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**BridgeUSA: Exchange Visitor Handbook**

**(Teacher Category)**

 **2023**

**Office of Educator Licensure**

**135 Santilli Highway**

**Everett, MA 02149**

**www.doe.mass.edu/licensure**

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# BridgeUSA: Exchange Visitor (Teacher) Program Overview:

The Exchange Visitor program implements the Mutual Educational and Cultural Exchange Act of 1961 (the “Act”). The purpose of the Act is to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges. The Exchange Visitor program – Teacher category in particular, promotes the interchange of U.S. and foreign teachers. Exchange teachers sharpen their professional skills and participate in cross-cultural activities in schools and communities, and they return home after the exchange to share their experiences and increased knowledge of the United States and the U.S. educational system. Such exchanges enable foreign teachers to better understand U.S. culture, society, and teaching practices at the primary and secondary levels, and enhance U.S. students' knowledge of foreign cultures, customs, and teaching approaches.

The Department of Elementary and Secondary Education (ESE) is one of many approved sponsors participating in this program and like many sponsors, only sponsors exchange visitors from countries with which it has entered into a Memorandum of Understanding (MOU). ESE currently has an MOU with both the Spanish Ministry of Education, Culture, and Sport and the Portuguese Instituto Camões. Through these partnerships, licensed teachers from Spain and Portugal are able to come to the United States on a J visa and teach as a full-time teacher of record in a Massachusetts accredited public or private U.S. primary or secondary school (K-12), for a period of up to three years. The program length may not exceed three years unless an extension of one or two years is applied for and approved by the Department of State. Please see the *Exchange Visitor Program Extension Application* for additional information. The ESE will consider applications for extensions on a case-by-case basis for exceptional or unusual circumstance. Program dates must coincide with the Massachusetts academic year cycle (July 1 – June 30) to ensure a smooth transition as exchange teachers arrive and depart.

Traditional PreK-12 public school visiting teachers on J-1 visas are exempt from having to obtain a Massachusetts educator license; however, exchange teachers employed by a Charter School are subject to Charter School Regulations and may be required to obtain a license, endorsement, and/or pass MTEL tests. Please note that even if exempt, a hiring school district may require an exchange teacher to hold a MA educator license.

Along with the exchange teacher’s regular teaching duties as outlined in their teaching contracts; during each academic year of program participation, the exchange teacher must engage in a cross-cultural activity and submit a report on their cross-cultural activity to ESE. In support of this requirement, each exchange teacher must submit as part of their application package, a letter from the head of a school in another country, preferably the exchange visitor's home country, which states that school's willingness to work with the exchange teacher on the cross-cultural activity component.

Exchange teachers who have successfully completed a teacher exchange program 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.

# Eligibility Requirements:

(As outlined in the [Code of Federal Regulations:](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=1bc531bf257789e45b3049bff8b50d64&r=PART&n=22y1.0.1.7.35#se22.1.62_11) Title 22 Foreign Relations, Part 62 Exchange Visitor Program)

**§62.4   Categories of participant eligibility**

**(d) Teacher**. A foreign national with the equivalent of a U.S. Bachelor's degree in either education or the subject matter (or related subjects) he or she intends to teach and a minimum of the equivalent of two years of post-degree full-time teaching experience, who is employed as a teacher at the time of application for the program, for the purpose of teaching full-time in a primary or secondary accredited academic institution.

**§62.24   Teachers.**

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**(d)** ***Teacher Eligibility*** Foreign nationals are eligible to participate in exchange visitor programs as full-time teachers if, at the time of initial application to the sponsor, an individual making such application demonstrates to the satisfaction of the sponsor that he or she:

**(1) Either:**

(i) Meets the qualifications for teaching at the primary, including pre-kindergarten, or secondary levels in schools in his or her home country; is working as a teacher in his or her home country at the time of application; and has at least two years of full-time teaching experience; or

(ii) Is not working as a teacher in his or her home country at the time of application, but otherwise meets the qualifications for teaching at the primary (including pre-kindergarten) or secondary levels in schools in the home country; has had at least two years of full-time teaching experience within the past eight years; and, within 12 months of his or her application submission date for the program, has or will have completed an advanced degree (beyond a degree equivalent to a U.S. bachelor's degree) in education or in an academic subject matter that he or she intends to teach or that is directly related to his or her teaching subject field;

**(2)** Possesses, at a minimum, a degree equivalent to a U.S. bachelor's degree in either education or the academic subject field in which he or she intends to teach;

**(3)** Satisfies the teaching eligibility standards of the U.S. state in which he or she will teach (*e.g.,* meets minimum educational requirements, has passed teacher training coursework at a sufficiently proficient level, has provided an evaluation of foreign teaching preparation coursework, has demonstrated the requisite prior teaching experience), to include any required criminal background or other checks;

**(4)** Is of good reputation and character; and

**(5)** Agrees to come to the United States temporarily as a full-time teacher of record in an accredited primary or secondary school. 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.

**Additional Eligibility Requirements per 62.24 (e) *Teacher Selection***

Exchange visitor must:

* Provide references from one colleague and one current or former supervisor, attesting to that teacher's good reputation, character, and teaching skills;
* Possess sufficient proficiency in the English language to function in U.S. classrooms and to function on a day-to-day basis, in accordance with the provision for selection of exchange visitors set forth at §62.10(a)(2); and
* Submit a letter from the head of a school in another country, preferably that teacher's home country, which states that school's willingness to work with the exchange teacher on the cross-cultural activity component set forth in paragraph (h)(1)(ii). The foreign school with which the exchange teacher plans to work must be at the same academic level as the foreign teacher's proposed host school. The letter submitted as part of the foreign teacher's application package must be signed by the head of the school or another individual in an appropriate position of authority to speak for the school within the foreign country's school system; the official signing the letter must list both email and telephone contact information. The letter may be submitted in English or in the original language of the home country with an English translation; the name, title/organization and contact information of the translator must be noted on the translation.

A full-time teaching position requires a minimum of 32 hours per week of teaching or teaching related administrative activities [22 CFR 62.24(c)(2)] such as lesson planning, curriculum development, grading, and field trip planning for students. The Department does not consider K-12 institutions offering predominantly vocational or technical programs academic for purposes of exchange teachers’ placements.

A full-time exchange teacher must be a teacher of record, not a teacher's assistant/aide, substitute teacher, or someone holding a noninstructional position. Sponsors/host schools must not place exchange teachers in positions not allowed by the regulations, specifically principal, assistant principal, school director, guidance counselor, librarian, and teacher trainer. [Counselor Education/School Counselling and Guidance Services, Educational Administration and Supervision, Educational Leadership and Administration, Elementary and Middle School Administration/Principalship, Higher Education/Higher Education Administration, Psychology/Student Counselling and Personnel Services, School Librarians/School Library Media Specialist, Speech-Language Pathology/Pathologist, Superintendency and Educational System Administration, Teacher Assistant/Aide]. Although these are not approved activities for placements in the Teacher category, teacher applicants may use both their teaching and teaching-related administrative experience abroad to qualify for the Teacher category.

# The Role of the Department of Elementary and Secondary Education:

The Massachusetts Department of Elementary and Secondary Education (ESE) has been an approved sponsor (Teacher category) since June 1999.

ESE’s BridgeUSA program is managed by one Responsible Officer and two Alternate Responsible Officers. Your primary contact at ESE is Maria Frederick BridgeUSA Coordinator/Alternate Responsible Officer. Contact information is as follows:

**Maria Frederick, Alternate Responsible Officer**

Maria.L.Frederick@Mass.gov

781-338-6619

Massachusetts Department of Elementary and Secondary Education

Office of Educator Licensure

135 Santilli Highway

Everett, MA 02149

**Xin Yu, Alternate Responsible Officer**

xin.yu@mass.gov

781-338-6626

**Brian Devine, Responsible Officer**

brianj.devine@mass.gov

781-338-3124

# The Role of the Education Advisors:

* Recruit and screen potential exchange teachers to ensure that they meet the eligibility requirements of the Exchange Visitor program.
* Ensure that a completed Exchange Visitor Program Application is submitted for each exchange teacher that they recommend, to include verification that they meet **§62.24 Teachers (d)** ***Teacher Eligibility*** and**62.24 (e) *Teacher Selection*** criteria (summarized on pages 2-3)and the following :
	+ References from one colleague and one current or former supervisor of each foreign teacher, attesting to that teacher's good reputation, character, and teaching skills. These must be submitted as part of the exchange teacher’s completed Exchange Visitor Program Application package.
	+ Verification that each selected foreign teacher applicant possesses sufficient proficiency in the English language to function in U.S. classrooms and to function on a day-to-day basis. Documentation indicating how the exchange visitor’s English language proficiency was assessed shall be submitted as part of the completed Exchange Visitor Program Application package.
	+ Verification that each foreign teacher who is eligible for the program has a letter from the head of a school in another country, preferably that teacher's home country, which states that school's willingness to work with the exchange teacher on the required cross-cultural activity component of the program. The foreign school with which the exchange teacher plans to work must be at the same academic level as the foreign teacher's proposed host school. The letter submitted as part of the foreign teacher's application package must be signed by the head of the school or another individual in an appropriate position of authority to speak for the school within the foreign country's school system; the official signing the letter must list both email and telephone contact information. The letter may be submitted in English or in the original language of the home country with an English translation; the name, title/organization and contact information of the translator must be noted on the translation.
* Provide recommended exchange teachers with an orientation to include: how to apply for J-1 visa, life and customs in the United States; travel to and from the United States; local community resources that will be available to them upon their arrival to the U.S. (e.g., public transportation, medical centers, schools, libraries, recreation centers, and banks), to the fullest extent possible; available healthcare, emergency assistance, and health insurance coverage.

# The Role of the School District/Host School:

Districts initiate participation in the Exchange Visitor Teacher program through direct contact with an Education Advisor. Once a School District/Host School identifies an Exchange Visitor that they wish to hire, they must send ESE a "Letter of Intent". The preferred deadline is the first week of May. Along with a letter of intent, the School District/Host School must submit the following:

* A job description of the position to be filled.
* A description of the support team who will provide assistance to the exchange visitor prior to and throughout their program, to include at minimum a building-level administrator and teacher/mentor.
* The person responsible for hiring who can be available by phone and e-mail during the interviewing process (date TBD in April).

**Please note:**

* Exchange teachers comply with any applicable collective bargaining agreement. Teaching positions, including duties, responsibilities, hours of employment, and compensation, must be commensurate with those of similarly situated U.S. teachers in the school district or host school where that exchange teacher is assigned to teach. An exchange teacher must be employed by and under the direct supervision and guidance of his or her host school and, where applicable, host school district.
* At the time that an exchange visitor is selected for the program, and before the exchange visitor signs any contracts with the host school, the host school must provide each individual exchange teacher the following information, either within the teacher's contract or in a separate document:
	1. The name, location, and brief description of the host school;
	2. the terms and conditions of compensation (to include all possible deductions from gross salary such as an estimated cost of union fees [if applicable] as well as retirement fund deductions);
	3. any provisions affecting the ability of the exchange teacher to be accompanied abroad by a spouse or dependents (including any related assistance and allowances);
	4. a summary of the significant components of the program (including a statement of the teaching requirements and related professional obligations, as well as the required cross-cultural activity;
	5. specific information on the fees and costs for which the exchange teacher will be responsible while on exchange in that school district to include; anticipated housing options and cost implications;
	6. specific local transportation options between the exchange teacher's residence and the host school and transportation cost estimates;
	7. insurance costs for accident or illness coverage, repatriation of remains and medical evacuation;
	8. estimated personal expense money for initial costs the exchange teacher may incur upon arrival in the United States prior to receiving his or her first paycheck; and Licensure requirements (and costs).
* Exchange teacher compensation must be paid directly by the host school or host school district in which the exchange teacher is placed.

## Program Dates Must Align with School Year

Please note that 22 CFR 62.24 (f)(2) states that sponsors must ensure that program dates coincide with the U.S. academic year cycle to ensure a smooth transition as exchange teachers arrive and depart, unless the sponsor notifies, and receives approval from, the Department for other exchange dates before the sponsor issues any Form DS-2019.

## Program End: 30 Day Grace Period

Following the completion of the Exchange Visitor’s program, the period defined on the Form DS-2019, the United States Citizenship and Immigration Services (USCIS) allows participants a 30-day travel period commonly referred to as the "Grace Period." During this 30-day grace period, participants are no longer in J-visa status, and are under the jurisdiction of the USCIS. The USCIS grants this period to allow participants to settle their affairs and to prepare to return to their home countries. Program participants may no longer continue and/or complete exchange activities, nor may they work. Although participants may travel in the United States, it is recommended that they do not travel beyond the borders of the United States as they may not be permitted reentry.

Induction and Mentoring:Districts are required to provide induction programs for teachers in their first year of teaching <https://www.doe.mass.edu/edeffectiveness/mentor/>. There are two categories of teachers when it comes to induction – beginning teachers and incoming teachers. Beginning teachers are [typically] individuals who hold a Preliminary or Initial license and have not participated in an induction program. Since most Exchange Visitors are teaching in Massachusetts for the first time, they are to be afforded the same supports as a beginning teacher. In their first year of practice, districts are required to provide beginning teachers with an orientation, mentor, support team, and release time.

Districts are encouraged to extend induction programs through a beginning teacher’s second and third years of teaching. Research and district best practices show positive benefits in teacher effectiveness and retention when induction programs extend into the second and third year of an educator’s practice. Examples of extending induction programs may include group mentoring or new teacher support groups.

The Support Team: The school district/host school must provide the exchange teacher with a support team who will be available to provide assistance to the exchange visitor in an effort to ensure a successful and positive experience for both the school and teacher. Types of assistance that should be provided include:

* An orientation to the host school: their classroom, how to obtain teaching materials and supplies, and typical teacher tasks and routines.
* Assistance with applying for a social security card once 10 days have lapsed after his/her arrival in the U.S.
* Help arranging for housing, transportation, and obtaining a driver’s license if desired.
* Information on community events, community culture, American culture, holidays, and places of interest.
* Local emergency services.

# Requests for Program Transfers

Due to the contractual relationships in the administration of the teacher category (exchange teacher and the sponsor, the exchange teacher and the host school, and the sponsor and the host school), the Department does not contemplate the transfer of teachers among designated sponsors. Accordingly, the Department does not permit exchange teachers to transfer to other designated sponsors, except in compelling circumstances (e.g., a sponsor goes out of business).

# Requests for Changes to Site of Activity / Host School

The EVP regulations do not prohibit the transfer of an exchange teacher to a different school in the same or different district or state, when warranted. Although exchange teachers enter into contracts with host schools, sponsors should ensure that contract terms and structured processes exist that make it possible for sponsors to evaluate exchange teacher requests to transfer between host schools and/or school districts. At a minimum, changes in the site of activity should be considered when circumstances at the current site of activity may significantly affect the health, safety, and welfare of the exchange teacher.

The Department offers the following examples of situations in which the transfer of an exchange teacher may be warranted:

* A host school’s inability to continue compensating the exchange teacher according to the

terms of the employment contract;

* Unsuitable conditions that are beyond the exchange visitor’s control, e.g., a geographic area

that is unsafe or too expensive, or a hostile work environment; and

* A host school’s loss of its accreditation.

If an exchange teacher’s request to be transferred to a different school is denied, s/he has the

right to submit a complaint to the Department if the denial is negatively affecting health, safety,

or welfare. Should the Department receive a complaint from an exchange teacher about a

sponsor’s denial of a request for a new school placement, the Department will gather more

information about the situation, including evidence as to whether the denial negatively affects the

health, safety, and welfare of the teacher. When looking into such a complaint, the Department

will gather case information from all parties involved – the exchange teacher, the sponsor, and

the school’s administration. If the Department deems that a new placement is the only option for

resolving the issue, the Department may urge the sponsor, among other things, to reconsider the

denied request for transfer in light of the Department’s finding.

A change in the site of activity (host school) for an exchange teacher must be to another full-time

position, not a temporary position lasting a few months only to have the exchange teacher

request another change. This program is an educational and cultural exchange and is not

designed to fill staffing needs of U.S. schools [22 CFR 62.24(a)].

Approval of a change in the site of activity to another school or school district does not preclude an exchange teacher from extending his or her program. Although the language of the extension provision requires evidence of performance and cultural activities during the “previous three years,” only the host school at which the exchange teacher is placed at the time an extension is requested must submit a reference letter as required by 22 CFR 62.24(k). The letter should include the length of time the exchange teacher had been teaching at the host school.

Permission to move an Exchange Visitor to a different school or to a different content area must be obtained by ESE prior to the change. Significant changes to an exchange Visitor’s program must be made in the Student Exchange Visitor Information System (SEVIS) within 10 days of the notification to ESE and the Exchange Visitor must receive an updated DS-2019 form noting these changes.

# The Role of the Exchange Teacher:

**Applying to the Program:**

Individuals wishing to teach in Massachusetts apply in Spain to the Ministry of Education, Culture and Sport or in Portugal, to the education office of the Consulate General (in some instances, directly to the School District). Applications are reviewed to see if the individual meets participation requirements including:

* + - working as a teacher in his or her home country at the time of application; and has at least two years of full-time teaching experience **OR**
		- is not working as a teacher in his or her home country at the time of application, but otherwise meets the qualifications for teaching at the primary (including pre-kindergarten) or secondary levels in schools in the home country; has had at least two years of full-time teaching experience within the past eight years; and, within 12 months of his or her application submission date for the program, has or will have completed an advanced degree (beyond a degree equivalent to a U.S. bachelor's degree) in education or in an academic subject matter that he or she intends to teach or that is directly related to his or her teaching subject field;
		- at least a Bachelor's degree;
		- English language proficiency.

Exchange visitors must have insurance in effect that covers the exchange visitors for sickness or accidents during the period of time that they participate in the sponsor's exchange visitor program. In addition, sponsors must require that accompanying spouses and dependents of exchange visitors have insurance for sickness and accidents. Sponsors must inform all exchange visitors that they, and any accompanying spouse and dependent(s), also may be subject to the requirements of the Affordable Care Act.

Minimum coverage must provide:

(1) Medical benefits of at least $100,000 per accident or illness;

(2) Repatriation of remains in the amount of $25,000;

(3) Expenses associated with the medical evacuation of exchange visitors to his or her home country in the amount of $50,000; and

(4) Deductibles not to exceed $500 per accident or illness.

## Interviews

Interviews may be carried out in Madrid, Spain (for applicants from Spain), and are often conducted virtually to include School District/Host School staff. School districts often offer a job contract for one year and may extend that contract annually for up to a total of three years contingent on supported high need and approval by ESE.

## Verification of Bachelor’s Degree:

Exchange visitors must possess at a minimum, a degree equivalent to a U.S. bachelor's degree in either education or the academic subject field in which he or she intends to teach. Diplomas obtained in a foreign country must undergo an independent evaluation by a nationally recognized agency such as those listed at [www.doe.mass.edu/licensure/academic-prek12/teacher/foreign-degree-and-credit-equivalency.html](http://www.doe.mass.edu/licensure/academic-prek12/teacher/foreign-degree-and-credit-equivalency.html). A detailed equivalency report or course-by-course evaluation of any college-level credit completed must be submitted as part of the application package.

## U.S. Visa:

ESE sponsors the J-1 visa (and J-2 for family members – spouse and children under the age of 21) valid up to three years. Once a teacher receives a job offer from a school district, he/she responds to the job acceptance with a “yes” or “no” answer, then works with their respective education advisor to complete the “Exchange Visitor Program Application package” (see Exchange Visitor Program Application package checklist). Using the information provided, the ESE Alternate Responsible Officer generates a DS-2019 form to send to the exchange teacher. Upon receipt of the DS-2019, the exchange teacher should apply for a J-1 visa (cost $185) and make an appointment for an interview at the nearest U.S. embassy. The exchange teacher should also pay their [SEVIS I-901](https://www.ice.gov/sevis/i901) fee (cost $220) prior to their appointment. The DS-2019 form, receipt of SEVIS payment, and employment letter must be taken to their J-1 visa interview at the embassy and must also be in hand when arriving at a U.S. port of entry (airport.) Teachers must keep their copy of the DS-2019 in a safe place, see that is signed annually, and request a replacement when necessary. Using the J-1 visa, the teacher can apply for a Social Security number 10 days after arriving in the U.S. Exchange visitors whose visa sticker is set to expire while in the US such as may happen if they request and gain approval for a program extension, would need to renew their visa through the American Embassy in their country of origin.

Massachusetts Educator License: Traditional PreK-12 public school visiting teachers on J-1 visas are exempt from having to obtain a Massachusetts educator license; however, exchange teachers employed by a Charter School are subject to Charter School Regulations and may be required to obtain a MA license, endorsement, and/or pass MTEL tests to be legally employed. Please note that even if an exchange visitor is exempt from obtaining an educator licensure / endorsement by the state, a hiring school district may require an exchange teacher to hold a MA educator license or obtain the SEI or Bilingual Education endorsement. Spouses on a J-2 visa who obtain a work permit and are employed as a public-school teacher, are not exempt from the licensure requirements.

Cross-cultural activity component: Exchange teachers must obtain a letter from the head of a school in another country, preferably their home country, which states that school's willingness to work with them on the required cross-cultural activity component of the program. The foreign school with which they plan to work must be at the same academic level as their proposed host school. The letter submitted as part of their application package must be signed by the head of the school or another individual in an appropriate position of authority to speak for the school within the foreign country's school system; the official signing the letter must list both email and telephone contact information. The letter may be submitted in English or in the original language of the home country with an English translation; the name, title/organization and contact information of the translator must be noted on the translation. Please see the [Cross-Cultural Activity Report](https://www.doe.mass.edu/licensure/exchange-visitor/annual-cross-cultural-activity-report.docx) for requirements. <https://www.doe.mass.edu/licensure/exchange-visitor/annual-cross-cultural-activity-report.docx>

Required Notifications to Sponsor/Alternate Responsible Officer: The Form DS-2019 was created in a computerized system known as the Student and Exchange Visitor Information System (SEVIS). This System is administered by the Department of Homeland Security and is used to collect and maintain information on the current status of non-immigrants and their dependents in the sponsor’s (ESE) program during their stay in the United States. When an exchange visitor arrives in the United States, they must contact their sponsor to ensure that their data in SEVIS is accurate and updated. Failing to maintain their status could result in serious consequences and may affect their ability to remain in or return to the United States.

**Also, for the duration of participation in their program, they are responsible for informing their Sponsor/Alternate Responsible Officer within ten days of any changes to their address, phone number, job location / primary site of activity, or content area taught.** Any changes made to their contact information, primary site of activity, or content area taught, must be updated within the SEVIS system and a new DS-2019 printed and sent to the exchange visitor. Changes to their primary site of activity cannot be made without permission from the sponsor (ESE).

Please note that the Alternate Responsible Officer’s signature is required on the DS-2019 form when traveling to and from the U.S. The Alternate Responsible Officer’s signature is valid for only one year and updated signatures should be requested well in advance of the desired departure to allow for processing and mailing time (if applicable).

## Applying for a Social Security Card

To work in the United States, you will need a Social Security card that has your Social Security number (SSN). You can find general information about Social Security cards by reading the following online publication <https://www.ssa.gov/pubs/EN-05-10096.pdf>.

**Applying for a SSN Upon Arrival to the U.S:** Upon arrival to the U.S. an Exchange Visitor(EV) must provide their temporary or permanent address to their sponsor. The EV is then moved off Initial status in SEVIS and their program validated. At this point they can then move forward with their application for a Social Security Card.

As of August of 2022, some Social Security offices in the U.S. are still closed, while others are open by appointment only, while still others are open completely. Each regional office has their own processes and protocols in place for the handling of applications. Some offices require non-citizens to mail in their Social Security Card application <https://www.ssa.gov/forms/ss-5.pdf> with supporting documents in advance of obtaining an appointment. Some Social Security offices do not allow exchange teachers to submit their applications until after their program start date as noted on your DS-2019s; therefore, if you arrive in MA prior to your program start date, you may not be able to start this process right away. It can take 1-3 weeks to get your Social Security number/card mailed to you once the application is submitted.

Exchange Visitors should call their local office for guidance specific to their region. To find the local office they can use this locator <https://secure.ssa.gov/ICON/main.jsp>.

**I-94 -** Form I-94 is the Department of Homeland Security’s Arrival/Departure Record issued to non-resident aliens who are admitted to the U.S., who are adjusting status while in the U.S. or extending their stay, among other things. A Customs Border Protection (CBP) officer will scan a traveler’s passport, generating an electronic arrival record with data elements found on the current paper Form I-94. CBP will make the electronic I-94 available at www.cbp.gov/I94. Travelers may visit this website to print their electronic I-94 number before applying for immigration or public benefits, such as a driver’s license or a Social Security number.

Spouses should not apply for their SSN until he/she has applied for their work permit, if they intend to work. They can apply for their SSN at the same time that they apply for their work permit. It can take up to three months to obtain their work permit. If they apply for a SSN prior to obtaining their work permit, it is normal for he/she to be denied and it could potentially red flag the educator on the J-1 visa causing a delay in their getting a card. If this happens and both applications are denied, there is a process through which the issue can be rectified, but that could take weeks. Typically, the educator on the J-1 will receive permission enabling them to work while awaiting the review and verification. If they are ultimately denied, they would have to file a claim.

Federal and State Income Taxes:

* **Federal withholdings (Federal Tax)** — range between 10–25% of gross income (total of all income from whatever source prior to deductions, money left after deductions is referred to as net income), rate dependent upon allowable deductions. Please note that some countries have applicable tax treaties with the United States, while others do not. Exchange teachers may wish to contact a professional tax return preparer to better understand their tax obligations or for guidance on how to prepare and submit their annual U.S. federal and state tax returns. [Tax Information and Responsibilities for New Immigrants to the United States](https://www.irs.gov/individuals/international-taxpayers/tax-information-and-responsibilities-for-new-immigrants-to-the-united-states#:~:text=Residency%20Under%20U.S.%20Tax%20Law&text=In%20general%2C%20U.S.%20tax%20residents,with%20U.S.%20trade%20or%20business.)
* **State withholdings (State Tax)** — 5.1% of gross income
* [Nonresident alien](https://www.irs.gov/individuals/taxation-of-alien-individuals-by-immigration-status-j-1#:~:text=Resident%20aliens%20are%20taxed%20in,a%20U.S.%20trade%20or%20business.) students, teachers, trainees, researchers, and other aliens temporarily present in the United States in F-1, J-1, M-1, or Q-1 nonimmigrant status are \***exempt** from having to pay Social Security / Medicare Taxes on wages paid to them for services performed within the United States as long as such services are allowed by the United States Citizenship and Immigration Services (USCIS) for these nonimmigrant statuses, and such services are performed to carry out the purposes for which they were admitted into the United States. [Taxation of Alien Individuals by Immigration Status](https://www.irs.gov/individuals/taxation-of-alien-individuals-by-immigration-status-j-1#:~:text=Resident%20aliens%20are%20taxed%20in,a%20U.S.%20trade%20or%20business.)
	+ \*The term “exempt individual” does not refer to someone exempt from U.S. tax but rather to a certain category of individual whose days of physical presence in the United States do not count for purposes of the Substantial Presence Test. Included within this category are students, teachers, and trainees.
	+ There is a limit on the number of years a J-1 alien can be considered an “exempt individual” student, teacher, or trainee and exclude U.S. days of presence for purposes of the Substantial Presence Test.
	+ Teacher or trainee – two calendar year rule:
		- Generally, a J-1 alien cannot exclude U.S. day of presence as a “teacher or trainee” for more than two calendar years.
		- Four-year exception: Subject to certain conditions, the two-year teacher or trainee limit can be extended up to four calendar years.
* What to do if the tax is withheld: If a J-1 alien falls into the category of employees who are exempt from Social Security and Medicare tax, he or she may discuss with his or her employer to stop withholding and refund amounts that were already withheld. Employees that are unable to obtain a refund from their employer may file Form 843, Claim for Refund and Request for Abatement and Form 8316, Information Regarding Request for Refund of Social Security Tax Erroneously Withheld on Wages Received by a Nonresident Alien on an F, J, or M Type Visa to obtain a refund.
* **State withholdings (State Tax)** — 5.1% of gross income [Personal Income Tax for Nonresidents](https://www.mass.gov/guides/personal-income-tax-for-nonresidents#-residency-status-)
* Exchange teachers may wish to hire a tax specialist for guidance and help with filing taxes each spring.

## Union Fees:

The school district is responsible for clarifying Union membership options and related fees to each Exchange Visitor/Teacher prior to, or as part of, a job offer. The average cost is $650 per academic year

## Retirement Fund Deductions:

Exchange Visitors/Teachers who are employed full-time in a Massachusetts public school are required to pay into the Massachusetts Teacher Retirement System (MTRS) even though they will eventually be returning back to their home country at the end of their program. It is the hiring school district’s responsibility to let each Exchange Visitor/Teacher know approximately what percent of their gross pay will be deducted from each paycheck and put into their retirement fund. Ideally this should be discussed prior to or as part of a job offer.

Exchange Visitors/Teachers will be able to apply for a refund of their retirement fund money upon separation of services. Exchange Visitors/Teachers should contact the MTRS <http://www.mass.gov/mtrs/> for additional information related to obtaining a refund <https://mtrs.state.ma.us/refund/>.

# Definitions:

***Accompanying spouse and dependents****:* The alien spouse and/or minor unmarried child(ren), if any, of an exchange visitor who are accompanying or following to join the exchange visitor and who seek to enter or have entered the United States temporarily on non-immigrant J-2 visas or seek to acquire or have acquired such status after admission. For the purpose of these regulations, a minor is a person under the age of 21 years old.

***Accredited primary or accredited secondary school:***Any publicly or privately operated primary or secondary institution for educating children in the United States that offers mainly academic programs and is duly accredited by the appropriate academic accrediting authority of the jurisdiction in which such institution is located.

***Act:*** The Mutual Educational and Cultural Exchange Act of 1961, as amended.

***Actual and current U.S. address:*** The physical, geographic location at which an exchange visitor and accompanying spouse and dependents reside while participating in an exchange program.

***Alternate Responsible Officer:*** An employee or officer of a sponsor who has been nominated by the sponsor and approved by the Department of State to assist the Responsible Officer in carrying out the responsibilities outlined in §62.11. An Alternate Responsible Officer must be a United States person.

***Country of nationality or last legal permanent residence:***  Either the country of which the exchange visitor is a national at the time status as an exchange visitor is acquired or the last foreign country in which the visitor had a legal permanent residence before acquiring status as an exchange visitor.

***Cross-cultural activity:*** An activity designed to promote exposure and interchange between exchange visitors and Americans so as to increase their mutual understanding of each other's society, culture, and institutions.

***Department of State:*** The U.S. Department of State.

***Designation:***  The written authorization issued by the Department of State to an exchange visitor program applicant to conduct an exchange visitor program as a sponsor. The term includes the written authorization issued to a current sponsor that applies to continue its designation (*i.e.*, redesignation).

***Exchange visitor****:*  A foreign national who has been selected by a sponsor to participate in an exchange visitor program, and who is seeking to enter or has entered the United States temporarily on a non-immigrant J-1 visa or who has obtained J status in the United States based on a Form DS-2019 issued by the sponsor. The term does not include the accompanying spouse and dependents of the exchange visitor.

***Exchange Visitor Program:*** The international exchange program administered by the Department of State to implement the Act by means of educational and cultural exchange programs. When “exchange visitor program” is set forth in lower case, it refers to the individual program of a sponsor that has been designated by the Department of State.

***Exchange visitor's government:*** The government of the exchange visitor's country of nationality or last legal permanent residence.

***Form DS-2019, A Certificate of Eligibility for Exchange Visitor (J-Nonimmigrant) Status:***  A controlled document of the Department of State that a sponsor issues to a potential Exchange Visitor Program participant (J-1) and his or her accompanying spouse and dependents (J-2) as permitted by regulations. This form, together with other necessary Department of State documents, permits the named foreign national, if required, to schedule an interview at a U.S. embassy or consulate to seek to obtain a J visa to enter the United States as an Exchange Visitor Program participant or as an accompanying spouse and dependent.

***Full-time teaching:*** A minimum of 32 hours per week of teaching or teaching-related administrative activities.

***Home-country physical presence requirement:*** The requirement that an exchange visitor, and any accompanying spouse and dependents, who are within the purview of section 212(e) of the Immigration and Nationality Act, as amended, or Public Law 94-484 (substantially quoted in 22 CFR 41.63), must reside and be physically present in the country of nationality or last legal permanent residence for an aggregate of at least two years following departure from the United States before the exchange visitor is eligible to apply for an immigrant visa or permanent residence, a non-immigrant K visa as the fiancé(e) of a U.S. citizen, a non-immigrant H visa as a temporary worker or trainee.

***Home country school:***  An exchange teacher's school in his or her country of nationality or last legal country of residence.

***Host organization:***  A third party in the United States that conducts training and/or internship programs on behalf of a designated sponsor pursuant to an executed written agreement between the two parties.

***Host school:*** The U.S.-accredited primary or secondary school in which a sponsor places an exchange teacher pursuant to the exchange teacher's written acceptance of the placement.

***J visa:*** A non-immigrant visa issued pursuant to 8 U.S.C. 1101(a)(15)(J). A J-1 visa is issued to an exchange visitor. A J-2 visa is issued to the exchange visitor's accompanying spouse and dependents, if qualified under §214b of the Immigration and Nationality Act, as amended.

***Office of Designation:***  The Department of State, Bureau of Educational and Cultural Affairs office assigned to administer designations of sponsors.

***Reciprocity:*** The participation of a U.S. citizen or U.S. national in an educational and cultural program in a foreign country in exchange for the participation of a foreign national in the Exchange Visitor Program. Where used herein, “reciprocity” will be interpreted broadly; unless otherwise specified, reciprocity does not require a one-for-one exchange or that exchange visitors be engaged in the same activity.

***Responsible Officer:*** An employee or officer of a sponsor who has been nominated by the sponsor, and approved by the Department of State, to carry out the duties outlined in §62.11. A Responsible Officer must be a citizen of the United States or a lawful permanent resident of the United States.

***SEVIS (Student and Exchange Visitor Information System):***   The statutorily mandated system designed to collect information on non-immigrant students (F and M visas), exchange visitors (J visas), and their spouses and dependents (F-2, M-2, and J-2 visas). SEVIS enables schools and program sponsors to transmit information and event notifications electronically, via the Internet, to the Department of Homeland Security and the Department of State throughout a student's or exchange visitor's stay in the United States.

***Site of activity:*** The physical, geographic location(s) where an exchange visitor participates in his or her exchange program – school exchange visitor is teaching in.

***Sponsor:*** A legal entity designated by the Secretary of State to conduct an exchange visitor program.

***Virtual Exchange:***  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.

# Resources:

[Exchange Visitor Welcome Brochure](https://j1visa.state.gov/wp-content/uploads/2022/05/EVP-Welcome-Brochure-2022.pdf): https://j1visa.state.gov/wp-content/uploads/2022/05/EVP-Welcome-Brochure-2022.pdf

Office of Educator Licensure www.doe.mass.edu/licensure/

[J-1 Visa Exchange Program: Teacher Program](http://j1visa.state.gov/programs/teacher) http://j1visa.state.gov/programs/teacher

[U.S. Immigration and Customs Enforcement](https://www.ice.gov/) https://www.ice.gov/

[Electronic Code of Federal Regulations Title 22: Foreign Relations](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=1bc531bf257789e45b3049bff8b50d64&r=PART&n=22y1.0.1.7.35)

[Acceptable Foreign Degree and Credit Equivalency Agencies](http://www.doe.mass.edu/licensure/academic-prek12/teacher/foreign-degree-and-credit-equivalency.html) http://www.doe.mass.edu/licensure/academic-prek12/teacher/foreign-degree-and-credit-equivalency.html

[Publication 519 (2015), U.S. Tax Guide for Aliens](https://www.irs.gov/publications/p519/)

[SEVIS I-901 Fee](https://fmjfee.com/i901fee/desktop/index.jsp?view=desktop) – Please check Student and Exchange Visitor Program (SEVP) SEVIS I-901 Fee processing website for current cost. <https://fmjfee.com/i901fee/desktop/index.jsp>

Massachusetts State Taxes – [Massachusetts Department of Revenue](http://www.mass.gov/dor/individuals/) https://www.mass.gov/dor/

Federal Taxes – [Internal Revenue Services](https://www.irs.gov/) https://www.irs.gov/

[U.S Tax Guide for Aliens](https://www.irs.gov/publications/p519/) https://www.irs.gov/publications/p519/

[Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities](https://www.irs.gov/uac/Publication-515%2C-Withholding-of-Tax-on-Nonresident-Aliens-and-Foreign-Entities)

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