

Justice in Motion

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://www.justiceinmotion.org/pressrelease-7-30-19>

Public Facing Advocacy Writing

About Us

Our Work

Visa Pages

News & Media

More

FOR IMMEDIATE RELEASE: July 30, 2019

Contact: Evy Pea (evy@cdmigrante.org)

First look at data reveals program often misused as source of cheap, exploitable labor

WASHINGTON The International Labor Recruitment Working Group (ILRWG) a coalition of organizations committed to ending the systemic abuses of workers who are recruited to the United States and improving labor standards for all workers released a report today offering the first-ever data-informed picture of employment realities in the J-1 Summer Work Travel Program (SWT).

The J-1 program is the largest of the Department of States (DOS) international exchange programs that authorize temporary employment in the United States.

The report, [Shining a Light on Summer Work: A First Look at the Employers Using the J-1 Summer Work Travel Visa](#), analyzes data collected through a Freedom of Information Act (FOIA) request, which took 18 months to complete, and presents findings about the industries and 16,000 companies using the J-1 SWT program. It also highlights the vulnerabilities that 100,000 young migrant workers face each year while employed through SWT.

The report discusses the systemic inadequacies and lack of oversight of the program, which uses private organizations as recruiters and de facto managers of the program. In the report, the ILRWG urges lawmakers to reform the J-1 SWT program to ensure internationally recruited workers are protected.

The J-1 Exchange Visitor Program was created by the DOS in 1961 to enhance diplomacy and foster cultural exchange, but now consists of 14 different programs. Summer Work Travel is the largest of these programs and has morphed into a source of cheap and exploitable labor with little opportunity for cultural exchange. The program is widely used. In 2015, 16,000 companies, including large corporations like McDonalds, Disney and Food Lion, hired 95,000 J-1 SWT workers.

The sponsor agency at home promised me a cultural exchange I would improve my English, meet people and immerse in the American culture, said Oliver Benzon, a former J-1 SWT worker in Ocean City, Maryland. For many of us students, the experience feels more like exploitation.

Because DOS primarily has a mission to conduct foreign affairs, it lacks expertise in protecting labor standards for migrant workers and is therefore unfit to address violations under the SWT program.

It is difficult to advocate for these workers due to DOS lack of transparency about the employers that hire J-1 SWT workers and the occupations, wages, and working conditions these workers face.

Wage theft, retaliation, physical threats, and human trafficking are among the countless abuses of J-1 workers documented over the years through news reports and litigation. Between 2015 and 2017, there were 67 J-1 visa holders who reported to the national human trafficking hotline[JK3] that they were victims of trafficking.

The ILRWG analysis of this critical new data set makes clear employers are using the SWT program to supplement their workforce while simultaneously recruiting and hiring workers in other visa programs some of which have annual numerical limits like the H-2B temporary work visa program for non-agricultural jobs.

The report recommends the following policies and reforms that would protect workers:

Require that the program fulfill its original mission of cultural exchange.

Guarantee that J-1 workers have robust labor and employment protections, and that the program does not adversely affect the wages and

working conditions of U.S. workers.

Regulate the recruitment of J-1 workers to protect against fraud, discrimination and human trafficking.

Provide J-1 workers effective mechanisms for legal recourse when their rights are violated.

Make information about the J-1 program publicly available and easily accessible to stakeholders and the public.

No one should have to pay to work. Guestworkers across visa categories and industries oftentimes must take out loans to cover recruitment fees and travel expenses, said Rachel Micah-Jones, chair of the ILRWG and founder and executive director of Centro de los Derechos del Migrante, Inc. (CDM). When workers arrive to the U.S. indebted, they are less likely to report labor violations for fear of losing their jobs and status. Recruitment fees should be banned across guestworker programs.

Transparency is an obvious first step in protecting J-1 workers and U.S. labor markets. To improve temporary foreign work programs and avoid the exploitation and trafficking of temporary foreign workers, we must understand the impact of the programs, said Justice in Motion Policy and Advocacy Manager Jeremy McLean, describing the program as unnecessarily cryptic. It is currently far too difficult to acquire data that is already collected by the government, the information used in this report was only obtained after a complicated bureaucratic process lasting 18 months. Data on public programs should be available to the public.

"When you look across the industries and employers that we now know are using the J-1 program heavily, you recognize a lot of names and places where workers and their unions have been rising up and taking action to try to improve working conditions. It is unacceptable to introduce a hundred thousand temporary and vulnerable workers into these low wage positions each summer without adequate protections or oversight, and we are committed to the long-term fight to win pro-worker reforms to this program," said Shannon Lederer, AFL-CIO's director of immigration.

International exchange programs like those for Fulbright Scholars are vital to fostering understanding across borders and cultures, said Daniel Costa, the director of immigration law and policy research at the Economic Policy Institute. But J-1 Summer Work Travel is a low-wage temporary work program with few rules, little oversight, and is disguised as a cultural exchange a pseudo-diplomacy via guestworkers where young college students from abroad are labeled participants instead of employees while working full-time jobs without the basic labor protections afforded to other migrant workers.

For years, J-1 workers have been publicly sharing their experiences of disillusionment, recruitment fraud, and workplace abuse. This report confirms through data what we have long known: that those experiences are not just anomalies, but evidence of a broken program that is often nothing more than a smokescreen for many US employers to gain access to cheap and exploitable labor, said Meredith Stewart, Senior Supervising Attorney with the SPLCs Immigrant Justice Project. The State Department and Members of Congress can no longer ignore the serious failures of the J-1 Summer Work Travel program.

info@justiceinmotion.org | (646) 351-1160

PO BOX 160128, BROOKLYN, NY, 11216, UNITED STATES