

November 26, 2014

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

**Re: Comments on 60-Day Notice of Proposed Information Collection: Form DS-7002,
Training/Internship Placement Plan, OMB Control Number 1405-0170, published at 79 Fed.
Reg. 58400-58401 (September 29, 2014)**

Dear Secretary Lerner:

Cultural Vistas appreciates the opportunity to comment on the new Form DS-7002, Training/Internship Placement Plan, a critical document that helps provide oversight and transparency to all the parties involved in implementing Intern and Trainee exchange programs.

As I am sure has been noted by other sponsor organizations, we would request that the introduction of the new Form DS-7002, along with its integration into SEVIS, be completed on a timeline that provides us with adequate time to revise and upgrade our information systems to comply with the new forms and processes. These upgrades are not trivial in terms of both time, resources and cost. It is therefore critical that we have at least 6 months-notice prior to expected implementation to ensure operational effectiveness. Given that our busiest months of the year are generally during the first half of the calendar year, an implementation date in the final quarter of the year would be the most ideal time in order to reduce operational interruptions and ensure appropriate planning can take place.

In terms of the specific proposed changes to the Form DS-7002, we appreciate that the Bureau wishes to enhance the quality, utility and clarity of the information being collected. From the sponsors' perspective it would be helpful if the Bureau could provide additional information as to why certain changes were made to the form. By understanding the purpose behind the proposed changes, we can better comment on what may or may not, based on our daily use of the form, be most effective in gathering the desired information by the Bureau. Upon conclusion of the comment period, we would welcome the opportunity to have an open dialogue with you and your colleagues to design a final version of Form DS-7002 that is most effective at gathering the information needed for the implementation of the programs.

Below please find our comments on elements of the new form along with our recommendations.

Section 1: Additional Exchange Visitor Information

Program Category (missing)

The current Form DS-7002 provides a field identifying whether the form is being used for an Intern, Trainee or Student Intern. Given that there are differences in the regulations pertaining to each of these program categories, we believe it is important that this distinction is identified so that all those reviewing the form and a participant's program can properly evaluate the document and ensure that inadvertent denials are prevented.

Recommendation: Include a field allowing for the identification of the specific J-1 category.

Experience in Field

Without further clarification from the Bureau, it is not clear to us what information should be entered into this box. Is it the number of years someone has studied or worked in this field? Should the number of internships someone has completed be entered in the box?

Recommendation: Either maintain the wording on the current DS-7002 or revise to "Number of Years of Experience in Field", clearly delineating that a numerical entry is expected.

Section 2: Host Organization

Name of Supervisor/Main Point of Contact (missing)

The current version of the Form DS-7002 includes fields that identify the supervisor's information in this section of the form and in the new proposed version these fields have been moved to the phase pages of the document. Given the relocation of the supervisor information and certification, we believe it is important that Section 2 allow for the entry of the main point of contact at the host organization, which may or may not be the supervisor, to ensure that all parties – sponsors, participants, supervisor and the Bureau – have the name and contact information of the individual overseeing and coordinating the exchange program. In many host organizations, the human resource or personnel department coordinates internship programs with supervisors, interns and the sponsors.

Recommendation: Reinsert the top four fields currently on the Form DS-7002 in Section 2 to allow the entry of information for the main point of contact at the host organization.

Stipend

By using the term stipend, we believe that this field unduly focuses only on monetary support that a participant may receive during the program. Many interns/trainees receive a monetary stipend but may also receive non-monetary support in the form of paid housing, transportation, subsidized/free meals, etc.

Recommendation: Replace the word "Stipend" with "Compensation" which is generally accepted as a term which covers the total amount of monetary and non-monetary support provided to an individual.

Workers' Comp for Exchange Visitors

On a minor note, we believe the correct grammatical term should be “Workers’ Comp” as opposed to “Worker’s Comp” which is currently used on the proposed form.

Section 3: Certifications

The current version of Form DS-7002 includes an ominous and strongly worded legal clause (point #4) in the certification for the intern/trainee. The removal of this specific language is probably appropriate since the intern/trainee is not in fact providing the information for the completion of this document. However, we believe there should be stronger language in the intern/trainee certification that indicates an individual understands the intent of the Exchange Visitor Program as a temporary program to learn new skills and gain a better cultural understanding of the United States, not as an opportunity to enter the country with the intent of staying for a longer duration or to transfer to another visa category.

Additionally, we believe it is important that participants fully understand that they may only complete their internships or training at the host organization listed on the T/IPP and may not work at other organizations.

Recommendation: Include additional sentences to the Intern/Trainee certification after #2 which state:

1. I understand that the intent of the Exchange Visitor Program is to allow me to enhance my skills and gain exposure to U.S. culture and business which will be useful to me when I return home upon completion of my program.
2. I am completing this program with no intent to remain in the United States or with no intent to change my visa status.
3. I understand that my internship/training will only take place at the organization listed on this T/IPP and that working at another organization while on the Exchange Visitor Program is prohibited.

Section 4: Training/Internship Placement Plan

Program Sponsor and Program Number

This information is already provided in Section 1 and therefore is repetitive, causing completion of the form to take longer.

Recommendation: Remove these fields from the form.

Site Name and Site Address

This information is already provided in Section 2 and therefore is repetitive, causing completion of the form to take longer.

Recommendation: Either remove these fields from the form or make them optional should a phase take place at a site different than the one listed in Section 2.

Start Date and End Date

The proposed form has removed language specifically indicating that the intended information for these fields is related to the phase dates. Given our experience working with host organizations and interns/trainees, we have found that providing more specific language often avoids confusion and ensures a more efficient completion of the document.

Recommendation: Revise the field names to “Phase Start Date” and “Phase End Date”.

Additional listing of names and titles of potential supervisors

We do not understand what the Bureau hopes to achieve by changing the current wording on the form which requests information on who will provide daily supervision. During a participant’s program, he/she is likely to interact and have some “supervision” from others in the organization. It seems an undue burden for a host organization to identify and name each specific individual who may play a role in a participant’s program. Additionally, over the course of a 6-, 12- or 18-month program, company personnel may change, making information entered on the form no longer useful. The supervisor who is signing the certification on the DS-7002 form is ultimately responsible for providing oversight to the intern/trainee’s program.

Recommendation: Retain the current language from DS-7002 (01-2013) regarding methods of supervision.

Supervisor Certification

The supervisor certification has now been moved to the end of the phase section. We would appreciate clarification on whether the supervisor certification must be completed for each phase of an intern/trainee’s program or if this section must only be completed if there are different supervisors for each phase.

On a minor note, in point #4 of the supervisor certification, there is a word missing. The sentence should read:

“The Trainee or Intern named in this T/IPP will not displace....”

Thank you again for the opportunity to provide feedback on the proposed changes to the Form DS-7002. Please do not hesitate to contact us for additional clarification or explanation of our comments.

Sincerely,



Robert Fenstermacher
President & CEO