



SEVP Policy Guidance: Form I-20 Issuance and School Use of Recruiters

Primary Regulation: 8 CFR 214.3(k)

Date: June 4, 2019

Issue:

The Form I-20, “Certificate of Eligibility for Nonimmigrant Student Status,” is issued to nonimmigrant students who have been accepted for enrollment at a U.S. educational institution certified by the Student and Exchange Visitor Program (SEVP). The document is critically important to nonimmigrant students who must present it when applying for a visa and when seeking admission to the United States. In that context, SEVP has been asked whether recruiters may receive the Form I-20 directly from a school’s designated school official (DSO) and control the distribution to the prospective student. For reasons of privacy, security and fraud prevention, the Form I-20 must be issued directly by a school to the nonimmigrant student, his or her dependents, or, for minors, to the parent or guardian of the nonimmigrant student.

Background:

The Student and Exchange Visitor Information System (SEVIS) was created as part of a legislative mandate to collect and maintain information on nonimmigrant students who enter the United States on F, M or J nonimmigrant visas. SEVIS is classified as a system of records, for which the Privacy Act requires U.S. Immigration and Customs Enforcement to publish notice in the Federal Register.¹ This notice is generally referred to as a System of Records Notice (SORN), which establishes, among other things, authorized disclosures for SEVIS records. The Form I-20 is a SEVIS record and is therefore subject to the related SORNs, the first of which was published on March 22, 2005,² and a modified SORN published on January 5, 2010.³

In addition to the SORNs, SEVP has also published several online resources on SEVIS, including historical user manuals, fact sheets and webinars outlining user responsibilities, obligations and the importance of protecting the integrity of SEVIS data. These resources state that recruiters cannot be given Forms I-20—“SEVP-certified school sends Form I-20 directly to student,”⁴ and “A recruiter has no proper role in handling [the] Form I-20.”⁵ Additionally, SEVP is aware of instances where recruiters, having obtained a student’s Form I-20, subsequently demanded additional payments before providing it back to the student in advance of a meeting

¹ See [System of Records Notice \(SORNs\)](#).

² Privacy Act of 1974; System of Records (70 FR 14477, Mar. 22, 2005), <https://www.govinfo.gov/content/pkg/FR-2005-03-22/pdf/05-5585.pdf>.

³ Privacy Act of 1974; System of Records (75 FR 412, para. P, Jan. 5, 2010), <https://www.govinfo.gov/content/pkg/FR-2010-01-05/pdf/E9-31268.pdf>.

⁴ See [Getting Students Ready to Enter the United States](#).

⁵ See [What is a Commission-based Recruiter?](#)

with the consulate for a visa or traveling to the United States. Such cases and other potential abuses necessitate restrictions on the issuance and distribution of Forms I-20.

Policy:

For reasons of privacy, security and fraud prevention, the Form I-20 must be issued by a DSO at an SEVP-certified school and sent directly to a nonimmigrant student, his or her dependents, or, for minors, to the parent or guardian of the nonimmigrant student.

The decision to limit distribution of any SEVIS record protects the privacy of individuals, enhances security, protects against fraud or manipulation, and is consistent with the relevant laws and regulations. SEVIS is a restricted database for authorized users only. Information contained in SEVIS is classified as personally identifiable information and is subject to the SEVIS SORN, pursuant to the Privacy Act of 1974. Consequently, SEVP is required to protect the information contained in the Form I-20 as directed by the SEVIS SORN, which only permits disclosure to enumerated parties and only under limited circumstances.⁶ Consistent with, and in addition to, the statutory restrictions, SEVP regulations state that only a DSO may issue a Form I-20 to a prospective nonimmigrant student and his or her dependents.⁷

For these reasons, DSOs are only authorized to release the Form I-20 directly to nonimmigrant students, their dependents, or, for minors, to their parent or legal guardian.

Limits of use – no private right of action:

This SEVP Policy Guidance applies to and is binding on all SEVP employees unless specifically exempt. Its intention is solely for the guidance of SEVP personnel in the performance of their official duties. Nothing in this guidance limits SEVP's authority or discretion to interpret, administer or enforce any statute, regulation, policy or guidance related to SEVP certification. This guidance may be modified, superseded or withdrawn at any time. It is not intended to, does not, and may not be relied upon to create or confer any right or benefit, substantive or procedural, enforceable at law or in equity by any person, individual or other party, public or private, in any administrative, civil or criminal matter.



James D. Hicks
Division Chief, External Operations
Student and Exchange Visitor Program

⁶ Privacy Act of 1974; Department of Homeland Security U.S. Immigration and Customs Enforcement-001 Student and Exchange Visitor Information System (SEVIS) System of Records (75 FR 412, para. P), <https://www.govinfo.gov/content/pkg/FR-2010-01-05/pdf/E9-31268.pdf>.

⁷ 8 CFR 214.3(k)