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ADS Chapter 252

Visa Compliance for Exchange Visitors

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 ADS 252 – Visa Compliance for Exchange Visitors
 POC for ADS 252: Jeff Shahan, (202) 567- 4061, jshahan@usaid.gov

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ADS 252 – Visa Compliance for Exchange Visitors

252.1

OVERVIEW

Effective Date: 08/25/2014

This chapter provides policy directives and required procedures related to visa compliance for foreign nationals who are traveling to the United States **as beneficiaries (not providers) of USAID development assistance** for any purpose, including invitational travel (see [ADS 522.3.3](#)) and participant training (see [ADS 253, Participant Training for Capacity Development](#)), and are financed in whole or in part, directly or indirectly, by USAID. With certain exceptions (see **252.3**), these foreign nationals are considered Exchange Visitors (EVs). USAID-sponsored EVs enter the U.S. on the J-1 exchange visitor non-immigrant visa, unless determined otherwise by a U.S. consular officer.

USAID visa compliance processes and systems must not be used to assist individuals who are not sponsored in any part, directly or indirectly, with USAID funds in obtaining a J visa.

252.2

PRIMARY RESPONSIBILITIES

Effective Date: 08/25/2014

- a. The **Bureau of Economic Growth, Education, and Environment, Office of Education (E3/ED)** manages the Agency's J-1 visa designation and ensures the Agency's compliance with the Department of Homeland Security (DHS) and Department of State (DoS) regulations contained in [22 CFR 62.1-90](#). The Office collects EV data from Sponsoring Units and Implementers and manages the Agency's EV approval process. These activities fulfill a mandatory central USAID function of providing the DHS, including Immigration and Customs Enforcement (ICE) and DoS, with information about individuals sponsored for activities in the U.S.
- b. The **Office of the General Counsel (GC)** and/or **Resident Legal Officers (RLOs)** interpret and provide advice regarding laws and regulations related to visas.
- c. **Sponsoring Units** are ultimately responsible for ensuring that partner organizations are complying with the requirements of this ADS chapter.
- d. **Program Implementers**, whose accountability to USAID is set by the terms of a contract, grant, or cooperative agreement, assist Sponsoring Units with essential responsibilities related to this ADS chapter.
- e. **Mission Directors** and **USAID/Washington (USAID/W) Office Directors** are responsible for approving the exceptions to the J-1 visa requirement policy, waiving non-presence country ineligibility, and approving dependent travel.
- f. The **Responsible Officer (RO)** is the designated official in charge of maintaining USAID's official designation as an EV program sponsor. The RO develops and

implements policy and procedures to ensure that the Agency complies with the external regulations governing its official designation. Due to external requirements, USAID is limited to one RO who must be located within the physical borders of the United States.

g. Alternate Responsible Officers (AROs) are the designated alternate officials in charge of working with the RO to maintain USAID's official designation as an EV program sponsor. The RO and any AROs develop and implement policy and procedures to ensure that the Agency complies with the external regulations governing its official designation. Due to external requirements, USAID AROs must be located within the physical borders of the United States.

h. R3 - Approver is a U.S. citizen and a USAID Mission staff member who is responsible for approving EVs and dependents traveling to the United States (see **252.3.5.3**) and certifying that a Security Risk Inquiry has been conducted on each approved EV and dependent (see **252.3.3**). Missions conduct Security Risk and Fraud Inquiries and carry-out the R3 - Approver role for each EV and dependent whose legal residence is in a Mission's covered country, unless alternate agreed upon arrangements are made with another Mission or Washington R3. The Mission or USAID/Washington Office Director appoints the R3 (see **252.3.5.3**).

i. The **Regional Security Officer** or **USAID's Office of Security (SEC)**, at the request of a Mission or USAID/W, consults on the development of Security Risk and Fraud Inquiry (SRFI) procedures.

252.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 08/25/2014

The policy directives and required procedures provided in this section are applicable to all Agency-sponsored activities taking place in the U.S.

All USAID Sponsoring Units involved in sponsoring U.S.-based Exchange Visitors must familiarize themselves with the references in section **252.4.2**, including [ADS 252maa](#), [The Complete Guide to USAID Visa Compliance Systems](#), and apply such guidance when required or applicable.

Any foreign national traveling to the U.S. for any purpose, including invitational travel (see [ADS 522.3.3](#)) and participant training (see [ADS 253](#)), funded by USAID in whole or in part, directly or indirectly, is considered an EV; except:

- a.** Individuals employed by USAID, including Personal Services Contractors (PSCs) and United States Government (USG) employees under interagency agreements with USAID.
- b.** Individuals working under a USAID contract or sub-contract.
- c.** Individuals working under a competitively awarded USAID cooperative agreement or sub-agreement, grant or sub-grant.

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- d. Individuals **working** under a non-competitively awarded USAID cooperative agreement or **sub-agreement, grant or sub-grant, who are traveling to the U.S.** for the purposes of internal USAID project or program administration business, and not for the purposes of participating in USAID-sponsored invitational travel (see [ADS 522.3.3](#)) or participant training (see [ADS 253](#)).
- e. Individuals who are in transit through an American port on their way to a third country. For purposes of this section, an individual is in transit if he or she will be in the U.S. solely for the purpose of immediate and continuous travel en route to a third country. It is the responsibility of all USAID-sponsored individuals to obtain any required transit visas.
- f. **Individuals employed by a Public International Organization (see [ADS 308.3.10.2](#)).**
- g. Individuals sponsored by a Public International Organization under a USAID-funded program contribution (see [ADS 308.3.10.2](#)), **unless the PIO is voluntarily adhering to Agency policy in consultation with USAID staff. Under a USAID-funded program contribution, the Agency generally relies on the PIO's internal systems and procedures for program implementation; therefore, the PIO itself is the EV's sponsor rather than USAID. However, PIOs may voluntarily agree to adhere to Agency policy provided in this ADS chapter, but in such cases the PIO must adhere to all requirements of this ADS chapter in its entirety and USAID will thereby be the EV's sponsor rather than the PIO. This provision applies specifically to program contributions to PIOs and does not apply to other types of awards to PIOs [i.e., cost-type grants, general contributions, etc.] (see [ADS 308.3.10](#)).**

Except under exceptional circumstances (see [252.3.1](#)), all USAID-sponsored EVs must obtain, use, and abide by the terms of the J-1 visa processed under a USAID program number.

Department of State has designated USAID as a Student and Exchange Visitor Program (SEVP) sponsor. USAID's program number is **G-2-00263**. The Agency is designated for a wide range of EV categories, as defined in [22 CFR 62](#), which encompass all possible Agency-sponsored activities. The categories are:

- a. **Student** – The EV is entering the U.S. to study at a degree-granting post-secondary accredited educational institution. The EV may participate in a degree or a non-degree program. The maximum duration of participation for the Non-Degree Student sub-category is two years. There is no maximum duration of participation for the associate's, bachelor's, master's, or doctoral degrees sub-categories (see [22 CFR 62.23](#)).

- b. **Short-Term Scholar** – The EV is entering the U.S. for a period up to six months for the purpose of lecturing, observing, consulting, training, or demonstrating special skills at research institutions, museums, libraries, post-secondary accredited educational institutions, or similar types of institutions (see [22 CFR 62.21](#)).
- c. **Specialist** – The EV is an expert in a field of specialized knowledge and is entering the U.S. for a period up to one year to observe, consult, or demonstrate special skills (see [22 CFR 62.26](#)).
- d. **Research Scholar** – The EV is entering the U.S. for a period up to five years primarily to conduct research, or to observe or consult in connection with a research project at research institutions, corporate research facilities, museums, libraries, post-secondary accredited institutions, or similar types of institutions (see [22 CFR 62.20](#)).

Individuals may not travel as Research Scholars if they have traveled to the U.S. under an F or a J visa within the previous 12 months, unless their presence in the U.S. was for less than six months. EVs who travel as Research Scholars may not return to the U.S. as a Research Scholar for two years following the completion of their program.

- e. **Government Visitor** – The EV is entering the U.S. for a period up to 18 months and is an individual who is influential or distinguished, selected by USAID to consult, observe, train, or demonstrate special skills (see [22 CFR 62.29](#)).

252.3.1 Exceptions to the J-1 Visa Requirement

Effective Date: 08/25/2014

Mission Directors or USAID/W Office Directors may, in consultation with RLOs or GC, and, on a class or case-by-case basis, exempt certain individuals from USAID's policy of requiring the use of a J-1 visa, when one of the following is evident:

- The consular official issuing the visa makes a determination that another type of visa is appropriate for the travel;
- The individual is sponsored by USAID/Mexico for a program of no more than 14 days in duration (from program start date to program end date), is traveling to the United States, and is holding a B-1/B-2 Border Crossing Card (BBBCC) or B-1/B-2 Border Crossing Visa (BBBCV);
- The individual's travel is required in order to meet urgent, sensitive, and high-priority Mission program requirements; or
- Such action is deemed in the best interest of the Agency.

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The Mission Director or USAID/W Office Director must sign the completed [AID Form 252-2, Exemption of Requirement for Use of J Visa](#). A copy of the completed form must be kept in the EV's file and one copy must be forwarded to the USAID Responsible Officer. The [AID Form 252-2](#) is intended for internal Agency management control purposes only, is not related to the Nonimmigrant Visa Referral (form DS-4034/5) process, **and must not be shared with anyone outside of the Agency.**

Sponsoring Units are reminded that individuals sponsored by USAID for travel to the U.S. under a visa other than a J-1 are not subject to the two-year home residency requirement (see **252.3.6.1**), but are still subject to the Security Risk and Fraud Inquiry using either the Standard or Alternate procedure (see **252.3.3**).

In a case where a consular officer issues a visa other than J-1 to a USAID-sponsored EV, certain **ADS 252** provisions remain applicable as Agency policy. Those **ADS 252** provisions that remain applicable (with noted conditions) are as follows:

- **252.3.2**, EV Medical Eligibility
- **252.3.3**, EV and Dependent Security Risk and Fraud Inquiry
- **252.3.4**, Dependent Certification
- **252.3.5.1**, Initiation of EV Data (must be entered into TraiNet but not submitted to the Visa Compliance System (VCS))
- **252.3.5.3**, Approval of EV (must be granted in writing but not entered into the VCS)
- **252.3.6**, Conditions of Sponsorship and Pre-Departure Orientation
- **252.3.6.2**, Health and Accident Insurance
- **252.3.6.4**, Employment of Exchange Visitors
- **252.3.6.5**, English Language Proficiency
- **252.3.8**, Tracking EVs and Dependents
- **252.3.8.1**, Cancellation of Exchange Visitors (must be entered into TraiNet but not submitted to VCS)
- **252.3.8.2**, Validation of Arrival (must be entered into TraiNet but not submitted to the VCS)

- **252.3.8.3**, Exchange Visitor Biographical Data Updates (must be entered into TraiNet but not submitted to the VCS)
- **252.3.8.4**, Dependent Biographical Data and Status Updates
- **252.3.8.5**, Validation of Travel Outside the United States
- **252.3.8.6**, Validation of Departure (must be entered into TraiNet but not submitted to VCS)
- **252.3.8.7**, Reporting No Show and Non-Returnee EVs (status changes will not be made in the SEVIS system)
- **252.3.10**, Documenting EVs and Dependents (except VCS document upload requirements)
- **252.3.11**, Compliance Monitoring and Verification

The following **ADS 252** provisions are **not** applicable (with noted conditions):

- **252.3.5**, Certification of Eligibility for EV Status (except **252.3.5.1** and **252.3.5.3**)
- **252.3.5.2**, Verification of EV Data
- **252.3.5.4**, Submission of EV Data
- **252.3.6.1**, Two-Year Foreign Residency Requirement and Waiver
- **252.3.6.6**, Transferring Visa Sponsorship
- **252.3.6.7**, Termination of Exchange Visitor Status
- **252.3.7**, Changing Visa or Status to USAID Sponsorship.

252.3.2 Exchange Visitor Medical Eligibility

Effective Date: 08/25/2014

Sponsoring Units **may optionally require** EVs who are engaged in a U.S.-based activity to undergo a medical examination and receive a Certification of Medical Eligibility for USAID sponsorship. Sponsoring Units must ensure that EVs who are engaged in a U.S.-based activity undergo a medical examination, if it is a requisite for an EV's enrollment in health and accident insurance (see **252.3.6.2**). **The AID Form 1382-1, Medical Examination and Certification** is an optional form that may be used for the purposes of documenting Certification of Medical Eligibility for USAID sponsorship.

a. Medical Examination and Certification Form

The **optional [AID Form 1382-1, Medical Examination and Certification](#)** consists of three main parts: 1) A medical history completed by the prospective EV; 2) a medical examination by a physician; and 3) post examination Mission or Washington Office administrative review, signed by a the Mission Director or USAID/W Office Director or designee. (Note: Pursuant to the following waiver procedures, whenever a foreign language Medical Examination and Certification form is sent to the Sponsoring Unit or an Implementer, an English language translation must accompany the documents).

1. Medical History

The prospective EV must complete and sign the first page of the Medical Examination form. The EV must understand that his or her signature certifies both the truthfulness of responses to the best of his or her knowledge and understanding of the "Important Notice" on the first page.

2. Medical Examination

The examining physician must record the results of the examination, summarize the findings, and make a recommendation as to whether the prospective EV is medically qualified for his or her U.S.-based sponsored activity. **Sponsoring Units must use Embassy-approved medical facilities and practitioners for EV medical examinations, if made applicable by a Mission Order.**

The standard examination includes tests for most medical conditions that can result in costly medical treatment and/or impair the achievement of activity objectives. Sponsoring Units may add additional tests in cases when patterns of undetected EV illness emerge or the prevalence of local medical conditions warrants.

Sponsoring Units may elect to test for HIV/AIDS. If a Sponsoring Unit elects to do so, test results must be added to the other test information on Page 2 of the medical **certification** form. Sponsoring Units must recognize that whether or not they elect to test potential EVs for HIV/AIDS, health and accident insurance may not cover AIDS-related medical expenses incurred by EVs during the course of their sponsored activities (see **252.3.6.2**). The Sponsoring Unit must take responsibility to either secure additional coverage, underwrite the treatment costs from Agency funds, or defer the cost to the EV, the EV's employer, or another party. E3/ED cannot provide any funds to cover medical costs incurred by EVs.

3. Post-Examination Administrative Review and Determination of Applicant Medical Eligibility for USAID Sponsorship

Sponsoring Unit decisions resulting from the medical examination are documented on the final page of the **medical certification** form. The Sponsoring Unit reviewing official must be Mission or Washington-Office staff, such as the Contracting Officer's Representative or Agreement Officer's Representative, or the Participant Training specialist. Implementer staff, in accordance with the terms of their awards, may only serve as the reviewing official with written designation by the Mission Director or USAID/W Office Director. The designated individual reviews the information and considers the recommendations of the examining physician as well as sponsored activity objectives and recommends the approval or disapproval of the potential EV's medical eligibility for USAID sponsorship. The **medical certification** form provides space to note who will be responsible for claims related to pre-existing conditions.

b. Waiver of Medical Ineligibility for USAID Sponsorship

EVs who are found unsuitable for selection due to findings that resulted from a medical examination and Certification of Medical Eligibility are not eligible to participate in U.S.-based activities, unless the Sponsoring Unit waives the EV's medical ineligibility. To waive medical ineligibility for USAID sponsorship, the Sponsoring Unit must approve the waiver of a potential EV medical ineligibility and specify the pre-existing medical condition(s) that otherwise would have disqualified the potential EV from USAID sponsorship. This determination may be based on two grounds:

- That the medical condition is not likely to be activated or aggravated during the period of the **U.S.-based activity**; or
- That program objectives or other considerations require that the **U.S.-based activity** be approved in spite of the possible cost of medical claims to Mission/Bureau funds.

The following officials can approve medical waivers:

- For Mission-funded EVs – the Mission Director or designated Mission staff members.
- For regional-funded EVs residing in a country where there is no USAID Mission – the regional Assistant Administrator or designated regional Bureau staff members.
- For Washington Office-funded EVs – the Office Director or designated Washington Office staff members who are knowledgeable about the risk involved with committing funds to cover the costs of medical claims for waived conditions.

If a waiver of medical ineligibility for USAID sponsorship is approved, the EV's health and accident insurance (see **252.3.6.2**) may not cover the EV for the specific pre-existing medical condition(s) identified by the medical examination and which would otherwise have been disqualifying. Therefore, the Sponsoring Unit, EV, EV's employer, or third-party insurer designated **in Post-Examination Administrative Review (see 252.3.2a.3)** as responsible for covering unpaid medical claims must make arrangements to guarantee payment of any unpaid medical claims that may arise from the illness or medical conditions which were specified in the waiver section of the medical certification form. The Sponsoring Unit may be asked to provide the EV's health and accident insurance provider with a copy of the medical examination (with English translation if it is in a foreign language), and a statement of the funding source to cover specified pre-existing medical condition(s) that otherwise would have disqualified the potential EV from USAID sponsorship.

252.3.3 Security Risk and Fraud Inquiry (SRFI)

Effective Date: 12/15/2011

USAID Missions must conduct a Security Risk and Fraud Inquiry on every potential EV and dependent whose legal residence is in a Mission's covered country, regardless of whether or not the EV is sponsored by that Mission or another USAID Sponsoring Unit, unless alternate agreed upon arrangements are made with another USAID Mission to conduct the inquiry. Sponsoring Units must request of the appropriate Mission that it conduct an SRFI on every potential EV and dependent, utilizing the SRFI process established by that Mission. **Travel to the U.S. must begin no more than 120 days (four months) after completion of the SRFI.** If travel commences more than 120 days after completion of the SRFI, the EV's SRFI must be updated through re-verification of the information used in the initial inquiry.

Missions must establish a SRFI, including the process for conducting it. The purpose of the SRFI is to identify individuals who could pose a threat to the security of the United States and to identify individuals seeking to obtain a J-1 visa with the intent of defrauding USAID. Individuals who are found unsuitable for selection due to findings that resulted from a SRFI are not eligible for USAID sponsorship.

USAID Implementers may assist Missions in conducting the SRFI, however an SRFI must not be based on information obtained solely from an Implementer. Missions must consult with the Consulate's Fraud Prevention Manager when developing their SRFI and are encouraged to consult with the Embassy, Consulate, Regional Security Officer (RSO), and/or USAID's Office of Security when developing or reviewing it. The SRFI only supplements and does not duplicate, substitute, or supersede other fraud or security measures in place or determined to be appropriate by the aforementioned.

The process for conducting the SRFI must address:

- How the SRFI will be conducted,
- Who will conduct the inquiry,

- The point at which the inquiry must occur in the EV selection and pre-departure process, and
- The procedure for maintaining documentation of the SRFI.

a. Standard SRFI

Because security and fraud concerns vary in Missions around the world, there is no single formula or prescribed process to cover all situations. The majority will be subject to a Mission's standard SRFI. Missions must establish a standard SRFI based on, but not limited to, the following:

- Evidence the Mission staff determines to be appropriate in the local environment, including the results of inquiries to such U.S. Government officials as RSOs, Homeland Security Officers (HSO), consular officers;
- Formal background checks;
- Police reports;
- Verification of employment and of the likelihood of continued employment upon return;
- Verification of personal or biographical information provided by the EV;
- Letters of recommendation from past or current employers in home or host country;
- Personal knowledge of the EV's or dependent's conduct from Mission staff or Implementers;
- Information and impression based on formal interview; and
- Any combination of the above.

A USAID staff member or Implementing Partner staff member must physically meet the potential EV to verify his or her identity.

b. Alternate SRFI

Missions may also establish an alternate SRFI to be used in instances where certain USAID or Embassy staff personally knows an EV or dependent, or when an EV or dependent is of a substantially high profile. Such an alternate SRFI may rely solely on the assertion of U.S. citizen Mission or USAID/W Office staff that the EV or dependent

neither poses a threat to the security of the U.S. nor intends to defraud USAID. Such assertions must be documented and maintained in an EV's file.

The Mission Director is responsible for identifying what level of staff may assert personal knowledge of an EV or dependent as the basis for this alternate SRFI.

Missions are encouraged to include their SRFI and/or alternate SRFI (see **252.3.3.b**) and the process for conducting it in a Mission Order or Directive for Visa Compliance for Exchange Visitors and/or Participant Training. The Mission Executive Officer (EXO) is normally responsible for the establishment and maintenance of a Mission directives system that may include Mission Orders and Notices (see [ADS 527, Functions of the Mission Executive Office](#)).

252.3.4 **Dependent Certification**

Effective Date: 08/25/2014

USAID considers spouses of any age and children under the age of 21 traveling to the U.S. to accompany, join, or visit U.S.-based USAID-sponsored EVs to be dependents. **This provision applies to same-sex spousal-dependents in the same manner as opposite-sex spousal-dependents.**

In order to avoid unnecessary liabilities and to minimize the possibility of non-returnees, **USAID strongly discourages dependent travel.** USAID Mission Director or USAID/W Office Director (or designee) approval must be obtained using the [AID Form 1380-5, Dependent Certification](#) for **all** dependent travel regardless of the visa type being used by the dependent for travel.

Each Mission must establish a policy governing all aspects of dependent certification, including criteria for the approval of dependents. Missions may permit EVs to bring family members to the U.S. either for an EV's full duration of stay or for short visits, only if the EV has sufficient personal financial resources to cover related expenses.

Missions must consider whether: a) cultural or religious norms require an EV to be accompanied, joined, or visited in the U.S. by a dependent; b) the separation from family during the EV's duration of stay in the U.S. will pose a hardship likely to affect the EV's ability to fully engage in the sponsored activity; and c) if the EV is likely to be distracted from program goals by family obligations in his or her home country. EVs must complete, sign, and submit an [AID Form 1380-5, Dependent Certification](#) to the Mission Director or USAID/W Office Director for approval. The Approver (R3) must upload the approved Dependent Certification form to the EV's VCS record (see **252.3.5.3**). The Sponsoring Unit must keep a hard (paper) copy of the form on file with other EV documents.

All dependents of USAID-sponsored EVs must obtain, use, and abide by the terms of the **J-2 visa** processed under a USAID program number, unless the consular official issuing the visa makes a determination that another type of visa is appropriate for the travel.

The same J visa application procedures that apply to EVs also apply to dependents (see **252.3.5**).

Missions must conduct the same SRFI on EV dependents that they conduct on EVs (see **252.3.2**). Missions must document the specific evidence they used to make the required Dependent SRFI. Sponsoring Units must keep security risk determination evidence on file with other EV documents.

Sponsoring Units may optionally require dependents to undergo a medical examination and receive a Certification of Medical Eligibility for dependent travel. The [AID Form 1382-1, Medical Examination and Certification](#) is an optional form that may be used for the purposes of documenting Certification of Medical Eligibility for dependent travel.

USAID has no financial obligation related to dependents, and support of dependents is the EV's sole responsibility (except in cases where a dependent is an assistant to a person with disabilities who has been selected for Participant Training – see [ADS 253](#)). Adequate financial expenditure estimates are based on the cost of living in the area where the USAID-sponsored activity is taking place. A general rule is that 50 percent of the EV's monthly maintenance allowance is required for each accompanying dependent (inclusive of dependent health and accident coverage), in addition to the cost of a round-trip airline ticket. The USAID Mission (or USAID/W for centrally approved EVs) must consider the total number of dependents and the expected length of stay in the U.S. in determining total expenditure estimates for entry on the [AID Form 1380-5, Dependent Certification](#). The cost of travel is in addition to the 50 percent per EV cost of living calculation.

The EV is responsible for arranging, maintaining, and paying for each and every dependent's health insurance coverage and ensuring that the insurance remains in effect for the duration of the dependent's presence in the U.S. The EV is responsible for obtaining maternity coverage benefits for dependents, if appropriate. EVs may obtain information on dependent health insurance coverage in the U.S. from the Foreign Student Advisor at academic institutions or by writing to the National Association for Foreign Student Affairs.

EVs must also make sure that dependents' airplane tickets do not expire and are kept updated with the issuing airline.

Sponsoring Units are encouraged to provide a pre-departure orientation for dependents.

252.3.5 Certificate of Eligibility for Exchange Visitor Status (Form DS-2019)
Effective Date: 08/25/2014

USAID-sponsored EVs (as defined in **252.3**) must enter the U.S. on a J-1 (non-immigrant Exchange Visitor) visa processed under a USAID program number, unless a U.S. consular officer determines otherwise. Exchange Visitors must submit a [Certificate of Eligibility for Exchange Visitor Status \(Form DS-2019\)](#) (generated

electronically) and other supporting documents to the U.S. consulate in order to apply for a J-1 visa, unless the use of a visa other than a J-1 has been approved (see **252.3.1**).

Agency policies, procedures, and information systems used for obtaining a DS-2019 form reflect requirements of the Student and Exchange Visitor Information System (SEVIS), a Web-based system for maintaining information on international students and EVs in the U.S. The Student and Exchange Visitor Program, a division of U.S. Immigration and Customs Enforcement of the Department of Homeland Security, administers SEVIS. For more information on SEVIS, go to <http://www.ice.gov/sevis/index.htm>.

In order to obtain a **DS-2019 form** for a prospective USAID-sponsored EV, ***except U.S. citizens (see ADS 253)**, information about the individual must be gathered and managed in the following manner:

- An assigned initiator (R1) must enter the information, initiating the flow of information, using the USAID Training Information Network (TraiNet), a USAID internal database;
- An assigned verifier (R2) must verify the information, using the USAID Visa Compliance System;
- An assigned Mission or USAID/W Office Approver (R3) must approve the information, also using VCS; and
- The E3 RO (R4) or ARO to SEVIS submits the information to SEVIS.

SEVIS generates the DS-2019 Form, and the USAID RO or ARO signs and expeditiously sends it to Mission or USAID/W Office Approvers for facilitating consular interviews. (For further systems and procedural guidance, see [The Complete Guide to USAID Visa Compliance Systems](#).)

252.3.5.1 Initiation of Exchange Visitor Data

Effective Date: 08/25/2014

The R1 must enter EV information in TraiNet and submit it to the VCS, allowing sufficient time for the Verifier (R2) and Approver (R3) to carry out their respective roles, and the EV to receive the DS-2019 Form (see **252.3.5**) and to arrange for a consular interview (see [Estimated Timeframes for J Visa Process](#)). R1 – Initiators must not use diacritical marks or other non-standard English language characters when entering data into TraiNet.

In the event that a Mission Director or USAID/W Office Director has exempted an individual who is participating in a U.S.-based participant training activity (see [ADS 253](#)) from USAID's policy of requiring the use of a J-1 Visa (see **252.3.1**), Sponsoring Units

must enter data for the activity and individual in the TraiNet database no less frequently than within 30 days of the end of each federal fiscal year quarter. This data must not be submitted to VCS.

252.3.5.2 Verification of Exchange Visitor Data

Effective Date: 08/25/2014

Once entered in TraiNet, all EV data must be verified by a Verifier (R2) who has been nominated to serve the R2 role by an Approver (R3). The R2 must verify data in the VCS, allowing sufficient time for the Approver (R3) to carry out his or her role, and the EV to receive the DS-2019 Form (see **252.3.5**) and to arrange for a consular interview. VCS is a secure Web-based system that facilitates both the approval process related to producing the DS-2019 and the data interchange between TraiNet and SEVIS.

The R1 and R2 must enter and verify EV data at least three weeks prior to the EV's planned travel date. Visa processing procedures for some countries may require a more extended lead time.

- a. Mission or USAID/W Office Approvers (R3) (**252.3.5.3**) must appoint individuals authorized to verify required data – Verifiers (R2s) – and must submit those appointments directly to the RO in USAID/W. R2 appointments must not be sent to the systems helpdesk.

The TraiNet Operator (R1) cannot perform this data-verifying role and therefore must not verify data that he or she entered into TraiNet as an R1. The R2 must be the supervisor of the TraiNet Operator (R1), within the same organization as the TraiNet Operator (R1), unless otherwise approved in writing by the **Sponsoring Unit**.

- b. Verifiers (R2) must verify that all TraiNet data imported into VCS is complete, correct, and error-free. Verifiers (R2) must take appropriate supervisory action to rectify Initiator (R1) data entry errors.
- c. Mission and USAID/W Office Approvers (R3) must maintain their roster of appointed Verifiers (R2) by requesting the removal of R2s from the VCS by the RO when appropriate and responding to periodic system prompts for R2 re-appointment in the VCS.

252.3.5.3 Approval of Exchange Visitor

Effective Date: 08/25/2014

All data necessary for obtaining a DS-2019 Form (see **252.3.5**) for each U.S.-bound EV must be approved using the USAID Visa Compliance System, found at <https://vcs.usaid.gov>. Missions must carry out the Approver (R3) role for EVs and dependents whose legal residence is in a Mission's covered country, regardless of whether or not the EV is sponsored by that Mission or another USAID sponsoring unit,

unless alternate agreed upon arrangements are made with another USAID Approver (R3) to carry out the role.

The Mission Approver (R3) must carry out the R3 approval function for all initial or updated EV VCS data, except U.S. arrival validation (see **252.3.8.2**), U.S. departure validation (see **252.3.8.7**), and home country arrival validation (see [ADS 253](#)). The R3 must approve initial EV data at least two weeks prior to the EV's planned travel date. Visa processing timelines for some countries may require a more extended lead time.

- a. The Mission Director or USAID/W Office Director must appoint Mission or Washington office staff members who are U.S. citizens to approve required data (Approvers) and must submit those appointments directly to the RO in USAID/W. R3 appointments must not be sent to the systems helpdesk.
- b. Sponsoring Units must provide Mission Approvers (R3) with the following reference documents required for the approval function, and either the R2 (see **252.3.5.2**) or R3 must upload these documents to the EV's VCS record, prior to the R3 approving the EV:
 - EV Biographical Information or optional [AID Form 1380-1, Participant/Exchange Visitor Biographical Data](#);
 - A copy of the face page of the EV's passport, clearly showing the face, passport number, and country of citizenship;
 - [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#) (dated 12/2013 or later) [English-version] (signed by both the Participant and USAID Official);
 - SRFI documentation, including date conducted, evidence, and findings (see 252.3.3);
 - Health and accident insurance enrollment documentation; and
 - [AID Form 1380-5, Dependent Certification](#) approved by the Mission Director or USAID/W Office Director, if applicable.
- c. Approvers (R3) must certify that, to the best of their knowledge and based on representations made to them, the following occurred or will occur when approving EV data:
 - USAID conducted a SRFI and noted the date on which USAID completed it. (Completion of the SRFI is required prior to approving an EV in the VCS and cannot be conducted after the fact);

- USAID will conduct the exchange visit in accordance with the requirements of **ADS 252** and [ADS 253](#);
- The EV and his or her program are legitimate;
- The data imported into VCS is valid;
- Each EV traveling to the U.S. (see [22 CFR 62.12 \(b\)](#)):
 - Meets eligibility requirements,
 - Is qualified to be selected for the EV activity,
 - Has been approved to participate in the activity in which he or she will be participating;
- The Mission approves any dependent travel;
- USAID authorizes him or her to approve the data; and
- He or she (the R3) is a citizen of the United States and staff member of a USAID Mission or USAID/W.

Unless the foregoing can be certified, an Approver must not approve an EV's data in the VCS.

- d. If applicable, Approvers (R3) must upload to the EV's file in the VCS the [AID Form 1380-5, Dependent Certification](#) that the Mission Director or USAID/W Office Director approved.

252.3.5.4 Submission of Exchange Visitor Data
Effective Date: 08/25/2014

Once the EV's biographical and activity information required for obtaining a **Certificate of Eligibility for Exchange Visitor Status** (Form DS-2019) (see **252.3.5**) has been approved by an R3-Approver using the VCS, the USAID RO or ARO submits the information to SEVIS. SEVIS is administered by DHS. SEVIS generates the DS-2019 form. The RO or ARO then prints and signs the form and sends it by international courier to Mission or USAID/W Office Approvers for consulate filing.

The Mission or USAID/W Office Approver must retain control of the signed DS-2019 until he or she submits it, with supporting documents, to the U.S. Consulate. The Mission Approver must ensure that if an EV does not depart for the U.S. as planned, the DS-2019 form must be immediately returned to the RO, with a brief explanation of the reason for the return. All unused DS-2019 forms must be returned to the RO or ARO.

252.3.6 Conditions of Sponsorship and Pre-Departure Orientation

Effective Date: 08/25/2014

All EVs must sign the English-version of the [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#), indicating that they understand and agree to the contents of the form before accepting USAID sponsorship. The EV may also sign a version translated into his or her primary language if a translation is available. Sponsoring Units must use the most recent version of this form (dated 12/2013 or later). A signed copy must be retained by the Sponsoring Unit and the implementer in accordance with the terms of their award, as well as given to the EV. The R2-Verifier (see 252.3.5.2) of an EV's or dependent's VCS record must scan and upload a signed copy to VCS. Prior to sharing the completed form with the EV, Sponsoring Units must remove page 3 of this form (the page with a grey "FOR USAID STAFF ONLY" box) – page 3 of this form is for internal USAID use only.

Sponsoring Units must ensure that all EVs take part in a pre-departure orientation to prepare them for their trip to the U.S.

The following subsections detail the minimum essential conditions of sponsorship that must be addressed during an EV's pre-departure orientation (see also [ADS 253](#)).

252.3.6.1 Two-Year Foreign Residency Requirement and Waiver

Effective Date: 12/29/2010

[Section 212\(e\) of the Immigration and Nationality Act \(8 USC 1182\)](#) requires that J-1 visa holders reside for a total of 24 months, whether consecutive or non-consecutive, in the respective host country before being eligible to apply for the following:

- Certain types of non-immigrant visas (for example, H-1 or L-1), or
- Legal permanent residence in the U.S. (commonly known as a green card).

USAID has incorporated this requirement into its own [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#). USAID EVs may continue to travel to the U.S. during this 24-month period if the individual holds another type of non-immigrant visa that permits such travel (such as a B-1/B-2, tourist/business visa). Time spent outside the home country is not counted toward fulfillment of the two-year home residency requirement.

All USAID Sponsoring Units must inform EVs of the two-year home residency requirement, which is specified as a condition of sponsorship. Further, they must explain that the EV's failure to fulfill this requirement may result in USAID seeking recovery of all costs associated with their sponsorship.

EVs may apply for a waiver of the two-year home residency requirement. The Department of State, Waiver Review Division administers the waiver review process. Only the DHS/United States Citizenship and Immigration Services has the authority to grant or deny a waiver of the two-year home residency requirement. USAID, as an EV Sponsor, is not authorized to grant a waiver of the two-year home residency requirement, but does provide Program Sponsor Views of the waiver request to the (DoS) Waiver Review Division. Program Sponsor Views represent the position of the Agency regarding whether or not the waiver should be granted or denied.

If the DoS Waiver Review Division grants the waiver of the two-year home residency requirement over the objection of USAID, the Agency may issue a Bill of Collection (see [ADS 253](#)) to the J-1 visa holder for all costs associated with USAID's sponsorship of that J-1 visa holder. If the Agency determines that the waiver should be granted, USAID will not issue a Bill of Collection (see [ADS 253](#)) to the J-1 visa Holder.

USAID/W (E3/ED) considers each waiver request on a case-by-case basis and provides Sponsor Views accordingly to the DoS for its determination. For EVs traveling under the Government Visitor category (see [ADS 252.3](#)), USAID will not object to the granting of a waiver of the two-year home residency requirement.

252.3.6.2 Health and Accident Insurance

Effective Date: 08/25/2014

Sponsoring Units must enroll EVs in health and accident insurance coverage that meets or exceeds the federal requirements established to implement the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87–256, 22 U.S.C. 2451, *et seq.* (1988) as set forth in the Code of Federal Regulations, Title 22, Part 62.14 ([22 CFR 62.14](#)), as periodically updated. Additionally, Sponsoring Units must ensure that certain aspects of minimum coverage meet the following Agency minimum coverage requirements:

- Medical benefits of at least \$150,000 per accident or illness;
- Repatriation of remains in the amount of \$7,500;
- Expenses associated with the medical evacuation of the exchange visitor to his or her home country in the amount of \$10,000;
- A deductible not to exceed \$50 per accident or illness;
- A one-year waiting period for pre-existing conditions or other waiting period which is reasonable as determined by current industry standards;
- No requirement for co-insurance under the terms of which the EV may be required to pay a percentage of the covered benefits per accident or illness; and

- No unreasonable exclusion of coverage for perils inherent to the activities of the program in which the exchange visitor participates.

When selecting appropriate health and accident insurance coverage, Sponsoring Units must also comply with these additional coverage considerations:

- EVs may be enrolled in health and accident coverage offered by a U.S. college or university, or by a private insurance provider that is typically used by the activity implementer or identified through a search of qualified insurance providers. Selected insurance provider coverage must meet or exceed the coverage requirements specified in this ADS chapter. **If EVs participating in an academic program are required by a U.S. college or university to enroll in a particular health and accident coverage policy offered by the college or university that does not meet the coverage requirements specified in this ADS chapter, Sponsoring Units must ensure that EVs are enrolled in additional insurance coverage that does meet or exceed the coverage requirements specified in this ADS chapter.**
- Health and accident insurance must cover the “usual, customary, and reasonable” charges for required medical services.
- Health and accident insurance coverage must begin the day the EV departs his or her home country to travel to the U.S. and must remain in effect through the day the EV returns to his or her home country.
- USAID is not responsible for any medical claims in excess of the coverage provided by the EV’s health and accident insurance or for medical claims ineligible for coverage under the EV’s health and accident insurance.
- Coverage for HIV/AIDS-related medical claims must be confirmed by the Sponsoring Unit and EV through contact with the individual health care provider. Sponsoring Units must not assume that coverage for HIV/AIDS is provided unless it is contained in the individual health and accident insurance policy.
- An EV must be repatriated to his or her country of origin if diagnosed with a mental or physical disease or disorder while in the U.S. that will unduly delay or prevent the EV’s successful completion his or her sponsored activity. The Sponsoring Unit may waive this requirement only if both the Agency RO and the Mission Director or USAID/W Office Director provide the Sponsoring Unit with concurrent approval.
- In cases of terminally ill or incapacitated EVs, the health and accident insurance must cover medical costs only until the point of repatriation at an EV’s home country port of entry. If repatriation is delayed for medical

reasons, health and accident insurance coverage must terminate as of the first date a treating physician deems the EV medically able to travel.

- The EV is ultimately responsible for ensuring that all claims for medical services are submitted to the insurance provider. All claims should be submitted within the timeframe set forth by the insurance provider.
- The Sponsoring Unit must submit premium payments within the deadline established by the provider. Non-payment of premiums may trigger automatic suspension of all health and accident insurance under the EV's enrollment agreement until full payment is received by the insurance provider.

Sponsoring Units must also ensure that approved J-2 dependents are enrolled in health and accident insurance coverage during the period that the dependent is in the U.S. that meets or exceeds the aforementioned minimum coverage requirements for EVs (see also, [22 CFR 62.14](#)).

252.3.6.3 Automobile Operation

Effective Date: 08/25/2014

Exchange Visitors may not operate a motor vehicle while in the U.S., without the prior written approval of the Sponsoring Unit. Approvals are determined on a case-by-case basis. When Sponsoring Units approve EV operation of a motor vehicle in the U.S., the Sponsoring Unit must:

- Provide the EV with an overview regarding compliance with all state and local laws, ordinances, and requirements of the program locality;
- Ensure that the EV has obtained all necessary personal, liability, and health and accident insurance, and licenses to meet state and local requirements for the operation of a motor vehicle; and
- Inform the EV that he or she must pay for the cost for the medical treatment of injuries sustained as a result of an motor vehicle accident.

252.3.6.4 Employment of Exchange Visitors

Effective Date: 08/25/2014

USAID-sponsored EVs with J-1 visas can be employed in the U.S. in connection with an assistantship, on-the-job-training, or practical training experience that **is an integral, documented part of the sponsored activity** and the Sponsoring Unit approves it. USAID-sponsored Participants for U.S.-based training can also be employed in the U.S. when the employment **is not part of the approved sponsored activity** under certain conditions. Sponsoring Units must inform the RO or ARO when an EV is employed while under USAID-sponsorship (see [ADS 253](#) for more details).

252.3.6.5 English Language Proficiency

Effective Date: 12/29/2010

Sponsoring Units must verify that an EV is proficient in English if the individual will undertake a U.S.-based Exchange Visitor program that is conducted in English. Even if accompanied by an interpreter, the EV must have sufficient English language skills to understand and respond to basic questions at the U.S. port of entry. USAID cannot waive this external requirement of English language proficiency determination (see [22 CFR 62.10\(a\)\(2\)](#) and [ADS 253](#)).

252.3.6.6 Transferring Visa Sponsorship

Effective Date: 08/25/2014

The USAID RO or AROs alone have the authority delegated from the DoS to transfer J-1 visa sponsorship from one of USAID's programs to another Sponsor's program (for example, a university J-1 program). However, USAID will not transfer its program sponsorship except for when the EV was originally identified, in error, as a USAID-sponsored EV.

USAID-sponsored EVs who have entered the U.S. on a J-1 visa processed under an authority other than USAID's must change their J-1 visa/status to a USAID-authorized J-1.

252.3.6.7 Termination of Exchange Visitor Status

Effective Date: 08/25/2014

Every EV must be notified at his or her pre-departure orientation that USAID may terminate the individual's status in SEVIS if the EV violates any of the Conditions of Sponsorship; invokes any of the bases of termination of program sponsorship as described in the [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#) (for example, failure to file the appropriate U.S. federal and state tax forms or bringing dependents to the U.S. without prior USAID approval); or if the EV (or dependent, as applicable):

- Is convicted of a crime;
- Is engaged in unauthorized employment;
- Has failed to pursue program activities;
- Has failed to submit change of address within 10 days;
- Has failed to maintain health insurance;
- Has failed to maintain a full course of study;
- Has been suspended involuntarily;

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

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- Has violated sponsor rules governing the program; or
- Has violated EV program regulations.

The USAID RO is authorized to initiate a termination in SEVIS for any of the above-listed reasons. Sponsoring Units must inform EVs that termination in SEVIS may harm their ability to re-enter the U.S. in the future. EVs whose programs have been terminated cannot apply for an extension, reinstatement, or change of category, and along with all dependents, must leave the U.S. within three calendar days (seven calendar days for long-term programs of six months duration or longer).

Please note that the interpretation in [9 FAM 40.21\(a\) N3](#) concerning conviction of a crime in the context of visa eligibility informs this basis of termination in SEVIS. Please consult with the GC or your RLO for guidance on this issue.

When an **EV's program** is terminated in SEVIS, the RO or ARO will inform the R3-Approver associated with the EV's VCS record. The R3-Approver must then inform the consular officer of the EV's program termination.

252.3.7 Changing Visa or Status to USAID Sponsorship

Effective Date: 01/01/2005

USAID-sponsored EVs who entered the U.S. on an F-1 visa, which was processed under an authority other than USAID, must change their F-1 visa/status to a USAID-authorized J-1.

One of the following two procedures can accomplish a change of visa/status from F-1 to J-1, according to the circumstances:

- (1) From **outside the U.S.**, the EV must consult with the U.S. Consulate regarding the appropriate procedures for applying for a J-1 visa and must re-enter the U.S. under J-1 visa classification.
- (2) **Within the U.S.**, the EV must file the appropriate application (currently I-539) to request a change of status while remaining in the country. The EV must file the [I-539, Application to Extend/Change Non-immigrant Status](#) and all supporting documents within one academic semester of the start of USAID sponsorship, if the duration of the program exceeds one semester.

252.3.8 Tracking Exchange Visitors and Dependents

Effective Date: 12/29/2010

The vital importance to the U.S. Government of tracking international students and other EVs enrolled in U.S.-based activities is indicated in the [Enhanced Border Security and Visa Entry Reform Act of 2002 \(Pub. L. 107-173\)](#). The DHS, ICE, and DoS, through the SEVIS, manage the issuance of J-1 and J-2 visas, track students and EVs, and monitor information relative to each EV.

USAID policies and supporting procedures and systems for tracking USAID-sponsored EVs reflect SEVIS requirements. Sponsoring Units are responsible for tracking the whereabouts of EVs and dependents at all times while they are in the U.S.

252.3.8.1 Cancellation of Exchange Visitors

Effective Date: 12/29/2010

Sponsoring Units must cancel in TraiNet and VCS the participation of EVs who will not be traveling to the U.S. for their USAID-sponsored activity. Reasons for EV cancellation can range from the EV's inability to obtain a J-1 visa, to personal issues that preclude an EV's participation in the sponsored activity, to the cancellation of an entire USAID-sponsored program.

Upon becoming aware that an EV will not travel, the R1 (see **252.3.5.1**) must update the status of the EV to "cancelled" in TraiNet. The R2 (see **252.3.5.2**) must verify and the R3 (see **252.3.5.3**) must approve this update in VCS, allowing sufficient time for the USAID RO or ARO to submit the cancellation to SEVIS prior to the program start date. The R3 must return the unused DS-2019 form to the USAID RO or ARO for appropriate destruction and disposal.

252.3.8.2 Validation of Arrival

Effective Date: 08/25/2014

USAID considers the content of an EV program to include travel from the EV's home country to the U.S. in addition to the technical or practical components of the program; therefore, the start date of an EV's program is the day that the EV is scheduled to depart his or her home country for travel to the U.S. An EV must not **depart from his or her home country** more than three calendar days (seven calendar days for long-term programs) prior to the first scheduled U.S.-based activity of his or her program.

Within three calendar days of the program start date (indicated on the EVs DS-2019 form), the Sponsoring Unit, and Implementers in accordance with the terms of their awards, must confirm that the EV has arrived in the U.S. and has begun his or her program. Upon confirmation, the R1 (see **252.3.5.1**) must update the status of the EV in TraiNet. The R2 (see **252.3.5.2**) verifies this update in VCS and the USAID Responsible Officer submits it to SEVIS. USAID refers to this process as "validation." An EV's arrival must not be validated prior to his or her actual arrival. For further details

on the validation process, please refer to [The Complete Guide to USAID Visa Compliance Systems](#).

It is vitally important to validate the arrival of EVs in TraiNet and VCS. Failing to do so will result in the EV being placed in “No Show” status with ICE. This status is an adverse or negative designation in the EV’s record with ICE. If it is verified that the EV did indeed arrive in the U.S. and began the program, USAID must then request the reinstatement of the EV through an official process involving DoS and DHS. USAID relies on its implementers to pay the non-refundable reinstatement fee levied by DoS.

In the event that an EV does not begin his or her program upon arrival in the U.S., the Sponsoring Unit, and implementers in accordance with the terms of their awards, must report the EV immediately to the RO or ARO. This notification to the RO/ARO will result in the EV being placed in “No Show” status with ICE (see **252.3.8.7**). This status is an adverse or negative designation in the EV’s record with ICE.

252.3.8.3 Exchange Visitor Biographical Data Updates

Effective Date: 12/15/2011

During the course of an EV’s program, Sponsoring Units must immediately update in TraiNet any changes in the following information. It is particularly important that changes in current U.S. address (EV residence) be reported within 10 calendar days.

- Current U.S. Address – For short-term activities (21 days or fewer) with multiple site visits, where the EV’s current address will change frequently, the U.S. address of the Implementer administering the activity may be used. However, USAID Sponsoring Units, and Implementers in accordance with the terms of their awards, are responsible for tracking the whereabouts of their EVs at all times while they are in the United States (**252.3.8**);
- Current site of activity – If the training or activity provider has not yet been identified at the time of initial data entry, the Implementer’s name and U.S. address may be used until such time as the provider is known. Once known, provider information must be entered as a site of training information update into TraiNet. The Implementer’s name and U.S. address may also be used for EV activities where no training or activity provider is being used;
- Activity start and end dates;
- USAID or other funding contributions;
- Program completion;
- Name;

- Sex;
- Country of birth;
- City of birth;
- Country of citizenship;
- Country of legal permanent residence;
- Position code; and
- Field of study.

The [AID Form 1380-1, Participant/Exchange Visitor Biographical Data](#) may optionally be used to help facilitate biographical data updates.

252.3.8.4 Dependent Biographical Data and Status Updates

Effective Date: 12/29/2010

During the course of an EV's activity, any changes in the following information pertaining to an EV's dependent must be reported (via email) to the USAID RO or ARO:

- Name,
- Arrival of EV at his or her place of residence in the U.S.,
- Current U.S. address,
- Sex,
- City of birth,
- Country of birth,
- Country of citizenship,
- Country of legal permanent residence, and
- Departure from the U.S.

252.3.8.5 Validation of Travel Outside the United States

Effective Date: 12/29/2010

EVs must obtain the approval of the Sponsoring Unit for travel outside the U.S., while enrolled in a USAID-sponsored activity. Sponsoring Units must ensure that the EV's

DS-2019 Form (see **252.3.5**) is validated with the signature of the USAID RO or ARO before the EV departs the U.S. for such travel. Only the RO or an ARO may validate travel. Travel validation will only be provided for an EV who is in an appropriate status in SEVIS.

The DS-2019 Form, along with prepaid return express mail postage and a letter on institutional letterhead asserting that the EV is in good standing in his or her program, must be sent by the institution and mailed to the following address:

U.S. Agency for International Development
E3/ED
Room 3.09
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20523
Attn: Linda Walker

The R2-Verifier (see **252.3.5.2**) of the EV's VCS record must upload the following documents related to Travel Validation to the EV's VCS record:

- The letter on institutional letterhead asserting that the EV is in good standing in his or her program, and
- The EV's DS-2019 Form with RO/ARO (R4) signature validating travel outside the U.S.

252.3.8.6 **Validation of Departure**

Effective Date: 08/25/2014

USAID considers the content of an EV program to include travel from the U.S. to the EV's home country in addition to the technical or practical components of the program; therefore, the end date of an EV's program is the day that the EV is scheduled to arrive back in his or her home country from the U.S.

An EV must **arrive back in his or her home country** within three calendar days (seven calendar days for long-term programs) after the last U.S.-based activity of his or her program, unless circumstances preclude the departure and the USAID RO or ARO approves the exception in writing. This policy is intended to accommodate those EVs who are unable to depart the U.S. due to reasons beyond their control. It is not intended to accommodate individuals who seek to remain in the U.S. to participate in personal business, including visits to friends or family members who reside in the U.S. The RO approval is contingent upon written justification and assurance that the Sponsoring Unit will track the EV's whereabouts and cover all associated costs including, but not limited to, health and accident insurance.

Sponsoring Units, and implementers in accordance with the terms of their awards, must track the departure status of their EVs and update TraiNet accordingly.

In the event that an EV does not **arrive back in his or her home country** within three calendar days (seven calendar days for long-term programs) after the last U.S.-based activity of the program, the Sponsoring Unit, and implementers in accordance with the terms of their awards, must report the EV immediately to the RO or ARO. This notification to the RO/ARO may result in the **EV's program** being placed in "Terminated" status with ICE for violating sponsor rules governing the program (see **252.3.8.4**). The EV may also be classified as a "Non-returnee" under **ADS 253**. (See **ADS 253.3.7** and **ADS 625.3.4.3** for policy and procedures governing the recovery of sponsorship costs for non-returnees.)

252.3.8.7 Reporting No Show and Non-Returnee Exchange Visitors

Effective Date: 08/25/2014

In the event that an EV becomes a "No Show" (see **252.3.8.2**) or a "Non-returnee" (see **252.3.8.3**), the Sponsoring Unit, and Implementers in accordance with the terms of their awards, must inform the RO immediately upon learning of such circumstances.

Sponsoring Units, and Implementers in accordance with their awards, must attempt to contact an EV who has been identified as a "No Show" or a "Non-returnee" and inform the individual that he or she will be reported to DHS and that USAID may attempt to collect its sponsorship costs from the EV. If a Sponsoring Unit cannot ultimately locate an EV for tracking purposes, the Sponsoring Unit must complete the following actions:

- Solicit information regarding an EV's whereabouts from all available sources, including fellow students, friends, and relatives, and report such information both to police and the RO or ARO;
- File a "missing persons" police report, if feasible;
- Immediately notify the RO or ARO in writing, for possible program termination in SEVIS; and
- **Provide the RO or ARO with all documentation in support of the SRFI that was conducted on the EV.**

252.3.9 Exchange Visitor U.S. Taxes

Effective Date: 08/25/2014

All J-1 visa holders assisted with funds from U.S. sources, including USAID, are subject to the U.S. Internal Revenue Service requirement to file U.S. tax returns, regardless of whether or not tax payments are due.

Sponsoring Units (or implementers, in accordance with their awards) must:

- a. Determine if each Exchange Visitor is eligible to receive a Social Security Number (SSN) (see **SSA Publication No. 05-10096**), and if the Exchange Visitor is eligible, ensure that he or she obtains a SSN using **SSA Form SS-5**.**

Application for a Social Security Number. Please note that most USAID Exchange Visitors are ineligible to receive a SSN because they are not authorized to work in the U.S. and do not have a valid non-work reason for SSN issuance, and must therefore obtain an Individual Taxpayer Identification Number (ITIN).

1. Long-Term Programs (six months or longer)

For long-term program (six months or longer), only if an Exchange Visitor is ineligible to receive a SSN (see **252.3.9a**), the Sponsoring Unit must inform the EV (preferably during Pre-Departure Orientation -- see **ADS 253**) that he or she, or his or her authorized representative, must apply for an ITIN within 30 days of the program start date in accordance with IRS application instructions (see **IRS Publication No. 54092G**) using the IRS Form W-7 (see **IRS Form W-7, Application for IRS Individual Taxpayer Identification Number**).

2. Short-Term Programs (less than six months)

For short-term programs (less than six months), only if an Exchange Visitor is ineligible to receive a SSN (see **252.3.9a**), the Sponsoring Unit must carry out the following actions that are required to obtain an ITIN for the Exchange Visitor:

- i.** Collect, review, and scan the following identifying documentation required for the ITIN application process from the EV, ideally prior to the EV's departure from his or her home country to the U.S., e.g., during pre-departure orientation (see **ADS 253.3.7.4**):
 - Passport - face page (with issue and expiration date, date of birth, full name, and face photo);
 - Passport - signature page (if passport holder's signature is not on face page); and
 - Valid J-1 visa issued by the U.S. Department of State.
- ii.** Scan the EV's signed (by USAID RO/ARO) **Form DS-2019** (see **252.3.5**).
- iii.** Scan the Exchange Visitor's **AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities** (see **252.3.6**).
- iv.** Prepare and scan a signed (by the EV or authorized representative) **IRS Form W-7, Application for IRS Individual Taxpayer Identification Number**. Under "Reason you are submitting Form W-7", boxes f. and h. **must** be checked, and on line h., claim **exception 2c**; or, if the EV is claiming tax-treaty benefits: claim exception 2b,

and enter the name of the treaty country and treaty article number (see [Form W-7 Graphic](#)).

- v. Prepare and scan a cover letter using the provided mandatory template (see [W-7 Package Cover Letter](#)) on Sponsoring Unit (or implementer, in accordance with their award) letterhead, stating that:
 - The collected, reviewed, and scanned current identifying documentation was an original or a duplicate certified by the issuing agency; and
 - The applicant is not eligible for a SSN, will not be securing employment in the United States or receiving any type of income from personal services, and is receiving only non-compensatory income from scholarships, fellowships, or grants that is subject to IRS information reporting and/or federal tax withholding requirements during the current tax year.
 - vi. Assemble the aforementioned scanned documents (items 1-5) as **one merged document** called “W-7 package” (one separate W-7 package for each EV), and attach the W-7 package(s) to an email. The Sponsoring Unit must send this email to ITIN@USAID.GOV requesting that USAID prepare an official letter of certification and submit the W-7 application package to the IRS.
 - vii. Upload each W-7 package to each EV’s record in USAID’s Visa Compliance System.
- b. Provide a Statement of Expenditures (or IRS Form 1042-S; or IRS Form 1099) to the EV detailing training-related expenditures paid from U.S. sources on behalf of the Exchange Visitor (see [ADS 253.3.3](#)).
 - c. Assist the EV with filing appropriate Federal tax forms with the IRS, or file on their behalf.
 - d. Fund all federal, state, or local taxes on sponsored Exchange Visitors' U.S. source income resulting from the official USAID-funded, U.S.-based program.

Income tax payment exclusions are as follows:

- Tax, penalties, or interest associated with an Implementer’s failure to comply with federal, state, or local statutes and regulations governing the timely reporting, withholding, payment of withholding tax on amounts of an Exchange Visitor’s U.S. source income or an Exchange Visitor’s home country tax liability;

- Tax, penalties, or interest for any period of time when Exchange Visitors are in Non-Returnee status;
- Tax, penalties, or interest on any sponsored Exchange Visitors' incomes received from sources outside the United States;
- Tax, penalties, or interest on any sponsored Exchange Visitors' income received from non-USAID sources, except from approved assistantships, approved paid internships, and approved on-the-job training; and
- Tax, penalties, or interest for Exchange Visitors who return to the U.S. after completion of their USAID-sponsored training and incur retroactive tax liabilities for the time spent under USAID sponsorship.

The procedures concerning Exchange Visitor taxes are contained in the [Internal Revenue Code, 1986](#).

252.3.10 Documenting Exchange Visitors and Dependents

Effective Date: 12/15/2011

Sponsoring Units, and Implementers in accordance with the terms of their awards, must handle, maintain, and safeguard EV documentation in compliance with the USAID Records Management Program (see [ADS 502, The USAID Records Management Program](#)).

The R2-Verifier (see **252.3.5.2**) or R3-Approver (see **252.3.5.3**) of an EV's or dependent's VCS record must scan and upload the following documents to the VCS. and must also retain hard (paper) copies of **all** of the following administrative file documents:

- A black and white copy of the signed **DS-2019 form** (see **252.3.5**);
- The face page of the passport;
- EV's biographical data information -- including names and contact information of family members residing in the U.S. (see optional [AID Form 1380-1, Participant/Exchange Visitor Biographical Data](#));
- SRFI documentation;
- [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#) [English-version] (signed by both the Participant and USAID Official);
- Dependent Certification form, if applicable; and
- Description of dependent U.S. school enrollment, if applicable.

Sponsoring Units must retain, and may also upload to VCS, hard (paper) copies of **all** the following administrative file documents related to EVs, dependents, and sponsored activities:

- English language proficiency documentation;
- Medical clearance confirmation, if applicable;
- Dependent medical certification, if applicable.
- Documentation proving dependent health insurance enrollment, if applicable;
- SEVIS identification number; and
- All other documentation/correspondence related to visa compliance.

Sponsoring Units may require the retention of other documentation. Sponsoring Units must **not** make color copies of the DS-2019 Form.

252.3.11 Compliance Monitoring and Verification

Effective Date: 12/29/2010

Missions and USAID/W Offices must make every reasonable effort to accommodate Agency compliance monitoring and verification, including periodic site visits by the Agency RO or AROs (see **ADS 252.2**). The ultimate goal of the Agency strategy is to obtain assurance that USAID is making all reasonable efforts to identify and accept only those individuals who will respect U.S. laws and return to their home country, and to ensure that USAID is providing the U.S. Department of Homeland Security with accurate and timely information regarding USAID-sponsored EVs.

252.4 MANDATORY REFERENCES

252.4.1 External Mandatory References

Effective Date: 01/01/2005

- a. [8 USC 1182](#)
- b. [22 CFR 62](#)
- c. [22 CFR 62.10\(a\)\(2\)](#)
- d. [22 CFR 62.20](#)
- e. [22 CFR 62.21](#)

- f. [22 CFR 62.22](#)
- g. [22 CFR 62.23](#)
- h. [22 CFR 62.26](#)
- i. [22 CFR 62.29](#)
- j. [22 CFR 213](#)
- k. [Pub. L. 107-173/H.R. 3525](#)

252.4.2 Internal Mandatory References

Effective Date: 12/29/2010

- a. [ADS 206, Prohibition of Assistance to Drug Traffickers](#)
- b. [ADS 252maa, The Complete Guide to USAID Visa Compliance Systems](#)
- c. [ADS 253, Participant Training for Capacity Development](#)
- d. [ADS 308, Awards to Public International Organizations](#)
- e. [ADS 502, The USAID Records Management Program](#)
- f. [ADS 522, Performance of Temporary Duty Travel in the U.S. and Abroad](#)
- g. [ADS 527, Functions of the Mission Executive Office](#)
- h. [ADS 625, Accounts Receivable and Debt Collection](#)

252.4.3 Mandatory Forms

Effective Date: 08/25/2014

- a. [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#)
- b. [AID Form 252-2, Exemption of Requirement for Use of J Visa](#)
- c. [AID Form 1380-1, Participant / Exchange Visitor Biographical Data](#)
- d. [AID Form 1380-5, Dependent Certification](#)
- e. **Certificate of Eligibility for Exchange Visitor Status, Form DS-2019**
[This form is generated electronically by SEVIS. Please refer to **252.3.5** for a comprehensive discussion of this form.]

f. [I-539 “Application to Extend/Change Non-immigrant Status”](#)**252.5** **ADDITIONAL HELP**
Effective Date: 08/25/2014

- a. [ADS 252saa, W-7 Package Cover Letter](#)
- b. [ADS 252sab, Form W-7 Graphic](#)
- c. [Estimated Timeframes for J Visa Process](#)

252.5.1 **Optional Forms**
Effective Date: 08/25/2014

- a. [AID Form 1382-1, Medical History and Examination Form for Foreign Applicants](#)

252.6 **DEFINITIONS**
Effective Date: 08/25/2014

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

beneficiary

A host-country resident or host-country national who is a recipient of, derives advantage from, or is helped by USAID development assistance. Such individuals are not employees of USAID nor providers of USAID development assistance. (**Chapters 252 and 253**)

covered countries

Countries identified annually as major illicit drug producing or drug-transit countries under Section 490(h) of the FAA as well as any country or portion of a country that the Department of State determines is to be treated as a covered country under the 487 regulations. (**Chapters 206, 252, 253**)

DS-2019 Form (Certificate of Eligibility)

A form generated electronically by SEVIS and issued by the USAID Responsible Officer in Washington, D.C. to potential Exchange Visitors certifying the individual’s eligibility to participate in their Exchange Visitor program and indicating the program start and end date. Exchange Visitors are authorized for a duration of stay in the U.S. limited to the program start and end date. (**Chapters 252 and 253**)

exchange visitor

Any host-country resident or host-country national traveling to the United States whose travel USAID funds in whole or in part, directly or indirectly, is an Exchange Visitor. All USAID-sponsored Exchange Visitors must obtain, use, and abide by the terms of the J-1 visa exclusively even if they already have a valid non-immigrant visa (e.g., B-1/B-2).

All Individuals traveling under Invitational Travel (see [ADS 522](#)) must also travel on a J-1 visa as a USAID-sponsored Exchange Visitor. (**Chapter 252**)

Health and Accident Coverage (HAC)

USAID's HAC insurance policy for all U.S. Exchange Visitors. (**Chapters 252** and [253](#))

host country

The country in which the USAID Mission is located, and the country for whose benefit a USAID program is being implemented. (**Chapters 252**, [301](#), [305](#), [322](#), [495](#))

The country in which a USAID funded activity takes place. (**Chapters [200-203](#)**, **252**, [253](#), [301](#), [305](#), [322](#), [495](#), [548](#))

host country national

A citizen of a Host Country. (**Chapters 252** and [253](#))

implementer

The individual or entity that carries out program and management planning and oversight of the participant training. (**Chapters 252** and [253](#))

J-1 Visa

A non-immigrant visa issued by the U.S. Embassy for an individual who has a residence in a foreign country which he has no intention of abandoning and who is coming temporarily to the U.S. as a Exchange Visitor for the purpose of consulting; demonstrating special skills; presenting; lecturing; conducting research; attending professional meetings, conferences, workshops, or observational study tours; and degree and non-degree academic studies (full course load); and specialty and non-specialty training activities. (**Chapter 252**)

non-presence country

A country where USAID does not have a Mission or Representative Office. (**Chapters 252** and [253](#))

non-returnee

An Exchange Visitor who has remained in the U.S. after the conclusion of his or her program. Non-Returnees may include individuals who have remained in the U.S. and have applied for a waiver of the two-year home residency requirement. They may also include “no-shows” and individuals who fail to appear for their Exchange Visitor program. A non-returnee may also be an individual who departs the United States but does not return to their home country. (**Chapters 252** and [253](#))

participant

An eligible host-country resident or national sponsored by USAID for a learning activity conducted within the U.S., a third country, or in-country for the purpose of furthering USAID development objectives. A learning activity takes place in a setting in which an individual (the Participant) interacts with a knowledgeable professional predominantly

for the purpose of acquiring knowledge, skills, or information for the professional or technical enhancement of the individual. Learning activities may be formally structured, such as an academic program or a technical course, or they may be more informal, such as an observational study tour. (**Chapters 252** and [253](#))

presence country

See Host Country. (**Chapter 252**)

R1

Also known as the TraiNet Operator or Initiator, this individual is responsible for entering Exchange Visitor information into TraiNet accurately and completely without error, thus initiating the J-1 visa issuance process. The R1 is also responsible for entering Exchange Visitor status changes and changes to the Exchange Visitor's biographical information throughout the course of the program. (**Chapter 252**)

R2

Also known as the Verifier, this individual is generally the supervisor of the R1, and accesses the Visa Compliance System (VCS) and verifies that all information imported into VCS from TraiNet regarding all Exchange Visitors is complete, correct, and error free. The R2 is also responsible for verifying Exchange Visitor status changes and changes to the Exchange Visitor's biographical information throughout the course of the program. A Mission or Bureau/Independent Office Approver must nominate all R2's. The role of the R2 must not be performed by an R1. (**Chapter 252**)

R3

Also known as the Approver, this individual is a United States citizen member of the Mission or Bureau/Independent Office staff who is responsible for approving all exchange visits to the United States and some Exchange Visitor status changes and biographical updates. The R3 also certifies that a Security Risk Inquiry has been conducted for each Exchange Visitor and dependent who is approved for travel to the United States. The Mission or USAID/Washington Office Director must appoint the R3. (**Chapter 252**)

R4

Also known as the Submitter, the R4 is the Responsible Officer or Alternate Responsible Officer for USAID's sponsorship designation under the Department of State's Student and Exchange Visitor Program. The R4 accesses both the Visa Compliance System (VCS) and the Student and Exchange Visitor Information System (SEVIS). All data regarding an Exchange Visitor that must be updated or input into SEVIS must be submitted by the R4. The R4 is responsible for printing, signing and expeditiously shipping to USAID Missions, all Exchange Visitor Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019) generated by SEVIS. (See [22 CFR 62](#) for information on the nomination process.) (**Chapter 252**)

SEVIS

The Student and Exchange Visitor Information System (SEVIS) is the Department of Homeland Security, Immigration and Customs Enforcement controlled database of Exchange Visitors traveling to the U.S. to pursue Exchange Visitor activities, pursuant to the Enhanced Border Security and Visa Entry Reform Act of 2002 Pub. L. 107-173/H.R. 3525. (**Chapter 252**)

sponsoring unit

The Mission or Bureau/Independent Office that expends USAID funds for an Exchange Visitor activity. (**Chapters 252** and [253](#))

statement of expenditure

The accounting of expenditures that must accompany each U.S. Exchange Visitor's income tax return, detailing the training-related expenditures paid from U.S. sources on behalf of the Exchange Visitor. (**Chapters 252** and [253](#))

TraiNet

USAID's database for the reporting of information on all USAID training and Exchange Visitor activities. TraiNet is USAID's single repository of training and exchange data. TraiNet is a Web-based application that helps Missions, contractors, and contractor systems at various locations to collaborate in training reporting. (**Chapter 252**)

training contractor

The organization hired by a Mission or USAID /W Bureau or Independent Office to help design, implement, or monitor aspects of results-oriented training or Exchange Visitor activities under Mission guidance and authority. (**Chapters 252** and [253](#))

training provider

Any institution, organization, or individual, whether public, private, non-profit, or for-profit, that furnishes instruction directly to a Participant under full or partial USAID funding. Distinct from training contractors who arrange for such training and are also known as program Implementers or Programming Agents. (**Chapters 252** and [253](#))

USAID Responsible Officer (RO)

The USAID official listed with the Department of State as assuming the responsibilities described in Code of Federal Regulations pertaining to Exchange Visitor programs, and designates Alternate Responsible Officers as appropriate. (**Chapter 252**)

Visa Compliance System (VCS)

The Agency's Web-based application, which interfaces between TraiNet and SEVIS, in which Exchange Visitors are verified and approved. (**Chapter 252**)

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