



Friday, November 21, 2014

The Honorable Robin J. Lerner  
Deputy Assistant Secretary for Private Sector Exchanges  
Bureau of Educational and Cultural Affairs  
Department of State  
Washington, D.C. 20520

Via Email Attachment to: [jexchanges@state.gov](mailto:jexchanges@state.gov)  
Title of Information Collection: Training/Internship Placement Plan (Form DS-7002)  
OMB Control Number: 1405-0170

Dear Secretary Lerner:

This letter constitutes the official comment of CIEE for the Notice of Proposed Information Collection: Training/Internship Placement Plan (Form DS-7002) published on September 29<sup>th</sup>, 2014.

The Council on International Educational Exchange (CIEE) has been providing opportunities for youth from around the world to experience and learn from other cultures for more than 65 years. Our activities are guided by our mission “to help people gain understanding, acquire knowledge, and develop skills for living in a globally interdependent and culturally diverse world.” Our mission aligns with the purpose and intent of the Fulbright-Hays Act:

...to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange.... and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world”.

Thus, CIEE is proud to be designated by the Department of State for six J-1 categories within the Exchange Visitor Program, including the Intern (P-3-05133) and Trainee (P-3-11217) categories, covered by this proposed information collection.

Before commenting on specific aspects of the proposed Training/Internship Placement Plan form, however, we wish to note our general concern regarding the integration of the new DS-7002 into SEVIS. The electronic collection of T/IPP data is a significant concern among sponsors. The collection of this information electronically is not currently a standard practice. Moving to electronic data collection will require that we develop tools to collect the T/IPP content from host organizations and be able to translate that into a pdf version of the DS-7002 for signature collection. There are numerous IT resource, timing, and cost implications inherent in this process.



Sponsors have not yet been provided with the SEVIS schema, which outlines the changing fields and content that will need to be collected electronically. We understand finalization of this technical piece may be contingent on the T/IPP comment period. However, sponsors cannot begin planning these significant changes until they have this information, and would likely not begin implementation of changes until a final version of the schema is released. The later this information is received, the later sponsors will be ready for an electronic process.

If sponsors are unable to develop systems for data collection in time for the SEVIS release, sponsor staff would be required to type or copy data from pdf into a database of sorts for AROs to update, through batch processing (if available) or through manual data entry, in SEVIS. The additional staff hours that would be required for such processes are a significant concern for sponsors.

Additionally, as this process moves forward, sponsors should be given permission to collect digital signatures through their own systems. As the collection of DS-7002 data moves to an electronic format, so should the collection of signatures. It is impractical for sponsors to maintain an electronic version of the forms while collecting hand-written signatures. It contributes to rescanning of forms, decreasing the legibility for exchange visitors and adjudicating posts, as well as creating a logistical hurdle. Sponsors should be able to capture signatures electronically throughout the course of developing and finalizing the Training/Internship Placement Plan.

Additionally, such a significant change in operational processes should be scheduled to have minimal impact on the business cycle. Intern and Trainee programs begin year-round on a rolling basis, but the peak application times are December through June (highest April-June). The ideal time for a SEVIS release would be August through November. We recommend that the Department and the sponsor community continue the open dialogue surrounding this issue, and that the timeline for the SEVIS release and the integration of the DS-7002 take into account these operational needs of sponsors.

In terms of the form itself, CIEE fully supports revisions to the Training/Internship Placement Plan (T/IPP), as necessary, to keep the document current and ensure that it contributes to and enables successful Trainee and Intern programs. To that end, we appreciate this opportunity for comment. Below we outline the proposed areas of change and provide feedback for the practical implementation of these changes.

*Please note: The comments below apply to both the Intern and Trainee program categories.*



## Operational Context

In order to understand the context of our comments, we should first explain our placement and application process for the majority of our applicants.

Prospective exchange visitors secure Intern or Trainee placements independently from CIEE, sometimes with assistance from their universities or through referrals from family and friends. Once they have lined up a placement, they contact one of our foreign agents to begin the application process. The applicant works with their prospective host to complete the T/IPP. They then submit the T/IPP and CIEE application to the foreign agent and complete the initial screening.

The T/IPP and CIEE application are sent to CIEE for review, vetting, and approval. When CIEE first reviews the T/IPP, it is already completed. Through the vetting process, revisions may be made with the approval of the host organization and prospective exchange visitor. This order of events impacts some of our comments detailed below.

Generally, the proposed T/IPP would appear to be an effective tool for clearly outlining training objectives and setting expectations. It has been successfully modified to reflect the planned changes within SEVIS. Some of the changes, however, appear to reflect an assumption that the form has been issued from SEVIS with information available in that system, such as program code and occupational category, which are more difficult to collect from an outside applicant.

Below you will find, organized by section, comments on our interpretation of the changes and the projected impact, followed by our specific recommendation. We hope these comments provide you with a view into how our programs operate and contribute to the finalization of an effective Form DS-7002.

## Section 1: Additional Exchange Visitor Information

### Program Category (Removed)

The choices of Intern, Trainee, and Student Intern have been removed from the T/IPP. As we are designated as a sponsor for both Intern and Trainee, we believe it is important to have applicants clearly indicate the intended program on the Form DS-7002. If this is removed, the likelihood of confusion at the point of data entry increases. It is very important that it is clear for sponsor staff and for consular posts for which visa category the applicant is applying. Issuing a DS-2019 form or visa for the wrong category could have a lasting impact on their eligibility for future visas. We can see no benefit in its removal.

**Recommendation: We suggest that program category be clearly indicated on the T/IPP.**



#### Program Number

Program category has been replaced by program number. We are prohibited by Subpart A from displaying our program numbers on “any advertising materials or publications intended for general circulation” (22 CFR 62.9(4)). Therefore, applicants wouldn’t have this information when completing the Form DS-7002. Is it intended that this field is completed by the sponsor? As we are prohibited by Subpart A from pre-populating this information on the form, we would need to instruct applicants to leave it blank and CIEE staff would need to write in the program number by hand.

**Recommendation: We suggest that program number be removed from Section 1, as it is listed in Section 3 with ARO signature, or guidance be provided as to how program numbers can properly be distributed and displayed in compliance with Subpart A.**

#### Occupational Category

Currently, CIEE determines the occupational category that will be listed in SEVIS, once the T/IPP has been reviewed and approved. As mentioned above, we receive the T/IPP already completed from prospective exchange visitors. By adding this as a field to the T/IPP, applicants and their host organizations are being asked to assign themselves to an occupational category. Will the occupational category field be a drop-down list, limited to the choices offered in SEVIS? If this will be an open text field, businesses will likely list their industry field in their own words, which will require corrections by sponsor staff. Even as a drop-down option, host companies may choose their industry field, rather than the field of training. It is not uncommon for the field of training to reflect the focus of one department (e.g., Finance or IT), rather than that of the entire organization.

**Recommendation: We suggest this field be a pre-populated drop-down list and the field be renamed “Occupational Category of Training” to clearly indicate it is the occupational category of the placement that is being captured.**

#### Experience in Field

This field was renamed from “If Professional, Number of Years Experience in Field.” Will this field be limited to numerical characters? If this is an open text field, the removal of the word “number” may prompt applicants to enter a summary of their resume.

**Recommendation: We suggest this field be renamed “Experience in Field (Number of Years)” and be limited to numerical entries.**



## Section 2: Host Organization

### Host Organization Supervisor Information (relocated)

The supervisor name, title, and email were moved from this section to phase pages. We understand that the purpose of this change is to capture the information and signature for the supervisor that is overseeing each phase of training. However, what is lost in this process is a main point of contact for the exchange visitor's overall program. We believe it is important to have one main point of contact to streamline the vetting process and establish an owner for the quality of that exchange visitor's program. This would also be useful for distribution of program evaluations, as the timing of the midpoint and final evaluations could hit any of multiple phases and multiple supervisors. Additionally, if any supervisor information is missing from a phase page, sponsors need an alternate main contact for follow-up.

**Recommendation: We suggest that a main point of contact for the T/IPP be added to the Host Organization section, including name, title, email, and phone number. We do not believe this will require an additional signature to be collected. If that person is providing any of the training content, they will already be listed on a phase page for signature collection.**

### Worker's Comp for Exchange Visitors

We appreciate that this amended language makes it clear that host organizations should provide Workers' Compensation coverage for their exchange visitors, unless they have a state exemption. However, there are cases where an organization is not exempt from providing WC coverage, but is unable to do so because the Intern or Trainee is an unpaid position. Whether the organization is self-insured or using an outside insurance provider, the lack of wages prevents them from covering the exchange visitor and they are unable to obtain proof of an exemption. Not all states clearly outline required coverage for unpaid positions. These situations most often occur with placements at hospitals or universities or those funded by third-party foundations and therefore unpaid by the actual employer. Confusion with these types of placements and an inability to verify WC coverage has caused us to deny high-quality placements and created a barrier to host for well-known and respected organizations.

We have approved these placements on a case-by-case basis when there is an equivalent liability insurance policy in place that will cover the exchange visitor. Both liability insurance and workers' compensation insurance will typically cover the medical costs that occur as a result of a workplace injury. The difference is that workers' compensation also usually covers lost wages. With unpaid positions, should a workplace injury occur, lost wages are not a factor. We need an option for reasonable flexibility to be reflected on the form.

**Recommendation: We suggest a third choice be added to this field: "No, but equivalent coverage." This can be supplemented with a "Please explain" field if justification for these cases is required.**



## Section 4: Training/Internship Placement Plan

### Program Sponsor and Program Number

See feedback under Section 1: Additional Exchange Visitor Information

### Question Order

The structure of the training plan fields does not flow well. We recommend the questions be reordered as follows:

- **Role** – Description of Trainee/Intern's role for this program or phase
- **Objectives** – Specific goals and objectives for this program or phase
- **What will be learned** – What specific knowledge, skills, or techniques will be learned?
- **How it will be taught** – How, specifically, will these knowledge, skills, or techniques be taught?
- **How it will be measured** – How will the Trainee/Intern's acquisition of new skills and competencies be measured?
- **Supervision** – Qualifications of supervisors (see comments below)
- **Culture** – What plans are in place for the Trainee/Intern to participate in cultural activities while in the United States?
- **Additional comments**

**Recommendation: We suggest the above reordering of the T/IPP form fields.**

### Site Address

The address for the host organization is listed under Section 2. We require that this address reflects the physical site of training and matches the site of activity in SEVIS. An additional Site Address field has been added to Section 4. Is this an optional field for host organizations where the site of training changes for each phase? For the vast majority of our placements, the address listed in Section 2 will represent the site of activity for the duration of the program. It is a very small percentage of cases where we allow a planned move during the program and in those cases we collect a second separate form DS-7002 with the second location. These multiple Site of Activity trainings are sometimes a move within one organization and others a coordination between two different organizations. Either way, having a separate T/IPP for each Site of Activity helps us to set expectations that moving an exchange visitor around is not acceptable according to our policy unless pre-approved as a planned exception. We understand that this field addition may be serving the needs of other sponsors who have participants moving throughout their programs. We are concerned it will cause confusion with our host organizations around our policy and/or create an unnecessary burden for companies to duplicate information.

**Recommendation: We suggest that the Site Address field be removed, if possible. If not, we request that it be indicated as optional or only required if different from Section 2, to avoid unnecessary administrative efforts.**



#### Start Date and End Date

The start and end dates for the phases of the current T/IPP indicate these dates are specific to the phase. This is a necessary clarification to ensure we are able to document the phase dates. Without this clarification, host organizations may list the full program duration here.

**Recommendation: We suggest these fields contain the word “phase.”**

#### Names and titles for all supervisors

The current T/IPP asks for the qualifications of the supervisor who will be providing continuous training. The proposed T/IPP no longer collects this information, but instead asks for information on additional staff who may provide supervision and their qualifications. This is very broad, potentially asking for all staff with whom an exchange visitor interacts. Additionally, we lose the information on the primary supervisor.

**Recommendation: We suggest the language be adapted to still collect the qualifications of the primary supervisor listed for that phase.**

#### Tasks and methodology

The request for the specific tasks, activities, or syllabus for training has been moved from the question concerning how skills will be taught to the question concerning what will be learned. We believe the details around tasks and activities are better related to the question of “how” than “what,” in terms of the training content.

**Recommendation: We suggest the following language for two of the questions in Section 4:**

- What specific knowledge, skills or techniques will be learned?
- How, specifically, will these knowledge, skills or techniques be taught? Include the specific tasks and activities (Interns) and/or methodology of training and chronology/syllabus (Trainees).

#### Supervisor Terms and Conditions

The current T/IPP contains the following provision:

“I understand that any on-the-job training or internship that the Trainee or Intern participates in meets all of the requirements of the Fair Labor Standards Act, as amended (29 U.S.C. § 201 et seq.).”



The revised terms and conditions limits this provision to the agricultural field, as indicated in 22 CFR 62.22(f)(2)(vi). We don't dispute the addition of the specific agriculture-focused provision, but think it is important that any host organization in any industry agrees to abide by the Fair Labor Standards Act.

**Recommendation: We suggest that the original provision regarding the Fair Labor Standards Act, as listed above, remain in the terms and conditions of the supervisor section.**

#### Supervisor Signatures

The most significant change for us with this proposed form is the addition of required supervisor information and signatures for each phase. We estimate this will require a significant increase in follow-up to host organizations, particularly while this change is new, to collect missing signatures. It will continue to be more time intensive, as each phase that requires a change will now require a new signature, as opposed to one new supervisor signature to cover any and all changes to the T/IPP during the vetting process. We understand the reasoning for this and will adapt to this new requirement. However, as we commented for Section 2, we do not wish to lose having one primary contact.

#### **Additional Comments**

##### Field Numbering

It would be tremendously helpful for us as a sponsor if the fields on the pdf version of the T/IPP were numbered. Adding numbers correlated with the information fields would allow us to more easily provide guidance to host organization on how to accurately complete the Training/Internship Placement Plan.





I want to thank you for the opportunity to comment on the DS-7002. I hope that the information and perspective provided in this letter contribute to refining the process of collecting and reviewing professional development opportunities for Interns and Trainees. Should you have any questions about the information and suggestions we have offered, please do not hesitate to contact me.

We fully support the efforts you are undertaking to improve all aspects of the J-1 Exchange Visitor Programs. As we navigate these times of change, it is important to remember the truly life-changing experiences the programs have created in their long and largely successful history. With collaboration, prudent rule-making, and enforcement, we can make it possible for participants to have access to these opportunities for many years to come.

Thank you, once again, for soliciting our input as part of the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Anne Higgins". The signature is fluid and cursive, with a large, stylized "M" and "H".

Mary Anne Higgins

Alternate Responsible Officer, Intern P-3-05133 and Trainee P-3-11217

Compliance and Policy Manager, Work Exchange Programs

CIEE: Council on International Educational Exchange

Cc: James Pellow, CEO, CIEE

Elizabeth O'Neill, Executive Vice President, International Exchange Programs, CIEE

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