

1 Office of Secretary of State

2

3 Adopted Permanent Rules Relating to International Student

4 Exchange Visitor Programs

5

6 Rules as Adopted

7 3650.0010 DEFINITIONS.

8 Subpart 1. **Scope.** As used in parts 3650.0010 to
9 3650.0040, the following terms have the meanings given them.

10 Subp. 2. **CSIET.** "CSIET" means the Council on Standards
11 for International Educational Travel.

12 Subp. 3. **CSIET approval for listing letter.** "CSIET
13 approval for listing letter" means the letter from CSIET showing
14 that the international student exchange visitor placement
15 organization meets the standards set by CSIET and has been
16 accepted for the current listing.

17 Subp. 4. **CSIET standards.** "CSIET standards" means
18 standards published by CSIET and used by CSIET to evaluate the
19 operations of international student exchange visitor placement
20 organizations.

21 Subp. 5. **Host family.** "Host family" means the family
22 residing in Minnesota that the international student exchange
23 visitor lives with during the student's period of academic study.

24 Subp. 6. **Immediate family.** "Immediate family" means the
25 parents or legal guardians of an international student exchange
26 visitor.

27 Subp. 7. **International student exchange visitor or student.**
28 "International student exchange visitor" or "student" means a
29 foreign national who:

30 A. is up to 21 years of age;

31 B. is ~~engaged-in~~ accepted for a course of study for
32 at least 30 days at a school;

33 C. has been selected to participate in an exchange
34 visitor program by an international student exchange visitor
35 placement organization; and

1 D. enters Minnesota on a nonimmigrant visa.

2 Subp. 8. **International student exchange visitor placement**
3 **organization.** "International student exchange visitor placement
4 organization" means an organization which arranges for the
5 placement of international student exchange visitors in
6 Minnesota.

7 Subp. 9. **Nonimmigrant visa.** "Nonimmigrant visa" means a
8 visa category assigned by the United States government and used
9 by nonresident aliens whose primary purpose for visiting the
10 United States is to study at a school approved by the
11 Immigration and Naturalization Service.

12 Subp. 10. **Organization.** "Organization" means an
13 international student exchange visitor placement organization.

14 Subp. 11. **Responsible officer.** "Responsible officer"
15 means the officer or employee of the international student
16 exchange visitor placement organization located in the United
17 States who has primary authority for supervising placements in
18 Minnesota.

19 Subp. 12. **Responsible officer address.** "Responsible
20 officer address" means the description of the physical location
21 of the responsible officer in the United States. This
22 description must be a street address, rural route and rural
23 route box or fire number, or directions how to reach the
24 location from a landmark. The address must include a city,
25 state, and zip code. The address must not be a post office box.

26 Subp. 13. **School.** "School" means a public or private
27 elementary or secondary institution of learning in Minnesota.

28 Subp. 14. **Secretary.** "Secretary" means the secretary of
29 state or an authorized employee of the secretary.

30 Subp. 15. **USIA.** "USIA" means the United States
31 Information Agency.

32 Subp. 16. **USIA designation letter.** "USIA designation
33 letter" means the letter from the USIA to an international
34 student exchange visitor placement organization showing
35 acceptance into USIA's Exchange Visitor Program.

36 Subp. 17. **USIA regulations.** "USIA regulations" means

1 rules and regulations promulgated by the USIA for the Exchange
2 Visitor Program which governs international student visitor
3 placement organizations.

4 3650.0020 REGISTRATION STANDARDS.

5 Subpart 1. Selection of student. The organization must be
6 responsible for the selection of suitable students for
7 participation in its international student exchange visitor
8 program. Selection must be limited to students who have a
9 command of the English language that enables them to participate
10 in an English-speaking academic and community environment.
11 Students shall also be screened for demonstrated maturity, good
12 character, and ability to receive maximum benefit from the
13 program experience.

14 Subp. 2. Orientation of students and host families. The
15 organization must provide:

16 A. each student and the immediate family of each
17 student with orientation before departure from the student's
18 home to acquaint the student with information about Minnesota
19 and the United States. Detailed information about the school
20 and academic program in which the student will be participating
21 and the host family must also be provided;

22 B. each student with orientation upon arrival in
23 Minnesota regarding customs and the educational experience; and

24 C. each host family with orientation in advance of
25 the student's arrival. Information to be provided includes:
26 information on the student, the student's immediate family,
27 school, and native land and information about the academic
28 program in which the student will be enrolled.

29 Each organization must maintain records proving proper
30 notification of the student, immediate family, and host family
31 of the orientation sessions.

32 Subp. 3. Insurance.

33 A. Each organization must ensure that each student
34 participating in the exchange program has health and accident
35 insurance from the time of departure from home to the time the

1 student returns home. Coverage may be provided by the student
2 or the organization. Minimum acceptable insurance is:

3 (1) medical and accident coverage of \$50,000 per
4 illness or accident; and

5 (2) at least \$5,000 in coverage for preparation
6 and transportation of remains to the student's home country in
7 the event of death.

8 B. The organization must provide each student and the
9 student's immediate family and the host family with detailed
10 printed information regarding the terms and limits of insurance
11 coverage and procedures for filing a claim. Forms for filing
12 claims shall be included whenever possible.

13 C. The organization must maintain in its files proof
14 of health and accident insurance coverage for each student.

15 Subp. 4. Acceptance of students. No student shall be
16 brought into Minnesota by an organization unless the student has
17 been accepted in writing as a student for at least 30 days by a
18 legally authorized person at the admitting school. The
19 organization must maintain copies of documents authorizing
20 enrollment for each student in its files.

21 Subp. 5. Selection of host family.

22 A. The organization is responsible for making all
23 arrangements for the placement of each student with a host
24 family whose home is located in a place convenient to the school
25 in which the student is to be enrolled.

26 B. The organization must make every effort to ensure
27 the maximum degree of compatibility between the host family and
28 the student.

29 C. An employee, officer, or volunteer of the
30 organization must visit the home of, and personally interview,
31 each host family before a student is assigned to the family.

32 D. The organization must ensure that each member of
33 the host family age 18 or older who will reside in the same
34 house as the student signs a document authorizing a felony
35 background check on that person according to Minnesota Statutes,
36 section 299C.62, subdivision 2.

1 E. A written record must be made of the interview of
2 a visit to the host family by the representative. A copy of the
3 record must be maintained by the organization.

4 F. Selection of host families and assignment of
5 students must be made as far in advance of the student's arrival
6 as possible, and must be made before the student's departure
7 from the student's home.

8 G. An organization must not bring a student into the
9 United States without written acceptance from the host family.

10 H. The host family must be advised in writing of the
11 name, age, educational status, anticipated arrival time, and
12 other background information about the assigned student.

13 I. At the earliest possible time, the student's
14 immediate family must be advised in writing of the name,
15 address, family composition, and other background information
16 concerning the host family to permit the exchange of
17 correspondence between the respective families in advance of the
18 student's arrival in the United States.

19 J. Copies of these notifications must be maintained
20 by the organization in its file.

21 Subp. 6. Host family housing requirements for students.

22 A. Each organization must place the student with a
23 host family that can provide housing that:

24 (1) furnishes separate private sleeping quarters
25 for each sex; and

26 (2) furnishes the student with a bed of the
27 student's own.

28 B. The host family's home and household equipment
29 must be maintained in a clean and sanitary condition, free of
30 hazards and in good repair. The home must be accessible to
31 other resources, such as the telephone and ambulance services,
32 in the event of an emergency.

33 Subp. 7. Change in host family assignment. If it is in
34 the best interest of the student or host family, the
35 organization may make a change in the host family assignment of
36 the student. Reports of any changes and the reasons for the

1 changes must be maintained by the organization. Notification of
2 any change must be sent within 24 hours to the immediate family,
3 host families, and school of placement.

4 Subp. 8. **Employment of students.**

5 A. Each organization must advise its students that
6 they may not accept or undertake regular employment while
7 enrolled in the program.

8 B. Students may engage in occasional intermittent
9 jobs such as tutoring, babysitting, or cutting grass.

10 C. Students may not perform the duties of a household
11 domestic for compensation.

12 D. Students may be asked to assist in normal daily
13 chores in the host family household that other members of the
14 family perform.

15 Subp. 9. **Supervision by organization.** The organization
16 must maintain continuous personal contact with each student, the
17 host family, and the school in which the student is enrolled.
18 The organization must initiate action to attempt to resolve any
19 problems that may arise with respect to the student's
20 participation in the student's academic program or with respect
21 to the student's relationship with the student's host family.

22 Subp. 10. **Travel responsibility of organization.**

23 A. Transportation must be provided both to and from
24 the student's home to the student's destination by air or
25 surface modes of commercial transportation.

26 B. Travel arrangements must be carried out by the
27 purchase of a round trip ticket or tickets to the final
28 destination for each student before entry of each student into
29 Minnesota. These travel arrangements may be made either by the
30 organization or by the student.

31 C. A copy of the travel itinerary and a copy of the
32 prepaid round trip ticket must be maintained by the organization
33 in its files.

34 Subp. 11. **Information to be provided.**

35 A. An organization must provide each student, the
36 student's immediate family, and the host family with an

1 informational document regarding the organization's services.
2 The organization must also disclose all money paid to the
3 organization that is to be paid to the host family, student, or
4 to be used for special or additional activities during the
5 program period. The timing and method of payment must be
6 specified.

7 B. Each student and host family must receive a
8 document that states the amount of the fee, if any, to be
9 charged to the student.

10 Subp. 12. Agency record requirements.

11 A. Each organization must keep records at the
12 responsible officer's address of services rendered to host
13 families and students. The record for each student must include:

14 (1) the name, home address, and telephone number
15 of the student in the student's home country to whom services
16 are provided or promised;

17 (2) the name, address, and telephone number of
18 the host family with whom the student is placed. This
19 information must be on file at least seven days before the
20 student's arrival in Minnesota;

21 (3) proof that the student entered Minnesota on a
22 nonimmigrant visa;

23 (4) proof that the student is enrolled in a
24 school;

25 (5) a copy of the records that show the
26 organization's interview of the host family;

27 (6) a copy of the correspondence to the student's
28 immediate family giving them information about the host family
29 including the name, address, family composition, and other
30 background information;

31 (7) a copy of the correspondence to the host
32 family giving them information about the student including the
33 student's name, home address, age, educational status,
34 anticipated arrival time, and other background information;

35 (8) the amount of the fee received by the
36 organization and used to support the student in Minnesota and an

1 itemization of the services and charges covered by the fee;

2 (9) a complete copy of any written agreements
3 entered into between the organization, student, and host family;

4 (10) a copy of the health and accident insurance
5 policy covering the student;

6 (11) a copy of the student's travel itinerary and
7 a copy of the prepaid round trip ticket for the student; and

8 (12) a copy of the orientation information
9 provided to the student, immediate family, and host family.

10 B. The records must be maintained for a period of one
11 year from the date on which the student departs from Minnesota.
12 If a complaint is received, the records must be open for
13 inspection by the secretary of state or designee on request.

14 3650.0030 REGISTRATION ELEMENTS.

15 Subpart 1. **Appointment of responsible officer.**

16 A. Each organization must appoint and continuously
17 maintain a responsible officer in the United States who has
18 primary responsibility for supervising placements in Minnesota.

19 B. The responsible officer must be an employee or
20 officer of the organization.

21 C. An individual's signature on an application form
22 as responsible officer indicates acceptance by that person of
23 the duties and responsibilities of the position of responsible
24 officer.

25 Subp. 2. **Change of responsible officer or responsible**
26 **officer address.** If an organization changes its responsible
27 officer or the address of the responsible officer, it must
28 change its registration by delivering to the secretary of state
29 a statement that includes:

30 A. the name of the organization;

31 B. the new responsible officer address, if the
32 address is to be changed; and

33 C. the name of the new responsible officer and a
34 written statement from the new officer accepting the duties of
35 responsible officer, if the officer is to be changed.

1 The statement must be signed by someone who has authority
2 to sign documents on behalf of the organization and must be
3 filed with the secretary within 30 days of the date of the
4 change.

5 Subp. 3. Resignation of responsible officer. If a
6 responsible officer resigns, a statement of resignation must be
7 sent to the organization. The organization shall then use the
8 procedure outlined in subpart 2 to change the information on
9 file with the secretary.

10 Subp. 4. Duties of responsible officer. The person who
11 signs the application form as responsible officer must:

12 A. accept all official communications and inquiries
13 from the secretary on behalf of the organization;

14 B. maintain copies of documentation as required by
15 part 3650.0020, subpart 12, for each student placed in
16 Minnesota; and

17 C. furnish all documentation, information, reports,
18 books, files, and other records requested by the secretary on
19 all matters relating to students placed in Minnesota by the
20 organization.

21 Subp. 5. In-state telephone number.

22 A. The organization must maintain an in-state
23 telephone number as required by Minnesota Statutes, section
24 5A.05. To be considered an in-state telephone number, the
25 telephone number must either be registered to an employee,
26 officer, or volunteer of the organization living in Minnesota or
27 must be a toll-free telephone number for the organization which
28 is answered seven days a week, 24 hours a day.

29 B. The organization must ensure that the person
30 answering the in-state telephone number has:

31 (1) a listing of all students placed by the
32 organization in Minnesota and the location of each student;

33 (2) knowledge of emergency procedures;

34 (3) 24-hour-a-day contact with the organization
35 for emergencies; and

36 (4) the knowledge and capability to assist and

1 advise students in resolving the situation which has prompted
2 the telephone call.

3 Subp. 6. Application for registration.

4 A. An organization meeting the requirements in this
5 chapter and Minnesota Statutes, chapter 5A, must register with
6 the secretary. The registration must be made on a form
7 prescribed by the secretary and filed with the secretary's
8 office. The fee must accompany the filing before the filing
9 will be accepted by the secretary.

10 B. The organization must supply the following:

11 (1) a copy of the USIA designation letter showing
12 current registration;

13 (2) a copy of the CSIET's approval for listing
14 letters showing current registration; or

15 (3) a notarized statement, on a form prescribed
16 by the secretary, declaring that the organization has met all
17 the standards and obligations as required by this chapter and
18 Minnesota Statutes, chapter 5A.

19 C. Registration is effective for a period of one year
20 from the date of filing by the secretary.

21 D. Any changes in information must be sent to the
22 secretary of state within 30 days of the change.

23 Subp. 7. Registration renewal.

24 A. Before the expiration of an organization's current
25 registration period, the organization must renew its
26 registration for a one year term by completing the registration
27 form if the organization wishes to maintain its registration in
28 Minnesota.

29 B. The secretary must mail a renewal form to the
30 responsible officer at the responsible officer's address 45 days
31 before the expiration of the registration.

32 C. The failure of an organization to receive a
33 renewal form does not relieve the organization of its obligation
34 to file its renewal documents in a timely fashion.

35 D. An application for renewal must be filed by the
36 end of the organization's current registration period. The

1 secretary shall not grant an extension to file a registration
2 renewal to an organization. An organization is considered to be
3 registering for the first time if the previous registration
4 expired before a valid renewal was filed.

5 Subp. 8. Fees.

6 A. Organizations registering for the first time in
7 Minnesota must pay an initial registration fee of \$150.

8 B. Organizations renewing their registration in
9 Minnesota must pay a fee of \$50 per year.

10 C. Notification by an organization of a change in
11 information will be accepted without charge by the secretary.

12 3650.0040 TERMINATION AND REVOCATION.

13 Subpart 1. Termination. The registration of an
14 organization terminates when any of the conditions in items A to
15 C occur.

16 A. The organization requests that its registration be
17 terminated. The request must be made in writing and is
18 effective when filed by the secretary.

19 B. If the organization does not renew its
20 registration before the previous registration expires, the
21 registration automatically terminates in which case the
22 organization must apply for a new registration, and pay the
23 initial registration fee established in part 3650.0030, subpart
24 8, item A.

25 C. An organization's registration automatically
26 terminates if the organization fails to remain in compliance
27 with local, state, and federal statutes and regulations.

28 Subp. 2. Responsibilities after termination. The
29 termination of an organization's registration does not relieve
30 the organization's obligation to all students it has placed in
31 Minnesota. The terminated organization must immediately cancel
32 any student's visit before the student's arrival in Minnesota
33 unless a transfer to another registered program can be
34 obtained. If the student has already arrived in Minnesota, the
35 organization must make arrangements to support the student's

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1 experience in a manner consistent with the requirements of this
2 chapter and Minnesota Statutes, chapter 5A.