



UNITED STATES DEPARTMENT OF STATE  
AND THE BROADCASTING BOARD OF GOVERNORS

*OFFICE OF INSPECTOR GENERAL*

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ISP-I-13-43

Office of Inspections

September 2013

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**MEMORANDUM**

TO: CA – Janice Jacobs  
FROM: OIG – Harold W. Geisel   
SUBJECT: Review of Consular Wilberforce Compliance, ISP-I-13-43

**Summary**

The Office of Inspector General reviewed compliance with the William Wilberforce Trafficking Victims Protection Reauthorization Act during inspections of 21 missions<sup>1</sup> from September 2012 through June 2013. The Act, established to combat trafficking in persons in the United States, requires consular officers to inform employment and education nonimmigrant visa applicants of their legal rights and make available resources related to trafficking. It also requires consular sections to publicize those rights online and in a Wilberforce pamphlet.<sup>2</sup> The review found that all consular officers were aware of Wilberforce requirements. At all missions, Wilberforce pamphlets were available online and in consular sections. Limitations in the nonimmigrant visa search system prevented inspectors from confirming whether all relevant applicants had been informed about Wilberforce protections. Many consular officers had not completed the Wilberforce online training.

**Findings**

Of the 21 missions surveyed, two (Juba and Minsk) had limited visa operations. Juba did not process any nonimmigrant visas requiring Wilberforce information, and Minsk handled only one such case. At the remaining 19 missions, all consular managers and adjudicating officers were aware of Wilberforce requirements. All consular managers stated they consistently briefed

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<sup>1</sup> Attachment A shows the list of missions visited.

<sup>2</sup> Attachment B summarizes the Act's requirements.

high-risk applicants—those applying for summer work and travel (SWT) J-1 visas and for B-1, A-3, and G-5 (nanny/domestic employee) visas—on Wilberforce protections. Consular managers were less sure that applicants applying for work visas for professional, high-paying jobs were consistently advised of Wilberforce protections. Those individuals are considered less vulnerable to trafficking in persons abuses.

Two consular managers readily acknowledged that they could not confirm that all relevant applicants had been advised of Wilberforce protections. The nonimmigrant visa system does not include a mechanism for consular officers to note when they have briefed applicants on Wilberforce protections; inspectors could not verify whether consular officers were making interview notations when they briefed applicants on Wilberforce.

***Informal Recommendation 1:*** The Bureau of Consular Affairs should add a button to the nonimmigrant visa software for those categories of visas included under Wilberforce protections so that officers can confirm that an applicant has received Wilberforce information.

At all missions, an English version of the Wilberforce pamphlet was available to applicants online when they completed the online visa applications. Additionally, Wilberforce pamphlets were available in all consular sections in the appropriate languages. Inspectors observed pamphlets in Arabic, French, Khmer, Kurdish, Portuguese, Russian, Spanish, Tagalog, and Ukrainian, in addition to English. Most missions provided Wilberforce information both electronically and on paper. Eight posts provided local language versions on paper only.

At five posts, all consular staff had completed online Wilberforce training; at the other 16 posts only some or none had completed training. Some consular managers were either unaware of the training or unable to find it online. Completing online training would better inform consular officers of Wilberforce requirements.

***Informal Recommendation 2:*** The Bureau of Consular Affairs should spotlight PC 406 online training on Wilberforce requirements in the next consular issues cable and provide a link to the training on the bureau's intranet site.

### **Additional Observations**

- Ten posts handled more than 1,000 Wilberforce cases annually; nine handled between 100 and 1,000, and two handled one or none.
- Three posts reported they briefed 100 percent of relevant applicants, in addition to providing the pamphlet. Two posts counseled 10-25 percent, and 15 reported counseling 5 percent or fewer of relevant applicants, in addition to providing the pamphlet.
- Counseling at most posts took 1-5 minutes; three posts reported that it took 5-10 minutes. Eleven managers stated they used the same procedures for all visa categories; 10 managers indicated they followed different procedures for different categories (e.g., nanny and SWT applicants). Those posts with the highest percentage of counseling were in countries with many ethnic minorities and language dialects, lower levels of education, and poor legal protections for domestic employees.

- Some applicants expressed surprise that foreign workers have rights in the United States.
- At some missions, either the applicant or the employer requested that the employer be present during the interview.

I would be happy to meet with you to discuss this matter further, or your staff may contact Robert Peterson, Assistant Inspector General for Inspections, [REDACTED] (b) (6)  
[REDACTED]

## Appendix A: Missions Visited

Abuja  
Baghdad  
Brasilia  
Buenos Aires  
Juba  
Khartoum  
Kyiv  
Lagos  
Manila  
Minsk  
Moscow  
Phnom Penh  
Rabat  
Recife  
Rio de Janeiro  
Santiago  
Sao Paolo  
St. Petersburg  
Vilnius  
Vladivostok  
Yekaterinburg

## Appendix B: Background

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Pub. L. No. 110-457) requires consular officers to ensure that applicants for A-3, G-4, NATO-7, H, J, and B-1 domestic visas have read and understood, or are briefed on, the contents of the Wilberforce pamphlet. Section 202 of the Act requires that an informational pamphlet on the legal rights and resources be available to "aliens applying for employment- or education-based nonimmigrant visas." The pamphlet must include:

- information regarding the nonimmigrant visa application process and employment portability;
- the legal rights of aliens holding nonimmigrant visas;
- labor and employment law;
- the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States;
- the legal rights of victims of trafficking and worker exploitation—including the right of access to immigrant and labor rights groups;
- the right to seek redress in U.S. courts;
- the right to report abuse without retaliation;
- the right not to relinquish his/her passport; the requirement for an employment contract; and,
- an explanation of the rights and protections included in the contract and nongovernmental organizations that provide services to victims of trafficking and exploitation.

The legislation requires that the pamphlet be posted on the post Web site and that copies be available to distribute as necessary. During the visa interview, the consular officer must confirm that the applicant has received and understood the contents of the pamphlet. If the applicant has not, the consular officer must provide the pamphlet and, in a language the applicant understands, orally provide the information regarding legal rights and victim services, and answer any questions the applicant may have. References include: 10 State 114980, 11 State 018463, 11 State 009153, 9 FAM 40.27 and Notes for 9 FAM 41.21-22, 24-25, 31, 53, 84, and 85.