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June 14, 2010

Mr. Stanley S. Colvin
Deputy Assistant Secretary for Private Sector Exchange
ECA/EC/D SA-5, Floor 5
U.S. Department of State
2200 C Street, NW.
Washington, DC 20522-0505
Via email: jexchanges@state.gov

Re: Public Notice: 6969; Forms DS-3036, DS-3037, and DS-7000;
OMB No. 1405-0147

Dear Secretary Colvin:

I write on behalf of NAFSA: Association of International Educators, the world's largest association of international education professionals with 10,000 members at approximately 3,500 colleges and universities throughout the United States and abroad, in response to Public Notice 6969, published in the Federal Register on April 22, 2010 [75 FR 21095], requesting public comment on the Exchange Visitor Program Application (Form DS-3036) and Update of Information on Exchange Visitor Program Sponsor (Form DS-3037) [OMB Control Number: 1405-0147].

I appreciate the opportunity to comment on these forms. Our collective membership includes responsible officers (RO) and alternative responsible officers (ARO) at institutions of higher education in the United States that host significant numbers of exchange visitors, including students, student interns, professors, research scholars, specialists, short-term scholars, and trainees.

Forms DS-3036 and DS-3037 are accessed, completed, and submitted in SEVIS, but are then printed out in hard copy, signed, and sent to the Department of State. The majority of our comments relate to the printed version of the forms, and focus on suggestions to "enhance the quality, utility, and clarity of the information to be collected," and to "minimize the reporting burden on those who are to respond." The work in the field of higher education has become more electronic-based and less paper-based, therefore the forms need to better reflect this reality.

Our comments are organized as follows:

I. Clarify the certification and notarization requirements.....	2
Citizenship Certifications on Forms DS-3036 and DS-3037.....	2
CEO certification on Form DS-3036 for new or amended programs.....	2
Notarizing	3
II. Relate the form instructions to the SEVIS process	3
Form DS-3036	3
Form DS-3037	4
III. Miscellaneous improvements.....	5
Form Headers.....	5
Pagination and labeling.....	5
DoS Mailing Address.....	6

Clarify the certification and notarization requirements

There are multiple sites on the proposed paper DS-3036 that require signed certifications. The Department should consider consolidating these certifications in cases where the same individual is making separate certifications.

Citizenship Certifications on Forms DS-3036 and DS-3037

- The citizenship certification on “Instruction Page 1 of 1” on proposed Form DS-3036 has space only for the signature of the RO or ARO at item (b). There is no space for the signature of the “officer” of the organization to sign the organizational citizenship statement at item (a).
- To distinguish the Citizenship Certification portion of Forms DS-3036 and DS-3037 from the instructions, we recommend **bolding** the Citizenship Certification heading using the same font as the “Instructions” heading.
- Since a citizenship certification is not required for all existing RO/AROs when a new RO or ARO is added, we recommend the Citizenship Certification heading on Form DS-3037 be bolded and read:

“Citizenship Certification (required for each newly-appointed RO or ARO)”

CEO certification on Form DS-3036 for new or amended programs

- Box 11 of draft Form DS-3036 “Page 1 of 2” requests the name and signature of “Chief Executive Officer.” Since many organizations do not have this specific title, the form should be revised to read, “Chief Executive Officer (or equivalent).” This is consistent with the label in the electronic Form DS-3036 in SEVIS.

Notarizing

- It is not clear on the proposed forms whether notarization is required, or which signature would have to be notarized. Prior versions of Forms DS-3036 and DS-3037 included a notarial line at the signature of the RO; that notarial line has been removed from the proposed forms.

Relate the form instructions to the SEVIS process

Since 2003, many of the activities associated with Forms DS-3036 and DS-3037 have an electronic component in SEVIS in addition to a lingering paper component. However, Forms DS-3036 and DS-3037 have not been revised to explain the relationship of the paper forms to SEVIS. NAFSA recommends that the Department delete instructions that are no longer associated with the paper DS-3036 and DS-3037 forms, and add instructions that relate the SEVIS process to what remains of the paper process.

Form DS-3036

- The pre-SEVIS instructional language at the top of proposed DS-3036 “Page 1 of 3” should be updated to indicate that the fields on the form are completed through SEVIS. We recommend removing the current instructional language, and replacing it with language similar to this:

“Form DS-3036 is used by prospective sponsors to apply for designation of a new exchange visitor program, and by current sponsors to apply for redesignation or amendment of their currently-designated program. To complete the fields on this printed form, you must access SEVIS and submit the electronic Form DS-3036 through SEVIS, then print a hard copy version of Form DS-3036 that is pre-completed with the data you entered in the electronic Form DS-3036. The printed Form DS-3036 consists of three pages. However, if you entered more information in SEVIS than will fit on Page 3 of the Form, the information will print on an additional page, which must be included with the Form when it is submitted to DoS.”

After the named parties sign and have notarized (when required) the printed DS-3036, you will send the form, any supporting documentation, and a copy of the Pay.gov confirmation page showing payment of any required non-refundable fee (for initial designation or redesignation), to DoS at the address indicated below.

Applicants for new program designation can find guidance on how to complete these fields in SEVIS, and checklists of supporting documentation, in the User Manual for Temporary Users of SEVIS Version 6.2 (How to Complete and Submit the Form DS-3036, Exchange Visitor Program Application), and the User Manual for Exchange Visitor Program Sponsor Users of SEVIS: Volume I, available on the DoS Web site.”

- The language regarding applying for the Intern or Trainee categories at the top of proposed DS-3036 “Instruction Page 1 of 1” serves no useful purpose, because the Occupational Category for these categories is entered in the electronic DS-3036 through SEVIS. When the Trainee or Intern category is selected in Section 7 of the electronic Form, one or more occupational categories must be specified by clicking a box next to the name of the occupational categories for which the application is being submitted. We recommend either removing the current instructional language, or updating it to read:

When the Trainee or Intern category is selected in Section 7 of the electronic Form DS-3036 in SEVIS, one or more occupational categories must be specified by clicking a box next to the name of the occupational categories for which the application is being submitted.

- Because no more than 500 characters can be entered into the text box fields of the electronic DS-3036 in SEVIS, we also recommend adding the following instruction to the Form:

If you indicated in the electronic Form DS-3036 in SEVIS that “additional supporting documentation will be supplied by mail, you must provide that documentation when you submit this paper version of the Form.

Form DS-3037

- We recommend removing fields on the Form DS-3037 that relate to requests now done entirely in SEVIS and that no longer require the submission of a Form DS-3037. For example, requesting an allotment of Form DS-2019, a supply of program brochures, etc. is now done entirely in SEVIS.
- We recommend adding language in the instructions to establish that the fields on the printed form must be completed in the electronic Form DS-3037 through SEVIS. For example,

The fields on the printed form must be completed in the electronic Form DS-3037 through SEVIS. When DoS review is required, you will submit the application electronically through SEVIS, then print a hard copy version of Form DS-3037 that is pre-completed with data you entered in the electronic Form DS-3037. You will then submit a signed and notarized copy of the printed DS-3036 and any required supporting documentation to DoS at the address indicated below. Guidance on how to complete these fields in SEVIS may be found in the User Manual for Exchange Visitor Program Sponsor Users of SEVIS: Volume I, available on the DoS Web site. If DoS does not note in SEVIS receipt of the Form DS-3037 and the notarized Certification Citizenship Form within 30 calendar days of submission of this request in SEVIS, the request will be automatically deleted from SEVIS.

Miscellaneous improvements

Form Headers

- Designation, Redesignation, and Program Amendments are distinct processes. Form DS-3036 should be clearly labeled to indicate which part of the form is to be used for which process. For example, Form DS-3036 should have a unified title such as “Application for Exchange Visitor Program Designation, Redesignation, or Amendment.” The form could then be divided with headings or pages to distinguish between instructions, information collection components, and required certifications.

Pagination and labeling

The pages of the draft forms are currently numbered as follows:

DS-3036	DS-3037
<ul style="list-style-type: none">▪ Instruction page 1 of 1▪ Page 1 of 2▪ Page 3 of 3	<ul style="list-style-type: none">▪ Instruction Page 1 of 1▪ Page 1 of 1

The pagination of draft Form DS-3036 should be corrected. Also, including separate pagination for the instructions and the form is confusing, especially since the pages labeled “instructions” also contain substantive fields or certifications that must be completed and signed.

For each form, we recommend sequential numbering of all pages (e.g., “page 1,” “page 2,” “page 3”). Rather than numbering instructions and required form pages separately, we recommend using headings to distinguish between what is instructional and what is a required form field.

Once pagination is corrected, references to specific pages should be consistently updated throughout the form, for example:

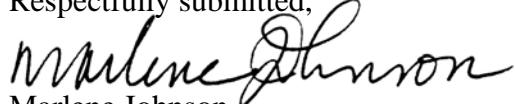
- The instruction at the top of proposed “Page 3 of 3” reads, “If this application includes an amendment, complete pages 2 and 3.” This instruction should be reworded to conform to the correct pagination of the form, once that pagination is corrected.
- In Section III – Certification of the proposed DS-3036 “Page 1 of 2,” item 11 references a “page 3 of this form.” That reference should be updated accordingly to be consistent with corrections to pagination.

Omission of DoS Street Address

The 2200 C Street, NW street address is not included in the address that appears on the proposed DS-3036 or 3037. This may interfere with proper delivery if the program wishes to send the form via an express carrier, and may delay delivery of forms submitted via regular mail.

We feel that the changes we suggest in these comments will serve to improve your data collection and facilitate smooth reporting in the current SEVIS environment, as you work on the future implementation of the next generation of SEVIS, SEVIS II. Once again, thank you for the opportunity to comment.

Respectfully submitted,



Marlene Johnson

Executive Director and CEO

NAFSA: Association of International Educators