



United States Department of State

Washington, D.C. 20520

JUN - 5 2009

Dear Senator Casey:

Thank you for your letter of May 26 sharing your concern for foreign secondary school exchange students who were placed in unsatisfactory homes in Pennsylvania. The Department shares your concern and regards this situation as representing a failure in the system of checks and balances which has proven over the years to be effective in regulating this important exchange activity. We are in the process of reviewing our internal procedures so that this situation does not occur again. Answers to your specific questions are enclosed.

The Exchange Visitor Program (J-visa) is administered by the Department of State's Office of Private Sector Exchange. The Office is responsible for designating United States organizations and corporations to administer exchange programs and for providing oversight of these sponsors to ensure that they are following regulatory requirements. There are fifteen different categories of exchanges and more than 1,400 designated sponsors.

The Secondary School Student category is comprised of 94 designated organizations (17 rotaries, 11 schools or school districts, 65 private non-profit organizations, and one Federal agency – the Department of State, Bureau of Educational and Cultural Affairs (ECA), Youth Programs Division). These entities facilitate the entry into the United States of approximately 30,000 exchange students each year.

The Aspect Foundation is an American organization based in California that sponsors student exchange programs. The Aspect Foundation oversaw the placement of 12 foreign exchange students with host families in the Scranton, PA, metropolitan area. Of these 12 students, six were participating in private programs managed by the Aspect Foundation. The other six were participants in the Department-sponsored Youth Exchange and Study (YES) program, a merit-based exchange program overseen by the Youth Programs Division at the Bureau of

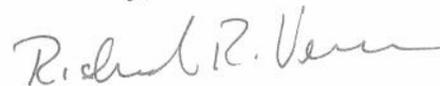
The Honorable
Robert P. Casey, Jr.,
United States Senate.

United States and return to their home countries between June 8 and June 10, 2009. All the students in the Scranton area were the responsibility of a local representative of the Aspect Foundation; that person has been relieved from her duties.

The situation in Scranton, PA is under investigation by the Office of Private Sector Exchange. Reports have been requested from the organizations involved and documents on the exchange programs of all students placed in the Scranton, PA area by IRIS/Aspect have been received. The Office of Private Sector Exchange and Youth Programs Division staff will continue to work closely on this case. The Youth Programs Division Chief traveled to Pennsylvania and met personally with the six YES students and families involved to ensure the students' safety and well-being. We anticipate that the egregious nature of this situation will result in program sanctions for the organizations involved in the placement and oversight of these students.

We hope you find this information helpful and are reassured that the Department is taking appropriate actions. Please do not hesitate to contact us if we can be of any further assistance on this or any other matter.

Sincerely,



Richard R. Verma
Assistant Secretary
Legislative Affairs

Enclosure:

As stated.

Answers to Your Specific Questions

1. The Council on Standards for International Educational Travel (CSIET) is the independent nonprofit organization that reviews sponsors on an annual basis and provides a public list of those who have received accreditation. How does the Department of State determine whether the audits performed by CSIET meet agency regulations? How often, if at all, does the Department of State perform checks on the various sponsors approved by CSIET?

Answer: CSIET is a 501 (c) (3) independent member organization that includes sponsors, educational associations, and schools who expect it to represent their interests related to youth exchange, including sponsorship, hosting and industry standards. It is not affiliated with the Department of State. The audits required by CSIET are performed by independent CPAs retained by the sponsors. These audits are not part of the Department's administration of the Exchange Visitor (J-visa) program. CSIET members may voluntarily provide copies to the Office of Private Sector Exchange. The Department has consulted with designated program sponsors regarding substitution of a Department audit for that of the CSIET audit in order to ensure enhanced transparency and accounting of sponsor activities. Regulatory language necessary to implement this change has been drafted and is awaiting OMB clearance.

In the administration of the Exchange Visitor Program (J-visa), the staff of the Office of Private Sector Exchange is in frequent direct communication with individual sponsors throughout the year regarding program administration. Contacts include the timely filing of placement and annual reports, general questions, and investigations on any situation reported. In addition, all designated exchange visitor programs undergo a scheduled formal review by the Department every two years before their designation can be renewed for another two years.

2. Sponsors are required to "exercise due diligence" to ensure that the host families are screened properly and are found satisfactory. The Department of State has previously stated that "a mere superficial compliance with this regulatory requirement will not be tolerated." If it is determined that an approved sponsor has failed to demonstrate due diligence in their host family selection process, what are the consequences for that sponsor?

Answer: The Exchange Visitor Program regulations governing the secondary school student category are located at 22 CFR Part 62.25). The criteria for host family selection can be found at 62.25(j). They are as follows:

Regulations for Host Family Selection

- j) *Host family selection.* Sponsors must adequately screen and select all potential host families and at a minimum must:
- (1) Provide potential host families with a detailed summary of the exchange visitor program and the parameters of their participation, duties, and obligations;
 - (2) Utilize a standard application form that must be signed and dated by all potential host family applicants which provides a detailed summary and profile of the host family, the physical home environment, family composition, and community environment. Exchange students are not permitted to reside with relatives.
 - (3) Conduct an in-person interview with all family members residing in the home;
 - (4) Ensure that the host family is capable of providing a comfortable and nurturing home environment;
 - (5) Ensure that the host family has a good reputation and character by securing two personal references for each host family from the school or community, attesting to the host family's good reputation and character;
 - (6) Ensure that the host family has adequate financial resources to undertake hosting obligations;
 - (7) Verify that each member of the host family household eighteen years of age and older has undergone a criminal background check; and
 - (8) Maintain a record of all documentation, including but not limited to application forms, background checks, evaluations, and interviews, for all selected host families for a period of three years.

If an investigation by the Department determines that a sponsor has violated regulations, sanctions are applied. A graduated level of sanctions from a

written reprimand to revocation of a sponsor's designation can be invoked depending on the results of the investigation and the nature of the regulatory violation(s) that have occurred.

3. How much contact, if any, does the State Department have with sponsors? With CSIET?

Answer: Office of Private Sector Exchange staff are in frequent communication with individual sponsors throughout the year regarding program administration. Contacts include providing guidance on programming issues, clarification of regulations, the timely filing of placement and annual reports, general questions, and investigations on any situation reported. In addition, the Youth Programs Division staff is in direct and close communication with the sponsors that receive ECA grants to conduct specific exchange programs, such as the YES Program.

Many of the organizations that are members of CSIET are also Department of State-designated exchange visitor program sponsors. The Department consistently works to improve the exchange program, establish open communication and remain in close contact with organizations conducting exchange activities. Department staff speaks at the Annual CSIET Conference each fall. In addition, Department staff and CSIET staff occasionally serve on panels together at schools or meetings involving foreign secondary school students.

4. Are sponsors required to make home visits with students and their host families? If so, how many times must a sponsor visit the home during a student's stay?

Answer: Sponsors are required to maintain, at minimum, a monthly schedule of personal contact with the student and host family, and ensure that the school has contact information for the local organizational representative and the program sponsor's main office.

5. If a sponsor loses its accreditation, is the sponsor allowed to reapply for accreditation the following year, if at all? If so, what steps must a sponsor take to have its accreditation restored?

Answer: If a sponsor's designation is revoked, it cannot seek to be designated as a sponsor for the category for which designation was revoked for a period of five years. If the organization reapplies after the five year ban, its application

will be treated as a new application from an organization that has no previous history of sponsorship, rather than as a delayed renewal application.

6. How many Department of State employees work on youth exchange programs?

Answer: The Office of Private Sector Exchange, which is responsible for the administration of the Exchange Visitor Program (J visa), has an officer assigned full time to monitor the secondary school student programs. This individual is assisted, as necessary, by the Division Chief, and the Office Director. The Youth Programs Division in ECA's Office of Citizen Exchanges oversees and manages numerous grants for a variety of Department-sponsored youth exchange programs, one of which is the YES Program. This staff consists of 15 employees.