

Frequently Asked Questions (FAQ)

FAQ for Final Teacher Rule

These Frequently Asked Questions and Answers are provided for the convenience of the public. They are not intended to, nor can they, replace the regulation itself or otherwise serve to establish requirements for the Teacher Exchange Visitor Program.

Effective date -

Q: When does the new teacher regulation go into effect?

A: The revised teacher regulation, 22 C.F.R. 62.24, went into effect on February 29, 2016. The regulation applies to all program activities that begin after the date on which the regulation becomes effective.

Teacher eligibility -

Q: Why does the new regulation require exchange teachers to have a bachelor's degree or its equivalent?

A: Every U.S. state requires teachers to have, at a minimum, a bachelor's degree. In order that exchange teachers will not be disadvantaged in their U.S. host schools by having a dissimilar credential to their U.S. colleagues, the regulation (22 C.F.R. 62.24(d)(2)) requires sponsors to ensure that exchange teachers have at least a degree equivalent to a U.S. bachelor's degree. Teachers, when they apply to the program, may use a credential evaluation service to demonstrate that they have a B.A. - equivalent degree.

Q: May pre-kindergarten teachers now participate in the Exchange Visitor Program?

A: Pre-kindergarten teachers may now participate in the teacher category of the Exchange Visitor Program. 22 C.F.R. 62.24(f)(6) states that a pre-kindergarten level exchange teacher must be assigned to teach full-time in an accredited host school (or in several schools within the same host school district, including at several academic levels, with prior permission from the Department).

Q: Must pre-kindergarten exchange teachers have a B.A. - equivalent degree?

A: Yes; this requirement is set forth in 22 C.F.R. 62.24(d)(2).

Q: Must teachers have two, or three, years of prior teaching experience to be eligible for the J-1 teacher exchange program?

A: The current requirement is at least two years of prior teaching experience, as set forth in 22 C.F.R. 62.24(d)(1)(i) and (ii).

Q: May teachers who are currently unemployed in their home countries apply to the J-visa program for teachers under the new rule?

A: No, with one exception. In accordance with 22 C.F.R. 62.24(d)(1)(ii), applicants who are not currently working may participate in the program if they: (a) have at least a degree equivalent to a U.S. bachelor's degree, (b) have two years of teaching experience within the past eight years, and (c) have successfully completed an advanced degree beyond a U.S. bachelor's degree-equivalent within one year of the date upon which their

program application is submitted. In making this exception, the Department acknowledges that potential exchange teachers might wish to complete an advanced degree and follow-up this degree by taking the opportunity to teach abroad for a period of time soon thereafter, before they continue their teaching careers in their home countries. In accordance with 22 C.F.R. 62.24(d)(1)(ii), the advanced degree must be in the subject field (or a closely related one) that the exchange teacher proposes to teach while in the United States, or in the field of education. As set forth in 22 C.F.R. 62.24(e)(4), sponsors must require teachers who are not currently working, but who are participating in the program by virtue of having recently completed an advanced degree, to locate and cooperate with a school, preferably in their home country, at their teaching level in order to conduct the required international dialogue or virtual aspect of the cross-cultural activity component while they are on exchange.

Q: Is a citizen of one country who is currently teaching in another country eligible to apply to be a J-1 exchange teacher? May a U.S. school host a J-1 exchange teacher who is currently a resident of a country that is not his or her country of nationality?

A: The regulation (22 C.F.R. 62.24(c)(3)) defines home country school as “[a]n exchange teacher’s school in his or her country of nationality or last legal country of residence.” If a teacher is currently teaching in a country where he or she has citizenship or lawful permanent residence, then that teacher is eligible for the J-1 teacher exchange program from that country. In addition, if a teacher can document that he or she is currently teaching in a country where he or she has a lawful temporary residence, then he or she is also eligible for the J-1 teacher exchange program. In both cases, the teacher must meet all regulatory requirements, including ability to carry out the cultural component as set forth in 22 C.F.R. 62.24(h), including the cross-cultural activity with a school in another country. For example, a French national teacher who is working in a French school in Vanuatu or a German teacher working in a German school outside of Germany would be eligible for the program, provided that he or she meets all regulatory requirements. The school at which the teacher is teaching in his or her country of lawful residence is permitted to be the teacher’s “home school” and the teacher may conduct the virtual part of the cultural component with that school, or the teacher may conduct it with his or her school in the country of nationality. However, a teacher living in a third country who is not employed as a teacher is not eligible for the program, unless he or she is qualifies under 22 C.F.R. 62.24(d)(1)(ii) by virtue of having recently graduated from an advanced degree program.

Program transparency –

Q: Should sponsors put their program fees on their website?

A: Yes, 22 C.F.R. 62.24(g)(1) requires sponsors at the time of recruitment, in addition to the information required by paragraphs 62.10(b)-(c) in Subpart A, to provide on their main websites and in their recruiting materials a general summary of fees and other costs for the program. This summary should include the sponsor fee; foreign or domestic third party or partner fees; visa fee; the Student and Exchange Visitor Information System (SEVIS) fee; insurance costs; estimates for food, housing and local transportation costs; expected work-related deductions; and estimates or ranges for all other fees charged for and significant general costs related to participation in the teacher exchange program.

Q: How can sponsors calculate a tax figure for exchange teachers? Every state has varying requirements. Some teachers do not know their exact salary until they arrive and all their credentials are analyzed.

A: In accordance with paragraph 62.24(g)(2), for purposes of clarity, sponsors should provide a tax estimate so that exchange teachers can know what deductions are made from their gross salary and plan financially. The

expectation is not that sponsors must calculate an exchange teacher's tax down to the last penny for every teacher, since income tax is based on various individual-specific factors. But tax bracket percentages for certain income levels are generally accessible for both Federal and state income taxes. In addition, sponsors should indicate to exchange teachers that some countries have applicable tax treaties with the United States, while others do not, and that exchange teachers should explore whether they will be subject to a tax treaty before coming on exchange in order to better understand what their general tax obligation may be when participating in the program.

Timing of the exchange -

Q: May a teacher begin his or her exchange at a time that does not correspond to the U.S. academic calendar?

A: Yes. The Department understands that there may be instances where a teacher may seek to conduct an exchange in the United States on a different year-cycle than the regular U.S. academic year, which usually runs from July/August/September to May/June. As set forth in 22 C.F.R. 62.24(f)(2), in such a situation, sponsors must notify and receive approval from the Department if a host school has an exchange teacher beginning his or her exchange after the start of the U.S. academic year. The sponsor must ensure that the host school includes such alternative dates in its contract with the exchange teacher. In general, however, teachers, in accordance with paragraph 62.24(f)(2), are expected to conduct exchanges that correspond to the U.S. academic year.

Placement –

Q: May exchange teachers at the pre-kindergarten level teach in a day-care type of institution?

A: No. As set forth in 22 C.F.R. 62.24(f)(6), pre-kindergarten teachers on exchange in the United States must teach full-time (32 hours or more) at accredited public or private primary and secondary schools (K-12). Pre-kindergarten exchange teachers may not participate in exchanges at institutions whose primary purpose is daycare, and they may not teach in supplemental educational programs offered at, but not included as, a regular course of study by an accredited school. At the pre-kindergarten level, exchange teachers may only teach in language immersion programs offered as regular courses of study by accredited primary schools. (Exchange teachers may teach a variety of subjects and levels at their host school or schools, if qualified, but at the pre-kindergarten level, may teach only in language immersion programs.)

Q: How can sponsors verify that a U.S. school is accredited?

A: Sponsors are required, in accordance with 22 C.F.R. 62.24(f)(4), to place exchange teachers at accredited primary and secondary schools. Sponsors should ask each host school for proof of accreditation. The goal of accreditation is to ensure that education meets acceptable levels of quality. Accrediting agencies, which are private educational associations of regional or national scope, develop evaluation criteria to assess whether or not those criteria are met. Schools and/or programs that request an agency's evaluation and that meet an agency's criteria are then "accredited" by that agency. Within the United States, there is no federal government list of recognized accreditation agencies for primary or secondary schools. There are, however, regional accreditors in the United States that generally accredit elementary schools, junior high or middle schools, and high schools. U.S. public schools must follow requirements set by state governments.

Q: Does the mandatory full-time (32-hour) teaching rule apply to all teachers, or only to pre-kindergarten teachers?

A: The 32-hour rule applies to all exchange teachers on the J-1 program. Under 22 C.F.R. 62.24(d)(5), as part of their eligibility requirements, exchange teachers on the J-1 program “[a]gree to come to the United States temporarily as a full-time teacher of record in an accredited primary or secondary school.” Full-time teaching is defined in 22 C.F.R. 62.24(c)(2) as a “minimum of 32 hours per week of teaching or teaching-related administrative activities.”

Cross-cultural component –

Q: 22 C.F.R. 62.24(h) specifies that exchange teachers must complete a cross-cultural activity component. Does this mean that exchange teachers are required to create/organize/lead a cultural activity in their placements?

A: Yes, sponsors must require each exchange teacher to complete, within the United States, and during each academic year of program participation, at least one cross-cultural activity from each of the two categories listed at 22 C.F.R. 62.24(h).

Q: Why does there need to be a cross-cultural component for exchange teachers?

A: The Exchange Visitor Program’s purpose under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. § 2451 *et seq.*) is to “increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world.” In keeping with this authority, the Department wishes to ensure that its visiting teachers come in contact with and convey knowledge to large numbers of U.S. students and community members. The Department is of the view that a dialogue of ideas should ensue from the teacher exchange program and that the cross-cultural component will create opportunities for such dialogue.

Q: Is there a template for the cross-cultural report? Is there a rubric to “grade” the report?

A: The requirements for the cross-cultural report are set forth in 22 C.F.R. 62.24(h)(2). There is no specific format or template for the cross-cultural report. However, the Department encourages teachers to report their cross-cultural activities in sufficient detail so that the sponsor is well-informed about how that teacher’s exchange has contributed to the cross-cultural requirements of the teacher exchange program.

While there is no template, 22 C.F.R. 62.24(h)(2) requires that the report about the cross-cultural activity component must contain the following information:

- (i) The date(s) of each activity;
- (ii) The location of each activity;
- (iii) The audience for and participants in each activity;
- (iv) A general overview of each activity, including the topic; and,
- (v) The estimated impact of each activity.

Q: What does the virtual cross-cultural activity mean?

A: The Department, in 22 C.F.R. 62.24(h)(1)(ii), requires exchange teachers to conduct, as one element of their cross-cultural component, an activity that involves U.S. student dialogue with schools or students in another country, preferably in the exchange teacher’s home school, through virtual exchange or other means, in order to

supplement the goals of the in-person exchange. A virtual exchange is defined at 22 C.F.R. 62.24(c)(7) as a “technology-enabled, sustained, people-to-people cross-cultural educational program that may supplement the goals of an in-person exchange and integrates global knowledge, cultural awareness, and/or foreign language into the classroom or other setting.”

Some examples of virtual exchanges are as follows: Students in the exchange teacher’s home and host schools work together online and through e-mail to complete a news-magazine that covers an interesting topic relevant to both the teacher’s home country and the United States, or students in the exchange teacher’s home and host schools collaborate through a virtual joint classroom session whereby U.S. students practice a foreign language with students of their own age in the exchange teacher’s home school, and students abroad have an opportunity to practice their English with the teacher’s host school students in the United States.

The Department wishes to encourage exchange teachers, within the rules of their home and host schools, to think of creative virtual projects that might expand the benefits of a J-1 teacher exchange to others in the school and community (i.e., in addition to benefitting the individual teacher). For more information, the Department has posted in this web-section an information sheet on how to enable virtual classroom exchanges.

Q: When requesting a program extension, is a sponsor required to submit a copy of the exchange teacher’s cross-cultural activity report?

A: Yes, as set forth in 22 C.F.R. 62.24(k)(1)(ii), at the time an extension is requested, a sponsor is required to submit a copy of the exchange teacher’s cross-cultural activities report(s) over the course of his or her exchange program. However, it might be the case that the exchange teacher wants to supplement the cross-cultural activities report because that teacher conducted additional activities since the last report was filed, or that teacher wishes to comment generally on how all of his or her cross-cultural activities conducted over the course of the exchange have impacted the host or home school over the entire exchange period. For this reason, 22 C.F.R. 62.24(k)(2)(ii) requires the sponsor to file an additional document that describes how the exchange teacher, over the previous three years, has engaged his or her classroom, the wider host school or host school district, or community, through the cross-cultural activity component, if these activities are not already detailed in the exchange teacher’s annual reports.

Q: Exchange teachers may be limited in their ability to conduct cross-cultural activities due to location and resources; if this is the case, how can they fulfill this requirement?

A: 22 C.F.R. 62.24(h)(1)(ii) provides that the student dialogue can be carried out by means other than virtual exchange. The Department recognizes that schools in some areas of the United States and/or in other countries may have only minimal Internet connectivity for a virtual activity. If that is the case, exchange teachers should find another way to conduct this element of the cross-cultural component. There are many interesting ways for exchange teachers to use non-virtual methods to connect home and host schools: pen-pal letters (sent using postal mail) between partner students in home and host school classrooms are one possibility; another example is for students in the host and home school to take pictures on a particular assigned topic and write up captions describing these pictures, and then exchange these items through the postal mail as the basis of classroom discussion in each country.

Extension of exchange –

Q: If a teacher wishes to stay for three years and then add on a semester to continue teaching after this time period, is this permitted?

A: No, as set forth in 22 C.F.R. 62.24(k)(1), sponsors may request from the Department an extension of an exchange teacher's exchange by either one or two years, but not by a semester or by other fractions of academic years.

Q: How early in the third year may an extension be requested?

A: A sponsor must submit its extension requests and supporting documentation for the extension to the Department no later than three months prior to the beginning of the desired extension period for the exchange teacher (22 C.F.R. 62.24(k)(3)). It is advisable for the host school to apply to the sponsor much earlier than this deadline to make sure that the process runs in a timely way, but only after the teacher has finished the cross-cultural activity component during the third year, since the Department will take the exchange teacher's record of cross-cultural activities into account when considering one- or two-year extensions for exchange teachers.

Q: After a sponsor submits a request for extension to the Department, how long will it take the Department to notify the sponsor if the extension has been granted?

A: The Department expects the review and granting of an extension to take approximately four to six weeks, though in some cases it may take longer. Sponsors are encouraged to provide all supporting documentation at the time of extension request submission.

Q: If an exchange teacher is granted an extension, will he or she keep the same SEVIS record or will a new record be created (thus decreasing the number of teacher exchange DS-2019 allotments available to new candidates)?

A: The exchange teacher would keep the same SEVIS record; extensions will not decrease a sponsor's allotment of Forms DS-2019.

Q: How will an extension be processed in SEVIS if the Department extends an exchange teacher's visa beyond the previous three-year maximum program duration?

A: The sponsor submits a request in SEVIS for a Program Extension Beyond Maximum Duration. Once a decision is made whether or not to approve the request, an action will be processed in SEVIS. The sponsor will receive an alert from SEVIS.

Q: Can a sponsor request a J-1 visa extension for an exchange teacher who has been previously on a three-year J-1 visa but who is currently on a Q-1 visa?

A: No. Previous exchange teachers who have successfully completed (i.e., concluded) their exchange program must fulfill the two-year home country physical presence requirement.

Q: Will the sponsor be allowed to set any additional parameters beyond the Program Extension section of the regulation (22 C.F.R. 62.24(k)) when recommending exchange teachers for an extension into the fourth and fifth year, beyond the two requirements of a letter of reference written by the host school and a document on a cross-cultural component, for example, a parameter on state teacher performance evaluations?

A: Yes, the sponsor may set requirements that are in addition to the requirements of the regulation. However, any additional requirements may not replace or countermand requirements set forth in 22 C.F.R. Part 62.

Q: Is an extension guaranteed?

A: No, requests for extension are not guaranteed to be approved by the Department. The Department expects to grant extensions only if a host school can show that their J-1 exchange teacher has had an effective exchange in the first three years and highly recommends that teacher for an extension.

Q: Will there be a limit on the number of extensions that will be granted?

A: There is no set limit on the number of extensions across the program that the Department may decide to grant host schools that apply to sponsors in order to extend their exchange teachers for a fourth or fifth exchange year. For teachers, the limit for any extensions is a maximum exchange duration of five years, as set forth in 22 C.F.R. 62.24(j), after which the exchange teacher is required to return home for two years before he or she can apply to return to the U.S. on a subsequent teacher exchange (see 22 C.F.R. 62.24(l)).

Q: How much is the fee? Who pays the fee?

A: The extension fee is \$367.00. The sponsor pays the fee through pay.gov.

Repeat participation -

Q: May exchange teachers currently on exchange in the United States go home for one school year and then come back on a J-1 visa to teach in the United States?

A: No. In accordance with 22 C.F.R. 62.24(l), exchange teachers must reside outside the United States for at least two years following the successful completion of their most recent teacher exchange program.

Q: Who is responsible for verifying that a candidate has lived outside the United States for the two years prior?

A: This is the sponsor's responsibility as part of the screening process. Teachers who are found while on exchange to have failed to fulfill the two-year home physical presence requirement as specified in 22 C.F.R. 62.24(l) may have their exchange terminated by their sponsor or the Department.

Q: How many times can a teacher come back to the United States with a J-1 visa?

A – There is no limit as long as an exchange teacher has resided outside the United States for at least two years, as set forth in 22 C.F.R. 62.24(l) and the teacher remains eligible per the regulatory requirements.

Q: What if an exchange teacher completes his or her three years of exchange in one state and applies for participation in another state's education system immediately afterward (without two years of residing outside the U.S.)?

A: An exchange teacher may not "extend" his or her three year exchange into a different exchange; the extension must be in the school or school district of the initial exchange. If an exchange teacher completes the three years and does not wish to extend that exchange, the J-1 exchange teacher has completed his or her program and must return home. 22 C.F.R. 62.24(l) states that foreign nationals who have successfully completed teacher exchange programs are eligible to participate in additional teacher exchange programs, provided that they have resided outside the United States for at least two years following the successful completion of their most recent teacher exchange program and continue to meet the eligibility requirements set forth in 22 C.F.R. 62.24(d).