

My name is Sr. Mary Stella Mangona. I was born in the Philippines and became a naturalized citizen of the United States in 1992. I am a licensed Marriage and Family Therapist with an M.A. in Psychology from the Ateneo de Manila University in the Philippines. I also received training in Pastoral Counseling at Loyola University, Chicago. I have been employed since 1999 by the government of the Commonwealth of the Northern Mariana Islands (CNMI) as a mental health counselor with the Department of Public Health, Community Guidance Center. I am, however, attending these hearings of the United States Senate Committee on Energy and Natural Resources not in my capacity as an employee of the CNMI government but in my role as a Catholic Religious Woman, as a delegate of His Excellency Bishop Tomas A. Camacho of the Diocese of Chalan Kanoa. I am here primarily to offer support to other members of the Bishop's delegation and to assist with translation from Tagalog, if necessary, for a victim of human trafficking who will be testifying before the Committee on February 8, 2007. I am also grateful for this opportunity to offer written observations particularly in regard to issues of labor and immigration in the CNMI. I will try to describe the life situations of many of my clients without advocating particular solutions.

I have been a Sister of the Good Shepherd for more than 40 years, that is, a member of a Roman Catholic international order of religious women with ministries spanning 71 countries including the CNMI. Good Shepherd work throughout the world is directed by the Church's teachings on Social Justice, with a special emphasis on advocacy for human rights and upholding the dignity of each individual. Our mission is especially to girls and women who are marginalized in society. I have been living and working on Saipan since 1999, when my Provincial Superior encouraged me to move from Guam to follow up on rumors about female victims of human trafficking and to find out whether we could provide assistance or intervention. My position with the CNMI Community Guidance Center has enabled me to work closely with other service agencies like Karidat (the local equivalent of Catholic Charities), Division of Youth Services, Public School System, Probation Department and the Department of Corrections. At times I have been approached by the Bishop, by parishioners referred contract workers, and by non-resident workers themselves as they feel I can be trusted with sensitive information in my capacity as a Religious and a counselor. My individual and family counseling sessions have been with both local population as well as other ethnic groups living in the CNMI. Outreach programs and educational presentations have touched on a large number of issues particularly domestic violence, human rights advocacy with non-resident workers, the rights and responsibilities of overseas workers (particularly to Filipino groups, given my background and ability to speak Tagalog), sexual abuse of children, depression and anxiety, and trauma recovery and empowerment for victims of human trafficking and sexual assault.

My mission on island makes me appreciate the beautiful culture of "respetu" of elders and family members. This tradition, which is also a Filipino value, has inspired me to extend the respect and honor to other members of CNMI society who may not be citizens. I have supported the laws and customs that reflect Catholic social teaching that emphasizes treating one another with dignity and justice based not on social position, achievements, wealth, or any other determinants. In my eight years here in the CNMI, I

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have met many persons in the public and private sectors who work tirelessly for the protection of the poor and vulnerable. These individuals' valiant efforts on behalf of specific victims of exploitation and discrimination, however, have not stemmed the tide of new problems. I see two prongs to this difficult situation. On the one hand, there are overt violations of human rights, mainly in the areas of non-payment of wages, hostile workplace practices and the illegal termination of workers who try to bring such conditions to the attention of authorities. Such incidents continue to be reported at an alarming rate, but at least these workers do have some recourse through local laws and Federal mechanisms such as the Fair Labor Standards Act and the Equal Opportunity Employment Commission (EEOC). On the other hand, there are many others – especially women and children – who are consigned to degrading living conditions and vulnerable to various sorts of scams purported to improve their status but in fact only benefiting the enterprising operators who prey upon them. It is my observation that these women and children are victims of unintended consequences of the “guest worker” immigration program of the CNMI.

The CNMI has suffered from a negative reputation based on the conditions existing in “sweat shop” garment factories which were exposed in the 1990's. Indeed there were heinous abuses at the time. Complaints were filed. Due process, along with the pressure generated by high-profile news media (the 20/20 story, for example), resulted in dramatic improvements. Changes were mandated. Some of the worst violators closed their CNMI factories. By 2003, I had seen a significant change in amelioration of the problems presented. The information about improvements in working conditions, however, never received the same level of publicity as the reports of the original violations. Among those relatively few people who even know of the existence of the CNMI, even to this day the reaction to mention of Saipan tends to be something along the lines of “Isn't that that terrible place with all those sweat shops?” Not surprisingly, this has engendered a defensive stance in industry and government. While it is true that some negative publicity from outside our Islands is based on out-dated information, the result of the defensive posture is that current legitimate concerns are downplayed by the insistence that progress has been made since the 90's or that any given report is an isolated case. The climate is not conducive for productive dialogue and search for systemic solutions to serious and ongoing problems. Policies which are harmful not only to non-resident workers but to indigenous people remain in force.

I want to emphasize that my concerns pertain to “the system” as a whole, not to any particular department. The Labor and Immigration Departments are technically separate, but they are housed in the same building and their functions blur together. Because the guest worker population is currently larger than the resident population, the vast majority of incidents involve both labor and immigration because the issues are inextricably linked.

A Current Example of a Labor Case Involving a Garment Factory

From the *Marianas Variety*, February 2, 2007

Concorde Garment Manufacturing Corp. and L&T Group of Companies fraudulently induced 48 of its 1,406 former employees to sign contracts by hiring them even though the companies knew they were going to close the factory, according to the Department of Labor. Labor also found other violation of labor laws and rules by Concorde and L&T, including their conditional renewal of contracts upon workers' payment of recruitment fees of up to 3,8000 Chinese RMB or some \$489. These were among the findings in the compliance agency case filed by Labor on behalf of 1,406 former Concorde and L&T employees, according to an "amended determination" issued on Monday by Labor Director Robert N. Magofna and reviewed by Assistant Attorney general Dorothy Hill....

"It is the department's position that because respondents took affirmative steps to bring these employees to the CNMI after they knew, or should have know, that they were not going to be able to fulfill the terms of their contract with these workers, they fraudulently induced these employees to contract. As such, the department cannot approve these terminations as undertaken in good faith for economic necessity," said Labor.

A labor investigation found that as early as Sept. 26, 2006, the respondents' corporate management in Hong Kong decided to implement a significant reduction in force of its Saipan operations, effective January 2007, and this was conveyed to senior management in Saipan in early Oct. 2006. However, Concorde's 48 new hires from China entered the CNMI on or after Oct. 28, 2006 and the last four arrived on Nov. 4, 2006.

As a human rights advocate, I applaud the local Labor Department's serious and timely investigation of these abuses. A step towards justice for the defrauded laborers – good!

As a human being who tries to think logically, however, I am mystified why these particular workers were permitted to enter CNMI at all. One garment factory after another has been closing throughout 2006. As of October 2006, there were already hundreds, if not thousands, of displaced garment workers on Saipan, seeking transfers to those factories still operating. Even assuming that Concorde had been financially thriving and legitimately in need of augmenting its workforce, why was it authorized to import workers from off-Island rather than recruiting from the existing pool of experienced, unemployed garment workers already here? That is a question that everyone I know has been asking. It doesn't seem to make any sense. The companies didn't need the new workers. It made more work for Labor to investigate and repatriate them. They create a burden on CNMI society at large while they are unemployed and/or waiting for the labor cases to be heard and settled, since in many cases they need to rely on charity for their basic support. The greatest suffering, however, is of course imposed on the individual non-resident workers, who came to the CNMI with their dreams of helping their families back home, only to find they had wasted their resources and worsened their situations. It would appear that the only ones benefiting are the

unscrupulous recruiters in the home companies. Why then did Labor and Immigration allow them to come in?

What Does “Temporary” Mean?

The establishment of the garment industry in the CNMI opened the door for non-resident workers to come and help because of the lack of local labor force. Non-resident workers are commonly called “contract workers” – both by themselves and by the local residents who hire them. This designation reflects the understanding that these alien workers are supposed to be in the Commonwealth on a temporary basis, according to the terms of their contracts (usually for one or two years). Since the contracts can be renewed, however, there are a substantial number of non-resident workers who have remained in the CNMI on a more or less continuous basis for 15-20 years. This has effectively created a permanent underclass of disenfranchised persons. If you have lived somewhere for 20 years, it really is your home, but these workers have no official status of belonging. They are valued employees with stable employment histories, US citizen children going to public schools, deep roots in the community, but no possibility of adjusting their year-to-year vulnerable, temporary status except by marrying a local person. In my counseling caseload, I encounter approximately 5 cases each year involving “contract marriages,” where non-resident workers marry a U.S. citizen after the payment of a fee. I believe that the ones I actually see are only the tip of the iceberg. I do not wish to imply that the problem of contract marriages is unique to the Commonwealth, although I think that due to our small population, there may be a greater proportion *per capita* as compared with the US mainland.

The long-term “temporary” alien workers described above are here legally; their contracts are regularly renewed, or they transfer to new employers and the proper papers are filed to establish new contracts. But what about those workers whose contracts are not renewed? The expectation of the non-resident employee system would be for all workers to return to their home countries upon the conclusion of their contracts. The employer of record is required to provide the return ticket. There is, however, a 45-day grace period during which the individual can seek to transfer to another employer. Perhaps during the boom years of economic expansion, this provision worked effectively. When there were plenty of jobs to be found, displaced workers could find new legal employers. The system is definitely not working well now. It is difficult for anyone to find a new job. Many people “go underground” by the end of the 45 days. They do not report to their original employer for the ticket back. They become over-staying aliens subject to deportation, essentially hiding in plain sight. They eke out an existence, and they stay, sometimes for years. A peculiar problem arises when an over-staying alien happens to die in the Commonwealth. Who is responsible for the funeral or repatriation of the body? I have personally known of three such cases where the body stayed in the morgue for months because nobody claimed responsibility and there was no mechanism to assign it.

There does not appear to be any reliable answer to the question of how many undocumented persons currently reside in the Commonwealth. The Department of Labor recently published a list of 1,001 names, but it included some who have already departed and others who can prove that they have legal status. My Filipino clients and friends have also informed me that they know of many “illegals” whose names do not appear on the list. What does this imply about the accuracy of the tracking system?

Displacement of Local Workers

The establishment of garment factories on Saipan necessitated the availability of thousands of workers, which led to the inauguration of the guest worker program. Labor laws and policies are very clear that CNMI residents (often calls “locals”) and their immediate relatives (IR’s) have preference in hiring. Employers are only permitted to hire a non-resident worker after they have demonstrated that they tried to recruit from the local labor force but no suitable applicant was available. I have personally assisted many women to look for employment and I have learned that this policy is widely circumvented. On any given day, there are a number of “help wanted” ads in the newspapers. Telephone inquiries about the vacancies, however, elicit the response, “It’s only a renewal,” meaning that a non-resident worker’s contract is expiring and is about to be renewed. The employer duly advertises the position, giving the appearance of following the law, but without the intention of allowing for possible recruitment. The “vacancy” is actually a “no vacancy.” This is very disheartening for local and IR women who need to be able to support themselves and their children so they can separate from abusive spouses and common-law partners. The lack of good-faith recruiting can be reported to the Department of Labor, but gaining a reputation as a “troublemaker” will not endear the applicant to the prospective employer. It is often said that local people are unwilling to work in minimum wage jobs for \$3.05 an hour. My observation is that few locals are ever given the opportunity to test their willingness. It is more expedient for employers to hire non-residents who are both less likely to know their legal rights and less able to resist exploitation.

Catholic Social Justice Teaching

In conclusion, I quote from Bishop Tomas A. Camacho’s Pastoral Letter on Human Rights, issued on Saipan on May 1, 2006.

Some may feel that desperate times justify desperate measures to bolster the economy or simply to provide for our families. We must avoid this temptation in the light of Catholic teaching on human rights and justice. ... We must never exploit our fellow human beings nor sacrifice their rights on the altar of “prosperity.” Indeed, Catholic social teaching emphasizes that no society can be considered truly prosperous if it neglects the needs of the poor and vulnerable. ... If our community allows human rights abuses, they will continue to happen. If our community as a whole does not tolerate abusive activities, they will stop.

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I have shared my experiences to provide information and insight into the conditions of workers and families in the CNMI. The CNMI is a beautiful place with proud and ancient traditions for its residents and offering hope to those non-resident workers who continue to seek opportunities on these Islands, but our tarnished international reputation is like a deep wound with a small band-aid on it. Let us have the courage to earnestly seek healing. I believe the time has come for us, in the light of the gospel, "to proclaim freedom for prisoners, recovery of sight for the blind, and release for the oppressed."

May justice reign in the CNMI!