



**U.S. Department of State
Bureau of Educational and Cultural Affairs
Private Sector Exchange**

February 11, 2013

Guidance Directive 2013-01

Summer Work Travel – SEVIS Maintenance

This guidance supersedes the following Guidance Directives: 2011-03 dated October 26, 2011, and 2012-01 dated February 2, 2012.

The Department of State takes this opportunity to provide guidance on SEVIS obligations to all designated sponsors that administer both four-month Summer Work Travel Programs and twelve-month Australia/New Zealand Pilot Programs. Sponsors are obligated, in compliance with Public Law 104-208, to properly maintain the Student and Exchange Visitor Information System (SEVIS) records of their exchange visitors. Only Department of State authorized Responsible Officers and Alternate Responsible Officers may access SEVIS and issue Forms DS-2019 or update records, and must log into SEVIS a minimum of once every 90 days to keep their SEVIS passwords active. Responsible Officers and Alternate Responsible Officers are responsible for their exchange visitors and must monitor their progress and welfare, ensuring that they engage only in the activity listed on their Form DS-2019. Responsibility for the conduct of an exchange visitor program rests with the designated sponsor and not their agents or third party entities involved in the administration of their exchange visitor program.

Legal Authority and Requirements of Exchange Visitor Program Sponsor Entities for SEVIS Records:

Public Law 104-208 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996) mandated the creation of an electronic database to collect information relating to nonimmigrant foreign students and other exchange program participants. Public Law 107-173 (Enhanced Border Security and Visa Reform Act of 2002) specifically informed Exchange Visitor Program sponsors that “[f]ailure of an ... entity to comply with the recordkeeping and reporting requirements to receive ... exchange visitor program participants under section [101(J)] of the Immigration and Nationality Act ... or section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, may, at the election of the ... Secretary of State, result in the termination ... of the ... entity’s designation to sponsor exchange visitor program participants.”

The Exchange Visitor Program regulations at 22 CFR Part 62 specify:

- Sponsors shall “[u]tilize SEVIS to up-date information on any participant, spouse, or dependent child for whom a SEVIS record has been created....” (22 CFR §62.70(a)(5))
- “Sponsors shall ensure that the actual and current U.S. address of all sponsored participants is reported to SEVIS. Sponsors shall update the actual and current U.S. address information for participants within 21 days of being notified by a participant of a change in his or her address. A sponsor's failure to update the actual and current U.S. address information within 21 days of receipt may be grounds for revocation of their Exchange Visitor Program status. Sponsors shall report a U.S. mailing address, *i.e.*, P.O. box address, in those limited circumstances where mail cannot be delivered to the current and actual U.S. address. If a U.S. mailing address is reported to SEVIS, sponsors shall also maintain a record of the actual and current U.S. address, *e.g.*, dorm, building and room number, for that exchange visitor.” (22 CFR §62.70(b))
- Sponsors shall “update information [in SEVIS] when significant changes take place in regard to the exchange visitor’s program, such as a substantial change in funding or in the location where the program will take place.” (22 CFR §62.12(c)(8))
- “The Department of State shall impose sanctions against a sponsor that has ... [w]illfully or negligently failed to comply with the reporting requirements established in Public Law 104–208.” (22 CFR §62.79(a)(1))

Summer Work Travel (SWT) sponsors should ensure that before the Form DS-2019 is printed and mailed to the participants, the SEVIS records for their exchange visitor participants contain all available information concerning the host employers to enable the visa process to continue to move quickly. Sponsors should complete all job vetting requirements before issuing the Form DS-2019. Failure to provide complete and accurate information may cause delays and could result in a denial of the visa.

Subject Field Codes Box

SEVIS requires the use of the Classification of Instructional Programs (CIP codes) to identify code numbers for instructional programs in all areas of education and is the accepted Federal Government statistical standard on instructional program classifications. It is important for SWT sponsors to select the subject field that most closely matches the EV’s field of work. For example, under Business Management, you will find specific codes that fall under the Hospitality field at 52.09. Sponsors should refrain from using general terms such as “Basic Skills” or “General Skills”.

Subject Field Remarks Box

SWT sponsors are required to add the “Job Title” of each exchange participant in the Subject/Field Code Remarks field when creating a Form DS-2019 in which a job has been vetted and approved. In addition, since participants from Visa Waiver countries are not required to be pre-placed, sponsors should only enter a job title if the placement has been identified and vetted. At the time of form

issuance, if the placement has not been identified, the sponsor must enter “Exempt from Pre-Placement” in the Subject/Field Code Remarks.

Current U.S. Address

When entering the current U.S. address, sponsors must enter the participant’s physical address. Post office boxes and milestone markers are not permitted except in limited circumstances where mail cannot be delivered to the actual address. The following are examples on how to complete the current U.S. address:

1. Residential address:

The screenshot shows a form titled "Current U.S. Address:" with the following fields: Address 1: 501 Peterson Street, NW; Address 2: Apt 101; City: Washington; State: DISTRICT OF COLUMBIA (with a dropdown arrow); Zip Code: 12345 (with a separate box for the last digit).

2. When the exchange visitor lives at a business (e.g., hotel, resort). Line 1 = hotel name, line 2 = street address and room number (if applicable).

The screenshot shows a form titled "Current U.S. Address:" with the following fields: Address 1: Robinson Hotel; Address 2: 123 Robinson Way, Room 201; City: Washington; State: DISTRICT OF COLUMBIA (with a dropdown arrow); Zip Code: 12345 (with a separate box for the last digit).

NOTE: a sponsor’s address is only permissible at the time of form issuance. Once the program is validated in SEVIS, a current U.S. address is required to be entered and updated within ten (10) days of a participant’s change of address.

Site of Activity Address

1. Adding a Site of Activity address when creating Form DS-2019:
 - A. If the host employer places SWT participants directly at the employer’s site, the employer name and address are to be displayed on the Form DS-2019. Enter the employer name in the Site of Activity and Address 1 fields and the employer street address in field Address 2.

Required fields are marked with an asterisk (*).

1. * Site of Activity:

2. Site of Activity Address:

*** Address 1:**

Address 2:

*** City:**

*** State:**

*** Zip Code:** -

3. Remarks:

B. If the host employer places SWT participants at another host site, both the host employer and the name of the host site organization should be identified on the Form DS-2019 in both the Site of Activity field and the Address 1 field. The address of the actual site of activity (host organization) should be entered in the Address 2 field.

Required fields are marked with an asterisk (*).

1. * Site of Activity:

2. Site of Activity Address:

*** Address 1:**

Address 2:

*** City:**

*** State:**

*** Zip Code:** -

3. Remarks:

C. When entering information on participants from Visa Waiver countries, sponsors must identify the participant as “Exempt from Pre-Placement”, or with participants that find themselves

“Seeking Employment” or “Travel for Remainder of Program” sponsors should enter such status in the Site of Activity name and address 1 field.

NOTE: Once the participant is in the U.S., and the record has been validated in SEVIS, a current U.S. address is required at all times.

Edit Site of Activity
Required fields are marked with an asterisk (*).

1. * Site of Activity: Exempt from Pre-Placement

2. Site of Activity Address:

* Address 1: Exempt from Pre-Placement

Address 2: 301 Missouri Avenue, NW

* City: Washington

* State: DISTRICT OF COLUMBIA

* Zip Code: 20001

3. Remarks: N/A

Site of Activity Remarks Field

Until such time as the Job Placement Verification Form (Form DS-7007) is formerly approved and authorized by the Exchange Visitor Program regulations, the Department recommends that sponsors enter the job title, in the associated Site of Activity Remarks field. This information will assist sponsors and the Department in quickly obtaining host employer contact information in case of an emergency.

When adding a second job, make certain the Remarks section is updated to include the job title and the notation “Second Job”.

NOTE: Sponsors are also permitted to add other information, such as tracking numbers, identification numbers and specific program or travel dates in the Site of Activity Remarks Box. DO NOT place such information in the address fields.

Multiple Sites of Activity

In preparation for site visits, the Office of Exchange Coordination and Compliance advised SWT sponsors of a trend where the initial Site of Activity address was very often not updated to reflect the actual (current) physical location where the participant is working. For example, sponsor officials

listed the sponsor's headquarters or national office for the Site of Activity address when initially creating and issuing the Form DS-2019; however, the Site of Activity address was not updated to reflect the actual and current site of activity (host employer) when the exchange visitor arrived. Another example is when participants are working in multiple locations as lifeguards, retail and/or food service employees with franchises comprising multiple locations, sponsors were requested to enter these Site of Activity locations into SEVIS. However, in making this request, the Department of State became aware that sponsors were unable to submit two or more Site of Activity addresses with the same name as SEVIS business rules require that each entry be unique. The Department of State would like to advise that a SEVIS Change Request (SCR) has been submitted to address this issue and that it is anticipated to be implemented with SEVIS Release 6.13. Until such time as this SCR is implemented, sponsor officials (Responsible Officer/Alternate Responsible Officer(s)) must continue to enter multiple sites of activity so that each site is created with a unique name. For example, if a participant is working in two locations for Joe's Pizza Palace, the Site of Activity Name should reflect: Joe's Pizza Palace-Poughkeepsie, NY and Joe's Pizza Palace-Arlington, NY – even if the business mailing address for both locations is the same. If a sponsor wishes to provide additional information to aid them in working with other co-workers who are not located in the same office, information can be added to the "Site of Activity Remarks Field".

Sponsors that identify and vet multiple host employers prior to creating Form DS-2019 should enter both sites of activity and enter the program dates in the subject field remarks box. Furthermore, sponsors are advised that when multiple SOAs are submitted, the Responsible Officer/Alternate Responsible Officer must identify the location where the participant will be primarily working (i.e., the majority of the time) as the "Primary" SOA and must always update this field if the participant's primary workplace changes. If the primary SOA changes, sponsors must update the subject field code remarks to match the new placement.

Validation

Sponsors must validate an exchange visitor's SEVIS record to verify that he/she is actively participating in his/her exchange visitor program. Sponsors are to validate a SEVIS record within 30 days of the Program Start Date when the program duration is greater than 30 days OR before the Program End Date when program durations are less than 30 days.

NOTE: Failure to validate a SEVIS record within the time limits identified above will result in SEVIS automatically changing the SEVIS status to "No Show" (if the SEVIS record contains Port of Entry information) or "Invalid" (if there is no Port of Entry information contained on the SEVIS record).

The SEVIS status of "No Show" is considered to be a negative status as it is used to indicate that the exchange visitor's program participation has not been validated in SEVIS by the Responsible Officer or Alternate Responsible Officer. The "No Show" status is an indicator that either the exchange visitor is not actively participating in their program or the sponsor is not actively monitoring their SEVIS records. When the SEVIS status of an exchange visitor's record remains in SEVIS as "No Show", it is interpreted to mean the exchange visitor has violated the Exchange Visitor Program regulations. This has an adverse, or negative, effect on the exchange visitor's record and may affect future visa applications. If a sponsor has not updated the record within 30 days and allows the record to update to "No Show" and the sponsor is aware the participant is in the U.S., then the sponsor must file a request

for the appropriate reinstatement to valid program status with the Department as required by 22 CFR 62.45.

While the SEVIS record is in “Initial” status, prior to validating the exchange visitor’s participation in his/her program activity, a sponsor official must:

- Verify the Program Begin and End Dates listed in SEVIS must reflect the date that the exchange visitor is expected to participate in his/her program activity. For example, if an exchange visitor is expected to arrive later than the currently listed SEVIS Program Begin Date, a sponsor official can update the Program Begin Date by utilizing the Amend Program link. The Program End Date could also be updated; however, sponsor officials should be vigilant in not expanding the Program End Date beyond the period of time permitted as defined in 22 CFR 62.32(c).
- Verify that the Current U.S. Address listed in SEVIS for the exchange visitor is updated to reflect the actual and current U.S. address where the exchange visitor can be located.
- Immediately after validating the SEVIS record, verify that the “Primary Site of Activity” is current and correct.
- When adding a second job or relocation and more than one Site of Activity is listed, make certain that the radio button to the left of the Primary Site of Activity is selected. It is the “Primary” Site of Activity that prints in the top, left-hand side of the Form DS-2019.

| Primary Site of Activity | Site of Activity | Address | Remarks | Commands |
|----------------------------------|------------------|---|------------------|---|
| <input type="radio"/> | The XYZ Company | The XYZ Company 11258 Jackson Avenue, NW Washington, DC 12345 | Cashier | Edit |
| <input checked="" type="radio"/> | Robinson Hotel | Robinson Hotel 123 Robinson Way NW Washington, DC 12345 | Front Desk Clerk | Edit Delete |
| <input type="radio"/> | The Dime Store | The Dime Store 345 First Street, NW Washington, DC 12345 | Cashier | Edit Delete |

NOTE: Sponsors are advised not to add a new Site of Activity address by “editing out” (overwriting) a currently recorded site. Sponsors that are found to update participant records by taking this type of action may be subject to disciplinary action.

Canceling an Exchange Visitor’s Program (SEVIS Record)

A sponsor can cancel an exchange visitor’s program (SEVIS record) while the SEVIS record is in “Initial” status. Canceling the record changes the SEVIS status from “Initial” to “Invalid” (Form was not used).

NOTE: When an exchange visitor’s record is “Canceled (changed to “Invalid” status)”, SEVIS will automatically increase the sponsor’s current allotment of Forms DS-2019 by one for each record cancelled.

The “Cancel EV” option is available only when the exchange visitor is in “Initial” status. Examples of when to use this option include:

- The exchange visitor has a duplicate record that you wish to mark “Invalid”—the duplicate record will remain in the SEVIS database with a status of “Invalid”.
- The sponsor official has learned that the exchange visitor will not be participating on an exchange program for reasons such as the inability to obtain a visa, personal issues, etc.
- The sponsor official has knowledge that the exchange visitor used fraudulent documents to apply to its program.

NOTE: The Department is requesting a system change request to permit sponsors to select the reason for changing the SEVIS record to “Invalid”.

Ending or Terminating an Exchange Visitor’s Program (SEVIS Record)

The Office of Exchange Coordination and Compliance reviews SEVIS Summer Work Travel records and consistently finds a significant number of exchange visitor records are not updated in a timely manner. For example, in 2012 a sponsor reported the death of an exchange visitor that took place within days of the Program Begin Date. Three months later the Office noted that the exchange visitor’s SEVIS record remained in “Active” status. The lack of action on the part of the sponsor in this situation is not acceptable.

End Program for Exchange Visitor (Exchange Visitor in Active Status): An exchange visitor’s program participation can be concluded (non-adverse termination) for the following reasons:

- Completed
- Death of EV
- Inability to continue program
- Program completed 30 days or more before program end date
- Withdrawal from the program

In addition to selecting a reason for ending the exchange visitor’s program, an “Effective Date of Completion” is required. There is also the option to enter additional comments related to ending the participant’s program in the Remarks field.

NOTE: The exchange visitor’s Program End Date will not change; it will always reflect the original intention of the program.

Terminating an Exchange Visitor’s Program (Exchange Visitor in Active/Inactive Status): Termination reasons available in SEVIS for the category of Summer Work/Travel are the following:

- Conviction of a crime
- Disciplinary action
- Engaging in unauthorized employment
- Failure to pursue EV program activities
- Failure to submit change of current address within 10 days
- Failure to maintain health insurance
- Other
- Violation of Exchange Visitor Program regulation
- Violation of sponsor rules governing the program

NOTE: This option is available for SEVIS records in either “Active” or “Inactive” status.

Setting SEVIS Status to “No Show” (when SEVIS records are in “Initial” Status)

The SEVIS status of “No Show” is indicative that an exchange visitor has violated the Exchange Visitor Program regulations. This has an adverse, or negative, effect on the exchange visitor’s SEVIS record.

If a program sponsor receives information that a potential exchange visitor has entered the United States and has not reported for participation, a Responsible Officer or Alternate Responsible Officer may:

- Set the exchange visitor’s status to “No Show”; or,
- Allow SEVIS to automatically change the exchange visitor’s status to “No Show” for the following reasons:
 - It is 30 days after the Program Begin Date listed on the Form DS-2019 that was issued to an exchange visitor to begin a new program and the EV has entered the United States through a port of entry but has not been validated.
 - If an EV who is in “Initial” status has not had his/her program participation validated 30 days after the change of status benefit start date or the program start date, whichever is earlier.

The “No Show” option is only available for an exchange visitor whose SEVIS record is in “Initial” status.

NOTE: Do not use the “No Show” option to cancel a duplicate record or a record that has been issued in error.

The “No Show” status is meant to indicate that the exchange visitor has entered the United States and has no intention of participating on its program as indicated on the DS-2019. If a sponsor does not validate the exchange visitor’s program participation in SEVIS in a timely manner and permits the record to go into “No Show” status, then the sponsor will be considered negligent of its duties and may be subject to disciplinary action.

Foreign Entity Information

In accordance with § 62.32(p)(2), Summer Work Travel sponsors must “maintain listings of all active foreign agents or partners on the Foreign Entity Report by promptly informing the Department of any additions, deletions, or changes to foreign entity information.” Sponsors are currently required to provide the Department an email template with any updates to the list of foreign entities. The template includes the names, addresses, and contact information, including physical and mailing addresses, telephone numbers, and email addresses of all foreign entities that assist the sponsors in fulfilling the provision of core programmatic services. Sponsors must utilize only vetted foreign entities identified in the Foreign Entity Report to assist in fulfilling the sponsors’ core programmatic functions outside the United States, and they must inform the Department promptly when and why they have cancelled contractual arrangements with foreign entities.

SEVIS now has the capability for sponsors to add or update a foreign entity. When adding the foreign entity, SEVIS sets the status of the entity to “Active”. If the sponsor is no longer working with the foreign entity, the sponsor has the option to set the foreign entity to “Inactive”. Although the Department requires sponsors to mail any updates on the template to remain in compliance with the regulations, the Department requests that sponsors utilize the SEVIS update functions as well. The Department will eventually convert all functions of the foreign entity report to SEVIS reporting. Further guidance will be issued when this goes into effect.

Point of Contact Information

Sponsors are required to comply with the record keeping and reporting requirements set forth in 22 CFR Part 22 and Section 502(c) of Title V of the Enhanced Border Security Act. Sponsor SEVIS records are reviewed by the Office of Designation during a redesignation review, and by the Office of Exchange Coordination and Compliance periodically.

Should you have any questions, please contact the Office of Designation for further guidance at:

Email address – SWTsponsors@state.gov
Phone number: 202-632-2805
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