January 18, 2011

The Honorable Hillary Clinton
U.S. Department of State
2201 C Street NW
Washington, DC 2052
Sent via email to Rick Ruth at ruthra@state.gov

Dear Secretary Clinton:

Since 1986, the Economic Policy Institute has investigated and reported on labor market issues and the conditions of low- and middle-income workers. EPI examines the economic landscape and analyzes what is happening to working families – including vulnerable young workers who enter the country with J-1 visas to participate in the Summer Work Travel program (SWT), as well as the high percentage of young unemployed Americans who are actively seeking employment opportunities.

As we reported in Guestworker Diplomacy, the close relationship between sponsors and the State Department, and the conflict of interest inherent in a system framework where sponsors (who profit from the program and participants) are expected to regulate themselves and their employer partners while simultaneously protecting vulnerable participant/workers – hinders effective enforcement and accountability regarding bad actor sponsors and employers. The fact that both sponsors and the State Department lack staff with knowledge and expertise about applicable labor and employment laws that could protect J-1 participant/workers, further exacerbates the students’ vulnerability to abuse and exploitation by unscrupulous employers.

We have been closely following and supporting the J-1 students at the Hershey’s Chocolate packing plant in Palmyra, Pennsylvania who faced threats and retaliation when they exposed conditions that appear to violate federal worker protection laws as well as the State Department’s J-1 visa Exchange Visitor Program regulations.

The conduct of the State Department in its investigation of the Council on Educational Travel, USA (CETUSA) raises serious doubts as to the ability of the Department to enforce program regulations, protect the health, safety, and welfare of the students, and safeguard the United States from notoriety and disrepute abroad. On August 17th, students filed a complaint with the Department of State alleging serious allegations of program violations, intimidation and retaliation by CETUSA. These allegations have been corroborated subsequently by various, independent sources. On September 2, 2011, a Human Rights Delegation, comprised of professors and practitioners with expertise in labor and employment law, and international human rights, expressed extreme concern about students’ accounts of deception, coercion, and threats from CETUSA, calling on the State Department to conduct an objective and expansive investigation of the sponsor. On October 17, 2011, the New York Times, conducting its own investigation into CETUSA’s actions, found “that CETUSA failed to heed many distress signals from

students over many months, and responded to some with threats of expulsion from the program” including revoking a student’s visa when he complained to the State Department.²

Yet, despite credible allegations of program abuse and retaliatory actions targeted at silencing workers who complained, the State Department has failed to respond to these serious allegations of intimidation and retaliatory actions by CETUSA and continues to allow CETUSA to sponsor additional high school and college students on J-1 visas to the United States.

Moreover, while the State Department has made repeated public statements about an in-depth monitoring, review, and reform process for the J-1 summer work travel program, this process lacks transparency and fails to engage with J-1 students, their representatives, and other key stakeholders.

We call on you, Secretary Clinton, to revoke CETUSA’s right to issue additional J-1 cultural exchange visas. Unless and until the multiple federal investigations of CETUSA’s conduct have cleared the organization of any wrongdoing or responsibility for abuses at the Hershey plant, CETUSA’s designation as a J-1 visa sponsor should be immediately suspended. The Department should do the same with every other J-1 sponsoring organization that has abused this program as a source of cheap, exploitable labor. It should also hold the companies accountable that have profited from the exploitation of J-1 student workers while destroying jobs that should offer a living wage to local workers.

Finally, any serious review and reform of this program would benefit from the experience and recommendations of J-1 student leaders, unions and other worker advocates, such as the National Guestworker Alliance. Over the past few decades, sponsors have been paid and employers have saved millions of dollars, with an uncertain benefit to the United States thanks to the poorly designed and vastly under-regulated Exchange Visitor Program. The State Department should pay at least as much attention to the safety and welfare needs of the workers as it does to the sponsors and other companies which have prospered at their expense.

Sincerely,

Daniel Costa
Immigration Policy Analyst

Ross Eisenbrey
Vice President