



michigan high school athletic association

John E. Roberts, Executive Director

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TO: Superintendents, Principals and Athletic Directors of MHSAA Member High Schools
FROM: John E. Roberts, Executive Director
DATE: April 4, 2016
SUBJECT: **International Student Enrollment and Athletic Eligibility**

The purposes of this communication are two:

1. To provide a reminder of Federal regulations that have existed for many years but are inconsistently enforced by Federal agencies with respect to enrollment by international students in US secondary schools.
2. To provide a reminder of *MHSAA Handbook* regulations regarding the interscholastic athletic eligibility of international students.

Existing Federal Law

It is well known that J-1 visas are issued for a single year, while F-1 visas may be for multiple years. What is often overlooked are Federal regulations that (1) limit those F-1 students to one year of enrollment at any and all public schools in the US, and (2) require the public school to be fully reimbursed for the cost of educating that F-1 student.

See "A" for the Federal government's description of the governing laws (source is US Department of State).

Bottom line: If there was an F-1 visa student in attendance at your public school this school year, that student cannot be in attendance at any public school in the US next school year.

MHSAA Regulations

Key provisions of MHSAA regulations applicable to international students include:

- The automatic exception which allows immediate eligibility for first-time-ever 9th-graders (Exception 10) does not apply to international students.
- Only those international students (J-1 or F-1) enrolled under Transfer Rule Exception 1, 2, 3, 5, 8, 12 or 13, or placed through an MHSAA "Approved International Student Program," can have varsity eligibility.
- Those international students who are placed through an MHSAA Approved International Student Program are immediately eligible for one academic year and then ineligible for one academic year ("Play One, Wait One").
- Other international students have no varsity eligibility. After the normal (approximately one semester) waiting period for transfer students, local schools may provide those students subvarsity eligibility, regardless of grade level and previous sports experience and without MHSAA Executive Committee approval.

The Council on Standards for International Educational Travel now has a process for reviewing and listing international student programs for both J-1 and F-1 visa students operated by schools as well as organizations. The MHSAA administers a supplemental process by which **school-operated programs formed too late to be considered by CSIET** may be reviewed and listed by the MHSAA as Approved International Student Programs. The application for 2016-17 is now posted on MHSAA.com.

Questions about these matters can be directed to Gina Mazzolini, Tom Rashid or Jack Roberts at the MHSAA office.

JER/ky

Enclosures

Foreign Students in Public Schools

Overview

There are limitations and requirements related to foreign (F-1) students attending public secondary/high schools (grades nine through twelve), under U.S. law. Student F-1 visas cannot be issued to persons seeking to enter the United States in order to attend a public primary/elementary school or a publicly funded adult education program.

Dependents of a nonimmigrant visa holder of any type, including F-1, are not prohibited from attendance at either a public primary school, an adult education program, or another public educational institution, as appropriate.

Requirements List

- Secondary school attendance is limited to twelve months.
- F-1 secondary school students are required to pay the school the full cost of education by repaying the school system for the full, unsubsidized, per capita cost of providing the education to him or her.
- F-1 students are prohibited from attending public elementary schools or publicly-funded adult education programs.

Restrictions are for F-1 Students Only

The following restrictions apply to foreign students who are:

- Students in F-1 status who need an I-20 to study in the United States;
- Students in F-1 status in public schools who leave the United States and want to return to continue their studies; and
- Students in F-1 status who want to transfer from a private school or program into a public school or program.

The following restrictions do not apply to foreign students who are:

- Students in another visa status (i.e., J-2, L-1, M-2, or G-4) or
- Students in F-1 status who attend private schools or private training or language programs.

How is the 12 month attendance limit applied?

The length of study indicated on the Form I-20 must be limited to 12 months. It should be noted that public secondary attendance in a status other than F-1 does not count against the 12-month limit. For example, if you were the child of an A-2 visa holder previously attending secondary school, this would not count toward the 12 month limit.

Students Must Pay the Costs of Secondary School Education

Foreign students who want to attend public secondary school (high school) must pay the full cost of education. This amount is listed under "tuition" on the student's Form I-20. If the Form I-20 does not include the cost of tuition, the student must have a notarized statement, signed by the designated school official (DSO) who signed the Form I-20, stating the full cost of tuition and that the student paid the tuition in full. The full, unsubsidized per capita (for each student) cost of education is the cost of providing education to each student in the school district where the public school is located. Costs normally range between \$3,000 and \$10,000. The student secondary school cost reimbursement requirement is mandatory and school systems cannot waive the reimbursement requirement.

Can our school waive the tuition requirement for a high school student?

No. The law does not allow a student in F-1 status to attend public secondary school without paying tuition. The student must pay the full, unsubsidized per capita (for each student) cost of education in all cases.

Does the Section 625 of the law affect all foreign students?

No. The law affects only students in F-1 status, or applicants for F-1 visas, who plan to attend public schools or publicly funded adult education. The law does not affect other students, such as children of exchange visitors, diplomats or foreign workers.

How does the law affect F-1 students in private schools?

Students who attend private schools or privately funded adult education or language programs are not affected by the law. However, if a private school student wants to transfer to a public school or a publicly funded adult education or language program, he or she must follow the requirements of Section 625 of Public Law 104-208.

Can adult education programs issue I-20s if we charge full tuition?

The law prohibits the issuance of F-1 visas to attend publicly funded adult education programs. Publicly funded adult education is defined as: "*Education, training or English as second language programs operated by, through, or for a local public school district, system, agency or authority, regardless of whether such a program charges fees or tuition.*" Programs under this definition cannot accept students in F-1 status, even if tuition is charged.

Can organizations or individuals sponsor an F-1 student to attend public secondary school?

Yes. Nothing in the law prevents an organization or an individual from paying the full tuition costs for the student. However, the payment cannot come from public funds. The student must still show that he or she has sufficient funds to cover education and living expenses while in the United States.

Can students come to live with U.S. citizen relatives while attending public school?

Foreign students may come to the United States to live with U.S. citizen relatives while attending public school. The child is limited to twelve months of study in secondary school (high school). The child may not study in elementary school. It should be noted however, that the student's status as a resident of the school district and the fact that the U.S. citizen has paid local property/school taxes is irrelevant and does not fulfill the cost reimbursement requirement of Section 214(m) of the Immigration and Nationality Act (INA). Therefore, the full tuition costs must be paid to the school or school district.

Additional Web Resources

For more information about studying in the United States, you may also visit the [student visa](#) webpage and www.ice.gov/sevis.

References - U.S. Law

See INA 101(a)(15)(F) ([8 U.S.C. 1101\(a\)\(15\)\(F\)](#)) and INA 214(m) ([8 U.S.C. 1184\(m\)](#))