

## FOREIGN STUDENTS – Residency/Enrollment Information

### **Living with a Parent or Legal Guardian**

All students living with a parent or legal guardian who have not been granted a diploma from any school and who are under the age of 21 are considered residents of that district for purposes of a free, public education and irrespective of the student's visa or U.S. citizenship status. These students must be enrolled and are eligible to generate state funding.

### **Living with Someone Other Than a Parent or Legal Guardian**

The enrollment eligibility of students living with someone other than a parent or legal guardian is determined based on 1985 Attorney General's opinion. The 1985 Attorney General's opinion indicates:

- a. If the student is living with that person for the purpose of receiving personal care, attention, supervision, and nurture, such as is usually provided in a home, for purposes of a free, public education, the student is a resident of the district where that person lives and generates state funding for that district.
- b. If the student is living with that person solely to secure an education in the district where that person lives, the student remains a resident of the district, state, or country in which the parent or legal guardian lives. When the parent or legal guardian resides in Minnesota, open enrollment, nonresident or another agreement between districts, must be established in order for state funding to follow the student the nonresident district.

### **Visas**

Foreign students' eligibility for enrollment and/or to generate Minnesota state aid is determined the same as non-foreign students, with two exceptions.

#### **1. Cultural Exchange Visa**

A student on a **cultural exchange visa** (J1) is a resident of the district that enrolls the student, regardless of where the host family lives. The student generates state funding for the enrolling district.

#### **2. Student Visa**

A student on a **student visa** (F1) may be enrolled only in a public secondary school (grades 9 through 12). The school ***must charge*** the student "the full", unsubsidized per capita cost of providing education..." The student does not generate state funding.

#### **Visitor Visa**

Federal immigration guidelines **prohibit** students on **visitor visas** from attending school full-time. Students violating a visitor visa may be deported and face consequences such as being denied future visas, making them ineligible to attend post-secondary institutions in the country (e.g., A foreign student on school break from their country and is visiting the U.S. with a visitor visa).