

LATE



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR HOUSE CONCURRENT RESOLUTION 187/HOUSE
RESOLUTION 114, REQUESTING THE UNITED STATES CUSTOMS AND BORDER
PROTECTION TO ESTABLISH A CREWMEMBER'S VISA FOR FOREIGN
CITIZENS WORKING IN THE COMMERCIAL FISHING INDUSTRY**

**House Committee on Judiciary
Hon. Scott Y. Nishimoto, Chair
Hon. Joy A. San Buenaventura, Vice Chair**

**Thursday, March 23, 2017, 2:15 PM
State Capitol, Conference Room 325**

Honorable Chair Nishimoto and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 350 members. On behalf of our members, we offer this testimony in strong support of HCR 187/HR 114, requesting the United States Customs and Border Protection to establish a crewmember's visa for foreign citizens working in the commercial fishing industry.

Last September, the Associated Press released a groundbreaking investigative report on Hawai'i's commercial fishing industry, in which undocumented workers were found to be living in slave-like conditions. According to the report, "Over six months, the AP obtained confidential contracts, reviewed dozens of business records and interviewed boat owners, brokers and more than 50 fishermen in Hawaii, Indonesia and San Francisco. The investigation found men living in squalor on some boats, forced to use buckets instead of toilets, suffering running sores from bed bugs and sometimes lacking sufficient food. It also revealed instances of human trafficking."

One of the primary problems in providing assistance to the workers in question is their lack of a visa, which effectively prevents them from coming onto land and exacerbates their captive condition. While U.S. Customs and Border Protection and the Coast Guard routinely inspect commercial fishing vessels, neither agency has any authority to take action on many of the common complaints that they hear, such as criminally low wages (that are often tied to debt bondage involving third-party recruitment agencies).

Under federal law, U.S. citizens must make up 75 percent of the crew on most commercial fishing vessels. Yet, powerful lawmakers, including the late Hawaii Sen. Daniel Inouye, pushed

for a loophole to support our local fishing industry that exempted commercial fishing boat owners from federal rules applied in other locations. Thus, as the Associated press reported, about 700 foreign workers in Hawai'i, who catch \$110 million worth of seafood annually, lack labor rights most Americans take for granted and little legal recourse. They are detained on boats where U.S. Customs and Border Protection requires captains to hold the men's passports, which violates federal labor trafficking laws that criminalize possession of workers' identification documents.

The following excerpt from the AP's story evinces what Hawai'i's anti-trafficking community has long known to be occurring:

Here's how it works: When boat owners need crew, they pay brokers abroad or in Honolulu to bring the men from overseas — mostly from Indonesia, the Philippines, Vietnam and the tiny Pacific island nation of Kiribati. It can take weeks to coordinate, sign contracts, buy airline tickets and arrange travel documents for each fisherman...

"For one crew, one person, it's about \$10,000," said Honolulu-based agent Hernan Santiago, who works on commission. He also wires money home to the fishermen's families, gets them phone cards and assists in times of crisis. "I'm playing the middle man."

Regional Customs director Brian Humphrey said his agency could issue the workers temporary permits allowing them to enter the U.S., similar to those sometimes used by cruise ships employees. But he added that option would be "administratively cumbersome." And so these crew members aren't even allowed to land at the airport in Honolulu...

The fishermen are paid as little as \$350 a month, far below U.S. minimum wage, but still more than they can make back home in countries where people live on less than a dollar a day. Many workers also get small bonuses, lifting their monthly pay to \$500 or \$600. A lucky few get a percentage of the catch, making it possible to triple their wages. They're willing to give up their freedom of movement for these jobs because of the salary.

For many boat owners, the fishermen are a bargain: Bait and ice can cost more than crew salaries. **Some of the foreign workers in Hawaii earn less than \$5,000 for a full year.** By contrast, the average pay for an American deckhand nationwide last year was \$28,000, sometimes for jobs that last just a few months, according to government statistics. Experienced American crew members working in Alaska can make up to \$80,000 a year.

Until Congress closes the legal loophole that permits the exploitation of indigent fishermen just off our shores, we must endorse any means of easing their access to justice. Every day, we eat the food they provide to our restaurants and hotels. In return for supplying our hospitality industry with food, they deserve our care. Mahalo for the opportunity to testify in support of this resolution.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

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HR114

Submitted on: 3/21/2017

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Submitted By	Organization	Testifier Position	Present at Hearing
Richard Mizusawa	Individual	Support	No

Comments:

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HCR187

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Javier Mendez-Alvarez	Individual	Support	No

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HCR187

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Submitted By	Organization	Testifier Position	Present at Hearing
April Bautista	Individual	Support	No

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