



Info sheet: Foreign Labor in the Hawaii Longline Fishery

Summary: US Customs and Boarder Protection (CBP) are monitoring foreign crew in the Hawaii longline fishery on a daily basis. Foreign crew have been employed in the Hawaii longline fishery for 30 years and within this time there has never been confirmed human trafficking or forced labor in the Hawaii longline fishery.

Background

- Hawaii longline vessels have been legally using foreign crew since 1988 (46 CFR 8103)
 - There are over 600 foreign crew employed in the fishery:
 - Philippines
 - Indonesia
 - Vietnam
 - Kiribati
 - Micronesian crew members from former Trust Territories (FSM, Palau, Marshal Islands) are also employed in the fishery but have special status and authorized to live and work in the United States for unlimited amount of time
 - Many foreign crew are highly skilled fishermen who have been employed in the fishery for years, having renewed multiple 2-year contract periods
 - Hawaii longline fishery is a preferred employment destination for foreign crew
 - Crew receive professional training in their home-country and are registered with a professional employment agency in their home country
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Compensation

- Foreign crew get paid more working in the fishery than they would working at home
 - Workers are paid directly and not through third parties (crew agents)
 - Compensation includes base monthly salaries plus trip bonuses
 - Vessel owners pay for cost of work (crew transportation, lodging, food, and medical costs)

Oversight by Customs and Border Protection

- Since the early 1950's, foreign nationals seeking fishing crew jobs on US vessels have not been allowed to obtain a 1B contract worker visa (unlike other US industries, e.g. agriculture).
- Pursuant to 50 CFR 8103, foreign crew are allowed to work on HI longline vessels; however, these crew are not afforded a work visa and since 2001 have not been allowed to fly into the United States
 - Crew are not provided visas and thus not allowed entry into the United States
 - Crew live on Hawaii fishing vessels and must be within 5 minutes of the vessel within Honolulu Harbor
- CPB is the federal agency responsible for documenting the arrival, whereabouts during the contract period and repatriation at the end of the crew contracts
- CPB is provided names of foreign crew prior to arrival and authorization
- Foreign crew are documented, legal, non-immigrant workers. They are not undocumented, illegal immigrants
- CBP has a daily presence in Honolulu Harbor and maintains a list of all crew employed in the fishery by fishing vessel and verifies crew identification and working conditions

- Vessel owner contacts CBP when picking up crew and to request permission to transport crew to depart Honolulu or for medical appointments and consular services

Consulates and Community Connections

- CBP allows crew to get off the vessel but remain within the Pier 38 fishing village to use the restroom, restaurants, retail shops, phone, free internet, and connect with church and community groups
- Every Tuesday and Friday evenings community groups provide crew food, medical, dental service and fellowship
- Indonesia and Philippines consulate personnel regularly check on their workers

Misleading Scrutiny Led to Industry Action

- Alleged exploitation of a loophole in the federal regulations
- Accusations of poor working conditions, confinement (“floating prisons”) and human trafficking
 - HLA responded by conducting an assessment of the crew. No evidence of human trafficking or forced labor were uncovered.
 - HLA took action to educate vessel operators and strengthen protections for workers,
 - Formed industry task force
 - Developed standard universal crew contract (translated)
 - Developed crew handbook (translated)
 - Developed employer’s code of conduct based on international and domestic fair labor guidance
 - Established a crew grievance mechanism
 - Implemented standards in the fishery with signed Letter’s of Assurance from vessel owners and captains
 - Non compliance could result in loss of access to the daily fish auction by the United Fishing Agency
 - Formed a Crew Grievance Committee that meets quarterly and includes participation from HLA, vessel owners, Hawaii Seafarers Ministry, crew contacts, and consultants.

Human Trafficking and Forced Labor is a serious issue

- US Dept of Homeland Security is the competent government authority in regard to foreign workers in the Hawaii fishery
- Homeland Security has made it publicly known that there has never been a situation in the Hawaii fishery that led to prosecution or conviction of a vessel operator for Forced Labor or Human Trafficking

San Francisco case

- Civil (non-criminal case) settled between crew and vessel owners
- California based vessel with Hawaii longline limited entry permit, but did not operate or land out of Hawaii during the case period.

Not Displacing US jobs

- Foreign crew are professional, able-bodied fishermen willing to work multiple years in the fishery
- Difficult to find local, professional fishing crew willing to perform this work for multiple trips