

sons are providing accurate and complete information to the Department of State or the Department of Homeland Security and to international marriage brokers in accordance with subsections (a) and (d)(2)(B) of this section; and

(E) that assesses the accuracy and completeness of the criminal background check performed by the Secretary of Homeland Security at identifying past instances of domestic violence.

(2) Report

Not later than 2 years after January 5, 2006, the Comptroller General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth the results of the study conducted under paragraph (1).

(3) Data collection

The Secretary of Homeland Security and the Secretary of State shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the study required by paragraph (1).

(Pub. L. 109-162, title VIII, § 833, Jan. 5, 2006, 119 Stat. 3068.)

REFERENCES IN TEXT

Section 3 of this Act, referred to in subsec. (e)(2), is section 3 of Pub. L. 109-162, which enacted sections 3796gg-2 and 13925 of Title 42, The Public Health and Welfare, amended sections 3796gg-3, 3796hh-4, 10420, 13975, and 14039 of Title 42, repealed former section 3796gg-2 of Title 42, and amended provisions set out as a note under section 3796gg-2 of Title 42.

Section 832, referred to in subsec. (f)(1)(A), (C), is section 832 of Pub. L. 109-162, which amended section 1184 of this title and enacted provisions set out as notes under section 1184 of this title.

This Act, referred to in subsec. (f)(1)(A)(ii), (v), and (viii), is Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960, known as the Violence Against Women and Department of Justice Reauthorization Act of 2005. For complete classification of this Act to the Code, see Short Title of 2006 Amendment note set out under section 13701 of Title 42, The Public Health and Welfare, and Tables.

CODIFICATION

Section was enacted as part of the International Marriage Broker Regulation Act of 2005, and also as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of the Immigration and Nationality Act which comprises this chapter.

Section is comprised of section 833 of Pub. L. 109-162. Subsec. (g) of section 833 of Pub. L. 109-162 repealed section 1375 of this title.

§ 1375b. Protections for domestic workers and other nonimmigrants

(a) Information pamphlet

(1) Development and distribution

The Secretary of State, in consultation with the Secretary of Homeland Security, the Attorney General, and the Secretary of Labor, shall develop an information pamphlet on legal rights and resources for aliens applying for employment- or education-based non-immigrant visas.

(2) Consultation

In developing the information pamphlet under paragraph (1), the Secretary of State

shall consult with nongovernmental organizations with expertise on the legal rights of workers and victims of severe forms of trafficking in persons.

(b) Contents

The information pamphlet developed under subsection (a) shall include information concerning items such as—

(1) the nonimmigrant visa application processes, including information about the portability of employment;

(2) the legal rights of employment or education-based nonimmigrant visa holders under Federal immigration, labor, and employment law;

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

(4) the legal rights of immigrant victims of trafficking in persons and worker exploitation, including—

(A) the right of access to immigrant and labor rights groups;

(B) the right to seek redress in United States courts;

(C) the right to report abuse without retaliation;

(D) the right of the nonimmigrant to relinquish possession of his or her passport to his or her employer;

(E) the requirement of an employment contract between the employer and the non-immigrant; and

(F) an explanation of the rights and protections included in the contract described in subparagraph (E); and

(5) information about nongovernmental organizations that provide services for victims of trafficking in persons and worker exploitation, including—

(A) anti-trafficking in persons telephone hotlines operated by the Federal Government;

(B) the Operation Rescue and Restore hotline; and

(C) a general description of the types of victims services available for individuals subject to trafficking in persons or worker exploitation.

(c) Translation

(1) In general

To best serve the language groups having the greatest concentration of employment-based nonimmigrant visas, the Secretary of State shall translate the information pamphlet developed under subsection (a) into all relevant foreign languages, to be determined by the Secretary based on the languages spoken by the greatest concentrations of employment- or education-based non-immigrant visa applicants.

(2) Revision

Every 2 years, the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, shall determine the specific languages into which the information pamphlet will be translated based

on the languages spoken by the greatest concentrations of employment- or education-based nonimmigrant visa applicants.

(d) Availability and distribution

(1) Posting on Federal websites

The information pamphlet developed under subsection (a) shall be posted on the websites of the Department of State, the Department of Homeland Security, the Department of Justice, the Department of Labor, and all United States consular posts processing applications for employment- or education-based nonimmigrant visas.

(2) Other distribution

The information pamphlet developed under subsection (a) shall be made available to any—

- (A) government agency;
- (B) nongovernmental advocacy organization; or
- (C) foreign labor broker doing business in the United States.

(3) Deadline for pamphlet development and distribution

Not later than 180 days after December 23, 2008, the Secretary of State shall distribute and make available the information pamphlet developed under subsection (a) in all the languages referred to in subsection (c).

(e) Responsibilities of consular officers of the Department of State

(1) Interviews

A consular officer conducting an interview of an alien for an employment-based nonimmigrant visa shall—

- (A)(i) confirm that the alien has received, read, and understood the contents of the pamphlet described in subsections (a) and (b); and
 - (ii) if the alien has not received, read, or understood the contents of the pamphlet described in subsections (a) and (b), distribute and orally disclose to the alien the information described in paragraphs (2) and (3) in a language that the alien understands; and
- (B) offer to answer any questions the alien may have regarding the contents of the pamphlet described in subsections (a) and (b).

(2) Legal rights

The consular officer shall disclose to the alien—

- (A) the legal rights of employment-based nonimmigrants under Federal immigration, labor, and employment laws;
- (B) the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States; and
- (C) the legal rights of immigrant victims of trafficking in persons, worker exploitation, and other related crimes, including—
 - (i) the right of access to immigrant and labor rights groups;
 - (ii) the right to seek redress in United States courts; and
 - (iii) the right to report abuse without retaliation.

(3) Victim services

In carrying out the disclosure requirement under this subsection, the consular officer

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

(f) Definitions

In this section:

(1) Employment- or education-based nonimmigrant visa

The term “employment- or education-based nonimmigrant visa” means—

- (A) a nonimmigrant visa issued under subparagraph (A)(iii), (G)(v), (H), or (J) of section 1101(a)(15) of this title; and
- (B) any nonimmigrant visa issued to a personal or domestic servant who is accompanying or following to join an employer.

(2) Severe forms of trafficking in persons

The term “severe forms of trafficking in persons” has the meaning given the term in section 7102 of title 22.

(3) Secretary

The term “Secretary” means the Secretary of State.

(4) Abusing and exploiting

The term “abusing and exploiting” means any conduct which would constitute a violation of section 1466A, 1589, 1591, 1592, 2251, or 2251A of title 18.

(Pub. L. 110–457, title II, §202, Dec. 23, 2008, 122 Stat. 5055.)

CODIFICATION

Section was enacted as part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and not as part of the Immigration and Nationality Act which comprises this chapter.

§ 1375c. Protections, remedies, and limitations on issuance for A–3 and G–5 visas

(a) Limitations on issuance of A–3 and G–5 visas

(1) Contract requirement

Notwithstanding any other provision of law, the Secretary of State may not issue—

- (A) an A–3 visa unless the applicant is employed, or has signed a contract to be employed containing the requirements set forth in subsection (d)(2),¹ by an officer of a diplomatic mission or consular post; or
- (B) a G–5 visa unless the applicant is employed, or has signed a contract to be employed by an employee in an international organization.

(2) Suspension requirement

Notwithstanding any other provision of law, the Secretary shall suspend, for such period as the Secretary determines necessary, the issuance of A–3 visas or G–5 visas to applicants seeking to work for officials of a diplomatic mission or an international organization, if the Secretary determines that there is credible evidence that 1 or more employees of such mission or international organization have abused or exploited 1 or more nonimmigrants holding an A–3 visa or a G–5 visa, and that the

¹ So in original. Probably should be “(b)(2)”,.