

Assessing the Prevalence of Forced Labor Indicators in the US North Pacific Albacore Tuna
Fishery

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Abstract

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Forced labor conditions can occur in fisheries across the globe including in the United States where labor migrants crew U.S. tuna vessels. Analysis of the policy landscape surrounding the employment of migrant fishers in the U.S. reveals a unique policy gap located at the interstice of four siloed areas of maritime, immigration, labor, and fisheries policy. This policy gap creates forced labor risk. Qualitative data from interviews with migrant fishers, captains, vessel owners and other experts are compared to guidelines in the ILO Detection Framework for Forced Labour in Fishing. Results suggest that indicators of forced labor are present at various times in the U.S. North Pacific albacore tuna fishery. Further, multiple indicators may be simultaneously present suggesting that forced labor risk is sometimes actualized. Effective policy solutions address the policy gap by normalizing migrant fishers' immigration status and empowering migrant fishers to exercise their own agency through the creation of new rights.

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1. Introduction:

Labor abuse in commercial fishing is a global problem that is often closely associated with crew labor migration (Mileski et al., 2020; Financial Transparency Coalition, 2023; Salas et al., 2026,). The International Labour Organization has grappled with this thorny issue for decades, and while fisheries labor and human rights abuses in Asia are well documented, (Wilhelm, et al., 2020; International Labour Organization, *Towards Fair Seas*, 2026) similar abuses have been uncovered in UK (Decker-Sparks, 2022) and European (Stølsvik, 2019) fisheries as well. However, few studies have explored this issue in the context of U.S. fisheries, where migrant fishers, foreign workers employed as crew, work aboard U.S. flagged vessels and fish for the highly migratory species.

Reports suggest that similar problems may also exist in U.S. fisheries. The Hawai'i Longline fishery was scrutinized following 2016 Associated Press reports alleging labor trafficking (Mendoza & Mason, 2016). The Hawaii Longline Association responded swiftly to allegations and implemented significant reforms including a model crew employment contract, an employer code of conduct, and a grievance committee consisting primarily of vessel owners (Sustainability Incubator, Inc. for the Hawaii Longline Association, 2020). A subsequent report to congress by the Task Force on Human Trafficking in Fishing in International Waters found that “The U.S. government has not identified cases of human trafficking aboard U.S. fishing vessels. However, several NGOs have identified risk factors or indicators of forced labor.” (Task Force on Human

Trafficking in Fishing in International Waters, 2021, p. 9). Those risk factors include extraordinarily arduous work, the absence of labor regulations, and an unusual but lawful immigration status that finds migrant fishers confined aboard their floating workplaces for the duration of their employment. Migrant fishers are physically present aboard U.S. vessels, and they land their catch in U.S. ports, but they are unable to lawfully step ashore for months on end.

In December 2023 allegations of labor violations surfaced around a group of migrant fishers working in the North Pacific albacore tuna fishery in Westport, Washington. Filipino migrant fishers complained of abandonment, unpaid wages, and their employer's unwillingness to facilitate their repatriation after months of laying idle in port after the end of the fishing season (Eltohamy & Giordano, 2025).

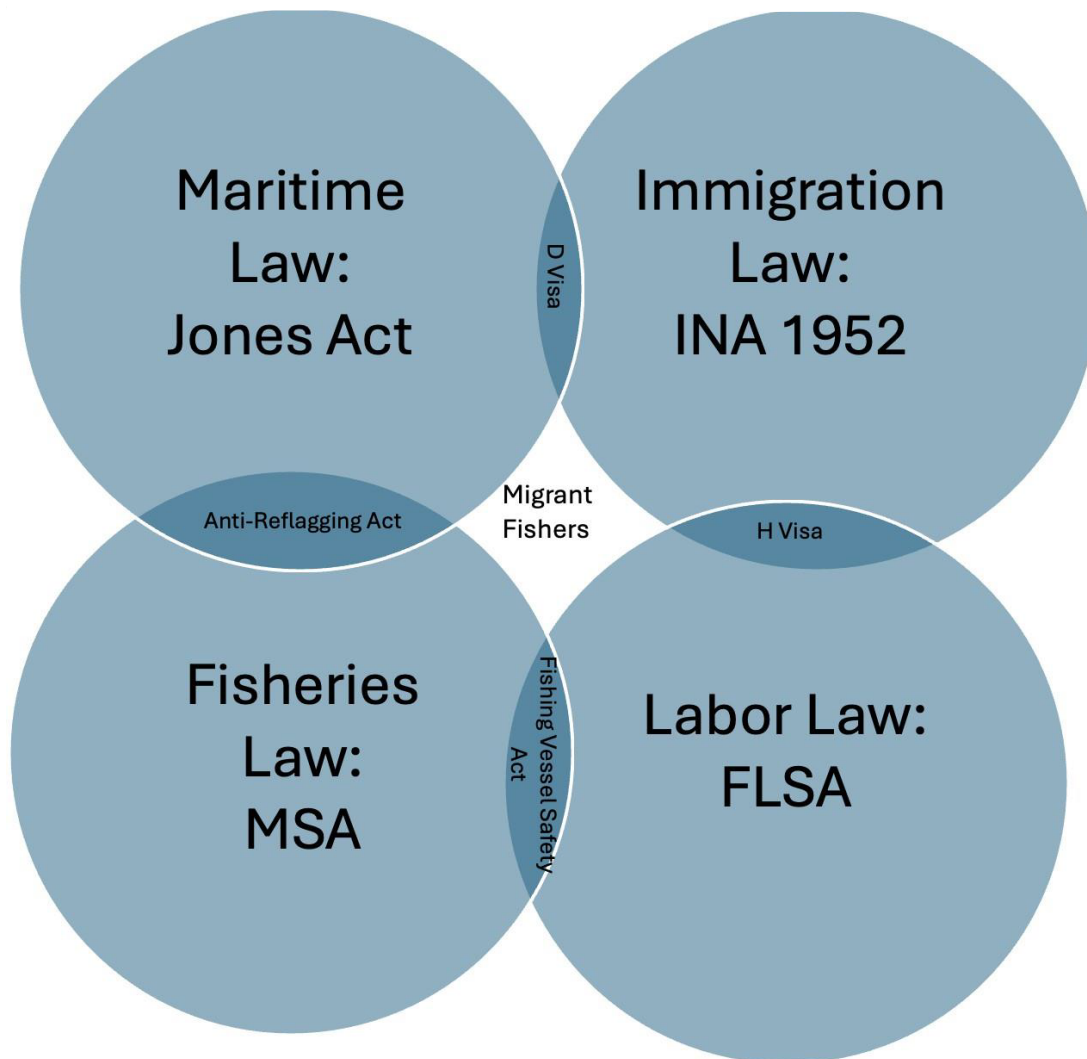
This study analyzes the policy landscape surrounding the employment of migrant fishers in U.S. fisheries and documents the existence of a unique policy gap. It illuminates how the absence of even the most basic labor regulations creates forced labor risk. Further, it assesses the prevalence of forced labor indicators as reported by migrant fishers, captains, and vessel owners in the U.S. North Pacific albacore tuna fishery. Finally, this study issues policy prescriptions to decrease forced labor risk in this fishery. This analysis is based on the detection framework created by the International Labour Organization's publication *Towards freedom at sea: Handbook for the detection of forced labour in commercial fishing* and utilizes *Tool 1: Indicators of forced labour situations* to assess qualitative data reported by participants in semi-structured interviews. This study views the experiences of migrant fishers on a continuum of exploitation (Guelker, 2024) which ranges from decent work to forced labor, and concludes that some migrant fishers in this fishery likely experience forced labor in some cases.

2. Background: *Four Silos of US Law and Policy Create Forced Labor Risk in the North Pacific Albacore Fishery*

Unique aspects of the policy landscape surrounding the employment of foreign crew labor in U.S. tuna fisheries, referred to as “migrant fishers” (Aziz and Wahyudi, 2020), create the risk of unethical and illegal labor exploitation. Analysis of the interstice between four relevant but siloed areas of U.S. law and policy governing the maritime industry, immigration, labor, and fisheries management, reveals a policy gap in which migrant fishers work in an unusual arrangement in which they are almost completely ignored by each of these four areas of law and policy. Absent clear regulations, migrant fishers’ experiences of living, working, and immigrating in this interstice are heavily influenced by the authority of recruitment agencies, vessel owners, and captains whose unrestrained actions may give rise to the presence of forced labor indicators. U.S. anti-trafficking law may provide some recourse but is fraught with barriers to access and does little to safeguard daily conditions for migrant fishers.

Diagram 1: Migrant Fishers at the Interstice of Four Siloed Areas of US Law:

Maritime, Immigration, Labor, and Fisheries law narrowly intersect, revealing a policy gap.



2.1 Maritime Law:

Most seafaring states have cabotage laws which require *inter alia* that only its citizens crew the vessels registered under its flag. U.S. Maritime law has evolved to include cabotage requirements through the Merchant Marine Act of 1920, known as the Jones Act (Pub. L. 66-

261). The Act as amended allows foreign seafarers to serve as crew aboard documented US vessels only for very limited purposes.

The relevant statutory amendment originated in the 1987 Commercial Fishing Industry Vessel Anti-Reflagging Act in which Congress intended to leave undisturbed the U.S. tuna fleet's preexisting practice of hiring foreign crews.¹ Today, U.S. vessels fishing "exclusively" for highly migratory species are exempt from citizenship requirements for unlicensed crew (deckhands), although captains and licensed engineers must be U.S. citizens (46 U.S.C. § 8103(b)(2)(B)). The employment of migrant fishers in U.S. tuna fisheries is a longstanding lawful practice codified in this narrow exception in U.S. maritime law.

Today, migrant fishers from Indonesia, The Philippines, Kiribati, and Vietnam comprise most crewmembers aboard Hawai'i longline vessels (Georgetown Law Human Rights Institute, 2019). Migrant fishers from the Philippines, Fiji, Samoa, Tahiti, Mexico, Panama, Ecuador, are among the migrant fishers reportedly employed in the U.S. North Pacific albacore tuna fishery.²

¹ U.S. House of Representatives, Committee on Merchant Marine and Fisheries, One Hundredth Congress. (Joint hearing with the Subcommittee on Coast Guard and Navigation, and the Subcommittee on Fisheries and Wildlife Conservation and the Environment) (H.R. 438 and H.R. 1956). April 29, 1987. Statement of Jay S. Johnson, Assistant General Counsel for Fisheries on page 175:

"It's my understanding that the American tuna industry has used foreign labor and that there would be a potential impact in requiring them to conform to the manning requirements if there was an amendment to Title 46. If the amendment were to the Magnuson Act instead of Title 46, there would be no impact for two reasons. One, the American tuna industry does not operate in any significant capacity within our Exclusive Economic Zone. They do operate around American Samoa and around Guam. And two, tuna is not a fish under the Magnuson Act definition, and therefore they would not be engaged in "fishing" so they would not be subject to the manning requirement if that Act were amended."

² Based on reports from interview participants Migrant Fisher (MF) #2 at paragraph position 254 (MF2@254), MF3@98, MF4@174, MF5@232, MF6@168, MF7@709, MF8@777, Captain #3 @140.

2.2 Immigration Law:

With limited exceptions, US immigration law restricts employment in the United States to U.S. citizens. The Immigration and Nationality Act of 1952 established alphabetic visa categories including several categories of nonimmigrant employment visas. The alien crewmember (D) visa may be issued to seafarers from foreign vessels who have shore leave. But for a narrow exception, a migrant fisher fits perfectly into its substantive definition as “an alien crewman serving in good faith as such in any capacity required for normal operation and service on board a vessel ... or aircraft, who intends to land temporarily in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or some other vessel or aircraft.” However, Congress carved out a narrow exception in a single line of text awkwardly juxtaposed into the middle of that sentence which denies D visas to crew aboard “a fishing vessel having its home port or an operating base in the United States.” (8 U.S.C. § 1101 (a)(15)(D)).

Instead, the US Customs and Immigration Service directs migrant fishers to seek temporary non-agricultural worker (H2-B) visas (U.S. Department of State, Crewmember Visa, n.d.). However, the complexities of the H2 visa program involving advance application by the employer and the cap on the number of visas issued nationally present obstacles for migrant fishers. Employers in this fishery can avoid the difficulty and expense of securing such visas because no visa is functionally necessary for U.S. vessel owners to benefit from the labor of migrant fishers. All participants interviewed for this study were unaware of H2-B visas in use anywhere in the North Pacific albacore fishery. The unusual contradiction between U.S. maritime law which allows migrant fishers to work lawfully and U.S. immigration law which does not allow migrant fishers formal entry into the United States creates significant risk of

forced labor for these workers who are nonetheless physically present aboard U.S. vessels and in U.S. ports.

Due to their ineligibility for crewmember visas, migrant fishers are also ineligible for C1 transit visas which allow other seafarers to fly in or out of U.S. airports for “direct and immediate transit to the bearer’s vessel” (U.S. Customs and Border Protection, 2012, p. 17). Instead, vessel owners typically embark and disembark migrant fishers in ports adjacent to U.S. territory, reportedly including Steveston, British Columbia,³ Puerto El Sauzal, Mexico,⁴ and Pago Pago, American Samoa.⁵ Canada and Mexico issue transit visas allowing migrant fishers to arrive by air and travel to their vessel and American Samoa has its separate immigration authority which is far more permissive. After picking up crew, the vessel will then return to a U.S. port such as Westport, Washington and submit to customs and immigration inspection by U.S. Customs and Border Protection (CBP).

The typical inspection process for a U.S. fishing vessel returning from a foreign port with migrant crew will include the clearance of the vessel itself along with its American captain, but not the migrant crew. The captain will submit CBP Form I-418 Arrival Crew List and Form I-95 Crewman’s Landing Permit along with each crewmember’s passport and seaman’s book. Lacking crewmember visas, migrant fishers are unable to request conditional landing privileges. Accordingly, the CBP officer will stamp the word “refused” on each migrant fisher’s I-95 form and serve the captain with form I-259 Notice to Detain, Remove, or Present Alien. Migrant fishers are therefore “detained on board the vessel” (U.S. Customs and Border Protection, 2012, p. 18) for the duration of each port visit and effectively for the duration of their employment. In

³ Reported in Migrant Fisher interviews: MF5@503, MF7@406,

⁴ Reported in Migrant Fisher interviews: MF3@264, MF4@374.

⁵ Reported in Migrant Fisher interview: MF8@136.

no other context besides the maritime industry is the immigration authority of the United States delegated to an employer to detain an employee in their workplace.

Problematically, the precise language in CBP's guidelines printed in its Vessel Inspection Guide requires that a crewmember's "travel documents will be surrendered to the master or agent of the vessel." (U.S. Customs and Border Protection, 2012, p. 24) In practice this means that captains take possession of each migrant fisher's identification documents upon boarding. Retention of identity documents by an employer such that the worker cannot freely leave is an indicator of forced labor under the ILO guidelines (International Labour Organization, ILO Indicators of Forced Labour, n.d.). The practice of detaining migrant fishers aboard their employers' vessels combined with the employer's retention of employee identity documents creates significant risk of forced labor through coercive pressure to remain at work.

Under some extremely limited circumstances the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) allows CBP to grant parole for foreign nationals to enter the United States without a visa for an "urgent humanitarian or significant public benefit reason." (American Immigration Council, Use of Parole Under Immigration Law, n.d.). In such cases, a petitioner must apply to CBP which has broad subjective latitude to grant or deny the petition. If granted, the parolee must always have 24-hour security guards present without exception creating potentially humiliating conditions for fishers and significant expense for employers. It is extraordinarily rare that fishers will have access to parole, and subjective judgment of CBP is prone to influence by political pressures, but it is not unheard of.⁶

⁶ Reported in Migrant Fisher interviews (MF4@805, MF8@660).

2.3 Labor Law:

The bedrock of U.S. labor law is the Fair Labor Standards Act (FLSA) which explicitly excludes all work in fishing from minimum wage and overtime protections (29 U.S.C. § 213 (a)(5)). Even if the fisheries labor exclusion were lifted from the FLSA it still could not regulate tuna fisheries. Its geographic scope applies only to states and certain territories and therefore limits its authority seaward beyond the 3-mile limit of state waters (29 U.S.C. § 203 (a)). Finally, the FLSA's maximum hour requirements do not apply to "any employee employed as a seaman" (29 U.S.C. § 213 (b)(6); 29 CFR 783.31).

The only labor protection that proactively applies to migrant fishers is found in the Commercial Fishing Industry Vessel Safety Act of 1988, a minute portion of U.S. maritime law which requires employment contracts between the captain and crew of a fishing vessel but provides no guidelines for wages, share of the catch arrangements, hours of work and rest etc. (46 U.S.C. § 10601 (a). Commercial Fishing Industry Vessel Safety Act of 1988). Further, this Act's basic guarantee of three meals of at least 3,100 calories per day applies only to vessels with more than 25 crewmembers, far greater than the 4 to 6 crewmembers typically found on albacore tuna troll or pole and line vessels. Finally, without formal entry into the United States, migrant fishers' access to legal remedies for violations of the terms of their employment contracts is severely curtailed, and thus their contracts are nearly meaningless.

2.4 Fisheries Law:

The Fisheries Conservation and Management Act of 1976, also known as the Magnuson-Stevens Act (MSA), remains the primary federal law governing U.S. fisheries following a long series of amendments (Pub. L. No. 94-265). The original Act's stated purpose included building

American fishing capacity, securing employment for “our citizens,” (16 U.S.C. § 1801(2)(a)(7)) and the assertion of US sovereignty over the Act’s newly established 200-mile Fishery Conservation Zone (FCZ, later to become the Exclusive Economic Zone, EEZ). The MSA also created eight regional fishery management councils to craft and recommend policy to Executive branch agencies. Prior to enactment, foreign fishing vessels frequently fished close to U.S. shores competing with U.S. commercial fishing. Joint ventures between U.S. and foreign vessel owners were allowed for a limited period which ended after the 1987 Anti-Reflagging Act.

As originally enacted the law criticized international fishing conventions as ineffective at preventing overfishing, (Public Law 94-265, the Fishery Conservation and Management Act, Section 2(a)(4)) but, perhaps owing to Senator Stevens’ affiliation with the American Tunaboat Association (Walsh, 2014), left preexisting tuna treaties undisturbed; foreign tuna vessels were still allowed to fish in the FCZ and the highly migratory species were exempted from the definition of “fish.”⁷ Further, the 1986 amendment in Public Law 99-659 stated that “the sovereign rights and exclusive fishery management authority asserted by the United States under section 101 over fish do not include, and may not be construed to extend to, highly migratory species of fish” (Pub. L. No. 99-659, § 102, 1986).

In 1990 Congress reversed this position with Public Law 101-627 which established U.S. authority over HMS fisheries (Pub. L. No. 101-627, § 103, 1990) and added “highly migratory species” to the definition of the legal term “fish” (Pub. L. No. 101-627, § 102(a)(14), 1990). Further amendment in 1996 by the Sustainable Fisheries Act, added additional consideration for fishing communities with a definition based on “substantial engagement” in a fishery (Pub. L.

⁷ Public Law 94-265, the Fishery Conservation and Management Act, Section 3(6). “The term “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals, birds, and highly migratory species.”

No. 104-297, § 102(16), 1996). However, subsequent regulation added a geographic scope, defining a fishing community as “a social or economic group whose members reside in a specific location...” (50 C.F.R. § 600.345(b)(3), 1998) A migrant is by definition a person who changes residence across administrative boundaries (Hein de Haas, et al., 2020). Even as the Act was amended to regulate tuna fisheries the redefinition of “fishing community” explicitly excluded migrant fishers. Migrant fishers nonetheless form a fishing community defined by culture, identity, and practice.

2.5 Anti-Trafficking Law:

Enforcement for forced labor violations in the United States occurs under the authority of the Trafficking Victims Protection Act and its subsequent reauthorization (TVPRA) which establishes civil and criminal penalties for labor trafficking. The TVPRA does not establish labor standards like the FLSA but rather penalties for violations of very basic human rights. Further, a significant burden is placed upon the plaintiff to seek criminal or civil legal remedy which, given the reality of many trafficking relationships, can create an impossible barrier to exercising rights.

It is extraordinarily rare that a migrant fisher can access sufficient resources to bring a trafficking complaint, but it is not unprecedented. Two civil cases stand out as examples of migrant fishers pursuing rights under the TVPRA.

In *Sorihhin v. Nguyen* (2018) two Indonesian deckhands aboard the Hawaii longline vessel Sea Queen II fled when the vessel docked in California and in a civil suit alleged *inter alia* harsh and abusive working conditions including 20-hour workdays, abusive language, and significant untreated work injuries such as a crushed thumb (Sorihhin & Abdul Fatah v. Nguyen, No. 16-5422 (N.D. Cal.), para. 90). The case resolved with a confidential financial settlement

and a signed pledge by the captain to abide by a code of conduct in employing migrant crew ("Owner of U.S.-Based Fishing Vessel Agrees to Precedent-Setting Settlement Over Allegations of Human Trafficking, Abusive Labor Practices," 2018).

In *Akhmad v. Bumblebee Foods* (2025) Indonesian fishers aboard Taiwanese tuna vessels allege labor trafficking and brutal living and working conditions. In November 2025, a federal judge in the Southern District of California ruled that the plaintiffs had standing to bring their case due to the special relationship between the Taiwanese vessels and the American seafood retailer despite fishers' extraterritoriality (Cohen Milstein, 2026). This case has the potential to set a groundbreaking precedent that US trafficking law may extend to foreign fishers aboard foreign vessels, but litigation is still in very early stages and will undoubtedly span several years due to its complexity. Taken together, these two cases may provide a foothold of legal precedence for migrant fishers to bring civil cases under the TVPRA, but significant barriers remain.

2.6 Perspectives on the issue:

Forced labor in fishing is not a new or unstudied issue. Numerous studies detail fisheries labor violations across the globe despite a predominant focus on fisheries in Asia (Salas, et al., 2026). Confusingly, three different terms refer to conditions of unfree labor. Labor trafficking is defined in the TVPRA as "The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery" (22 U.S.C. § 7102(11)(B)). Next, the term modern slavery originates from United Nations Sustainable Development Goal 8.7 (United Nations, Target 8.7, n.d.). Forced Labor is defined by the

International Labour Organization as “all work or service that is exacted from any person under the threat of penalty and for which the person has not offered themselves voluntarily” (International Labour Organization, ILO Indicators of Forced Labour, n.d.). Each term frames the analysis of labor conditions slightly differently. In contrast, the ILO defines “decent work” as “opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity” (Singh, 2019). Guelker (2024) promotes a view “where exploitation is understood to not be restricted to static criminal law categories but that it can evolve and move along a continuum from less severe to more severe.” This continuum approach ranging from decent work to forced labor is utilized in this study.

The ILO has set the international standard for working conditions in fisheries. Convention 188, Work in Fishing (C-188) was adopted in 2007 to mirror the protections of its hallmark Maritime Labour Convention (MLC). Although lacking some of the protections in the MLC, Convention 188 sets the current international standard in fisheries labor regulation. However, many of the distant water fishing nations are not signatory, including the United States, weakening its effectiveness.

Recent ILO estimates reflect that twenty out of every 100 migrant seafood workers in Southeast Asia experience “severe abuses indicative of forced labor,” but of those only seven will seek assistance and only four seekers will resolve their grievances (International Labour Organization, Towards fair seas, 2026). Mileski et al. (2019) found that the effect of anti-trafficking laws in the fisheries of Ireland, Taiwan, Philippines, United Arab Emirates, Thailand, Sudan, and the United States varied greatly due to the robustness of legal enforcement mechanisms. The US ranked second best behind Ireland, with an estimated 57,000 individuals living in modern slavery across all sectors including fishing.

The 2021 report to Congress by the Task Force on Human Trafficking in Fishing in International Waters draws on a significant report issued The Human Rights Institute at Georgetown Law which identified multiple forced labor risks in the Hawaii Longline fishery. *The Price of Paradise: Vulnerabilities to Forced Labor in the Hawaiian Longline Fishing Industry* concluded that “foreign fishermen live in constant fear of deportation, which is sometimes exacerbated by their captains through threats and intimidation” (Georgetown Law Human Rights Institute, 2019). The Hawaii Longline Association responded swiftly to allegations of labor abuses in its fishery by implementing industry reforms including an employer code of conduct, a model crew contract, a crew handbook, and a Grievance Committee which consists largely of vessel owners (Hawaii Longline Association, Crew Matters, 2020).

At the international level, one regional fishery management organization has addressed this issue directly. The Western and Central Pacific Fisheries Commission recently adopted its Conservation and Management Measure for Crew Labour Standards (CMM-2024-04). Although it will not enter into force until January 2028 this landmark standard will create legally binding obligations on its convention parties, including the United States. An April 2025 Department of Commerce memo to the Chairs of the Pacific, North Pacific, and Western Pacific Fishery Management Councils states dryly that “NMFS is assessing whether regulatory action will be required to implement the CMM by 2028” (Malloy, 2025). Although this measure falls short of the minimum standards set by C-188 it is the only comprehensive set of labor standards that may apply to migrant fishers aboard U.S. vessels. Guelker (2023) criticizes the “patchwork nature of solutions” to support fishers and further argues that the differential treatment of seafarers under the MLC and fishers under the significantly weaker C-188 represents a missed opportunity to replicate the success of the MLC.

Solutions to fisheries forced labor generally fall into two broad categories. Top-down solutions include product certification and labelling initiatives. The Marine Stewardship Council's "labour self-assessment" allows an employer to declare its compliance absent a conviction for a labor violation in the last two years (MSC International, 2023). Supply chain tracking initiatives such as the Seafood Task Force, claim that it provides "confidence to trade" (Seafood Task Force, Confidence to trade, n.d.). Also in this category are Employer-directed programs such as were implemented by HLA.

Bottom-up solutions center fishers' ability to exercise their own agency by securing rights for workers. The most successful examples of this strategy include the work of the Environmental Justice Foundation's "Wi-Fi for Workers Campaign" (Spampinato, 2025) and the Fishers' Rights Network, a project of the International Transport Workers Federation which center the needs of workers and was originated to support collective bargaining in the fisheries sector (ITF Fisheries, Ending Exploitation Raising Standards, 2025).

Differing views clash in considering policy solutions and the role of international organizations. Ridings (2021) criticizes the functionalist viewpoint that limits the roles of international organizations such as the ILO to only those functions assigned by member states as justifying inaction. Tindall et al. (2020) assert that employer self-declarations of compliance with labor standards required for Marine Stewardship Council certification should be applied more broadly. Wilhelm et al. (2020) further argue that while ethical recruitment policies, employer-controlled grievance mechanisms and worker welfare committees in Thai fisheries might not build real democratic power among workers, these measures could raise workers' awareness of their rights despite a difficult political context. Nakamura (2024) heartily disagrees, arguing that MSC certifications allow employers to deflect rather than accept accountability, and have the

potential to undermine law enforcement. Decker-Sparks et al. (2022) strongly support Nakamura's argument, criticizing "worker-less social responsibility" and finding substantial evidence that voluntary market-based solutions fail to generate meaningful change in workers' experiences. Decker-Sparks et al. (2025) further criticizes employer-centered programs as "fairwashing," which in some instances allows violations to continue unchecked and instead authors support worker-driven programs such as collective bargaining.

3. Methods:

This study employs qualitative methods (Charmaz 2005; Bowen 2006; Cresswell and Poth 2018). Research was coordinated with the Harry Bridges Center for Labor Studies at the University of Washington for its separate forthcoming project *Rights on the Line: Policy and Regulatory Loopholes Affecting Migrant Fishers in Washington State* in which this author participated and is a co-author. Researchers contacted migrant fishers through community organizations and multiple visits to two ports in Washington state with significant concentrations of activity related to the North Pacific albacore tuna fishery, namely Westport and Ilwaco. From those relationships we used purposive and snowball sampling (Kanazawa 2017) to reach knowledge holders.

Unstructured interactions with 19 fishers and captains occurred during port visits where researchers walked the public docks, knocked on boat hulls, explained the research project and interacted with fishers and captains. Some additional unstructured interactions with migrant fishers also occurred during visits to Pier 38 in Honolulu, Hawai'i where many migrant fishers have previously worked aboard North Pacific albacore vessels, through the same recruitment agencies as provide crew to vessels in the North Pacific albacore fishery. Researchers took

handwritten notes during or immediately after all unstructured interactions which provided background information to corroborate or challenge interview responses in subsequent formal interviews.

Researchers conducted formal semi-structured interviews with ten migrant fishers across a variety of vessels and employers, three non-migrant (U.S. citizen) fishers, three captains who either currently employ or have employed migrant fishers, in addition to other subject matter experts in this fishery. In total we interviewed over 35 knowledge holders in commercial fishing, forced labor/trafficking, law enforcement, and community organizations. Migrant fishers 8, 9, and 10 were interviewed together with their captain aboard their vessel while in port due to practical constraints. It is possible that the group setting for this interview limited participant responses to some questions. Other interviews occurred individually in-person or via internet video-conferencing due to significant distance between interviewer and interviewee. We relied on translators from community organizations to facilitate conversations.

Formal interviews were recorded, transcribed, and coded using MaxQDA qualitative coding software. Most migrant fisher interviews required translation in which case transcription was performed by the translator present for the interview. Coding for this study was performed entirely by the author to eliminate errors of code interpretation across coders.

Two sets of codes were generated for each migrant fisher interview. The first set of codes emerged from the interviews themselves through an iterative coding process based on a grounded theory approach (Charmaz, 2005). These data were used to inform background research and writing.

The second set of codes consisted of eleven codes based on the definitions of each of the ILO *Indicators of Forced Labour* (International Labour Organization, 2023). Qualitative data

from this set of codes was analyzed using *Tool 1: Indicators of forced labour situations* within the ILO Detection framework for forced labor in fishing. Tool 1 was created for the specific purpose of identifying *potential* forced labor situations, the final determination of which is reserved for a court of competent jurisdiction (International Labour Organization, Towards freedom at sea, 2023). These data are summarized in Table 1: Presence and Absence of Forced Labor Indicators, the presentation of which mirrors the format of Tool 1 itself. To reduce bias and more accurately present the spectrum of migrant fishers' experiences, data suggesting both the presence and absence of a given indicator are presented side by side.

Data from the second set of codes was also analyzed through the Code Map feature of MaxQDA software which yielded four clusters of co-occurring codes. Each code cluster centers on a theme. The first cluster (4.2) includes only the first indicator, 01-Abuse of Vulnerability, which relates directly to each of the abuses specified in the remaining indicators but also includes background factors of the lack of an alternative livelihood and the fisher's multiple dependencies on the employer for food, shelter, and repatriation. The second cluster (4.3) includes three indicators which all relate to monetary compensation and the employment contracts which outline how compensation should occur. These indicators are: 02-Deception, 08-Withholding of Wages or Other Promised Benefits, and 09-Debt Bondage or Manipulation of Debt. The third cluster (4.4) includes three indicators which all relate to a fisher's freedom to leave their workplaces. These indicators are: 03-Restriction of Movement, 04-Isolation, 07-Retention of Identity Documents. The fourth cluster (4.5) includes four indicators which relate to the conditions of life as a migrant fisher. These indicators are: 05 –Physical and Sexual Violence, 06 –Intimidation and Threats Against Workers or Workers Relatives, 10 –Abusive Living and

Working Conditions, and 11 –Excessive Overtime. Discussion of interview results around migrant fisher experiences is presented in four subsections to mirror these clusters.

Qualitative data in the form of quotes from formal interviews are used throughout Table 1 and the discussion of the four code clusters. These quotes are cited to the anonymized interviewee number and the transcript paragraph where the quote occurs. Vessels in this fishery are relatively small and work with between 1 to 5 crew members aboard. To maintain the anonymity of interviewees, identifying details of workers, vessels and specific employment situations are omitted throughout this study.

Qualitative policy and legislative history research contributed to background information. Additionally, Migrant fishers’ employment contracts and payroll records were reviewed in two cases where these documents were provided by the fishers themselves.

4. Results and Discussion:

The prevalence of forced labor indicators is assessed through the analysis of qualitative data in Table 1 and subsequent discussions. Appendix A presents *Tool 1: Indicators of forced labour situations*, which includes a list of the eleven ILO indicators of forced labor and their definitions in numeric order. Appendix B presents the interview guide used for migrant fisher interviews.

4.1 Table of Force ILO Labor Indicators

Table 1 summarizes interview data. Results are presented in the form of a table to mirror the format of Tool 1. Data in quotes from interviews are presented with the indicators with which they most closely align. Quotes are cited to the interview and transcript paragraph as they were coded in MaxQDA (i.e. MF2@473 is migrant fisher #2 at paragraph 473. C3@318 is captain #3

at paragraph 318). The ILO definition of each indicator in Tool 1 is listed below the title of the indicator.

Table 1: *Qualitative data presented as evidence of the presence or absence of ILO Indicators of Forced Labour based on Tool 1.*

Indicators of Forced Labor	Evidence of Indicator Presence	Evidence of Indicator Absence
01 Abuse of Vulnerability: <i>Situations in which employers take advantage of workers' vulnerable position</i>	"In the Philippines, you don't ask questions... because you have to rush to get the job. So, if you wait to ask questions, other people can take it. So, someone else gets the job. Even if I have question, why is it [employment contract] blank, I don't ask now because they don't even tell me the reason why they're just like, sign this if you want to go." (MF2@473) "In the earlier years, even though there's already the deductions and the big difference between the wages when we get home, we wouldn't complain because we were desperate for jobs, and we know that the culture is that if you complain, they will simply not let you back on [the boat]. We were keeping our heads down." (MF5@446)	Migrant fishers sometimes describe some captains as "nice" (MF3@302) "You make a lot of friends that become family" (MF8@270)
02 Deception: <i>Situations in which workers are working without their free and informed consent because the employer or recruiter has failed to deliver what has been promised to the worker, either verbally or in writing.</i>	Employment contracts are written in English only and not translated or explained in a fisher's first language. (MF3@382; MF7@529) Vessel name missing from employment contract (MF2@383) Vessel listed on contract is not the vessel on which a migrant fisher is employed (MF3@712) Employment contracts specify terms that are not honored such as monthly minimum pay. Oral agreements regarding pay also not honored: "The contract under POEA says we're getting paid \$500 [monthly minimum wage] but once you got to the US, [the employment agency] and the principal company [vessel owner] have an	Some migrant fishers received wage statements in some cases. (MF3@421) Wages under a catch share arrangement can in some cases be much higher than the monthly minimum wage stipulated in employment contracts. (MF4@552)

	agreement that the company in the US will pay percentage based, 3% for a deck hand. But for the engineer, what I got was only 4% but it's supposed to be higher, but none of the terms in the contract actually ever gets followed.” (MF7@523) Migrant Fisher coerced to sign blank contract: “So, in the Philippines, I signed two contracts. Both are for six months, but one is already signed, dated with my information. The other one is blank, so there's no dates on the second one. So, what happens? So, in the Philippines, they ask me to sign both, including the blank contract, and then if you want to extend, once we get to New Zealand, because it's like five months, right? And then a month and a half to travel to New Zealand if you decide to extend, then the second blank contract takes into effect. And they fill it out after the fact, but the signature is already there. And so, there was an instance where somebody wanted to go home, but he couldn't, because he already signed a contract to extend, even though he supposed to be in the Philippines.” (MF2@457)	
03 Restriction of Movement: <i>Situations in which workers are not free to enter and exit the work premises, with the exception of certain restrictions which are considered reasonable.</i>	Denial of crewmember (D) visa and subsequent lack of conditional landing permit leaves migrant fishers “detained on board” their employer’s vessel, unable to step ashore. Migrant fishers and vessel owners report significant fines of \$5,000 for each violation. “So, in the earlier deployments, as long as we are with the captain, the captain would actually take us to the store, to go get the food, all of the things we need from the store. But of course, those trips, we have to be with the captain, but if we want to go to the bathroom, we could go, even without the captain, as long as it's just to the bathroom.	US Customs and Border Protection (CBP) may grant parole to enter the United States for humanitarian reasons. Immigration parole require constant escort by security guard. Parole is granted based on the subjective judgment of an individual CBP officer. Some migrant fishers report receiving parole to travel to airport for repatriation. (MF4@805) or to a hospital for medical treatment (MF8@660). One migrant fisher reports that prior to 2017 his captain would take the entire

	But in 2017 to 2018 it got really strict. They [CBP] told us that even if you just want to attach the hose to the shore, like for water. You know, we're not allowed to do that, so we can't go to the bathroom. we can't even do this like attaching the hose [for potable water from shore]." (MF5@644) Strong coercive pressure against returning home before contract completion: "Even if you want to go home, you don't get a choice. You're at the will of the owner and employer" (MF5@662)	crew to go get groceries and supplies for fishing trips. (MF5@650) "In 2018 we were able to go off [the boat] but only on the pier. [However,] There is a store in the marina, and we could get to it." (MF3@643)
04 Isolation: <i>Situations in which employers isolate their workers in remote locations and/or deny contact with the outside world to compel them to remain in jobs they would otherwise escape.</i>	Some migrant fishers report staying alone on boats after the end of the season to perform maintenance work or wait for the South Pacific fishing season. In at least one instance Wi-Fi was removed from the boat during this period: "When the guys went home, I stay alone. So, it's very hard. It's like, I'm crazy, yeah, all alone. It's so very bad experience for me. I said, this is the first time that I stay alone in the boat. Then that was in Westport." (MF4@854)	Some migrant fishers report having access to a satellite phone while aboard, although it is very expensive to use and controlled by the captain. (MF1@548) Some migrant fishers report having internet access through Wi-Fi from satellite internet. (MF8@683)
05 Physical or Sexual Violence: <i>Situations in which workers, their family members or close associates are subjected to actual physical or sexual violence, to compel workers to accept work tasks that they would otherwise refuse or to compel workers to stay in jobs they would otherwise leave.</i>	One migrant fisher reports a knife fight between fishers while out at sea. One participant in that fight later died at sea from unknown causes. (MF2@437)	One migrant fisher reports that previous fishing work experiences were far worse. "Working for white captains is easier than working for Japanese employers. It's not as brutal." (MF5@618)

06 Intimidation or threats against workers or workers' relatives: <i>Situations in which workers, their family members or close associates are subjected to intimidation or threats of violence, to compel workers to undertake work tasks that they would otherwise refuse or to prevent workers to stay in jobs they would otherwise leave.</i>	One migrant fisher reports that food was withheld from crew during fishing trip: “So, when we dropped the line, the fish came quickly. And so, we were able to get, like, about 150 fish. And so, when the new engineer was asking, ‘okay, can we cook food now?’ And we [crew] were like, yes, go ahead and cook, since we already got that load. And so, then when that engineer went to cook, that's when the captain started yelling at us. (MF3@222) [Afterwards] He [captain] took away our food [as punishment]. (MF3@312) Many migrant fishers report significant hesitation to complain due to expectation of retaliation by direct employers and recruitment agencies: “I had fear, because when you complain, what we know is you can't go out again. You can't be deployed again. And like I said earlier, you just close your eyes. You just turn away from it. If you want to go work, keep working.” (MF7@502) At least one migrant fisher was not redeployed after raising wage dispute. (MF5@424, 459)	
07 Retention of Identity Documents: <i>Situations in which workers' identity documents or other personal valuables are retained and workers are unable to access these items on demand and/or are unable to leave the job without risking their loss.</i>	“The master is responsible for the safekeeping of all nonimmigrant crew member travel documents.” -US Customs and Border Protection Vessel Inspection Guide, page 18. The word “nonimmigrant” here refers to holders of nonimmigrant visas such as crewmember (D) visas. “Mostly the captain, they keep our documents or passport and seaman’s book [until] after season or after the contract” (MF7@691) “So, the moment I board the boat in Canada, the captain takes it.” (MF5@522)	One migrant fisher reports refusing to surrender their passport and did not experience negative consequences for such refusal. (MF2@499) Some migrant fishers report situations in which the captains did not ask them for their passports (MF3@282; MF4@480) “It’s pretty standard to for the captain to hold all the passports, and I think that's just so like, you know, nobody jumps ship and runs away, or when they're in port or something like that. I've never had any issues with it. But usually by the time we head into port, I just give them all their passports, let them hold on to them. I've never had

		any issues with crew in that regard, but from what I was told, just the captain's supposed to keep them kind of like locked away... I kind of felt uneasy about doing that, so I just use the honor system let them carry their own identification. (C3@318)
08 Withholding Wages or other promised benefits: <i>Situations in which wages are systematically and deliberately withheld as a means to compel workers to accept work tasks that they would otherwise refuse or to compel workers to stay in jobs they would otherwise leave, out of a fear of losing their accrued earnings.</i> Also: Work with substandard or no wages: <i>Situations in which workers are subject to remuneration levels to which they have not freely agreed; for example, no remuneration or remuneration that does not constitute a living wage.</i>	Instead of getting paid by their direct employer, migrant fishers must ask their recruitment agency for wages. (MF5@424; MF6@407) also: “But what upsets me is that we were never told that we would get deductions here. So that's the fishing tackle, the fuel, the equipment and the food. We were never told that those would be deducted from our wage. What's even worse is they would send the wage that we get here right back to the agency. So, the principal takes the cut, the deductions from the boat, the equipment, the fuel, and then when he sends it back to the agency, the agency takes their own cut” (MF2@537) Full payment of wages is often postponed until after end of season when migrant fishers return home to The Philippines, although some wage payment occurs during the season as well. (MF1@454) Payroll disputes between the recruitment agency and the vessel owner led to pay disputes between migrant fisher and agency. (MF6@236) Some migrant fishers report being coerced to perform unpaid shipyard and vessel maintenance work before or after fishing season (MF7@461; MF6@266) Some migrant fishers report that upon returning home they became aware that some contractual benefits were left unpaid such as social security and Pag	One migrant fisher reports being able to take cash advance on his wages while deployed. (MF5@447) Direct employment relationship (without recruitment agency) may mitigate risk due to reduced cost and administration of wage payments. (MF8, MF9, MF10) One migrant fisher reports higher earnings under a share-of-the catch arrangement that he would have under the terms of his contract: “The POEA contract is only \$500 a month, yeah, yeah. Then they put overtime in there, but it never, never happens... once I made more than \$30,000 [USD], I made maybe the highest I made in a season. That's a very good price of the fish, and we catch 188 tons for this.” (MF4@560-564)

	Ibig, a Philippines government housing fund (MF6@398)	
09 Debt Bondage or manipulation of debt: <i>Situations in which workers are coerced to work against their will to repay a debt with an employer or recruiter, or when debt is manipulated to compel people to perform work tasks or accept work conditions that they would otherwise refuse.</i>	Some migrant fishers pay recruitment fees directly to recruiting agency in exchange for employment. MF1@458, (MF8@721) Vessel expenses are deducted from crew share. Some fishers report receiving pay statements with “negative earnings” resulting in unpaid wages at the end of the season due to vessel expenses exceeding the stated sale value of fish and expenses: “We got 72 tons [albacore tuna landed] but we ended up with having to owe [the vessel owner], the pay statement that it ended in a negative number.” (MF3@765) “It [deductions from pay] was for everything that we used on the boat. So that includes the fishing tackles, fishing equipment. It includes the fuel, Wi Fi, food. Wi Fi was \$200 per person.” (MF2@625) “We ended up owing the company because we ended up having to pay for everything we used, including our day-to-day food, our day-to-day needs. And instead of having some money to send home, or having something to be able to send to our families, we ended up having to owe our employer for all our daily needs.” (MF1@406)	
10 Abusive Living and Working Conditions: <i>Situations in which workers must endure living conditions that they have not – and would not – freely agree to; for example, situations in</i>	Some migrant fishers have been forced to move between vessels out at sea either with a small kayak or by swimming in the open ocean, without exposure suits. One migrant fisher nearly drowned during such a vessel transfer. (MF4@432; MF5@386): “In 2018 I went on a plane to Canada, and I left from Canada on a boat, [employer name redacted] picked me up from Steveston, Canada, and then it	A captain reported a migrant fisher’s significant injury to the US Coast Guard, returned his vessel to port, requested and received immigration parole for the migrant fisher, allowing him to get to a hospital for treatment. (MF7@631)

<i>which workers are made to live in overcrowded, noisy and unhygienic conditions without any privacy.</i> <i>Situations in which workers must endure working conditions that they have not – and would not – freely agree to. Work may be performed under conditions that are degrading or hazardous and without adequate protective gear.</i>	was a day and a half travel from there to [Westport] Washington. I was moved from my contracted boat on the ocean. The way that they had me move to another boat was on a small kayak.” (MF1@516) “We do it all out on sea, in the open water, because the company says they cannot use the docks. It's not legal. And so, they put the boats together. we jump out of the escape hatch from the first boat, the [vessel name redacted] and then we have to climb up to the other boat to get onto it. And the only thing they provide us is life vest, but nothing else. (MF2@194) “I witnessed somebody going down the escape hatch and he was looking up like it's [the seas are] too big. So water filled the escape, and he was drowning inside. [Afterwards] he was safe, but he was very pale after, so we know that it was nerve wracking for him.” (MF2@223-231) Significant injury and illness causing swollen arm left untreated for extended periods. (MF2@803) Working in freezer room without adequate protection resulting in frostbite injuries, lost fingernails (MF6@543) Some vessels have expired medical kits, inadequate first aid resources. (MF8@649)	
11 Excessive Overtime: <i>Situations in which workers are subject to excessive overtime or on-call work that they have not freely accepted. For example, situations in</i>	Migrant fishers routinely work 17-hour days, every single day, in the beginning of the season, taking advantage of all daylight hours to maximize catch. Working hours gradually decrease to 12 hours later in the season. (MF3@463; MF7@598; MF8@531)	Lack of national law due to the policy gap creates problematizes the definition of this indicator in the United States. One migrant fisher reports that all work stops if wind speeds exceed 40 knots. (MF3@463)

<i>which workers must log excessive hours or days beyond the limits prescribed by national law or collective agreement or are denied breaks and days off.</i>	Migrant fishers report being required to stand “night watch” to monitor radio channels, watch for other vessel traffic during rest hours: “It’s however many hours are in the day, because that changes later on into the season. You want to be up, you know, half an hour before the sun does and about half an hour after sunset, you gotta wake up early stack fish. Yeah, start 17, hours the beginning of summer. Yeah, 17. So from 17 and then, like, as the hours of the day get shorter, then sometimes by the end of the season, maybe you’re working a 12-hour day or 10-hour day. And that depends too on, like, if you’re traveling, say, like, we’re not in a good fishing area, and we got to keep moving. So, then you’re, you know, everybody’s gonna do night watch. So, there’s a couple hours per night per person. So, certain things that kind of dictate that, mostly though, the hours of the day. (MF8@533) Each fish caught in this fishery is handled multiple times. Once aboard the vessel it must be bled, cleaned, brined, then hung up to freeze. Once frozen it is stacked in the freezer hold. You can only rest when all the work is caught up. (MF6@463)	One migrant fisher reports resting mid-day at 3 p.m. if all other work is caught up. (MF6@463)
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4.2 Abuse of Vulnerability:

Interview participants consistently presented evidence of the presence of indicator 01, the abuse of vulnerability. Vulnerability among migrant fishers originates in several factors which were clearly and consistently reported by interview participants. First, high unemployment rates in their countries of origin diminishes job seekers’ ability to reject disagreeable conditions (MF5@446, see Table 1). Next, several factors specific to commercial fishing create multiple dependencies of the fisher on the employer. During their employment, migrant fishers depend on

their employer for water, food, and shelter while the fisher's family members may further depend on them for remittances and employment references for other family members. Further, upon arrival in the United States migrant fishers report experiencing racial and/or ethnic discrimination (MF8@773), significant cultural differences, and language barriers (MF7@529). These vulnerabilities can be easily exploited by recruiters, vessel owners and captains due to the relative power imbalance between themselves and migrant fishers. The presence of each subsequent indicator can be related to the abuse of these vulnerabilities to the extent that a migrant fisher would have rejected offensive employment conditions but for their vulnerability.

Interview participants reported numerous experiences in this category that closely align with the description of this indicator given in Tool 1. The clearest evidence for the presence of this indicator was provided by an interview participant who explained his hesitancy to sign a blank employment contract, but ultimately did so due to fear of losing the job and the impact such loss would inflict on other areas of his life (MF2@473, see Table 1). Other examples, including the manipulation of access to food while at sea and deception in the recruitment process, are discussed in the following clusters of indicators. Some evidence was also presented that existing vulnerabilities are not abused in all cases. Some migrant fishers described experiences with captains who were "nice," (MF3@302, see Table 1) and others described forming close bonds with people in the industry (MF8@270, see Table 1).

4.3 Deception, Withholding Wages or Other Promised Benefits, and Debt Bondage or Manipulation of Debt.

This cluster comprised the greatest volume of evidence presented. Interview participants provided examples of both the presence and absence of each indicator in this cluster.

Experiences that align with indicator 02, deception, were widely reported in various forms, centering around the terms of their employment and the contracts by which migrant fishers agree to these terms.

First, migrant fishers universally reported lacking a thorough understanding of the specific terms in their employment contracts because contracts are written in formal English, and not the fisher's native languages (MF3@382; MF7@529). Two employment contracts reviewed for this study were template documents created by the Philippines Department of Migrant Workers (DMW, formerly, Philippines Overseas Employment Agency POEA). The contract itself is a one-page form where the crew recruiting agency fills in the details of the fisher's identity, the vessel on which they are to be employed, the position, basic monthly salary, hours of work, overtime pay, vacation leave with pay, and duration of the contract. It is signed by both the migrant fisher and the recruiting agency. The remaining seven pages are titled *Annex A: Standard Terms and Conditions Governing the Employment of Filipino Seafarers On-Board Ocean-Going Vessels* which references in several places to compliance with the Maritime Labour Convention. Each page is initialed by the migrant fisher. None of the migrant fishers interviewed for this study reported receiving their compensation in the form of monthly salary with overtime and vacation pay, including the two for whom these terms were clearly mandated by their contracts.

Instead of monthly wages, every migrant fisher interviewed reported working under a share-of-the-catch arrangement. While compensation earned under a catch-share arrangement could potentially far exceed contractual wages, uncertainty inherent in fishing does not guarantee that this will be so. Further, this arrangement relies on a coercive oral renegotiation of the terms of

employment after contract signing, thus implying deception in the recruitment process (MF2@537, see Table 1, Indicator 08).

One interview participant reported signing a second employment contract which was blank and was retained by the crewing agency (MF2@457, see Table 1, indicator 02). Further, others report working on vessels different than those listed on their contracts (MF2@383; MF3@712; MF5@304). Further, some interview participants report that benefit payments to Philippines social security, healthcare, and *Pag Ibig*, a Philippines government housing fund, were in many cases never made by the recruitment agency, potentially affecting the fisher's eligibility for such future benefits (MF4@607; MF6@398).

Evidence of the presence of indicator 08, wage withholding, centers around wage disputes which arose between captains, vessel owners, recruitment agencies, and migrant fishers. Several of the interview participants reported that they were sometimes not provided with detailed payroll statements for the season (MF6@380; MF3@421). When such statements were provided, they included significant deductions for vessel expenses including food, fuel, engine parts such as fuel filters and oil, fishing gear, and internet connectivity (MF7@549; MF3@425).

Further, none of the migrant fishers interviewed reported receiving regular monthly wage payments. Interview participants reported receiving their pay only at the end of the season when they returned home and asked for it from the crewing agency (MF1@454; MF6@366). In a few instances however some migrant fishers report having the ability to take a partial withdrawal of their earnings during the season (MF5@447, see Table 1, Indicator 08). Reports of postponed wage payments and failure of a recruiting agency to make full payment align closely with the definition of the indicator of wage withholding (ILO *Handbook*, 2023).

Evidence of the presence of indicator 09, debt manipulation, is present in several examples of the expense deductions mentioned above. Multiple migrant fishers report receiving negative payroll statements informing them that instead of earning wages they owed money to their employers for vessel expenses despite in one instance having worked aboard a vessel which landed 72 tons of albacore that season (MF1@406; MF6@410; MF3@769, see Table 1, Indicator 09). In one additional instance a vessel owner issued a pay statement reflecting a debt to the vessel owner and the captain then offered the migrant fisher an opportunity to “repay” his debt by extending his contract and continuing to work aboard the vessel for the upcoming season in the South Pacific (MF2@457, See Table 1, indicator 02). Coercive pressure from negative payroll statements to perform additional labor aligns closely with the indicator of debt manipulation.

It is important to note that these indicators are not present in all cases. Eight out of ten migrant fisher interview participants had returned for multiple fishing seasons. Some migrant fishers reported receiving compensation far exceeding contractual minimums in good years where the price of fish was high and the cost of fuel was low although they received these payments at the end of the fishing season, not monthly (MF1@564, see Table 1, indicator 08). However, evidence provided by interview participants aligns closely with the definitions and examples of forced labor indicators in Tool 1 and supports the conclusion that indicators in this cluster are sometimes present.

4.4 Restriction of Movement, Isolation, and Retention of Identity Documents

Interview participants provided examples of both the presence and absence of each indicator in this cluster. Evidence in this cluster centers around issues in U.S. immigration law as

presented in the Background section. The nature of high-seas fishing with its inherent restrictions on access to shore-based society during fishing trips does not automatically meet the handbook definitions of restriction of movement or isolation in the context of fishing. However other aspects of migrant fisher employment such as restrictions while in port closely align with these definitions. Significant policy challenges around immigration law rather than the direct actions of employers drive migrant fishers' experiences in this category, although captains and vessel owners can mitigate or worsen an employment situation.

The problematic language in the Immigration and Nationality Act prohibiting migrant fishers from receiving crewmember visas (8 U.S.C. § 1101 (a)(15)(D)) has been in force since 1952 however migrant fishers report that enforcement has varied significantly in that time. Prior to 2017 one migrant fisher reports that his captain took the entire migrant crew in a van to purchase groceries and supplies for upcoming fishing trips (MF5@650, see Table 1, indicator 03). Further restriction reportedly occurred around 2018, after which short trips off the vessel such as to a nearby store, bathroom or laundry facility were no longer unofficially allowed (MF3@643, see Table 1, indicator 03). In recent years interview participants reported understanding the strictest possible prohibition against stepping off their vessel, even to perform basic tasks necessary for vessel operation such as making potable water and shore power connections (MF5@644, see Table 1, indicator 03). In one recent instance a captain reported receiving immigration fines totaling \$40,000 for alleged failure to prevent his crew from taking short walks ashore (C2@782). No crewmember had absconded from the vessel in that instance.

Several migrant fishers report periods of isolation while performing maintenance work on their vessels after the completion of a fishing season and the repatriation of their fellow crewmembers. In two instance this occurred in shipyards near Richmond, British Columbia,

Canada (MF7@481; MF6@329) and in one instance this occurred in Westport, Washington (MF4@854). In that case Wi-Fi internet access was removed from the boat by the vessel owner during that period.

The presence of indicators in this cluster was reportedly mitigated by wireless and satellite communication technologies. One migrant fisher reported having access to a satellite phone carried on board the vessel although its use was expensive and controlled by the captain (MF1@548, see Table 1, indicator 04). Several other migrant fishers report having wireless satellite internet access which they could use with their own devices, although \$200 was deducted from each of their wages for this service (MF8,9,10 @ 683, see Table 1, indicator 04).

The strongest evidence in this cluster involves indicator 07, the retention of identity documents. Reports from interview participants vary widely in this regard. Several interview participants report that captains regularly hold passports and mariner credentials in accordance with the guidelines in the CBP Vessel Inspection Guide (see Table 1, indicator 07). Specifically, two migrant fishers and one captain interviewed for this study report that it is standard practice for captains to take and hold all crewmembers' passports and seaman's books such that a crewmember could not leave without asking the captain for their documents or abandoning them (MF7@691; MF5@522; C3@318, see Table 1, indicator 07). However, three other migrant fishers reported that they were not required to surrender their passports and in one of those cases a migrant fisher refused to do so and did not suffer the loss of his employment (MF2@499; MF3@282; MF4@480, see Table 1, indicator 07). While this indicator may not be present in all employment situations, the official CBP policy guidelines along with several reports demonstrate that this indicator is clearly present in some employment situations. The practice of an employer retaining identity documents can form a coercive pressure to continue providing labor. The

presence of indicator 07, retention of identity documents, when occurring simultaneously with other indicators can create situations of both involuntariness and coercion, thus increasing the likelihood that forced labor is present (ILO Handbook, 2023).

4.5 Physical and Sexual Violence, Intimidation and Threats, Abusive Living and Working Conditions, and Excessive Overtime.

Interview participants provided evidence of the presence of each indicator in this cluster. Although there were no reports of sexual violence and only one report of physical violence, significant incidents of intimidation and abusive working conditions were reported. The definition of excessive overtime is problematic in the United States given the lack of regulations around maximum work hours, however other aspects of reported data align with the presence of this indicator.

Interview participants rarely reported physical violence, although in one instance a migrant fisher reported a knife fight between coworkers, one of whom later died at sea of unreported causes (MF2@437, see Table 1, indicator 05). Several interview participants had previously worked aboard vessels flagged in Taiwan or Japan and reported that their experiences in the U.S. albacore fishery were “not as brutal.” (MF5@618, see Table 1, indicator 05).

Several interview participants presented evidence of the presence of indicator 06, intimidation or threats. In one reported instance a crew of migrant fishers was denied food by their captain as punishment for taking a break from work to eat. In that instance the migrant crew caught 150 fish in a short period and was tired and hungry from performing that work. The crew then elected one fisher to prepare food for everyone while the remaining crewmembers processed their catch. Upon seeing the fisher cooking instead of processing, their captain

reportedly became enraged and did not allow the crew to cook until they were done processing. Following that incident this captain would store food items in his cabin and required the crew were to ask him for permission to cook. The denial of food as a coercive measure to compel the performance of work aligns closely with the description of threats and intimidation, strongly signifying the presence of this indicator in this instance (MF3@222-312, see Table 1, indicator 06).

Additional evidence related to indicator 06 intimidation or threats was reported by migrant fishers who were hesitant to complain about their working conditions. The punishment that interview participants universally expected for complaining was the permanent denial of future employment (MF3@222; MF7@502, see Table 1, indicator 06).

Migrant fishers reported numerous examples of the presence of indicator 10, abusive working conditions. Most egregiously, several migrant fishers reported being compelled to move between vessels in the open ocean either using a small kayak (MF1@516, see Table 1, indicator 10) or in some cases by swimming between vessels which were reportedly 50 meters apart (MF2@190). Crew transfer at sea reportedly occurred as part of the fisher's migration experience as discussed in the background section on immigration law. Due to their ineligibility for C-1 transit visas migrant fishers must join their vessels outside of the United States. Migrant fishers then reportedly transfer between vessels 13 miles out to sea, one mile beyond the territorial sea of the United States (MF1@516; MF2@194; MF4@432; MF5@386, see Table 1, indicator 10). One migrant fisher reports that he was offered a life vest but no thermal protection as he swam between vessels with his personal belongings in a plastic trash bag (MF2@216). These reports were corroborated by similar reports from unstructured interactions as well as a description of crew transfer at sea in the 2021 Congressional report (Task Force on Human

Trafficking in Fishing in International Waters, 2021, p. 10). This practice raises the immediate possibility of death from either drowning or hypothermia and therefore these reports provide very strong evidence of the presence of indicator 10, abusive working conditions.

Further evidence of abusive working conditions was reported in the form of significant untreated injuries and illnesses at sea. In one report a migrant fisher had an arm infection which caused his arm to swell such that it was unusable. In another report, migrant fishers lacked sufficient personal protective equipment for working in the freezer room leading to frostbite from which he lost fingernails (MF2@803; MF6@543, see Table 1, indicator 10).

Evidence related to indicator 11, excessive overtime, is not necessarily present despite extraordinarily long workdays which are common in commercial fishing. In this fishery, interview participants consistently report starting workdays before dawn and working all daylight hours. At the beginning of the season all migrant fishers reported working 17 hours every day without exception, gradually decreasing to 12 or 10 hours as daylight hours decrease towards the end of the season. Interview participants further described the multi-step process of individually handling each fish brought aboard the boat as bleeding, cleaning, brining, freezing, then stacking frozen fish in the fish hold. This is a laborious process that necessitates many hours of work beyond initially catching the fish. One migrant fisher reported being able to take a brief nap around 3 p.m. if all this work is caught up, but also reported the expectation that there is no rest for the crew until all tasks are complete (MF6@463).

This practice does not meet the minimum hours of rest required in the ILO Work in Fishing Convention 188, Article 14 of which mandates ten hours of rest in any 24-hour period and 77 hours in any seven-day period (International Labour Organization, 2011). Problematically, the presence of the indicator of excessive overtime is defined by national laws governing overtime

work and/or collective bargaining agreements, neither of which exist in this fishery given limitations of the Fair Labor Standards Act and the lack of U.S. participation in Convention 188. This lack of statutory regulation is a key aspect of the policy gap that creates forced labor risk.

However, other evidence reported by interview participants aligns directly with the description of this indicator in Tool 1. Specifically, migrant fishers report being compelled to perform night watch duty during rest hours (MF8@533, see Table 1, indicator 11). Further, the denial of shore leave, although originating from statute and not the decisions of employers, contributes to the conclusion that this indicator is effectively present in this fishery.

4.6 Forced Labor Risk Assessment

The policy gap at the interstice of the four siloed areas of U.S. maritime, immigration, labor and fisheries law creates forced labor risk. This risk may be realized when forced labor indicators are present. While only a court can find the presence of forced labor, the presence of multiple forced labor indicators can identify possible forced labor situations (International Labour Organization, *Handbook*, 2023, Part I, p. 4). Qualitative data presented by interview participants in this study strongly suggests the presence of multiple forced labor indicators aboard some vessels.

The presence of forced labor indicators is facilitated by the policy gap identified in this study. Migrant fishers' vulnerability originates from conditions of widespread unemployment and poverty in their home countries. Interview participants report that this background of vulnerability drives their motivations to migrate for work in U.S. fisheries. The abuse of this vulnerability and thus the presence of that indicator is facilitated by the largely unregulated environment in which they work. Maritime law creates the exception that allows for their

employment and requires employment contracts but fails to regulate any terms of these contracts, thus facilitating the abuse of vulnerability, failing to prevent deception in the recruitment process, and creating avenues for abusive living and working conditions. Immigration law situates migrant fishers in a uniquely precarious immigration status which delegates U.S. immigration authority to captains to detain them aboard their vessels, enabling vessel owners to benefit from their labor while the fishers themselves experience the inability to voluntarily leave their workplaces. Further, the U.S. immigration authority (CBP) explicitly directs captains to hold migrant fishers' identity documents such that they cannot leave their workplaces without either abandoning their documents or requesting their employer's permission thus creating a strong coercive force to continue providing labor. Labor law does not guarantee migrant fishers overtime pay or limit their hours of work thus leaving them unprotected from wage withholding and excessive overtime. Although excessive overtime is tautologically defined by national laws which do not exist in this case, working hours that vastly exceed international standards in C-188 raise significant concerns. Fisheries law originally entirely excluded tuna fisheries altogether. Today, fisheries law plainly excludes migrant fishers from fishing communities, a condition which mirrors their restriction of movement and isolation aboard vessels.

Forced labor is characterized by involuntariness, defined as the lack of free and informed consent, and coercion, defined as the means by which someone is compelled to work involuntarily (International Labour Organization, *Handbook*, 2023, Part I, p. 4). The presence of each of the forced labor indicators can signify the presence of one or both characteristics. When assessing the presence or absence of indicators the *Handbook* gives weight to the fishers' perceptions (International Labour Organization, *Handbook*, 2023, p. 12). For example, if a migrant fisher believes he has no other choice but to tolerate wage withholding because of an

anticipated future denial of work or that he cannot leave the workplace because his employer holds his passport, and he has been threatened with fines for immigration violations then the fisher is effectively experiencing both involuntariness and coercion.

Migrant fishers' descriptions of involuntariness in this study begins in the recruitment process when migrant fishers are pressured to sign contracts that are not written in their first language without the ability to questions the terms and conditions of employment. It continues through abusive living and working conditions such as dangerous crew transfer at sea, the lack of personal protective equipment such as freezer suits and gloves, the denial of rest and food while working, wage deductions by employers and recruiters, and standing night watch after working 17-hour days without days off or shore leave.

Migrant fishers' descriptions of coercion center around their lack of alternative employment options, oral renegotiation of employment contracts to include terms that contradict their original signed contracts, inability to leave their workplaces, the retention of their identity documents by their captains, manipulation of debt as pressure to extend employment contracts, and threats of the denial of future employment as punishment for complaints.

Although not every employment situation may have descended into forced labor, significant forced labor risk exists in the U.S. North Pacific albacore tuna fishery. The lack of regulatory protections identified as the policy gap creates this risk. This fishery's reliance on migrant labor increases this forced labor risk. The presence of forced labor indicators across this fishery raises concerns that forced labor conditions exist in this fishery. The simultaneous presence of multiple forced labor indicators implies that forced labor risk is realized in this fishery in some employment situations.

5. Conclusion:

Forced labor occurs in fisheries across the planet but the subject of forced labor in a U.S. fishery has largely avoided scrutiny. The United States is not immune to this global phenomenon. Reports involving complaints by migrant fishers in U.S. tuna fisheries raise significant concerns. As acknowledged in the 2021 congressional report by the Task Force on Human Trafficking in Fishing in International Waters, independent studies such as the *Price of Paradise* report have identified the presence of forced labor indicators in the Hawaii longline tuna fishery. This study considers a similar question regarding the U.S. North Pacific albacore tuna fishery with similar results.

Policy analysis in this study reveals a unique policy gap located at the interstice of four siloed areas of U.S. maritime, immigration, labor, and fisheries law. This policy gap creates forced labor risk. Qualitative data from semi-structured interviews with migrant fishers and others analyzed through the ILO's *Detection Framework for Forced Labour in Fishing* suggests that forced labor indicators are sometimes present in the U.S. North Pacific albacore tuna fishery. Further, these data and this analysis suggest that at various times each of the 11 indicators of forced labor are present and multiple indicators are present simultaneously, implying that forced labor risk is sometimes actualized. However, finding forced labor in a specific employment situation is reserved for a court of competent jurisdiction acting under the authority of national laws, in this case is the Trafficking Victims Protection Reauthorizations Act, and is therefore beyond the scope of this study.

Forced labor and its indicators may not always be present aboard vessels in this fishery. Understanding the conditions faced by migrant fishers requires understanding that their experiences will range across a spectrum (Guelker, 2024). On one end of that spectrum, the ILO

decent work from decent work to forced labor. While the presence of a single forced labor indicator can suggest but does not prove the presence of forced labor, ILO guidelines suggest that indicators can also be early warning signs that signal the potential degeneration of an abusive work situation into conditions of forced labor (International Labour Organization, *Handbook*, 2023, p.7).

Regardless of the specific conditions on any individual vessel, the policy gap which finds migrant fishers working without even the most basic legal protections for activity necessary to sustain a human body remains in existence. This lack of protection creates a lopsided imbalance of power between migrant fishers on the one hand, and recruitment agencies, vessel owners, and captains on the other. Appropriate solutions therefore require policy changes that close the policy gap and shift that balance of power by centering the needs and agency of migrant fishers and by creating additional rights to improve fishers lived experiences. Although law enforcement may be necessary in specific cases, effective solutions cannot rely on law enforcement to mitigate the existence of the policy gap in every case. Further, appropriate solutions do not center law enforcement which could just as easily punish the same migrant fishers with immigration violations as help them in a dispute with their employers.

6. Implications and Recommendations, Policy Prescription

Given that the origin of the problem is the policy gap which creates substantial power imbalance between workers and employers, the following policy solutions focus on shifting that balance of power. Accordingly, the following bottom-up, rights-centered solutions are proposed:

6.1 Normalize migrant fishers' immigration status by eliminating the exception in the Crewmember (D) Visas: Amend the Immigration and Nationality Act to remove the single sentence which prohibits migrant fishers from qualifying for crewmember (D) visas, allowing them to access shoreside medical, legal, social, cultural and migration services in the same manner as foreign seafarers arriving on foreign vessels. This is a simple and direct solution which was proposed by Senator Maisie Hirono (D-HI) in her 2017 Sustainable Fishing Workforce Protection Act S2071 (S. 2071, 2017). This would resolve the contradiction in legal status that isolates and confines migrant fishers aboard their workplaces, allowing them to leave vessels to avoid abuse and seek assistance. Crewmember visas could be issued to migrant fishers in precisely the same way such visas are issued to thousands of other seafarers and aviation crews across the United States. Once eligible for crewmember visas, under existing law migrant fishers would also be eligible for transit visas to and from their vessels. This would also help vessel owners who would no longer be compelled to pick up crew in foreign ports. Senator Hirono's bill was supported by the Hawaii Longline Association as this proposal stand to substantially benefit the tuna industry as well.

6.2 Prohibit the Retention of Identity Documents by Captains: Adopt regulations clarifying that migrant fishers are responsible for their own passports and seaman's books while working aboard U.S. vessels. This new regulation could eliminate the presence of this forced labor indicator.

6.3 Revisit the Maritime Labour Convention and Convention 188: Work in Fishing: The international community has created internationally recognized standards for crew labor

including hours of work and rest, wage payment practices, grievance procedures, and immigration/repatriation requirements. Joining the international community in this endeavor would provide legally enforceable guidelines which currently do not exist in U.S. law. This could either involve U.S. accession to these conventions or drafting comparable national legislation, potentially as an expansion the Commercial Fishing Industry Vessel Safety Act of 1988

6.4 Require Foreign Labor Certification of Employers: The H-1 and H-2 visa programs require employers to certify with the US Department of Labor that certain basic labor standards have been met. Employer registration facilitates clarity and transparency and creates a condition that can be revoked if the employer is abusive.

6.5 Regulate Recruitment Agencies: Foreign recruitment agencies exercise significant control over the lives of migrant fishers, and many migrant fishers complained of wage withholding by their recruitment agency. At a minimum, these agencies should be regulated in a similar manner as in the H-1 and H-2 visa programs.

6.6 Regional Fishery Management Councils should bring forth recommendations to comply with Conservation and Management Measure 2024-04: Although substandard to C-188, this measure is set to become the only enforceable labor standard for migrant fishers by 2028. Councils should follow the April 2025 Department of Commerce memorandum and consider recommending regulations to comply with this Conservation and Management Measure.

Table of Abbreviations:

C-188:	ILO Convention 188, work in fishing
C1 Visa:	Transit visa allowing passage from airport to vessel
CBP:	U.S. Customs and Border Patrol
CMM:	Conservation Management Measure as in CMM-2024-04 Crew Labour Standards
DMW:	Department of Migrant Workers, government agency of the Philippines
D Visa:	Alien Crewmember visa
EEZ:	Exclusive Economic Zone
FCZ:	Fishery Conservation Zone
FLSA:	Fair Labor Standards Act
HLA:	Hawaii Longline Association
H Visa:	Temporary non-immigrant work visa
ILO:	International Labour Organization
IIRIRA:	Illegal Immigration Reform and Immigration Responsibility Act
INA:	Immigration and Nationality Act
MLC:	Maritime Labour Convention
MSA:	Magnuson-Stevens Act
NGO:	Non-Governmental Organization
NMFS:	National Marine Fisheries Service
POEA:	Philippines Overseas Employment Agency, now the DMW
TVRA:	TraYicking Victims Protection Act and TraYicking Victims Protection Reauthorization Act

Tool 1. Indicators of forced labour situations		
ILO forced labour indicators	Examples in the specific context of fishing	ILO Work in Fishing Convention, 2007 (No. 188) references
Deception Situations in which workers are working without their free and informed consent because the employer or recruiter has failed to deliver what has been promised to the worker, either verbally or in writing. Examples include situations in which the worker must perform a job of different nature from that specified during recruitment without a person's consent; work for other employers than agreed; and work for longer period of time than agreed.	- Fishers incur significant debt due to recruitment fees and related costs. - Fishers have been promised work with one employer, or in one port, vessel or fishery, but directed to another. - Fishers lack a written contract or the contract is written in a language they do not understand. - Employment terms promised by employers or recruitment agencies are not recorded or honoured, e.g., fishers recruited on understanding that the employment is legal when in fact it is not. - Fishers with contracts have the terms – for example, length of time at sea or share of the catch – changed without their consent. - Migrant fishers receive a contract from recruitment agency at last minute prior to departure, after the plane ticket is already purchased and recruitment costs incurred by recruitment agency, making it very hard for the fishers to refuse to sign the contract without reimbursing the recruitment costs and plane ticket, even if they are unhappy with the terms of the contract. - Payment modalities differ from those agreed (e.g., instead of agreed regular wage payments over the course of the trip, payments are irregular, or a lump sum payment is provided at the end of the trip).	Art. 22(3). No fees or other charges for recruitment or placement of fishers should be borne directly or indirectly by the fisher. Art. 16–20. Fishers must have a written work agreement that is comprehensible to them, is consistent with the provisions of this Convention and its Annex II, and is signed by both the fisher and vessel owner.¹ Art. 18. A copy of the work agreement shall be provided to the fisher, and, in accordance with national law and practice, to other concerned parties on request.
Abusive working conditions Situations in which workers must endure working conditions that they have not – and would not – freely agree to. Work may be performed under conditions that are degrading or hazardous and without adequate protective gear.	- Unsafe night work (fishing at night is typical) – for example, with inadequate lighting or dirty and slippery decks. - Work with faulty equipment including nets and cranes for hauling in the catch. - Lack of training on how to safely use the fishing gear and lack of safety induction when first joining the vessel. - Work in extreme weather conditions. - Working without adequate personal protective equipment (PPE) (e.g. poor quality, ill-fitting or not enough for all crew members). - Denial of medical treatment in case of injury. - Lack of access to unexpired and appropriate medications for minor injuries/illnesses. - Denial of the right to return to shore for medical treatment in the event of serious illness/injury. - Loss of life at sea; recovery of deceased fishers at port.	Art. 29(a) & (d). Fishing vessels must carry appropriate medical equipment and supplies and have radio or satellite communication equipment on board to access medical advice. Art. 29(e). Fishers have a right to medical treatment ashore and to be taken ashore in a timely manner for treatment of serious injury or illness. Art.31(b). Fishers shall be trained in handling the vessel's gear. Art. 32(3). Fishers on board larger vessels shall be provided appropriate personal protective clothing and equipment, receive safety training, and be reasonably familiarized with equipment and the methods of operation. Art. 10(1). Fishers must have a valid medical certificate attesting to their fitness to perform their duty before taking on work on board a fishing vessel. Art. 15.2.² Fishing vessels must carry a crew list and a copy of the crew list shall be provided to an authorized person ashore and communicated to the harbour authorities at departure.

Tool 1. (cont.)		
ILO forced labour indicators	Examples in the specific context of fishing	ILO Work in Fishing Convention, 2007 (No. 188) references
Abusive living conditions Situations in which workers must endure living conditions that they have not – and would not – freely agree to; for example, situations in which workers are made to live in overcrowded, noisy and unhygienic conditions without any privacy.	• Insufficient or unsafe food and water on vessels due to negligence or poor planning by the employer/skipper or too long at sea (e.g. fishers have to tap into air condition unit for water to drink). • Malnutrition (including cases of beriberi) and dehydration among fishers. • Poorly equipped, overcrowded and/or poorly ventilated sleeping. • Poorly equipped and/or poorly ventilated cooking areas. • Inadequate or intolerable sanitary facilities. • Denial of warm water on vessels fishing in very cold climates, making washing intolerable.	Annex III³ • Accommodation should among others have adequate headroom, adequate insulation, emergency escapes, limited exposure to noise and vibration, adequate ventilation, heating and air conditioning, and adequate lighting (if possible, with natural light). • To the extent not expressly provided otherwise, the number of persons allowed to occupy each sleeping room shall not be more than six. For vessels of 24 metres in length and over, the number of persons allowed to occupy each sleeping room shall not be more than four. • There should be sufficient toilets, washbasins and tubs and showers for all crew on board and they must meet minimum standards of health and hygiene. • Fishers must have access to both cold and hot fresh water. • Food and potable water must be sufficient for the duration and nature of the voyage and food should have suitable nutritional value. Art. 27(a). The food carried and served on board must be of a sufficient nutritional value, quality and quantity. Art. 27(b). The potable water must be of sufficient quality and quantity.
Excessive overtime Situations in which workers are subject to excessive overtime or on-call work that they have not freely accepted. For example, situations in which workers must log excessive hours or days beyond the limits prescribed by national law or collective agreement, or are denied breaks and days off.	• Severely inadequate crew size for vessel type/gear. • Excessively long fishing trips (e.g. months or even years). • Chronic lack of rest hours and days off (e.g. fishers having to work 20+ hours consecutively when there is a large catch; having to trans-ship fish after long hours of fishing; having to perform watch duty during rest hours, sometimes as punishment; or having to mend nets and package the catch during their rest hours). • Denial of shore leave and annual leave.	Art. 13. Fishing vessels must be safely and competently manned and fishers must be given regular periods of rest to ensure safety and health. Art. 14. Fishers on board vessels at sea for more than three days must, with exception, be provided a minimum of ten hours of rest in a day or 77 hours in a seven-day period.
Work with substandard or no wages Situations in which workers are subject to remuneration levels to which they have not freely agreed; for example, no remuneration or remuneration that does not constitute a living wage.	• Payment of less than the minimum wage required by law (fishers classed as agricultural or seasonal workers may have no minimum wages set by law). • Underpayment through share-of-the-catch systems controlled by employers, skippers or supervisors. • Underpayment or non-payment of bonuses, Lack of clarity around how bonuses are calculated or paid. • Fishers partially or completely deprived of wages (e.g. because of illegal or excessive deductions for items such as food, on-board phone calls or cigarettes). • Payment delayed to the end of the trip to ensure that fishers do not leave.	Art. 23. Fishers that are paid a wage (not a “share of the catch”) must be paid monthly or regularly. Art. 24. Fishers must be provided a means to transmit payments (wages and shares) to their families at no cost. Art. 27(c).⁴ Food and water shall be provided by the fishing vessel owner at no cost to the fisher (unless there is a collective agreement to the contrary) and cannot be deducted from the fisher’s payment.

Tool 1. (cont.)			
ILO forced labour indicators		Examples in the specific context of fishing	ILO Work in Fishing Convention, 2007 (No. 188) references
Abuse of vulnerability	Situations in which employers take advantage of workers' vulnerable position – for example, their lack of alternative livelihood opportunities, their belonging to a group that is subject to discrimination, their irregular legal status or lack of documentation – to coerce them under threat of dismissal, deportation or denial of rights or privileges to perform work or accept work conditions they would otherwise refuse. Forced labour is more likely in cases of multiple dependency on the employer, such as when the worker depends on the employer not only for his or her job but also for housing, food and for work for his or her relatives.	• Migrant fishers, whose work visas are controlled by vessel owners, threatened with deportation if refuse abusive orders. • Vulnerable fishers with limited alternatives (e.g. migrant fishers, fishers from minority communities, poorly educated) forced to work in intolerable conditions through threats of loss of pay, loss of shelter (often on board the boat in port), manipulation of access to food and water at sea, acts or threats of violence. • Recruiters luring homeless people into abusive work aboard fishing vessels with promises of accommodation and food on board and the opportunity to earn money.	
Restriction of movement	Situations in which workers are not free to enter and exit the work premises, with the exception of certain restrictions which are considered reasonable. Includes situations in which workers are locked up and guarded to prevent them from escaping, at work or while being transported.	• Fishers held on vessel while at port to prevent them from fleeing or from contacting unions or support organizations. • Fishers who take a cash advance placed under guard while at port to stop them from running away before vessel sets sail again. • Fishers kept on distant-water trips for months or even years are effectively prevented from leaving their vessel.	
Isolation	Situations in which employers isolate their workers in remote locations and/or deny contact with the outside world to compel them to remain in jobs they would otherwise escape.	• Fishers are kept at sea beyond agreed time. • Trans-shipment of catch is used to extend vessel and crew time at sea. • Fishers isolated from other crew on board the vessel as punishment. • Fishers have their cell phone confiscated, are denied access to satellite communications or satellite Wi-Fi at sea, or are only allowed access to employer-controlled and monitored means of communication, in turn preventing them from seeking help, organizing or reporting grievances.	All fishers shall have reasonable access to communication facilities, to the extent practicable, and at a reasonable cost not exceeding the full cost to the fishing vessel owner.
Physical and sexual violence	Situations in which workers, their family members or close associates are subjected to actual physical or sexual violence, to compel workers to accept work tasks that they would otherwise refuse or to compel workers to stay in jobs they would otherwise leave.	• Fishers who ask to return to shore early/before their contract expires are physically assaulted upon return to port and placed on another vessel. • Fishers who object to abusive orders or who make complaints are subjected to physical violence by the skipper, supervisor, recruitment agencies, or even by owners, other fishers. • Individual fishers subjected to violence as a warning to other fishers in the crew, including, in extreme circumstances, homicide and extreme negligence.	

Tool 1. (cont.)			
ILO forced labour indicators		Examples in the specific context of fishing	ILO Work in Fishing Convention, 2007 (No. 188) references
Intimidation and threats against workers or workers' relatives	Situations in which workers, their family members or close associates are subjected to intimidation or threats of violence, to compel workers to undertake work tasks that they would otherwise refuse or to prevent workers to stay in jobs they would otherwise leave.	- Fishers are faced with multiple threats as means of coercion and control, including physical violence, denial of food/meals, additional work (e.g. watch keeping during rest hours), denial of shore leave, being sent home early (which is problematic for those in debt or who were charged a guarantee fee), or of being trans-shipped (which many fear as they know conditions could be worse on another vessel). - Migrant fishers are threatened with deportation as means of coercion and control. - Fishers' families are threatened when fishers insist on their rights or when the families follow up on behalf of fishers. - Fishers have their phones confiscated as punishment for posting or raising complaints about conditions.	
Retention of identity documents	Situations in which workers' identity documents or other personal valuables are retained and workers are unable to access these items on demand and/or are unable to leave the job without risking their loss.	- Vessel owner, skipper or recruitment agency holds passports, visas or work permits "for safe-keeping" and fishers are (or feel) trapped, unable to leave out of fear of losing their identity documents. - Vessel owner or recruitment agency holds house/land deeds (meaning if fishers don't finish their contract, they forfeit their home). - Vessel owner or recruitment agency holds school diploma (which can be needed for seeking future/other employment).	
Withholding of wages or other promised benefits	Situations in which wages are systematically and deliberately withheld as a means to compel workers to accept work tasks that they would otherwise refuse or to compel workers to stay in jobs they would otherwise leave, out of a fear of losing their accrued earnings.	- Fishers' full monthly payment is postponed for several months, or paid in full only at the end of the contract, preventing them from leaving their jobs or taking leave out of fear of losing their accrued earnings. - Fishers are required to pay their airfare home if leaving early; fishers must pay "guarantee money" which they forfeit if they fail to complete their contract. - Fishers are physically abandoned at port, without airfare or support for returning home. - Fishers are promised final payment of wages by recruitment agency upon repatriation but then never paid. - Fishers are promised – but never receive – a bonus based on the volume of catch. (Such bonuses are used to incentivize fishers to work long hours in order to maximize their earnings).	Fishers shall be entitled, subject to the conditions set by the member State or the serious default of the fisher's work agreement obligations, to repatriation at the fishing vessel owner's cost or, if the owner fails to pay, the flag State.
Debt bondage or manipulation of debt	Situations in which workers are coerced to work against their will to repay a debt with an employer or recruiter, or when debt is manipulated to compel people to perform work tasks or accept work conditions that they would otherwise refuse.	- Debts to recruitment agencies, owners, skippers or crew supervisors are used (extended, inflated) to prevent fishers leaving. (Fishers are denied details/written contracts for debt with terms including amounts, payment period, penalties). - Advances on wages; debt linked to charging fishers money for food they consume on board and other opaque costs are used by employer to keep the fisher in the job.	

Notes: ¹ Or signed by an authorized representative of the fishing vessel owner (or, where fishers are not employed or engaged by the fishing vessel owner, the fishing vessel owner shall have evidence of contractual or similar arrangements). ² See also the IMO Convention on the Facilitation of Maritime Traffic, 1965 (FAL). ³ Annex III applies to new vessels and, when reasonable and practicable, existing vessels. See also Paragraphs 16–34 of Recommendation No. 199, the (FAO/ILO/IMO) Code of Safety for Fishermen and Fishing Vessels, and the (FAO/ ILO/IMO) Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels. ⁴ See also Paragraphs 14–15 of Recommendation No. 199.

Introduction:

1. Tell me about yourself
2. How did you become a fisher?

Background:

3. How did you begin fishing away from home?
4. What countries have your coworkers been from?
5. What are or were your position(s) on the vessels/boats?

Rights and employment:

6. What do you know about your rights as a fisher?
7. Where did you learn about your rights?
8. What information did your employer provide about your rights?
9. How comfortable did/do you feel exercising your rights as a fisher?
10. Can you describe how you got from home to the fishing vessel?
11. Can you describe how your passport or national identity documents are held or secured when you're fishing?
12. From your understanding, did/do employers violate any of your rights? If yes, can you describe how?

Wages and pay:

13. If you signed a contract, can you describe it to me?
14. What information did your employer provide about your wages and benefits?
15. How are/ were you paid
 - a. What documents, e.g. pay stub or statement, do you receive from your employer with your pay?
16. Are you expected to pay your employer for any living expenses?
 - a. If yes, What are the expenses you are expected to pay to your employer while working?

Working and living conditions:

17. What are/were your working hours?
18. What are your living conditions like at sea?
19. Can you describe the work of fishing?
 - a. Is it easier or harder to find schools of fish?
 - b. Does it take less time or more time to fill the fish hold?
20. If you've been physically injured or harmed while working, can you describe what happened?
21. When your boat is docked at a port, can you leave the boat to go ashore?
 - a. if so - when were you able to move off the boat?
22. If you ever wanted or needed to leave the boat to go home, what's the process for leaving?
23. How have/do the conditions you experience(d) affect you?

24. What are the changes you want to see for fishers like you in the commercial fishing industry?

Wrap up:

25. Is there anything you want to add that we haven't talked about?

26. Do you have any questions for me?

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Other Statements:

This thesis is the product of human labor, eQort, hopes, dreams, errors and intelligence. No generative artificial "intelligence" was used to create this paper.

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