

<<<<< JOB DESTRUCTION NEWSLETTER No. 2061 -- 10/14/2009 >>>>>

A new H-1B scandal is making the news -- this time it involves H-1B teachers from the Philippines that were hired to work in the Recovery School District in New Orleans.

The story begins in 2007 with a Louisiana school superintendent that claimed he was having trouble filling about 650 teaching jobs in New Orleans. He said he was going to "cast a broad net" to recruit new teachers. He did indeed cast a broad net -- it went all the way to the Philippines!

Soon after teacher shortages were announced, Louisiana school officials started taking all expense paid trips to Manila to find teachers that would work in New Orleans. The school district didn't hire the foreign teachers directly however -- they used a bodyshop named Universal Placement International, who used H-1B visas to import the labor.

UPI is a California based company. This Pinoy teacher's blog has some interesting insider information on UPI:

<http://pinoyteachershub.blogspot.com/2008/11/universal-status-dissolved.html>

NOTE: According to Wikipedia, "Pinoy" is a demonym referring to Filipino people in the Philippines as well as overseas Filipinos around the world.

The school district hired large numbers of Filipinos to work in New Orleans. Being slightly more specific, one superintendent stated that the schools "consummated an agreement to bring in Filipino ladies". OK, it's just a guess on my part but I'll bet most of the school officials who decided to hire these female teachers were a bunch of horny white guys, and I would also bet that the female teachers are all young. Shame! Shame! Shame!

Apparently the yearly cap of 65,000 H-1B visas wasn't an impediment to hiring boat loads of Pinoy teachers. In the legal complaint (see on CWA website) UPI made this boastful statement

While other placement agencies are subjected to H-1B work visa cap, we are not. We have highly qualified attorneys who assist us and

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enable us to place international teachers for H- 1B visas throughout the entire year.

At some point the Louisiana teacher's union decided to file a complaint on behalf of the Filipino teachers against Universal Placement International. According to the union at least 200 teachers in Louisiana schools were extorted out of thousands of dollars apiece. They also allege that the foreign teachers were held in "virtual servitude", which is a weird charge considering that indentured servitude is the purpose of the H-1B visa system. I doubt the union will get very far if they push the servitude part of the complaint because the courts are unlikely to care.

There are many things UPI did that could get them in trouble, but some of the most egregious ones included charging the teachers large placement fees to get hired charging usury style interest rates of 3-5 percent per month if the teachers couldn't pay the fees in cash. Predatory behavior like this happens all the time in foreign countries but in the U.S. it violates H-1B regulations. UPI's most blatant violations include charging the teachers processing fees for the H-1B visas (H-1B requires that employers pay the fees).

After reading the recommended articles it may occur to you that the union filed the complaint on behalf of Filipino teachers -- not Americans who were denied employment or perhaps even laid off from the same schools. Nary has a word been mentioned about American teachers that could be hired for these teaching jobs. In other words, it doesn't matter if American jobs are ripped off by foreigners as long as the foreigners don't get ripped off by their employers.

If the union wins their complaint the result will be that Filipino teachers will get a fistful of dollars as compensation for the exploitation they suffered by the bodyshops. Bet on the teachers from the Philippines keeping their jobs in Louisiana while Americans desperately try to find teaching jobs from schools that claim they can't find enough teachers. Louisiana school officials will avoid getting into trouble by claiming they didn't know that UPI was exploiting their H-1B contractors.

It could be argued that enforcing regulations will insure equity in the labor force, and therefore will reduce the desire of employers to favor exploitable foreign workers. In my opinion a much more direct way to insure that Americans get the jobs they need would be to abolish the H-1B program.

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Company that brought Filipino teachers to Caddo being investigated

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Complaint filed against recruiter of teachers

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Teacher-recruitment agency accused of extortion in union complaint

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Company Violated Law and Human Rights of Filipino Teachers

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<http://www.shreveporttimes.com/apps/pbcs.dll/article?AID=2009910020333>

October 2, 2009

Company that brought Filipino teachers to Caddo being investigated

By Icess Fernandez

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The Louisiana Workforce Commission and the Louisiana attorney general's office are investigating allegations that a recruiting company instrumental in helping school districts, including Caddo, bring teachers from the Philippines violated state law.

Among the allegations are that Universal Placement International and its president, Lourdes "Lulu" Navarro charged Filipino teachers large amounts of money for teaching positions in the United States. Once here, teachers

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were charged more money, required to live in tight quarters -- sometimes four to a two-bedroom apartment -- and threatened with visa revocation or at times physical harm to family members back home if they talked.

"They were told that if they talked to anyone, they were threatened with deportation or loss of jobs," said Dan McNeil, associate director of the legal department of the American Federation of Teachers. "Now we have learned that she's (Navarro) following up on renewal. When they're up for a visa renewal, she doesn't fill out the paperwork, the visa is denied, and then she calls (Immigration and Customs Enforcement) on them."

The Louisiana Federation of Teachers, the state teacher's union, filed complaints on behalf of more 200 Filipino teachers in East Baton Rouge, Jefferson and Caddo parishes and the Recovery School District in New Orleans.

Louisiana is the only state where the union has filed a complaint, said McNeil. He added he only knew of the recruiting company operating in one other state --California.

According to the complaint, UPI and its sister company PARS International Agency would charge teacher hopefuls in the Philippines \$6,600 to be eligible to be placed in a teaching position. Teachers were told to take out a loan if they didn't have the money, sometimes at 3 to 5 percent monthly interest rates, the complaint claims. The recruiting company would then arrange interviews with school district personnel in the Philippines. Those officials were flown into the country at the recruiting company's expense. UPI paid \$8,362 to fly Caddo administrators Jan Holliday, Sara Ebrab and Pam Baker to hire teachers.

The complaint also details additional money the teachers had to pay after they received job offers. The teachers had to pay an additional placement fee -- 20 percent of their first year's income. Once in the country, the complaint claims teachers were forced to sign over 10 percent of their monthly income or be flown back to the Philippines.

The complaint also has information about Navarro's criminal history, which includes convictions for crimes in California and New Jersey for fraud, grand theft and money laundering.

On Thursday via cell phone, Narravo deferred comments to her attorney Richard Wilner of Wilner & O'Reilly. Phone calls to Wilner, who is an immigration attorney, were not returned.

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Lynn Dias-Button, spokeswoman for the Louisiana Workforce Commission, said this was the first time a complaint had been filed with an out-of-state company so the organization was in uncharted waters. The next step for the commission is to notify the recruiting company that a complaint has been filed and the company will have 20 days to respond. Soon after notification has been sent, the commission will ask for records. If they are not sent, they'll subpoena them. Dias-Button said it would take time to resolve the matter.

"It'll take some time because it's an out-of-state company," she said.

During a news conference Thursday, Caddo Superintendent Gerald Dawkins said he was appalled to learn of the allegations. The teachers were hired before Dawkins became superintendent.

"I am shocked and outraged any agency would treat anyone like that," Dawkins said, adding he has talked with a couple of teachers and he has found some of the allegations to be true. He said Caddo will launch an investigation. "We will certainly find if this will affect the livelihood of the teachers."

Dawkins also added the district did not have a contract with the recruitment company, and that the district didn't pay for the teacher's visas. The district heard about the company through recommendations from other districts, he said.

The district helped find housing for the teachers, providing information on apartments and possible living situations to the company, Dawkins said.

In 2008, the Caddo Parish School District hired 43 teachers in hard to fill positions such as special education and math. At the time, it was a solution to a problem.

But even before the teachers arrived, rumors of how the teachers recruited by UPI were being treated in other districts were circulating. According to the Aug. 5 Caddo Public School Board meeting minutes, board member Charlotte Crawley questioned the teachers' visas, the commitment the district was making to the company and how housing would be handled.

However, two of her questions -- how does the company make its money and whether teachers were reimbursed -- were never answered, Crawley said.

"I want a full investigation and I want real answers," she said. "I think we're going to need a policy restricting staff from entering into this kind of relationship.

During the same meeting, board member Tammy Phelps asked then interim superintendent Wanda Gunn why board members were not told of the administrator's plan to recruit in a foreign country.

The minutes said "Mrs. Gunn explained that normally recruiting requests do not come to the board as an agenda item," and that "Mrs. Gunn stated she believes we have a good rationale, a good background with the agency, and communication with others that have used this agency in the past and this was presented to the board for their information."

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<http://www.shreveporttimes.com/article/20091008/NEWS04/910080324/Pastorek-di-savows-knowing-contract-with-recruiter-was-ended>

October 8, 2009

Pastorek disavows knowing contract with recruiter was ended

Caddo went overseas for teachers same month La. did not renew accord

By Icess Fernandez  
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The same month three Caddo school employees traveled to the Philippines to hire teachers with the help of a recruiter, officials at Louisiana's Recovery School District decided not to renew its contract with the company.

The Recovery School District, which hired 19 Filipino teachers in New Orleans, decided against renewing its contract with Universal Placement International when it ended in June 2008.

But not even state Education Superintendent Paul Pastorek, who signed the contract, knew it was not renewed, he said during a meeting Wednesday with The Times' editorial board.

"I did not know about it and would not know about it. Nor would the board," said Pastorek, who had visited Oak Park MicroSociety Elementary School

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earlier that day.

And the same month the Recovery School District decided not to renew the contract, Caddo school administrators traveled to Manila to hire teachers. The Caddo officials also didn't know the contract was not renewed. Caddo hired 43 teachers to work in difficult-to-place areas such as special education and math.

Last week, the Louisiana Federation of Teachers submitted a complaint to the Louisiana Workforce Commission and the state attorney general's office on behalf of more than 200 Filipino teachers who claim they had to pay about \$15,000 each to apply for jobs in U.S. school districts. And once they were here, they paid 10 percent of their monthly salary to Universal Placement International and were threatened with harm to their families back home if they didn't pay, the complaint alleges.

According to the Recovery School District's contract with the recruiter, which is part of the union's complaint, the accord was in effect July 1, 2007, to June 30, 2008. It was signed Sept. 28, 2007, by several state Education Department officials, including Pastorek, Paul Vallas, superintendent of the Recovery School District, Ollie Tyler, the state's deputy education superintendent, and Linda Job, president of the state Board of Elementary and Secondary Education.

In the contract, the state agreed to pay Universal Placement International \$2,500 to \$50,000 for each candidate. The state paid a total of \$47,500 to the recruiting company.

Pastorek said he didn't know exactly how the Education Department came to do business with Universal Placement International. He became state superintendent March 2007, after initial talks with the recruiter had started, he said.

One of Pastorek's initial tasks when he took the position was to find 650 teachers for the Recovery School District in New Orleans. As more post-Katrina students were returning, the district "cast a broad net" to recruit new teachers, he said.

"It was really begun before I walked into the door. It began in the Recovery School District in New Orleans by the people down there. They were talking to this company, the New Teacher Project, and to a number of different recruiters.

"When Paul Vallas came in, we ultimately consummated an agreement to bring in Filipino ladies. And we brought in a number of other people, out-of-staters. .... That was all being done in the Recovery School District."

The Recovery School District can't process a contract, meaning it can't enter into an agreement for itself, Pastorek said. The district can negotiate a contract but has to make a recommendation to the state Education Department to enter an agreement.

"We have some people up there who actually do the processing, the checking and evaluation to make sure it meets standards and so on and so forth," Pastorek said. "To be honest with you, I never knew about this specific contract. .... All I knew is that we got the teachers, and that's all I really cared about at the end of the day."

The state Board of Elementary and Secondary Education, the governing entity for the Recovery School District, reviewed but did not approve the contract, Pastorek said. Contracts for less than \$50,000 don't have to be approved by the state education board but are listed among other contracts and are part of the public record, he said. And when that contract was not renewed, Pastorek said, it did not have to be brought in front of the board.

The contract with Universal Placement International was not renewed because the company was "pushy," the state education superintendent explained.

"There was some sense on the part of our HR department in their dealing with them that there seemed to be a pushiness to them. That they were pushing too hard for the business and it made our people feel uncomfortable. "

But the ultimate decision to not renew the UPI contract was not his, Pastorek said. "The decision whether or not to renew a contract is left up to the Recovery School District. Paul Vallas makes that decision."

There is a vetting process companies have to go through to do business with the Education Department, Pastorek said. "One of the things we're looking at, because we contracted directly with the company through the Recovery School District, we're looking at our process to determine if our process is weak or our execution of the process was weak. I have some people doing the research on that; we'll have a fix on that here pretty soon."

Despite the process, some things just fall through the cracks, Pastorek said. "I think that school district or the RSD, we execute a lot of contracts with a whole lot of people and, you know, I think in spite of best efforts, you're going to run into people who are less scrupulous.

"In this case, I don't want to say this enterprise is less scrupulous because I haven't heard from the other side," Pastorek said. "So I don't want to rush to judgment. .... But one thing I do know as a fact is that the company was not qualified to do business in Louisiana. Sometimes that's an oversight by businesses who aren't qualified to do business in Louisiana. .... Doesn't mean that they are scrupulous."

Pastorek said he has heard positive reports about the Filipino teacher's abilities but worries that, as a result of the incident, a moratorium would be put on using recruiters to search for employees. "While we need to be concerned about unscrupulous vendors, we can't throw the baby out with the bath water here.

"There are many good vendors out there who do recruit for schools and school systems," Pastorek said. "The one concern I have about this discussion is that we go to the opposite end of the spectrum. The concern is that the recruiter made a deal with the people who were being recruited that was onerous."

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Complaint filed against recruiter of teachers

By KEVIN MCGILL Associated Press Writer

Posted: 10/01/2009 10:59:18 AM PDT

Updated: 10/01/2009 05:49:18 PM PDT

NEW ORLEANS -- A teacher union has filed complaints with state authorities alleging a company that recruits Filipino teachers for Louisiana schools is operating illegally in the state, and charging the teachers exorbitant, illegal fees.

The Louisiana Federation of Teachers said the teachers were cheated out of thousands of dollars. The LFT filed complaints with the state Attorney General's Office and the Louisiana Workforce Commission against Universal

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Placement Services of Los Angeles.

"This is about human rights," LFT President Steve Monaghan said during a Thursday news conference in Baton Rouge. "It's disgusting, it's un-American and it's unacceptable."

The complaints were filed on behalf of Filipino teachers working in Caddo, East Baton Rouge and Jefferson parishes and in state-run schools in New Orleans. The company did not respond to a telephone request for comment from its director.

The union said the teachers should be relieved from their contracts binding them to Universal and that Universal should refund approximately \$15,000 in fees that each teacher allegedly paid to be hired.

According to the complaint to the Workforce Commission, there are more than 200 Filipino school teachers working in at least five school systems in Louisiana, including the four mentioned in the complaint, plus Avoyelles Parish. The union alleges teacher recruits in the Philippines were initially charged \$6,600 in fees covering costs including training, travel, Advertisement medical exams, legal fees and visas.

"After the Filipino teachers received job offers, Universal then required the teachers to pay an additional placement fee of 20 percent of their first year's annual gross income, which averaged between \$8,000 to \$10,000 per teacher depending on their projected salary," the complaint alleges.

It also alleges that Universal referred the teachers to predatory lending agencies to cover the fees -- agencies that charged interest rates of 3-5 percent per month.

More fees and expensive legal entanglements followed once the teachers arrived in the United States, the complaint alleges. Those included contracts in which the teachers agreed to pay 10 percent of their monthly income to Universal for 24 months, and fees for annual visa renewals.

The complaint also alleges the company holds the immigration documents of the teachers to coerce payments.

The complaint alleges various violations of state law by Universal, including failing to maintain an office and file a bond in Louisiana, failure to obtain a required state license and, in New Orleans, illegally

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collecting fees from both the teachers and from the state-run Recovery School District, which the union says paid Universal for recruiting services.

Paul Vallas, superintendent of the RSD, acknowledged Thursday that the district used Universal's services -- and other recruiting agencies -- in the summer of 2007 when it was suffering a severe teacher shortage.

"We used them to a limited degree," Vallas said. "There were a number of recruiting agencies that had been recommended. This was one of them. They recommended 60 teacher candidates, 19 of which we hired and all were eminently qualified.

"We only compensated them for the number of teachers that were recruited and we are now sponsoring those teachers, helping them in securing or renewing their visas and their compensation is covered within our system."

Vallas said the RSD ended its contract with Universal, preferring to work with not-for-profit groups like Teach for America.

"We felt they were a bit too aggressive," Vallas said of Universal. "We just are not comfortable dealing with for-profit recruiting companies. When for-profit companies are too eager to offer us things, that always makes us a bit suspicious."

Vallas said the district had not received any complaints about Universal, which was vetted by the state as part of its procurement process.

"I'm not suggesting that the people were not exploited, but the district's human resources department is interviewing the teachers individually to see if there are any concerns."

Daniel McNeil, an attorney with the American Federation of Teachers, said additional complaints will be filed with the U.S. Departments of Labor, Justice and Department of Homeland Security, citing possible violations of federal criminal and immigration laws.

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[http://www.nola.com/education/index.ssf/2009/10/teacher-recruitment\\_agency\\_a cc.html](http://www.nola.com/education/index.ssf/2009/10/teacher-recruitment_agency_a cc.html)

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## Teacher-recruitment agency accused of extortion in union complaint

By Sarah Carr

October 01, 2009, 10:03PM

Loida Virina said she forked over all the money in her possession, and then sold her home and car in the Philippines for the opportunity to come teach in the United States.

monoghan\_meneil.JPG Rusty Costanza/The Times-Picayune Steve Monaghan, left, president of the Louisiana Federation of Teachers, and Daniel McNeil, an attorney with the American Federation of Teachers, speak during a news conference in New Orleans on Thursday.

Universal Placement International, the firm that recruited her, charged thousands of dollars to help her find a job at a Louisiana school. Then, when she arrived in California last summer, she said, the company forced her to sign papers she did not have time to read and cautioned her and other new recruits not to ask questions.

After signing the papers, the woman heard the voice of Lourdes Navarro, the head of the firm, on the speaker phone. Navarro warned the recruits not to mingle with Filipino teachers outside of their group once they arrived in Baton Rouge. If they did not obey, Navarro threatened she would promptly send them back to the Philippines. The woman's allegations, included in a signed deposition, were part of a long complaint the Louisiana Federation of Teachers filed with the state's attorney general and workforce commission Wednesday. The complaint alleges that Universal Placement International, which has recruited at least 200 teachers to Louisiana schools, extorted them out of thousands of dollars apiece and held them in "virtual servitude."

The company has recruited teachers for Jefferson, East Baton Rouge and Caddo parishes, as well as the state-run Recovery School District in New Orleans, with the highest number in Baton Rouge.

\$15,000 charge

The teachers allege that the firm's leader, Navarro, charged recruits about \$15,000 to obtain a job, and then required them to turn over 10 percent of their salary for two years. Universal Placement International is registered as a corporation in Louisiana, but is based in California and the Philippines, and does not have a license as an employing agency in Louisiana.

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Many U.S. employers, including school districts, use recruiting companies such as Universal to attract workers. And the practice of charging foreigners fees to help connect them to employers is not in itself illegal -- in fact, it's a fairly common practice.

But the union complaint notes that it's illegal to charge fees of both the employer and the applicant, which Universal did in the case of the RSD teachers. They allege that it's also illegal to charge teachers employed in Louisiana fees prior to arriving in the state.

Finally, they note that the visa fees should have been charged to the employer, not the worker, a possible violation of federal law.

"The alleged behavior of this recruiter and the treatment of these teachers is quite frankly disgusting and an affront to basic American values," said federation President Steve Monaghan, in the statement.

Navarro did not return two calls made to Universal Placement International on Thursday.

The complaint alleges that Navarro has been convicted of money laundering and other crimes in both California and New Jersey.

The Associated Press reported in 2003 that she was convicted in California on felony counts of Medi-Cal fraud, grand theft, money laundering and identity theft, and was originally sentenced to five years in prison and to pay \$200,000 in restitution.

Are 'excellent teachers'

According to documents in the LFT complaint, Navarro's company paid for administrators from East Baton Rouge and Caddo parishes to take recruiting trips to the Philippines. The state also paid the company \$47,500 in 2007 to recruit up to 20 special education teachers for the Recovery School District, at a time when the district was hiring hundreds of new employees.

"From all indications, these have been excellent teachers," said RSD Superintendent Paul Vallas. But he said the district did not use the company's services again, partly because of its aggressive style.

Thirteen of the 19 teachers the district hired through Universal still work for the district, he said.

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Jefferson Parish has recruited 40 teachers through the program, a "few of whom have come forward" with serious allegations, said Meladie Munch, president of the Jefferson Federation of Teachers.

### Coerced into signing

In signed statements, several East Baton Rouge Parish schoolteachers alleged that they were forced to pay thousands of dollars to the company's counterpart in the Philippines before they left. As soon as they arrived in California, they said, they were coerced into signing a second contract agreeing to fork over 10 percent of their pay. At that point, they felt they had little choice but to sign.

"When we arrived . . . we were made to sign a contract without giving us a chance to read it," Rowena Sarcauga said in a statement.

Another teacher, Alma Ganzon, said "I was not given a chance to read the 4 to 5 pages contract. We were warned not to ask a lot of questions."

Antonio Limjoco said he actually had time to glimpse the clause about the 10 percent payment, and questioned the company representative about it.

"I was not entertained at all," he said. "Being in a foreign land with a plane to catch and deep in debt after paying all those fees, I signed blindly. At that time when everything is mortgaged except my soul, there was no turning back."

Once in Baton Rouge, the teachers alleged, they were forced to live two to a bedroom in the Savoy Plaza -- with the agency serving as a middleman between the teachers and the complex's managers.

Virina said in her statement that the teachers were charged higher rent than other tenants in the complex.

### Isolation alleged

Several of the teachers said that company officials prohibited them from communicating with the broader Filipino community in Baton Rouge, or other Americans.

Virina said that Navarro visited Louisiana in August 2008, meeting with all the Filipino teachers at a Chinese restaurant.

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"She asked this question: 'Who among you ride with American teachers in going to school?' She warned us again not to ride anymore, and that night after the meeting, she called me in my phone and telling me not to ride anymore nor talking to Americans."

Teachers said the company charged them for everything: furniture, carpools, food.

Ganzon described a welcome dinner that a previous batch of teachers held when her cohort arrived at the Savoy Plaza, including adobo, rice, soda and water. "According to them, it is a service of love and camaraderie for fellow teachers."

But the next morning, she said, the company collected \$15 from each teacher for the simple meal.

After Hurricane Gustav, Navarro told the teachers they would be sent to jail if they tried to get food stamps, according to Virina.

"I have so many loans in the Philippines, in fact, I was not able to support my three children and husband because all of my salary goes to financing agencies which I borrowed from just to pay for . . . Universal."

Prosecution requested

As part of its complaint, the teachers union included a copy of the brochure sent by the company to school districts, promising "we offer our SERVICE FOR FREE!"

"We understand that because of the budget constraint that the school district does not have any funding for this type of service," the brochure states.

The company promises to pre-screen and interview the candidates, including performing criminal background checks. It also promises to process the visas and other paperwork; all of the teachers are in America on H-1B visas, which allow U.S. employers to temporarily hire foreign workers in specialty occupations. The Filipino teachers all meet the state's definition of "highly qualified" teachers, according to union officials.

"The one truthful, honest thing Universal has done is provide a pool of highly qualified teachers," said Daniel McNeil, associate director of the

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legal department for the national American Federation of Teachers.

McNeil said the filings with the Louisiana attorney general and workforce commission are the first in a "coordinated legal effort" that could involve a federal investigation since the teachers were all in Louisiana under a federal visa program. He said Universal performs the same service for schools in California, although he wasn't aware of any investigation yet into the company's presence there.

The complaint asks for the prosecution of Navarro, and also that the \$15,000 payments be returned to the teachers and their contracts with Universal be declared invalid.

"One of the reasons they came here is to send money home," McNeil said. "And at the end of the day there's no money left."

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