been liberally applied to a range of cases of migrant exploitation in Argentina, it is not easy to qualify as "trafficked" in the United States where exploited migrants must demonstrate that they labored under conditions of "force, fraud, or coercion." Only a paltry number of T visas have been issued thus far in the United States, under 4,000 to date, even though the TVPA allows for 5,000 a year. Labor organizers and migrants' rights attorneys agree that only a small fraction of migrant workers who would qualify for trafficking visas have applied. Why? In short, undocumented migrants do not report exploitation out of fear of getting deported. Instead, they stay quiet and keep working.

The collapse of a wide range of cases of migrant exploitation in Argentina into the designation "trafficked," and the small number of T visas issued in the United States call attention to the politics of immigration and the needs of vulnerable and unprotected workers in the global economy. The legal regime related to trafficking provides legal remedies and social assistance to only "exceptional" migrants. In Argentina, for example, an exceptional circumstance—an alleged scandal in the Dominican Embassy—likely pushed the Argentines and the Dominicans to send home women who would not have met the standards of "trafficking" in other circumstances. And, in the United States, politics over immigration have profoundly affected antitrafficking efforts and have prevented assistance to more exploited workers. An estimated 11 million undocumented migrants remain vulnerable to their employers' abuse in the United States.

The difficulty in evaluating one exploitative practice against another also shaped who the IOM returned from Argentina and upon whom the U.S. government bestows a trafficking designation. In both sites, even those who would not be considered "trafficked" in most legal frameworks nonetheless experience some degree of exploitation. We need to situate migrants' low-wage labor along a continuum of exploitation. Most work in a liminal zone of exploitation, in a kind of labor purgatory where wage theft and other abuses are normalized as business as usual. Since in most countries — including the Dominican Republic and Argentina — antitrafficking assistance is generally given only to those who are determined to be at one of the spectrum of exploitation, those who not receive a trafficking designation are left out. Ultimately, Argentina was able both to deport undocumented migrants and to redeem its diplomatic standing with the United States, while the very few T visas issued to date in the United States is in keeping with a profoundly restrictive immigration regime.

My research in both the Dominican Republic and the United States highlights the relationship among migrants' desire to migrate for economic security, reliance on recruiters and other intermediaries to do this, indebtedness, and employers' abuse. Antitrafficking measures should address this entire spectrum of abuse and offer protections to a range of migrant workers who are exploited — not just the most extreme cases. Stopping out-migration is unrealistic in communities with limited economic opportunities and a long history of crossing international borders for work. Arming would-be migrants with information about their rights and limiting their debt can go a long way to reducing their vulnerability to abuse. Peer-led rights-based outreach in places where migrants work and live is a first step. In Maria Cristina's calculus, for example, she sees taking *yolas* (small boats) to Puerto Rico as more risky than taking out large loans and trusting strangers. "I'll try anything. But go in a *yola* — no! I've already had the experience of traveling." Women such as Maria Cristina take a chance that their migration experience will be safe and financially rewarding; they believe some stories and dismiss others as they set out for work again.

Featured image credit: [STOP Traffick](#) by The-BenT-One

This article is based on the paper '[Trafficking, Scandal, and Abuse of Migrant Workers in Argentina and the United States](#)' in the *Annals of the American Academy of Political and Social Science*.

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*Note: This article gives the views of the author, and not the position of USApp– American Politics and Policy, nor of the London School of Economics.*

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