

# Justice in Motion

## Discrimination, Detention, and Deportation: Immigration & Refugees

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### Policy Issue Resources

About Us

Our Work

Visa Pages

News & Media

More

When migrants from Mexico and Central America suffer labor exploitation or civil rights abuses in the U.S. or Canada, their lawyers need support across borders to ensure that migrants can still participate in their cases -- even after they've returned to their home countries. Similarly, when migrants who are fleeing violence and persecution in Mexico and Central America have pending immigration cases in the U.S. or Canada, their lawyers oftentimes need support across borders to gather evidence for their cases.

Our legal action program provides migrants with access to justice through three pathways. First, we match U.S. and Canadian lawyers with members of our Defender Network to provide case support in their migrant clients' countries of origin. Second, we train and advise U.S. and Canadian lawyers to take on and succeed at the crucial work of representing migrants who cross borders. Third, we support the Justice in Motion Defender Network (comprised of Mexican and Central American advocates) as they pursue cases for migrants who are victims of foreign worker recruitment fraud and abuse.

The Advocate needs work done in clients' country of origin to support a case pending in the U.S. or Canada and contacts Justice in Motion. Justice in Motion reviews the case with the Advocate then assigns it to a Defender.

The Advocate completes a one-time Advocate Agreement and the case-specific Case Facilitation Contract, which Justice in Motion and the Defender review and edit. The Advocate, Justice in Motion, and the Defender sign the contract.

The Defender completes the tasks assigned for the case, maintaining direct communication with the Advocate.

The Defender sends an hour and expense report to Justice in Motion. Justice in Motion reviews the report, invoices the Advocate, and pays the Defender. The Advocate pays Justice in Motion after receiving the invoice.

The Advocate and Defender complete an evaluation about the Case Facilitation, and the Advocate reports the case outcome (when known) to Justice in Motion.

Justice in Motion maintains expertise in transnational litigation issues, as well as the regulatory framework affecting migrant workers in the U.S. and Canada and their struggle to access justice across borders. We are available for advice and referral services.

We frequently conduct lectures and trainings for U.S. lawyers on transnational litigation issues. Every two years, we publish a *Challenges in Transnational Litigation* manual that describes strategies and practice pointers for U.S. lawyers who represent migrant plaintiffs and face legal challenges when representing clients who have left the U.S. There is currently no charge for the manual, but we appreciate donations to support the development and maintenance of this resource.

**This manual is the Rosetta Stone for lawyers representing H-2 workers in litigation in U.S. courts. If you represent transnational low-wage workers with employment claims and you're not using this manual, you should start now.**

**-Douglas Stevick, General Counsel, Texas RioGrande Legal Aid**

Not all rights violations that migrants suffer can be adequately addressed in the U.S. and Canada. Sometimes access to justice is needed in the migrants' country of origin.

We support Defenders to initiate strategic litigation challenging abusive labor contractors hired by U.S. or Canadian companies to recruit in the countries of origin for temporary foreign worker visas.

The Defender Network may provide legal support to address violations of law that occur in the country of origin. Common abuses suffered include:

**Recruitment Abuse:** Workers are charged illegal fees for job offers.

**Recruitment Fraud:** Workers are defrauded of hundreds of dollars and their identity documents for jobs that do not exist.

**Threats:** Workers experience intimidation to force them to drop their legal claims.

**Retaliation:** Workers are often not rehired to return on temporary worker programs after they have complained of abuses.

**Trafficking:** Trafficking often starts in workers home countries. Additional remedies, both civil and criminal, may be available for the trafficked person.

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