Dear Sec. Clinton,

As an organization concerned with dignity and justice for all workers, 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 exploitative conditions which violate federal worker protection laws as well as State Department regulations.

The National Immigration Law Center (NILC) has spent the past over 30 years defending and advancing the rights of low-income immigrants and their family members. NILC has earned a reputation as a leading expert on a variety of issues affecting immigrants, including the rights of immigrant workers. NILC’s Worker’s Rights Project focuses on the intersection between immigration law and labor rights in the lives of low-wage immigrant workers. Using legal and policy tools, the project helps forward NILC’s vision that all people are treated equally, fairly and humanely. The conduct of the State Department in its investigation of 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.¹ 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 the revoking of 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 complaining workers, 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 the transparency and engagement with J-1 students, their representatives, and other key stakeholders.

We call on Secretary Clinton to immediately suspend and revoke CETUSA’s right to issue additional J-1 cultural exchange visas. It should do the same with every 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 living wage jobs.

Furthermore, any serious review and reform of this program must draw on the experience and recommendations of J-1 student leaders and the National Guestworker Alliance.

Sincerely,

Emily Tulli
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National Immigration Law Center