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November 26, 2014

Robin J. Lerner  
Deputy Assistant Secretary for Private Sector Exchange  
ECA/EC, SA-5, Floor 5  
Department of State  
2200 C Street NW.  
Washington, DC 20522-0505

**Re: Comments on 60-Day Notice of Proposed Information Collection: Annual Report—J-NONIMMIGRANT Exchange Visitor Program, DS-3097, OMB Control Number 1405-0151**

Dear Robin Lerner:

The American Immigration Council greatly appreciates the opportunity to comment formally on the revised form DS-3097 as per the Public Notice 7914 published Sept. 29, 2014. The American Immigration Council is a sponsor of J-1 intern and trainee programs, designated by the Department of State. We oversee the preparation of form DS-7002 in some 550 – 600 cases per year.

We have a few recommendations for the clarity and use of the form. They are discussed below in the order they appear on the proposed form;

**Section 2. Reconciliation of Forms DS-2019**

This section is automatically populated by SEVIS. However, SEVIS does not record the correct numbers of forms in parts A., C., or F. This causes sponsors to need to refer to the previous year's DS-3097 and handwrite the corrections onto the form.

Recommendation: Correct the programming in SEVIS to accurately import the data into the form.

**Section 3. Record Statuses**

We note that the status of Initial Records has been dropped from the DS-3097. As the number of records in Initial status at year end is a consideration for the subsequent year's allotment of DS-2019 forms, we are surprised to see this information eliminated in the draft DS-3097.

This section also summarizes information since the early months of SEVIS. As such, it reports information that remains in the system from the early learning errors. At this point we are well past the three year retention period of the records that would allow current responsible officers to request data fixes to correct false records in the C. No Show Records and D. Terminated Records. To improve the accuracy of the information in these fields, it would be more accurate to start the counts with the beginning of the second year of SEVIS.

**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

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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.

The word "staff" implies paid personnel. Volunteers have played a major role in exchange visitor programs since before Senator Fulbright and Congressman Hays provided the enabling legislation for today's J programs. Missing the opportunity to describe volunteer components of the exchange programs seems to leave out major priorities of both the Bureau of Educational and Cultural Affairs and individual sponsors for demonstrating the value of people to people exchange.

Recommendation: change the wording of point 5 Staff to read:

Identify the number of paid staff (full and part time) used in the administration of your exchange program. Provide a description of the services provided by local and regional representatives, independent contractors, third parties, foreign agents, and volunteers.

#### **1A. Program Effectiveness:**

We are pleased to see the addition of requesting a description of one or two brief success stories that occurred during the reporting period. Telling the story of cultural exchange is really the most important part of the Annual report.

#### **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 (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 they choose to not have the required insurance. 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."

#### **Submission of Form DS-3097 shall be sent to:**

We are pleased to see physical and electronic address submission information added to the form. This will provide clarity as to where the information is to be sent.

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,

A handwritten signature in black ink, appearing to read "Lois C. Magee". The signature is fluid and cursive, with the first name "Lois" being more prominent and the last name "Magee" following in a similar style.

Lois C. Magee

Director

*American Immigration Council Intern Program*

*American Immigration Council Trainee Program*