



2011

UABA NEWS UPDATE

34 years of community service



1977

DATE: June 15, 2011

UABA “Work and Travel” J-1 Visa Assistance Program

Recently, a serious issue regarding summer students coming to the US on the “Work and Travel Program “ J-1 visas, has been brought to the UABA’s attention by the Ukrainian Embassy and the *Ukraina International Citizens International*. This problem can be best described in the following quote from *Ukraina Citizens’* March 9, 2011 letter to the UABA.

The first, immediate and pressing issue in the near term, where we see significant synergies between our work to date and the capacity of UABA to offer legal assistance, lies in addressing and alleviating the plight of Ukrainian students who participate in the annual summer “Work & Travel” program. By way of background, this program offers university level students an opportunity to spend the summer working in the United States, while immersed in the US culture and practicing the English language. It goes without saying that the added bonus of returning home with modest savings is a feature of the program, and an added incentive to participate. Ukrainian and other international students have traditionally been very eager to come to the US through this program, with participation rates presently on the rise.

Unfortunately, a multitude of legal, economic and human rights abuses have been committed against participants in the “Work & Travel” program. These abuses have been documented most recently in the press (see http://www.huffingtonpost.com/2010/12/06/j1-student-visa-abuse-for_n_792354.html) and had been brought to the attention of our organization by Ukrainian students for several years, who have been subjected to unlawful and inhumane practices. The abuses that UCIA has specifically been requested to assist with included involuntary servitude by threats of economic, immigration, physical and legal retribution; non-performance of contractual agreements; denial of enumerated benefits; threats of legal retribution against family in Ukraine; threats of imprisonment; inhumane working and living conditions; and a whole host of other violations of basic human rights, US and international laws, as well as simple equitable principles inherent to an organized human society.

As we all know, these students are often unaware of their legal rights in situations of such abuse. Ukrainian American attorneys recognize that they have a moral obligation to assist these students, at least, by advising them regarding their legal rights -- provided that they are truly Ukrainian citizens with real legal problems and not merely a ruse to remain in the US.

We recognize that Ukrainian citizens who are on US territory are primarily the responsibility of the Ukrainian Embassy and of the Ukrainian consulates; Community organizations like the UABA, *Ukraina Citizens International* or others are secondary and may play only a supportive role in any effective plan to assist these students. Sadly, many J-1 visa students do need legal assistance which is beyond their individual resources, or beyond those which the Ukrainian Embassy can legally provide, or beyond the available resources of other Ukrainian – American community organizations.

As such, the UABA “Work and Travel” J-1 Visa Assistance Program is based upon this reality and will be implemented as follows.

- Any requests to the UABA to render legal assistance will first come from the Ukrainian Embassy or Consulate. All requests for assistance that come from other organizations or individuals to the UABA will be rerouted to the appropriate embassy for triage; for determination that the person is in fact a Ukrainian citizen legally in the USA under the Work and Travel program for a preliminary analysis of the issues presented. [The UABA members can recall that when the UABA had the INS “hot line” for Ukrainian ship jumpers after the Medvid litigation in the 80’s, the UABA started getting calls from all ship jumpers irrespective of their nationality or reason for jumping -- creating a substantial burden on the program’s effectiveness.
- The Ukrainian consular officer will then call an officer/governor of the UABA as listed on the UABA website www.uaba.org with an explanation of the issues that he/she has triaged. Other members of the UABA may also volunteer to take first call in this program and the Embassy and consular liaisons will be so advised.
- The contacted UABA officer/governor will then make a determination who in the UABA organization can best assist in the matter or what other resources in the legal community at large are available and will contact that individual lawyer to request his/her involvement in the matter on a pro bono basis or, if appropriate, on a fee basis.
- Once one of the UABA lawyers agrees to participate, he/she will contact the client and will advise the consulate or referring entity of their involvement in the matter.
- All issues relating to humanitarian support questions will be addressed to the Embassy or other Ukrainian community entities.
- If there is a decision by the UABA that the particular matter is beyond its ability to assist in, or if no adequate counsel can be found to volunteer, then the referring party and Ukrainian Embassy will be immediately notified so that other solutions can be sought by the referring entity.
- It should be noted that there is in Ukraine a program sponsored by the Ukrainian Foreign Ministry and Ukriniurkolegia for legal assistance to Ukrainian citizens abroad. Mykola Pavlov, a UABA associate member, is the managing partner of Ukriniurkolegia and can help resolve issues that may arise on the Ukrainian side. Ukriniurkolegia can be contacted at admin@ukrinur.kiev.ua

The UABA welcomes any suggestions and comments regarding this program [as well as any US lawyer volunteers for the program] by emailing Myroslaw Smorodsky at myroslaw@smorodsky.com and George Pazuniak at gpazuniak@hotmail.com