

## State Department Regulations

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ASSIST is designated by the United States Department of State as an authorized Exchange Visitor Program. ASSIST is also able to facilitate the issuance of the J-1 visa under which our students study in the U.S. for one academic year on Exchange Visitor status.

ASSIST's business model builds from the regulations enacted by the State Department as they cover secondary exchange students studying on J-1 visas. We have excerpted two items below: first, the introduction found on the State Department web site which summarizes the key regulations, and second, the State Department regulations that affect your work at an ASSIST member school.

### Summary

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The Exchange Visitor Program is carried out pursuant to the Mutual Educational and Cultural Exchange Act of 1961, as amended.

Its purpose is to enhance understanding between the people of the United States and the people of other countries through educational and cultural exchanges.

Sponsors and exchange visitors are required to comply with the Exchange Visitor Program regulations. It is essential that they become familiar with these regulations.

#### **Student, Secondary (High School)**

Through the high school exchange program, foreign secondary school students enter the United States to complete up to one year of academic study at an accredited public or private secondary school. During their stay, participants live with American host families or reside at accredited U.S. boarding schools. Students attend school as full time students and may attend for not less than one academic semester (or its quarter equivalent) or more than a full academic year.

Eligible participants are between the age of 15 and 18-and-a-half years at the time of initial school enrollment (by the first day of school), or have not completed more than 11 years of primary and secondary school (excluding kindergarten). Students who have previously participated in an exchange program [semester-long or year-long] are ineligible for participation in the high school program.

Prior to the students leaving their home country, program sponsors are required to provide them with all travel arrangements and a profile of the

school, host family and community in which they have been placed. Students and their parents should be made aware whether their host family is considered an arrival (temporary) family or a permanent family for the school year.

Students may take part in school sanctioned extracurricular activities, including athletics, if the school district and the state authority responsible for determining athletic eligibility approve their participation. Students may not be employed on a part- or full-time basis, but may accept occasional work such as yard work or baby-sitting.

Sponsoring organizations may not under any circumstance facilitate the entry of any foreign student into the United States without a school placement. They must obtain written notice of a participant's acceptance by the school from the principal or other authorized school administrator. Sponsors may not enroll more than five students in one school unless so requested in writing by the school.

Sponsoring organizations are required to screen all potential host families with whom participating students are placed. Sponsors ensure that the family can provide a comfortable and nurturing home environment, and has adequate financial resources to undertake hosting obligations. Under no circumstances will a sponsor facilitate the entry of any student for whom a host family placement has not been secured. A second student may be placed with a host family only with the prior written approval of the Department of State.

Please refer to the program regulations for details on the screening and selection of the students, host families, and the sponsor's administrative obligations and procedures.

## Part 62 Exchange Visitor Program

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### Sec. 62.25 Secondary school students.

- (a) **Introduction.** This section governs Department of State designated exchange visitor programs under which foreign national secondary school students are afforded the opportunity for up to one year of study in a United States accredited public or private secondary school, while living with an American host family or residing at an accredited U.S. boarding school.
- (b) **Program sponsor eligibility.** Eligibility for designation as a secondary school student exchange visitor program sponsor is limited to organizations:

- (1) With tax-exempt status as conferred by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code; and
  - (2) Which are United States citizens as such terms are defined in Sec. 62.2.
- (c) **Program eligibility.** Secondary school student exchange visitor programs designated by the Department of State must:
- (1) Require all participants to be enrolled and participating in a full course of study at an accredited educational institution;
  - (2) Allow entry of participants for not less than one academic semester (or quarter equivalency) nor more than two academic semesters (or quarter equivalency) duration; and
  - (3) Be conducted on a U.S. academic calendar year basis, except for students from countries whose academic year is opposite that of the United States. Exchange students may begin in the second semester of a U.S. academic year if specifically permitted to do so, in writing, by the school in which the exchange visitor is enrolled. Both the host family and school must be notified prior to the exchange student's arrival in the United States that the placement is for either an academic semester or year, or calendar year program.
- (d) **Program administration.** Sponsors must ensure that all officers, employees, representatives, agents, and volunteers acting on their behalf:
- (1) Are adequately trained and supervised and that any such person in direct personal contact with exchange students has been vetted through a criminal background check ;
  - (2) Make no student placement beyond 120 miles of the home of a local organizational representative authorized to act on the sponsor's behalf in both routine and emergency matters arising from an exchange student's participation in the exchange visitor program;
  - (3) Ensure that no organizational representative act as both host family and area supervisor for any exchange student participant;
  - (4) Maintain, at minimum, a monthly schedule of personal contact with the student and host family, and ensure that the school has contact information for the local organizational representative and the program sponsor's main office; and
  - (5) Adhere to all regulatory provisions set forth in this Part and all additional terms and conditions governing program administration that the Department may from time to time impose.

(e) **Student selection.** In addition to satisfying the requirements of Sec. 62.10(a), sponsors must ensure that all participants in a designated secondary school student exchange visitor program:

- (1) Are secondary school students in their home country who have not completed more than eleven years of primary and secondary study, exclusive of kindergarten; or are at least 15 years of age but not more than 18 years and six months of age as of the program start date;
- (2) Demonstrate maturity, good character, and scholastic aptitude; and
- (3) Have not previously participated in an academic year or semester secondary school student exchange program in the United States or attended school in the United States in either F-1 or J-1 visa status.

(f) **Student enrollment.**

- (1) Sponsors must secure prior written acceptance for the enrollment of any exchange student participant in a United States public or private secondary school. Such prior acceptance must:
  - (i) Be secured from the school principal or other authorized school administrator of the school or school system that the exchange student participant will attend; and
  - (ii) Include written arrangements concerning the payment of tuition or waiver thereof if applicable.
- (2) Under no circumstance may a sponsor facilitate the entry into the United States of an exchange student for whom a written school placement has not been secured.
- (3) Sponsors must maintain copies of all written acceptances and make such documents available for Department of State inspection upon request.
- (4) Sponsors must provide the 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. Sponsors must inform the prospective host school of any student who has completed secondary school in his/her home country.
- (5) Sponsors may not facilitate the enrollment of more than five exchange students in one school unless the school itself has requested, in writing, the placement of more than five students.

(6) Upon issuance of Form DS-2019 to a prospective participant, the sponsor accepts full responsibility for placing the student, except in cases of voluntary student withdraw or visa denial.

(g) **Student orientation.** In addition to the orientation requirements set forth at Sec. 62.10, all sponsors must provide exchange students, prior to their departure from the home country, with the following information:

- (1) A summary of all operating procedures, rules, and regulations governing student participation in the exchange visitor program along with a detailed summary of travel arrangements;
- (2) Age and language appropriate information on how to identify and report sexual abuse or exploitation;
- (3) A detailed profile of the host family in which the exchange student is placed. The profile must state whether the host family is either a permanent placement or a temporary arrival family;
- (4) A detailed profile of the school and community in which the exchange student is placed; and
- (5) An identification card, which lists the exchange student's name, United States host family placement address and telephone number, and a telephone number which affords immediate contact with both the program sponsor, the program sponsor's organizational representative, and Department of State in case of emergency. Such cards may be provided in advance of home country departure or immediately upon entry into the United States.

(h) **Student extra-curricular activities.** Exchange students may participate in school sanctioned and sponsored extra-curricular activities, including athletics, if such participation is:

- (1) Authorized by the local school district in which the student is enrolled; and
- (2) Authorized by the State authority responsible for determination of athletic eligibility, if applicable.

(i) **Student employment.** Exchange students may not be employed on either a full or part-time basis but may accept sporadic or intermittent employment such as babysitting or yard work.

(j) **Host family selection.** Sponsors must adequately screen and select all potential host families and at a minimum must:

- (1) Provide potential host families with a detailed summary of the

exchange visitor program and the parameters of their participation, duties, and obligations;

- (2) Utilize a standard application form that must be signed and dated by all potential host family applicants which provides a detailed summary and profile of the host family, the physical home environment, family composition, and community environment. Exchange students are not permitted to reside with relatives.
  - (3) Conduct an in-person interview with all family members residing in the home; [DAY SCHOOLS]
  - (4) Ensure that the host family is capable of providing a comfortable and nurturing home environment;
  - (5) Ensure that the host family has a good reputation and character by securing two personal references for each host family from the school or community, attesting to the host family's good reputation and character; [DAY SCHOOLS]
  - (6) Ensure that the host family has adequate financial resources to undertake hosting obligations;
  - (7) Verify that each member of the host family household eighteen years of age and older has undergone a criminal background check; and
  - (8) Maintain a record of all documentation, including but not limited to application forms, background checks, evaluations, and interviews, for all selected host families for a period of three years.
- (k) **Host family orientation.** In addition to the orientation requirements set forth in Sec. 62.10, sponsors must:
- (1) Inform all host families of the philosophy, rules, and regulations governing the sponsor's exchange visitor program;
  - (2) Provide all selected host families with a copy of Department of State-promulgated Exchange Visitor Program regulations; and
  - (3) Advise all selected host families of strategies for cross-cultural interaction and conduct workshops which will familiarize the host family with cultural differences and practices.
- (l) **Host family placement.**
- (1) Sponsors must secure, prior to the student's departure from his or her home country, a permanent or arrival host family placement for each exchange student participant.

Sponsors may not:

- (i) Facilitate the entry into the United States for an exchange student for whom a host family placement has not been secured;
  - (ii) Place more than one exchange student with a host family without the express prior written consent of the Department of State. Under no circumstance may more than two exchange students may be placed with one host family.
- (2) Sponsors must advise both the exchange student and host family, in writing, of the respective family compositions and backgrounds of each, whether the host family placement is a permanent or temporary placement, and facilitate and encourage the exchange of correspondence between the two prior to the student's departure from the home country.
- (3) In the event of unforeseen circumstances which necessitate a change of host family placement, the sponsor must document the reason(s) necessitating such change and provide the Department of State with an annual statistical summary reflecting the number and reason(s) for such change in host family placement in the program's annual report.
- (m) **Reporting requirements.** Along with the annual report required by regulations set forth at Sec. 62.15, sponsors must file with the Department of State the following information:
- (1) Sponsors must immediately report to the Department any incident or allegation involving the actual or alleged sexual exploitation or abuse of an exchange student participant. Sponsors must also report such allegations as required by local or state statute or regulation. Failure to report such incidents to the Department and, as required by state law or regulation, to local law enforcement authorities shall be grounds for the summary suspension and termination of the sponsor's Exchange Visitor Program designation.
  - (2) A summation of all situations which resulted in the placement of exchange student participants with more than one host family or school placement; and
  - (3) Provide a report of all final academic year and semester program participant placements by August 31 for the upcoming academic year or January 15 for the Spring semester and calendar year. The report must provide at a minimum, the exchange visitor student's full name, Form DS-2019 number (SEVIS ID ), host family placement (current U.S. address), and school (site of activity) address.

**§ 62.40 Termination of program participation.**

(a) A sponsor shall terminate an exchange visitor's participation in its program when the exchange visitor:

- (1) Fails to pursue the activities for which he or she was admitted to the United States;
- (2) Is unable to continue, unless otherwise exempted pursuant to these regulations;
- (3) Violates the Exchange Visitor Program regulations and/or the sponsor's rules governing the program, if, in the sponsor's opinion, termination is warranted;
- (4) Willfully fails to maintain the insurance coverage required under § 62.14 of these regulations; or § 62.42

(b) An exchange visitor's participation in the Exchange Visitor Program is subject to termination when he or she engages in unauthorized employment. Upon establishing such violation, the Department of State shall terminate the exchange visitor's participation in the Exchange Visitor Program.