

# I-20 Visas and Foreign Exchange Students

## **What should we do if a foreign exchange student wants to attend our school?**

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### **Introduction**

At the beginning of a new school year, we often receive questions concerning the issue of whether a foreign exchange student can attend a Christian school in the United States. The short answer is that, generally speaking, a foreign exchange student can attend a Christian school in the United States, as long as the school has obtained the necessary approval from the Immigration and Naturalization Service (the "INS").

For schools that are not accredited through a national accrediting agency, the process of obtaining approval from the INS requires the school to complete and submit an application to the INS. This application is commonly referred to as an "I-17 Form." If the INS approves a school's I-17 application, then the school is authorized to issue I-20 visas for foreign exchange students. The I-20 visa is the legal document that allows foreign students to attend a "host school" in the United States.

In this Report, we will discuss the I-17 application as well as those documents that must be submitted in support of the application. In addition, we will discuss certain issues that may arise when your school is seeking approval from the INS to issue I-20 visas to foreign exchange students.

### **Discussion**

During this past summer, your church youth group went to Russia on a missions trip. While in Russia, the youth group stayed with various families, some of whom had school-aged children. When the youth group returned to the States, one of your ninth graders kept in touch with his Russian host family. Now this Russian family wants to send their own ninth grade son to your school. What do you do now?

### **Is it legal for a foreign exchange student to attend your school?**

As noted above, in most cases a foreign exchange student can attend your school, as long as your school is authorized to issue an I-20 visa to the student. If your school is authorized to issue such a visa, then it is referred to as a "host school."

In connection with this question, it is important to note that a public school may issue an I-20 visa with no prior approval, but a private school may issue an I-20 visa only if the school is "nationally accredited" by an accrediting body such as the Southern Association of Colleges and Schools. If the private school is not "nationally accredited," then the school must jump through certain legal hoops before it will be authorized to issue I-20 visas. In particular, the school must go through the process of completing an I-17 application and submitting this application to the INS for approval.

## **What is a 1-17 Form and where do I get one?**

The I-17 Form is the formal application that a school must complete in connection with obtaining authorization from the INS to issue I-20 visas to foreign exchange students. This form has been prepared by the INS, and the standard name of the form is the Petition for Approval of School for Attendance by Nonimmigrant Students. Your school can obtain I-17 Forms from your local or regional INS office, or from the INS office in Washington, D.C. at 1-800-870-FORM.

In addition, a "designated school official" will need to sign Form I-17A at the time the I-17 application is submitted for approval. Form I-17A states that a school official has read certain regulations relating to foreign exchange students, and that the school will comply with these regulations. The INS should send Form I-17A and a set of the applicable regulations to you at the time your school makes a request for the I-17 application.

## **What type of information will the school need to provide to the INS in connection with the 1-17 Form?**

Although the 1-17 Form is only 3 pages long, it asks for much information concerning the school. The INS is seeking this information in large part to ensure that a foreign exchange student will be attending a school that operates 180 days out of the year and teaches the core academic subjects. In other words, the idea behind seeking this information is to protect a foreign exchange student who might be paying a lot of money "up front" to attend a "sham" school in the United States that does not actually exist.

One point to remember concerning the form is that it may not provide sufficient space for your school to answer a particular question. Accordingly, your school could answer a question by referring to, for example, "Exhibit A," which would consist of a short memo fully setting forth the answer. In addition, when answering certain questions, your school may want to attach a copy of a school handbook or other relevant document, and then simply refer the INS to certain pages of the document.

Some examples of documents that your school may need or may want to attach to the 1-17 Form are as follows:

- the certificate of incorporation and corporate seal;
- A letter or certificate from a state or regional office of education verifying registration with a particular board of education;
- A letter from your state executive director verifying membership with your state Christian school association and with the AACCS;
- The school's student handbook and admissions policies;
- A letter from the school's accountant verifying certain financial information set forth in the application;
- Documentation that defines the courses of study and the time necessary to complete these courses, requirements for graduation, and causes for expulsion;
- Documentation concerning the size of the physical plant, the nature of the facilities used for training and instruction, the educational, vocational, and

professional qualifications of the teaching staff, and the amount and character of the supervisory and consultative services available to students.

In addition to these documents, your school must produce letters from three different nationally accredited colleges or universities stating that they accept graduates from your school. Your school also must provide an official letter of invitation from the school to the exchange student(s) who will be attending the school.

### **What else does our school need to know?**

The cost of submitting an I-17 Form is \$140.00, and the form should be submitted for approval to your local or regional INS office. The time that it takes your local INS office to process the application will vary depending on the area of the country in which your school is located and the amount of work that is being done at a particular INS office. (For example, the INS offices in Los Angeles and Miami have a large workload, and the time required to process I-17 Forms in these offices is longer than in many other INS offices.)

If it is necessary for your school to have the approval process expedited, then the best course of action is to make a contact in your local INS office. If you are successful in doing this, then your contact may be able to give personal attention to your school's application, and your contact may be able to "walk" the application through the INS office. Without a key contact in the local INS office, the I-17 approval process can take several weeks, or even months.

### **Conclusion**

Many schools have successfully completed the process that authorizes them to issue I-20 visas, and several AACSB member schools are currently acting as host schools for foreign exchange students. At this time, we are not aware of any "governmental intrusion" problems that have arisen as the result of a school obtaining authorization to issue I-20 visas. Moreover, the AACSB member schools with whom we have worked in this process have not encountered any problems due to the fact that religious instruction is an integral part of their curriculum.

This article is designed to provide accurate and authoritative information in regard to the subject matter covered. It is provided with the understanding that Educator Resources and the author are not engaged in rendering legal service. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.