



## EXCHANGE VISITOR PROGRAM

### Secondary School Student Category

### **Sponsor Reporting Requirements**

I take this opportunity to again remind all sponsors of secondary school student exchange visitor programs of their obligations to report certain incidents or events to the Department:

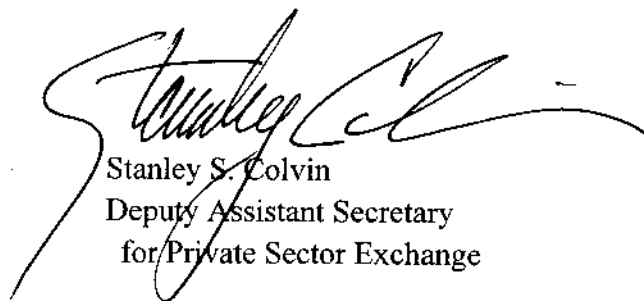
- 22 CFR 62.13(b) states: “Sponsors shall inform the Department of State *promptly* by telephone (confirmed promptly in writing) or facsimile of any serious problem or controversy which could be expected to bring the Department of State or the sponsor's exchange visitor program into notoriety or disrepute.” (emphasis added)
- 22 CFR 62.25(m)(1) states: “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. Failure to report such incidents to the Department and, as required by state law or regulation, to local law enforcement authorities shall be grounds for the summary suspension and termination of the sponsor's Exchange Visitor Program designation.” (emphasis added)

Examples of the types of incidents that sponsors must report pursuant to 62.13(b) include, but are not limited to: accidents, deaths, program abandonments, arrests, or convictions. Occasionally an incident may at first seem to be a matter involving notoriety or disrepute which requires prompt reporting. However, additional review may identify a sexual or abuse component that requires immediate reporting to both the Department and local authorities. In determining whether an incident is reportable pursuant to either section, sponsors are encouraged to interpret the language broadly and inclusively.

Incidents of a sexual nature are reportable *immediately* once the sponsor is aware of an alleged or actual event. As the conduct and performance of agents acting on a sponsor's behalf are imputed to sponsors, this reporting obligation is effective once anyone representing your organization is informed of the alleged event. It is incumbent upon sponsors that their field staff be properly instructed to report allegations of an even minimally suspicious nature *immediately* through the chain of command so that the Responsible Officer can comply with the *immediate* reporting obligation of the regulations.

All fifty states and the District of Columbia have adopted mandatory child abuse and neglect reporting laws pursuant to the requirement of the Child Abuse Prevention and Treatment Act (CAPTA)(Jan. 1996 version), 42 U.S.C. 5101, *et seq.* They also have hotlines for reporting abuse and neglect. The Department recommends that all sponsors review and understand the information found on [www.childwelfare.org](http://www.childwelfare.org), a website maintained by the Department of Health and Human Services, the authority responsible for CAPTA enforcement.

Sincerely,



Stanley S. Colvin  
Deputy Assistant Secretary  
for Private Sector Exchange

June 12, 2009



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### Secondary School Student Category

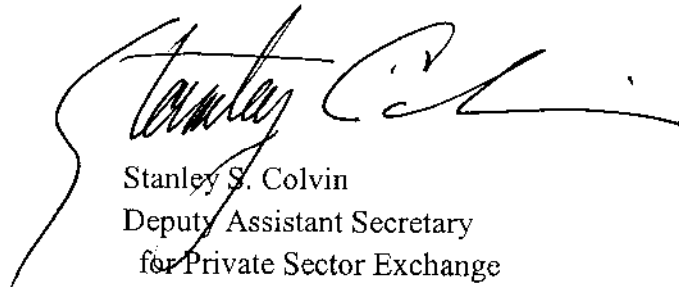
#### **Contact Information on Identification Cards for Students**

The Office of Private Sector Exchange will move to a new location at the end of the summer, resulting in new contact information for the Exchange Visitor Program. Unfortunately, new contact information will not be available to provide to sponsors before the secondary school exchange student identification cards required by 22 CFR 62.25(g)(5) will be needed for the upcoming academic year. To ensure that exchange students have access to accurate contact information, we make the following recommendation:

If possible, please remove all phone number and street address information for the Department of State from the identification card format. Instead, include only the Exchange Visitor Program email address: [jvisas@state.gov](mailto:jvisas@state.gov). This will eliminate contact information that will soon be out of date, and provide participants with an email address that will remain effective even after the move.

We are working to establish a 24 hour 1-800 number to report emergencies and will provide this additional contact information when it becomes available.

Sincerely,



Stanley S. Colvin  
Deputy Assistant Secretary  
for Private Sector Exchange

June 12, 2009



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### **Host Family Screening and Selection**

Recent press coverage has detailed serious incidents involving placement of secondary school students in inappropriate homes. This is particularly troubling, given the Department's efforts to inform and advise the sponsor community of its concern that host family placements are becoming more and more difficult to secure.

The Exchange Visitor Program and its goal of promoting mutual understanding between the people of the United States and other countries and cultures of the world continues to effectively further our Public Diplomacy efforts. President Obama's recent speech in Cairo underscored the importance of this program in establishing and improving global relationships.

To ensure that secondary school students are placed only with carefully screened and selected host families, please note:

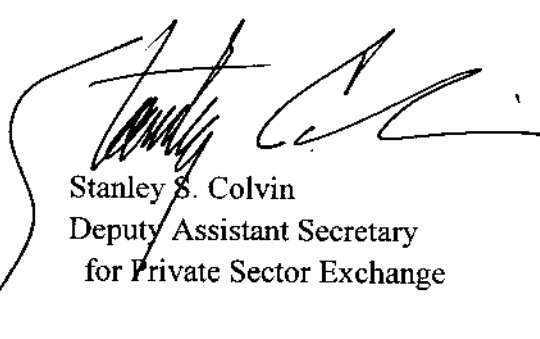
- One of the two required host family character references must be from an official in the school that the exchange student will attend. The other reference may not be from a relative, but should be from within the host family's community. See: 58 Fed. Reg. 15180, 15191 (March 19, 1993).
- As family conditions may change, all required screening steps for host families must be repeated each year, even for host families with successful track records. This includes criminal background checks. Employees or agents of sponsors in contact with secondary school students must also repeat their criminal background checks annually.
- Sponsors are encouraged to provide their staff with written instructions on how to evaluate criminal background checks.
- Sponsors must satisfy themselves that potential host families have adequate financial resources to assume the obligations entailed in hosting a student. The host family

interview and the home visit are but two means of evaluating this critical factor. Sponsors may wish to establish within their organizations a process to ensure that host families' financial qualifications meet the sponsors' established standard rather than the potentially disparate opinions of their wide-spread field staff on this issue.

- Student placements involving the following (or similar) conditions will not be tolerated, and will give rise, at a minimum, to lesser sanctions:
  - Subsidized housing, welfare, or sponsor payment to families to host
  - Condemned, unsafe, or unsanitary homes
  - Inadequate food, privacy, or supervision
  - Utilization of students as workers
  - Intolerance of cultural or religious customs
  - Falsification of host family screening documentation

The health, safety, and well-being of exchange students is your responsibility and ensuring a successful exchange experience requires that you focus on the quality, not the quantity, of these exchanges. I'm sure you will agree, a single complaint about a mistreated exchange student is one too many.

Sincerely,



Stanley S. Colvin  
Deputy Assistant Secretary  
for Private Sector Exchange

June 12, 2009