

## **SUMMER WORK TRAVEL (SWT) INCIDENT REPORTING RUBRIC**

This reporting rubric should be used as a general guideline for reporting incidents to the U.S. Department of State (Department) pursuant to 22 CFR 62.13(d) and in order to ensure that a sponsor has not committed an act of omission or commission that has or could have the effect of endangering the health, safety, or welfare of an exchange visitor. The examples provided below are not meant to be exhaustive and this guidance is subject to change (e.g., there may be other serious situations, not listed below, that constitute an investigation or a serious problem or controversy that could be expected to bring the Department, the Exchange Visitor Program (EVP), or the sponsor's exchange visitor program into notoriety or disrepute or that may endanger the health, safety, or welfare of an exchange visitor). Please provide the Summer Work Travel (SWT) team in the Office of Private Sector Exchange Program Analysis and Compliance (OPAC) with an incident report emailed to: [SWTSponsors@state.gov](mailto:SWTSponsors@state.gov). An incident report is required in all situations; an e-mail regarding an evolving situation, to be followed later by an incident report, is acceptable. If sponsors have a question about whether an incident needs to be reported, they should contact [SWTSponsors@state.gov](mailto:SWTSponsors@state.gov).

<b>Nature of Incident or Allegation</b>
<ul style="list-style-type: none"><li><b>Actual or Potential Negative Press</b> (i.e., incident expected to bring the Department, the sponsor, or the EVP into notoriety or disrepute)</li><li><b>Dangerous or Unsuitable Living Conditions</b> (e.g., unvetted people in the housing location, unsafe housing, or a situation in which an EV needs to be moved to a new housing location)</li><li><b>Exchange Visitor Death</b></li><li><b>Exchange Visitor Missing, Absconder, or Overstay</b> (e.g., whereabouts unknown, or intentionally left the program without notifying sponsor)</li><li><b>Foreign Government Involvement</b> (including Foreign Embassy or Consulate Involvement)</li><li><b>Allegations of Fraud</b> (e.g., potential visa, immigration, or financial fraud/scam)</li><li><b>Incidents Involving Child Protective Services</b></li><li><b>Incidents Involving the Criminal Justice System</b> (e.g., arrest, charges, or other law enforcement involvement – either as a victim, perpetrator, or witness)</li><li><b>Litigation (lawsuits) or Other Legal Action</b> (related to the EVP, in which a sponsor, site of activity, or an exchange visitor may be a named party)</li><li><b>Lost or Stolen Immigration Documents</b> (e.g., lost or stolen passport/visa or stolen Form DS-2019)</li><li><b>Public Security Incident or Natural Disasters Directly Impacting Exchange Visitor Safety</b> (e.g., bombing, civil unrest, shooting, other acts of violence, fire, flood, hurricane, tornado, or other natural disaster)</li><li><b>Reports of Unsuitable Host/Work Conditions</b> (e.g., discrimination, hostile work environment, workplace bullying, or injuries sustained while participating in program activities, etc.)</li><li><b>Serious Behavioral Problems</b> (e.g., Exchange Visitor is a victim, perpetrator, or witness of bullying, harassment, placement conduct violations, or substance abuse)</li><li><b>Serious Medical Issues</b> (e.g., cancer diagnosis, surgery, or any serious medical condition requiring hospitalization or affecting the status of the Exchange Visitor – see clarification below)</li><li><b>Serious Mental Health Concerns</b> (e.g., eating disorder, psychiatric hold, self harm, suicidal ideation or attempted suicide, or early program end due to mental health concerns)</li><li><b>Sponsor Violations</b> (e.g., self-recognition of errors in vetting, oversight, staffing, etc.)</li><li><b>Sexually Related Incidents or Abuse</b> (e.g., assault, harassment, misconduct, incident or allegation involving sexual exploitation)</li><li><b>Work Hour and Wage Violations</b> (e.g., work hours and/or wage-related complaints to sponsor, etc.)</li></ul>

**To better aid in reporting, listed below are additional considerations for deciding whether to report injuries, illnesses, and crimes involving exchange visitors in the Summer Work Travel Program.**

<p>You should report <u>illness, injury, or medical issue</u> if it resulted in . . .</p> <ul style="list-style-type: none"><li>– Adjustment of work duties to accommodate the injury/illness.</li><li>– Changing of position to accommodate the injury/illness.</li><li>– In-patient Surgery.</li><li>– Hospitalization of 72 hours or more.</li><li>– Missing work for a 72-hour period or longer.</li><li>– Ending program early.</li></ul>	<p>You should report the <u>crime</u> if it involved . . .</p> <ul style="list-style-type: none"><li>– An exchange visitor as the victim or perpetrator of a crime (e.g., assault, domestic violence, driving under the influence, theft).</li><li>– The exchange visitor being terminated from his/her job placement.</li><li>– Ending the exchange visitors' program early or terminating the exchange visitor's program.</li></ul>
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### **SUMMER WORK TRAVEL MONITORING AND REPORTING REQUIREMENTS**

The regulations under 22 CFR Part 62 pertain to the sponsors' responsibility to inform the Department of serious incidents or problems and to cooperate with inquiries and investigations:

- **22 CFR 62.10(d)(1), (2) Monitoring of exchange visitors.** Exchange visitors' participation in their exchange program must be monitored by employees of the sponsor. Sponsors must:
  - (1) Ensure that the activities in which exchange visitors are engaged are consistent with the category and activity listed on their Forms DS-2019;
  - (2) Monitor the physical location (site of activity), and the progress and welfare of the exchange visitor to the extent appropriate for the category.
- **22 CFR 62.10(e) Requests by the Department of State.** Sponsors must, to the extent lawfully permitted, furnish the Department of State within the Department-requested timeframe all information, reports, documents, books, files, and other records or information requested by the Department of State on all matters related to their exchange visitor program. Sponsors must include sponsor's program number on all responses.
- **22 CFR 62.10(f) Inquiries and investigations.** Sponsors must cooperate with any inquiry or investigation that may be undertaken by the Department of State or the Department of Homeland Security.
- **22 CFR 62.10(g) Retention of records.** Sponsors must retain all records related to their exchange visitor program and exchange visitors (to include accompanying spouse and dependents, if any) for a minimum of three years following the completion of each exchange visitor program.
- **22 CFR 62.13(d) Serious problem or controversy.** Sponsors must inform the Department of State on or before the next business day by telephone (confirmed promptly in writing by facsimile or email) of any investigations of an exchange visitor's site of activity or serious problem or controversy that could be expected to bring the Department of State, the Exchange Visitor Program, or the sponsor's exchange visitor program into notoriety or disrepute, including any potential litigation related to a sponsor's exchange visitor program, in which the sponsor or an exchange visitor may be a named party.