

April 20, 2017

**TRUMP EXECUTIVE ORDER SCAPEGOATS FOREIGN WORKERS AND
PROTECTS CORPORATE INTERESTS AT THE EXPENSE OF ALL WORKERS**

Earlier this week, President Trump signed an executive order, “Buy American, Hire American.” The International Labor Recruitment Working Group – a strategic alliance of organizations across labor sectors that works alongside internationally recruited workers, analyzes labor markets and economic conditions, and advocates for the rights of all working people in this country – issued the following statement in response to this executive order:

“President Trump’s executive order implicitly perpetuates a false choice between protecting American workers and protecting all workers. Protections for foreign workers are critical to creating a level playing field and improving wages and working conditions for all workers. Rather than protecting all workers, the order’s subtext underlines the Administration’s efforts to prioritize protecting business.

“No workers should be scapegoated for the harm caused by a global economy fueled by corporate power and greed. While this executive order is short on specific policies, President Trump’s history of scapegoating foreign workers, despite his own reliance on guest workers, serves the Administration’s larger agenda of protecting the interests of powerful corporations at the expense of their workers. The order’s rhetoric shows a disingenuous nod to concern for American workers that is increasingly being revealed as tragic fiction.

“The interests of American workers can only be advanced when all workers have dignity and rights in the workplace. Today, our broken visa system enables employers to recruit foreign workers at substandard wages, and expose them to abusive working conditions and even human trafficking. These practices not only harm foreign workers, they also undercut wages and job opportunities for U.S. workers.

“Although we have long called for reform across work visa categories, we are concerned that the Administration’s revision of visa programs will result in fewer protections for all workers. An attack on one worker is an attack on all workers. The ILRWG will continue to resist attacks on both American and foreign workers and stand in solidarity with all working people.”

ILRWG RECOMMENDATIONS:

To protect workers, the ILRWG recommends agencies adopt the following policies:

- (1) ***Prohibit charging workers fees:*** Ban employers and recruiters across visa categories from charging workers recruitment fees and passing costs of the job to workers. Create requirements for employers to pay back any unlawful fees or costs paid by workers. Create and enforce meaningful public and private remedies.
- (2) ***Provide immigration relief and work authorization for whistleblowers:*** Grant immigration relief and work authorization to workers on temporary visas who report abuses in the recruitment process or in their employment in the United States or who participate in labor and employment investigations.
- (3) ***Improve transparency of temporary work visas:*** Collect data to monitor international labor recruitment and guide effective policy making. The Departments of Homeland Security, Labor, and State should collect and share consistent data about nonimmigrant visas that authorize employment, including who is recruiting whom, for what jobs, at what job terms, and on what visas. These data should be made available in real time in a searchable database on a public website. The website should enable workers to ascertain the veracity of a job offer, identify all actors in the chain of recruitment, review the terms of employment, and view a visa petition's status. The website should be accessible to workers in languages they understand.
- (4) ***Provide consistent worker protections for all visa programs that place workers in the labor market:*** Overhaul visa classifications across categories and industry sectors to ensure protection of all workers. Rules, usage data, and worker protections should be transparent and consistently applied regardless of visa category or industry sector. Levels and types of new worker entry should be determined by an independent commission of labor market experts, rather than employers or their industry lobbyists. Meaningful job portability should be available to internationally recruited workers to protect against exploitation. Workers helping to build our country should have the ability to live with their nuclear families and should be able to access a pathway to citizenship. Base wages should be set high enough that temporary work visas do not adversely affect wages and working conditions for U.S. workers.
- (5) ***Improve employer accountability:*** Employers should be held accountable for actions of labor contractors, recruiters, and agents of recruiters and should ensure that any workers are provided all applicable worker protections. There must be joint liability

between labor contractors, staffing agencies, or other third party employers and the ultimate beneficiaries of the labor.

(6) ***Improve education and access to information:*** Establish meaningful educational programs to inform internationally recruited workers about their legal rights and obligations under U.S. work visa programs. Cooperate with governments and agencies in countries of origin to thwart misleading propaganda about U.S. work visa programs. At consular interviews, provide accessible information on internationally recruited workers' rights under the law and information regarding organizations workers can contact if they experience a violation of those rights.

(7) ***Increase resources for enforcement of worker protections:*** Significantly enhance the resources available for the enforcement of worker protections across visa programs, including protections against discrimination in recruitment. The drastic and long running underfunding of the DOL, NLRB, EEOC, and similar enforcement agencies charged with responding to violations of worker rights has resulted in a lack of capacity to guarantee a timely response to complaints. Currently, DOL's Wage and Hour Division (WHD) has approximately 1,000 investigators to protect 153 million workers. The resources should reflect the importance of guaranteeing a level playing field and enable realization of basic labor rights and standards. In addition to significant new authorizations and appropriations, the Administration should work with Congress to allow DOL to charge and retain visa fees from employers to support effective oversight.

In addition, the ILRWG believes that reform of international labor recruitment should be guided by the following core principles:

Freedom from Discrimination and Retaliation. Workers shall have the right to a recruitment and employment experience free of discrimination.

Right to Know. Workers shall have the right to be informed in a language they understand about the recruitment process, their rights under U.S. work visa programs, and to a legal employment contract that respects their rights.

Freedom from Economic Coercion. Workers shall have the right to freedom from economic coercion in U.S. work visa programs.

Right to Receive a Contract with Fair Terms and to Give Informed Consent. Workers shall have the right to a legal employment contract that respects their rights and allows for informed consent before being hired.



Employer Accountability. Workers shall have the right to be recruited for work in the U.S. under a system that holds the employer accountable for abuses suffered during their recruitment or employment.

Freedom of Movement. Workers shall have the right to move freely while working in the United States.

Freedom of Association and Collective Bargaining. Workers shall have the right to form and join unions and to bargain and advocate collectively to defend their rights and interests.

Access to Justice. Workers shall have the right to access justice for abuses suffered under U.S. work visa programs.

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The International Labor Recruitment Working Group is a coalition of labor, migration, civil rights, and anti-trafficking organizations and academics seeking to reform international labor recruitment across visa categories and industry sectors. www.fairlaborrecruitment.org.