

The Minnesota Department of Education (MDE), Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding foreign exchange students attending public schools in Minnesota. The intention of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal situation. This document may not include a complete rendition of applicable state and federal law.

Question 1: What do public school districts and charter schools need to know about having international students attend their schools in the United States?

Answer: In order to attend a public school in the United States, a nonimmigrant student from another country must obtain a visa from the United States. F-1 visas are overseen by the United States Department of Homeland Security (DHS), and J-1 visas are overseen by the United States Department of State (DOS). This document only addresses foreign nonimmigrant students with an F-1 or J-1 visa attending a public secondary school in Minnesota.

Authority: Fulbright-Hays Act, amended October 27, 2010: Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) as amended, 22 U.S.C. 2451, et. seq. (1988); 22 C.F.R. § 62; [View Model Policy for International Foreign Student Exchange Programs on Council on Standards for International Educational Travel web page](#) (<http://csiet.org/publications-resources/publications/msp-printer-friendly.html>); [View Foreign Students \(F-1\) in Public Schools on the U.S. Department of State web page](#) (http://travel.state.gov/visa/temp/types/types_1269.html); Minn. Stat. § 5A.01-07; Minn. R. 3650.0010-0040.

Question 2: What does it mean when a student possesses a J-1 visa?

Answer: International students with a J-1 visa come to the United States to attend school as part of a cultural exchange program, which is sponsored by a nonprofit exchange organization. The purpose of the exchange program is to increase mutual understanding between the people of the United States and other countries through educational and cultural exchanges. A secondary student attending a school with a J-1 visa may attend one to two semesters at a public secondary host school while living with an American host family. Students in a secondary school student exchange visitor program must not have completed more than 11 years of schooling, exclusive of kindergarten, or must be between 15 and 18.5 years old. J-1 visas are not issued for summer programs. A student

with a J-1 visa who is living with a host family is considered a resident in the district in which the student is enrolled. Foreign exchange students with a J-1 visa do not pay for the cost of secondary education.

Authority: Minn. Stat. § 126C.05, Subd. 2; 22 C.F.R. § 62.1(a); 22 C.F.R. § 61.2; and 22 C.F.R. § 62.25.

Question 3: What registration requirements apply to student exchange visitor program sponsors?

Answer: The sponsor of a student exchange visitor program must be designated as a sponsor through the DOS. In addition, the international student exchange visitor placement program must be registered with the Minnesota Secretary of State.

Authority: 22 C.F.R. § 62.1-62.17; Minn. Stat. §§ 5A.01-07; and Minn. R. 3650.0010-0040. [View International Student Exchange information on the Minnesota Secretary of State web page](http://www.sos.state.mn.us/index.aspx?page=255) (<http://www.sos.state.mn.us/index.aspx?page=255>).

Question 4: What does it mean to be a host public secondary school?

Answer: The school principal or other authorized school administrator of the public school or public school district must provide prior written acceptance for the international student's enrollment and must not have more than five international students placed in their school, unless specifically requested by the school. The sponsor must provide the host school with a translated "written English language summary" of the exchange student's complete academic course work prior to commencement of school, in addition to any additional documents the school may require. The placement organization must also provide the school superintendent with an informational document including contact information. A student with a J-1 visa enrolled in a Minnesota public school is eligible to generate state aid for the enrolling/host district or charter school, even if the student has a diploma from a school in his/her home country. The student is considered a resident of the district in which the student is enrolled.

Authority: Minn. Stat. § 126C.05, Subd. 2; 22 C.F.R. § 62.25(f)(1) and (6); 22 C.F.R. § 62.25(f)(5)(6); Minn. Stat. § 5A.05; and Minn. Stat. § 126C.05, Subd. 2.

Question 5: Are there any program restrictions for foreign exchange students?

Answer: International students with a J-1 visa, are not eligible to participate in the postsecondary enrollment option. Each participating public school has the discretion to determine if international students with a J-1 visa are eligible to participate in graduation ceremonies.

Authority: Minn. Stat. § 124D.09, Subd. 5; 22 C.F.R. § 62.25(h)(i).

Question 6: What does it mean when an international student possesses an F-1 visa?

Answer: International students with an F-1 visa are nonimmigrant foreign students who wish to pursue a full course of academic study for up to one year at a public school certified by the DHS. There is no host family or exchange organization. Instead, the public school district or charter school is the responsible entity. The student is responsible for the full cost of tuition, and the public secondary school may not collect state aid for that student. To attend public school with an F-1 visa, the student must provide evidence of full tuition payment to the host public school and must be attending a public secondary high school.

Authority: 8 U.S.C. § 1184(m)(1); 8 C.F.R. § 214.2(f)(1); 8 U.S.C. 1101(a)(15)(F); [View Foreign Students \(F-1\) in Public Schools on the U.S. Department of State web page](http://travel.state.gov/visa/temp/types/types_1269.html) (http://travel.state.gov/visa/temp/types/types_1269.html).

Question 7: What are the responsibilities of a public school district or charter school related to accepting international students with an F-1 visa?

Answer: Public school districts that wish to accept international students with an F-1 visa must complete Form I-17, "Petition for Approval of School for Attendance by Nonimmigrant Students," and report any material changes related to the school and changes in student information when they occur. Schools are currently recertified every two years. School districts that complete the form are currently charged \$1700 and \$655 per campus location for the onsite visit. Part of the application process includes providing a summary description of the authority, if any, under which the public school district or charter school operates.

Once a school district has been approved, it can then complete Form I-20, "Certificate of Eligibility for Nonimmigrant Student Status." Questions on that form address the school's existing operating status, necessary facilities, qualified personnel, adequate finances, and whether the public school meets all state requirements to operate as an institution of learning; or if it is exempt from all such state requirements.

Authority: [View Initial Form I-17 Petition Frequently Asked Questions on the U.S. Department of Homeland Security web page](http://www.ice.gov/sevis/i17/) (<http://www.ice.gov/sevis/i17/>); [View Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act \(IIRIRA\) of 1996 on NAFSA: Association of International Educators web page](http://www.nafsa.org/Find_Resources/Supporting_International_Students_And_Scholars/ISS_Issues/Issues/IIRIRA_Section_641_As_Amended/) (http://www.nafsa.org/Find_Resources/Supporting_International_Students_And_Scholars/ISS_Issues/Issues/IIRIRA_Section_641_As_Amended/).

Question 8: How is data collected?

Answer: Data is collected through an internet-based system (SEVIS II), which is maintained by the DHS Student and Exchange Visitor Program (SEVP). SEVP provides approval and oversight to schools certified to enroll F-1 nonimmigrant students and gives guidance to both schools and students about the requirements for maintenance of their status.

Data is defined as the information required by DHS and DOS to track current information about students with an F-1 nonimmigrant visa or a J-1 visa who are enrolled in a public or charter school. That data includes, but is not limited to, the date a student enrolls and exits a school program, change of address, program extensions, employment notification and changes in the student's program.

Public school districts and charter schools that apply and are certified to accept international students on an F-1 visa submit data through SEVIS II. SEVIS II also maintains information on DOS designated exchange visitor program sponsors and J-1 visa exchange visitor program participants. The international program sponsor submits that information.

Authority: [View Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act \(IIRIRA\) of 1996 on NAFSA: Association of International Educators web page](#) (http://www.nafsa.org/Find_Resources/Supporting_International_Students_And_Scholars/ISS_Issues/Issues/IIRIRA_Section_641_As_Amended/); 8 U.S.C. § 1184(m)(1); 8 C.F.R. § 214.2(f)(1); 8 U.S.C. 1101(a)(15)(F); [View Certification Process on the U.S. Department of Homeland Security web page](#) (<http://studyinthestates.dhs.gov/schools/certification>); [View Find an SEVP-Certified School on the U.S. Department of Homeland Security web page](#), (<http://studyinthestates.dhs.gov/school-search>).

Question 9: How does a public school obtain documentation to verify that it is an authorized school for a student with an F-1 Visa?

Answer: In order to be authorized to enroll a student on an F-1 visa, the public school district must complete the registration requirements through SEVIS II as set forth in the answer to Question Numbers 7 and 8 above and can check the status of their registration online. Once a school district is authorized, the school district will be included in the SEVIS II search engine of authorized schools. [View the SEVIS II search engine on the U.S. Department of Homeland Security web page](#) (<http://studyinthestates.dhs.gov/school-search#>).

Authority: [View Initial Form I-17 Petition Frequently Asked Questions on the U.S. Department of Homeland Security web page](#) (<http://www.ice.gov/sevis/i17/>); [View Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act \(IIRIRA\) of 1996 on NAFSA: Association of International Educators web page](#) (http://www.nafsa.org/Find_Resources/Supporting_International_Students_And_Scholars/ISS_Issues/Issues/IIRIRA_Section_641_As_Amended/).