International Students: Opportunities with F-1 and J-1 Visas

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Overview

International students contribute to the vibrant intellectual, social, and cultural fabric of independent schools and their numbers have grown exponentially over the last decade. Looking at F-1 visas alone, the number of international students at independent schools increased from 13,881 in 2005 to 31,122 in 2015. With this growth, there are many practical and compliance matters a school must consider when bringing international students and staff into its community. Most foreign students attend independent schools on either an F-1 or J-1 visa. In both cases, students are in the United States away from their families and living in either school-provided dormitories or a host family’s house. This advisory details the obligations and responsibilities of schools and students to ensure a smooth and successful study and cultural exchange experience.

F-1 Student Visas

F-1 visas allow students to remain in the United States during their course of study. They are transferrable between sponsoring schools and the most frequently used visa for students studying in the U.S. for longer than a year. Many students will continue in F-1 status through college and graduate school. F-1 status requires that the student work full time toward a specific academic

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1 Read more about legal considerations surrounding international students and homestay programs in this prior advisory. Also, refer to NAIS Principles of Good Practice — Education of International Students in Independent Schools for critical guidelines for the recruitment, residential life, education, and support of international students.
objective, usually graduation, at an institution approved by United States Citizenship and Immigration Services (USCIS) to offer courses of study to such international students. Once the academic objective is obtained, the student must leave the United States.

How to Become an Approved School

Your school must become certified by the Student and Exchange Visitor Program (SEVP) in order to enroll F-1 students. This process involves filing an online petition with the U.S. Immigration and Customs Enforcement Agency (ICE) through the online Student Exchange Visitor Information System (SEVIS). Both ICE and SEVIS fall under the oversight of the Department of Homeland Security (DHS).

SEVIS is a tool that brought all visa processing for international students coming to the United States online. The tool is designed to track more closely which schools are authorized to sponsor students coming into the United States, protect national security, and support education and cultural exchange. The link to SEVIS is https://www.ice.gov/sevis/overview#wcm-survey-target-id.

The SEVIS process is relatively straightforward, but it can take some time. All schools must submit an I-17 form through the SEVIS portal. Schools must also submit a certification fee (at the time of this publication the fee is $1,700) and a site visit fee (at the time of this publication the site visit fee is $655). Certification can take between nine and twelve months to complete, so schools that are considering sponsoring F-1 students should plan accordingly.

The certification process establishes some basic information for SEVP. To be certified as a sponsoring school, the school must prove that it is an established, bona fide school; that it has the necessary facilities, personnel, and finances to provide instruction in recognized courses; and that it provides such courses to the students. In the case of private, accredited schools such as NAIS member schools, the school must present evidence of state licensure (or proof of exemption) and evidence of accreditation from the school’s accrediting body. The school must also name one “principal designated school official” (PDSO) and may name as many “designated school officials” (DSO) as it sees fit, both of whom will have a variety of responsibilities.
Schools that are starting the certification process should review the SEVIS User Guide on the school certification process and the I-17 form before beginning. Schools should be aware that major (i.e., “material”) changes to the form after it is submitted may result in the school having to refile the form, and pay the certification fees again.

The certification system involves the following steps:

- The school completes the online I-17 and submits the necessary fees.
- The school’s petition is assigned to a site visit contractor, who is given 20 business days to conduct a site visit and send the information back to SEVP.
- The file is then reviewed by a case analyst.
- The case analyst will send the school a Request for Evidence (RFE) as needed and the school must respond by the date provided in the request. There are no extensions to this date, so schools need to be responsive to this deadline. Failure to meet the deadline may cause the school to go back to the beginning of the certification process.
- Any further review by the case analyst will occur and then the case will go to an adjudicator for a final determination.
- The school will be notified of final determination.
- If your school is denied certification, the decision can be appealed.

Recertification and Out-of-Cycle Review

Once your school is certified, you must go through recertification every two years. SEVP will review your school’s compliance with recordkeeping, document retention, and reporting, and confirm continued eligibility as an eligible school. There is no additional fee associated with recertification. The PDSO is responsible for filing for recertification and SEVP has a recertification checklist that can help facilitate this process.

Your school may also receive a letter from SEVP outside of the traditional recertification cycle. An out-of-cycle review letter can be sent to a school at any time and does not indicate there is a problem. Failure to respond could harm certification status, so full and prompt response to any such inquiries is critical.
Identifying a Principle Designated School Official (PDSO)

Schools must designate one PDSO. Most schools designate a representative from the admissions office as the PDSO. Schools may then designate as many DSOs as they deem necessary to support F-1 students and maintain records as required. The PDSO and DSOs must be regularly employed within the school’s administration and their compensation cannot come from commissions for recruitment of foreign students. While there are some responsibilities specific to the PDSO — such as updating SEVIS to add or remove a DSO and submitting a Form I-17 recertification petition — generally PDSOs and DSOs represent and speak for the school on all F-1 student matters and ensure the school's compliance with the applicable F-1 laws and regulations. None of the tasks may be delegated to a non-DSO.

It is vitally important that the school's PDSO and DSOs remain on the alert for all SEVIS notifications and requests for information. SEVIS has gone through several changes and upgrades over its relatively short existence, and the technological changes as well as the recertification and standard F-1 related forms and documentation requirements do not allow for much error.

Obtaining the Necessary Paperwork for the Student

Once the school is certified, it can begin sponsoring student visas. International students should go through substantially the same admissions process as other students to your school. After a student is offered admission, the school provides the student with a form through SEVIS. This form is a Certificate of Eligibility for Nonimmigrant (F-1) Student Status for Academic and Language Students, also known as the Form I-20.

How to Issue an I-20

In order to issue this document to a student, the school must:

- Be approved by ICE to enroll F-1 students (i.e., be a SEVIS-certified school);
- Receive a written application from the student;
- Receive and evaluate the student’s academic credentials and English proficiency, and ensure that the student meets the school's regular admissions criteria;
- Accept the applicant as a full-time student; and
• Assess the student’s ability to pay their expenses and study documentation illustrating the student's ability to meet at least the first year's expense.

Eligibility for an F-1 Student Visa
In order to be eligible for an F-1 student visa, the student must:
• Be enrolled in an "academic" educational program, a language training program, or a vocational program;
• Be enrolled in a USCIS-approved school;
• Be enrolled as a full-time student;
• Be proficient in English or be enrolled in courses leading to such proficiency;
• Have sufficient funds available or otherwise prove sufficient financial arrangements have been made to ensure candidate is self-supporting during the entire course of study; and
• Display strong family and home ties in the foreign country with the intent to depart the U.S. and return to his country of origin after completion of the academic program.

Admissions Process for the F-1 Student
All students who may attend your school as an F-1 student should follow whatever regular admissions procedures your school has established. The student should fill out the regular application and the school should be certain that the student fulfills the usual academic requirements. In addition, the school must review the student's proficiency in English to ensure that the student is adequately prepared for the school's environment. Some schools also provide English as a Second Language (ESL) instruction. Whichever approach your school takes, it is imperative that your admissions process appropriately screens students to ensure their success. Schools should also ensure that references and other information for applicants are authenticated to the extent possible.

Proof of the Family's Plan to Pay for the Student's Expenses
If the student's parents or others plan to pay for the student's expenses, the school may accept supporting documentation. Documentation should be made on bank letterhead stationery or by affidavit. ICE has a Form I-134 Affidavit of Support that can be used to document support given by a U.S. citizen or permanent resident. Some schools may wish to consider an advanced deposit of
tuition and other expenses. Students may need proof of such documentation when entering the country.

**Student Actions to Obtain an F-1 Visa**

Once the school has issued the Form I-20, the student must then:

- Have a passport that will be valid for at least six months;
- Intend to stay in the U.S. temporarily and solely for academic purposes;
- Be able to prove a residence outside the U.S. to which the student intends to return after their schooling is over; and
- Prove the financial ability to cover the cost of education and living expenses in the U.S.

More specifically, the student must physically have:

- The Form I-20 from his future school;
- Evidence of financial ability to meet expenses;
- Evidence of English proficiency sufficient for course of study;
- Evidence of intent to depart the U.S. after their course of study;
- A passport valid for at least six months; and
- Proof of payment of the SEVIS visa processing fee.

**SEVIS Visa Processing Fee**

After the student receives their form I-20, they must pay the required I-901 SEVIS fee. This fee has been subject to change, but at the writing of this publication the fee is $200 and may be paid either by mail or online by filling out a form I-901 and paying the fee via credit card, mailed check, or other payment form. The student must do this before they have their interview with the consulate since the consulate will require proof of payment. If the student mails the payment, the payment must be processed at least three days before the interview. If the student paid through the internet, then they may print the proof of payment from the online transaction.

**Does the student need to make payment before scheduling the interview?**

No. The payment needs to be made before the interview itself, but not before the scheduling of the interview.
May the school make the payment on the student's behalf?
Yes. Some schools may decide that it is easier for the school to handle the fee on the student's behalf. The downside of this transaction is that the fee must be paid regardless of whether the visa is ultimately granted.

How does the fee get collected?
Students can either pay the fee via the internet by completing Form I-901 and paying with a debit or credit card, completing the form and mailing it and a check or money order drawn on a U.S. bank and paid in U.S. currency, or via Western Union Quick Pay. If the student chooses the internet option, they will have the advantage of being able to print the receipt after the transaction and bringing the receipt to the embassy or consulate as a means of proving they have paid the fee. If the student chooses to use regular mail, ICE recommends allowing at least two weeks for the payment to reach SEVP. Utilizing courier service could speed up this process.

If the student mails the fee and interviews before receiving confirmation of the payment, they are at the mercy of consulate's technology to accurately reflect the payment and the consulate being able to access the information. Given some of the technological issues that have arisen with SEVIS, the internet payment with printed receipt is probably a student's best bet. This option also allows students to submit the payment as close to the interview time as necessary, provided they have the printed receipt as proof of payment.

Where else should the student carry the receipt?
Students should be able to prove payment of the fee when they arrive at the consulate for their visa interviews. Students may also need to show proof of payment when they enter the U.S. Upon entry, the immigration official generally has access to this information, but again, the student may want to have that paper copy of the receipt just in case there is a technological issue with SEVIS at the border.

Where can we get a copy of the Form I-901 for fee payment?
Find the form here.
Other F1 Questions and Answers. Ok, so I have a student who is . . .

**Graduating and going on to a U.S. college.**
As long as the student maintains status, they will not have to pay the fee again when moving on to higher education.

**Transferring to a different school.**
As long as the student maintains status, they can transfer between schools without having to pay the fee again. A student can maintain F-1 status across education levels.

**Changing their visa status from a dependent visa to a student visa.**
This student will have to pay the fee, but will not have to send in proof of payment with the change of status application. The adjudicating officer of the change of status application will have access to the information. In the event that the adjudicating officer cannot find this information in the system, the student may still have to prove payment.

**Anything else we should know about the fee?**
Foreign students apply to many schools and receive a number of I-20 forms, any one of which will allow them to get a visa through the embassy or consulate. However, when the student pays the fee, the payment only attaches to the identification number on one of those I-20 forms. ICE highly recommends that students pay the I-901 fee using the I-20 form of the school they will attend. The SEVIS ID on the payment confirmation receipt must always match the SEVIS ID on the student’s current I-20 form.

**F-1 Students Transferring Schools**
Unsurprisingly, when an international student transfers from one school to another within the United States, SEVIS requires a fairly specific procedure. The student must first notify their current school of their intent to transfer and indicate to which school they are transferring. The current school should then update the student’s SEVIS record as a "transfer out" and indicate the school to which the student intends to transfer and the release date. The release date will be either the current semester or session completion date or the date of transfer, if earlier.
The current school will have control over the student's SEVIS record until the student completes the current term or reaches the release date. The student may request that the DSO cancel this transfer request at any time prior to the release date. On the release date specified by the current school, the DSO at the transfer in school will be granted full access to the student's SEVIS record. After the release date, the DSO at the transfer in school must complete the transfer of the student's record and issue a new SEVIS I-20. The student is then required to report to the DSO at the transfer in school within 15 days of the program start date listed on this new SEVIS I-20 form. The student must enroll in the new school the semester after they leave the old school, they may not take a semester off between schools.

F-1 Students at Work During Their Time in the U.S.

During a student’s first academic year, and only if authorized by the DSO, an F-1 international student may work on campus for up to 20 hours per week. Employment must be for the school or a company that has a contract with the school to directly service students. Examples of acceptable on-campus work include working at the school bookstore or cafeteria. The student must work with the DSO to ensure that employment is appropriate and obtain certification letters from the DSO and employer to present to the Social Security Administration to receive a social security number.

After the first academic year, F-1 students may accept practical training employment or part-time work off campus. In order to accept off-campus work, the student must have a qualifying “economic hardship” and receive approval from their DSO. If the DSO provides approval, they will provide an updated I-20 form. Within 30 days, the student must file the Form I-765 (Application for Employment Authorization) with USCIS. If USCIS approves the work placement, it will send a Form I-766 (Employment Authorization Document). Once approved, students may work up to 20 hours per week when school is in session and they must apply for a social security number. Students may also engage in optional practical training (OPT) after graduation. In any case, students found doing unauthorized work are subject to deportation.

Continuity of Operations Planning for SEVP-Approved Schools

Large-scale natural disasters such as Hurricane Katrina have proven the need for planning in advance of a potential emergency. DHS “strongly encourages” SEVP-approved schools to create a continuity of operations (COOP) plan to ensure communication, access to critical records, and the
ability to transfer international students in the event of an emergency. DHS recommends that DSOs consider the following when designing a COOP plan:

- Communication: Can the school easily contact international students and do students have a point of contact?
- Documentation: Are students instructed to carry necessary travel documents at all times?
- Rules: Are DSOs well versed in SEVP rules, including how students can maintain their status in an emergency?
- Records: Are records accessible if school buildings and main servers are not accessible?
- Alternative arrangements: In the case an emergency, do you have arrangements with another school to which you can transfer international students or can you operate remotely in accordance with the rules? and
- Publication and training: Is there a publication on emergency plans known by DSOs and other relevant parties and is training conducted periodically?

**J-1 Secondary Student Exchange Visitors Visas**

Foreign students may also come to the U.S. on a J-1 exchange visitor visa. According to the State Department, which operates the exchange visitor program, the purpose of these programs is to “foster global understanding through educational and cultural exchanges.” There are many categories of J-1 visas, including secondary school students who come to accredited public or private schools for a semester or a year and live with a host family or at a boarding school.

Unlike visitors under the F-1 program, J-1 exchange visitors are generally overseen by their sponsors, which are usually umbrella organizations and not the school itself. The State Department’s Office of Private Sector Exchange in the Bureau of Educational and Cultural Affairs must approve sponsors. The sponsors are responsible for screening and selecting applicants and generally overseeing them once in the United States. Sponsors select one responsible officer (RO) and alternate responsible officers (AROs) to run the exchange programs, sign necessary forms, maintain records, and advise and assist exchange program participants. Other responsibilities of program sponsors and a list of approved sponsors may be found on the State Department’s website here and here.
How Does a Student Obtain a J-1 Visa?

It is the sponsor’s responsibility to ensure that program participants are eligible for the specific program. Generally, all potential J-1 program participants must be sufficiently proficient in the English language to participate in their program and possess a minimum level of insurance coverage.

Once the student is accepted to a State Department approved exchange visitor program, the program sponsor will provide a Form DS-2019, which includes basic information about the program participant and sponsor, a description of the program, the start and end dates of the program, and total estimated financial support that will be provided to the program participant. The Form DS-2019 utilizes the SEVIS system, the same system that manages F-1 visas. The program participant (or the program sponsor depending on the arrangement) must then pay the I-901 SEVIS fee, which for J-1 exchange visitors is $180. The rest of the I-901 SEVIS fee process for J-1 visitors is similar to the one described above for F-1 visitors. After the I-901 SEVIS fee is paid, the participant can go for their visa interview. Information and documentation that a J-1 exchange visitor applicant must have for their interview can be found here.

Who Is Eligible to Participate in a J-1 Secondary School Student Exchange?

To participate in a J-1 secondary school student program, students must:

- Be between 15 and 18 ½ years old when the program starts;
- Have finished less than 11 years of primary and secondary school (not including kindergarten); and
- Not have previously come to the U.S. to attend school under either the F-1 or J-1 program.

Overseeing J-1 Students

While there are many considerations when hosting international students at your school, schools should be aware that in 2010 the State Department tightened regulations regarding oversight of J-1 students, particularly when it comes to homestay situations in order to protect student well-being and safety. While these regulations generally apply to the program sponsors, schools should be
familiar with the requirements and work with sponsors who are compliant with these rules. Moreover, while these regulations do not apply to F-1 students, they can help schools outline some basic expectations in screening host families and identifying students when creating a homestay program.

The regulations provide that:

- Prospective host families must complete a uniform application, so that program sponsors have a consistent way to evaluate potential hosts.
- The application must provide information on the potential host families, including their ability to meet the basic needs of the student (meals, transportation to and from school, etc.), family and community environment, and descriptions — including pictures — of the family home.
- Host families must have “good reputation and character,” demonstrated by two personal references. References for the host families may not be host family members or sponsor representatives.
- Each member of the host family who is over 18 must undergo a criminal background check, which must include searching the Department of Justice’s National Sex Offender Public Registry. Sponsors must also make sure that all organizational officers, employees, representatives, agents, and volunteers acting on their behalf undergo a criminal background check as well.
- The application form will collect financial information from the host family to ensure that the host family has the resources to provide for the student while the student is living in the home. The host family may not be dependent on need-based government subsidies for housing or food.
- Single-adult host applicants who do not have children living with them will go through a secondary level of review by someone other than the individual who recruited or selected the host applicant. This secondary review is meant to ensure that there are additional people who can provide support to the student and show that the host has ties to the community. Also, the visitor student and their family must consent in writing to placement in a single individual’s home.
- Sponsors must provide training for local program coordinators that includes, at minimum, information regarding conflict resolution, how to handle and report emergencies, child...
safety standards, sexual conduct codes, procedures for handling and reporting allegations of sexual misconduct, abuse, or neglect, and how to screen potential host families. Sponsors are required to immediately report any incident or allegation “involving the actual or alleged sexual exploitation or any other allegations of abuse or neglect of an exchange student” in addition to other state and local requirements. Additionally, sponsors must make sure that local coordinators complete State Department training covering the exchange visitor program and rules and regulations particular to the secondary school student program.

- Students may not be chosen or recruited based on athletic ability.
- Payments may not be made to the host families of the exchange students.
- Sponsors must provide a separate orientation for host families at the end of the application process.
- A follow-up home visit must be made within two months of the placement by the visa sponsor. This visit must be made by someone other than the local coordinator who screened and selected the host family and made the placement. Beyond this, the local coordinator must personally contact the host family once a month, including two in-person visits (one in the fall, one in the spring).
- There are new checks to ensure that local coordinators do not have too much authority over a student.
  - Local coordinators are prohibited from being both a host family and a local coordinator or area supervisor for an exchange student.
  - They are also prohibited from performing the duties of both a host family for one sponsor and a local coordinator for another.
  - The coordinator is also prohibited from performing the duties of a local coordinator if the person is also in a position of trust or authority over the student (e.g., the student’s teacher or principal). This last item does not apply to exchange students in boarding schools.
- Under no circumstances may an exchange student be prohibited from communicating with his or her natural parents and families by telephone and email.
- Sponsors may not include personal student data or contact information or photographs of students on websites or in other promotional materials. Any access to exchange student photos or personally identifying information may only be made to potential host families
that have been fully vetted through the process and selected for participation in the program. If the information is online, it must be password protected.

Work and School Activities for J-1 Students

Students on J-1 visas may not work in either part-time or full-time jobs, but they may do “occasional” work like yard work or babysitting. Additionally, these students can participate in school extracurricular activities, including sports, with the caveat expressed above that J-1 students cannot be recruited or selected based on athletic ability.

Conclusion

At this time, the amount of interest in independent schools from overseas has been skyrocketing. Day schools find themselves launching mini-boarding programs for international students and boarding schools are working to ensure that a proper balance is maintained within the student population. It is critical that independent schools are familiar with the F-1 and J-1 visa programs to ensure a safe, positive, and culturally rich experience for the entire school community.

Resources:

- Department of Homeland Security: Study in the States
- Department of Homeland Security: SEVIS Help Hub
- Department of Homeland Security: SEVP
- State Department: J-1 Visa Basics
- Council on Standards for International Educational Travel
- International Education Training Services
- NAFSA: Association of International Educators
- NAIS Legal Webinar: International Students and Homestay Programs: Identifying the Risks and Designing Your School’s Approach (March 2015)
- NAIS Global Ambassadors Advisory Working Group and NAIS Global Videos
- NAIS Listing of Organizations as Global Education Resources
- NAIS Connect: Admissions, and Global Education and International Schools Communities
- NAIS Research on International Students (2016 and 2015)
- NAIS Principles of Good Practice: Education of International Students in Independent Schools
- NAIS Books:
  - International Students in Independent Schools: A Guide for Educators (February 2013)
  - 2016-2017 NAIS Trendbook, resources from chapters on international students (September 2016).