

MIGRANT INFORMATION GUIDE UNITED STATES

How to use this guide

This leaflet is intended to provide Chinese citizens who wish to work abroad with information on the most important aspects of working and living in the US and give general guidance to help them to make an informed decision by providing reliable sources of information about employment opportunities at abroad and help to better evaluate the actual costs and benefits of working abroad. The leaflet shall help potential migrants from China to better understand the risks involved in labour migration, to know their rights and to be better prepared to protect themselves. It offers an overview about administrative procedures, gives addresses of relevant authorities in China and the US responsible for migration as well as a list of organisations that can be helpful in the migration process. This leaflet cannot explain every detail of the migration rules and of employment of migrant workers in the US. It is rather a guide to the basics. The leaflet makes suggestions about where to get more help and information about the various aspects of migration.

I: Decision-making before departure

Many people want to work abroad because they lack income earning opportunities at home and the possibility to earn much higher incomes abroad. However, even if wages may seem very much higher in the U.S. than in China, one has to keep in mind the much higher living costs in the U.S. compared to costs of living in China as well as the costs for travel between China and the U.S. In the end, there might not be as much money left from the higher income in U.S. as expected.

Keep in mind:

- **Base the decision to move on a realistic assessment of the costs and benefits of migration for employment.**
- **Returning migrants often give a very rosy picture of their experience, or are reluctant to publicly display the negative sides of their migration experience or the real nature of their work abroad.**
- **Be aware of the many hidden costs related, for example, to the conditions of work, the vulnerabilities and risks foreign worker are exposed to working and living in another country, and the impact of migration on the family left behind.**
- **Financial resources are essential for the migration move, to pay for the recruitment agent's fees, the passport, transportation and other expenses.**

Labour market opportunities in the US

There is a job growth in several service-providing industries, while employment declined in manufacturing and construction. The official annual unemployment rate in the US for 2005 was 5.1 per cent.¹ In 2005, foreign-born workers made up about 15 percent of the U.S. civilian labor force. The unemployment rate for the foreign born was 4.6 percent in 2005. 22 per cent of the foreign born workers were Asian. Foreign-born workers were more likely than their native-born counterparts to be employed in several service occupations, including food preparation and serving related occupations, and building and grounds cleaning and maintenance occupations. Foreign-born workers also were more likely than the native born to be employed in farming, fishing, and forestry; construction and extraction; and production occupations.²

Labour force by occupation: Farming, forestry, and fishing 0.7%, manufacturing, extraction, transportation, and crafts 22.9%, managerial, professional, and technical 34.7%, sales and office 25.4%, other services 16.3%. **Industries:** petroleum, steel, motor vehicles, aerospace, telecommunications, chemicals, electronics, food processing, consumer goods, lumber, and mining.³

Access to the labour market in the US

The number of work permits for Chinese temporary workers in 2005⁴:

Type of visa / work permit for temporary workers	Chinese nationals	Total number of permits
Speciality occupations (H-1B)	11,801	407,418
Seasonal agricultural workers (H-2A)	Disclosure standards not met: insignificant number	7,011
Seasonal nonagricultural workers (H-2B)	Disclosure standards not met: insignificant number	122,316
Extraordinary ability (O-1, O-2)	459	37,340
Atheletes, artists, and entertainers (P-1 to P-3)	1,493	59,025
Intracompany transferees (L-1)	4,259	312,144
Others	8,510	n.a.

The foreign workforce generally is employed as tailors, cooks, textile workers, in the animal slaughter and processing industry, and in the landscaping industry. Migrants are over represented as taxicab drivers, domestic workers, waiters, parking lot attendants, and sewing machine operators.⁵

Many Chinese working in the US do so on an irregular basis without the required work and residence permit/visa. To work without work and residence permit in the US is illegal. If authorities discover irregular workers they arrest them and deport them to their home countries. Chinese migrants working illegally in the US risk to be exploited by their employers due to their insecure status in the US. Many irregular Chinese migrant workers suffer from physical and psychological violence at the workplace. Some of them are not free to leave the workplace and are paid substandard wages or they receive no money at all due to the debts they have to repay to intermediaries for travel. Employers may offer jobs without paying insurance or tax. This is against the law. If they are breaking this law, it is very likely they will break other employment laws as well, especially those that protect workers. It is very hard to enforce any legal rights for people working illegally.

Anyone who uses false papers to get a job in the US risk losing the right to live and work legally in the U.S. if he/she is detected by the Immigration and Naturalization Service. This person can also be subject to other serious penalties such as a fine up to \$2,500, and deportation.⁶ 4% of a total of 237,667 irregular aliens in detention during 2005 were Chinese citizens.⁷

Bilateral agreements between China and the US

There are no bilateral agreements between the People's Republic of China and the U.S. regarding quotas or programmes specifically for Chinese migrant workers.

Requested qualifications

Language skills

Free English learning online programme: <http://www.in2english.com.cn/>

Training experience and qualification requirements depend on the job description/what the employer requires and on the type of work permit (see information on work permits in this guide). Foreigners who wish to practice a profession such as law, medicine, or accountancy, etc, will also need to obtain the relevant State or Federal licence to practice in the place of intended employment.⁸ Detailed information can be obtained from the U.S. and Chinese Chambers of Commerce.

U.S. Chambers of Commerce in China and other resources for information on requested qualifications

<p>The American Chamber of Commerce in the People's Republic of China</p> <p>Address: China Resource Building, Suite 1903, No. 8 Jianguomenbei Ave., Beijing 100005, PRC Tel: (8610) 8519-1920 Fax: (8610) 8519-1910 Email: amcham@amcham-china.org.cn Website: www.amcham-china.org.cn</p>	<p>China General Chamber of Commerce - USA</p> <p>Address: 100 Lighting Way, 4/F, Secaucus, NJ 07094-5611, USA Tel: 201-422-8572 Fax: 201-422-8558 Web: http://www.cgccusa.org/</p>
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II: Finding a job abroad

Recruitment is the engagement of a person in one territory on behalf of an employer in another country. It covers direct engagement by an employer, or his or her representative, as well as operations conducted by intermediaries, including public and private recruitment bodies. It refers to a process of hiring for a definite job or a promise by a recruiter to find a job for a potential migrant worker.⁹

A recruitment agency acts untrustworthy if it:

- Advertises without job order
- Forges documents
- Provides incorrect/false information about jobs and destination countries
- Uses contract substitution
- Exacts illegal fees
- Practises without an official licence or approval¹⁰

Keep in mind:

- **It is against the law to work in the U.S. without a work permit and it is very hard to enforce any legal rights for people working illegally.**
- **Using irregular channels for migration makes migrant workers more vulnerable to traffickers and puts them at greater risk of being abused and exploited during the journey and in the destination country.**
- **Untrustworthy recruitment agents and traffickers provide misleading information about job offers, conditions of work, the nature and type of the jobs, wages and benefits. Do not believe people who promise you an easy way to employment abroad.**
- **Only use the services of approved agencies.**
- **Employers who offer jobs to workers without work permit break the law. If they are breaking this law, it is very likely they will break other employment laws as well, especially those that protect workers.**

National employment services

In China:

List of public employment agencies: http://www.labournet.com.cn/jixiao/zhijie/gedi/index_2.htm#

In the US:

Foreign labor certification: (202) 693-3010

<http://www.dol.gov/dol/contact/contact-phone-topics.htm>

Private employment agencies and other information sources for job vacancies

In China:

List of agencies licensed by the Ministry of Labour and Social Security:

<http://www.molss.gov.cn/gb/ggfw/jwjy.htm>

List of agencies in three targeted provinces:

- Fujian: http://www.molss.gov.cn/gb/zwxx/2006-08/07/content_107158.htm
- Zhejiang: http://www.molss.gov.cn/gb/zwxx/2006-10/11/content_107159.htm
- Jilin: http://www.molss.gov.cn/gb/zwxx/2006-08/07/content_107161.htm

In the US:

Private employment agencies are an important source of jobs in the US.

www.doleta.gov
www.ajb.dni.us

Pre-departure training offered by local employment offices and recruitment agencies

Pre-departure programmes can be an important means of better protecting migrant workers from discrimination, exploitation and abuse in the destination country. Pre-departure trainings should:

- Present the entire process of becoming a migrant worker;
- Inform migrant workers of their rights and obligations and enable them to uphold and fulfil them;
- Give migrant workers knowledge and skills in handling crisis situations.

Legal requirements for Chinese citizens for working in the U.S.

1. Work contract / Clearance

Details of an employment contract:

- Names of employer and worker
- Starting date of the employment
- Pay rate and frequency of pay
- Hours of work
- Holiday and sick pay entitlements
- Notice period
- Job title or a brief job description

If the worker is being sent to work in the U.S. by his/her company or organisation following information should be in the work contract:

- Duration of employment
- Currency of the payment
- Any benefits to which you are entitled while working abroad
- The procedure for the return to the home country

2. Work permits for temporary employment in the U.S.

The **H-1B program** allows an employer to temporarily employ a foreign worker in the U.S. on a nonimmigrant basis for up to three years in occupations which require a high degree of specialized knowledge. H1B visas are available for following professions: IT / Computer professionals, university professors and teachers, engineers, healthcare workers, accountants, financial analysts, management consultants, lawyers, architects, nurses, physicians, surgeons, dentists, scientists, systems analysts, journalists and editors, foreign law advisors, psychologists, technical publications writers, market research analysts, teachers in elementary or secondary schools, colleges.¹¹ Generally at least the equivalent of a job-relevant 4-year US Bachelor's degree is required (this requirement can usually be met by having a 3-year degree and 3 years' relevant post-graduate experience). Non-graduates may be employed on an H1B visa where they can claim to be 'graduate equivalent' by virtue of twelve or more years' experience in the occupation. The H-1B visa is the 'primary' and most sought after USA work visa (permit), for foreign nationals who want to live and work in the USA, in a specialty occupation. Current laws limit the number of foreign workers who may be issued a visa or otherwise be provided H-1B status to 65,000. **Procedure for application:** Individuals can not apply for an H1B visa to allow them to work in the US. Employers may begin applying for the H-1B visa six months before the actual start date of the visa.¹² If the prospective worker is outside of the US, he must then apply for a visa with the US consulate. Work authorization for H-1B foreign workers is employer-specific i.e. limited to employment with the approved employer/petitioner. A change of employer requires a new H-1B petition. The employer is responsible for return transportation costs for an employee terminated

prior to the end of the approved period of employment.¹³ H1B petitions and 1st extensions of H1B's require a fee (in addition to the usual filing fees) of US\$1,000 to be paid, which will be used to fund a training programme for resident US workers.¹⁴

The **H-2A temporary agricultural program** establishes a means for agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. **Procedure for application:** The employer must file an application stating that there are not sufficient workers who are able, willing, qualified, and available, and that the employment of aliens will not adversely affect the wages and working conditions of similarly employed U.S. workers.¹⁵ If the prospective worker is outside of the US, he must then apply for a visa with the US consulate.

The **H2B visa** is available to employers of foreign non-professionals (unskilled workers) not working in the agricultural field. This visa is only available for work that is temporary in nature (recurring seasonal need; intermittent need; peak-load need; and one time occurrence. The duration of the visa is limited to the employer's need for the temporary workers. The maximum authorized period is one year extendable in one year increments to a maximum of 3 years. The annual numerical limit for H2B visa is 66,000.¹⁶ **Procedure for application:** The employer must prove that there are no unemployed U.S. workers willing or able to do the work. This is established through the state's employment agency using a labor certification process. This process requires a recruitment campaign, including advertising in a local newspaper for available temporary workers. Petitions should be filed no more than six months before the proposed employment will begin. However, they should be submitted at least 45 days before the employment will begin, because the petition processing and visa issuance may not be completed before work is to begin. If the prospective worker is outside of the US, he must then apply for a visa with the US consulate.

The **L1 program** allows companies operating both in the US and abroad to transfer certain classes of employee from its foreign operations to the USA operations for up to seven years. The employee must have worked for a subsidiary, parent, affiliate or branch office of your US company outside of the US for at least one year out of the last three years. **Procedure for application:** Companies operating in the U.S. can apply to the relevant BCIS service center for an L1 visa to transfer someone to the U.S. from their overseas operations. Employees in this category will, initially, be granted an L-1 visa for up to three years.¹⁷

3. Visas

Chinese citizens need a visa to enter the United States. For each type of work permit there is a specific type of visa. Visas for Work in the United States entitle the holder to work in the United States. All require that the hiring company or organization in the United States to first submit a petition to U.S. Citizenship and Immigration Service (USCIS) for permission. If the petition is approved, the company will be issued a form I-797 enabling you to apply for a visa.

The **H visa** is intended for temporary employment in the United States. For most H applicants, the visa is valid for two entries within three months. Chinese applicants do not have to pay additional H visa issuance fees.

The **L visa** is for individuals who are being transferred by their company in China to a branch or related company in the United States. Applicants must intend to fill a managerial or executive position, or have specialized knowledge, and have been continuously employed by the same employer or a related company for at least one of three years immediately preceding the visa application. For most L applicants, the visa is valid for multiple entries within one year or two years, depending on the period of time specified on the applicant's L petition approval notice. If the visa is approved, each Chinese L applicant must pay an additional \$120 USD visa issuance fee at the time of the visa interview. In addition to the visa issuance fee, if the principal applicant applying for an L-1 visa under "blanket" L visa provisions, the applicant must pay an additional \$500 "fraud prevention and detection fee" at the time of their visa interview.

Documents required for the visa application related to a work permit:

- Valid Passport: Applicant's passport must be of decent quality and valid for at least 6 months from the planned arrival in the U.S.;
- One Photograph: Two inches square color photograph, less than 6 months old, against a white background, full frontal view and glued to the English DS-156, Nonimmigrant Visa Application Form;
- Original Bank Receipt for Application Fee: The 800 RMB application fee may be paid at any CITIC Bank branch in China. The original fee receipt must be presented when the visa application is submitted at the Embassy;
- Completed DS 156 Nonimmigrant Visa Application (for all NIV applicants).
- Completed DS 157 Supplemental Nonimmigrant Visa Application¹⁸
- Evidence of ties to the home country (family, property, current occupation, etc.)

Besides the above essential items, certain visa categories require additional documentation:

- I-797 Work Permit Original I-797, Notice of Action, and copy of the petition filed by the U.S. employer with the Citizenship and Immigration Services (USCIS) of the Department of Homeland Security;
- Work/Research Plan: Detailed information about planned work or research in the U.S.;
- Résumé/CV: Detailed information about past academic and/or professional experience.¹⁹

Attention: Applicants should be aware that a visa does not guarantee entry into the United States. The officer at the port of entry has authority to deny admission, even if the applicant has a visa. Also, the officer at the port of entry, not the consular officer, determines the period for which the bearer of a temporary work visa is authorized to remain in the United States. At the port of entry, officials issue Form I-94, Record of Arrival-Departure, which notes the length of stay permitted. The decision to grant or deny a request for extension of stay, however, is made solely by the USCIS.

The **Visa Information Call Center** provides visa-related information to visa applicants and schedules nonimmigrant visa interview appointments for the U.S. Embassy in Beijing and the U.S. Consulates General in Chengdu, Guangzhou, Shanghai, and Shenyang. Visa appointments can be scheduled via telephone only via the China Call Center. Applicants traveling to the United States must make an appointment for a visa interview. To make the appointment, the applicant's name, date of birth, passport number, visa class, and prior refusal status must be provided. Without this data, the China Call Center cannot schedule an appointment. The service is offered in Mandarin, Cantonese, English, the Fuzhou dialect and the Taishan dialect.

Tel: 4008-872-333 (toll free, from within China) or **86-21-3881-4611** (local Shanghai number for international calls).

Hours: Live operators available from Monday to Friday from 7.00 to 19.00, and on Saturday from 8.00 to 17.00, pre-recorded visa information available 24 hours a day

Fees: 36 RMB (for 8 minutes) to 54 RMB (for 12 minutes) for a CITIC pre-paid PIN card (for a list of CITIC bank branches check www.ecitic.com or call 95558).

Attention: The U.S. Consulate Service does not endorse or have a "special relationship" with any individual or business that offers advice or assistance with the visa process. No one can guarantee the issuance of a visa. All U.S. government forms are free. Beware: many visa applicants lose money or are permanently barred from the United States as a result of misleading information and fraudulent applications provided by visa consultants!²⁰

Keep in mind:

- **The majority of work permits issued to Chinese citizens for work in the U.S. were for high-skilled occupations in research and management.**
- **Average waiting time for a work permit visa is 7 days for appointment and 3 days for the visa to be processed.**²¹
- **The approval process for a work permit can take up to six months.**

Costs for travel and fees

Air plane ticket China – US – China (estimate/average price): please consult major licensed travel agencies

Visa for a work permit: 100 US\$ (800 RMB) visa application fee, 36 – 56 RMB for pre-paid PIN-card for the service of the Visa Information Call Center

Recruitment fees: please consult overseas employment agencies licensed by MOLSS

Keep in mind:

- **Always store copies of your documents (passport, visa, work contract) at a secure place and leave a set of these documents with your family and/or trusted friends;**
- **Memorize your employer’s name, address and telephone number;**
- **Get and read a copy of travel advisories and handbooks published by government agencies;**
- **Get and read books on the country of your destination;**
- **Try to learn some basic words in the language of the country of destination and some basic behaviours expected in the culture;**
- **Secure addresses of fellow migrant workers leaving with you.**

Addresses of U.S. consulates in China

<p>United States Embassy of Beijing, Consular Service</p> <p>This consular district includes the following provinces/regions of China: Tianjin, Shandong, Shanxi, Inner Mongolia, Ningxia, Shaanxi, Qinghai, Xinjiang, Hebei, Henan, Hubei, Hunan, Jiangxi</p> <p>Address: 3 Xiu Shui Bei Jie, Chaoyang District, Beijing, China 100600</p> <p>Tel: (86-10) 6532-3431, 6532-3831</p> <p>Hours: Monday to Friday from 8.00 to 17.00 (by appointment only)</p> <p>AmCitBeijing@state.gov</p> <p>http://chinese.usembassy-china.org.cn/</p>	<p>United States Consulate General in Shanghai</p> <p>This consular district includes the following provinces/regions of China: Shanghai Municipality and the provinces of Anhui, Jiangsu, and Zhejiang.</p> <p>Address: 1469 Huai Hai Zhong Lu Shanghai, PRC 200031</p> <p>Tel: (86-21) 6433-6880</p> <p>Hours: Monday to Friday by appointment only</p> <p>http://shanghai-ch.usembassy-china.org.cn/</p>
<p>United States Consulate General Chengdu</p> <p>This consular district includes the following provinces/regions of China: Chengdu: Chongqing Municipality Sichuan Province, Tibet Autonomous Region, and Yunnan Province.</p> <p>Address: No. 4 Lingshiguan Road Chengdu, Sichuan, PRC 610041</p> <p>Hours: Monday through Friday, 8.30 to 17.30</p> <p>Tel: (28) 8558-3992, 8558-9642</p> <p>Fax: (28) 8558-3520</p> <p>consularchengdu@state.gov</p> <p>http://chengdu.usembassy-china.org.cn/</p>	<p>United States Consulate General Guangzhou</p> <p>This consular district includes the following provinces/regions of China: Guangzhou, Guangxi, Zhuang Autonomous Region and the provinces of Fujian, Guangdong, and Hainan</p> <p>Address: No. 1 Shamian Street South, Guangzhou 510133</p> <p>Hours: Monday through Friday by appointment only</p> <p>Phone: 020-8121-8000</p> <p>Fax: 020-8121-9001</p> <p>http://guangzhou-ch.usembassy-china.org.cn/</p>
<p>United States Consulate General Shenyang</p> <p>This consular district includes the following provinces/regions of China: Shenyang, provinces of Liaoning, Jilin, and Heilongjiang</p> <p>Address: No.52, 14 Wei Road, Heping District, Shenyang, Liaoning Province. 110003</p> <p>Hours: Monday through Friday by appointment only</p> <p>Tel:(86-24) 2322-1198</p> <p>Fax:(86-24) 2323-1465</p> <p>ShenyangNIV@state.gov</p> <p>http://chinese.shenyang.usconsulate.gov/</p>	

III. Conditions of employment/legislation: What are my rights and duties?²²

The Fair Labor Standards Act (FLSA) provides every worker in the U.S. regardless of immigration status with some basic rights. All workers have the right to the payment of the minimum wage, overtime pay for time worked over 40 hours in a workweek. The FLSA restricts the employment of children and requires employers to keep records on wages, hours, and other items which are generally maintained as an ordinary business practice. Deductions made from wages for such items as cash or merchandise shortages, employer-required uniforms, and tools of the trade, are not legal if they reduce the wages of employees below the minimum wage or reduce the amount of overtime pay due under the FLSA. In order for the FLSA to apply, there must be an employment relationship between an "employer" and an "employee." The FLSA contains some exemptions from these basic rules for specific types of businesses and specific kinds of work e.g. domestic and agricultural workers.

Fair Labor Standards Act (in Chinese):

<http://www.dol.gov/esa/regs/compliance/whd/whdfsChinese.pdf>

Terms of employment

Basic provisions for temporary agricultural workers under H-2A visas: The employer must provide every worker a copy of the worker contract or, as a substitute for the worker contract, a copy of the clearance order. If worker contracts are provided, they must specify at least those benefits required by the regulations. The job clearance order is the "official" document, since it is the one the employer submits and the Department of Labor approves. The job clearance order/contract must state:

- The beginning and ending dates of the contract period;
- Any and all significant conditions of employment, such as payment for transportation expenses incurred, housing and meals to be provided (and related charges), specific days workers are not required to work (i.e., Sabbath, federal holidays);
- The hours per day and the days per week each worker will be expected to work during the contract period;
- The crop(s) to be worked and rate(s) for each crop/job;
- The rate(s) of pay for each job to be performed;
- Any tools required, with an indication that employer pays for them; and
- Verification that workers' compensation (or comparable benefits) will be provided consistent with the law of the state where the work is performed.

For further information see: <http://www.dol.gov/compliance/guide/taw.htm#who>

Basic provisions for temporary nonagricultural workers: Workers must be paid at least the prevailing wage for the occupation in the area of intended employment. In addition, worker-protection provisions that apply to U.S. workers (e.g., the Fair Labor Standards Act) cover nonimmigrant H-2B workers. Workers may file complaints under these general worker protection laws with the local Wage and Hour Division offices.

For further information see: <http://www.dol.gov/compliance/guide/tnw.htm#who>

Basic provisions for workers in the H-1B program: The employer must give the worker a copy of the Labor Condition Application. The employer must pay the worker at least the same wage rate as paid to other employees with similar experience and qualifications or the local prevailing wage for the occupation in the area of employment, whichever is higher. The employer must pay for non-productive time caused by the employer or by the worker's lack of a license or permit. The employer must offer the worker fringe benefits on the same basis as its other employees. The employer may not require the worker to pay a penalty for leaving employment prior to any agreed date. Complaints about non-compliance with H-1B/H-1B1 labor standards may be filed with local Wage and Hour Division offices.

For further information see: <http://www.dol.gov/compliance/guide/h1b.htm#who>

Income

Minimum wage rates: The federal minimum wage rate in the U.S. is 5.15 US\$. The government sets the federal minimum wage rate. Individual States may implement State-specific minimum wage rates

that are higher than the federal minimum. States which have higher minimum wage rates are: Alaska (7.15 US\$); California (6.75 USD); Connecticut (7.65 US\$); Delaware (6.15 US\$); District of Columbia (7.00 US\$); Florida (6.40 US\$); Hawaii (7.25 US\$); Illinois (6.50 US\$); Maine (6.50 US\$); Maryland (6.15 US\$); Massachusetts (6.75 US\$); Minnesota (6.15 US\$); New Jersey (7.15 US\$); New York (7.15 US\$); Oregon (7.50 US\$); Rhode Island (7.10 US\$); Vermont (7.25 US\$); Washington (7.63 US\$), Wisconsin (5.70 US\$).²³

The minimum wage does not apply certain groups of employees e.g. employees any employee employed in the catching, taking, propagating, harvesting, cultivating or farming fish products; certain agricultural employees including those employed on small farms not using more than 500 man-days of agricultural labor in any preceding calendar quarter, certain hand-harvest laborers customarily paid on a piece-rate basis, and those principally engaged in the range production of livestock; any employee employed on a casual basis in domestic service; computer system analysts, computer programmer or software engineers; newspaper deliverers; home workers engaged in making wreaths.²⁴

In 2005, the median **average weekly earnings** of foreign-born full-time wage and salary workers were **US\$ 511**, compared with \$677 for the native born.²⁵ Average earnings per profession/sector (average monthly net income, full-time employment):

Deductions from wage

An employer is not allowed make deductions from a foreign worker's wage for following items:

- A penalty (as defined by state law) for the worker's failure to complete the full employment period,
- Any part of the \$750/\$1000/\$1500 statutory Department of Homeland Security's U.S. Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) petition filing fee,
- Any deduction for the employer's business expenses that would reduce an H-1B worker's pay below the required wage rate,
- Tools and equipment,
- Travel expenses while on employer's business,²⁶
- Broken items or missing cash,
- As punishment for poor performance or for being late, or²⁷
- For the costs of purchasing and cleaning uniforms.

Employers can take allowances for Federal and State taxes. They may also make deductions for meals, housing, lodging provided for the worker, but with each payment of wages, they are required to provide the worker with a wage statement. The statement must include:

- Any deductions or allowances taken
- Hours worked
- Rates paid
- Gross wages
- Net wages²⁸

Working time and holidays

The **weekly limit for working time** in the US is 40 hours a week. This general rule does not apply to certain categories including executive, administrative, or professional workers; establishments of an amusement or recreational nature; any workers employed in the catching, taking, propagating, harvesting, cultivating or farming of fish products; agricultural workers; workers employed onboard American vessels; workers employed on a casual basis in domestic work; computer systems analysts; transportation workers; railway workers; and workers on air planes. The rules on **compensation for overtime work** entitle workers to overtime pay for all hours worked over 40 in a workweek. The overtime rate is a 50% increase.²⁹ Compensatory rest is not less than one and one-half hours for each hour worked.³⁰

Official public holidays:

1. New Year's Day: January 1
2. Martin Luther King Jr.: 3rd Monday in January:
3. George Washington's Birthday: 3rd Monday in February

4. Memorial Day: Last Monday in May
5. Independence Day: July 4
6. Labor Day: 1st Monday in September
7. Columbus Day: 2nd Monday in October
8. Veterans Day, November 10 (or 11, 12)
9. Thanksgiving Day: 4th Thursday in November
10. Christmas Day, December 25³¹

Insurances/social security and taxes

Health insurance is an absolute necessity in the U.S. The United States does not provide socialized medicine, and medical care can be very expensive. Be sure to include all your family members on your health insurance plan. Bring a copy of your medical records with you to the US, including immunization and vaccination records and prescriptions.³²

The law requires that everyone earning a certain income, starting with just a few thousand dollars per year, pay **Federal income taxes**. There are also State and other local taxes, but they vary from state to state. If you work as a regular employee, all your estimated federal and local taxes are taken out of your paycheck. At the end of the year, you must complete tax returns to document all your earnings, along with those of your spouse and dependents, to see whether you owe money or will be getting money back. When you prepare to file your taxes, you must first determine whether you are, for tax purposes, a resident alien, nonresident alien or exempt from paying taxes. There may be other forms you need to file in connection with your return, and don't forget about local tax forms. Your local post office or library will often have information for you on the most common forms.³³

Safety and Health at Work & labour inspection

Many of the industries in which migrant workers are over-represented involve dangerous working conditions. The rate of injury and death among migrant workers is alarmingly high, and increasing. The Occupational Safety and Health Act of 1970 requires employers to provide workplaces free from serious recognized hazards and to comply with occupational safety and health standards to assure workers safe and healthful working conditions.³⁴ Workers have the right to file a complaint and request the Occupational Safety and Health Administration (OSHA) to conduct an inspection if they believe serious workplace hazards or violations of standards exist in their workplace. Complaints can be filed either through an online complaint, in writing, by telephone or fax.³⁵ Workplace safety and health information or assistance for workers is available during business hours through **OSHA's call center at 1-800-321-6742**. The hotline remains open 24 hours a day for fatality and accident reporting during non-business hours.

For further OSHA contact details check: <http://www.osha.gov/as/opa/worker/complain.html>

The Wage and Hour Division (WHD) of the Department of Labor is responsible for enforcing some of the U.S. labor laws, including the minimum wage, overtime, and child labor provisions of the Fair Labor Standards Act (FLSA) and worker protections provided in several temporary visa programs.³⁶ Labour inspectors in the U.S. usually do not report workers to the Immigration Services because the immigration status of a worker is independent of their work.

Dismissal

A worker who left his/her job is entitled to wages for all of the hours worked prior to leaving a job. The employer must pay any outstanding wages no later than the next regular pay day. The worker may also request to have the wages sent to him/her in the mail.³⁷

Keep in mind:

- **Check your contract and any other documents you are asked to sign and make sure you really understand what you are agreeing to before you sign it. If it's not clear, ask the agency to explain. Do not sign anything you do not understand.**

- **It is illegal for employer to keep the workers' passport and money, but he may make copies of them for his records.**
- **At the workplace, foreign workers are entitled to the same basic rights as national worker.**
- **Every worker, authorized or unauthorized, has the right to get paid for work that he/she has already performed**
- **Keep a record of the hours you worked each day and what you are paid**
- **Keep any business cards or letterhead with your employer's contact information.**
- **Keep any payroll stubs or receipts you get from your employer.**

Trade unions in the US

The AFL-CIO is the voluntary federation of 66 American unions, representing more than nine million working women and men in the United States. AFL-CIO also runs an Immigrant Worker Program. Change to Win is a federation of 7 unions. The Service Employees International Union (SEIU) has about 2 million members in the United States, Canada, and Puerto Rico. SEIU members represent health care, public employees, building services and industry and allied.

<p>American Federation of Labor – Congress of Industrial Organizations (AFL-CIO)•</p> <p>Address_ 815 16th Street, NW. Washington, DC 20006 United States Tel: +1/202/637-3949 Fax: +1/202/637-5323 Email: aavendan@aflcio.org Website: http://www.aflcio.org</p>	<p>Service Employees International Union (SEIU)</p> <p>Address: 3055 Wilshire Blvd. #1050, Los Angeles, CA 90010, United States Tel: +1/213/368-7410 Fax: +1/213/381-7348 Email: monterrb@seiu.org Website: http://www.seiu.org/</p>
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IV. Problems and difficulties

Industries that frequently employ migrant workers such as garment-manufacturing, agriculture, in nursing homes and domestic service, and restaurants, are known for frequent violations of wage, hour, and overtime payment laws. There are many obstacles that prevent migrant workers, especially unauthorized workers, from filing a claim. Fear of being deported and the need for substantive proof makes it very difficult for undocumented workers to obtain needed protection. Other obstacles such as language barriers and the cost that lawsuits can amount to also create serious barriers.³⁸ NGOs and trade unions can support workers e.g. inform them about their rights and about legal services to file compensation claims against exploitive employers or recruitment agencies.

Employment tribunals

Both authorized and unauthorized workers have the right to claim unpaid wages under both state and federal laws. Generally, workers should not have to disclose their unauthorized status in either case, but there have been some isolated circumstances where workers, especially if unrepresented by advocates, have been asked to disclose their immigration status in the context of asking for unpaid wages, and/or have been deported as a consequence of making complaints. There is no nationwide policy that protects migrants in irregular status who are victims of labor law violations from disclosure of their status and deportation as a consequence of their involvement in judicial proceedings.

Workers who have experienced exploitation and abuse while employed abroad can even file complaints and seek legal redress upon return to China. However, for workers who return to a home country, there are a number of difficulties in pursuing a case in the US, but it can be done. These involve the logistics of contacting a lawyer and keeping in contact with the lawyer, and having a judge who is tolerant of the distances and is willing to be flexible in terms of the workers' ability to be physically present in the country. Most cases also settle before a worker has to make a physical

appearance, but there are cases in which a worker must return to the US (and must get a discretionary visa in order to do so) in order to pursue a claim.³⁹

Assistance for trafficking victims

Keep in mind:

It is illegal for anyone to...

- **force you to work against your will;**
- **collect a debt by using threats or forcing you to work to pay the debt;**
- **force you to work using threats to harm you or your family;**
- **force or pressure you into prostitution or to do other sexual acts;**
- **use you for any kind of sex work if you are under 18;**
- **take away your passport, birth certificate, or identification card to control you or your movements.**

If any of these things has happened to you, you might be a victim of trafficking!

The Trafficking in Persons and Worker Exploitation Task Force **Complaint Line at 1-888-428-7581** (voice and TTY) maintained by the U.S. Department of Justice, is toll free and offers foreign language translation services.⁴⁰ Another contact is the Trafficking Information and Referral Hotline at 1.888.3737.888 run by the U.S. Department of Health and Services (HHS).

Victims of human trafficking who are certified by the U.S. Department of Health and Human Services (HHS) can receive federally funded services and benefits to the same extent as refugees. To receive certification, an individual must:

- Be a victim of human trafficking as defined by the TVPA;
- Be willing to assist with the investigation and prosecution of traffickers; and
- Have completed a bona fide application for a T visa; or
- Have received Continued Presence status from the U.S. Department of Homeland Security

Victims of trafficking and forced labour may be able to stay legally in the U.S. through:

- the T visa, a program for certain trafficking in persons victims;
- the U visa, a program for certain crime victims who have been hurt and are working with law enforcement officials;
- the S visa, a program for certain people helping in criminal investigations

Assistance offered to victims of trafficking and forced labour:

- Emergency medical assistance;
- Emergency food and shelter;
- Translation services;
- Counselling and legal assistance.

Fact sheet on Human Trafficking in the U.S.:

http://www.acf.hhs.gov/trafficking/about/fact_human_tzh.html (in Chinese)

Fact sheet on Trafficking for Forced Labour:

http://www.acf.hhs.gov/trafficking/about/labor_trafficking_tzh.htm (in Chinese)

Information for Victims of Trafficking in Persons and Forced Labor:

http://www.ojp.usdoj.gov/ovc/foreignlang/chinese/info_vict_traff/victimbrochureChinese.pdf

Links to Victim Assistance & Compensation Programs, by State:

http://www.ojp.usdoj.gov/ovc/help/voca_links.htm

The Office of Special Counsel for Immigration Related Unfair Employment Practices

The Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) in the Department's Civil Rights Division protects U.S. citizens and work authorized immigrants from

employment discrimination based upon citizenship or immigration status and national origin, unfair documentary practices when verifying the employment eligibility of employees, and retaliation. Individuals discriminated against may file charges with OSC and be awarded back pay and reinstatement, among other remedies. The Office has published a number of information brochures for foreign nationals residing in the US.

Workers brochure of the Office of Special Counsel for Immigration Related Unfair Employment Practices:

http://www.usdoj.gov/crt/osc/pdf/perliwdiss_chinese.pdf (in Chinese)

http://www.usdoj.gov/crt/osc/pdf/ch_wbroc.pdf (in Chinese)

Information leaflet on Federal Protections Against National Origin Discrimination:

<http://www.usdoj.gov/crt/legalinfo/natlorg-ch.pdf>

Consular services

Five Consulates General and the consular division of the Chinese Embassy in Washington protect the rights and interests of Chinese citizens in their consular areas. The Foreign Ministry of the People's Republic of China has published a protection guide for Chinese abroad that informs about the consular services in emergency situations.

The protection guide can be assessed under:

<http://www.chinese-embassy.org.UK/chn/lsw/lsh/default.htm>

Contacts of assistance services, NGOs, national authorities, and consulates (labour attachés)

<p>Embassy of the People's Republic of China in the United States of Amerika, Consular Service</p> <p>Address: 2300 Connecticut Ave., NW, Washington, D.C. 20008 Office Hours: Monday through Friday, 10:00 to 12:30 and 13:00 - 15:00 Consular Affairs Office Phone: (202) 3282516 Fax: (202) 5880046 chinaembassy_us@fmprc.gov.cn http://www.china-embassy.org/eng/hzqz/default.htm</p>	<p>Consulate General of the People's Republic in Houston</p> <p>Address: 3417 Montrose Boulevard, Houston, Texas 77006 Phone: 7135201462 Fax: 7135213064 www.chinahouston.org info@chinahouston.org</p>	<p>Consulate General of the People's Republic in San Francisco</p> <p>Address: 1450 Laguna Street, San Francisco, CA 94115 Office hours: Monday through Friday (except holidays) from 9:00 to 12:00 and 13:30 to 17:00 Phone service staff: (415)674-2940 from 13:00 to 15:00 on working days Phone recorded information: (415) 674-2900 Fax: (415)563-4861 http://www.chinaconsulatesf.org/chn/</p>
<p>Consulate General of the People's Republic of China in Chicago</p> <p>Address: 100 West Erie St., Chicago, IL 60610 Tel: (312) 803-0098 Fax: (312) 803-0122 Office hours: Monday through Friday from 9:00 to 12:00 and from 13:00 - 16:30 chinaconsul_chi_us@mfa.gov.cn http://chicago.china-consulate.org/chn/</p>	<p>Consulate General of the People's Republic in New York</p> <p>Address: 520 12th Avenue, New York, NY 10036 Office hours: Monday through Friday (except holidays) from 9:00 to 12:00 and from 13:00 to 14:30 Tel: (212) 244 -9456/ -9392 Fax: (212) 502 0245 http://www.nyconsulate.prchina.org/chn/</p>	<p>Consulate General of the People's Republic in Los Angeles</p> <p>Address: 443 Shatto Place, Los Angeles, CA 90020 Tel: (213) 807-8088 Fax: (213) 380-1961 http://losangeles.china-consulate.org/chn/</p>

**U.S. Department of Justice, Civil Rights Division,
Office of Special Counsel for Immigration-Related
Unfair Employment Practices**

Address: 950 Pennsylvania Avenue, N.W., Washington,
D.C. 20530
Worker hotline: 1-800-255-7688 or 1-800-237-2515
oscrt@usdoj.gov
<http://www.usdoj.gov/crt/osc/index.html>
The Office of Special Counsel has multilingual staff and
attorneys to assist workers.

API Legal Outreach

Address: 1188 Franklin Street, Suite 202, San Francisco,
CA 94109
Hotline: 415.567.6255
Fax: 415.567.6248
<http://www.apilegaloutreach.org/contact.html>
Ivy Lee: ilee@apilegaloutreach.org
Kavitha Sreeharsha: ksreeharsha@apilegaloutreach.org

Information leaflet for Chinese workers:

http://www.apilegaloutreach.org/downloads/infocards_chinese_eng.pdf

API Legal Outreach represents victims before INS and
and local police agencies and collaborates with partners
to provide trafficking victims with social services. API
Legal Outreach provides services in Cantonese,
Mandarin and Chiu Chow to the Asian, Pacific Islander
and South Asian communities, primarily in San
Francisco, Alameda, and San Mateo Counties.

Andolan

Address: P.O. Box 2087
Long Island City, NY 11102
United States
Tel: +1/718/426-2447
Email: andolan_organizing@yahoo.com
Website: www.andolan.net

Andolan organizes and advocates on behalf of low-
wage, immigrant South Asian workers. Andolan seeks to
educate workers about their rights, persuade employers to
pay a living wage and raise public awareness about
abusive industry conditions. All Andolan members are
low-wage workers and primarily women; many are
undocumented. Most of the members are employed as
babysitters, housekeepers, and restaurant workers.

Sweatshop Watch

Address: 1250 S. Los Angeles St., #214, Los Angeles,
CA 90015, United States
Tel: +1/213/748-5945
Fax: +1/213/748-5876
Email: sweatinfo@igc.org
Website: www.sweatshopwatch.org

Sweatshop Watch is a coalition of over thirty labor,
community, civil rights, immigrant rights, women's,
religious and student organizations committed to
eliminating the exploitation that occurs in sweatshops.
Sweatshop Watch serves lowwage workers nationally and
globally, with a focus on garment workers in California.

**Coalition for Humane Immigrant Rights of Los
Angeles (CHIRLA)**

Address: 2533 W. 3rd. St., Suite 101, Los Angeles, CA
90057, United States
Tel: +1/213/353-1333
Fax: +1/213/353-1344
Email: asalas@chirla.org
Website: www.chirla.org

CHIRLA works to advance the human and civil rights of
immigrants and refugees. In its Workers' Rights project,
CHIRLA seeks to educate domestic workers, day
laborers and garment workers about their rights

Domestic Workers United (DWU)

Address: c/o CAAAV 2473 Valentine Avenue
Bronx, NY 10458
United States
Tel: +1/718/220-7391 x 11
Fax: +1/718/220-7398
Email: apoo@caaav.org
Website: www.domesticworkersunited.org

Domestic Workers United is a group of domestic workers
and domestic workers' organizations organizing to build
power, raise the level of respect for domestic workers,
establish fair labor standards in the domestic work
industry, and win legalization for all undocumented
workers.

<p>The Workplace Project</p> <p>Address: 91 North Franklin St., Suite 207, Hempstead, NY 11550, United States Tel: +1/516/565-5377 Fax: +1/516/565-5470 Email: workplace@igc.org http://www.workplaceprojectny.org/</p> <p>The Workplace Project is a non-profit organization that fights for the rights of immigrant workers who receive low wages, discrimination and abuse on the job. It provides orientation and information to these workers and promotes the leadership of the growing Latino population,</p>	<p>Unite for Dignity For Immigrant Workers' Rights</p> <p>Address: 1525 NW 167th Street Suite 300, Miami, FL 33169, United States Tel: +1/305/623-3000 Fax: +1/305/623-3071 Email: laura@unitefordignity.org Website: http://www.unitefordignity.org</p> <p>Unite for Dignity is an immigrant workers' rights organization based in South Florida, dedicated to overcome exploitation and discrimination in the workplace</p>
<p>National Employment Law Project (NELP)</p> <p>Address: 55 John Street, 7th floor, New York, NY 10038, United States Tel: +1/212/285-3025 ext. 102 Fax: +1/212/285-3044 Immigrant Worker Project Coordinator: rsmith@nelp.org Website: www.nelp.org</p> <p>The National Employment Law Project (NELP) provides legal services to campaigners, workers' centers, unions, and organizations that work with low-income workers.</p>	<p>National Immigration Law Center (NILC)</p> <p>Address: 1101 14th St., NW, Suite 410, Washington DC 20005, United States Tel: +1/202/216-0261 Email: crow@nilc-dc.org, ambegaokar@nilc.org Website: http://www.nilc.org/</p> <p>The National Immigration Law Center (NILC) has been dedicated to protecting and promoting the rights of low-income immigrants and their family members. NILC has expertise in issues such as immigration, public benefits, and employment laws affecting immigrants and refugees, esp. the interplay between immigrants' legal status and their rights under U.S. laws.</p>
<p>UCLA Labor Center</p> <p>Address: 675 S. Park View St., 1st floor Los Angeles, CA 90057 United States Tel: +1/213/480-4156 Fax: +1/213/480-4160 Email: vnarro@ile.ucla.edu Website: http://www.labor.ucla.edu/</p> <p>As part of the university, the Labor Center serves as an important source of information about unions and workers to interested scholars and students. Through its extensive connections with unions and workers, the Labor Center also provides Labor with important and clearly defined access to UCLA's resources and programs.</p>	

IV. Living in the US

General information

The **capital** of the U.S. is Washington DC. The **official language** is English. English is spoken by 82.1% of the population, Spanish by 10.7%, other Indo-European languages by 3.8%, and Asian and Pacific island languages by 2.7% (2000 census). The US has about 298,444,215 **inhabitants** (July 2006 est.). **Ethnic groups** living in the U.S. are white 81.7%, black 12.9%, Asian 4.2%, Amerindian and Alaska native 1%, native Hawaiian and other Pacific islander 0.2% (2003 est.). The **size of the**

country is 9,631,420 sq km (slightly larger than China). The **climate** is mostly temperate, but tropical in Hawaii and Florida, arctic in Alaska, semiarid in the great plains west of the Mississippi River, and arid in the Great Basin of the southwest; low winter temperatures in the northwest are ameliorated occasionally in January and February by warm chinook winds from the eastern slopes of the Rocky Mountains. **Religions in the U.S.:** Protestant 52%, Roman Catholic 24%, Mormon 2%, Jewish 1%, Muslim 1%, other 10%, and none 10% (2002 est.).⁴¹

Average monthly expenditures

Rent: 514 US\$

Incidental costs (gas, water, electricity, telephone): 169 US\$

Food: 256 US\$

Health care: 146 US\$⁴²

National emergency number

One-for-all emergency number: 911, on any phone 24 hours a day.

V. Money issues and remittances/money transfer

Prior to departure, it is helpful to open a bank account in China for two reasons. Firstly, opening a bank account in a financial institution either in the US or in China is a good way to ensure that a worker's savings are secure. Secondly, it can ease money transfers from US to China as some money transfer operators request a bank account to be able to use their services. Migrants should not remit their entire earnings home for family spending, but should keep part of their earnings regularly in order to have some savings for the return to China and to fall back on. Government and non-government agencies often provide training services to help returning migrants start a business. It may be helpful to speak to former migrants who successfully started their own business after their return to China.

Opening a bank account in the US

For opening a bank account an applicant needs to bring his/her Social Security Card or Tax ID number, passport or other government-issued ID, on driver's license or other ID or official correspondence with the applicants address on it. Furthermore, to open a new account banks usually request around \$100 to fill to the new account with. Credit cards are an ingrained part of the American way of life it may be difficult to make certain purchases without a credit card.⁴³

Sending money from the US to China

General recommendations:

- To make the process as easy as possible it is advisable to carry passport and proof of address when sending money (this may not be necessary for every transaction with every provider)
- Take into account the exchange rate as well as transfer fees; market price for currencies can be checked e.g. at www.xe.com, or www.oanda.com to be able to compare the offers of different banks and money transfer operators
- Keep in touch with the recipient to find out/make sure if money has arrived
- Keep hold of receipt/proof of sending in case of problems⁴⁴

Some examples of money transfer operators

<p>MoneyGram</p> <p>Coverage: Worldwide money transfer network with over 75,000 agent locations worldwide. has over 1000 outlets, which include branches of Bank of Communications, Industrial & Commercial Bank and Citic Industrial Bank.</p> <p>Fees: For sending 100 US\$ the fee is 10 US\$ and for sending 1000 US\$ the fee is also 10 US\$.</p> <p>Web: http://www.moneygram.com/Market/Market.htm?CC=US&LC=ZHS (in Chinese)</p> <p>Branch finder hotline in the U.S.: 1-800-606394726</p>	<p>Western Union</p> <p>Coverage: The world's largest money transfer network for sending and receiving money with over 170,000 agent locations. The sender and receiver do not need a bank account to use the service of Western Union. The only requirement to use the service is a valid identity card for both the sender and the receiver.</p> <p>Web: https://wumt.westernunion.com/index_consumer.asp?country=US</p>
<p>Moneybookers</p> <p>Coverage: Worldwide online money transfer network that offers with which one can send and receive money via email. The sender and receiver need to be registered and have an account with moneybookers.</p> <p>Fees: Upload money to the moneybookers account (from a local bank or per cheque): no fee; send money: 1% of the amount.</p> <p>Web: http://www.moneybookers.com (homepage also in Chinese).</p>	<p>iKobo</p> <p>Coverage: Online money transfer service per credit card to a debit card.</p> <p>Fees: Money transfer fees: \$5.00 per transaction + 3% of amount sent; shipping fees for an iKobo Visa Debit Card (has to be paid once): \$9.95, costs for iKobo Visa Debit Card: per withdrawal: \$1.99, monthly fee \$0.99. iKobo's homepage offers a fee calculator showing also the exchange rate.</p> <p>Web: http://www.ikobo.com</p>

Some examples for providers based in China also offering remittances services to China

<p>Industrial & Commercial Bank of China</p> <p>Customer hotline in China: 218 95588 www.icbcasia.com enquiry@icbcasia.com</p> <p>The ICBC has links to banks worldwide offering fund transfers in all major currencies by Telegraphic Transfer or Demand Draft and can also assist in the purchase and collection of cheques.</p>	<p>Overseas Chinese Banking Corporation</p> <p>List of branches in China: http://www.ocbc.com.cn/html_english/html/contact_us.htm?bcid=M4</p> <p>Official website: http://www.ocbc.com.cn</p>
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VI. Return to China

The employment contract should include a clause regarding provisions for the return following completion of employment abroad. To ease return and reintegration in China, it is important to maintain constant linkages with the family through frequent correspondence and to keep up with national and local developments in China.

Chinese workers with a H1B visa

A company which has brought a foreign employee to the U.S. on an H1B visa, and which dismisses that employee before the expiry of the visa, is liable for any reasonable costs that the employee incurs in moving him/herself, his/her effects, back to his/her last foreign residence. This provision covers only dismissal, it is not relevant when an employee chooses to resign.⁴⁵

Voluntary Departure

In some cases, an apprehended alien may be offered a voluntary departure. This procedure is common with non-criminal aliens who are apprehended by the Border Patrol during an attempted illegal entry. Aliens agree that their entry was illegal, waive their right to a hearing, remain in custody, and are returned under supervision. Some aliens apprehended within the United States agree to voluntarily depart and pay the expense of departing. These departures may be granted by an immigration judge or, in some circumstances, by a DHS Field Office Director. Aliens who have agreed to a voluntary departure can be legally admitted in the future without penalty.⁴⁶

IOM Program for Return, Reintegration and Reunification of Trafficking Victims in the U.S.

The program provides rapid case-by-case assistance for trafficking victims as identified by IOM's partners within U.S. NGOs, law enforcement, faith based organizations, refugee and migrant groups, and U.S. government agencies to provide comprehensive return, reintegration, or reunification assistance. Trafficking victims wishing to return to their home country are eligible for return, reception/referral, and reintegration assistance. IOM may also provide logistical and reunification assistance to approved derivative family members of trafficking victims who have received a T Visa.⁴⁷

Addresses of authorities and organisations offering reintegration programmes and assistance/services to returning migrants

<p>International Organization for Migration (IOM) / Counter-Trafficking Unit</p> <p>Address: IOM Office for North America and the Caribbean, 1752 N Street N.W., Suite 700, Washington D.C. 20036 Phone: 202-862-1826 Fax: 202-862-1879 TIPDC@iom.int or iomctwash@gmail.com www.iom.int</p>	<p>Organisations in China that can offer support after return</p> <p>List of public employment agencies: http://www.labournet.com.cn/jixiao/zhijie/gedi/index_2.htm#</p> <p>Public agencies in targeted provinces:</p> <p>1) Zhejiang Employment Service Center: Website: http://www.zjhr.com/ Address: No 91, Baijingfangxiang, Hangzhou City Zip: 310003 Tel: 0571—56792506</p> <p>2) Jilin Employment Service Center Address: 1/F, Yatai Street, Nangan District, Changchun Tel: 0431-8690900</p> <p>3) Fujian Employment Service Center Tel: 0591-87677529 Address: 2/F, No. 44, Gudonglu, Fuzhou Zip: 350001 Website: http://www.fj91.com</p>
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¹ <http://www.bls.gov/cps/>

² <http://www.bls.gov/news.release/pdf/forbrn.pdf>

³ <https://www.cia.gov/cia/publications/factbook/geos/us.html>

⁴ http://www.dhs.gov/xlibrary/assets/statistics/publications/2005_NI_rpt.pdf and Table 26, 29 and 33 in the Yearbook of Immigration Statistics 2005: <http://www.dhs.gov/ximgtn/statistics/publications/YrBk05NI.shtm>

⁵ THE NEW AMERICANS: ECONOMIC, DEMOGRAPHIC, AND FISCAL EFFECTS OF IMMIGRATION 215 (James P. Smith & Barry Edmonston, eds., 1997), National Academy Press (1997), available at <http://www.nap.edu/books/0309063566/html/index.html>

⁶ http://www.usdoj.gov/crt/osc/pdf/publications/we_rightowork_english1.pdf

⁷ http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/Enforcement_AR_05.pdf

⁸ <http://www.workpermit.com/us/employee.htm#UScandIntro>

⁹ <http://www.ilo.org/public/english/employment/gems/download/mbook2.pdf>

¹⁰ <http://www.ilo.org/public/english/employment/gems/download/mbook2.pdf>

¹¹ http://www.workpermit.com/us/us_h1b_occupations.htm

¹² <http://www.foreignlaborcert.doleta.gov/h-1b.cfm> and http://travel.state.gov/visa/temp/types/types_1271.html

¹³ <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=229c6138f898d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=91919c7755cb9010VgnVCM10000045f3d6a1RCRD>

¹⁴ http://www.workpermit.com/us/us_h1b.htm

¹⁵ <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=229c6138f898d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=91919c7755cb9010VgnVCM10000045f3d6a1RCRD> and <http://www.foreignlaborcert.doleta.gov/h-2a.cfm>

¹⁶ http://travel.state.gov/visa/temp/types/types_1271.html

¹⁷ <http://www.foreignlaborcert.doleta.gov/h-2a.cfm> and <http://www.workpermit.com/us/employee.htm#UScandIntro>

¹⁸ http://beijing.usembassy-china.org.cn/work_visas.html

¹⁹ http://beijing.usembassy-china.org.cn/work_visas.html

²⁰ http://guangzhou.usembassy-china.org.cn/visa_services.html

²¹ http://travel.state.gov/visa/temp/wait/tempvisitors_wait_result.php?post=Beijing&x=72&y=14

²² <http://www.dol.gov/esa/whd/immigration/index.htm>

²³ <http://www.dol.gov/esa/minwage/america.htm>

²⁴ <http://www.ilo.org/travaildatabase>

²⁵ <http://www.bls.gov/news.release/pdf/forbrn.pdf>

²⁶ <http://www.dol.gov/esa/regs/compliance/whd/FactSheet62/whdfs62H.htm>; contact: U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210

²⁷ <http://www.nelp.org/docUploads/Your%20Right%20to%20be%20Paid%5FAug%2005%5FREVISED%2Epdf>

²⁸ <http://www.nelp.org/docUploads/Deductions%2Epdf>

²⁹ <http://www.dol.gov/esa/whd/>

³⁰ <http://www.ilo.org/travaildatabase>

³¹ <http://www.us-infos.de/fakten-feiertage.html>

³² http://www.workpermit.com/us/relocation/financial_information.htm

³³ http://www.workpermit.com/us/relocation/financial_information.htm

³⁴ http://www.osha.gov/OshDoc/data_General_Facts/jobsafetyandhealth-factsheet.pdf

³⁵ <http://www.osha.gov/as/opa/worker/rights.html>

³⁶ <http://www.dol.gov/esa/whd/>

³⁷ <http://www.nelp.org/docUploads/Your%20Right%20to%20be%20Paid%5FAug%2005%5FREVISED%2Epdf>

³⁸ PICUM (2005): Ten Ways to Protect Undocumented Migrant Workers, Brussels. See also www.picum.org

³⁹ Email 13.12.2006 from Rebecca Smith, National Employment Law Project, 407 Adams St SE, #203, Olympia, WA 98506, Tel: 360 534 9160, Fax 866 882 5467, Email: rsmith@nelp.org.

⁴⁰ <http://www.ojp.usdoj.gov/ovc/help/tip.htm>

⁴¹ <https://www.cia.gov/cia/publications/factbook/geos/us.html>

⁴² <http://www.bls.gov/cex/2005/Standard/cusize.pdf>

⁴³ http://www.workpermit.com/us/relocation/financial_information.htm

⁴⁴ http://www.sendmoneyhome.org/Country%20summaries/China/China_tran.pdf

⁴⁵ http://www.workpermit.com/us/us_h1b.htm

⁴⁶ http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2005/Enforcement_AR_05.pdf

⁴⁷ <http://www.iom.int/unitedstates/ct/PDFs/US%20Program--Return,%20Reintegration,%20&%20Family%20Reunification/US%20Program%20Brochure.pdf>