



# AMERICAN IMMIGRATION LAW FOUNDATION

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June 2, 2009

Stanley S. Colvin  
Deputy Assistant Secretary  
Office of Private Sector Exchange  
U.S. Department of State  
SA-44  
301 4th Street, SW., Room 734  
Washington, DC 20547

Re: DS-3097, Exchange Visitor Program Annual Report, OMB Control Number: 1405-0151

Dear Secretary Colvin,

The American Immigration Law Foundation (AILF) submits the following comments in response to Public Notice: 6632, regarding the collection of information through form DS-3097, published May 26, 2009.

AILF greatly appreciates the opportunity to comment on the proposed form DS-3097. As a designated sponsor of both trainee and intern J programs, we have overseen the completion of form DS-3097 in its current format. We believe the annual report should be amended to better serve the needs of both the Department of State and of designated exchange visitor programs. It is in that spirit that we offer the following comments.

## **Statistical Report:**

The information displayed on the statistical report is an improvement over the current form. We are especially pleased to see the provision for recording the number of records created for dependents. This acknowledges for the first time the important role dependents play in achieving the foreign policy objectives of exchange visitor programs.

We are also pleased to see a more accurate calculation of the "Use of Forms DS-2019 During the Reporting Period." The "Allotment Carried Over" amendment to the report should greatly improve the matching of statistics in the Annual Report with our internal records.

There are two additional pieces of information that would be useful to see summarized: a summary of the US states in which the J-1 program occurs, and a summary of exchange visitors' Countries of Permanent Residence. These two pieces of information would be extremely helpful in tracking changing trends and planning future programs. It would be helpful to see the summary results of these two data fields across all J programs posted on the SEVIS website.



**Program Evaluation:**

We understand the addition of the request to "identify the number of staff," but note that changes in technology continue to impact staff responsibilities and the allocation of staff time. A simple, raw staff count by its self does not provide significant information on program administration. There is no easy formula for determining a J participant to staff ratio. A raw count, while interesting, is not useful without also knowing what is handled by staff and what is handled by technology. Likewise, tracking changes in staffing numbers from one year to the next is not useful without also asking for information as to what caused the changes.

We note that there are several minor typographical errors in this section with the use of capitalization.

**Certification:**

Section 62.15(d) of the J regulations stipulates that the annual report must include certification of compliance with insurance coverage requirements; however, section 62.14(a) states that the sponsor shall require the exchange visitor be insured. Section 62.14(h) and (i) require the sponsor to terminate participants who willfully fail to maintain the insurance. In short, the sponsor is merely required to monitor that the insurance is in place and terminate participants when it is not. Thus the certification section, while meeting the requirements of the regulations, is at best hollow.

It would make more sense to certify that to the "best of [its] knowledge and belief," the sponsor has complied with all requirements of 22 CFR 62 relevant to sponsor designation, including health and accident insurance requirements.

**Electronic Submission:**

We are making the assumption that SEVIS will continue to autofill page one of the DS-3097. It would be helpful if the form could be submitted electronically with electronic signatures. The "print it off and send it in" method currently in use seems inefficient, wasteful and outdated. Electronic submission can provide a better record of receipt, allow copies to be electronically routed to individuals for review, and allow for easier summarization of the reports for the Department's use.

We appreciate the opportunity to comment on form DS-3097. We hope the revised form will provide meaningful information for the future of exchange visitor programs.

Sincerely,



Lois C. Magee  
Director  
Exchange Visitor Programs  
American Immigration Law Foundation