

THE HUMAN TRAFFICKING PRO BONO LEGAL CENTER



August 30, 2016

Secretary John Kerry
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Re: Request for Immediate Suspension of Qatar from A-3/G-5 Program

Dear Secretary Kerry:

The Human Trafficking Pro Bono Legal Center (HT Pro Bono), along with the undersigned community-based organizations, labor organizers, and anti-trafficking advocates, write to address the State Department's role in preventing the abuse and exploitation of domestic workers on A-3 and G-5 visas. We request that the State Department immediately suspend Qatar from the A-3/G-5 visa program, as mandated by the William Wilberforce Trafficking Victims Protection Re-Authorization Act of 2008 (Wilberforce Act).

The Wilberforce Act mandates that the Secretary of State **shall** suspend the issuance of A-3 or G-5 visas to applicants "seeking to work for officials of a diplomatic mission or an international organization, *if the Secretary determines that there is credible evidence that 1 or more employees have abused or exploited 1 or more non-immigrants holding an A-3 or G-5 visa, and that the diplomatic mission or international organization tolerated such actions.*"¹

Qatar fully meets these criteria.

With the Wilberforce Act, Congress gave the State Department a powerful tool to halt the abuse of domestic workers. To date, the State Department has not suspended a single nation, despite reports of human trafficking and other egregious exploitation.

The Senate Appropriations Language attached to the State Department's 2015 budget provides guidance on the criteria for suspension:

Provided, That in determining whether to suspend the issuance of A-3 or G-5 visas under such section, the Secretary should consider the following as "credible evidence": (1) a final court judgment (including a default judgment) issued against a current or former employee of such mission or organization (for which the time period for appeal has expired); (2) the issuance of a T-visa to the victim; or (3) a request by the Department of State to the sending state

¹ TVPRA, Section 203(a)(2) [emphasis added].

*that immunity of individual diplomats or family members be waived to permit criminal prosecution.*²

There is credible evidence that representatives of Qatar have abused or exploited at least 4 non-immigrants holding A-3 or G-5 visas. A final judgment has been issued against one former diplomat posted at Qatar's diplomatic mission in Washington, D.C. A Qatari official and his wife pled guilty³ and paid restitution to two victims after facing a federal criminal indictment for human trafficking in Texas.

There Is Significant Credible Evidence to Suspend Qatar

There have been multiple, credible cases of human trafficking and other abuses of domestic workers in the United States involving Qatari officials. The facts of these cases are outlined below:

Criminal Case Involving Qatari Officials

United States v. Al Homoud

On June 3, 2015, a federal grand jury in San Antonio, Texas issued an indictment against a Qatari foreign official and his wife. The indictment charged that the Qatari official, a colonel, and his wife had trafficked two domestic workers into forced labor into their home near the U.S. military base Camp Bullis.⁴ The criminal complaint alleged that the two women were kept in domestic servitude for eight months, working long hours each day without breaks or access to a restroom. The domestic workers received just one small meal of leftovers at night. One worker caught eating food out of the trash was allegedly beaten viciously with a stick. At the end of each day, the women were driven to a separate apartment and allegedly locked in from the outside.⁵ During the sentencing hearing, the court heard that the victims were held in a box in the garage of the family home after their work was finished in the house. The court also heard that one victim was denied medical care, despite complaints of extreme stomach pain.⁶

U.S. District Chief Judge Orlando Garcia referred to defendants' treatment of the women as "barbaric." The Qatari official pled guilty to visa fraud⁷ and his wife pled guilty to failing to report knowledge of a felony.⁸ On February 9, 2016, the federal court sentenced the husband and wife defendants to five and three years' probation, respectively, and immediate removal from the United States.⁹ Judge Garcia, clearly appalled by the light sentence requested by the federal

² Department of State, Foreign Operations, and Related Programs Appropriations Act of 2015, § 7034(k), Pub. Law No. 113-235.

³ The husband, Mr. Al-Homoud, pled guilty to 18 USC §1546(a) (visa fraud) and his wife, Mrs. Al-Hosani, pled guilty to 18 USC §4 (misprision of a felony).

⁴ Indictment, *United States v. Al-Homoud*, No. 15-00391 (W.D. Tex. June 3, 2015).

⁵ Criminal Complaint, *United States v. Al-Homoud*, No. 15-00391 at 3 (W.D. Tex. June 1, 2015).

⁶ Transcript of Sentencing Hearing, *United States v. Al-Homoud*, No. 15-00391 at 21 (W.D. Tex. Feb. 9, 2016).

⁷ Judgment (ECF 77), *United States v. Al-Homoud*, No. 15-00391 at 1 (W.D. Tex. Feb. 10, 2016). Attached as Exhibit A.

⁸ Judgment (ECF 79), *United States v. Al-Hosani*, No. 15-00391 at 1 (W.D. Tex. Feb. 10, 2016). Attached as Exhibit B.

⁹ See Transcript of Sentencing Hearing, *United States v. Al-Homoud*, No. 15-00391 at 21 (W.D. Tex. Feb. 9, 2016).

prosecutors under the plea agreement, demanded that the U.S. government provide a report within 45 days of sentencing on the State Department's efforts to end these abuses.¹⁰

Civil Human Trafficking Case Involving a Qatari Official

Butigan v. Al-Malki

On May 12, 2014, the federal court in the Eastern District of Virginia issued a default judgment final order finding a diplomat, the former medical attaché at the Embassy of Qatar, and his wife liable for trafficking an A-3 domestic worker from the Philippines to the United States for forced labor. The court awarded the victim \$492,717 in punitive and compensatory damages.¹¹ Ms. Butigan's federal civil complaint alleged that she worked around the clock for five months, earning approximately \$0.75 per hour. She alleged that she suffered extensive emotional and verbal abuse, was denied necessary dental care, and slept on a floor. After two years, the judgment remains unpaid.

International Tribunal Actions Involving Qatar

In addition to the *Butigan* civil trafficking case, the ACLU filed a petition against the United States before the Inter-American Commission on Human Rights.¹² That petition, filed in 2007, is still pending.¹³ The petition alleged that the former Ambassador to the Qatar Mission of the United Nations trafficked a domestic worker from Indonesia to the United States for forced labor. Ms. Aisah, the domestic worker, alleged that she was kept in domestic servitude for seventeen months. She also alleged that defendants restricted her freedom of movement and communications. The victim did not pursue a civil case because she believed diplomatic immunity precluded relief.

Civil Human Trafficking Case Involving Qatari Civilians with Government Support

Lagasan v. Al Ghasel

In addition to the case against the medical attaché at the Qatari Embassy in Washington, DC, a victim brought a case against a civilian funded by the Government of Qatar to come to the United States. On March 17, 2015, a federal court in the Eastern District of Virginia issued a default judgment final order holding two citizens of Qatar liable for trafficking a domestic worker from the Philippines to the United States for forced labor. The court awarded the domestic worker \$749,351 in punitive and compensatory damages.¹⁴ The federal civil complaint alleged that Ms. Lagasan was kept in domestic servitude for more than a year, forced to sleep in a closet and denied medical care. According to a document signed by Mr. Al Maliki, the Qatari medical attaché (and defendant in the *Butigan* case), the government of Qatar paid the defendants a stipend of \$300 *per day* during their stay in the United States.

¹⁰ The report was due on March 25, 2016. It has not been made public.

¹¹ Order and Final Judgment, *Butigan v. Al Malki*, No. 1:13-cv-00514 (D.D.C. May 12, 2014). Attached as Exhibit C.

¹² Petition Alleging Violations by the United States of America of the Human Rights of Domestic Workers Employed by Diplomats, Inter-American Commission on Human Rights, IACHR – P-1481-07, Nov. 15, 2007.

¹³ It is our understanding that the U.S. Government responded to this petition on May 5, 2016.

¹⁴ Judgment, *Lagasan v. Al-Ghasel*, No. 14-cv-01035 (E.D.Va. Mar. 17, 2015). Attached as Exhibit D.

Qatar Has Tolerated the Abuse

Congress included a definition of “tolerating abuse” in the 2014 Appropriations Report Language. The report language states:

In addition to the directives in subsection (k) of this section and with respect to the implementation of section 203(a)(2) of Public Law 110-457, the Secretary of State is directed to consider the failure to provide a replacement passport within a reasonable period of time to a T-visa recipient; the existence of multiple concurrent civil suits against members of the diplomatic mission; or failure to satisfy a civil judgment against an employee of the diplomatic mission as sufficient to determine that such mission “tolerated such actions.”

The multiple cases described above illustrate that the government of Qatar has tolerated this abuse. Evidence of tolerance is threefold:

- First, the Government of Qatar has made no effort to settle the 2014 final judgment \$492,717 against a diplomat (*Butigan v. Al-Malki*, above).
- Second, the absolute number of cases evidences a lack of concern with these abuses. There is no evidence that Qatar has taken any steps to prevent these abuses.
- Third, the domestic worker abuse witnessed in the United States is echoed by allegations of abuse by Qatari diplomats in Europe.¹⁵ The trafficking of domestic workers by Qatari diplomats is not limited to the United States.¹⁶

Given the magnitude of domestic worker abuse by Qatari officials and citizens, the United States government should enforce U.S. law and suspend *all* Qatari officials from A-3/G-5 visa privileges. The failure to do so only rewards Qatar’s continued tolerance of abuse and exploitation of non-immigrants holding A-3/G-5 visas.

Conclusion

This record provides significant, credible evidence to warrant the suspension of Qatar from A-3/G-5 visa privileges. Congress sent a clear message in 2008: there must be consequences for diplomats and international officials who abuse and exploit domestic workers. The State Department should now enforce the law to prevent further trafficking of domestic workers by diplomatic officials of Qatar. The country’s record of abuse speaks for itself.

A 2015 report by the National Domestic Workers Alliance called upon the State Department to “ensure meaningful consequences for diplomats and international officials and agencies who

¹⁵ Janene Pieters, “Domestic Workers Exploited by Diplomats in the Netherlands,” July 2016, NL Times.NL, <http://www.nltimes.nl/2016/07/14/domestic-workers-exploited-diplomats-netherlands>. Qatar was singled out as a country with allegations against diplomats for abuse of domestic workers.

¹⁶ According to the 2015 State Department Trafficking in Persons Report Qatar Chapter, “The government provided anti-trafficking training for new diplomatic personnel, but did not provide specific anti-trafficking training for its existing diplomatic personnel posted abroad.” Given the cases outlined, these programs have yet to show any effectiveness. The “training program” should not serve as grounds for denying this suspension request.

defraud or abuse domestic workers, including requesting waivers of immunity and suspending countries and agencies from the ability to bring more workers.”¹⁷ We reiterate this call and ask for immediate suspension of Qatar.

If you have any further questions, please do not hesitate to contact Martina Vandenberg, president of HT Pro Bono, at mvandenberg@htprobono.org or 202.716.8485.

Sincerely,

AFL-CIO
AALDEF
Advocating Opportunity
American Gateways
Americans for Immigrant Justice
API Legal Outreach
Coalition of Immokalee Workers
Coalition to Abolish Slavery and Trafficking (CAST)
The Freedom Network
Human Rights Watch
The Human Trafficking Pro Bono Legal Center
International Organization for Adolescents (IOFA)
Mosaic Family Services
My Sisters’ Place
The National Domestic Workers Alliance
New York Anti-Trafficking Network
Safe Horizon
Sanctuary for Families
Southern Poverty Law Center
VIDA Legal Assistance, Inc.
Worker Justice Center of New York

Individual Signatories:

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Cc: Senator Bob Corker, Chairman, Senate Foreign Relations Committee
Senator Ben Cardin, Ranking Member, Senate Foreign Relations Committee
Senator Marco Rubio, Senate Foreign Relations Committee

¹⁷ National Domestic Workers Alliance, *Beyond Survival* at 9 (2015).

Senator Chuck Grassley, Chairman, Senate Judiciary Committee
Senator Patrick Leahy, Ranking Member, Senate Judiciary Committee

The Office to Monitor and Combat Trafficking in Persons, Department of State

The Office of the Chief of Protocol, Department of State

The Bureau of Consular Affairs, Department of State

The Bureau of Diplomatic Security, Department of State