



U.S. DEPT. of STATE <http://exchanges.state.gov/education/jexchanges> ECA REGULATIONS (Revised, Effective May 4, 2006)

The following regulations from 22 CFR Part 62.25 of the Bureau of Educational and Cultural Affairs (ECA), a branch of the U.S. Department of State (DOS), pertain to secondary school students that apply to our program. Please review them, as they govern exchange programs in the USA that are so designated by ECA/DOS. Inquiries can be made by telephone at 202-203-5029, by email at JVISAS@STATE.GOV or by writing to Office of Exchanges Coordination and Designation Academics/Government Designation Division; ECA/EC/AG; SA-44 301 4th St., SW Room 732, Washington, DC 20547.

From Subpart A General Provisions

(a) The regulations set forth in this part implement the Mutual Educational and Cultural Exchange Act of 1961 (the "Act"), as amended, Public Law 87-256, 22 U.S.C. 2451, et seq. (1988). 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. Educational and cultural exchanges assist the Bureau in furthering the foreign policy objectives of the United States. These exchanges are defined by section 102 of the Act, 22 U.S.C. 2452 and section 101(a)(15)(J) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(J).

(b) The Director of the Bureau facilitates activities specified in the Act, in part, by designating public and private entities to act as sponsors of the Exchange Visitor Program. Sponsors may act independently or with the assistance of third parties. The purpose of the Program is to provide foreign national with opportunities to participate in educational and cultural programs in the United States and return home to share their experiences, and to encourage Americans to participate in educational and cultural programs in other countries. Exchange visitors enter the United States on a J visa. The regulations set forth in this subpart apply to all sponsors.

Subpart B-Specific Program Provisions

(a) **Introduction** This section governs DOS designated exchange visitor programs under which foreign national secondary school students are afforded the opportunity for up to one year of study in a United States accredited public or private secondary school, while living with an American host family or residing at an accredited boarding school.

(b) **Program sponsor eligibility.** Eligibility for designation as a secondary school student exchange visitor program sponsor is limited to organizations: (1) With tax-exempt status conferred by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code; and (2) Which are United States citizens as defined in Sec. 62.2.

(c) **Program eligibility.** Secondary school student exchange visitor programs designated by the DOS must: (1) Require all participants to be enrolled and participating in a full course of study at an accredited educational institution (2) for not less than one nor more than two academic semesters (or quarter equivalency); and (3) Be conducted on a U.S. academic calendar year basis, except for students from countries whose academic year is opposite that of the United States, who may begin in the second semester of a U.S. academic year if permitted to do so, in writing, by the school in which the exchange visitor is enrolled. Both the host family and school must be notified prior to the exchange student's arrival in the U.S. that the placement is for either a semester, year, or calendar year program.

(d) **Program administration.** Program Sponsors must ensure that all officers, employees, representatives, agents, and volunteers acting on their behalf: (1) Are adequately trained and supervised and that any such person in direct personal contact with exchange students has been vetted through a criminal background check; (2) Make no student placement beyond 120 miles of the home of a local organizational representative authorized to act on the sponsor's behalf in both routine and emergency matters arising from an exchange student's participation in the exchange visitor program; (3) Ensure that no organizational representative act as both host family and area supervisor for any exchange student participant; (4) Maintain, at minimum, a monthly schedule of personal contact with the student and host family, (5) ensure that the school has contact information for the local organizational representative and the program sponsor's main office; and (6) Adhere to all regulatory provisions set forth in this Part and all additional terms and conditions governing program administration that the Department may from time to time impose.

(e) **Student selection.** Sponsors must ensure that all participants in a designated secondary school student exchange visitor program: (1) Are secondary school students in their home country who are at least 15 years of age but not more than 18 years and six months of age as of the program start date*; (2) Demonstrate maturity, good character, and scholastic aptitude; and (3) Have not previously participated in an academic year or semester secondary school student exchange program in the United States in F-1 or J-1 visa status.

* said students may participate regardless of whether they have graduated, because some countries have educational systems that make it impractical for students to participate in an exchange until they have completed their studies in the home country;

(f) Student enrollment. (1) Sponsors must secure prior written acceptance for the enrollment of any exchange student participant in a United States public or private secondary school. Such acceptance must: (i) Be secured from the school principal or other authorized school administrator of the school system that the exchange student participant will attend; and (ii) Include written arrangements concerning the payment of tuition or waiver thereof, if applicable. (2) Under no circumstance may a sponsor facilitate the entry into the United States of an exchange student for whom a written placement has not been secured. (3) Sponsors must maintain copies of all written acceptances and make such documents available for DOS inspection upon request. (4) Sponsors must provide the school with a translated English language summary of the exchange student's complete academic course work prior to commencement of school, in addition to any additional documents the school may require. Sponsors must also inform the prospective host school of any student who has completed secondary school in his/her home country. (5) No sponsor may facilitate the enrollment of more than five exchange students in one school unless the school has requested, in writing, the placement of more than five students (6) Upon issuance of Form DS-2019 to a prospective participant, the sponsor accepts full responsibility for placing the student, except in cases of voluntary student withdraw or visa denial.

(g) Student orientation. All sponsors must provide exchange students, prior to their departure from home, with the following: (1) A summary of all operating procedures, rules, and regulations governing student participation in the exchange visitor program along with a detailed summary of travel arrangements; (2) Age and language appropriate information on how to identify and report sexual abuse or exploitation; (3) A detailed profile of the host family in which the exchange student is placed, stating whether the host family is either permanent or temporary; (4) A detailed profile of the school and community in which the exchange student is placed; and (5) An identification card, which lists the exchange student's name, host family address and telephone number, and telephone numbers which afford immediate contact with both the program sponsor, the area representative, and DOS in case of emergency.

(h) Students extra-curricular activities. Student may participate in school sanctioned and sponsored extra-curricular activities, including athletics, if such participation is: (1) Authorized by the local school district in which the student is enrolled and (2) Authorized by the state authority responsible for determination of athletic eligibility, if applicable.

(i) Students employment. Students may not be employed on either a full or part-time basis but may accept sporadic or intermittent employment such as baby-sitting or yard work.

(j) Host Family selection. Sponsors must adequately screen all potential host families and at a minimum must: (1) Provide potential host families with a detailed summary of the exchange visitor program and the parameters of their participation, duties, and obligations; (2) Utilize a standard application form that must be signed and dated by all host family applicants which provides a detailed summary and profile of the host family, the physical home environment, family composition, and community environment. Exchange students are not permitted to reside with relatives. (3) Conduct an in-person interview with all family members residing in the home; (4) Ensure that the host family is capable of providing a comfortable and nurturing home environment; (5) Ensure that the host family has a good reputation and character by securing two personal references for each host family from the school or community, attesting to the host family's good reputation and character; (6) Ensure that the host family has adequate financial resources to undertake hosting obligations; (7) Verify that each member of the host family household eighteen years of age and older has undergone a criminal background check; and (8) Maintain a record of all application forms, background checks, evaluations, and interviews, for all selected host families for a period of three years.

(k) Host Family orientation. Sponsors must: (1) Inform all host families of the philosophy, rules, and regulations governing the sponsor's exchange visitor program; (2) Provide all host families with a copy of DOS-promulgated Exchange Visitor Program regulations; and (3) Advise all selected host families of strategies for cross-cultural interaction and conduct workshops which will familiarize the host family with cultural differences and practices.

(l) Host Family placement. (1) Sponsors must secure, prior to each exchange student's departure from home, a permanent or arrival host family. Sponsors may not: (i) Facilitate the entry into the United States for an exchange student for whom a host family has not been secured; (ii) Place more than one exchange student with a host family without the express prior written consent of the DOS. Under no circumstance may more than two exchange students be placed with one host family. (2) Sponsors must advise both the exchange student and host family, in writing, of the respective family compositions and backgrounds of each, whether the host family placement is permanent or temporary, and facilitate and encourage the exchange of correspondence between the two prior to the student's departure from home. (3) In event of unforeseen circumstances necessitating a change of host family placement, the sponsor must document the reason(s) for such change and provide the DOS with an annual statistical summary reflecting the number and reason(s) for such changes in host family placement in the program's annual report.

(m) Placement report. Along with the annual report required by regulations 62.15, sponsors must: (1) Immediately report to the DOS any incident or allegation involving the actual or alleged sexual exploitation or abuse of an exchange student participant. Sponsors must also report such allegations as required by local or state statute or regulation. Failure to report such incidents to the Department and, as required by state law or regulation, to local law enforcement authorities shall be grounds for the summary suspension and termination of the sponsor's Exchange Visitor Program designation. (2) Summarize all situations which resulted in the placement of exchange student participants with more than one host family or school placement; and (3) Provide a report of all final academic year and semester program participant placements by August 31 for the upcoming academic year or January 15 for the Spring semester and calendar year. The report must provide at a minimum, the exchange visitor student's full name, Form DS-2019 number (SEVIS ID), host family placement (current U.S. address), and school (site of activity) address.