

No. 25-7143

**United States Court of Appeals
for the District of Columbia**

UNITED STATES EX REL. LARRY HAWKINS, et al.,

Plaintiffs – Appellants,

v.

MANTECH INTERNATIONAL CORPORATION and
MANTECH TELECOMMUNICATIONS AND INFORMATION
SYSTEMS CORPORATION,

Defendants – Appellees.

Appeal from the United States District Court
for the District of Columbia

Hon. Amy Berman Jackson, No. 1:15-cv-2105-ABJ

**BRIEF OF THE HUMAN TRAFFICKING LEGAL CENTER
AS *AMICUS CURIAE* IN SUPPORT OF
APPELLANTS AND REVERSAL**

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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Parties. To the best of amicus's knowledge, all parties, intervenors, and amici appearing in this court are listed in the Brief for Plaintiffs-Appellants.

Rulings Under Review. To the best of amicus's knowledge, references to the rulings at issue appear in the Brief for Plaintiffs-Appellants.

Related Cases. To the best of amicus's knowledge, all related cases are identified in the Brief for Plaintiffs-Appellants

CORPORATE DISCLOSURE STATEMENT

Amicus curiae the Human Trafficking Legal Center is a nonprofit § 501(c)(3) organization. It has no parent corporation and no publicly traded stock. No publicly held corporation owns any part of it.

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GLOSSARY

ILO	International Labour Organization
Mem. Op.	District Court's Memorandum Opinion
OB	Plaintiffs-Appellants' Opening Brief
PCOF	Plaintiffs' Counterstatement of Fact
TVPA	Trafficking Victims Protection Act
TVPRA	Trafficking Victims Protection Reauthorization Act

INTEREST OF THE AMICUS¹

The Human Trafficking Legal Center is a non-profit organization dedicated to helping survivors obtain justice. Since its inception in 2012, the Center has trained more than 5,000 attorneys at top law firms across the country to handle civil trafficking cases pro bono, referred more than 670 trafficking matters to counsel for pro bono representation, and educated over 16,000 community leaders on victims' rights. The Center also gathers data on every federal civil trafficking case filed under 18 U.S.C. § 1595 and publishes annual reports describing trends in human trafficking federal case law. The Center has also participated as an amicus in other trafficking and forced labor cases. Through this advocacy, the Center has developed extensive expertise and familiarity with patterns of trafficking and forced labor, as well as the prevailing legal standards.

The Center submits this amicus brief because the district court's opinion misapplied the Trafficking Victims Protection Reauthorization Act (TVPRA). The decision improperly converted a fundamentally factual

¹ All parties consented to the filing of this brief. No counsel for any party authored this brief in whole or in part, and no person other than amicus and its counsel contributed any money intended to fund preparing or submitting this brief.

question—whether plaintiffs were coerced—into a legal inquiry, and then answered that inquiry by improperly weighing the evidence in defendants’ favor.

SUMMARY OF ARGUMENT

Plaintiffs are mechanics who were trapped in Kuwait for two years working for defendants. While there, plaintiffs were forced to work 72-hour work weeks and lived in fear of detention because they were required to be complicit in an illegal visa process that put their immigration status at issue. And they could not leave without incurring ruinous financial penalties. The district court granted summary judgment to defendants on plaintiffs’ TVPRA claims by drawing inferences against plaintiffs and resolving material factual disputes to hold plaintiffs were not coerced to work.

That ruling should be reversed. The district court’s decision reflects a misunderstanding of the complexity of coercion in modern forced labor cases. Plaintiffs were subjected to many conditions that are clear red flags for forced labor—and the district court downplayed all of these. Specifically, the district court did not properly account for the specific vulnerabilities of each plaintiff; did not give proper weight to the fact that their

employers forced them into an illegal immigration status far from home; did not appropriately weigh plaintiffs' oppressive working conditions; did not give proper weight to the financial penalties they faced for leaving their jobs; and gave far too much weight to superficial indicia of freedom, including plaintiffs' access to housing and various amenities.

Given these facts, this case was inappropriate for summary judgment. Instead, the court should have allowed the jury to weigh this evidence and determine whether plaintiffs were, in fact, coerced. Indeed, similar facts are present in many forced labor situations. Their existence cannot and should not defeat liability as a matter of law.

In taking the contrary approach, the district court purported to follow the Fourth Circuit's decision in *Muchira v. Al-Rawaf*, 850 F.3d 605 (4th Cir. 2017), which is a pro-defendant outlier among trafficking decisions. In fact, the district court here went even *further* than *Muchira* by discounting even more egregious facts than were present in that case. If affirmed or followed by other courts, the decision below will undermine federal legal protections for trafficking victims and provide traffickers a roadmap to keep victims in forced labor.

ARGUMENT

I. Federal Anti-Trafficking Laws Are Drafted and Construed to Cover the Full Breadth of Trafficking and Forced Labor Offenses.

“Human trafficking has no boundaries and respects no laws.” U.S. Dep’t of State, *Trafficking in Persons Report* 13 (July 2015), <https://tinyurl.com/yymvrbnz>. It “can take place even if the victim initially consented to providing labor . . . [and] [e]ven if the victim offered themselves voluntarily to perform work or services, if the work or services is no longer voluntary, the labor is forced.” U.S. Dep’t of State, *Trafficking in Persons Report* (2025), <https://tinyurl.com/5n8jy8kt>. The sheer pervasiveness of labor trafficking is shown in the numbers. The International Labour Organization estimates that, in 2021, 49.6 million people were trapped in forced labor situations. Int’l Labour Org., *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Executive Summary 2* (Sept. 2022), <https://tinyurl.com/45zcrnb7>.

In 2000, Congress passed the Trafficking Victims Protection Act (TVPA)—the first comprehensive U.S. legislation aimed at prosecuting

and preventing human trafficking, including labor trafficking.² Although the TVPA initially provided only for criminal enforcement, through reauthorizations to address this “dark side of globalization,” H.R. Rep. No. 110-430, at 33 (2007), Congress broadened its scope. In 2003, finding that human trafficking “continues to victimize countless men, women, and children in the United States and abroad,” Congress created a private right of action—18 U.S.C. § 1595—empowering victims to bring a civil action for damages and attorneys’ fees against perpetrators.³ And in 2008, Congress broadened the definition of “forced labor” in the central provision at issue in this case, 18 U.S.C. § 1589.⁴

Forced labor includes obtaining:

the labor or services of a person ... by means of the abuse or threatened abuse of law or legal process; or ... by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.

² See Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000).

³ See Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, §§ 2(1), 4(a)(4)(A), 117 Stat. 2875, 2878 (2003).

⁴ See William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, § 222(b)(3), 122 Stat. 5068 (2008).

18 U.S.C. § 1589(a).⁵

The 2008 TVPRA also defined the threat of “serious harm” used to obtain forced labor to mean:

any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

Id. § 1589(c)(2). Here, Congress recognized that psychological abuse and nonviolent coercion can create an environment of fear and intimidation that may prevent a worker from leaving an exploitive work situation.

The TVPRA received “bipartisan” praise as the culmination of a decade’s work “to ramp up our country’s efforts to prevent trafficking, protect victims and prosecute perpetrators.” 153 Cong. Rec. H14098, H14113

⁵ Likewise, “involuntary servitude” reaches a condition of servitude induced by means of ... any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or ... the abuse or threatened abuse of the legal process.

22 U.S.C. § 7102(8).

(daily ed. Dec. 4, 2007) (statement of Rep. Jackson-Lee). The amendment was intended to “help us stop this terrible trade, give victims the ability to be free and face their accusers, and help America shine our light around the world.” *Id.* at H14121 (statement of Rep. Pearce).

II. The District Court Erred by Refusing to Consider Holistically the Facts Supporting Plaintiffs, Which Show Typical Indicia of Vulnerability and Forced Labor.

Congress intended § 1589 “to ‘reach cases in which persons are held in a condition of servitude through nonviolent coercion.’” *United States v. Dann*, 652 F.3d 1160, 1169 (9th Cir. 2011) (quoting TVPA § 102(b)(13)); *see also Muchira*, 850 F.3d at 617 (following *Dann*). The law was enacted in response to an earlier Supreme Court decision, *United States v. Kozminski*, 487 U.S. 931 (1988), which had “limited the definition of involuntary servitude to ‘physical’ or ‘legal’ coercion.” *Dann*, 652 F.3d at 1169 (citing *Kozminski*, 487 U.S. at 952). The TVPA defined “involuntary servitude” and created two new prohibitions on forced labor and trafficking—§§ 1589 and 1590—“to address the increasingly subtle methods of traffickers who ... restrain their victims without physical violence or injury.” *Kiwanuka v. Bakilana*, 844 F. Supp. 2d 107, 115 (D.D.C. 2012) (quoting H.R. Rep. No. 106-939, at 101 (2000)).

The facts here fit that pattern. Plaintiffs are mechanics who were trapped in Kuwait without their passports (*e.g.*, Plaintiffs' Counterstatement of Fact (PCOF) at 3, 42), in fear of being detained by authorities (PCOF at 40-41, 48-49, 53-54), forced by defendants to do illegal visa runs (*e.g.*, PCOF at 46),⁶ and thus instilled by defendants with fear of deportation (PCOF at 55-56), working 70-hour work weeks (PCOF at 7, 22), without proper safety equipment (PCOF at 7, 9, 11, 20-22),⁷ without proper compensation (PCOF at 4-6), and living in fear and unable to leave because they were repeatedly told that they would have to pay a significant financial penalty of up to \$15,000 if they were fired or left their jobs before two years (PCOF at 3, 7, 23-25).

Each of these conditions is a known and common indicator of forced labor. *See* Int'l Labour Org., *ILO Indicators of Forced Labour* 7-27 (2025 rev. ed.), <https://tinyurl.com/ywe78w68> (citing, *inter alia*, abuse of vulnerability, retention of identity documents, withholding of wages, abusive working and living conditions, and excessive overtime as indicators of

⁶ "Illegal visa runs" refers to defendants' demand that plaintiffs travel to refresh tourist visa papers. PCOF at 46.

⁷ Notably, the district court drew inferences regarding personal protective equipment in defendants' favor, rather than plaintiffs'. *See* Mem. Op. 11.

forced labor); U.S. Dep't of Homeland Sec., *What Is Forced Labor?* (last updated Sept. 23, 2025), <https://www.dhs.gov/blue-campaign/forced-labor> (listing *inter alia*, unstable immigration status, language barriers, and lack of social support systems as indicia of forced labor and citing the ILO's indicators of forced labor as authoritative).

In evaluating whether the foregoing facts could support a forced labor claim, the Court must apply a victim-centered approach. Thus, whether labor is coerced through a threat of “serious harm” must be evaluated “under all the surrounding circumstances” and, in particular, from the perspective of “a reasonable person of the *same background and in the same circumstances*” as the plaintiff. 18 U.S.C. § 1589(c)(2) (emphasis supplied); see *United States v. Rivera*, 799 F.3d 180, 186-87 (2d Cir. 2015) (explaining that the “correct standard” requires courts “to consider the particular vulnerabilities of a person in the victim’s position but also requires that her acquiescence be objectively reasonable under the circumstances”). The district court misapplied the law because it did not give due regard to plaintiffs’ individual backgrounds, circumstances, and vulnerabilities—and repeatedly downplayed the inherently coercive nature of defendants’ misconduct.

At a high level, to properly evaluate the plaintiffs' vulnerabilities, it would be essential for a finder of fact to hear from the plaintiffs themselves. The district court erred by instead deciding the issue as a matter of law in defendants' favor with almost no analysis. *See generally* Mem. Op. 37-38 (concluding that plaintiffs were "not vulnerable" because they were experienced mechanics who had previously worked in the Middle East). Even a cursory review of the evidence reveals that the district court got this wrong.

First, plaintiffs were abroad in Kuwait, dependent upon their employer for their work status, without consistent access to their passports, and in fear of detention by Kuwaiti authorities due to the unlawful visa runs required by defendants to maintain their presence in the country. Indeed, plaintiffs testified that they feared arrest, beatings by Kuwaiti police, and deportation if their visa status were discovered. *See* OB10-13 (citing evidence).

Immigration status is recognized as a factor that makes a person vulnerable to nonphysical coercion. *E.g.*, *United States v. Murra*, 879 F.3d 669, 688 (5th Cir. 2018) (holding that "illegal aliens" are "a group targeted as victims of forced labor" and accordingly "vulnerable"); *United States v.*

Callahan, 801 F.3d 606, 618 (6th Cir. 2015) (recognizing “unique vulnerabilities of foreign-born victims”); *United States v. Farrell*, 563 F.3d 364, 374 (8th Cir. 2009) (noting “special vulnerabilities” include being in the country under temporary work visas sponsored by the defendant) (citation omitted); *United States v. Calimlim*, 538 F.3d 706, 713 (7th Cir. 2008) (same). Indeed, plaintiffs’ precarious immigration situation is a clear red flag for forced labor. *See Adia v. Grandeur Mgmt., Inc.*, 933 F.3d 89, 93 (2d Cir. 2019) (holding that threatening to withdraw immigration sponsorship constitutes abuse of legal process); *United States v. Kalu*, 791 F.3d 1194, 1212 (10th Cir. 2015) (finding that threats of deportation constitute serious harm); *Ali v. Khan*, 336 F. Supp. 3d 901, 908-09 (N.D. Ill. 2018) (threat of deportation was sufficient to sustain a forced labor claim); *Aguirre v. Best Care Agency, Inc.*, 961 F. Supp. 2d 427, 443-45 (E.D.N.Y. 2013) (material disputed facts precluded summary judgment where defendants may have used threats of deportation “to force [plaintiff] to remain working for them, for less than the prevailing wage rates”); *cf. Kozminski*, 487 U.S. at 948 (“threatening ... an immigrant with deportation could constitute the threat of legal coercion that induces involuntary servitude”). That is because, among other things, plaintiffs had no legal

employment alternatives in Kuwait: they were dependent on defendants for their livelihoods. And the consequences of being discovered (or reported) would have been ruinous to plaintiffs. *See, e.g., Int'l Labour Org., ILO Indicators of Forced Labour, supra*, at 19 (“[W]orkers often feel unable to approach the authorities for help, fearing deportation. They may also find it impossible to change jobs, access essential services or leave the country.”).

The district court should have held that plaintiffs’ immigration status created a disputed issue of fact regarding their vulnerability and whether they were coerced. Instead, the court flatly held that because plaintiffs were experienced mechanics who had previously worked in the Middle East, they were not vulnerable. Mem. Op. 37-38. But, as plaintiffs explain, their previous experience taught them how aggressive Kuwaiti authorities were when dealing with workers who lacked proper documentation or visas, PCOF at 48, which aggravated the vulnerability. Moreover, plaintiffs testified that none of their prior employers engaged in misconduct on the same scale as defendants. Even limited to the immigration issue, the question of plaintiffs’ vulnerability was accordingly a factual

one for the jury—not appropriately decided as a matter of law at summary judgment.

It was also error to silo and discount the oppressive working conditions to which plaintiffs were subjected. Imposing long hours of difficult work in poor conditions is a common method by which traffickers control their victims. *E.g.*, *Rojas v. First Pick Farms LLC*, 2026 WL 18617, at *10 (W.D. Mich. Jan. 2, 2026) (citations omitted); *F.C. v. Jacobs Sols. Inc.*, 790 F. Supp. 3d 1158, 1192 (D. Colo. 2025) (citations omitted). Plaintiffs here were subjected to 12 hours or more of intense physical labor in a facility with very poor air quality for six days a week. Mem. Op. 10 (citing DSOF ¶196). The district court brushed this aside, essentially saying that the poor working conditions were not defendants’ fault because others also bore responsibility for the facilities, and plaintiffs were told that the space had “Poor Ventilation.” Mem. Op. 40. But there is a world of difference between that anodyne characterization and the testimony put forth by plaintiffs explaining that the air in the workspace was permeated with soot, metal shavings, and industrial particles that coated their clothes and filled their lungs—and that they worked in that environment with no employer-provided protective equipment. *See* OB11-12 nn.14-15.

Again, the district court minimized the facts that support a forced labor claim and impermissibly construed them in the light most favorable to defendants.

The financial penalty provision (styled as liquidated damages for leaving before two years) was also coercive. Here, plaintiffs were told that they would have to pay as much as \$15,000 if they left their jobs—voluntarily or involuntarily—before completing two years of service. For mechanics making \$15 per hour, that was a tremendous sum of money, easily capable of coercing their compliance with unlawful instructions, and acquiescence to work in oppressive conditions. Courts routinely find similar financial penalty provisions actionable under the TVPRA. *E.g.*, *Melone v. Bonnet-Mooncotch*, 2025 WL 3158195, at *5 (N.D. Ill. Nov. 12, 2025) (finding the threat of a \$5,000 liquidated damages penalty “the type of facts that have been found to support ‘serious harm’ for purposes of section 1589(a)(2)”) (citations omitted); *Richardson v. Nw. Univ.*, 2023 WL 6197447, at *5-6 (N.D. Ill. Sept. 21, 2023) (allegation of potential \$10,000 financial burden “adequately supports the force-labor and forced-labor trafficking claims as a ‘threat of serious harm’ under the Act”); *Paguirigan v. Prompt Nursing Emp. Agency LLC*, 2019 WL 4647648, *19

(E.D.N.Y. Sept. 24, 2019), *aff'd in part, appeal dismissed in part*, 827 F. App'x 116 (2d Cir. 2020) (granting summary judgment to nurses because the employer “acted with knowledge and intent that the liquidated damages provision would effectively coerce nurses into continuing to work”); *see also Magtoles v. United Staffing Registry, Inc.*, 665 F. Supp. 3d 326, 362 (E.D.N.Y. 2023); *Baldia v. RN Express Staffing Registry LLC*, 633 F. Supp. 3d 693, 705 (S.D.N.Y. 2022); *Carmen v. Health Carousel, LLC*, 2021 WL 2476882, *7 (S.D. Ohio June 17, 2021); *Javier v. Beck*, 2014 WL 3058456, at *6 (S.D.N.Y. July 3, 2014); *Vidal v. Advanced Care Staffing, LLC*, 2023 WL 2783251, at *15 (E.D.N.Y. Apr. 4, 2023).

The district court's response was to hold that because the penalty provision was a lawful liquidated damages provision under Virginia law, it could not have been coercive. *See* Mem. Op. 34-36. But even if that premise were correct, the conclusion would not follow because “[r]egardless of whether the [liquidated damages provision] was enforceable,” threats to enforce it may support a TVPRA claim when such threats are used to coerce the plaintiff to work. *Baldia*, 633 F. Supp. 3d at 708 (alterations in original) (quoting *Javier*, 2014 WL 3058456, at *6). More broadly, the Seventh Circuit considered a similar argument in *Calimlim*,

where the defendants argued that when they told their employee that she would be deported if she left them, “they meant her no harm and were only telling her these things in her best interest,” and that there was no “abuse” of the law because the plaintiff was, in fact, “subject to deportation.” 538 F.3d at 713. The court of appeals held that the veracity of that explanation was for a jury to decide—and “[p]erhaps another jury might have accepted this story, but the one that heard their case did not.” *Id.* Here, instead of allowing a jury to decide the question, the district court characterized the threats in this case as mere “warnings of adverse but legitimate consequences,” and held that they were not coercive as a matter of law. Mem. Op. 36. In doing so, the court plainly did not construe the facts in the light most favorable to plaintiffs. That was error.

The error was particularly serious because courts must consider the entire web of coercion, not pull apart the threads individually to see if each one, standing alone, was sufficiently coercive. *E.g.*, *Baldia*, 633 F. Supp. 3d at 708 (considering “all the surrounding circumstances”); *Lagayan v. Odeh*, 199 F. Supp. 3d 21, 28 (D.D.C. 2016) (similar); *Lagasan v. Al-Ghasel*, 92 F. Supp. 3d 445, 453 (E.D. Va. 2015) (similar); *Dlamini v. Babb*, 2014 WL 5761118, at *6 (N.D. Ga. Nov. 5, 2014) (similar). For example,

courts have recognized that deportation risks combined with threats of financial harm are coercive. *See, e.g., Kalu*, 791 F.3d at 1198-99, 1212 (upholding § 1589 conviction where professional health care workers were duped into working as unspecialized laborers in nursing homes and threatened with deportation and financial penalties if they quit); *Nuñag-Tanedo v. E. Baton Rouge Parish Sch. Bd.*, 790 F. Supp. 2d 1134, 1138-39, 1146 (C.D. Cal. 2011) (denying motion to dismiss as to § 1589 based on plaintiffs' allegations that defendants threatened deportation and financial manipulation). But here, the district court did not consider how defendants' scheme regarding illegal visa runs and improper immigration status, as well as plaintiffs' status as U.S. nationals in Kuwait and inability to speak the language, interacted⁸ with the threat of financial harm should plaintiffs terminate their employment, on top of plaintiffs' miserable working conditions.

⁸ Indeed, the district court separated the illegal "visa runs" as a distinct question of whether that "alone" was enough to show coercion, Mem. Op. 26, but the question was not whether plaintiffs were forced to do illegal visa runs (they were); the question is whether putting plaintiffs in a position of vulnerability by being forced to participate in an illegal immigration process fed into a larger web and scheme of fear and coercion. The statute requires the court to consider "all the surrounding circumstances," not to weigh each factor in a vacuum.

The district court's error was especially clear when it brushed aside the immigration-related "abuse of legal process" claims. Specifically, although the district court acknowledged that defendants put "employees at risk of significant legal consequences, including arrest, by requiring them to make repeated visa runs and by leaving the workers without their original passports for extended periods of time," it concluded that there was insufficient evidence that these practices were for the purpose of forcing plaintiffs to stay in their jobs. Mem. Op. 25-26. That holding was only possible because the district court considered this portion of defendants' misconduct in isolation, rather than in conjunction with the overall coercive environment and forced labor scheme.

Ultimately, rather than evaluating the facts holistically in the light most favorable to plaintiffs, the district court refashioned plaintiffs' forced-labor claims into a run-of-the-mill employment dispute. The court noted there were "a number of troubling aspects," Mem. Op. 25, about plaintiffs' employment, but otherwise picked and chose facts and drew inferences against plaintiffs to conclude plaintiffs were not coerced to work. By doing so, the court effectively gave traffickers an instruction manual for how to abuse workers while evading liability. It also

erroneously transformed fundamentally factual questions into legal ones in violation of controlling law.

In some ways, the district court's approach tracks that of the Fourth Circuit in *Muchira*—which the court cited prolifically. But *Muchira* is an outlier among forced labor cases. Although the Fourth Circuit correctly expressed most of the relevant general legal principles, it applied those principles in a stilted way that favored the defendants. *See Muchira*, 850 F.3d at 617-24. The Center respectfully suggests that the Court should not endorse the approach taken in *Muchira*. However, the Court also need not expressly disagree or split with *Muchira* because the facts here much more easily support a claim of coercion. In particular, the plaintiff in *Muchira* was “at all times legally present in this country” and spoke English. *Id.* at 623. She “was given her passport every time that she needed it.” *Id.* at 624. Her working conditions were not “squalid or otherwise intolerable.” *Id.* at 620. And the defendants “never threatened her with arrest, deportation, adverse immigration consequences, or other legal consequences if she left their employment.” *Id.* at 619-20. Consequently, even assuming *Muchira* were correctly decided, its conclusion does not support

affirmance because plaintiffs here were more vulnerable and their working conditions were more coercive than in that case.

III. The District Court Erroneously Overweighted Facts Related to Plaintiffs' Freedom of Movement.

The district court also erred in finding that the ability of some plaintiffs to leave and travel showed that they were not being forced to provide labor or services against their will. Mem. Op. 26, 41-42.

That interpretation contradicts both Congress's intent and established case law. Indeed, “[d]uring the years slavery existed in this country, slaves often worked in the fields and went into town with little direct supervision, thereby offering them opportunities to escape. Yet it is beyond argument that the slaves were held in involuntary servitude.” *United States v. Bibbs*, 564 F.2d 1165, 1168 (5th Cir. 1977). Liability under the TVPRA likewise cannot be avoided simply because plaintiffs are not kept under “literal lock and key.” *Paguirigan v. Prompt Nursing Emp't Agency*, 286 F. Supp. 3d 430, 439 (E.D.N.Y. 2017) (rejecting defense that plaintiff was free to leave because she “had her own residence and phone”); *Mouloki v. Epee*, 262 F. Supp. 3d 684, 690, 701 (N.D. Ill. 2017) (denying summary judgment despite that plaintiff was free to “come and go from the household” and spend time with acquaintances).

The fact that some plaintiffs were able to travel does not diminish the evidence that defendants coerced plaintiffs to work. Courts recognize that psychological coercion has no geographical limit. *United States v. Baston*, 818 F.3d 651, 657-58 (11th Cir. 2016) (upholding trafficking conviction where Australian victim of U.S.-based trafficker traveled to Australia and internationally); *Elat v. Ngoubene*, 993 F. Supp. 2d 497, 529-30 (D. Md. 2014) (denying summary judgment where defendants left plaintiff home alone on various occasions and plaintiff also traveled with defendants to her home country, stayed on, and later returned to defendants' home in the United States); *Kiwanuka*, 844 F. Supp. 2d at 111, 115 (denying motion to dismiss with regard to forced labor claim where victim left and returned to work for defendant). At a minimum, this evidence does not provide a basis to rule for defendants as a matter of law given the strong facts in the other direction discussed *supra*.

IV. The District Court Erroneously Credited Anecdotal Evidence that Plaintiffs Were Not Coerced.

There is nothing in the TVPRA or in controlling caselaw that provides weight to the analysis—in determining whether a plaintiff was coerced to work based on the threat of serious harm—against finding coercion where there is anecdotal evidence that the plaintiff was happy or

satisfied in their position. Indeed, as discussed, the proper analysis relates to the *acts of the defendant*, and what types of coercive acts were employed, and *status of the plaintiff*, and whether a person in that plaintiff's position and with that plaintiff's vulnerabilities would reasonably feel coercion. *See Rivera*, 799 F.3d at 186; *Muchira*, 850 F.3d at 618.

Despite this, the district court erred in giving undue weight to anecdotal and disparate evidence regarding plaintiffs' job satisfaction or wish to work as evidence that they were not coerced. Mem. Op. 43-46. The fact that plaintiffs occasionally expressed happiness or satisfaction when talking to defendants does not mean plaintiffs' expressions were sincere. *See Farrell*, 563 F.3d at 375 (expression of wish to continue working not sincere due to coercion). Moreover, it is highly unlikely that anybody working for a period of years will be unhappy *all of the time*. But that does not mean that the plaintiffs were not vulnerable, that the defendants' actions were not coercive, or that the plaintiffs were not coerced. At most, this evidence creates a question of fact for the jury to hear and decide whether plaintiffs were coerced. *See id.* (holding that a reasonable jury could find that work was involuntary and coerced, when considering all the facts, despite that some workers left the country and returned to

work, and one worker was allowed to depart to their home country to care for their ailing mother). The district court should not have denied plaintiffs the opportunity to present the totality of their circumstances.

CONCLUSION

The district court's judgment should be reversed.

Respectfully submitted,

s/Tejinder Singh

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I hereby certify that this brief complies with the typeface requirement of Fed. R. App. P. 32(a)(5) because it was prepared in a proportionally spaced typeface using Microsoft Word New Century Schoolbook 14-point font.

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April 22, 2026

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system on April 22, 2026. I certify that participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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April 22, 2026