



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

Issued: May 17, 2012
Amended: May 25, 2012

Guidance Directive 2012-06

Exchange Visitor Program – Confucius Institutes

This amended Guidance Directive replaces that of May 17, 2012. It is intended to explain procedures for regularizing the visa status of Chinese language teachers in the United States, including the clarification that:

1. When conducting university or college-based activities with Confucius Institutes, a college or university sponsor's accreditation is sufficient to comply with the regulations set forth at 22 CFR 62.20(c).
2. Exchange Visitors sponsored by university or college sponsors who are teaching in primary or secondary schools are not required to depart the United States at the end of this academic year, unless that was their intended date of departure.
3. The Department will work with sponsors to ensure Exchange Visitors are sponsored in the proper category with the appropriately-designated sponsor. The Department of State realizes this process will take time and has taken steps outlined below to minimize any disruption to individuals and institutions.

The Exchange Visitor Program is important to the Department of State (Department) as it facilitates the mutual understanding of the people of the United States and people of other countries. Specifically, the Department fully supports teacher and professor exchange programs that promote teaching in accredited educational institutions.

Are you currently sponsoring an Exchange Visitor under a university or college category who is teaching in a primary or secondary school?

If you answered yes, this guidance directive will assist you to ensure that the exchange programs being offered are meeting all regulatory requirements. The Office of Designation is here to assist you to determine if your program meets the regulations and available alternatives if an activity falls outside your designation. In addition, we will

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provide necessary guidance for institutions or organizations considering applying for a new designation.

Teachers

Teaching positions in primary and secondary schools (K-12) are authorized under the “Teacher” category set forth at 22 CFR 62.24. Sponsors must be specifically designated to bring exchange participants under this category. The regulations do not permit individuals sponsored under professors, research scholars, short-term scholars, or college/university student designations to teach primary and secondary school students in public school systems or private schools. Rather, individuals under the “Teacher” category need to have designated teacher sponsors.

Professors/Research Scholars

The “Professor” and “Research Scholar” categories set forth at 22 CFR 62.20 are authorized for a college or university’s use. The purpose of these categories is for “the exchange of professors and research scholars that promotes the exchange of ideas, research, mutual enrichment, and linkages between research and educational institutions in the United States and foreign countries. It does so by providing foreign professors and research scholars the opportunity to engage in research, teaching, and lecturing with their American colleagues...” This exchange is intended to occur at the post-secondary school level.

Program Distinctions

The teacher and professor categories are separate and distinct categories, and their program activities cannot intermingle as the qualifications, regulations, and program requirements greatly differ. Designations under the “Professor” category are reserved for *bona fide* exchange visitor programs, which offer foreign nationals the opportunity to engage in research, teaching, lecturing, observing, or consulting at research institutions, corporate research facilities, museums, libraries, post-secondary accredited educational institutions, or similar types of institutions in the United States. Exchange visitors under the professor or other university level categories are not permitted to conduct program

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activities in pre-schools, primary and secondary school systems, summer camps, or other local community activities for K-12 students.

Accreditation

The college or university sponsor's accreditation is sufficient to comply with the regulations set forth at 22 CFR 62.20(c). Those courses offered through Confucius Institutes may be taught at either the Confucius Institute or the partnering college or university.

Next Steps

For college/university sponsors whose J-1 exchange visitors are teaching in public and private K-12 schools under a post-secondary institution category, such as "Professors" or "Research Scholars," please contact the Office of Designation no later than June 8, 2012. Sponsors should provide the number of individuals scheduled to finish their programs after this academic year; the number that will finish in December; and the number that will finish at the end of the next academic year and beyond. Sponsors should update SEVIS to reflect current site of activity and inform the Department if they are in collaboration with a designated teacher sponsor, or if they need assistance in facilitating a partnership. Sponsors should also inform the Department if they are in collaboration with an organization that is interested in applying for its own designation in the "Teacher" category. In some cases, the designated sponsor in the teacher category may establish a partnership with the original college or university sponsor as appropriate and desired.

The Department is aware that the transition may take time. The Department will work with each sponsoring university or college to facilitate the transition process. We do not wish to disrupt next semester's teaching. The Office of Designation may be reached at 202-632-9310 or by email at EVPadministration@state.gov.

Sponsors at the college/university level may follow any of the below options:

1. Contact a current sponsor with a teacher designation. A list of current designated sponsors can be found on the Department's website at:

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<http://j1visa.state.gov/participants/how-to-apply/sponsor-search/?program=Teacher>

2. Work with organizations such as the departments of education of individual states, or with individual schools. Alternatively, school districts may apply for their own “Teacher” designation as an Exchange Visitor Program sponsor. Directions for applying for the “Teacher” designation can be found on the Department’s website at: <http://j1visa.state.gov/sponsors/become-a-sponsor/how-to-apply/>.
3. Re-assign the participant to an appropriate activity at the college/university.

Site of Activity

A vital part of program administration is ensuring that the site of activity for each exchange participant’s SEVIS record reflects the actual location where the participants are placed. This includes initial placement, as well as any subsequent changes of location.

Please note that the Department stands ready to help you navigate through this process. We thank you for your continued commitment to international exchanges and to the Department’s public diplomacy mission. Your contribution is vital, and we value your partnership.



Robin J. Lerner
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for Private Sector Exchange