

Group of Foreign Workers Wants Chance to Stay

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[Scott Funk](#), a Member at Gray Reed & McGraw, was quoted on foreign workers labor issue in the March 11, 2009, edition of the *Houston Chronicle*.

Scott Funk represents plaintiffs and defendants in all aspects of complex and sophisticated commercial and general civil litigation and arbitrations, including cases involving breach of contract, fraud, securities fraud, real estate, oil and gas, trade secrets, non-compete agreements, accountings, minority shareholder oppression, violations of the DTPA and UCC, as well as defense of serious injury and wrongful death claims. Mr. Funk's practice also includes estate planning and probate matters, including drafting wills and trusts and handling probate litigation.

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Thang Hong Luu pledged his parents' house in Vietnam as collateral to raise enough money to take advantage of a job opportunity in America.

He says he paid a \$10,000 fee to be chosen for a 2½ -year stint as a welder that he thought would earn him more than \$100,000 — money that seemed out of reach in Vietnam.

But in February, eight months into his work contract, he was told he'd have to go home, he said.

"There is a lot of injustice and deception that I don't understand," he said through an interpreter, Tammy Tran, who is also one of his attorneys.

On Tuesday, he was the first of about 20 workers Tran represents to file a lawsuit claiming Coast to Coast Resources, a Port Aransas-based staffing agency for skilled laborers, and ILP Agency, a Louisiana-based labor firm, promised work for 30 months at \$15 per hour but renege months into the contract.

Luu says the companies charged him and his fellow workers a fee of between \$6,500 and \$15,000 to be chosen for the U.S. jobs; told them not to speak to outsiders because Americans disliked citizens of communist countries; and overcharged them for housing and transportation.

Hung Quoc Vu, chairman of ILP, didn't return e-mail or phone requests for comment.

Scott Funk, a Houston attorney for Coast to Coast, said the company denies the allegations and will aggressively defend itself in court.

The company never collected the alleged fee, never told workers to keep quiet and often collected less than what it incurred in housing and transportation costs, he said.

The workers were told they had to return to Vietnam because their visas had expired and extension applications had been denied, Funk said.

The workers were here on H-2B visas that allow foreign workers to take positions, generally for up to 10 months, that U.S. companies cannot fill.

"It is ironic and a shame that Coast to Coast is being punished and disparaged for actually complying with U.S. immigration laws," he said.

'Good workers'

Luu and the others worked in Channelview at Southwest Shipyard, which was not named in the lawsuit.

"These are good workers," said Sanjay Rao, president. "We were told by the subcontractor that their visas had expired."

If Coast to Coast knew the visas could expire and not be renewed, it shouldn't have promised workers jobs for 30 months, Tran said.

"If you don't know if the visa will be attainable, how can you promise it? How would the workers know? They don't speak English. All they know is they were promised work," she said.

Funk said Coast to Coast did not promise visas, and if ILP did, it did so without Coast to Coast's knowledge or consent.

The workers knew only the government could approve the visas and extend the visas, and that issue was beyond Coast to Coast's control, he said.

"Their agreements all require them to comply with U.S. law, and if they can't work here lawfully, they would not be in compliance," he said.

He added that Coast to Coast wouldn't be contractually obligated to employ them because the workers wouldn't be in compliance with the contract or U.S. law.

\$15 an hour

Luu's contract with Coast to Coast notes he would earn \$15 an hour for the first 40 hours and an additional \$22.50 an hour for overtime.

He also agreed to pay Coast to Coast \$500 a month in rent, \$85 a month for transportation and a management fee of \$2 per hour worked, according to a copy of his contract.

He said he didn't know when he signed the contract that he'd be sharing an apartment with three other workers.

Coast to Coast's attorney said the management fee was never charged but the various other charges were often lower than the contract allowed.

The charges covered expenses the company incurred for the workers, including assisting them with housing, food, transportation, medical needs, tools, electricity, furniture, a full-time apartment supervisor and a registered nurse, he said.

Luu netted an average \$13 an hour, according to Funk.

Afraid to go home

Jobless and afraid to return home without the funds to pay off debt he took on to come to America, Luu remains in limbo.

He and the other workers are relying on the local Vietnamese community for help.

On another legal front, immigration attorneys at Foster Quan said they plan to seek visas for the workers that will let them stay in the U.S. as victims of a crime or of human trafficking during an ongoing investigation.

Luu said he wants to stay in America long enough to earn what he needs to pay off the loan on his parents' home and help educate his six nieces and nephews.

"I'd like to stay here legally for two to three years," he said. "I am very scared for my family."