

CSIET 2010 CONFERENCE

United States Department of State “J-Visa” Session

*Review oversight and regulatory activities,
including new high school regulations and
the upcoming Federal compliance audit.*



CSIET CONFERENCE OCTOBER, 2010

Karen Hawkins

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- ✘ Bureau of Educational and Cultural Affairs
- ✘ Office of Designation,
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- + Division Chief



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REGULATIONS

- **Proposed Rule – Subpart A**
 - 656 Comments Received
 - Final Rule being DRAFTED
- **Proposed Rule – Fees and Charges**
 - Accepting Comments until 11/30/2010



REGULATIONS

**Final Rule – Secondary School Students –
Published October 27, 2010**

- ✘ Effective Date: 30 days from publication
- ✘ Implementation: 2011/12 academic cycle
 - 1698 Comments Received on Proposed Rule
 - 55 Comments Received from Public Meeting



REGULATIONS

Final Rule – Secondary School Students (SSS) – Highlights:

1. *Requiring Photographs of the Host Family Home.*
Sponsors are required to photograph the exterior and grounds, kitchen, student's bedroom, bathroom, and family or living room of the potential host family's home as part of the host family application.

This is a current standard practice of many sponsors.



REGULATIONS

Final Rule – SSS – Highlights:

2. *Local Coordinator Training Course.* The adoption of a testing and certification program for all local and regional coordinators, to include instruction designed to provide a comprehensive understanding of the Exchange Visitor Program, Department of State public diplomacy objectives, and the Secondary School Student category regulations. This training component will be administered and paid for by the Department of State.



REGULATIONS

Final Rule – SSS – Highlights:

3. *Host Family Orientation.* To be conducted after a potential host family has been fully vetted and accepted into the program.



REGULATIONS

Final Rule – SSS – Highlights:

4. *Additional visit to the host family home.* A required visit to the host family home of the secondary school student be completed within two months of placement, by an organizational representative of the sponsor other than the local coordinator who screened and selected the host family and made the placement.



REGULATIONS

Final Rule – SSS – Highlights:

5. *Requirement.* That no secondary school student placement be made beyond 120 miles of the home of the local organizational representative.



REGULATIONS

Final Rule – SSS – Highlights:

6. *Prohibition* against removing secondary school students' government issued documents (i.e., passports, Forms DS-2019)
 - » Allow students to maintain reasonable access to their natural parents and family through telephone and email.



REGULATIONS

Final Rule – SSS – Highlights:

7. *Criminal Background Checks.* The Department proposed a requirement for all potential host family adults (age 18 or older) to complete an FBI fingerprint-based criminal background check before being able to host an exchange student.
- » *The implementation date has been postponed for further fact-finding and analysis.*



REGULATIONS

Final Rule – SSS – Highlights:

8. *Host Family Composition.* The Department proposed to prohibit single adults without a school-aged child living in the home, or without a child who visits the home frequently from hosting exchange students.
- » Final Rule amended to include additional screening procedures. Both the exchange student and his or her natural parents must agree in writing in advance of placement.



REGULATIONS

Final Rule – SSS – Highlights:

9. *Standard Host Family Application – Appendix F.*

A list of standard information fields to be collected by all sponsors on the host family application form, including information on host family composition, range of financial income, community and high school information, and a description of the home.



REGULATIONS

Final Rule – SSS – Highlights:

10. *Prohibition* of placement of Secondary School Student exchange participants with host families receiving financial needs-based government subsidies for food or housing which are necessary to meet basic living needs.



REGULATIONS

Final Rule – SSS – Highlights:

11. *Prohibition of Monetary Payments and Other Incentives to Host Families.* Hosting an exchange student is considered a volunteer activity.

» Examples: gift cards, gas cards, other incentives



REGULATIONS

Final Rule – SSS – Highlights:

12. *Securing Personal References.* Two references within the community from individuals that are not relatives of the potential host family or a representative of the sponsor.



PRIVATE SECTOR PROGRAMS DIVISION GOAL

*Improve and Streamline
Communication*



1-800 NUMBER FOR EMERGENCY CALLS

Contact Number: 1-866-283-9090

**Should be indicated on the EV ID Card*

Launch Date: August 1, 2009

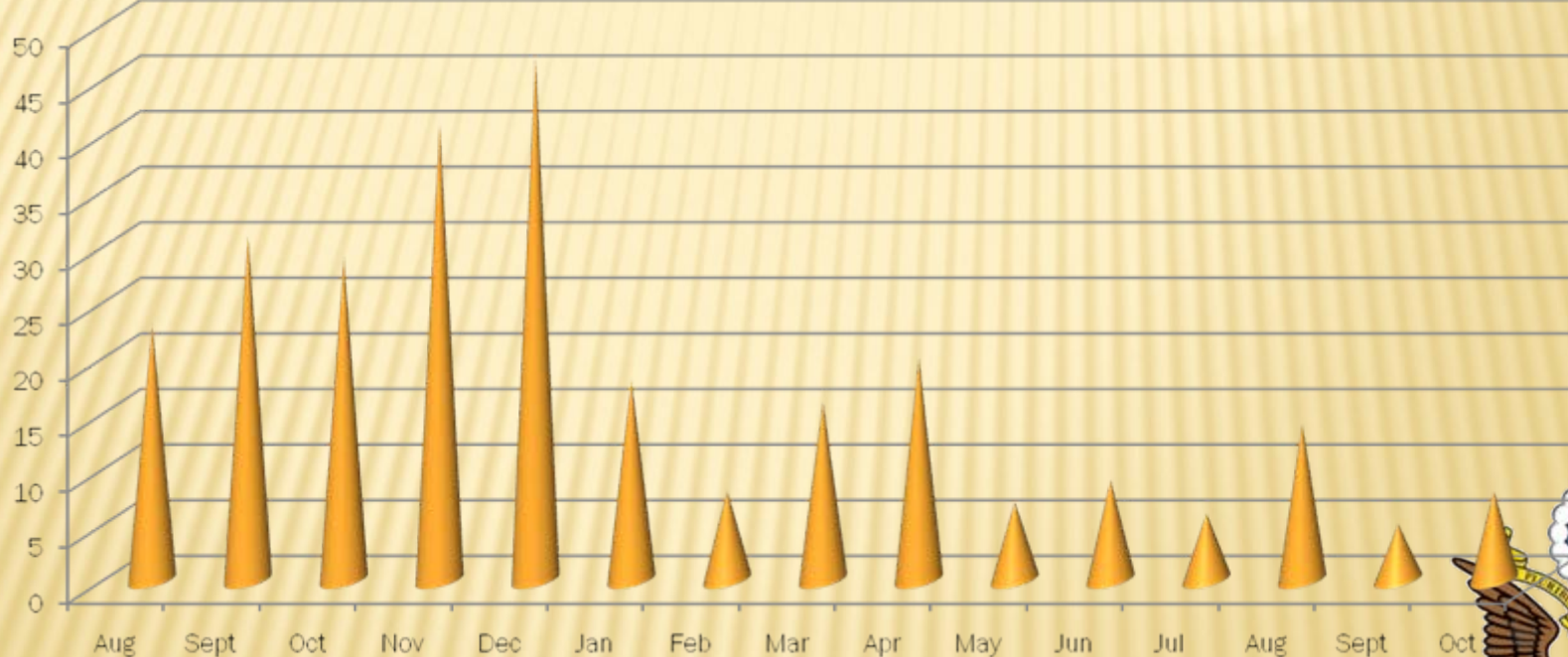
Purpose: It is an added means for exchange students, host families, and third parties to report circumstances impacting the health, and safety of exchange students.



1-800 NUMBER TOTALS

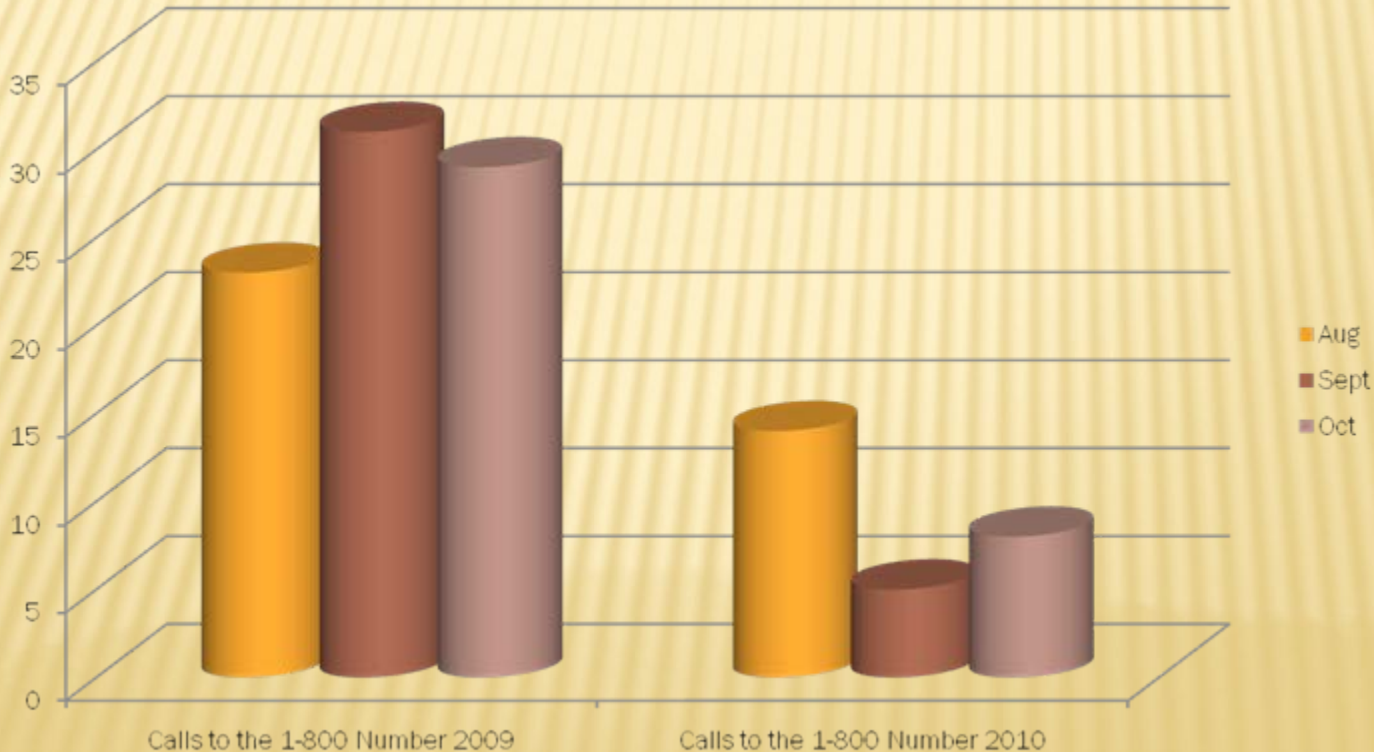
AUG 3, 2009 – OCT 13, 2010 = 282

Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct
23	31	29	41	47	18	8	16	20	7	9	6	14	5	8



1-800 NUMBER CALL COMPARISON (AUG-OCT) 2009 AND 2010

	Aug	Sept	Oct
Calls to the 1-800 Number 2009	23	31	29
Calls to the 1-800 Number 2010	14	5	8



REMINDERS

Annual Report Due Date:

ACADEMIC YEAR, JULY 31

Placement Report Due Dates:

AUGUST 31 AND JANUARY 15

Allotment Request Due Date:

JUNE 30

Forms and Monthly Reports:

Sponsors must ensure forms and reports are completed by **FIELD STAFF**. The information provided must be accurate and complete.

It must also be submitted in a legible format!



SEVIS UPDATE REMINDERS

Subpart F - CFR 62.70(b) *Current U.S. address:*

Sponsors shall ensure that the actual current U.S. address of all sponsored participants is reported in SEVIS under “Current U.S. Address”. A sponsor's failure to update the actual U.S. address information within 21 days of a move may be grounds for revocation of their Exchange Visitor Program status.

NOTE: Sponsors are required to enter the host family names in the first two fields for the U.S. Address.

P.O. Boxes are not acceptable, nor is a street name without a number.

Site of Activity Update:

The names and addresses of the schools exchange students are currently attending should be updated in SEVIS under the “Site of Activity”.



SEVIS UPDATE REMINDERS

Sponsor Profile Update:

Designated sponsors are urged to update their program profile information in SEVIS. The contact information of ROs and AROs must be updated in SEVIS to facilitate communications between the sponsor and the Department.



REPORTING REQUIREMENTS

Why? Because regulation requires it...

Subpart B – Specific Program Provisions

22 CFR 62.25 Secondary School Students

(m) Reporting Requirements.

Sponsors must **immediately** report to the Department any incident or allegation involving the **actual** or **alleged** sexual exploitation or abuse of an exchange student participant. Sponsors must also report such allegations as required by local or state statute or regulation.

Subpart A - General Provisions

22 CFR 62.13 Notification Requirements

(b) Serious problem or controversy.

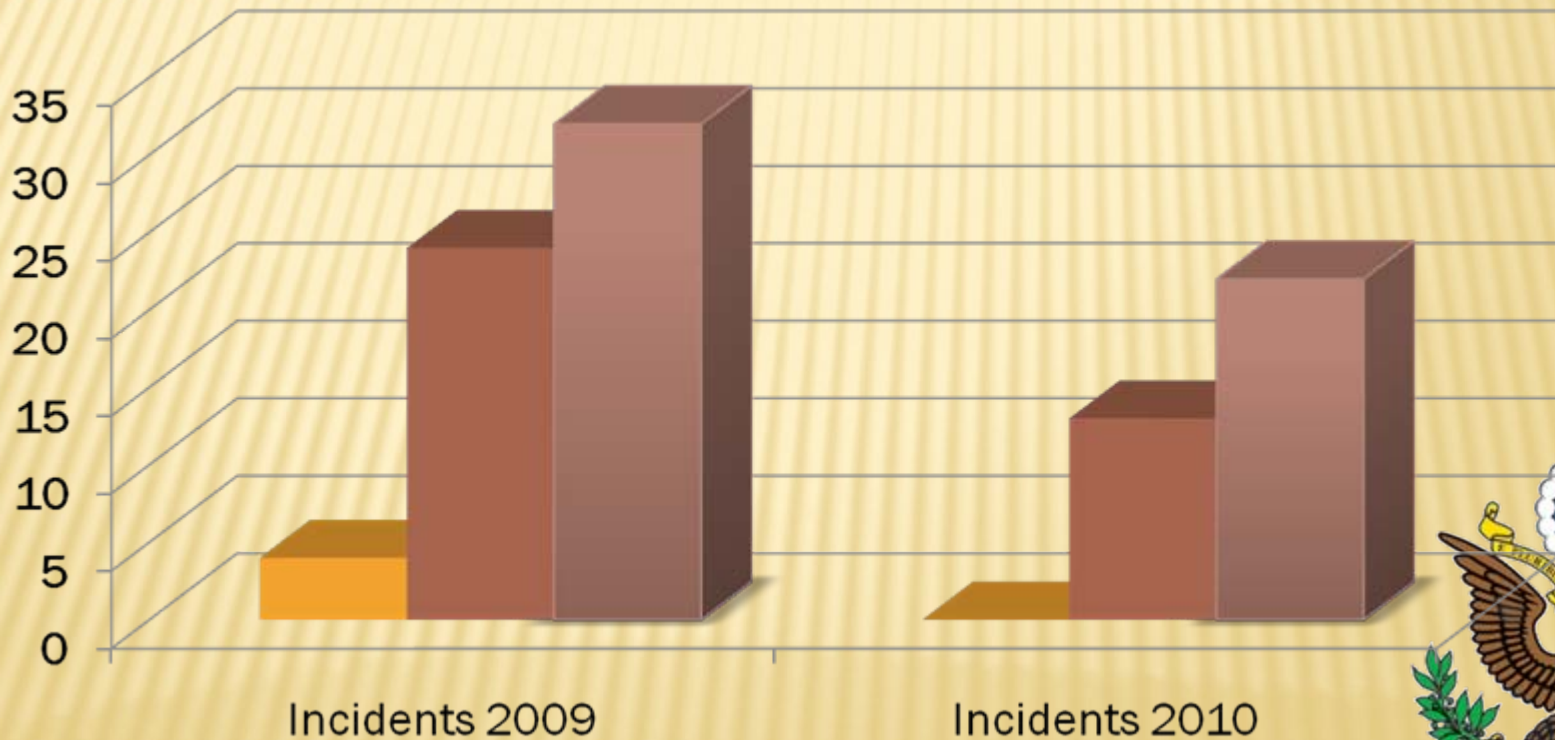
Sponsors shall inform the Department of State **promptly** by telephone (confirmed promptly in writing) or facsimile of any serious problem or controversy which could be expected to bring the Department of State or the sponsor's exchange visitor program into **notoriety** or **disrepute**.



3RD QUARTER INCIDENT COMPARISON

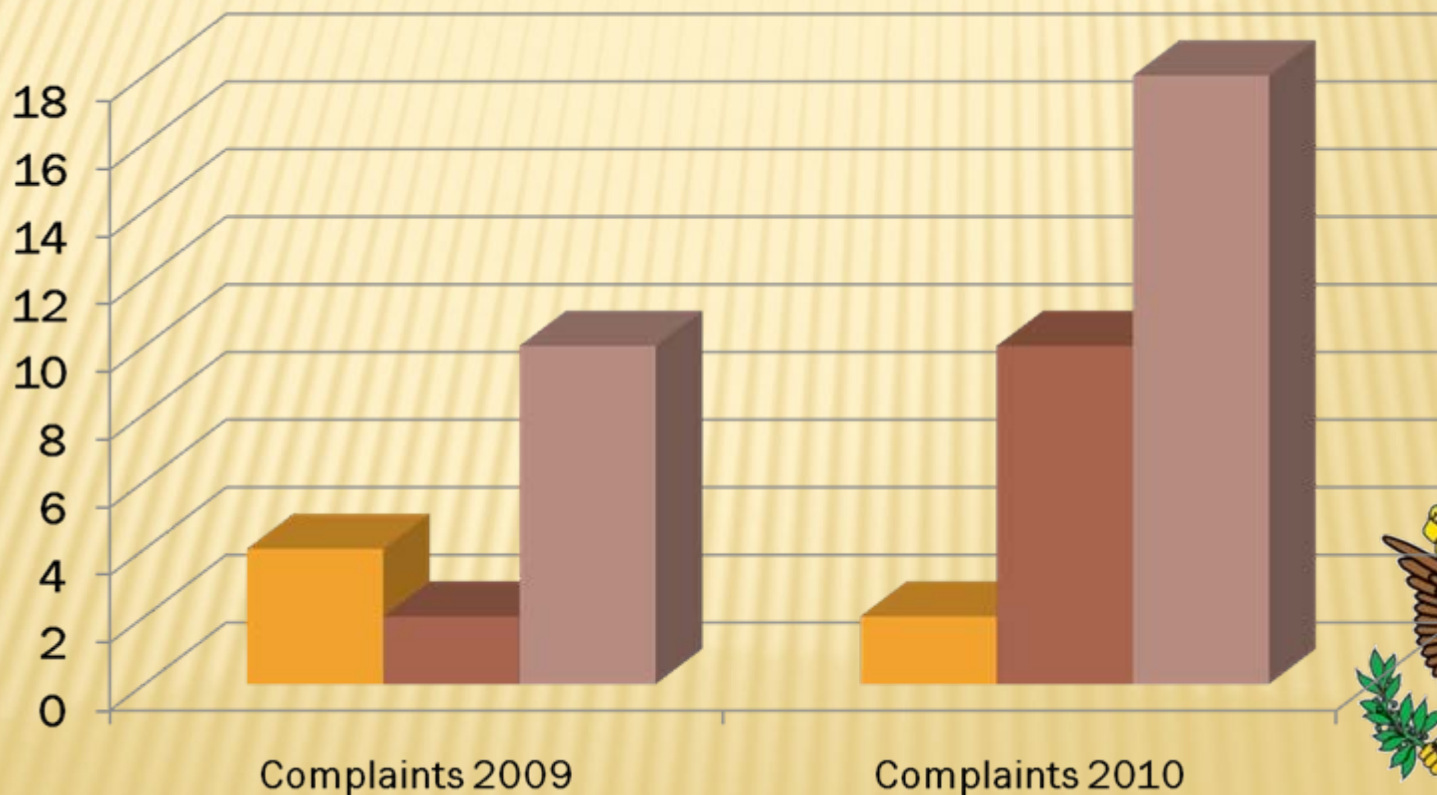
2009 AND 2010

	July	Aug	Sept
Incidents 2009	4	24	32
Incidents 2010	0	13	22



3RD QUARTER COMPLAINT COMPARISON FOR 2009 AND 2010

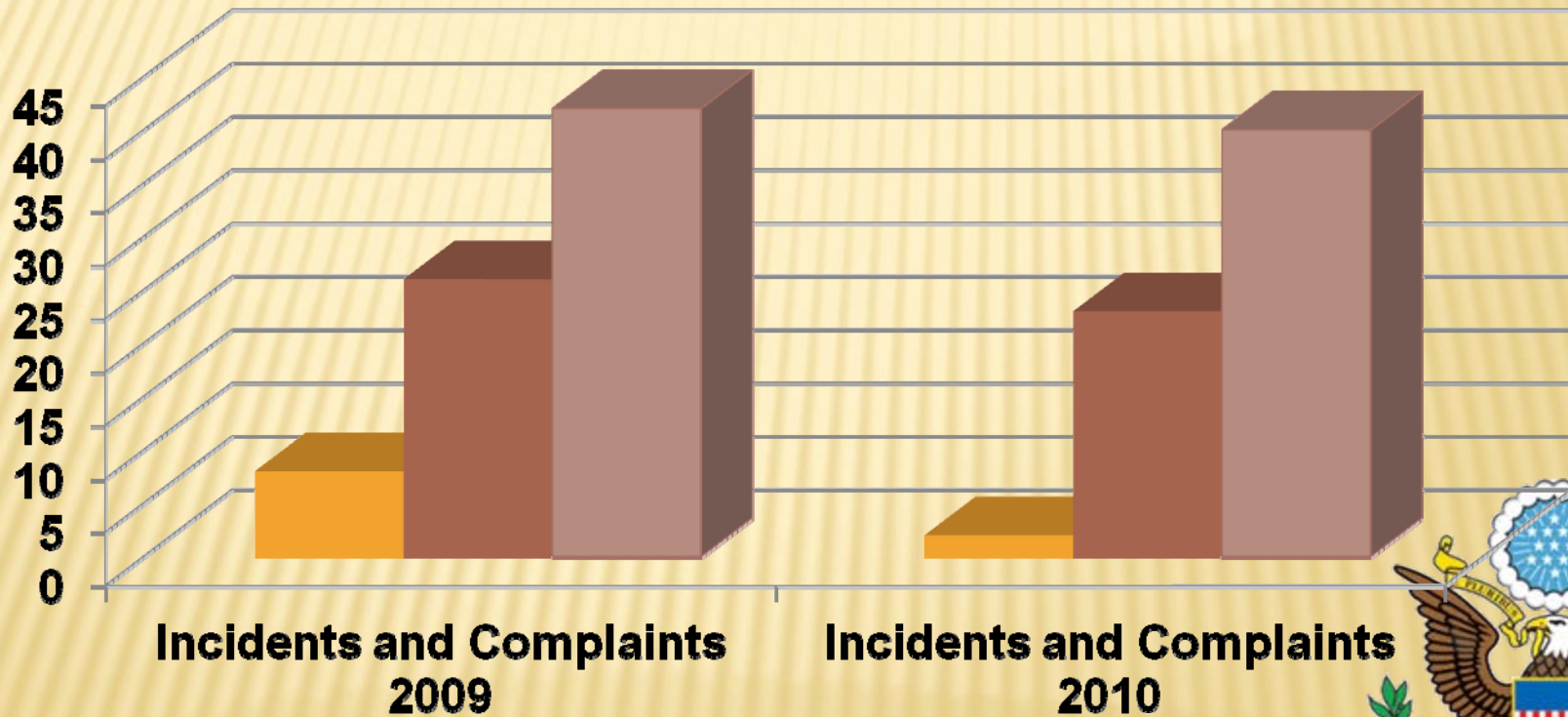
	July	Aug	Sept
Complaints 2009	4	2	10
Complaints 2010	2	10	18



3RD QUARTER TOTALS 09 AND 10

(INCIDENTS AND COMPLAINTS)

	July	Aug	Sept
Incidents and Complaints 09	8	26	42
Incidents and Complaints 10	2	23	40



THANK YOU!

On to Compliance.....



CSIET CONFERENCE OCTOBER, 2010

Elizabeth Dickerson

- ✘ Department of State
- ✘ Bureau of Educational and Cultural Affairs
- ✘ Office of Exchange Coordination and Compliance
- ✘ Senior Compliance Officer



CSIET CONFERENCE OCTOBER, 2010

- ✘ Message from the Assistant Secretary
- ✘ On-Site Reviews
- ✘ Management Audits
- ✘ Data Requests



MESSAGE FROM THE ASSISTANT SECRETARY

- ✘ “Our Partnership for America’s Engagement with the World”
- ✘ Sponsors are the Department’s key partners on the front lines of international engagement
- ✘ Educational and Cultural Programs
 - + Critical tool for reaching goals of mutual understanding and respect



IMPACT OF INTERNATIONAL EXCHANGE

- ✘ Creates foundation of trust
- ✘ Establishes relationships with individuals
- ✘ Engages unofficial figures of influence
- ✘ Reaches young and underserved audiences
- ✘ Demonstrates values that counter popular misconceptions of Americans



IMPACT OF INTERNATIONAL EXCHANGE

- ✘ The Department is committed to increasing, amplifying, and sustaining exchanges
- ✘ **Our Combined Commitment:** Will strengthen our partnership and our common goal of promoting mutual understanding between Americans and people around the world



IMPACT OF INTERNATIONAL EXCHANGE

- ✘ Increase capacity of Americans to understand and engage globally
- ✘ Provide positive agenda for cooperation and neutral platform for dialogue
- ✘ Highlight richness and diversity of American private sector



FOCUS OF OUR PARTNERSHIP

We must all do our utmost to ensure the integrity of this program and the welfare of the participants.



WHAT A DIFFERENCE A YEAR MAKES

- ✘ Focus in 2010:
 - + Secondary School Student category in a heightened regulatory environment
- ✘ On-site reviews (OSR)
- ✘ New program regulations

Working together to build a new and better program model



WHAT A DIFFERENCE A YEAR MAKES

- ✘ OSR: looking for both problems and best practices
- ✘ Period of transition: many sponsors putting new systems in place

Working toward allowing program expansions



ON-SITE REVIEWS

- ✘ Learning experience for both DOS and sponsors
- ✘ Forged new partnerships
- ✘ Long term shared benefits
- ✘ Thank you for cooperation

*We're from the Government;
we're here to help you!*



ON-SITE REVIEWS

Phase One:

- ✘ Visited 39 largest fee-paying sponsors
- ✘ Coordinated with the Bureau's Youth Programs and Grants

Phase Two:

- ✘ Planning Electronic Site Reviews (ESRs) for remaining sponsors
- ✘ Scheduled visits to two Rotaries and two school districts



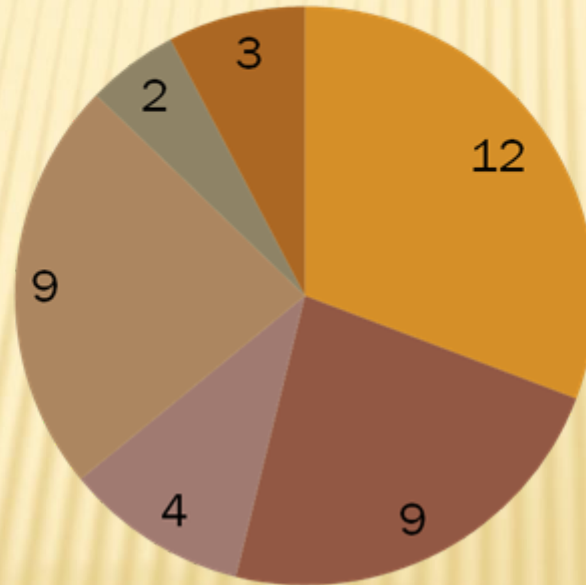
ON-SITE REVIEWS

- ✘ **Purpose:** Evaluate organizations' continued eligibility to be sponsors
- ✘ **Period specific:** Academic Year 2009-2010
- ✘ **Communicating results:**
 - + Best practices
 - + Student file contents
 - + Guidance on school accreditation



OSR RESULTS

- No Action Letters
- Letters of Reprimand
- Corrective Action Plans
- Internal Controls Letters
- LOR and Corrective Action Plans
- Other



WHAT ARE INTERNAL CONTROLS ANYWAY?

- ✘ Standard operating procedures
- ✘ Systems of checks and balances
- ✘ Databases that require screening steps in order
- ✘ Multiple levels of review
- ✘ Decision making aligns with accountability

Trust but verify!



WHAT WE LEARNED

- ✘ No “one size fits all” model
- ✘ Best practices and worst practices
- ✘ Guidance Directive 10-06:
 - + Identified program management weaknesses in Secondary School Student program



GUIDANCE DIRECTIVE 10-06

✘ Bears repeating:

- + Host family screening and selecting
- + Monthly student contact
- + SEVIS maintenance

This is the heart of the program.



HOST FAMILY SCREENING AND SELECTING

- ✘ Host family must be fully screened and selected before it can be considered “secured” for purposes of meeting 22 CFR 62.25(l)(1)(ii)
 - + Complete all steps of 62.25(j) annually
- ✘ Annual Criminal background checks
 - + For all adult family members (and all local coordinators)
 - + Adult children home on school breaks
 - + Teenagers turning 18 during program

It's all about the safety of the students.



REASONABLE PARENT TEST

- ✘ Would you want your child half a world away to be living with someone ...
 - + Convicted of first degree murder?
 - + With recent and/or multiple DUIs?
Multiple/recurrent speeding tickets?
 - + On parole for meth production?
 - + Certain misdemeanor convictions (e.g., check-kiting, identity theft)

Who didn't inhale?



TEMPORARY HOST FAMILIES

- ✘ Local coordinators on Placement Reports
 - + Often signifies lack of placement
 - + Subject to higher scrutiny
- ✘ “Temporary” means “temporary”
 - + Don’t take advantage of volunteers
 - + Need to fully screen temporary families
- ✘ Pre-screen “emergency” families

These kids need stability.



MONTHLY STUDENT MONITORING

- ✘ Students need unbiased advocates
- ✘ Local coordinators who act as host parents must be managed by separate area supervisors
- ✘ Department frowns upon “reciprocal oversight”
 - + Local coordinator/host parents overseeing each other

Internal controls prevent foxes from guarding chicken coops!



MONTHLY CONTACT REQUIREMENT

- ✗ Must be meaningful and documented
- ✗ Yes/No questions do not encourage dialogue
 - + Is school OK? Yes
 - + Do you like your family? Yes
 - + Looking forward to Halloween? Yes
 - + Did you go to homecoming? Yes

Do you really know if the placement is working?



WHAT HAPPENED TO HEIDI?

- ✘ Require descriptive comments to avoid:
 - + Heidi's happy...
 - + Heidi's happy...
 - + Heidi's gone!

Student records that don't tell the whole story don't always have a happy ending.



SEVIS MAINTENANCE

- ✘ Material failure of an institution or other entity to comply with the recordkeeping and reporting requirements to receive ... exchange visitor program participants under section 101(a)(15) ... (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) ... (J)) ... shall result in the suspension for at least one year or termination ... at the election of the Secretary of State, of the other entity's designation to sponsor exchange visitor program participants....(8 U.S.C. § 1762)



SEVIS MAINTENANCE

- × Complicated way of saying:
 - + IT'S NOT JUST THE REGULATIONS
 - + IT'S A NATIONAL SECURITY MATTER
 - + WITH CRIMINAL IMPLICATIONS

*TAKE SEVIS RESPONSIBILITIES
SERIOUSLY*



SEVIS MAINTENANCE

- ✘ Validate student records within 30 days
- ✘ Under current US address:
 - + Use “ADDRESS 1” field to input host parents’ names
 - + Use “ADDRESS 2” field to input street address
- ✘ Update SEVIS within 21 days for change of home or school
- ✘ Select “primary” Site of Activity address when updating with a new school
- ✘ Proofread data entry
- ✘ Batch users beware



REPORT INFORMATION ACCURATELY

Sponsors shall ... [p]rovide accurate and complete information, to the extent lawfully permitted, to the Department of State regarding their exchange visitor programs and exchange visitors.... (22 CFR 62.9(d)(1))

Remember Watergate?

The cover-up is worse than the crime!



MANAGEMENT AUDITS

- ✘ No update on implementation
- ✘ Working with contractor to design “dash board”
 - + Survey Monkey input for sponsor
 - + Excel data base for Department’s analysis

Lessons learned:

I don't make predictions



DATA REQUESTS

- ✘ None planned
 - + But, *Ad Hoc* data requests are always an option
- ✘ What about OSRs?
 - + There will be more!



THE PAST FOUR YEARS

- ✘ Changing family dynamics
- ✘ Difficult economic times
- ✘ Expanded media coverage
- ✘ Greater Department scrutiny
 - + Greater demands on sponsor resources
- ✘ Compliance got its sea legs
- ✘ Meaningful dialogue
- ✘ New regulations

New partnerships and shared goals



THE NEXT FOUR YEARS?

The answer is up to you!

(You guys are great, but personally, I'm ready to meet the SWT, Trainee, and Intern sponsors!)



THE GRAND FINALE

Thank You!
Any Questions?

