



THE WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT

Summer Work Travel

2011

U.S. Embassy Bucharest
Romania





Are You Coming To The United States Temporarily To Work Or Study?

We are confident that you will have an interesting and rewarding stay.

As a temporary worker YOU HAVE RIGHTS! You have the right to:

- ✓ Be treated and paid fairly.
 - ✓ Not be held in a job against your will.
 - ✓ Keep your passport and other identification documents in your possession.
 - ✓ Report abuse without retaliation.
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Remember!

Ways To Protect Yourself

- ✓ Keep your passport in a safe, easily accessible place at all times.
 - ✓ Keep copies of your passport, visa, and employment contract in your home country with relatives or friends.
 - ✓ Always have the phone number of your home country's embassy.
 - ✓ Keep the pamphlet provided at the Embassy.
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It Is Illegal For Your Employer To Take Your Passport Away From You!

- ✓ Before your travel to the United States, make two copies of all important documentation especially your passport (with visa), your contract, and your identity documents.
 - ✓ Give one set of copies to someone you trust in your home country.
 - ✓ When you arrive in the United States and receive an I-94, make one copy of the I-94 in case you lose the original.
 - ✓ Keep these documents in a safe place.
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Your Workplace Rights In The United States As An J-1 Exchange Visitor

- ✓ Your sponsor's advertisements must be accurate and explain all costs, conditions and restrictions of the exchange program.
 - ✓ Your sponsor must also give you an orientation and provide you with information about:
 - A description of the specific program in which you are participating and its rules; travel and entry into the United States;
 - Housing;
 - Fees, and costs, including living expenses, healthcare, and insurance costs; life and customs in the United States;
 - Your sponsor's address and the name and the phone number of the person responsible for you in the United States;
 - Contact information for the Exchange Visitor Program Services of the Department of State;
 - The Department of State's Exchange Visitor Program brochure.
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Your Rights Regardless Of Visa Status

✓ There are also many rights you have regardless of your visa status. If any of these rights are violated, you should report the violations to a government enforcement agency.

Your Right Not To Be Retaliated Against

✓ It is unlawful for your employer to try to punish you, for example, by threatening to report you to immigration or to police if you try to enforce your rights! If your employer threatens you at any time, seek help immediately.





Your Rights Regardless Of Visa Status

The Right To Be Paid

- ✓ You have the right to get paid for all work you do, in the same manner as U.S. workers.
- ✓ You have the right to earn at least the federal legal minimum wage \$7.25/hour, in the same manner as U.S. workers, except if you are working as a server.
- ✓ Also check: the minimum wage for the state in which you work, and employment contract, which may obligate your employer to pay a higher amount.

NOTE: Most workers in the United States are entitled to over time pay of one and a half times the amount of their wage for any hours worked over 40 hours/week. If your employer takes money from your paycheck, this is called a deduction. Many deductions are illegal if they diminish your legal wage rate.



Your Rights Regardless Of Visa Status

Your Right Not To Be Discriminated Against

- ✓ As an employee, you have the right not to be treated differently or badly at work because of your gender, race, national origin, color, religion, or disability.
 - ✓ Your employer should pay the same amount to each worker for the same work and offer each worker the same job opportunities.
 - ✓ Make sure to keep a written record of all time that you work.
 - ✓ Your employer **MAY NOT** treat you differently or badly because you are a woman. Whether you are a woman or a male, your employer **MAY NOT** sexually harass you.
 - ✓ Your employer should never: demand that you perform sex acts; touch you in a sexual manner; or make sexual or offensive comments.
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Your Rights Regardless Of Visa Status

Your Right To A Healthy And Safe Workplace

- ✓ All employees have a right to safe and clean working conditions.
- ✓ Housing: If your employer provides housing, it should be clean, safe, and in a sturdy structure.
- ✓ Illness or Injury on the Job: If you are injured or get sick at work you may seek medical treatment. In most cases, you will receive free medical treatment and part of the wages lost while injured.



CAUTION!

Your employer cannot force you to do something or go somewhere, even back to your home country, by withholding your pay.



Medical Emergencies

In the case of an emergency, call 911 and ask for an ambulance.

- ✓ Your expenses may be paid for, so you should tell your employer as soon as possible so the employer can file the necessary paperwork.
 - ✓ When you are at the doctor or clinic, ask for copies of the paperwork regarding your illness or injury.
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Your Rights Regardless Of Visa Status

Your Right To Leave An Abusive Employment Situation

- ✓ You do not have to stay in your job if your employer is abusing you.
 - ✓ If you came to the United States on an employment-based visa and you leave your employer, you must notify your sponsor for updating your SEVIS.
 - ✓ You may also make a formal complaint or file a lawsuit against your employer while you are still working.
 - ✓ There are severe penalties for an employer who tries to punish workers because they pursue their rights.
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Human Trafficking

Human trafficking is a form of modern day slavery where an employer or other individual, through physical or psychological abuse, causes an individual to feel that he or she is not free to leave the situation.

Human trafficking occurs whenever a person is recruited, transported, or kept against his or her will for purposes of exploitation.

The following are some warning signs that may indicate human trafficking:

- Threats and fear
 - Rules and controls
 - Deception and lies
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Human Trafficking Warning Signs

Threats and Fear:

- **Beatings, physical abuse, or sexual abuse, threats of beatings, physical abuse, or sexual abuse.**
 - **Threats of harm to the worker if the worker tries to leave, complains of mistreatment, reports the situation to authorities, or seeks help.**
 - **Threats of being deported or arrested or of being turned over to police for trying to leave, complain, report, or seek help for the worker's situation.**
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Human Trafficking Warning Signs

Rules and Controls:

- Rules against leaving the workplace, or strict rules about where you can go when not working.
 - Rules against holding onto your own passport, visa, birth certificate, or other identification documents.
 - Denial of adequate food, sleep, or medical care.
 - Preventing or restricting you from communicating freely with family, other workers, or others outside the workplace.
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Human Trafficking Warning Signs

Deception and Lies:

- False promises about working conditions, living conditions, or pay.
- Telling you that you have no rights.
- Telling you that you will not be believed if you try to seek help.
- Instructing you to lie about their identity.



If you are a victim of trafficking in the United States, you may be eligible for benefits, services, and immigration remedies under federal or state programs.

Many organizations can help you access these services, assistance which can include medical care, mental health care, housing, dental care, legal advocacy for immigration and other legal needs, employment assistance, and public benefits.



Know Your Rights

Call one of the hotlines listed below if you or someone you know needs
HELP

If you are mistreated or your rights are violated, call these toll-free numbers:

National Human Trafficking Resource Center
1-888-373-7888 (24 hours)

Trafficking in Persons and Worker Exploitation Task Force Complaint Line
1-888-428-7581 (Monday-Friday, 9 a.m.-5 p.m. Eastern Time)

U.S. Department of State
1-866-283-9090

If you are in immediate physical danger, call 911

