



Criminal Background Checks and International Staff Considerations and Key Questions for Camps and Other Youth-Serving Organizations April 2014

The American Camp Association (ACA) has provided significant educational resources for camps and other youth-serving organizations regarding conducting criminal background checks on American staff and volunteer applicants. (See www.ACAcamps.org/campline/s-2010/criminal-background-checks-staff-and-volunteers for resources.) However, ACA has not provided as much detail regarding criminal background checks for international applicants. The issues around international background checks are complex and vary significantly by the home country / home city of the applicant. Please consider the information below as you screen your international applicants.

ACA-accreditation standard H.R. 5.1 mandates that a camp conducts a criminal background check for staff eighteen years of age and older for all new camp staff with responsibility for or access to campers — this includes both American and international staff.

Overview — International Staff and American Camps

In most situations, the international staff you utilize at your camp will be entering the United States under a J-1 cultural exchange visitor visa. These visas will either be for the category of “camp counselor” or “summer work travel” (SWT). The SWT visa is generally for your camp support staff. These cultural exchange visitors are recruited through a program of the U.S. Department of State called the “Exchange Visitor Program.” In order to secure these visitors for your camp, you must work with an organization that has been deemed by the State Department as a “sponsor” of the program. These sponsors are responsible for ensuring compliance with the regulations of the program and with placing international visitors in appropriate “host” situations. Camps are considered the “host.” Camps work with their sponsor to identify, screen, and place international visitors as staff in their camp. (For more information about the J-1 visa and its accompanying regulations, visit: www.ACAcamps.org/international/practices.) Sponsors are the entity that conducts the criminal background checks on all international applicants. Because this is the case, it is important that camps understand the issues and key questions about international criminal background checks.

Key Questions Regarding International Criminal Background Checks

1. What is an international criminal background check?

Countries are the owners of their own criminal records. There is no worldwide database of criminal records from all countries. Currently, each country can keep (or not keep) criminal records using any method it chooses. The laws vary greatly about what kinds of crimes exist in each country, how records are kept, and what information is contained in those records. International criminal records (view participating countries at www.interpol.int/Member-countries/World) are accessible by the International Criminal Police Organization (INTERPOL), an international cooperative law enforcement agency. These records are not accessible to the public. Thus, when conducting criminal background checks, they must be done following the guidelines of each individual country. Some countries are very advanced in this area, and others have a minimal — or no — system.

2. Does every country have a criminal background checking system?

No. The kinds of checks that are available in any given country vary widely from quite robust to basically non-existent. It is imperative that a camp work with its sponsor to understand what type of check is actually available in the country of each applicant a camp is considering selecting. Understand that some countries may only allow organizations within that country to access certain databases; for

that reason, camps need to know how their sponsor gets information and whether a sponsor has a partner organization within that country.

- 3. I've heard the term "best available check" used when asking about international criminal background checks. What does that mean?**
Just as in the United States, there are different types (and costs) of criminal background checks available in many countries. Some are very complete, and others are less inclusive. It is important that you understand how complete a check your sponsor is conducting on each applicant.
- 4. I've also heard the term "police check" — is that the same as a criminal background check?**
In some countries, the only way to check if an individual has a criminal record is by contacting the police department. Those in the know understand that they must be careful when considering the results of this kind of check. In some countries, simply paying some money to the local police will ensure that a record comes back "clean." Talk with your sponsor about these issues so you can understand the reliability of any check.
- 5. Do any countries offer criminal background checks specifically for child care workers?**
Yes. Some countries, including the United Kingdom, offer checks specifically for people who will be working with children. The UK has an International Child Protection Certificate (ICPC) specifically designed for British nationals and residents travelling overseas to work with children. The UK only allows organizations that are UK based or UK linked to access the Criminal Records Bureau, so this is an alternative. It was designed by the Association of Chief Police Officers' Criminal Records Office in conjunction with the Child Exploitation Online Protection Center. (For more information, visit: www.acro.police.uk/ICPC/).
- 6. If an applicant is from one country, but is going to school in another, where should a criminal background check be conducted? And, what if an applicant is currently working in one country, but grew up in another?**
Criminal background checks should be conducted in every country where an applicant has lived, worked, or gone to school.
- 7. Should an American criminal background check be conducted on international applicants?**
It has been suggested that U.S. criminal background checks be conducted on international applicants as they may have visited in the U.S., gone to educational programs here, or just traveled after previous placements.
- 8. What is a criminal background threshold?**
A criminal background threshold is the statement an organization makes about what kind of criminal record someone might have in their past yet still be eligible for employment or volunteering in that organization. An organization might decide to set different threshold levels for different positions in their organization. (For more information on setting thresholds, visit: www.ACAcamps.org/publicpolicy/cbcthresholds.)
- 9. Sometimes, I've already selected an applicant with my sponsor and gone through most of the screening process when suddenly I learn that the individual did not clear the background check. Why can't this have been done first?**
Because of the long lead time to get a visa in some countries, there are instances where waiting on the background check would jeopardize time to place the participant or obtain a visa appointment. This is why the background check may not be immediately available with the information on an application. If a participant has not disclosed information or a background check comes back negative, this is grounds for dismissal from a program.

Questions for Camps and Other Youth-Serving Organizations to Ask Their State Department Sponsor

1. What types of checks are you conducting in each country for each applicant?
2. Are you conducting the best available check in each country?
3. In countries where only “police checks” are available — how confident are you that the information is accurate and legitimate?
4. Can I have a copy of the original criminal background check report? (Camps that request the original might ask in advance that participants bring the original with them. Many companies now post the criminal background check online [for countries that allow this] and some participants/sponsors may not be aware a camp will want the original to have on file.)
5. What information are you screening or filtering for? (For example, do you screen for child abuse offenses or search sexual offender databases if available?)
6. If a criminal background check is not available in a particular country/location, what do you do with that applicant? Are they automatically unqualified for placement in a U.S. summer camp? How do you share information with potential host camps about this issue?

Top Tips for Camps and Other Youth-Serving Organizations

1. Parents are entrusting their children to you. It is imperative that your organization utilize a complete staff screening system that includes not just criminal background checks but reference checks, personal interviews, etc. (For more information on staff screening, visit: www.ACAcamps.org/knowledge/human/staffscreening.)
2. Understand the type and scope of criminal background checks your State Department sponsor is conducting on each of your potential cultural exchange visitors. Ask questions.
3. If you feel that the criminal background check of an international staff applicant provided by your State Department sponsor was not robust enough to meet your camp’s thresholds, then consider selecting another candidate — or ask your sponsor if there are more complete options available.
4. Even though annual criminal background checks are mandated by ACA-accreditation standards only for all new staff, consider conducting them for returning staff as well. The standard is anticipated to change soon — to require annual checks for all staff. In the meantime, you don’t know what people have been doing since your last camp season — especially if they are international visitors — so it would be best to perform annual checks on returning staff, too.
5. Ultimately, the safety of the campers and staff at your camp is your top priority. It is your responsibility to ensure that you have properly screened all employees and volunteers. If you question the validity and completeness of any criminal background check — whether international or domestic — beware. Consider utilizing another candidate. In addition it is your responsibility to develop and enforce camp policies that minimize the ability for any individual to harm a child — proper staff/camper ratios, supervision policies, etc.

Resources

- Best Practices for Utilizing International Staff in American Camp Association Camps: www.ACAcamps.org/international/practices
- Staff Screening Resources: www.ACAcamps.org/knowledge/human/staffscreening
- U.S. Department of State J-1 Visa Program: <http://j1visa.state.gov/basics/>
- Selecting a U.S. Department of State Sponsor: [http://j1visa.state.gov/participants/how-to-apply/sponsor-search/?program=Camp Counselor](http://j1visa.state.gov/participants/how-to-apply/sponsor-search/?program=Camp+Counselor)
- Guidance for Camps and Other Youth-Serving Organizations — Developing Criminal Background Thresholds: www.ACAcamps.org/publicpolicy/cbcthresholds
- United Kingdom International Child Protection Certificate: www.acro.police.uk/ICPC/

For More Information

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