

The Moscow Times

U.S. Embassy Slams Door on Student Workers

04 April 2013

By [Jonathan Earle](#)



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The building of U.S. Embassy in Moscow

Without warning or explanation, the U.S. Embassy in Moscow has rejected an unprecedented percentage of Russian university students applying for visas to take part in the State Department's popular Summer Work and Travel program this year, dashing hopes and placing the program's future in doubt.

About 80-90 percent of the estimated 1,000 applicants who have applied for visas in Moscow since mid-March have received a green rejection slip, according to five Russian agencies that arrange the interviews. Last year, the number was 35-40 percent, they said, and more than 6,300 in all were approved.

The embassy refused to directly comment on the allegations, but agencies say the reasons sometimes provided by consular officers to individual students — that the applicant's employer is "unreliable," or that the applicant's English is not good enough — are bogus.

An unprecedented
80-90 percent of
recent applicants to

the work and travel program have been rejected, agencies say.

"We don't know what's going on. Maybe it's a result of the Magnitsky list, maybe it's a bad consular official. They're simply mocking Russian students. We don't know what to do," said Boris Samaryanov, general director of STAR Travel, one of 28 local agencies approved by the embassy.

Rejected applicants, who have spent months gathering documents and paying as much as \$2,500 on various fees, feel like a door has been slammed in their face. "My opinion about the United States has changed. I've had this negative feeling ever since I left the embassy," said Maria Silayeva, 20.

News of the refusals has also left sponsors that oversee the U.S. side of the program scratching their heads and waiting for an official explanation, according to a source close to the matter who spoke on condition of anonymity because he was not authorized to speak publicly about it.

A Moscow Times reporter contacted the U.S. Embassy for comment regarding the allegations on March 28. An embassy representative initially said a meeting with consular officials could be set up for April 3 to discuss the Summer Work and Travel program, then later said that the meeting could not take place until April 9 and that consular officers would only be made available to provide information on the history of the program and its internal regulations.

After being told on Wednesday that the reporter's deadline was Thursday, the representative said consular officers would not be available to comment this week. Asked repeatedly for comment Thursday, the representative said: "The Embassy's priority is first and foremost the health, safety and welfare of our participants of the J-1 visa program," referring to the type of visa students on the program receive.

Russia has historically sent more students on the Summer Work and Travel program than any other country. But in recent years, the economic downturn and new regulations aimed at reducing fraud and abuse appear to have hit Russia particularly hard, outweighing official exhortations to boost exchanges.

At the program's peak in 2008, Russia sent a record 27,517 students to the United States, where they spend three or four months working low-skilled jobs at resorts and restaurants, as well as soaking up American culture.

Back then, officials at the U.S. Embassy talked about boosting the number to 40,000, agency representatives said, and in a bilateral statement issued in April 2009, Presidents Barack Obama and Dmitry Medvedev expressed a shared desire to see "more students studying in each other's country, more cultural exchanges."

But the program has also been dogged by scandal. About 10 percent of Russian participants overstayed their visas, Samaryanov said, and media reports emerged of students, often Russian, enduring slave-like conditions.

In late 2011, New York prosecutors charged 20 in an alleged scheme organized by the Gambino and Bonnano crime families to bring Eastern European women to the United States on fraudulent work-and-travel visas to work as exotic dancers.

Program rules were tightened that year, particularly in Russia, Ukraine and other Eastern European countries that the State Department said had a "higher prevalence of problems," and the total number of students was capped at 109,000, down from the high of 153,000 participants in 2008.

"The embassy kept on repeating new requirements to us as if we were children: 'real student, real job, real English,'" said Valery Yesiyev, general director of Intex, another embassy-approved agency.

Last year, Russia sent 6,036 students, slipping to fourth place behind Ireland and fellow "problem" countries Bulgaria

and Ukraine. Samaryanov said that if the embassy's refusal rate doesn't drop, the number could fall to about 500 this year, 2 percent of what it was five years prior.

"One more year of this behavior, and there will be no program. No employers are going to hire Russian students. Why would they waste the time? They'll go to Bulgaria and Kazakhstan instead," he said.

Agencies insist that they're not to blame for the jump in refusal rates this year, saying they've been blindsided by an apparent policy shift at the Moscow embassy that has curiously not extended to consulates in other Russian cities, they said.

Applicants' English skills are checked by employers, U.S. government-licensed sponsors and agencies, and the sponsors also vet their employers, which include big names like the Vail Ski Resort in Colorado and Busch Gardens in Virginia. Unlike in past years, when students could search for a job after arriving in America, applicants now must have a job contract before they can interview for a visa.

Consular officers typically do not explain their decision to applicants. Some students are summarily dismissed if they appear to struggle with English. But some are being told that their employers were shady. This has led a number of them to feel that the interview itself is a pointless formality.

Yekaterina Mitrofanova, 20, said her interviewer probed her interest in American history, but then rejected her on the grounds that her employer, Rachel's Waterside Grill in Freeport, New York, "couldn't be identified."

An Internet search revealed that the restaurant has been in operation for 16 years and was recently voted best seafood joint on Long Island in an online poll conducted by a local newspaper.

Silayeva, a student at the Moscow State University of Psychology and Education, was told that her employer, the popular Tower of the Americas restaurant in San Antonio, Texas, was "unreliable."

"Your English is great, but we can't give you a visa,' the consul told me," she said. "It's impossible to describe the feeling of getting rejected. Your dreams collapse in a moment. You feel empty inside."

The difficulties brought back memories of 2003, when agencies complained about high refusal rates possibly linked to post-9/11 security measures. But even that year, more than half of the 10,550 applications were approved, the embassy told The Moscow Times then.

Agencies feel that the employment issue is a red herring; the refusals are deliberate, and students should have been warned. Indeed, sponsors, not the embassy, are charged with vetting job offers, according to program rules, and at a meeting in January, embassy officials told the agencies that they don't have the resources to vet employers.

"It looks like they're looking for any excuse to refuse a visa. It would be more honest if they just closed the program," said Irina Voronina, executive director of Prosto, one of the Russian agencies.

Yesiyev, a former program participant, said that for him the program opened a "giant window" onto the world. "I was born and grew up in a provincial city, and for me, Summer Work and Travel was my first trip abroad. It was a new world. I know how deeply the program changed my perspective."

Publicly available statistics suggest that while the window appears to be closing for work-and-study exchange students, it's rapidly opening for likely more affluent tourists and businesspeople, in part thanks to a new bilateral agreement that streamlines and simplifies the visa procedure.

The number of J-1 visas issued to work-and-study students, including participants in Summer Work and Travel and a handful of other programs, has fallen by 70 percent since its peak in 2008. At the same time, however, the issuance of B-1/B-2 visas, which combine business and pleasure, is up, and the total number of Russians receiving U.S. visas annually

jumped 30 percent from 2008 to 2012.

A possible explanation is lingering concerns about mistreatment and human trafficking that have embarrassed the State Department in the past. Last month, a group of student workers made national headlines by protesting working conditions at a McDonald's in Harrisburg, Pennsylvania, an incident that suggested that the government has not yet succeeded in stamping out program abuses.

Responding to the incident, Robin Lerner, deputy assistant secretary in charge of exchange programs, told NPR news that the instances of abuse were regrettable and rare.

"Most of the program is filled with wonderful placements," she said, "and the students say what a wonderful time they had and the time they spent here in the United States will forever change their lives."

While that's still a tempting prospect for Maria Silayeva despite the frustration and the wasted time and money, she isn't sure if she'll re-apply next year. "I don't know if I can go through that again," she said.

Editor's note: This story has been updated from an earlier version to reflect the repeated attempts by The Moscow Times to obtain an explanation from the U.S. Embassy.

Contact the author at j.earle@imedia.ru

Related articles:

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- [Student Workers at Hershey Facility Win Back Wages](#)

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The Moscow Times

'Quality Issues' Led to Work-and-Travel Visa Crunch

11 April 2013

By [Jonathan Earle](#)



U.S. State Department

Tara Sonenshine

Concerns about participants' safety, health and well-being are behind record visa refusal rates for Russian university students applying to work and travel in the United States this summer, a senior State Department official told an audience at the American Center in Moscow on Wednesday.

Tara Sonenshine, the State Department's head of public diplomacy and public affairs, said the program's rapid growth — participation peaked in 2008 at 153,000 students, including about 27,500 Russians, more than any other nationality — led to quality issues that are still being addressed.

"For a while, we've been looking at how to improve [participants'] health, safety, welfare, educational experience and cultural experience, and even if that means the numbers have had to come down a bit, we still have to be dedicated," Sonenshine said in response to a question from The Moscow Times.

"Our most important priority is the security, health and well-being of people who come for a summer to travel and work," she said.

Sonenshine oversees three State Department bureaus, including the Bureau of Educational and Cultural Affairs, which

runs the Summer Work and Travel Program, and she reports directly to Secretary of State John Kerry.

Media reports of participants, disproportionately Eastern European, working and living in substandard conditions and overstaying their visas, as well as mafia-linked human trafficking, led to tighter oversight rules beginning in 2011 and a cap on the program's size.

Last year, Russia fell to fourth place among source countries, sending about 6,000 students, as visa refusal rates climbed to an estimated 35-40 percent of applicants.

Refusal rates at the U.S. Embassy in Moscow have reached a record 80-90 percent this year, leaving hundreds of students feeling cheated, according to applicants and the local agencies that assist them.

Sonenshine said she did not know what students who have yet to apply could do to boost their chances. "But what I know is that we're a very welcoming, beckoning country, and I just hope that those who come will come back with great memories and great experiences," she said.

The program, created as a public diplomacy tool in the 1960s, allows foreign university students to work and travel for up to four months in the United States, where most work low-skilled jobs at resorts, theme parks and restaurants, and experience American culture.

Contact the author at j.earle@imedia.ru

Related articles:

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- [Workers Appeal to Ombudsman Over Back Wages](#)
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FYI

Best regards,
Natasha Marina

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This is a forwarded message

From: Valery Kostin <olivak@gmail.com>

To: Natasha Marina <nm@startravel.ru>

Date: Thursday, April 25, 2013, 5:31:07 PM

Subject: Fwd: Assistance from Senator Collins

===8<=====Original message text=====

For your information.

Valery

----- Forwarded message -----

From: **Rice, Jennifer (Collins)** <Jennifer_Rice@collins.senate.gov>

X-te: Mon, Apr 22, 2013 at 9:58 AM

Subject: RE: Assistance from Senator Collins

To: Valery Kostin <olivak@gmail.com>

Dear Mr. Kostin,

Thank you for contacting Senator Collins' Portland office regarding a number of Russian J-1 visa applicants who were intending to work in Maine this summer, but were denied at the US Embassy Moscow. We have contacted the U.S. Department of State (DOS) on your behalf in regards to these denied visas. Recently Senator Collins' office received the following response from DOS officials:

"We searched the Department of State consular database and we found that all the applicants in the list of names you provided, were each refused a visa under Section 214(b) of the Immigration and Nationality Act (INA). Under this provision, each applicant is presumed to be an intending immigrant. The consular officer is obligated to assume that each applicant for a visitor visa is ineligible until he or she proves otherwise. The INA presumes that every applicant intends to immigrate to the United States, and the law places the burden of disproving this assumption on the applicant alone.

When evaluating whether an applicant has established eligibility, a consular officer looks at the purpose of the visit and for palpable reasons a person would return to his or her own country. In doing this, the officer takes into consideration the totality of an applicant's situation, including family, community, professional, property, and economic ties to the applicant's home country as well as any ties to the U.S. Because each individual's situation is different, there is no list of characteristics that will, in any given case, constitute the proof needed to overcome the presumption of immigrant intent in the INA. In the case of these applicants, they were unable to establish to the satisfaction of the consular officer that they

qualified for a visitor visa.

Please keep in mind that sole authority for issuance (and refusal) of visas lie with consular officers at U.S. embassies and consulates abroad. VisaNet is not authorized to override decisions made by consular officers overseas. The law stresses that there is no appeal for the denial of a visitor's visa. However, the refusal of a visitor visa is not permanent, and the applicants are welcome to reapply for a visa at any time should their circumstances change, or if they believe they can present additional evidence to demonstrate their eligibility for the visa.

We recommend, however, that individuals who wish to reapply do so only if they can present new, or more compelling evidence to overcome the previous grounds of refusal. Please be aware that nonimmigrant visa applicants worldwide are charged a \$160 non-refundable fee each time a visa application is submitted. This is an application fee only and is charged whether or not a visa is issued. The fee covers the processing of the application. We assure you that any future visa application submitted by these applicants will be given every possible consideration consistent with U.S. immigration law.

I hope this information is helpful, and we regret that we cannot provide you with a more substantive response at this time. Please do not hesitate to contact us should you need further assistance."

After receiving this response, we reached out to the DOS Senate Liaison Office in an effort to obtain additional details. They explained that, although they could not provide case-specific details, there were some common trends and discrepancies noted by the officers during the applicants' interviews. They suggested that the applicants may be able to strengthen their applications with better interview preparation and greater knowledge about their employers and job tasks. Finally, it was also suggested that applicants should provide a good point of contact that will answer the Embassy's requests when they attempt to confirm an applicant's employment.

Thank you again, for contacting Senator Collins' office regarding this matter. I regret that you did not receive a more favorable response; however, I hope this information has been helpful and may strengthen applications in the future. Should you require further assistance, please contact Senator Collins' Portland office at [\(207\) 780-3575](tel:2077803575).

Sincerely,
Jennifer Rice

Office of U.S. Senator Susan M. Collins

One Canal Plaza, Suite 802

Portland, ME 04101

Phone: [207-780-3575](tel:2077803575)

F ax: [207-828-0380](tel:2078280380)

===8<=====End of original message text=====

[TRANSLATION FROM RUSSIAN]

[logo]

**Russian
Tour Operators
Association**

incoming number 31 92

Russian Tour Operators Association

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Outgoing # 18 of 04.16.2013

To: Director of the Consular Department
of the Ministry of Foreign Affairs of Russia
A.G. Karlov

Dear Andrey Gennadyevich,

The Russian Tour Operators Association (ATOP) would hereby like to express its respect and draw your attention to the current situation with issuance of US visas to Russian students under the Work and Travel USA international exchange program.

The Work and Travel USA program has been functioning for over 50 years. 35,000 to 45,000 Russian college students participate in this program every year. The program provides an opportunity of temporary employment with American businesses at popular tourist locations for students during their summer break.

In 2012, the rate of visa refusals of Russian college students who applied under this program was exceedingly high – 35-40% of the total number of applicants, according to the statistics of tour operators. However, the actions of the Consular Section of the US Embassy in Moscow this year are beyond the pale. In the first three days of processing of the Work and Travel USA applications by the Consular Section, about 90% of participants had been denied. It is important to note that all of the applicants had met the requirements of their American sponsors in full by submitting all the documents necessary for a positive outcome.

The US Embassy Consular Section has been refusing student visas under any pretext: poor English skills (to honors students, majoring in linguistics, whose English had been tested and approved by their American sponsors) or the nontrustworthiness of the employers, including, in particular, the US largest national theme parks such as Busch Gardens and Morey's Piers. It seems that the American side deliberately discriminates against participants of the Work and Travel USA program among the general visa applicant population and fails to admit the real reasons for their special treatment.

We should note that visa refusals do more than cause great disappointment to the students, but also inflict significant financial damage. The students whose visas were denied, had spent from \$1,000 to \$1,500 in program costs. The consular visa fee is about \$170; in addition, all of the out-of town students had to pay their costs to travel to Moscow (for cities like Krasnoyarsk or Irkutsk, such expenses may range from \$600 to \$800). The total losses of Russian students and their parents was over \$1.5 million in just the first three days of consular processing of the above program.

We realize that the quantity and importance of the issues you have to deal with on a daily basis are very significant. However, we request, as far as your authority goes, to draw the attention of your American colleagues to the unacceptable actions of the US Consular Section in Moscow.

ATOP Executive Director

/signature/

M.A. Lomidze

Исх. № 18 от 16.04.2013 г.

Директору Консульского
департамента МИД РФ
Карлову А.Г.

Уважаемый Андрей Геннадьевич

Ассоциация Туроператоров России (АТОР) свидетельствует Вам свое почтение и настоящим хочет обратить Ваше внимание на ситуацию с выдачей въездных виз в США российским студентам по международной программе обменов Work and Travel USA.

Программа Work and Travel USA функционирует уже более 50 лет и каждый год в ней принимает участие от 25 до 45 тысяч студентов российских вузов. Программа предусматривает возможность временного трудоустройства студентов в период летних каникул на американских предприятиях, расположенных в местах массового посещения туристов.

В 2012 году количество отказов в визе студентов российских ВУЗов, подавших документы по этой программе, по оценкам туроператоров было очень высоким – 35-40% от общего количества обратившихся. Однако работа Консульской службы Посольства США в Москве в этом году не выдерживает никакой критики. В первые три дня работы Консульской службы по документам на программе Work and Travel USA отказ получило примерно 90% ее участников. Важно, что все аппликанты полностью выполнили требования американской стороны, предоставив все необходимые документы, позволяющие получить положительный ответ.

Консульство Посольства США отказывало студентам под любыми предлогами - от низкого уровня английского (студентам-лингвистам, отличникам учебы, чей уровень языка протестирован и признан достаточным американской компанией-работодателем) до ненадежности работодателя (в частности, речь шла о крупнейших национальных парках в США - Busch Gardens и Morris Piers). Создается впечатление, что американская сторона намеренно выделяет участников программы Work and Travel USA из общего числа аппликантов, не упоминая о действительных причинах такого повышенного внимания.

Следует отметить, что отказы в визе несут не только разочарования студентам, они также приносят большой финансовый ущерб российской стороне. Студенты, получившие отказ в визе, затратили на оплату самой программы от 1000 до 1500 долларов США. Консульский сбор составил около 170 долларов, а все иногородние студенты еще и заплатили за проезд до Москвы (если говорить о таких городах, как Красноярск или Иркутск, то расходы могут составлять еще около 600-800 долларов). Общие потери российских студентов и их родителей только за первые 3 дня работы Консульства США по указанной программе составили уже более 1,5 млн долларов США.

Мы понимаем, что количество и важность решаемых Вами ежедневных вопросов велики, но, тем не менее, просим Вас в меру своих полномочий обратить внимание Ваших американских коллег на недопустимые действия Консульства США в Москве.

Исполнительный директор АТОР



Ломидзе М.А.