

## **Application for Requesting a Letter of No Objection for J-1 Visa Sponsors & Letter of Acceptance of Application for Recruiters/Placement Agencies**

The New Mexico Public Education Department (“PED”) may request additional documentation prior to completing evaluation of the Application. Only complete Applications will be evaluated.

**Any Letters of No Objection/Letters of Acceptance of Application issued as a result of a successful submission of this Application shall expire on August 31, 2023.**

**Please email the completed Application and supporting documentation to Seana C. Flanagan, Director, Educator Quality Division, New Mexico Public Education Department, at [Seana.Flanagan@state.nm.us](mailto:Seana.Flanagan@state.nm.us), and to Elaine Kramer, Educator Quality Supports, New Mexico Public Education Department at [Elaine.Kramer@state.nm.us](mailto:Elaine.Kramer@state.nm.us).**

**Applications for School Year 2022-2023 must be submitted by June 30, 2022.**

### **TABLE OF CONTENTS**

I.	Names and Contact Information of Applicant .....	1
II.	Acknowledgement Regarding Letters of No Objection/Letter of Acceptance of Application .....	2
III.	Acknowledgement Regarding Teacher Interviews.....	2
IV.	Acknowledgement Regarding Teacher Background Checks.....	3
V.	Acknowledgement of Public Record .....	3
VI.	Sponsor or Recruiter/Placement Agency Information .....	4
VII.	Fees Disclosure, Acknowledgement & Attestation .....	7
VIII.	Conflict of Interest Attestations.....	10

**I. NAMES AND CONTACT INFORMATION OF APPLICANT**

**Please provide the following information about the Applicant**

**I am applying as a (Check One):**    **Sponsor**                       **Recruiter/Placement Agency**

Name of Applicant (Individual or Entity): \_\_\_\_\_

Business Address of Applicant: \_\_\_\_\_

Business Type (S Corp, LLC, LLP, 501(c)(3), etc.): \_\_\_\_\_

Federal Tax ID / Employer Identification#: \_\_\_\_\_

Name of Parent Corporation (if applicable): \_\_\_\_\_

Name and Job Title of Responsible Officer with Authority to Sign this Application:  
\_\_\_\_\_

Physical Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address of Responsible Officer: \_\_\_\_\_

Name and Job Title of Individual Completing this Application:  
\_\_\_\_\_

Physical Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address of Individual Completing this Application: \_\_\_\_\_

Name of President, CEO, Registered Officer, Registered Agent:  
\_\_\_\_\_

## II. ACKNOWLEDGEMENT REGARDING LETTERS OF NO OBJECTION/LETTER OF ACCEPTANCE OF APPLICATION

With my signature below, I, \_\_\_\_\_ acknowledge the following:

- PED is not obligated to issue a Letter of No Objection/Letter of Acceptance of Application.
- The Applicant is not entitled to receive a Letter of No Objection/Letter of Acceptance of Application.
- The purpose of the Letter of No Objection/Letter of Acceptance of Application is the facilitation of the U.S. Department of State's promotion of an educational and cultural exchange through the placement of J1 visa teachers in U.S. schools. (See U.S. Department of State Bureau of Educational and Cultural Affairs Private Sector Exchange Guidance Directive 2019-01). Any actions by the Applicant in contravention of 22 CFR, Part 62 or current U.S. Department of State Bureau of Educational and Cultural Affairs Private Sector Exchange Guidance Directives will result in rescission of a Letter of No Objection/Acceptance of Application.
- Any Letters of No Objection/Letters of Acceptance of Application issued as a result of a successful submission of this Application shall expire on **August 31, 2023**.
- After receipt of a Letter of No Objection/Letter of Acceptance of Application, I have a continuous duty to provide to PED an updated list of placement within five (5) business days of the placement of a J1 teacher. I acknowledge that this requirement is retroactive to the start of the **2022/2023** school year and is ongoing through the termination of the J1 teacher's contract
- Any violation of the Applicant's obligation to conduct a thorough and complete background check for each J1 visa teacher in the US and the Home country shall result in automatic rescission of a Letter of No Objection/Letter of Acceptance of Application and may render the Applicant ineligible to apply in the future for a Letter of No Objection/Letter of Acceptance of Application.
- You will not receive a Letter of No Objection/Letter of Acceptance of Application unless the other companies responsible for your teacher's placement also receive a Letter of No Objection/Letter of Acceptance of Application. If the other company's Letter of No Objection/Letter of Acceptance of Application is revoked, this may render the Applicant ineligible to apply in the future for a Letter of No Objection/Letter of Acceptance of Application.

Responsible Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## III. ACKNOWLEDGEMENT REGARDING TEACHER INTERVIEWS

With my signature below, I, \_\_\_\_\_ acknowledge the following:

- J1 visa teachers may be interviewed and surveyed about their experiences as J1 visa teachers and their experiences with the Applicant and other Applicants if applicable.
- J1 visa teachers shall not be subject to retaliation, sanction, abridgement of speech, or elimination from the Applicant's services on account of the J1 visa teachers participating fully in any such interviews or surveys.
- Any violation of this Acknowledgement shall result in automatic rescission of a Letter of No

Objection/Letter of Acceptance of Application and may render the Applicant ineligible to apply in the future for a Letter of No Objection/Letter of Acceptance of Application.

Responsible Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### **IV. ACKNOWLEDGEMENT REGARDING TEACHER BACKGROUND CHECKS**

With my signature below, I, \_\_\_\_\_ acknowledge the following:

- I have taken the following actions to ensure that a thorough and complete background check has been completed for each J1 visa teacher. (List the actions taken to secure a background check for each J1 teacher in the United States **AND** the J1 teacher's **HOME COUNTRY**):

---

---

---

- I will provide to PED and the employer a copy of each background check(s) completed for each J1 teacher within five (5) business days of placement. (The copy for PED should be emailed to our backgrounds team at: ethics.ethics@state.nm.us.)
- I will provide to PED a photocopy of the passport for each J1 teacher within five (5) business days of placement. (This copy should be emailed to our backgrounds team at: ethics.ethics@state.nm.us.)
- I certify that I will not place any teachers who have a background in any country that shows an arrest or conviction involving ethical misconduct or moral turpitude.
- Failure to ensure that a thorough and complete background check has been completed for each J1 visa teacher is a ground for revocation of a Letter of No Objection/Letter of Acceptance of Application and/or denial of any subsequent applications.

**Any costs associated with complying with the above requirements shall not result in any new fees being charged to the J1 teacher.**

Responsible Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## V. ACKNOWLEDGEMENT OF PUBLIC RECORD

With my signature below, I, \_\_\_\_\_ acknowledge the following:

- This Application, and any attachments, are public records that may be disclosed, disseminated, and published by the PED.
- A Letter of No Objection/Letter of Acceptance of Application, and any attachments, are public records that maybe disclosed, disseminated, and published by the PED.
- A Letter of Rescission, and any attachments, are public records that may be disclosed, disseminated, and published by the PED.

Responsible Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## VI. SPONSOR OR RECRUITER/PLACEMENT AGENCY INFORMATION

With my signature below, I, \_\_\_\_\_ attest that the below-provided answers and information are current and accurate:

Does the Applicant hold a J1 and J2 Visa Sponsor Designation from the U.S. Department of State?

Yes (I am a sponsor)

No (I am a Recruiter or Placement Agency)

### **I Am a Sponsor:**

Please provide the following information regarding the Sponsor:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Applicable dates of the Sponsor's Letter of Designation:

- Date of Issuance of current designation: \_\_\_\_\_
- Date of Expiration of current designation: \_\_\_\_\_

### **PLEASE ATTACH THE FOLLOWING DOCUMENTATION:**

#### **The Sponsor's Letter of Designation from the U.S. Department of State**

List any/all Recruiters or Placement Agencies, which you know or have reason to believe, have worked/are working/will work to help place your teachers in New Mexico schools:

---

---

---

All Applications for Requesting a Letter of No Objection for J1 Visa Sponsors shall be evaluated for compliance with 22 CFR, Part 62; current United States Department of State Bureau of Educational and Cultural Affairs Private Sector Exchange Guidance Directives; and the requirements herein.

### **I Am a Recruiter or Placement Agency:**

List any/all Designated Sponsors or companies, which you know or have reason to believe, have worked/are working/will work to help place your teachers in New Mexico schools:

---

---

---

**I am not a Sponsor, Recruiter, or Placement Agency:**

Describe in detail the reasons why you are submitting this Application:

---

---

Describe the services you provide with regard to J1 Visa Teachers:

---

---

**In New Mexico, I know or have reason to believe that the following companies have worked, are working, or will work to help place J1 Visa Teachers in New Mexico schools:**

Recruiters/Placement Agencies: \_\_\_\_\_

Sponsors: \_\_\_\_\_

**I am not a Sponsor or Recruiter or Placement Agency:**

Describe in detail the reasons why you are submitting this Application:

---

---

Describe the services you provide with regard to J1 Visa Teachers:

---

---

**To your knowledge, have the Recruiters/Placement Agencies/Sponsors you have worked/are working/will work with submitted an application? \_\_\_\_\_ If yes, which ones? \_\_\_\_\_**

---

**In addition to completing the fees section for your company, for other companies which you know or have reason to believe have worked/are working/will work with to help place your teachers in New Mexico schools, please complete the fees section of this form unless you know that the companies have submitted an application.**

**Failure to disclose the identity of a company you are working with is grounds for revocation of a letter and/or denial of any subsequent application.**

**Ongoing Disclosure Required**

**I agree to disclose to PED any new company that I know or have reason to believe, has worked to help place my teachers in New Mexico schools as well as to disclose and to provide all fee disclosures for those companies and license and background checks for any new J1 teachers I may place subsequent to the approval of this application.**

Responsible Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## VII. FEES DISCLOSURE, ACKNOWLEDGEMENT & ATTESTATION

With my signature below, I, \_\_\_\_\_:

- Attest that I am disclosing a complete and accurate list of fees my company charges whether or not pursuant to 22 CFR, Part 62 and United States Department of State Bureau of Educational and Cultural Affairs Private Sector Exchange Guidance Directive 2019-1 and listed at <https://j1visa.state.gov/programs/teacher#program-sponsors>. For purposes of this section:
  - “Fees” includes and is not limited to any type of payment, including but not limited to, costs, reimbursements, governmental filing fees, finders fees, recruiting fees, transfer fees, document replacement fees, record fees, surcharges, late charges, fines, and fees paid to third parties, including third-party recruiters. These fees for services may also include:
    - Airfare to and from the teacher’s home country
    - Transportation to host community and temporary lodging upon arrival in host community
    - Housing-location assistance or long-term housing arrangement
    - Local transportation assistance and assistance obtaining a New Mexico driver’s license
    - Health, disability, and life insurance
    - Repatriation assistance
    - Emergency healthcare assistance
    - Customer service support for J1 visa teachers and J2 visa holders and employers for the duration of their visa
  - “Complete and accurate” means that this list is exhaustive and no other fees are payable by or on behalf of a J1 visa teacher or a J2 visa holder, regardless of whether the fees are payable:
    - to Applicant or a third party
    - by the J1 visa teacher or J2 visa holder or another person or entity
    - domestically or internationally
- Acknowledge that the Applicant has an ongoing duty to disclose complete and accurate fees at the time of Application and for the duration of the term of any Letter of No Objection/Letter of Acceptance of Application issued.
- Acknowledge that every fee/cost paid by program participants must be disclosed on this form.
- Acknowledge that incomplete or inaccurate disclosures of fees:
  - If known at the time of processing of the Application, will result in the non-approval of the Application.
  - If discovered after the issuance of a Letter of No Objection/Letter of Acceptance of Application, will be reported by the PED to the U.S. Department of State and other federal and state authorities; shall result in automatic rescission of a Letter of No Objection/Letter of Acceptance of Application; and may render the Applicant ineligible to apply in the future for a Letter of No Objection/Letter of Acceptance of Application.

**ALL fees must be itemized separately; do not aggregate fees for multiple services. Any attachments must contain a detailed description below of each fee and shall not aggregate multiple services under a single fee structure.**

	<b>Amount of Fee in US \$</b>	<b>Description of Fee</b>	<b>Fee is Paid to Whom?</b>	<b>Fee is Paid by Whom</b>	<b>One-time or recurring /annual/ periodic fee</b>
1	\$	Providing a U.S. Form DS-2019 for the J1 visa teacher			
2	\$	Providing a U.S. Form DS-2019 for the J2 visa holder			
3	\$	Providing guidance to the teacher or family member for obtaining the J1 or J2 visa from the U.S. Consulate			
4	\$	Providing copies of teachers' diplomas and teaching certificates to employers and PED with five (5) business days of placement, including translations and foreign equivalencies if requested			
5	\$	Obtaining background checks and references and providing copies to the employer and PED within five (5) business days of placement.			
6	\$	Screening for English language proficiency			
7	\$	Ensuring the J1 Visa Teachers are eligible for a New Mexico teachers license			
8	\$	Providing guidance for obtaining a Social Security Number			
9	\$	Providing guidance for obtaining a federally insured bank or credit union account			

	Amount of Fee in US \$	Description of Fee	Fee is Paid to Whom?	Fee is Paid by Whom	One-time or recurring/annual/periodic fee
10	\$	Providing guidance regarding cost of living			
11	\$	Providing guidance about local public transportation options and driver's license requirements			

PED reminds applicants that **fees charged must be reasonable.**

Please attach additional pages as required.

Responsible Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## VIII. CONFLICT OF INTEREST ATTESTATIONS

With my signature below, I, \_\_\_\_\_:

- Attest that I am disclosing a complete and accurate from now through the expiration of the Letter of No Objection/Acceptance of Application:

- 1) The Applicant represents and warrants that it has complied with, and will continue to comply with, all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978.
- 2) The Applicant represents and warrants that it:

Presently has no financial interest, and will not acquire any, financial interest, direct or indirect, which would conflict in any manner or degree with the provision of services to J1 visa teachers, their family members receiving J2 visas, school districts, or charter schools.

- 3) Without in any way limiting the above, the Applicant specifically warrants that: **1) currently; 2) for the past twelve months; and 3) until the expiration of the Letter of No Objection/Letter of Acceptance of Application:**

- a. The Applicant has not, does not, and will not employ:
  - i. A PED public officer or PED employee,
  - ii. A school district or school employee in New Mexico
  - iii. A local school board member in New Mexico
  - iv. A charter school employee in New Mexico
  - v. A charter school governing body member in New Mexico
- b. The Applicant has not been and will not be:
  - i. A PED public officer or PED employee
  - ii. A school district or school employee in New Mexico
  - iii. A local school board member in New Mexico
  - iv. A charter school employee in New Mexico
  - v. A charter school governing body member in New Mexico
- c. None of the following are an immediate family member of the Applicant or the Applicant's officers, agents or employees ("**Immediate family member**" means mother, father, daughter, son, sister, brother, wife, husband, or domestic partner):
  - i. A PED public officer or PED employee
  - ii. A school district or school employee in New Mexico
  - iii. A local school board member in New Mexico
  - iv. A charter school employee in New Mexico
  - v. A charter school governing body member in New Mexico

d. The following individuals have not, do not, and will not have a financial interest in the Applicant:

- i. A PED public officer or PED employee
- ii. A school district or school employee in New Mexico
- iii. A local school board member in New Mexico
- iv. A charter school employee in New Mexico
- v. A charter school governing body member in New Mexico

e. The following individuals have not, do not, and will not represent the Applicant:

- i. A public officer or employee of the PED
- ii. A school district or school employee in New Mexico
- iii. A local school board member in New Mexico
- iv. A charter school employee in New Mexico
- v. A charter school governing body member in New Mexico

f. The following individuals have not, are not, and will not assist the Applicant in anyway regarding the placement of J1 visa teachers in New Mexico public schools:

- i. A public officer or employee of the PED
- ii. A school district or school employee in New Mexico
- iii. A local school board member in New Mexico
- iv. A charter school employee in New Mexico
- v. A charter school governing body member in New Mexico

g. Neither the Applicant nor any of the Applicant's officers, agents and employees, or their immediate family members, is, has been, or will be a New Mexico State legislator.

h. No New Mexico State legislator or immediate family member of a New Mexico State legislator has, has had, or will have a substantial financial interest in the Applicant.

i. Neither the Applicant nor any of the Applicant's officers, agents and employees, or their immediate family members, is contributing, has contributed, or will contribute, anything of value to a PED public officer or PED employee, New Mexico school district or New Mexico school employee, New Mexico local school board member, New Mexico charter school employee, or New Mexico charter school governing body member.

- Acknowledge that the Applicant has an ongoing duty to inform the PED of any changes to the attestations in this section.
- Acknowledge that any inaccuracies shall result in automatic rescission of a Letter of No Objection/Acceptance of Application; and may render the Applicant ineligible to apply in the future for a Letter of No Objection/Acceptance of Application.

Responsible Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_