

Corrected Copy - Pamphlet and Training for the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008

Reference Document: 067921, 06/09

TO ALL DIPLOMATIC AND CONSULAR POSTS

1. Summary: This cable corrects State 067624 in this paragraph and paragraph six. On December 23, 2008, then-President Bush signed into law the William Wilberforce Trafficking Victims Protection Reauthorization Act (WWTVPRA) of 2008. The Act makes several changes to nonimmigrant visa classification criteria and visa processing requirements, detailed in Ref B. Section 202 of the WWTVPRA requires the Secretary of State, in consultation with the Secretary of Homeland Security, the Attorney General, and the Secretary of Labor, to develop an informational pamphlet on the legal rights and resources available to aliens applying for employment- or education-based nonimmigrant visas." These NIV classifications are A-3, G-5, NATO-7, H, J, and B-1 personal or domestic servant cases. This cable provides notification that the WTVPRA pamphlet is now available online and gives instructions on these (including consular training), distribution, translation, and printing of the pamphlet. End Summary.

Use of the WWTVPRA Pamphlet

2. The pamphlet required by the WWTVPRA is now posted online here. Posts should also post the pamphlet on their respective web sites. Ref B paras 3-10 detailed how to use the pamphlet. Posts must become familiar with both the contents of the pamphlet and its use, as well as the other requirements of the WWTVPRA.

3. 9 FAM guidance on the use of the pamphlet and the implementation of the WWTVPRA, will be published soon. Until the 9 FAM updates are published, you can find this guidance in Ref A. Please become familiar with this guidance.

4. Posts should keep copies of the pamphlet on hand to distribute as necessary (See para 5). See para 10 for instructions on printing the pamphlet.

5. During the visa interview for applicants for A-3, G-5, NATO-7, H, J, and B-1 personal or domestic servant classifications, you must confirm that the applicant has received, read, and understood the contents of the pamphlet. If the applicant has not received, read, or understood the contents, you must give the applicant a copy of the pamphlet and orally disclose to the applicant, in a language the applicant understands, the information described below regarding legal rights and victim services. You must also offer to answer any questions the applicant may have on the information covered in the pamphlet. Such an oral disclosure must include at a minimum:

-- the legal rights of employment-based nonimmigrants under Federal immigrant, labor, and employment laws;

-- the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States;

-- the legal rights of immigrant victims of trafficking in persons, worker exploitation, and other related crimes, including: the right of access to immigration and labor rights groups; the right to seek redress in United States courts; and the right to report abuse without retaliation; and

-- the availability of services for victims of human trafficking and worker exploitation in the United States, including victim services complaint hotlines.

6. As outlined in Ref B para 11 and Ref C para 2, CA, G/TIP, and NGOs with expertise on the legal rights of workers and victims of severe forms of trafficking in persons are developing a training program for consular officers on the fair labor standards described in the pamphlet. Those paragraphs further state that, once the FAM notes and the WWTVPRA pamphlet become available, posts must review the information contained therein and in Ref B as interim consular training pending development of the online training program. Now that the pamphlet is available online, posts must proceed to conduct this interim training, following up on the

training already conducted pursuant to Ref C, para 1. We will advise posts when the online training program is available.

Translation of the WWTVPRA Pamphlet

7. Section 202(c) of the WWTVPRA requires the Department to translate the pamphlet into languages spoken by the greatest concentrations of employment- and education-based nonimmigrant visa applicants. Currently, the pamphlet is available only in English. The Department is translating the pamphlet into Spanish now and will then translate the pamphlet into Arabic, Bulgarian, Dutch, Filipino (Tagalog), Indonesian, Portuguese, Romanian, Sinhala, and Ukrainian. We will notify posts as translations become available.

8. If the local language at your post is not included above, and your post believes that it is essential for the pamphlet to be translated into that language, please translate the pamphlet text. Please notify the Department of this translation so it may be posted online at <http://travel.state.gov>.

Distribution of the WWTVPRA Pamphlet

9. The Department, by public notice in the Federal Register, will formally inform other agencies, NGOs, and foreign labor brokers in the United States that the pamphlet has been posted and may be copied and provided to other parties. Posts should inform the foreign ministry and private agencies, recruiters, etc., that assist applicants seeking the relevant visas of the availability of this pamphlet and ask these organizations to instruct applicants to read the pamphlet prior to their visa interview appointment.

Printing the WWTVPRA Pamphlet

10. The WWTVPRA pamphlet is available on travel.state.gov/visa/questions/questions_4413.html as a 6-page PDF document that, when printed, becomes a 12 page pamphlet printable on three sheets of paper. Post should use a double-sided printer (either black-and-white or color) and follow the following process to print the pamphlet:

-- The first piece of paper will have the front cover and the back cover on one side, and inside cover and second-to-last page (labeled page 9) on the opposite side.

-- The second piece of paper will be labeled page 8 and page 1 on one side, and page 2 and page 7 on the opposite side. With the side labeled page 1 and 2 facing down, lay this second sheet of paper on the first sheet of paper with the inside cover facing up. This will leave the side labeled page 2 and page 7 facing up.

-- The third piece of paper will be labeled page 4 and page 5 on one side, and page 3 and page 6 on the opposite side. With side labeled page 3 and 5 facing down, place this sheet of paper on top of the first two sheets of paper. This will leave the side labeled page 4 and page 5 facing up.

-- Fold the pamphlet in half. You will now have the 12 page pamphlet assembled.

Thank You

11. The Department would like to thank posts in advance for their cooperation in the implementation of the WWTVPRA. We know that the printing of the pamphlet will be time consuming and the new interview requirements will require training and experience to become effective and efficient. If you encounter any difficulties while implementing these requirements please let us know. If you have questions or concerns please do not hesitate to contact [redacted] CA/VO/L/R.