



Lawsuit alleges Indian workers lured to U.S. on false promises

By LISE OLSEN

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Dewey & LeBoeuf LLP

This photo of the interior of one of the trailers in the Mississippi camp is said by workers to be representative of the accommodations in the Texas camp as well.

IN PURSUIT OF HUMAN TRAFFICKERS

Pursuing human traffickers is called a "high" priority by the U.S. Justice Department domestically and for the U.S. Department of State worldwide, but few criminal trafficking cases involving more than 100 employees have been prosecuted.

The biggest is the so-called Daewoosa case in which more than 200 women, mostly from Vietnam, were enticed to pay their own airfare to work at a sewing factory in American Samoa. Once they arrived, their passports were seized, they were often unpaid and sometimes beaten, according to records related to the case and interviews with attorneys.

The company owner was sentenced to prison in 2003. More than 100 of the victims got T visas for trafficking victims, and later green cards, through the efforts of unpaid attorneys, led by the U.S. nonprofit Boat People SOS.

More recently, more than 100 Central American women were rescued from Houston cantinas owned by a Salvadoran national and his accomplices. He was sentenced in 2008 in what authorities called the largest trafficking case in the mainland U.S.

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Skilled shipbuilders Kurian David and Murugan Kandhasamy, both natives of India, had good jobs in the

United Arab Emirates when they spotted tantalizing newspaper ads: Green cards — legal permanent residency for those able to qualify for high-tech marine repair and construction jobs in the U.S.

David and Kandhasamy — along with 500 other Indian shipfitters, welders and pipefitters — raised \$15,000 to \$20,000 each from bankers, moneylenders and friends to pay recruiters for a seemingly once-in-a-lifetime shot at the so-called American dream. They arrived in the United States in 2006 and 2007.

To raise what amounted to more than two years' standard salary, Kandhasamy, 34, a newlywed, hocked family gold. David, a 44-year-old married father of two, mortgaged his in-laws' home.

But the visas were a fiction — something the two say they discovered only after a year of laboring at a shipyard in Orange and living jammed in wooden bunks with two dozen others in pre-fab cabins at company-run "man camps" for which they were forced to pay \$1,050 a month.

The man camps felt like "jail," both said: Workers were subjected to routine searches (alcohol was prohibited), guests were turned away, and guards referred to them by number rather than by name.

Last month, volunteer attorneys on behalf of workers assigned to Signal International shipyards in Texas and in Pascagoula, Miss., asked for class-action status in a federal lawsuit that describes workers as victims of "human trafficking" and organized crime - claims that, if proved, would make this the largest trafficking case in U.S. history.

"We lived in these conditions because we thought we would get our green cards and then have our families with us. I could not go back to India — we had sold the house, we had taken out such a loan and there was no way to pay back this money without any job," David said in an interview with the Houston Chronicle.

He and many others involved in the lawsuit have managed to remain in the U.S., but they and their attorneys have been ordered not to discuss their immigration status as their court battle continues.

The civil suit alleges that a group of employers, immigration lawyers and labor recruiters in India, New Orleans, Texas and Mississippi conspired to deceive and exploit workers in a multinational scam.

No one in this case, however, has been charged with any crime.

Group denies claims

Signal International — one of the largest marine construction and repair operations in the Gulf of Mexico — has argued that none of its 500 Indian-born temporary workers were held against their will and that they received the same pay as other employees with similar skills, federal court records show.

The most experienced, including David, earned a gross income of about \$50,000 in 2007 before deductions, documents filed by the company indicate.

In court documents, attorneys for Signal, which is based in Alabama and has offices in Houston, argue that the company was misled by labor recruiters and an immigration lawyer who were not its employees.

Signal officials say they demanded refunds and severed ties with one consultant immediately after learning of recruiters' false promises and inflated visa charges, according to counterclaims filed in the civil suit. The company later ended its relationship with others involved in bringing temporary Indian workers to the United States.

Erin Casey Hangartner, an attorney who represents Signal, said the company is still trying to assist dozens of the imported workers in an effort to pursue green cards, including filing initial paperwork on behalf of 81 Indian nationals who worked for Signal for three years on temporary worker visas. Otherwise, she and company officials declined comment.

Signal officials also argue the company's mandatory lodging fees, charged only to Indian employees, were reasonable and necessary given the shortage of alternative housing in the wake of hurricanes Katrina and Rita — the same destructive storms that in 2006 forced the company to recruit abroad. The company accommodations included flat-screen TVs, Internet and Indian catering, records show.

Other parties in the federal lawsuit — an Indian recruiter, a New Orleans immigration lawyer and others — similarly deny or deflect blame for deceptions and alleged mistreatment, court records show.

Lawyers for the workers, relying on information from documents, sworn statements and e-mail messages, argue that Signal employees and consultants jointly participated in deceiving recruits.

The American Civil Liberties Union, the Southern Poverty Law Center, the Asian American Legal Defense Fund and the Dewey & LeBoeuf law firm all have assigned lawyers to the case.

Upon arrival in the United States in late 2006 and early 2007, Indian recruits were sent to two Signal shipbuilding and repair sites, one in Mississippi and one in Orange. In both places, workers lived in similar camps — referred to as the "reservation" in one company e-mail. A handful of workers protested; some who complained claim they faced threats of firing or deportation, court records show.

"They told us if we complained they will send us back and therefore we were constantly living with the fear," Kandhasamy said in an interview.

Kandhasamy had friends at the shipyard in Pascagoula, where in March 2007, several vocal critics were singled out by Mississippi supervisors in front of a crowd of Indian co-workers, according to court records and interviews. At least three workers were held for hours in a guarded room and threatened with deportation, sworn accounts in the civil suit contend.

100 walked off job

David and other workers say they lost hope of getting visas and began leaving. Kandhasamy was transferred to Mississippi.

In March 2008, about 100 workers walked off the job when the federal lawsuit was filed. In April 2008, dozens participated in a protest in Washington, D.C.

Many obtained temporary protection from deportation and more than 100, including men who still live in Texas, already appear to have cleared hurdles necessary to obtain so-called T visas — reserved by the U.S. government for human trafficking victims.

It likely will take years to untangle the allegations. In the meantime, hundreds of Indian workers — some here in Texas — wait with uncertain futures, lingering debts and limited contact with far-away families.

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