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Engineers Say Auto Parts Maker Traffics Mexican Labor

By **Caleb Drickey**

Law360 (October 26, 2023, 10:26 PM EDT) -- A group of Mexican engineers accused a car parts manufacturer and two recruiting agencies of luring them to the U.S. with false promises of high-paying engineering jobs, only to force them to perform manual labor for long hours and substandard wages.

In a proposed class action **complaint** filed Wednesday in Georgia federal court, five former employees of SL Alabama LLC alleged that the three companies conspired to traffic Mexican nationals to the U.S. through the Trade NAFTA visa program.

Once they arrived in the U.S. expecting high-skilled engineering jobs, they said, they were forced to perform manual, assembly-line labor for weeks on end without breaks or sufficient overtime pay and were threatened with eviction or deportation if they complained.

"Defendants executed their fraudulent TN visa scheme to exert pressure on plaintiffs and other similarly situated workers to provide manual labor for long hours at lower-than-promised wages," the workers said. The firms, they said, "committed forced labor and trafficking for forced labor."

Under the TN visa program, Mexican and Canadian citizens may take professional-level jobs in the U.S. that require specialized education and experience. All five workers say they hold engineering degrees from Mexican universities, and all say they were offered technicians' jobs carrying salaries of \$32,000 and \$42,000 per year through recruiting agencies GB2G Inc. and SPJ Connect Inc. at SL Alabama LLC's car part plant.

The reality of their work, they said, did not match what was promised to them in their offer letters. Upon arriving at SL Alabama's plant, they were assigned to production lines, assembling headlights for 12 hours per day, six or seven days per week, for \$11 per hour.

TN visa holders' hours were significantly longer and their pay significantly worse than those of their American counterparts, the workers said. U.S.-born assembly workers earned between \$16 and \$22 per hour, they said, and were not required to work overtime.

"Engineers who were U.S. or Korean citizens or nationals, non-Mexican nationals, and non-Hispanic were not required to work manual labor positions at low wages," the workers said. "Instead, such persons were hired in skilled positions, earning higher wages for fewer hours and better working conditions."

Complaints about working conditions, the engineers said, were met with threats of termination, eviction from company-provided housing, and deportation.

"Defendants' threats of deportation were threats of physical restraint for the purpose of obtaining plaintiffs' and other similarly situated workers' labor, within the meaning of the forced labor statute," the workers said.

On behalf of two overlapping classes of TN visa holders and Latino Mexican plant workers, the engineers demanded all unpaid minimum wages and liquidated damages under the Fair Labor Standards Act.

They also accused the plant operator and its recruiters of fraud under both the federal and Georgia state Racketeer Influenced and Corrupt Organizations Acts. They demanded triple the amount of any damages the court finds that they suffered as a result of that alleged conspiracy.

The engineers demanded further unspecified punitive damages arising out of the Trafficking Victims Protection Act.

Rachel Berlin Benjamin, counsel for the workers, said in a statement Thursday that her clients' allegations of systemic RICO immigration fraud were "very important."

Representatives for the companies did not immediately respond to requests for comment.

The workers are represented by Rachel Berlin Benjamin and Brian Sutherland of Beal Sutherland Berlin & Brown LLC, Daniel Werner and James Radford of Radford Scott LLP and Christopher Hall of Hall & Lampros LLP.

Counsel information for SL Alabama, GB2G and SPJ Connect was not available Thursday.

The case is Peregrina et al. v. SL Alabama LLC et al., case number 3:23-cv-00206, in the U.S. District Court for the Northern District of Georgia.

--Editing by Bruce Goldman.

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