

COUNTER FORCED LABOR QUARTERLY JOURNAL

VOLUME 2 | ISSUE 1

Educating corporations and corporate counsels on the business risks associated with human trafficking, forced labor, and modern slavery within supply chains, and promoting the adoption of counter-human trafficking corporate policies and adherence to human trafficking legislation and regulations.

Counter Forced Labor Technologies is a global compliance and advisory company that provides **on-site** assessments, improvement plans, training, research, and supply chain transparency required for corporations to combat human trafficking, forced labor, and modern slavery. We offer a wide array of services designed to help corporations understand intricate legislative policies and **mitigate risk** within their global supply chain.

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COUNTER
FORCED LABOR
TECHNOLOGIES

EDITOR'S NOTE

WINTER 2017

The growing trend for sustainable human rights and sourcing is about action, reactions and resolve to make change in 2017. Because we can't deny the first, second and third order effects the worldwide refugee crisis will have on sustainable business practices, we are concentrating the 2017 Winter Edition on the potential of refugees in the supply chain plus, any precursors and subsequent effects.

With over 56% of European Union exports going to non-EU countries, our concentric focus of research and analysis discusses the current European crisis. As a foundation, we begin with *The 101*, a short lesson on the confusing terminology surrounding the refugee or *Transposed Individual* topic. In our new headline section, *Field Files*, we provide exclusive information gathered from on-the-ground experiences by Counter Forced Labor Technologies' personnel. In this edition, we relay our lessons learned from visits to the unofficial "Jungle" camp in Calais, France where we communicated with non-governmental organizations, both the French and British governments and the refugees themselves. As a supplement to the refugee center-piece and overall Business Safety, a guest contributor, Paul Cook wrote an intriguing article about the influx of transposed Haitians to the United States and their potential impact to U.S. businesses.

Regardless of the conjecture surrounding business after Brexit, forthcoming policies from President Trump and growing conservatism in the EU, business supply chains will be effected by the mass scale migration of transposed individuals in Europe, South America, and Asia. In the 2017 Winter Edition of the Counter Forced Labor Quarterly Journal, our goal is to promote thought, educate, and overall improve CSR programs. As the only single-source resource guide for current events pertaining to supply chains and human rights, we look forward to your feedback and how your business is protecting itself from the primary, secondary and tertiary effects of the refugee surge.

Respectfully,

JESSICA VINCENT
Chief Intelligence Officer

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REFUGEES

With the rising numbers of refugees in Europe and increasing political rhetoric lathering the topic, it is an ideal time to step back and reassess what the terms *refugee*, *asylum seeker*, *internally displaced person (IDP)*, and *migrant* truly mean in a globalized world. The antiquated distinction between internal and cross-border flight due to a conflict or environmental degradation or a food crisis has no less impact on those seeking refuge. Single, isolated triggers with linear solutions have become useless with the modern refugee / migrant crisis in Europe. Instead, a far more complex, fluid, tiered solution that supersedes definitions is necessary.

The power of words can become a war of words when lost in rhetoric. Words can contribute to strengthening the core of humanity by imparting compassion, charity, and kindness, yet also contribute to the devolution of diplomacy surrounding the repositioning of large populations. For instance, the synonyms for **migrant**: *wanderer*, *drifter*, *nomad*, *vagrant*, or *transient* - often have negative connotations. So, words, their definition, and their colloquialisms are important for international business and politics.

What is a refugee?

Essentially, refugees are persons fleeing armed conflict or persecution outside their country of origin.

The contemporary definition of a "refugee" is defined by the 1951 Convention Relating to the *Status of Refugees* as any person who: As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Where do refugees originate from?

- Afghanistan
- Syria
- Iraq
- Eritrea

Transition Countries

- Pakistan
- Libya
- Jordan
- Turkey
- Italy

Destination countries end of 2015 (UNHCR)

Germany	316,115
France	273,126
Sweden	169,520
United Kingdom	123,067
Austria	72,216

International Organization of Migration (IOM) and National Authorities

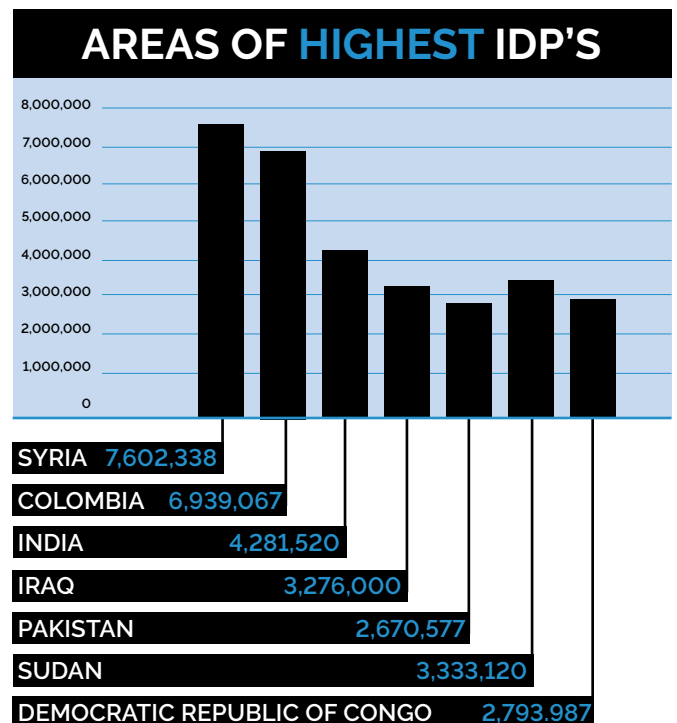
What is an asylum seeker?

Essentially, a refugee whose claim for refugee status has not yet been determined.

What is an Internally Displaced Person (IDP)?

Essentially, IDPs are refugees that don't cross an international border.

The definition of internally displaced persons (IDPs) most commonly used comes from the *United Nation's (UN) Guiding Principles on Internal Displacement*. The Guiding Principles define IDPs as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular because of or to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."



Internal Displacement Monitoring Center (IDMC) as of November 2016

REFUGEES

What is a **migrant**?

Essentially, migrants leave their country of origin freely and by choice although many migrants are forced by a food crisis or climate anomaly to leave their home country.

A broad definition for "migrant" is found in the *UN Convention on the Rights of Migrants* as: a person who is to be engaged, is engaged, or has been engaged in a remunerated (compensated) activity in a State of which he or she is not a national. The term "migrant" should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of 'personal convenience' and *without intervention of an external compelling factor*.

Most forms of migration can be distinguished per the motive or legal status of those concerned:

TEMPORARY LABOR MIGRANTS:

People who migrate for a limited period to take up employment and send money home.

HIGHLY SKILLED AND BUSINESS MIGRANTS:

People with qualifications as managers, executives, professionals, technicians, or similar, who move within the internal labor markets of transnational corporations and international organizations, or who seek employment through international labor markets for scarce skills. Many countries welcome such migrants and have special 'skilled and business migration' programs to encourage them to come.

IRREGULAR MIGRANTS:

People who enter a country, usually in search of employment, without the necessary documents and permits.

FAMILY REUNIFICATION MIGRANTS:

People sharing family ties joining people who have already entered an immigration country. Many countries recognize in principle the right to family reunion for legal migrants. Other countries, especially those with contract labor systems, deny the right to family reunion.

RETURN MIGRANTS:

People who return to their countries of origin after a period in another country.

The current migration wave of refugees from the Northern Triangle of Central America (Salvador, Honduras and Guatemala) into Mexico were historically provided safe-haven. Mexico has since renounced a long-lasting tradition of "mass" protection for those fleeing insecurities produced by violent non-state actors and civil war. Those previously deemed **refugees** are now considered **migrants**.

Mexico Refugee Policy: A Traditional Asylum Sanctuary turning into a Hostile Land, New wave of Migrants from Central America in Mexico. Calle Internationale, October 2015.

COUNTER FORCED LABOR GUIDANCE:

What is a **Transposed Individual**?

To consolidate the various terms, Counter Forced Labor Technologies proposes the use of *Transposed Individual* as a solution. The simplistic definition of the past tense verb "transposed" from the English Oxford Dictionary is to transfer to a *different place or context*. Refugees, asylum seekers, migrants, IDPs are all individuals who are now living in a different place or context from their previous lives. With synonyms such as transfer, shift, relocate, transplant, and move, transpose summarizes the bespoke terms into a single conversational phrase: *Transposed Individuals*.

A CONTEMPORARY SLAVE SUPPLY CHAIN

The global business of human trafficking is a market driven by supply and demand of cheap labor and/or sexual desires. The main elements supporting the high profit low-risk human trafficking business model include maximum profits, labor market liberalization, traffickers, and trafficked persons. The current socio-economic, political and global factors are additional driving forces promulgating the human trafficking scheme, all of which are prevalent in the current influx of refugees, migrants, and internally displaced persons worldwide.

The susceptibility of human trafficking victims begins with basic socio-economic factors such as poverty, social exclusion from employment or education, and discrimination. When compounded by political factors like political instability, armed conflict or poor governance, and the global factors of globalization, freedom of movement, and labor market liberalization, the exposure to victimization increases. Many transposed individuals have already succumbed to one or all the driving factors of human trafficking and fled seeking a better scenario. Regrettably, existing internal or psychological factors are less easy to flee and can equally prompt victimization.

Illegal migrant smuggling, which includes refugees and transposed individuals, reached over one million individuals

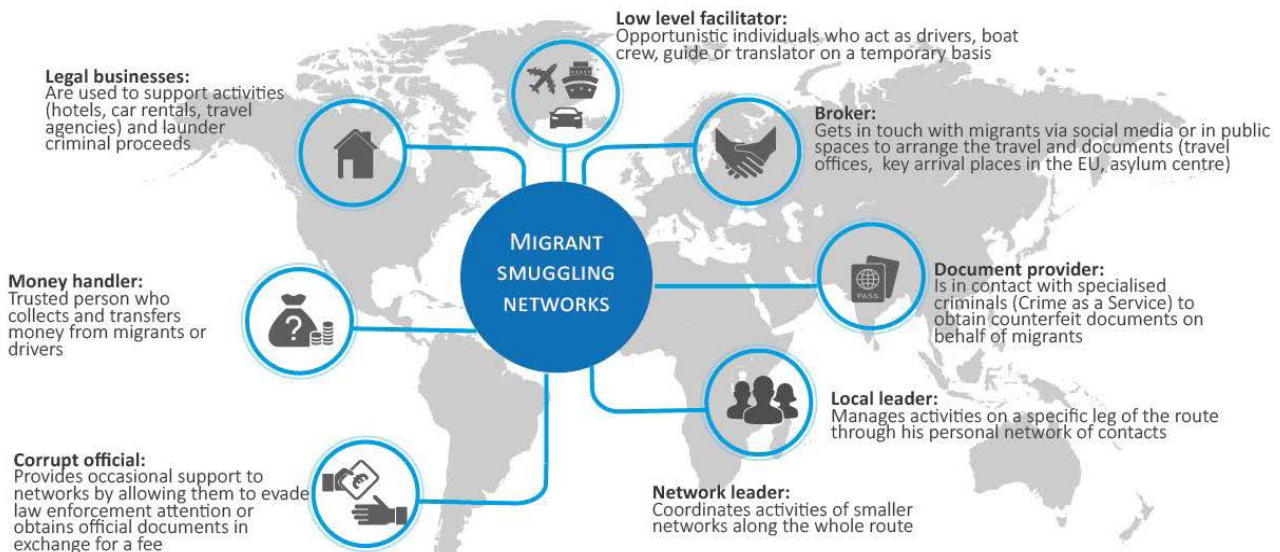
to the European Union (EU) in 2015. The undoubted increase continued in 2016 with similar numbers. These unprecedented numbers pose a great challenge to European governmental authorities attempting to address issues related to human rights, smuggling, border control, and human trafficking. The disparately bound EU countries are much less organized or adaptive as the criminal networks. **Over 90% of the migrants traveling to the EU are using facilitation services, typically offered by a criminal group.** With criminal networks exploiting the desperation and vulnerability of transposed individuals, smuggling (based on limited intelligence) is estimated to reach €6 to €12 billion as the fastest growing criminal market in Europe.

Based on a set of anonymous surveys conducted late last summer by the International Organization for Migration (IOM), 76% of transposed individuals arriving in Italy from North Africa identified with at least one indicator of human trafficking or other exploitative practice en route to Italy. Experiences varied from having worked or performed activities without getting expected payment; forced to work against their will; arranged marriage; held against their will; or asked to sell blood or body parts. As the number of individuals entering the EU grows, human trafficking and human smuggling become indistinguishable of one another.

CRIMINAL NETWORKS

The criminal infrastructure of smuggling networks

In 2015 more than 1 million migrants entered the EU. Criminal facilitation services are provided by flexible and loose criminal networks but also by individuals active along the routes and in key transit or destination hubs.



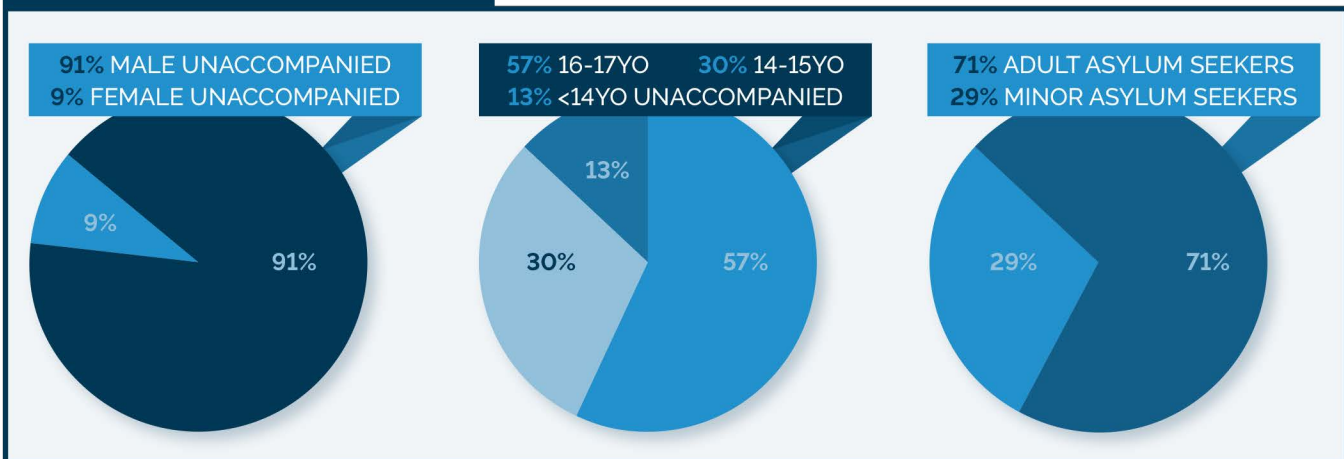
Migrant Smuggling in the European Union. Europol, May 2016.

FIELD FILES: INTRODUCTION

The refugee crisis in Europe has become a perfect storm, of sorts, allowing the abuses of human trafficking to be overlooked. There are several reasons that account for the oversights aside from a lack of education and awareness. Defining human trafficking can be complex without a clear definition when addressing forced labor, gender-based violence, labor exploitation, abduction, and/or smuggling. Although the Palermo Protocol offers a definition for forced labor, labor exploitation is not addressed, and many States do not have counter-trafficking legislations that address protection needs of populations at risk, nor is it enforced where it does exist. Maladjusted labor laws and regulations throughout the EU offer very little integration of transposed individuals as the overall continued practice of inclusion remains conducive to labor abuses such as forced labor. Lastly, the deficiency of documentation and baseline data immobilizes any response to potential trafficking within a crisis. The challenges for businesses lie in a proactive prosperous policy against labor abuses.

A growing concern for authorities and humanitarian organizations across the board are the number of unaccompanied minors, a person less than 18 years old arriving to the EU without a responsible adult. Per Eurostat asylum statistics from last spring, more than 4 in 5 first time asylum seekers were less than 35 years old. Asylum seekers aged less than 18 years old accounted for 29% of total applicants with 23.1% of minors unaccompanied. The vulnerability of minors to human trafficking compounds without careful government oversight and management. Coercive strategies used by traffickers are even more elusive when migrant smuggling networks tend to exploit ethnic and national ties to diaspora communities across the European Union. Members of diaspora communities that are part of migrant smuggling networks provide support in arranging accommodation, travel, or employment on the black labor market. In a false sense of community and family, unaccompanied minors easily fall victim to exploitation through these bespoke relationships.

ASYLUM SEEKERS



Asylum applicants considered to be unaccompanied minors. Eurostat, May 2016.

As desperation, anxiety, and fear follow transposed individuals seeking refuge, few choices remain. Outdated labor legislation in the EU and an inability to pivot with the influx of refugees over the last six years has offered little reprieve or stability to those seeking the most basic of Maslow's hierarchy of needs; food, safety, financial security, and well-being. Thus, transposed individuals are reluctantly joining the ranks of trafficking victims. Aggregate to contemporary slavery, transposed individuals are supplying the slave supply chain.

The 2017 business forecast for human trafficking looks to gain momentum in tandem with the increased transposed individual numbers world-wide. Continued conflicts, violence, and disasters will promote internally displaced persons, immigration and asylum seekers alike. The steadfast war-torn conditions in Syria, increased rife and famine in Yemen, Arab Spring uprisings, persistent crop and conflict concerns in Africa, and impending natural disasters will require a preemptive corporate social responsibility business plan to prevent labor abuse of transposed individuals.

Migrant Smuggling in the European Union. Europol, May 2016.

Press Release: Asylum applicants considered to be unaccompanied minors. Eurostat, May 2016.

Asylum statistics. Eurostat, April 2016.

Analysis: Flow Monitoring Surveys: The Human Trafficking and Other Exploitative Practices Prevalence Indication Survey. International Organization for Migration, August 2016.



Mounting interest in socially conscious businesses and their transparency was unparalleled in 2016 with companies focusing on CSR trends from COP21, Modern Slavery Act, and the UN's Sustainable Development Goals. As the Millennial consumer power has come to head, so has the ramifications of the refugee crisis in Europe, highlighting several social justice and social responsibility issues for businesses. Supply chain transparency and labor abuse among refugees featured in the BBC Panorama exposé, *The Refugees Who Make Our Clothes*, proved how easily a smart company performing both supply chain inspections and standard due diligence efforts can still discover child labor and/or forced labor in their supply chain.

Due to the resounding overlap of trafficked persons and the current influx of refugees, migrants, and internally displaced persons (or transposed individuals), Counter Forced Labor Technologies made three separate trips to the unofficial refugee camp informally known as the "jungle" in Calais, France to seek answers in support of robust socially responsible supply chain solutions.

HISTORY OF CALAIS REFUGEE CAMPS

Initially, the cause and effects of labor trends in and around refugee camps appear to be influenced by inclusive behaviors, but Counter Forced Labor Technologies discovered many more factors were influencing the bottleneck of refugees in Calais. For almost twenty years, Calais has been the site of several recurring unofficial refugee camps beginning with the Sangatte refugee center in 1999. With the English Channel serving as a natural barrier to the United Kingdom, thousands of African and Southwest Asian migrants gathered around the French port city of Calais.

An official refugee camp was opened in the Sangatte Area inside a former Eurotunnel factory adjacent to the Channel Tunnel. The Red Cross operated center was originally planned to house 600 people but quickly outgrew capacity reaching 2,000 refugees by 2002. The center was closed due to pressure from the UK's then interior minister, David Blunkett, and increased security concerns over ethnic tensions. With little resolve for refugees and continued refugee migration in route to the UK, "the jungle" was born as a makeshift camp in a wooded area near an industrial area of Calais.

More officially recognized as slums or squats, a series of "jungle" outdoor camps were erected and repeatedly bulldozed by police across Calais from 2002-2009. The constant flow of transposed individuals from Eritrea, Sudan, Afghanistan, Somalia, and Syria continued to seek transport to the UK stowing away on lorries (or trucks) heading for the ferries or onto trains traveling the Channel

Tunnel. The situation in Calais was always considered a nuisance as unofficial "jungle" camps persisted, but it had never been allowed to grow beyond a few thousand individuals, until recently.

Roughly 10 years in the making, the contemporary "jungle" reached a breaking point on several fronts. Last spring, it was suggested a steady number of 5,000 refugees (give or take 1,000) had converged on Calais, but by autumn the estimated number had doubled to 10,000 refugees living in or around the "jungle." The steady increase of transposed individuals and ongoing neglect by authorities contributed to rising health, safety, and security concerns that couldn't be remedied by limited non-governmental organizations' resources. As an unofficial refugee camp, the "jungle" benefited from no infrastructure or development planning leading to toxic sewage conditions, uncoordinated trash removal, and unfettered pests. Adverse weather conditions compounded the unhealthy environment giving rise to moldy, muddy, and pest related ailments. Most transposed individuals were living in semi-permanent to non-permanent housing consisting of shipping containers, plywood structures and tents with only open-fires to stay warm and cook. Thus, sweeping fires would destroy large portions of the "jungle" further causing destitute conditions. Very little procedural justice or policing existed in the "jungle" to protect residents from rampant criminal offenses, physical, and sexual assaults, or protect against trafficking abuses. Residents usually mediated conflict as separate ethnic groups or via a senior respected individual in the camp.

Remembering Sangatte, France's Notorious Refugee Camp. VICE News, November, 2014.
Tear down the Jungle! French interior minister vows to destroy the Calais camp and relocate thousands of migrants across France... but his opponents want them sent to Britain. Daily Mail, September, 2016.

FIELD FILES: CALAIS JUNGLE

After several attempts to seek asylum, gain entry to the United Kingdom, or reconnect with family, desperation was growing among the transposed individuals in Calais, raising tensions between authorities and Calais residents. Many daring and aggressive attempts to reach Britain consistently affected the Calais residents traveling the roads near the camp, as well as the tunnel or ferry terminals. During our September visit, Counter Forced Labor Technologies representatives witnessed special security (hired to contain the camp) launch smoke grenades as a deterrent to disperse "jungle" protesters and/or stowaways. In result, traffic was halted for hours as tensions rose between the refugees, Calais residents, and police.

During the same visit, with mounting political pressure from the UK and disgruntled French residents, Prime Minister Bernard Cazeneuve, then interior minister, vowed to dismantle the vast "jungle." Six weeks later, the "jungle" camp was razed by bulldozers, remnants burned to the ground, and many of the residents relocated to various

WHO WAS IN THE JUNGLE?

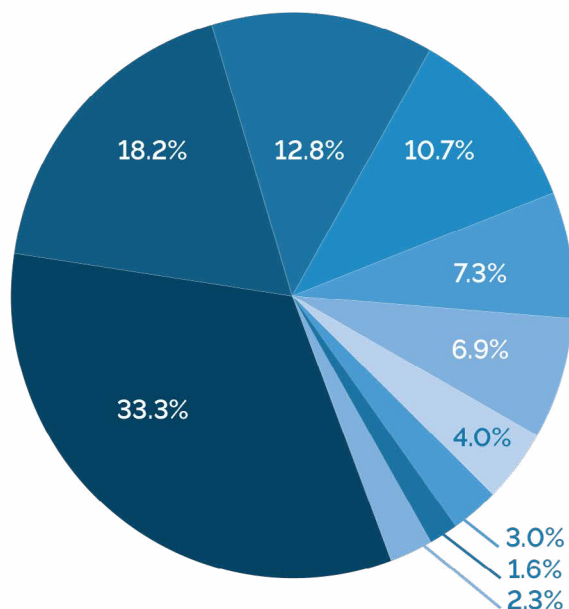


In the shadow of Syria's civil war, a humanitarian crisis dubbed the "Syrian Crisis" has had a worldwide ripple effect on the understanding and management of all refugees. After 6 years of war, an estimated 4.8 million Syrian refugees have fled Syria and are now considered the largest refugee population in the world. Yet, another 16.5 million refugees are fleeing similar circumstances from their own countries, therefore it is not surprising that the majority of transposed individuals found at the "jungle" in Calais, France are not Syrian.

Per a recent quantitative survey provided by Medecins Sans Frontieres, most of the transposed individuals that were in Calais were from Sudan, Afghanistan, Iraq, and Iran. The survey doesn't differentiate between Sudanese or South Sudanese participants, but both countries are suffering from long-term regional conflicts. As a former British-Egyptian ruled country, resource rich Sudan has been the site of several north-south civil wars with continued conflict notably in the western region of Darfur. Over 1 million South Sudanese refugees have recently fled a 5-year long civil war on the heels of having voted itself independent of Sudan in 2011. After years of war and bloodshed, the Sudanese and South Sudanese are also escaping low employment, economic growth, and famine.

REFUGEE NATIONALITIES IN CALAIS, FRANCE

2015



SUDAN: 33.3%

IRAN: 10.7%

KUWAIT: 4.0%

OTHER: 2.3%

AFGHANISTAN: 18.2%

SYRIA: 7.3%

PAKISTAN: 3.0%

IRAQ: 12.8%

ERITREA: 6.9%

ETHIOPIA: 1.6%

Medecins Sans Frontieres Survey

FIELD FILES: THE CALAIS JUNGLE



Courtesy of Airline Ambassadors International

Constituting 18% of the "jungle" refugees, Afghans are one of the largest refugee populations in the world, second only to Syria's 2.4 million. Obvious security concerns related to Taliban forces in the region have forced them to flee as refugees for over a decade in tandem with Iraqi refugees who are fleeing the extreme jihadist group calling itself Islamic State (IS). A 75% majority of the Iraqi transposed are from the Kurdistan Region where Kurds are heavily persecuted by IS forces. As the 4th leading refugee population at the "jungle", Iranian transposed were victims of less publicized human rights abuses and limited freedoms under the restrictive Iranian religious regime. Citizens endure harsh punishments for small infractions and rampant discrimination against ethnic minorities affords little access to education or employment. Many Iranian refugees claim persecution for political opinions, race, or religion.

During our three visits to France, Counter Forced Labor Technologies determined transposed individuals are not only

escaping conflict but also escaping poverty by seeking employment and higher educational opportunities and seeking reunification with extended family. Most transposed individuals have paid a high price to be smuggled or transported along the migration route and they are pursuing quality of life that includes employment. Not all refugees were ill-educated and many had secondary education with professions ranging from doctors, lawyers, and teachers to unskilled workers. Armed with enthusiasm to work, but no documents, it was exceedingly difficult for them to sit around and wait for the Dublin Registration asylum system to work. In an interview with an Eritrean refugee about why he was at the "jungle", he eagerly communicated his ambition to design dresses in London as a fashion designer while proudly displaying his compilation of designs. In the opinion of the transposed individuals found at the "jungle", a new land of opportunity and peace is on the horizon of the English Channel.

Quick Facts: What you need to know about the Syria Crisis. MercyCorps, October, 2016.
South Sudan Situation Regional Refugee Response Plan. United Nations High Commissioner for Refugees, December, 2016.
Sudan profile – long overview. BBC, December 2015.
Global Trends: Forced Displacement in 2015. United Nations High Commissioner on Refugees, 2015.

UNACCOMPANIED MINORS

A portion of those residing in the "jungle" had even fewer options or choices as minors. An estimated 3.9% of residents in the "jungle" camp were children aged 14 years or younger. Much of the children were accompanied by family, but with such a long treacherous journey, roughly 30% of the children were unaccompanied. Often attributed to death, separation from family, or smuggling, orphaned children assimilated with their ethnic community, yet were afforded few protections against human traffickers or abuse. Formerly, children could be found congregating around the make-shift school where they learned French and received basic care through disjointed efforts by NGOs.

Prior to razing the unofficial camp, unaccompanied children were moved to a more secure container area for processing, yet still numerous children were lost in the chaos afterwards. The UK received only 750 of the 1,900 unaccompanied children registered for asylum. Children that were not provided asylum in the UK were given a choice to move into one of France's "welcome and orientation centers" (CAO) or a foster family, but many were "misplaced" either hiding from authorities fearful to leave or falling victim to human traffickers. Varying non-profits reported droves of missing children with some numbers reaching over a thousand.

WHY THE JUNGLE IN CALAIS?

Although the "jungle" has been dismantled, the flow of refugees will not cease and they will continue to flow through Calais no matter the personal or political ramifications. In the interim of the last two months since the "jungle" was demolished, new unofficial camps are sprouting up in the Nord-Pas-de-Calais region along major thoroughfares where transposed individuals headed to the UK can stowaway on a lorry or await passage with a smuggler. Not only is Calais the last respite before the natural English Channel barrier to the UK, it is a destination hub for accessibility to Britain via tunnel, train, lorry, ferry, or even raft. In the wake of the highest recorded level of migrants into the UK at almost 300,000 people last year, the UK has been an attractive destination for many English-speaking immigrants from former British colonies with the promise of better opportunities. In May of last year, 82% of the 6,000 "jungle" residents surveyed were destined for the UK. Counter Forced Labor Technologies' representatives found many transposed individuals were attempting to reach the UK to reunite with family or ethnic communities, gain either legal or illegal employment, find higher education, or they believed there were better social services like housing available.

The antiquated Dublin Registration system for asylum seekers aggravated the number of transposed individuals moving towards the UK. Under the Dublin Registration, many "jungle" residents were denied entry in the UK based on their initial entry applications in Italy, Greece, or Hungary. Basically, the initial entry country is made responsible for the refugee after applying for asylum within its borders. Hence, many refugees were unable to reach the UK to apply for asylum under the Dublin Registration and experienced a "hot potato" effect by being forcibly returned to their registered initial entry country. Often, refugees would allude the Dublin Registration by registering again in Calais (when all else failed to reach Britain) thus encumbering France with incomplete or unprocessed asylum applications.

The long-term apex of refugee migration to Calais may be altered by forthcoming Brexit negotiations and bulldozers, but for the interim the cycle of unofficial camps in Calais will endure.

AFTER THE JUNGLE?

In the last visit to France, it was apparent the “jungle” was only a symptom of a much larger concern. Nearly 10,000 refugees were voluntarily relocated to housing placements through government sanctioned “welcome and orientation centers” (CAO) throughout France. A proud marker of the newest “humanitarian center” adjacent to the Gar du Nord train station in northern Paris which houses 200 North African and Afghan men is overshadowed by streets filled with unofficial camps where refugees are living in tents, sleeping on cardboard boxes, and begging for food. An equivalent center designed for women and families, also run by French immigration and Emmaüs Solidarité charity, is located outside the city.

Many in the official camps are attending French language classes to integrate them into French communities as they await approval of their asylum paperwork. Even with approved paperwork, a growing unease among transposed individuals is the need for services like primary education, housing, and employment opportunities. Recent statements by the French far-right National Front parties’ Marine Le Pen call for denying health and education services to foreigners while France continues to experience around 10% unemployment rates. It has not been determined if or when the transposed will gain employment rights or work permits. The inability to contribute and integrate into French communities will increase the number of distressed families not dissimilar to conditions found in third-world countries where forced labor is rampant. The low-risk and high profit industry of human trafficking continues to thrive on desperation.

COUNTER FORCED LABOR CONCLUSION

The Counter Forced Labor Technologies’ on-the-ground experience in Calais was a dichotomy of experiences. Most refugees were legitimately seeking refuge from war-torn countries or persecution from ethnic or religious differences, albeit a few security risks still exist in regards to terrorist threats and false unaccompanied minor claims by young adult men. A façade of eagerness to move refugees along the asylum process was evident with delayed processing procedures and little to no advanced planning management for refugees once granted asylum. Persistent minimal efforts to integrate the transposed rose to fear, misunderstanding, or worse apathy by permanent residents. The highly publicized potential of the transposed falling victim to human trafficking made for great headlines without regard to needed changes - evidenced by the swarms of missing children. Yet, the dangers of trafficked refugees have not been addressed by international policy changes or state-level changes, nor at the workforce echelon leaving businesses few guidelines.

As one of the oldest business practices, human trafficking has grown to numbers beyond all historical accounts. The supply of transposed individuals outnumbers the demand for cheap labor making those desperate for work seemingly willing participants in the

slave trade. A perpetual demand for high turn- around of low-cost items intersects with the refugee crisis worldwide. At this time, few autonomous supply chain options exist for businesses concerned with the integrity of their labor force. **Current methods of third-party inspections and due diligence are proving inadequate** as exemplified by the BBC Panorama expose, The Refugees Who Make Our Clothes. Combined with continued collaborative industry efforts, businesses can find intuitive alternatives for employing qualified refugees by utilizing existing work visa or immigrant sponsorship programs. Added comprehensive due diligence measures would also qualify not only a place of business but also the applicant, possibly revealing additional skills or education. Overall, understanding the risks involved with supply chain operations in and around migration or trafficking routes and employing an on-the-ground source for detailed information is invaluable.

At some point, every facet of the globalized supply chain will be effected by the refugee crisis. Businesses will only endure the ensuing humanitarian disaster of human trafficking by planning a conscious preemptive program that adopts potentially transposed individuals into the supply chain.

THE HAITIAN REFUGEE PROBLEM AT THE U.S. SAN YSIDRO PORT OF ENTRY (2016)

Written by Paul Cook

Mr. Paul Cook is a part-time all-source analyst for the Department of Energy in San Diego working with Dr. Eric Frost, the Director of San Diego State University's Homeland Security Program and VizLab, in the development of a global GIS map of smuggling routes. Paul has spent several years supporting the U.S. Customs and Border Patrol's San Diego Sector Intelligence Center (BIC) revising drug and smuggling route structures. In 2012, he retired after 32 years-service in the U.S. Air Force and numerous South American, Kosovo & SW Asia deployments.

By the second half of 2016 a surge of over 4,844 Haitian migrants had arrived at the US-Mexico border at Tijuana anticipating entry into the US through San Diego's San Ysidro Port of Entry (POE). This unexpected surge placed—and continues to place—an unprecedented strain not only on the migrant shelters of Tijuana and the community's streets, but also on the migrant shelters and assistance agencies in San Diego County as well as on the U.S. Customs and Border Patrol, Immigration and Customs Enforcement, and other agencies of the U.S. and Mexican governments.

In context, in FY 2015 the number of Haitians who applied for permission to enter the U.S. at San Ysidro had dropped to 395, but by October of 2016 alone at least 4,844 had arrived and still more were coming—a 600 percent increase over last year. Although Mexicali and other eastward POE's saw substantial increases as well, San Ysidro by far and away experienced the largest spike of arriving Haitians. (Note that even though this is a principal exodus of Haitians from Brazil, along with it and in parallel with it is a surge of migrants and refugees from Central African states, Asia, and Central American states.)

For the most part, the Haitians arriving from Brazil are post-2010 earthquake guest workers of the Brazilian government now forced to look elsewhere for economic—and physical—survival because the steep downturn of the country's economy has placed them squarely at the tip of Brazil's 10+ percent and climbing unemployment rate. These Haitians are considered migrants, not refugees, and are arriving—if they arrive at all—after a grueling and very dangerous 7,000-mile trek.

Historical backdrop and Current Causes of Haitian influx.

In the 17th century the Spanish crown ceded Haiti, the western section of the Spanish Caribbean island of Hispaniola, to France and ended a spate of competing

claims and settlements between the two countries. France named their part Saint-Domingue, established privately managed sugar plantations, and imported large numbers of Africans to work the fields as slaves. Saint-Domingue quickly became one of Europe's and France's most lucrative commercial colonies, for Frenchmen that is—not for the forced laborers. However, between 1789-99, the home country's preoccupation with the British East India Company inspired and orchestrated "revolution" enabled both free people of color and the slaves of Haiti to revolt, an action that ended in the Haitians defeating several expeditionary forces sent to suppress the revolt (1791 – 1804 and including one sent by Napoleon Bonaparte). The Haitians achieved their independence from France by January 1, 1804 and abolished slavery throughout their newly established sovereign nation. Haiti became the first nation in the Caribbean and Latin America to gain its independence, the second republic of the Americas, one of the few to defeat the three largest and most powerful states of Europe, one of the only—if not the only—nation born of a successful slave revolt.

Perhaps because of this, to the present day the Haitian people have experienced some of the most complex political strife of any nation: a short but violent litany of coups d'état, successive authoritarian governments, and *significant interference in the island's economics, politics, and administrations by a handful of foreign self-interested parties*. All together this has left Haiti and its semi-skilled and highly skilled populace economically undeveloped, cash poor, and with weak institutions and leaders too often unresponsive to their needs. In other words, Haiti at this point in its history is a political and economic train wreck—one that need not have occurred.

In this article, I will be careful not to champion any particular viewpoint or "facts" concerning the ecology and economy of Haiti without due diligence because pitfalls exist in what I consider even basic facts. For example, a current literature search of scientific papers on the actual defined forest cover of Haiti shows 30+ percent forest

cover for the nation—not the 2 percent institutionalized several decades ago based on incomplete imagery and data. The most recent computer analysis of GIS data also implies that the forest cover is slowly growing. So, farming practices, erosion and exhaustion of soils, and the charcoal production (as an energy source for homes and cooking) which was predicted to run out by 2000, all need to be re-examined and “conventional wisdom” tested.

The world's favorite disaster story. O'Connor, VICE News, 2016.

In 1978 pigs in Haiti were diagnosed as having been infected with African Swine Fever (ASF) whose vector and provenance remains unclear to this day. Instead of basing their decision on a proper scoping of the epidemic, the government of Haiti killed all the native creole pigs in Haiti. As they enforced this draconian measure, the government and other “authorities” gave different reasons for the disastrous outcome which has only served to obscure the picture of what happened and why and guaranteed a perpetual controversy. Shortly after the killing of the Haitian's pigs outside agents began a repopulation program and this too has added to the controversy because of its suspected foreign commercial component. Since the pig was central to the farmer's economy and the farmer was central to Haiti's economy, and since the native pigs have traditionally constituted the farmer's reserve wealth, the eradication program was an absolute catastrophe for both the small farmer and Haiti.

While corn, cassava, millet, and fruits are significant items in the Haitian diet, rice has been by far and away the staple of their life and economy for 200 years. The native rice formerly grown in Haiti are varieties of mountain and swamp rice. Mountain rice is grown in the Plaine de Nord and consumed by farm families while the varieties of swamp rice are grown in the Artibonite Valley and consumed in the urban areas. Their native rice is considered more nutritious than the currently imported rice and helped stabilize the Haitian diet as well as its economy. But in the mid-late 1980's, Haiti was no longer producing substantial amounts of its own rice and by the 1990s, Haiti was dependent on imports from the United States (i.e. “Miami” rice).

The Haitian farmer has shouldered the blame for the precipitous decline in rice production; criticized for “mismanagement” that “caused” accelerating erosion and loss of soil fertility. Deforestation, which has also been blamed for accelerating the erosion of arable soils is laid at the doorstep of the wood-cutters for charcoal production, yet it may very well be that the larger roots of the disaster lie in the “trade liberalization” policies that the international financial institutions imposed on the government during the 1980's. These resulted in import tariffs far below the cost of native rice and shifted Haiti away from domestic cultivation to buying and importing low-cost (heavily subsidized by the U.S. government) rice.

The importation of rice has put many Haitian farmers, traders, and millers out of business and into the ranks of the unemployed. At about the same time the OPEC countries created an oil crisis that financially strapped the country; and to repay its loans the World Bank and IMF

insisted that Haiti restructure its economy to focus on export crops. (Known as SAP's, or structural adjustment program—one of the requirements was that Haiti reduce its protective import tariffs for rice to almost nothing—rendering Haiti wide open to unregulated dumping.) In fact, several Haitian and international NGOs have accused the American Rice Corporation of dumping cheap rice on Haiti, putting the Haitians out of business. Naturally, there have been studies that dispute this and the IMF does not concur.

Prior to “trade liberalization” however, the production, processing, and distribution of rice and rice products directly or indirectly involved more than two-thirds of the population. There can be little doubt of the adverse impact of the disappearance of the domestic rice trade. Rice farmers, millers, and those in the rice trade number upwards of hundreds of thousands of people. Since the shift away from domestic rice production, the farmers and trades-people inside the industry have few employment opportunities outside it and have been forced to move to the urban areas—which are not able to economically absorb them either. This is a major reason that forced emigration is often the only solution remaining for them.

Haiti's self-sustainability has suffered greatly since the 1980's. Prior to that, per older Haitians, although Haiti was not wealthy in terms of currency, it's farmers were largely self-sufficient, working small plots of rich soils, maintaining their living with small scale animal husbandry, creole pigs, goats, cows, etc., rice, vegetables, and fruits were staples of their diet and plentiful. The coastal fishing grounds were very productive and maintained a viable fishing fleet. Sugar cane was the principle mono-culture commercial export—and in fact has been a major contributor to significant erosion and soil exhaustion. Deforestation was more attributable to clearing for farming and the charcoal producers focused more on felled and fallow trees rather than viable ones.

In the words of Diana Thomaz in Forced Migration Review, Haiti is a “fragile state”, i.e., a state principally unable or unwilling to provide for its citizens' basic needs (much less the economic infrastructure or educational opportunities which are so critical to a nation's progress). She believes that it is this “fragility” that is the main driver of the continuing emigration of Haitians—not the earthquake of 2010 which triggered the more recent episodes of emigration.

Adjunct to Haiti's man-made problems is the natural stage they are acted out on--Hispaniola's geography. The island is situated dead center within the oceanic track of seasonal hurricanes and tropical storms, the hurricane season stretching between June and November. The western part of Hispaniola is generally much drier than the northeastern and southeastern portion (Dominican Republic) due to rain shadow affects. Since 1994, Haiti has been battered by at least eleven deadly hurricanes; an equal number of tropical storms have precipitated numerous and destructive floods. Cholera epidemics are always waiting in the wings around Haiti's hydrography to aggravate other natural disasters.

THE SCIENCE BEHIND HAITI'S EARTHQUAKE



The Anatomy of a Caribbean Earthquake. NPR, January, 2010.

But of all the natural hazards to the communities of Haiti—and much greater in terms of the magnitude of its threat and destructiveness—is the geology that lies under Hispaniola—plate boundaries and earthquakes.

Until 2010 Haiti had not experienced a major earthquake for 200 years. The island, however, sits on a microplate (Gonave) between the two fault lines that define the boundaries of the two major great slabs of the earth's crust sliding past each other: the Caribbean Plate and the North American Plate. The fault lines are the Enriquillo-Plantain Garden Fault less than 10 miles south of Port-au-Prince and the eastern trending Septentrional Fault.

The Caribbean plate has been moving about a quarter of an inch per year, relative to the North American plate, but they don't slide smoothly and strain builds up until it's released in a sudden burst of energy—the earthquake. The Enriquillo-Plantain Garden fault system built up strain for two centuries and released it in a magnitude 7 quake on the afternoon of January 12, 2010. Port-au-Prince was only about 10 miles away from the quake's epicenter which was very shallow at that point and since the geology under the city is similar to that of San Francisco's Marina District, the ground motion in the city of 2 million people was especially intense and catastrophic.

The earthquake of January 2010 virtually collapsed Port-au-Prince's infrastructure, devastating domiciles, businesses, political and educational institutions, services, and most if not all of Port-au-Prince's public infrastructure. To add disaster to devastation, shortly afterwards a UN

relief team inadvertently released their waste into the main river and precipitated a cholera epidemic that left at least 10,000 Haitians dead.

Large earthquakes along a given fault segment do not necessarily occur at random intervals, since they build up strain consistently and at certain rates. The fact that the eastern fault system hasn't experienced a quake in 800 years—means that another earthquake and sequence of aftershocks equal to or larger in magnitude than that of 2010 possibly awaits Haiti in the future.

Why are Haitians Fleeing Natural Disaster and Collapse of Haiti's Government, Services, and Infra-structure are not designated "Refugees"?

The outside world does not consider the Haitian fleeing the devastation, severe privation, and very real threat of epidemic a "refugee", because the term is reserved for people who flee their country out of *fear of persecution*. Individuals who flee natural disasters or for reasons other than persecution do not meet the international legal definition and designation of "refugee".

Therefore, France and the U.S., the two major players in Haiti's affairs, past and present, and major donor countries after the Earthquake of 2010, did not accept these forced migrants within their borders because they did not legally qualify as refugees under the 1951 Refugee Convention.

According to the UNHCR, the UN Refugee Agency and its key legal document, the **1951 Refugee Convention**, ratified by 145 State parties, defines 'refugee' and outlines the rights of the displaced, as well as the legal obligations of States to protect them: a refugee face is a person who will face serious threats to their life or freedom, *fear of being persecuted* if returned to the country they came from because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself or herself of the protection of that country, or to return there, for fear of persecution. In **U.S. Law, 101(a) (42) of the Immigration and Nationality Act (INA)**. A refugee is any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded *fear of persecution* on account of race, religion, nationality, membership in a particular social group, or political opinion.

In fact, both countries took precautions to avoid the refugees under the 1951 Refugee Convention. In fact, both countries took precautions to avoid the possibility of a mass migration of Haitians to their territories; the US interposed a naval cordon (blockade) between the continental U.S. and Haiti while France closed the borders of French Guiana, one of its overseas departments and a natural destination for Haitians.

If the international legal definition of refugee does not cover the post-disaster Haitian migrant, the **Cartagena Declaration on Refugees of 1984**, developed to legally deal with large numbers of persons displaced by the cold war, promoted the inclusion of not only those who "have fled their country because their lives, safety or freedom have been threatened by generalized violence,

foreign aggression, internal conflicts, massive violation of human but also for those who have fled for rights or *other circumstances which have seriously disturbed public order.*" In spite of the non-binding nature of this document, many Latin American countries have applied this broad refugee definition in their national legislation. Brazil was the first country to pass a specific law on refugees in 1977 that included the Cartagena Declaration's wider definition of refugee as one of the legitimate reasons for granting asylum. Since Brazil was one of the prime destinations for displaced Haitians after the earthquake its broad national legislation on refugees should have assured Haitians protection and access to refugee status.

Haitian Migrants and Brazil 2010 - 2016

For some reason, in regards to fleeing Haitians, Brazil's National Committee for Refugees (CONARE) decided to the contrary—not to grant them asylum because they could not clearly demonstrate the existence of a threat to their lives, security or freedom. Yet, while CONARE was unwilling to grant Haitians refugee status under the Cartagena Declaration, it determined that Haitians should be issued some sort of special permit—a 'humanitarian visa'—which would allow the Haitians to enter Brazil and obtain work permits, due to the *precarious situation they would face if returned to their home country*. So, even though there may have been humanitarian considerations involved in the decision, Brazil also took advantage of the displacement of Haitians to help their economy. Its concomitant upswing had created a general shortage of semi-skilled and skilled labor in the country and since the Olympics were forecast for Rio during the summer of 2016 and neither Brazil nor the city yet had the requisite infrastructure to support the games, the additional help from Haitians was a good fit. Regardless, the Haitians took advantage of Brazil's visa program and by November of 2015 the government estimated it had issued 43,781 visas.

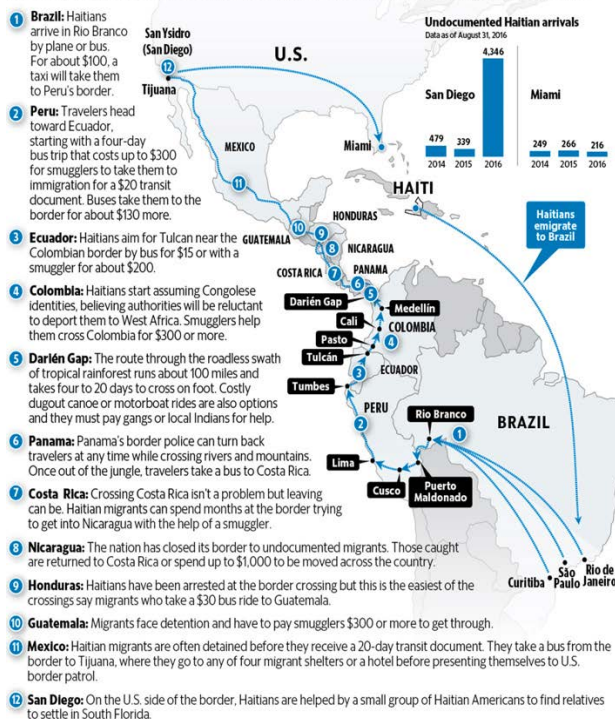
But, even in Brazil's case where a broad national and regional definition of the refugee *condition* exists, protection and rights for those fleeing "fragile" states are more subject to the states goodwill and sovereign power to decide who will be allowed in, under what circumstances, and who will be allowed to stay than are "refugees".

Migration Route(s) into and from Brazil

While a number of Haitians flew into Brazil's major cities, a substantial number made their way to the western border of Brazil and entered at Rio Branco intending to get humanitarian visas and continue onward. They arrived at Panama by either boat or plane and began the arduous trek southward along the established criminal human smuggling route(s) from Panama and through the Andean countries to Rio Branco, Brazil.

TREACHOROUS TREK

Haitians have forged a dangerous and clandestine new path to get the United States. They leave Brazil — which opened its doors after the 2010 earthquake — and travel more than 7,100 miles through South and Central America, crossing 11 countries by bus, boat, car and on foot in a perilous trip that can take two to four months. Nearly 5,000 Haitians have taken this route since October 2015. The goal: the U.S.-Mexican border, and from there, South Florida.



Source: Miami Herald research, interviews and U.S. Customs and Border Protection

MARCO RUIZ mruiz@miamiherald.com

New migration: Haitians carve a dangerous 7,000-mile path to the U.S. Miami Herald, September, 2016.

(TPS) Temporary Protective Status, is a provision in U.S. law that authorizes the Secretary of Homeland Security to designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely or, in certain circumstances, due to the inability of the country to adequately facilitate the return of its nationals. DHS's U.S. Citizenship and Immigration Services (USCIS) may grant TPS to eligible nationals or eligible individuals without nationality already in the United States. The following temporary conditions are justification for a designating a country TPS: Ongoing armed conflict, environmental disaster (such as earthquake or hurricane), an epidemic, and "other extraordinary and temporary conditions". During the period designated for TPS, individuals who are TPS beneficiaries or who are found preliminarily eligible for TPS upon initial review of their cases (prima facie eligible) are not deportable from the United States, can obtain work authorization (EAD) and may be granted travel authorization. Once granted TPS, an individual also cannot be detained by DHS because of his or her immigration status in the United States, however, TPS is a temporary benefit and does not lead to lawful permanent resident status or give any other immigration status. For this the individual, would need to apply for nonimmigrant status, file for adjustment of status based on an immigrant petition, and apply for any other immigration benefit or protection for which they may be eligible.

Extension of the Designation of Haiti for Temporary Protected Status. U.S. Citizenship and Immigration Services, July, 2015.

Unfortunately, by 2014 Brazil's economy began to slow and the subsequent downturn generated a ten percent unemployment rate (to date)—and by summer of 2016 Rio was ready for and hosted the Olympics. Life for the Haitian laborer in Brazil was never easy and unscrupulous employers took advantage of the Haitians lack of understanding of Portuguese and desperation for work to underpay and overwork them, it was also estimated that at least two out of three prospective Brazilian employers could not meet even the minimum labor or safety codes. Many of the Haitians found themselves at the head of the unemployment lines when the economy plunged.

It is apparent in San Diego that Brazil's economic situation triggered and is driving the recent upsurge of migrants at its San Ysidro Port of Entry, not just because it fits chronologically but multiple sources (official and private) have estimated that up to 90 percent of the 5,000+ Haitian migrants who arrived in Tijuana in mid-late 2016 have arrived from Brazil.

Why San Diego?

Referring to the smuggling route(s) the migrants took to enter Brazil as referred to above, those unable or unwilling to fly to Mexico's border cities have been funneled northward along the same mixed foot-vehicle-boat smuggling routes to Tijuana and San Diego. Why San Diego? Perhaps it is because San Diego has a small but active Haitian community in San Diego available to support them while making their arrangements to continue to family and jobs in Florida, New York, etc. Perhaps it is due to the perception among migrants that entry through the San Ysidro POE is less problematic and difficult than through other POE's along the US southern border. Or, perhaps it is the fact that the human smuggling routes and organized criminal smugglers that will deliver them from Rio Branco to San Diego traditionally operate along this route structure—maybe it's a combination of all three.

But once the migrant enters this route they are swept along the violent, grueling, and criminally expensive tapestry of Mexican and trans-national organized crime networks and cartels as well as facing the daunting and myriad natural hazards

that will claim many of their lives. At the sovereign borders along the way the governments will provide them transit passes—for a fee of course (they are not above profiting from the migrant's desperation). They issue them transit permits not entry visas—and most governments do not have extradition treaties with Haiti. The refugee that eventually makes it to the U.S. border at Tijuana expected to enter the U.S. at the San Ysidro Port of Entry—without any documentation or permission to enter the U.S. But once the Secretary of DHS closed the border on October 22, 2016 they are only being allowed to apply in small groups which are then detained until they are granted humanitarian parole and temporary papers.

Current Laws and Regulations Affecting the Integration of Haitians into the Business sector of San Diego County

Revisiting the migrants' expectation of obtaining a humanitarian parole from U.S. officials POE, in the following text box is a basic summary of the temporary legal instruments that DHS, ICE, and other responsible agencies of the U.S. government have historically applied to Haitians attempting to enter the U.S. without proper authorization. By far the most flexible—thus the lynchpin of all the others—is the *humanitarian parole*.

Humanitarian Parole, DHS can grant parole, which temporarily allows someone into the U.S. who would otherwise be inadmissible, for "humanitarian reasons" or a "significant public benefit." Once in the U.S., those family members can apply for work permits, but will not receive green cards early. The length of the parole will be up to DHS. DHS Deputy Secretary Alejandro Mayorkas said the parole program supports family reunification, and promotes "rebuilding and development of a safe and economically strong Haiti" by allowing Haitians to emigrate and work in the U.S. The Haitian parole program also demonstrates the administration's ability to take humane executive action to support family reunification. Since 1956, every U.S. president has granted temporary immigration relief to one or more groups. In point of fact, Obama administration officials modeled the Haitian parole after President George W. Bush's Cuban Family Reunification Program, which used similar legal authority to parole individuals into the United States for "urgent humanitarian reasons" or "significant public benefit. Law professor Hiroshi Motomura stated that the president is "well within his legal authority" to grant temporary relief such as this. Indeed, presidents do this frequently—as President Obama did in September when he extended deferred deportations to Liberians here without status. Ultimately, as an unnamed Administration official noted, "Comprehensive immigration reform would have solved this problem—not just for Haitians, but for all other nationalities who are waiting in the immigrant visa backlog." But with comprehensive immigration reform stalled, the president's action is just, humane, legal, and helps reunite Haitian families who otherwise would have remained separated for years. **DAPA and DACA**, Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program and Deferred Action for Childhood Arrivals (DACA).

After Years of Bipartisan Advocacy, DHS Will Expedite Haitian Family Reunification. Immigration Impact, October 2014.

DAPA and DACA, Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program and Deferred Action for Childhood Arrivals (DACA).

RP, Haitian Family Reunification Parole Program, The HFRP Program allows certain eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Haiti. If granted parole, these family members can come to the United States before their immigrant visa priority dates become current. Once in the United States, these individuals may then apply for work authorization while they are waiting to apply for lawful permanent resident status.

The Haitian Family Reunification Parole (HFRP) Program. U.S. Citizenship and Immigration Services, 2017.

REAA; the Refugee Education Assistance Act 1980, Haitians granted humanitarian parole qualify for some public benefits. The Refugee Education Assistance Act of 1980 allows Cubans and Haitians who were granted parole to qualify for refugee benefits and services, such as cash and medical assistance, as well as social services and Temporary Assistance for Needy Families. The law was passed at a time when disparate treatment toward Haitian and Cuban arrivals in the late 1970s had generated considerable public controversy. Today, the differentiated treatment between Haitians and Cubans remains a point of contention. Under the 1994 and 1995 U.S.-Cuba migration accords, any Cuban who reaches U.S. soil is paroled into the country. And under the Cuban Adjustment Act of 1966, Cubans are eligible for a fast track to permanent residency, while Haitians do not receive any comparable benefits. With the restoration of diplomatic relations between the United States and Cuba, many are calling for an end to the uniquely preferential treatment afforded Cubans under immigration law.

United States Abandons its Harder Line on Haitian Migrants in the Face of Latest Natural Disaster. Migration Policy Institute, October, 2016.

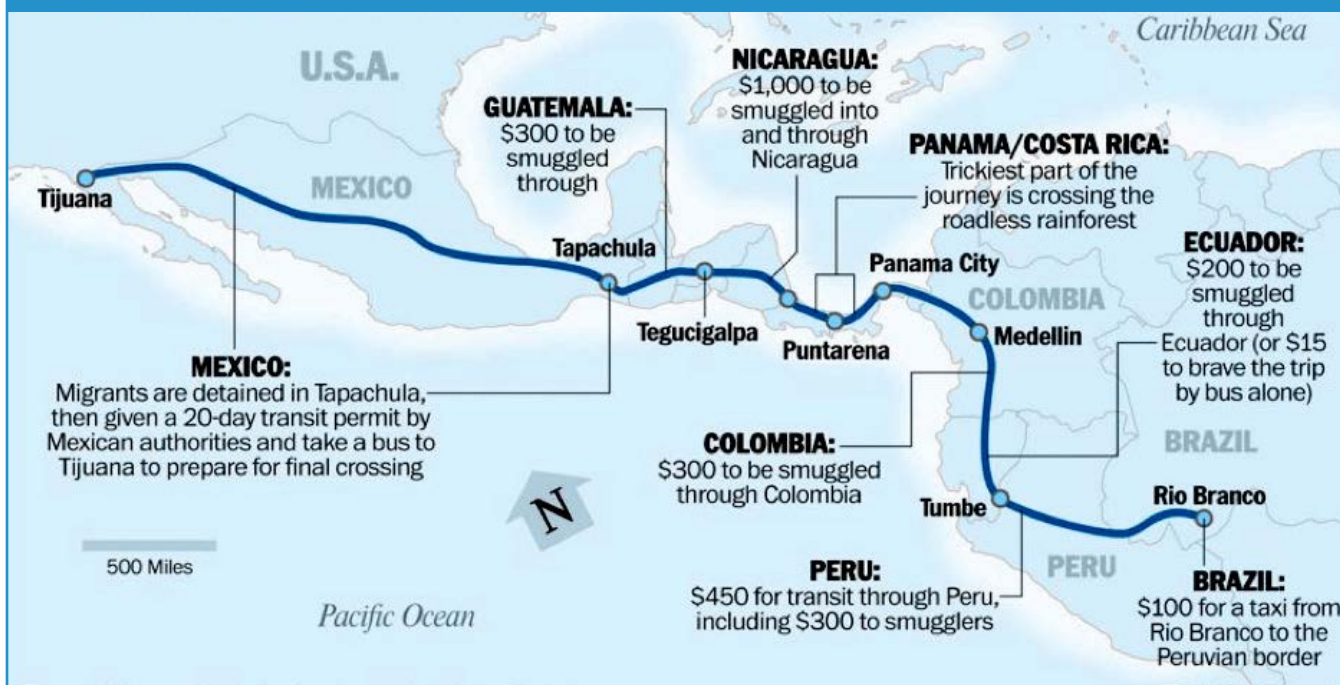
BUSINESS SAFETY

CHEP, Cuban Haitian Entrant Program. The USCIS coordinates the reception, processing and community placement of Cubans and Haitians paroled into the United States. USCIS currently has agreements with the United States Conference of Catholic Bishops (USCCB) and Church World Service (CWS) to provide assistance. Additional CHP services are provided by the Office of Refugee Resettlement (ORR), within the Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS).

In order to be eligible for services or benefits under CHP, an individual must meet the definition of a Cuban/Haitian entrant under Title V of the Refugee Education Assistance Act of 1980. A Cuban and Haitian entrant is defined as: Any individual granted parole status as a Cuban/Haitian entrant or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided;

Cuban Haitian Entrant Program. U.S. Citizenship and Immigration Services, 2017.

Haitians stranded in Brazil after the 2010 earthquake are making their way to the U.S., enabled by its neighbors to the south – and by smugglers who charge thousands of dollars.



Mexican officials quietly helping thousands of Haitian illegal immigrants reach U.S. The Washington Times, 2016.

Haitians in US before the Earthquake

A snapshot of the situation of Haitians in the United States prior to and just after the earthquake of 2010 presents a fairly stable picture. In 2009 there were a little more than 500,000 Haitians in the US, at least half of whom were *lawfully present*. Those Haitians returned a remittance to Haiti of \$1.5 to 2.0 billion dollars that year. But numerically the number of Haitian migrants trailed well behind the Cuban migrants, those from the Dominican Republic, and Jamaica. On the 15th of January, 2010, after the earthquake the DHS gave its approval for Haitians already in the country, whether lawfully present or not, to remain in the country under TPS. At this point DHS anticipated an additional 200,000 migrants entering the U.S. after the disaster. These numbers did not materialize.

On the 12th of January the U.S. Citizenship and Immigration Service, USCIS, approved a version of the HFRPP to reunite Haitian family members in Haiti with their members in the U.S. under humanitarian parole. Over 50,000 applications have been approved, but due to tight numerical quotas less than 12,000 families in Haiti have been issued visas to date. However, by 2015 the number of unauthorized entries at San Ysidro had dropped to 339—the numbers were falling. However, by mid-2016 the numbers of migrants reaching Tijuana and the San Ysidro POE took a sudden and unexpected upward turn and by September there were over 4,000 Haitians in Tijuana waiting and stranded on the Mexican side.

How a hazardous trek and the DHS policy reversal has triggered a humanitarian problem around San Ysidro POE

Immigration and Customs Enforcement (ICE) Director Sarah Saldaña dubbed the sudden surge of Haitian migrants at the border an "emergency situation" and on September 22, 2016 the Secretary of Department of Homeland Security, Jeh Johnson, announced reversal of the administration's long-standing policy, that for the first time since the earthquake of 2010, all Haitians were now back on the fast-track deportation scheme and the U.S. would resume regular removals to Haiti. He stated that the deportations of Haitian non-citizens would resume because conditions in Haiti had "improved sufficiently to permit the U.S. government to remove Haitian nationals on a more regular basis." Yet in a separate conference call with reporters, Homeland Security officials acknowledged that the increase in arrivals at the border was the "other" major factor that led to the decision.

The Secretary's statement on justification is certainly in need of clarification for on August 25, 2015 the DHS and USCIS extended TPS and the other temporary protections for Haitian migrants and detailed the precise conditions in Haiti that justified extending TPS—that in fact conditions in Haiti had worsened dramatically. Protections were extended for cause until July of 2017.

Extension of the Designation of Haiti for Temporary Protected Status, A Notice by the U.S. Citizenship and Immigration Services on 08/25/2015 , And less than a year later all is well with Haiti?

The most obvious unintended consequence of Secretary Johnson's decision is the difficult humanitarian situation—if not a disaster in the making—at the San Ysidro POE. This is not just for San Diego and Tijuana, but also for all the other countries upstream, and the Haitians themselves (Panama experiencing the worst bottleneck for obvious reasons.) The second unintended consequence came about after the U.S. Border Patrol officials were so overwhelmed by the flow that they implemented a unique appointment system, under which arriving Haitian nationals were given future dates to return for processing. The appointment system used by CBP gave priority to women and children to preclude their having to spend weeks in overcrowded shelters in Mexico.

This meant women and children entered the United States ahead of their partners and fathers, but when Jeh Johnson closed the border to Haitian migrants in October, these men were effectively shut out, separating families. (A substantial number of unaccompanied minors were allowed in and processed as well. If and where this fits with child trafficking, which is endemic in Haiti, is not clear.)

But, according to some sources this has led to the possible exploitation of Haitian children by the Mexican cartels to help smuggle their "parents or relatives" across the border for "reunification" and recycling. It's not established that this is happening, but it is suspected.

In the meantime, the migrants waiting in Tijuana are overfilling local shelters and the shelters in San Diego are swamped as well. For the most part the governments of the intervening countries that issued transit papers to shunt migrants to the US border are now experiencing similar issues.

Refugees and the local businesses

According to all the sources interviewed, businesses in San Diego County have not experienced impacts nor have substantially changed their hiring practices because of the massive influx of Haitians. As stated by Mr. Feret Millien of Bonita, CA, a prominent member of the Haitian community in San Diego and with his wife Matta an integral part of the support and feeding of the emigrants trapped on the Tijuana side of the border, and Brent Ross, Pastor of the United Methodist Church of Normal Heights, San Diego, who helped bear the brunt of the early surge of Haitians prior to October of 2016, this is because up to 90 percent of the Haitians coming through are only remaining long enough to arrange for papers and tickets to join family in Florida, New York, New Jersey, etc. Also, according to them and both the San Diego Office of Small Business and the San Diego District office of the federal Small Business Administration, the few Haitians remaining in San Diego County provided the correct papers, permits, and a residence have no difficulties getting employment. In an interview with Ephraim Bendantunguka , a refugee resettlement coordinator, he related some issues with language barrier (deep creole vs English) exist but those are ameliorated by ESL classes and in other cases have not prevented employment (in the hospitality industry for example). Most of the delay is experienced in waiting for the proper permits and finding a place to stay.

All individuals interviewed have been alert to the possibility of unscrupulous businessmen or criminal enterprises exploiting the trapped Haitians in Mexico and upstream to Rio Branco. This introduces a note of caution for companies whose supply chains extend through the affected areas. Due diligence must be exercised to prevent the possibility of contravening the provisions of the UK Modern Slavery Act of 2015 (for British companies) or the California Transparency in Supply Chain Act of 2010 (for companies doing business in California whose supply chains also might extend into these areas).

DR. ERIC FROST ON WHAT THE HAITIAN REFUGEE CAN OFFER THE SAN DIEGO BUSINESSMAN:

One of the profound capabilities that immigrants from Haiti possess is a knowledge of the language and culture of Haiti as well as generally a desire to improve it. Linking back to Haiti as for USAID or faith-based efforts to teach via fiber optics, do public health, monitor climate change and disease, and prepare for and respond to disasters has ready-made experts in these immigrants. Linking them to current and future needs via the Internet can also help solve Haiti in Haiti with Haitians from San Diego.

Haiti is the UN's poster child for despair---so getting out of Haiti is what nearly everyone wants to do. How we can help design a Future Haiti built around designing and building appropriate homes and precision agriculture and forestry is starting from one of countries that could be a major success but has been trashed for centuries by government, spiritual darkness, and disasters. Here is a place that people could invest in to help, including using Haitians in San Diego to design and blossom Haitians in Haiti.

Haiti has the potential of major alternative energy from ocean currents, wind, and forms of alternative energy including wave energy. How Haiti could help generate electricity, sell it to nearby countries like the Dominican Republic, and help use technology like ocean wave gliders to monitor oceans, build ocean farming and energy, and attract tourism are wonderful possibilities to change the narrative using business and Haitians working together.

HIRING REFUGEES IN ASYLUM COUNTRIES

For responsible businesses operating in countries extraneously affected by the surge of refugees, there are rapidly growing concerns of a disproportionate workforce to available employment and viability of the cultivating labor force. The incumbent flow of refugees is routing principally through Turkey (79%), Lebanon (10%) and Jordan (3%) according to the report, *Syrian Refugee Arrivals in Greece: Preliminary Questionnaire Findings* conducted in 2015 by United Nations High Commissioner for Refugees (UNHCR). With each country operating as an initial asylum or transit country, legal documentation significantly influenced the length of their stay emphasizing a lack of governance in support of refugees, limited employment opportunities and questionable labor conditions.

For transparency in the supply chain, it is pertinent for companies operating near or in the cusp of the refugee migration routes to understand the current workforce environment in adaptation to their own operating procedures. Each asylum country has independent labor laws and regulations protecting its citizens from unmitigated labor potentially offered by refugees.

As non-signatories of the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol Relating to the Status of Refugees, neither Jordan or Lebanon are bound by Article 24 – Labour Legislation and Social Security. Under Article 24, Turkey is required to treat refugees with the same labor treatment as is accorded to its nationals. With Turkey's accession, it remains an outlier stipulating adherence to the convention only if refugees are a result of events in Europe, negating the current Syrian refugee crisis. In addition, a reservation clause made upon ratification firmly affords refugees no greater rights than those granted to Turkish citizens. The final reservation clause highlights the current imperfect working conditions endured by its own citizens.

For refugees prioritizing their needs for survival in a transit or first asylum country, primarily three reasons weigh heavily for or against leaving the country of transit or first asylum; 1) lack of employment opportunities which are non-exploitative or adequate to their skill levels, 2) lack of financial assistance, and 3) lack of documentation and/or of security. With an underlying theme of employment to support basic needs such as food, housing, safety, and security, many refugees are willing to endure poor sub-standard working conditions as a means of survival.

A swelling conflict over limited job opportunities is incumbent with the advent of the refugee crisis. Dependent on national laws and regulations in each asylum country of

residence, refugees may be afforded special arrangements concerning employment or denied the prospect. Varying working conditions in each asylum country are reflective of their own unemployment rate, the GDP, and overall opportunities available to their citizens. An influx of refugees simply underscores existing labor and employment concerns. For instance, Turkey introduced work permits for Syrian refugees this year, but few have gained the right to work due to a reluctance by Turkish employers to grant contracts requiring them to pay minimum wage.

Adapting a supply chain to the refugee crisis requires not only improvements to the supply chain but a responsibility to change the thought process behind certain procedures. Maintaining due diligence within a supply chain can be cumbersome and redundant, but when addressing refugees without documentation in your supply chain, due diligence becomes a vetting process beyond age restrictions. It becomes a hiring tool that measures qualifications, skills, background information for security and an overall understanding of employee potential. The system of third-party supply chain assessment process provides comfort to businesses and their code of conduct oversight. But, the process itself can fail without integrity measures and in-depth investigations into claims or a lack thereof. Employing investigation techniques is a cunning supplemental option for businesses with elevated CSR policies. The last effort for improved CSR in the supply chain will require integration policies such as equal opportunity for the emerging refugee population at the company level beyond government rules and regulations. Setting a tone for tolerance creates a healthy working environment for susceptible populations like refugees. Not every company's operating procedures can afford immediate remedies or changes to their supply chain policies, but the **millions of refugees resettling in first, second, and third asylum countries are going to immediately effect those supply chains.**

Again, the adaptation of operating procedures for companies operating in the cusp of the refugee surge can seem overwhelming. Improved due diligence programs through better hiring of qualified individuals, improving upon the integrity of 3rd party assessments, enforcing changes through internal and external investigations, and building tolerance based solutions. Overall, managing turn-over of resources, products, and people, such as in the garment industry, will require a reassessment of sector margins before real improvements can be made for the vulnerable refugee populations.

OPERATING PROCEDURES

"For every product there is a price below which it is impossible to produce that product in a safe and responsible fashion. Right now the prices that factories are getting for their products across the garment industry are below that threshold, in many cases"

– Scott Nova – Workers Rights Consortium

Undercover: The Refugees Who Make Our Clothes Documentary. BBC Panorama 2016.

Jordan Labor Laws and Requirements

1951 CONVENTION RELATING TO THE STATUS OF REFUGEES	NON-SIGNATORY
1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES	NON-SIGNATORY
ESTIMATE OF SYRIAN REFUGEES	1, 017,433
ESTIMATE OF OTHER REFUGEES	~30-50,000 YEMENI, ~54,000+ IRAQI, ~5,000 AFRICAN
WORK PERMIT REQUIRED	YES
WORK PERMITS AVAILABLE	YES
GDP	\$37.52 BILLION
UNEMPLOYMENT	15.8%
MINIMUM WAGE	\$256.80/MONTH
WORK WEEK	SUNDAY-THURSDAY, 6 DAYS (MAX),
WORK DAY	8 HOURS
OVERTIME PAY	25%
HOLIDAY PAY	50%
COLLECTIVE BARGAINING	YES (ONLY CITIZENS)
MINIMUM WORKING AGE	7 (WITH RESTRICTIONS)
CHILD LABOR LAWS	YES
GENDER NONDISCRIMINATION	NO
PRIMARY INDUSTRY OF EMPLOYMENT FOR REFUGEES	AGRICULTURE, SERVICE, GARMENT

OPERATING PROCEDURES

Lebanon Labor Laws and Requirements	
1951 CONVENTION RELATING TO THE STATUS OF REFUGEES	NON-SIGNATORY
1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES	NON-SIGNATORY
ESTIMATE OF SYRIAN REFUGEES	1, 017,433
ESTIMATE OF OTHER REFUGEES	450,000 PALESTINIAN
WORK PERMIT REQUIRED	YES
WORK PERMITS AVAILABLE	YES (W/ FEE)
GDP	\$4710 BILLION
UNEMPLOYMENT	6.4%
MINIMUM WAGE	\$435.20/MONTH
WORK WEEK	MONDAY-FRIDAY + SAT
WORK DAY	8 HOURS
OVERTIME PAY	50%
HOLIDAY PAY	50%
COLLECTIVE BARGAINING	NO
MINIMUM WORKING AGE	13
CHILD LABOR LAWS	YES
GENDER NONDISCRIMINATION	NO
PRIMARY INDUSTRY OF EMPLOYMENT FOR REFUGEES	SELF EMPLOYED

Turkey Labor Laws and Requirements	
1951 CONVENTION RELATING TO THE STATUS OF REFUGEES	NON-SIGNATORY
1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES	NON-SIGNATORY
ESTIMATE OF SYRIAN REFUGEES	2,764,500
ESTIMATE OF OTHER REFUGEES	170,000 IRAQI, 40,000 AFGHANS, 20,000+ IRANIANS
WORK PERMIT REQUIRED	YES
WORK PERMITS AVAILABLE	YES (LIMITED)
GDP	\$718.22 BILLION
UNEMPLOYMENT	11.3%
MINIMUM WAGE	\$669.00/MONTH
WORK WEEK	MONDAY-FRIDAY
WORK DAY	9 HOURS
OVERTIME PAY	50%
HOLIDAY PAY	100%
COLLECTIVE BARGAINING	LIMITED
MINIMUM WORKING AGE	15
CHILD LABOR LAWS	YES
GENDER NONDISCRIMINATION	NO
PRIMARY INDUSTRY OF EMPLOYMENT FOR REFUGEES	APPAREL, GARMENTS

Data taken from the United Nations High Commissioner for Refugees and DoingBusiness.org

Undercover: The Refugees Who Make Our Clothes Documentary, BBC Panorama, 2016.
 Syrian refugees in supply chains – exploitation or opportunity? Business & Human Rights Resource Centre, 2016
 Protocol relating to the Status of Refugees, United Nations, 1967.
 Syrian Refugee Arrivals in Greece: Preliminary Questionnaire Findings, UNHCR, 2015

OPERATING PROCEDURES

CSR CHECK

For the first time in more than a decade, the Equal Employment Opportunity Commission (EEOC) published new guidance on national origin discrimination.

"This guidance addresses important legal developments over the past 14 years on issues ranging from human trafficking to workplace harassment,"

- Agency Chairwoman Jenny R. Yang

<input type="checkbox"/> Y	<input type="checkbox"/> N	Does your company fall into one of the following categories; 15+ full or part-time employees, union, employment agency, federal government or local government employer.
<input type="checkbox"/> Y	<input type="checkbox"/> N	Are you considered an Equal Opportunity Employer?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Have you updated your Equal Employment Policy (EEP) to reflect changes made to the National Origin Discrimination under Title VII of the Civil Rights Act of 1964?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Does your current company EEP include the new definition of national origin discrimination: "discrimination because an individual (or his or her ancestors) is from a certain place or has the physical, cultural, or linguistic characteristics of a particular origin group"?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Does your current EEP define "place of origin" as; "a country (i.e. Mexico), former country (i.e. Yugoslavia), or geographic region that was never a country but is nevertheless closely associate with a particular national origin group (i.e. Kurdistan)?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Does your company cater your staffing based on client or customer based preferences?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Does your company have fact-based linguistic restrictions in support of a preferred accent, fluency requirements or an English-only policy?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Does your company employ force, fraud, or coercive hiring to compel labor or exploit workers?
<input type="checkbox"/> Y	<input type="checkbox"/> N	Are certain categories of employees subject to harassment, job segregation, unequal pay, or unreasonable paycheck deductions?

CAUSE:

During the Dublin Convention of 1990, 12 signatory countries acceded to the Dublin Regulation, meant to "determine rapidly the Member States responsible [for asylum claim]." After three subsequent reforms, most recently in response to the current refugee crisis, the Dublin Regulation has 32 Member States that include each of the European Union Member States plus four European Free Trade Association "associate" States; Denmark, Iceland, Norway, and Switzerland (since Brexit, the UK's participation is undetermined and may be reliant on a bilateral agreement although it would require a more proportionate share of responsibility for asylum seekers.) The principal aim of the system is to guarantee that every refugee seeking asylum in the Dublin Registration Member States has swift access to status determination. The advent of a singular "responsible State" is meant to offer rapid asylum results, yet prevents refugees from pursuing multiple claims in other Member States.

Operating in tandem with EURODAC, an electronic system for comparison of fingerprints of asylum applicants, the Dublin Registration is part of the overarching Common European Asylum System (CEAS). Recognizing the need for a formal international obligation for asylum to people fleeing persecution, the 1951 Geneva Convention Relating to the Status of Refugees serves as the backbone for establishing the CEAS. The policy plan intends to bring harmonization to standards; promote effective and well-supported practical cooperation; and increased solidarity through a sense of responsibility. The utopian efforts of CEAS have succumbed to the current refugee crisis. Although several legislative measures were meant to standardize criteria, the CEAS is an assortment of discrete national systems, each with its own administration and budget operating defensively and maximizing outgoing refugee transfers. An exceptional measure to CEAS meant to relieve the asylum system strained by a mass influx of refugees as occurred in the 1990's, the Directive on temporary protection, defines the decision-making procedure for extending or removing displaced persons from non-EU countries from temporary protection in Member States.

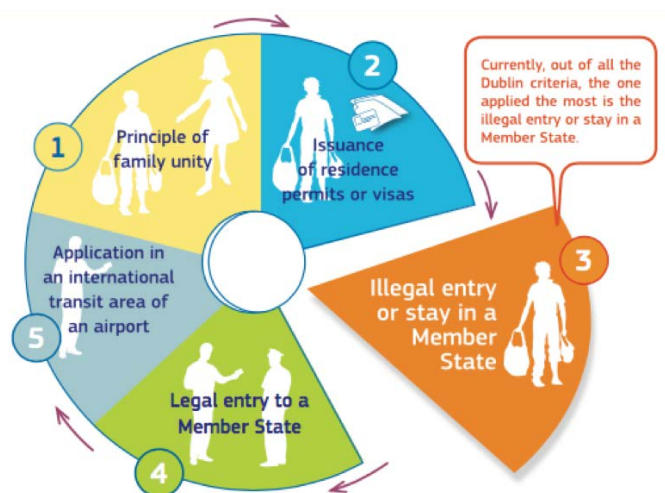
The contemporary "mass influx" of refugees is primarily managed through the Dublin Registration, yet an unsustainable imbalance of asylum applicants has muddled Member State responsibilities and slowed the Dublin Registration's objective to provide quick access to asylum. In most cases, the Member State of first entry is responsible for examining an asylum claim placing untenable standards on a small number of Member states such as Italy, Greece and Hungary. With initial asylum countries overwhelmed by refugees and lacking resources to register, track and properly assess asylum seekers, the refugees are registering secondary and even tertiary asylum claims in other countries resulting in the Dublin'. Duplicate applications have jeopardized the hierarchy of

"objective criteria" implemented by the Dublin Registration to determine the best suited Member State for completion of the asylum registration resulting in mismanaged and endangered refugees.

With the advent of Dublin', a wave of relocation schemes has surfaced forcing refugees into a "no choice of destination" structure. Asylum seekers have little or no resolve under the Dublin Registration program thus submitting to avoidance strategies that worsen their human rights guarantees and reduce protection standards. The increasing number of unregistered refugees along with the Schengen Agreement, the internal EU open borders agreement, has compounded an already unwieldy situation unveiling major security concerns following the December 2015 Paris attacks. In resolve, the upcoming "Dublin plus" or Dublin IV version of the Dublin Registration proposes increased responsibilities among initial entry Member States to concentrate on irregular entries. These EU border states will perform "gatekeeper" duties as an extra security measure. These proposals aggravate the current imbalance of responsibilities and continue to be cumbersome for Member States and asylum seekers alike.

In summary, the Dublin Registration is the cause for a disproportionate amount of responsibility for the clear majority of asylum claims placed on a small number of Member States – a situation which would stretch the capacity of any Member State.

CRITERIA FOR DECIDING WHICH MEMBER STATE SHOULD BE RESPONSIBLE FOR AN ASYLUM APPLICATION



The Reform of the Dublin System, European Union

EFFECT:

The effect of the Dublin Registration on the European Union has been a test of harmonization between independent countries with shared borders, shared EU policies, and most importantly a shared economy under the Euro. The ineffective and inefficient Dublin system has severely damaged the functionality of the Common European Asylum System (CEAS) causing long-term effects to initial asylum Member States. The long-term effects are best measured by the economic impact.

The poor execution of the Dublin System in initial asylum countries has forced many refugees to move freely among Schengen Member States, with no accountability, to Austria, Germany and Sweden; countries with more sympathetic social programs. While initial asylum countries, like Turkey, bear the burden of registering 2 million refugees plus triage amenities, destination countries anticipate a modest increase in GDP growth.

The economic impact in destination countries is supported by better integration preparedness and developed infrastructure seen with increased government spending to support asylum seekers and the expansion of the labor supply. Per the International Monetary Fund (IMF) report, *The Refugee Surge in Europe: Economic Challenges*, the new immigrant labor supply will suffer from "skill downgrading" – meaning, the teacher is now a maid. As countries increase their preparedness and infrastructure for integration of refugees by alleviating work restrictions and subsidizing employers that employ refugees, the medium- to long-term economic impact will continue to conservatively increase GDP.

Unfortunately, the Dublin system's resulting bottle-neck of asylum seekers found in EU border Member States like

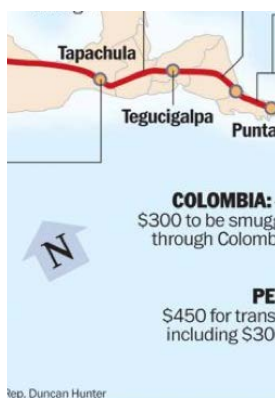
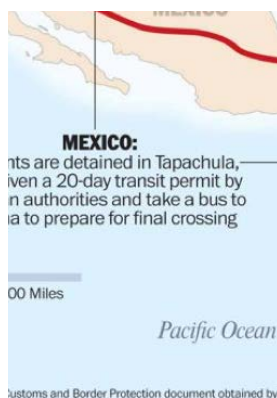
Turkey do not have the leisure of time and space to build infrastructure in support of integrating refugees. Thus, the refugees are only allowed to work in "informal" sectors resulting in low wage, low-education positions such as agriculture or factory work. Lower wages and working conditions produce a short-term gain for destination countries, but under these conditions, the refugees are primed for forced labor or child labor, even debt bondage working conditions compounding low employment growth.

The continued growth of GDP for the whole of the EU is heavily reliant on the labor market performance of immigrants to the native population. Based on an historical basis, the employment gap between immigrant and native workers decreases over time evening out the labor markets. Initially migrants have a lower participation and higher unemployment rate to natives – but the gap declines over time. Integration of refugees into the economy has a long- term effect on government debt and the unemployment rates.

Countries with the ability to integrate migrants sooner into the work force will find both younger entry age and highly-skilled immigrant labor will typically make a larger net fiscal contribution than natives. The pension effect is likely to be positive among the most adaptable asylum countries. Under the current Dublin Registration system, the corresponding integration of refugees to the labor markets, fiscal effects and GDP growth will be disproportionate in initial entry and destination Member States. As 1.3 million asylum applicants enter the Dublin system annually, the EU economy is affected by the increased workforce and immediate employment opportunities or lack thereof. Economic success is dependent on a successful measured integration scenario or a dangerous slow integration scenario.

GROWTH EFFECT POSITIVE, BUT UNEVEN

Impact of Refugee Inflows (Deviation from baseline scenario)



The Refugee Surge in Europe: Economic Challenges. European Investment Bank Institute, 2016.

An Economic Take on the Refugee Crises: A Macroeconomic Assessment for the EU. European Commission, 2016.
The Refugee Surge in Europe: Economic Challenges. International Monetary Fund, 2016

MIGRANT LABOR IN THE UK

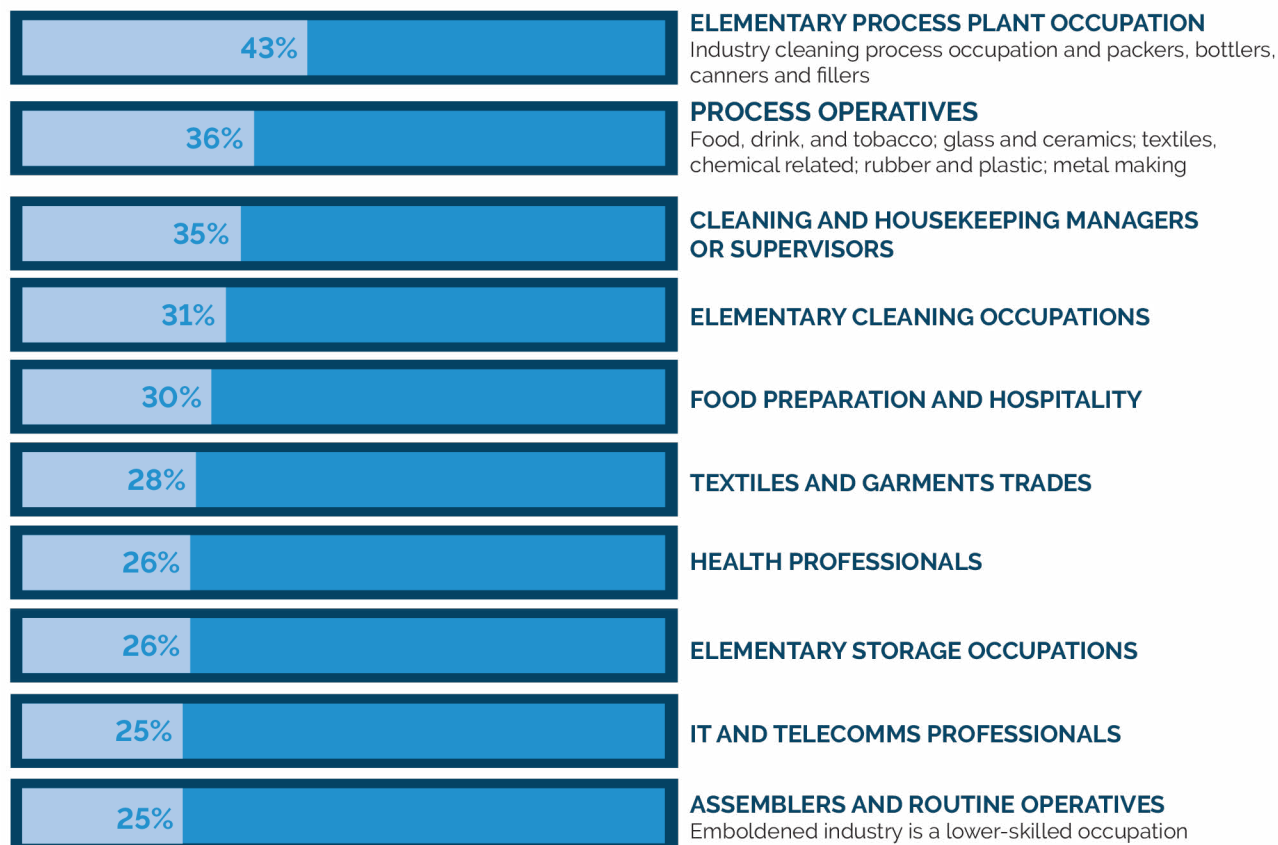
In search of a sustainable immigration policy in the wake of the Brexit vote, the UK's Prime Minister Theresa May remains steadfast in her commentary to limit open immigration. To distance itself from the Maastricht Treaty, the economic and monetary union of the European Economic Community (EEC) – where member states allowed free parallel movement of foreign workers from similar standards of living, the UK's transitional immigration policy toyed with an Australian-style points system that would include the European Union (EU). Theresa May has since ruled out the points system as too lenient and open-ended. Several options for an immigration policy may be meted out over an EU trade deal. No one can predict with certainty what the labor market consequences of the UK leaving the European Union will be, but as a terminus country, the UK could potentially benefit from a "brain drain" of migratory EU talent.

The net migration from the EU has averaged 100,000 individuals a year, mostly fulfilling low-skilled labor

positions. An ambitious policy promise to reduce net migration to "tens of thousands" a year by former Prime Minister David Cameron has been carried forward by residing Prime Minister Theresa May. By 2020, the net migration pledge will reduce net migration below 100,000 a year. Although it hasn't been described as the driving factor for a reduction in migration numbers, the pledge may have a positive analogous effect on modern day slavery and forced labor conditions in the UK.

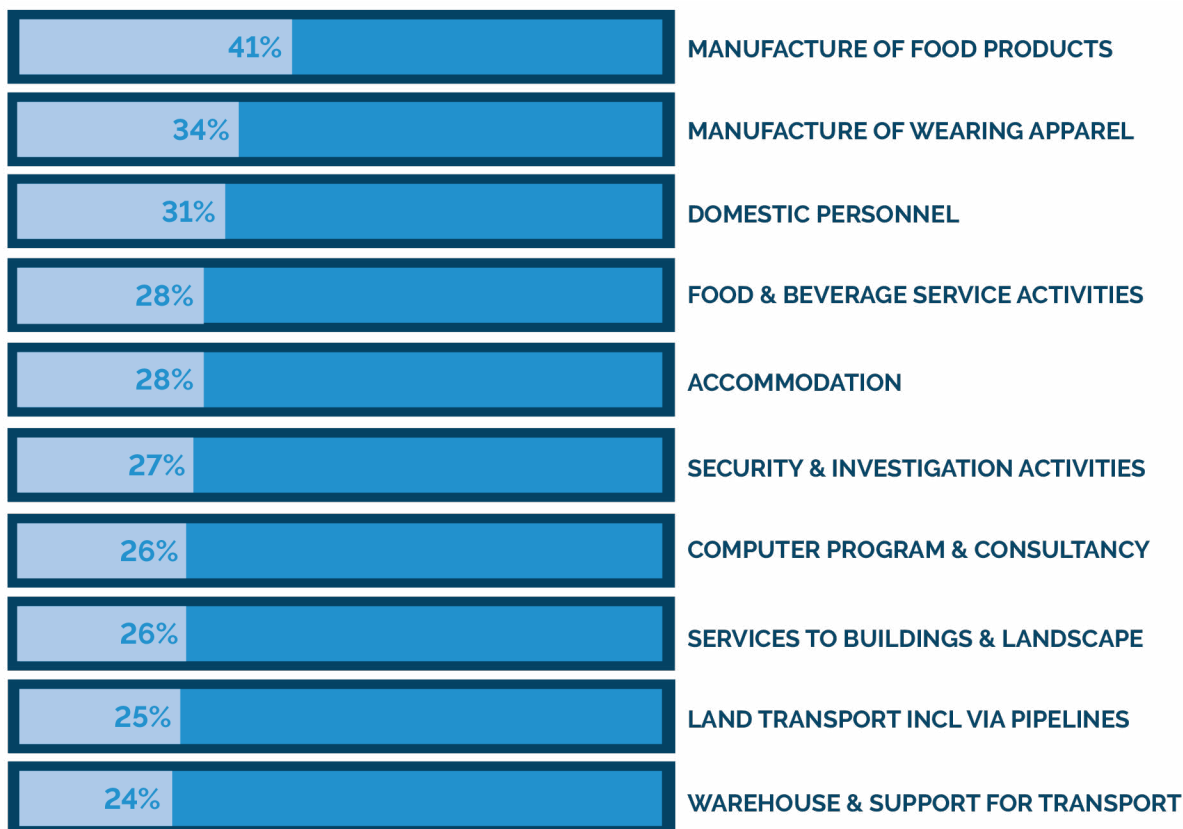
Certain labor sectors, particularly migrant communities, are directly linked to exploitative labor practices. The number of foreign-born people of working age in the UK increased nearly 133% from 1993 to 2015. Compared to the early 2000's, the presence of foreign-born workers has grown fastest in relatively low-skilled sectors and occupations (see charts). In 2006, a significant increase of foreign-born workers coincided with the opening of UK labor markets to workers from the A8 countries (Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovakia, and Slovenia).

PERCENTAGE OF FOREIGN-BORN WORKERS BY OCCUPATION



Briefing: Migrants in the UK Labour Market: An Overview. The Migration Observatory at The University of Oxford, December 2016.

PERCENTAGE OF FOREIGN-BORN WORKERS SECTOR



Briefing: Migrants in the UK Labour Market: An Overview. The Migration Observatory at The University of Oxford, December 2016.

The strong causal link between labor abuses and labor exploitation in certain industries is more than just a theory. The employment of low-skilled migrant workers in unregulated labor sectors such as manufacturing, often via recruitment agencies or other subcontracting models, is thought to create the perfect conditions for labor abuses. Labor abuse cases include minor infractions, to extreme exploitation and slavery. Most often abuses present themselves as non-payment of minimum wage, non-payment of holiday or sick leave, or withholding wages. Other infractions can include: discrimination, harassment, unfair dismissal, bullying, withholding passports or work papers, unsafe working conditions, threats, physical and sexual abuse, and physical confinement without leave of the workplace.

Several common drivers of exploitation contribute to workers' vulnerability to abuse or prevents workers from reporting abuse. The most common exploits of foreign-born workers in the UK are isolation, insecure immigration status, poverty or lack of alternatives, long employment chains through subcontracting, language barriers, and ignorance of labor rights. A collective fear of authorities and deportation is often wielded by perpetrators to exploit migrant victims.

Solutions are dependent on multi-agency partnerships from immigration control to social services yet a clear

separation of immigration control and labor enforcement will make self-reporting easier for victims. The UK government has made positive improvements with the Independent Anti-Slavery Commissioner who has made forced labor a priority with its enforcement of the Business Transparency Reports, requiring UK companies to self-report due diligence of their supply chains. In addition, the new Gangmasters and Labour Abuse Authority (GLAA) under the Gangmasters Licensing Authority (GLA) has the daunting role of reviewing labor non-compliance as outlined in the new Immigration Act of 2016. **The GLA has been effective in preventing labor trafficking in the agriculture sector through rigorous licensing of recruiters and employment agencies to ensure workers receive fair pay, benefits, and safe working conditions.**

Imminent changes to the UK's immigration policies post Brexit will be challenged by not only diplomatic efforts, but also by the existing migrant workers currently living and working in the UK. Historically, migrant labor integrates into the workplace via low-skilled occupations requiring manual labor at low-wage positions. Within a 20-year span, migrants typically increase their status and wage earnings to equal their natural-born counterparts. A concerted effort to reduce the influx of migrants into the UK seeks to improve the skill-level of migrant laborers and may even provide an unusual opportunity to change policies to protect laborers from exploitative conditions.

FINAL RULE

FOR IMPORTED FISHING INDUSTRY

In the interest of full-chain traceability the Obama administration released a final rule establishing a Seafood Import Monitoring Program to address illegal fishing and seafood fraud in the United States last month. The final rule will be the first time ever that imported seafood will be held to the same standards as domestically caught fish, establishing new permitting, reporting, and recordkeeping procedures relating to the importation of certain fish and fish products. Particular fish identified as being at risk of illegal, unreported, and unregulated (IUU) fishing or seafood fraud will be indefinitely identified as "priority species" and added to the traceability program.

The final rule is a result of an Action Plan under the Presidential Task Force on Combating IUU Fishing and Seafood Fraud. The Action Plan was published with 15 recommendations to include a seafood traceability program working with foreign partners to strengthen international governance. The capacity of the plan had an underlying interest in securing a historic and enforceable environmental provision in the Trans-Pacific Partnership. Several principles underscore the determination of "priority species." Approximately 40% of the seafood, by value that enters U.S. commerce is represented on the resulting list of species.

PRIORITY SPECIES	ABALONE	SEA CUCUMBER
	ATLANTIC COD	SHARKS
	BLUE CRAB	SHRIMP
	DOLPHINFISH	SWORDFISH
	GROUPE	ALBACORE TUNA
	KING CRAB (RED)	BIGEYE TUNA
	PACIFIC COD	SKIPJACK TUNA
	RED SNAPPER	YELLOWFIN TUNA

Presidential Initiative on Combating Illegal, Unreported, and Unregulated (IUU) Fishing and Seafood Fraud. National Oceanic and Atmospheric Administration, 2015.

The existing government-wide International Trade Data System (ITDS) will electronically collate the collection of catch and document information through the Automated Commercial Environment (ACE) system maintained by the Department of Homeland Security's Customs and Border Protection (CBP). It is suggested the total hourly cost to an importer for traceability data entry through ITDS is \$31.25 with extra costs being absorbed by consumers. The added compliance measures will help reduce the risk facing U.S. consumers and match existing standards followed by American fishermen for domestically caught fish.

The National Marine Fisheries Service (NMFS) program under the Department of Commerce will have several transparency effects. The stated objective of the Program is to trace seafood products from the point of entry into the U.S. commerce back to the point of harvest or production for ensuring that illegally harvested or falsely represented seafood does not enter U.S. commerce. Not only does it protect certain fish species from over-fishing and consumers from fraudulent or dangerous food consumption, **it will also provide a venue to combat forced labor in the seafood industry.** Although it is not a comprehensive measure dedicated to forced labor and unfair labor practices, the NMFS data collection regarding entries to seafood products will aid in the investigation or prosecution of labor crimes.

The final rule implementing the Seafood Import Monitoring Program will be effective January 9, 2017 with a compliance date of January 1, 2018.

Presidential Task Force on Combating IUU Fishing and Seafood Fraud: Action Plan for Implementing the Task Force Recommendations. National Oceanic and Atmospheric Administration, 2015.

Presidential Task Force on Combating Illegal Unreported and Unregulated (IUU) Fishing and Seafood Fraud Action Plan. National Marine Fisheries Service and National Oceanic Atmospheric Administration, 2015.

International Trade Data Systems (ITDS). United States Census Bureau, 2016.
Rules and Regulations. Federal Register, December, 2016.

THE COSTS OF CONFUSION

Uncertainty, Referrals, And The Rising Incidence Of Fraud

SYRIAN REFUGEE FAMILY

NURSE – LAWYER – NGO STAFF – POLICE – JORDANIAN ACQUAINTANCE – LOCAL CBO STAFF – LOCAL OFFICIAL PERSON
SYRIAN RELATIVE NEIGHBOR – CASE MANAGER – DOCTOR – NGO STAFF – JORDANIAN NEIGHBOR

"Often, trying to meet their needs, refugees navigate an ever-expanding web of interlocutors who possess imperfect information and make unnecessary referral. Each referral imposes transportation costs that over time, can be as crippling and the overall environment of uncertainty and misinformation."

The Cost of Confusion. Arab Renaissance for Democracy & Development, 2016.

Q&A WITH SAMAR MUHAREB

Champion for Refugees and Migrants in the Supply Chain

SAMAR MUHAREB

is co-founder and Executive Director, ARDD-Legal Aid, Jordan. She is a long-term advocate for refugees and vulnerable populations. Samar began her career in Palestinian refugee camps in Jordan, was part of the efforts that established the NGO's Coordination Committee in Iraq at the beginning of the Iraq war, and has worked for Oxfam GB. She currently advocates for the rights of Syrian refugees and migrant workers in Jordan, and teaches an undergraduate program on refugees and migration studies at the University of Jordan. In recognition of her efforts she was awarded the TAKREEM Arab World Young Entrepreneur Award in 2011. She is a board member of the Southern Refugee Legal Aid Network and is a delegate member to the Arab League under a new initiative to represent the work of civil society in the humanitarian field. In 2016, she was selected as a board member for Greenpeace Mediterranean.

How has Arab Renaissance for Democracy and Development (ARD) -Legal Aid been supporting the refugee crisis in Jordan?

Jordan has become a place of refuge for so many, beginning with the Iraqi crisis there was a huge gap of need for services. The challenges and necessities have changed over the years from short-term to long-term needs. Currently, we have 35 different lawyers working inside the refugee camps and offices outside the camps helping refugees with all kinds of legal aid from marriage licenses to documentation for citizenship. We are empowering refugees to know that they too have rights and can seek help.

As an advocate for refugees, what challenges are refugees facing in Jordan?

Jordan hosts 48 different nationalities of refugees; the largest host country with the largest population among the world with 16 different camps and 3 camps dedicated to the crisis of Syrian refugees. Many Jordanians and Syrians lived as neighbors, friends, family, equals, but now there are few opportunities for Syrians. They are forced to think about immediate basic needs, find solutions to make a living, and maintain a minimum standard with dignity. 90% are living under the poverty line with low-level education, according to the World Bank. Replacing lost documentation, finding a job, and education are priorities for them.

What kind of programs have been implemented to assist refugees with finding employment?

Jordan, with the help of the international community, had to think of creative solutions to overcome the shortage of jobs, sustainability of refugees, and lack of policies for integration. Therefore, they came up with the idea of ensuring 200,000 jobs in the private sector in Jordan [Jordan Contract]. Until 2018, Jordan has the obligation of ensuring the jobs, but we only have secured 26,000 which is only 2% of the total number refugees.

Another creative idea was establishing special economic zones in Jordan where we plan to include refugees themselves within the factories or agricultural sector in Jordan. The private sector, especially within the economic zones, is requested to include 15% of the refugee population into factories with a promise that they will increase it to 25%. However, we are failing massively due to the issues with refugees and their personal challenges: a lack of documentation; a lack of informed decisions to move to economic zones which are a bit isolated; a and lack of other social services usually provided to them.

At the same time, Jordan legally, is not bound by the 1951 Refugee Convention so we don't have any specific laws or regulations for managing this massive number of unemployment, to include a huge number of unemployed Jordanians. All these policies and regulations need managing and coordinating between different legal departments: Trade and Industry, the Minister of Industry, the Department of Investments, Social Security & Taxation. These legal departments need to come together to enable refugees to access these opportunities.

What continues to be a hindrance to increased investments, growing business and increased jobs in Jordan?

So far, investors are not motivated because [the] political situation and economic flourishing of the Middle East market, is not that great. Most routes of export and marketing of products are blocked by Iraq and Syria so investors are really hesitant. To overcome this, Jordan offered lower taxation rates and many other incentives as well, it wasn't enough. Outside investors want to see how we sell our goods, how we have a secure environment, and whether the refugees have the right qualifications or need capacity and vocational training. We are working through the work-plan with UNHCR, UNICEF, and several American companies like Microsoft for funding vocational and capacity training for refugees. These are the economic challenges, but we also have massive political challenges.

The host community reaction to all these things, I think as with any other country in the world, has their own concerns, they have their fears on how this would be a

meaningful coexistence between refugees and host communities. We are a civil society, somehow, we don't talk about integration, at all, we talk about inclusion, even as professionals, so the host country is confused. The political challenge for Jordan, as a host country for different refugees, the Somalis, Sudanese, Iraqis, and the Yemenis. All of these refugees are trying to access the labor market and our relationship with all these different countries is so bound politically.

Is human trafficking or forced labor an issue for many refugees in Jordan?

We have many cases in Jordan for victims of trafficking and exploitation from many nationalities. It started as a phenomenon within the Iraqi context and Iraqi refugee crisis but involves many Sudanese and Syrian communities as well. Especially, people living outside the camps are vulnerable to this crime. Fortunately, Jordan has a very strong anti-trafficking department who is expanding their efforts to the civil-society to combat these issues and challenges. We have much room for more development in this sector. The trafficking phenomenon is a wider issue beyond just refugees, especially the prostitution sector is flourishing in the region.

Why is employment integration of refugees so difficult?

There are so many challenges. With the bar association, medicine sector, and engineering unions, they don't want the refugees to integrate. Even with proper documentation, the refugees would be blocked from these organizations. Unemployment of Jordanians is also high, with the younger Jordanians feeling most of the challenges. The private sector should be included in solutions and more dialogue needs to be established to look at refugees as an opportunity for host countries. After a UNHCR survey of refugee qualifications, we learned we have over 300 refugees who are lawyers living among the refugees themselves. We have so many numbers of doctors, engineers, teachers with so much potential and many talents. It is really an opportunity for the host country to invest in them and their abilities providing a diversity in their labor force and market.

JUST THE FACTS

Highlights of survey results from the 2016 BSR/GlobeScan State of Sustainable Business Survey with responses from 287 experienced sustainability professionals representing 152 companies.

- 1** January 1, 2016, **17 Sustainable Development Goals** (SDGs) of the 2030 Agenda for Sustainable Development – adopted by world leaders in September 2015 at an historic UN Summit – were officially enacted.
- 2** Within the 17 SDGs, there are **169 targets** – **156** of which are linked to human rights instruments and labor standards.
- 3** **One in five** businesses is implementing the SDGs and their 169 targets in their business.
- 4** In 2015, the Paris Climate Conference or 21st Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) convened to achieve a legally binding universal agreement on climate – **limiting global warming below 2C**.
- 5** Managing energy use and greenhouse gas (GHG) emissions in operations is the most important priority for **climate mitigation** efforts by businesses.
- 6** Businesses' climate mitigation efforts are **increasing** focus on renewable procurement and science-based targets.
- 7** **Advancing sustainability** in supply chains includes a wide-range of efforts beyond code of conduct audits, collaborative initiatives, sustainable sourcing beyond Tier 1, suppliers' data, and training suppliers
- 8** European companies are **exceeding world-wide counterparts** when addressing sustainability issues beyond tier 1 suppliers.
- 9** Consumer Food, Agriculture, Technology, and Manufacturing industry sectors are significantly more advanced at **managing sustainability** within their supply chain.
- 10** Working conditions and transparency are ranked the **most important** sustainability issues in the supply chain.

LAUNCH OF THE *RESPONSIBLE COBALT INITIATIVE* AIMS TO COMBAT “WORST FORMS OF CHILD LABOR”

As of August 1, 2016, Occupational Safety and Health Administration (OSHA) increased their maximum penalties by 78%, which were According to a press statement released in November of last year, the Chinese Chamber of Commerce for Metals, Minerals & Chemicals (CCCC) Importers & Exporters, with strong support from the Organization for Economic Co-operation and Development (OECD), launched the *Responsible Cobalt Initiative* (RCI). Companies involved with the initiative currently include Apple Inc., Beijing Easpring Material Technology Co., Ltd., HO Inc., Huawei Device, Ltd., L&F, Samsung SDI, Sony Corporation, Tianjin B&M Science and Technology Joint-Stock Co., Ltd., and Zhejiang Huayou Cobalt Co., Ltd. Companies will work together, in coordination with the government of the Democratic Republic of the Congo, to develop and begin implementation of an action plan in the next 12 months. As a collective action, this initiative will address social and environmental risks in the cobalt supply chain with the issues related to the worst forms of child labor set as a priority.

Responsible Cobalt Initiative (RCI). China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters, 2016.

MINIMUM WAGE INCREASED BY 50% IN VENEZUELA

In a televised address to his nation earlier this month, Venezuelan President Nicolas Maduro announced an increase in the minimum monthly wage. The hike is the fifth rise in 12 months and is set to combat the ever-rising inflation in the country. Monthly minimum wage will be increased by 50% to 40,683 bolivars (\$60) a month which follows a 40% hike only 3 months ago. The economic chaos is evident in Maduro's plans to print new bills in higher denominations or 200x larger than current notes in circulation. According to forecasts by the International Monetary Fund, inflation is expected to surge to 1,660% this year and 2,880% next year.

Venezuela Crisis: Minimum Wage Increased 50 Percent as Inflation Continues to Soar. International Business Times, January, 2017.

DANISH GET TOUGH ON BUSINESS AND HUMAN RIGHTS

The trending interest in global development and human rights was solidified in two year-end rulings out of Denmark. The Danish Mediation and Complaints-Handling Institution for Responsible Business Conduct also known as the Danish Nation Contact Point for the Organization for Economic Co-operation and Development (NCP OECD) issued its first final statement for the failure of a supplier to fulfill the due diligence requirements as provided by the OECD Guidelines for Multinational Enterprises. A separate ruling by the Danish Complaints Board for Public Procurement established a precedence for future contractual obligations. It was determined a contractor's violation of certain labor clauses was a material breach of contract. The cited contractual clause or requirements were derived from four international conventions and declarations on human rights, environment and corruption.

Human rights and business – the first final statement from the Danish NCP and the trend towards increased accountability. Lexology, December, 2016.

CANADA'S FOREIGN WORKER PROGRAM SANCTIONS 3 EMPLOYERS

On Dec. 1, 2015, Immigration, Refugees and Citizenship Canada, in collaboration with Employment and Social Development Canada, introduced a points system for assessing employer compliance based on the type of violation, history, severity, company size, and whether the business cooperates with investigators. In addition to publicly naming employers alleged to have broken the law, the new regulations include a range of penalties, from a fine between \$500 and \$100,000 per violation, to a ban from the program from one to 10 years, and the revocation of previously issued work permits. As of the end of November, three employers had been found by the federal government to be non-compliant: Obeid Farms in Vanessa, Ont. was issued a 2-year ban, a Dairy Queen franchise in Prince Albert, Sask. received a \$1,250 fine, and the Regent Hotel in Revelstoke, B.C. was fined \$750.

Just 3 employers sanctioned after overhaul of foreign worker program. The Hamilton Spectator, January, 2017.

ANTI-TRAFFICKING BEST PRACTICES MEMO RELEASED FOR FAR CONTRACTS

On December 7, a draft memorandum titled "Anti-Trafficking Risk Management Best Practices & Mitigation Considerations by the *Office of Management and Budget, the Department of Labor, and the Office to Monitor and Combat Trafficking in Persons in the Department of State.*" was released. The document intends to "promote clarity and consistency in the implementation of anti-trafficking requirements" imposed by Executive Order 13627, **Title XVII** of the FY 2013 National Defense Authorization Act, and the implementing regulatory provisions applicable to all federal contractors at FAR 22.17 and FAR 52.222-50. The guidance document provides two major points of clarity for government contract companies. (1) outlines the government's contemplated expectations on anti-trafficking risk mitigation, and (2) informs agencies that they may immediately take the contents of the memorandum "into consideration in applying the antitrafficking requirements in the Federal Acquisition Regulation."

Anti-Trafficking Risk management Best Practices & Mitigation. Office of Management and Budget, the Department of Labor, the Office to Monitor and Combat Trafficking in Persons in the Department of State. December, 2016

CALIFORNIA BUSINESSES OPEN TO CIVIL ACTION

Effective January 2017, changes to California Assembly Bill No. 1684 will authorize the Department of Fair Employment and Housing (DFEH) to receive, investigate, conciliate, mediate, and prosecute human trafficking complaints on behalf of a human trafficking victim. In addition, DFEH can bring civil action on behalf of these victims with damages awarded to the person harmed by the violation of human trafficking, but costs and attorney's fees awarded in any such action will be awarded to the DFEH.

Civil Actions: Human Trafficking. California Senate Judiciary Committee, June, 2016.

WHITE COLLAR FINAL RULE HALTED

Apreliminary injunction halted the Department of Labor's final rule for "white-collar" overtime. Originally scheduled to go into effect December 2016, the final rule would have doubled the minimum salary for white collar exemption and increased the highly compensated employee minimum by 30% with regular minimum increases every 3 years. Under the paused final rule, the status quo continues under the federal Fair Labor Standards Act (FLSA) affording companies more time to adjust for increases. Rising state and local minimum wages are expected to affect white collar salaries and will require companies to comply with corresponding state laws where dual compliance exists.

Overtime for White Collar Workers: Overview and Summary of Final Rule. The United States Department of Labor.

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The Counter Forced Labor Journal is published by the Counter Forced Labor Technologies Intel Team, which is composed of tenured military and business analysts with intimate knowledge and direct experience dealing with human trafficking, forced labor and modern slavery.

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The Counter Forced Labor Journal is a newsletter published by the Counter Forced Labor Technologies Intelligence Division. It is issued four times a year and provides updates for C-suite-level decision making in support of terrorism and human trafficking risk management of the supply chain. The Counter Forced Labor Journal serves to strengthen current corporate social responsibility policies.

We welcome feedback and suggestions for articles in future issues.

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