



**U.S. Department of State  
Bureau of Educational and Cultural Affairs  
Private Sector Exchange**

March 14, 2024

## **Guidance Directive 2024-01**

### **College and University Student, Professor, Research Scholar, Short -Term Scholar, and Specialist: Permissible contact with human participants and/or animal subjects in academic training, research, classroom-based, teaching, laboratory work, and other supervised learning environments.**

The purpose of the Exchange Visitor Program is to promote mutual understanding between the people of the United States and foreign nationals. It does so in part by fostering the exchange of ideas, knowledge, and skills, and promoting stimulating collaborative teaching and research efforts.

The U.S. Department of State (Department) understands that sponsors have requested clarification regarding the permissibility of program activities that involve physical contact between exchange visitors and human participants and/or animal subjects, a matter which requires the exercise of discretion. The Department recognizes that exchange visitor placements in post-secondary academic fields (e.g., health care, veterinary studies, and sports medicine/physiology) may require or involve physical contact between exchange visitors and human subjects and/or animals as part of an exchange visitor's program. Current regulations do not prohibit exchange visitors in the College and University Student, Professor, Research Scholar, Short-Term Scholar, and Specialist categories from engaging in simulated or laboratory studies of humans and animals. In most cases, though not all, the regulations do not otherwise provide express guidance regarding physical contact. As such, sponsors should first look to compliance with applicable federal, state, and local laws and regulations as well as any applicable protocols that may be in place at the specific laboratory, university, or similar exchange visitor site of activity. All applicable requirements in the regulations governing the Exchange Visitor Program continue to apply. For example, for exchange visitors in the College and University category, consistent with 22 CFR section 62.23(i)(8)(i), sponsors must not place a student intern in clinical positions or positions engaging in any other kind of work that involves patient care or contact, including any work that would require student interns to provide therapy, medication, or other clinical or medical care (e.g., sports or physical therapy, psychological counseling, nursing, dentistry, veterinary medicine, social work, speech therapy, or early childhood education).

If sponsors continue to have questions about whether such physical contact is permissible, we remind sponsors of their general duties under the Exchange Visitor Program regulations, including

those contained at 22 CFR Part 62.10(d) requiring sponsors to monitor the progress and welfare of exchange visitors and their site of activity, and their duty to conduct their programs in such a way that they do not have the effect of endangering the health, safety, and or welfare of exchange visitors. Prior to approving student placements that entail contact with human participants and/or animal subjects, sponsors should assess in the affirmative whether the following obligations are met:

(1) Is the exchange visitor a college and university student, (including student interns and students on academic training), professor, research scholar, short term scholar, or specialist; and does the activity occur at an accredited postsecondary educational institution, research facility or other academic institution, or a medical facility/hospital affiliated with the sponsor, or a national lab overseen by the U.S. Department of Energy?

(2) Has the sponsor verified the host institution, facility or lab has the appropriate protocols in place to handle human participants and animal subjects?

(3) Is physical contact between qualified academic exchange visitors and human subjects and/or animals permitted by federal, state, local, and institution-specific statutes, regulations, and/or rules?

(4) Is the physical contact between exchange visitors and human subjects and/or animals a required component of the course of study or academic objective?

(5) Are similarly situated U.S. students or scholars also required to participate in such physical contact between human subjects and/or animals?

(6) Is direct supervision of the exchange visitor during the physical contact between exchange visitors and human subjects and/or animals required or reasonable under the circumstances to mitigate risks associated with such activity?

(7) Can the sponsor monitor the exchange visitor to ensure there is an educational and training objective to the activity and the academic appropriateness of their duties? and;

(8) Does the placement meet all other academic category-specific eligibility requirements?

Should you have any questions, please contact the Office of Private Sector Exchange Designation at [AGexchanges@state.gov](mailto:AGexchanges@state.gov) for further guidance.



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