



# ADS Chapter 252

## Visa Compliance for Exchange Visitors

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ADS 252 – Visa Compliance for Exchange Visitors**

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## ADS 252 – Visa Compliance for Exchange Visitors

### 252.1 OVERVIEW

Effective Date: 01/01/2005

This chapter provides policy directives and required procedures for foreign nationals traveling to the United States (U.S.), who are financed, in whole or in part, directly or indirectly, by USAID, for training, non-training, and invitational travel events. For information on Participant Training, see [ADS 253, Training for Development](#). For information on Invitational Travel, see [ADS 522.5.12](#).

### 252.2 PRIMARY RESPONSIBILITIES

Effective Date: 01/01/2005

\*The Bureau of Economic Growth, Agriculture, and Trade, Office of Education manages the Agency's J-Visa designation and ensures the Agency's compliance with the Department of Homeland Security and Department of State regulations contained in [22 CFR 62-69](#). The office collects exchange visitor data from Sponsoring Units, Program Implementers, and Training Providers, and manages the Agency's exchange visitor approval process, fulfilling a mandatory central USAID function of providing the Department of Homeland Security, Immigration and Customs Enforcement (ICE) and the Department of State with information about individuals sponsored for exchange visitor activities in the United States.

It is the role of the General Counsel's Office and/or Regional Legal Advisors to interpret and provide advice regarding laws and regulations related to visas.

### 252.3 POLICY AND PROCEDURES

Effective Date: 01/01/2005

The policies and procedures provided in this section are applicable to all U.S.-based Exchange Visitor activities.

\*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, Performance of Temporary Duty Travel in the U.S. and Abroad](#)) must also travel on a J-1 visa as a USAID-sponsored Exchange Visitor.

\*Those individuals whose travel to the United States is funded by USAID and who are not required to obtain a USAID-sponsored J-1 visa include:

- 1) Individuals employed by USAID or a USAID contractor, and

- 2) Individuals who are granted a waiver by a Mission Director or Office Director, in accordance with ADS 252.3.1.

All USAID Sponsoring Units, Implementers, and other individuals involved in sponsoring U.S.-based Exchange Visitor activities are expected to familiarize themselves with mandatory references, including [The Complete Guide to USAID Visa Compliance](#), and to apply such guidance where required or applicable. This mandatory reference contains additional information related to corresponding policy references (see [252.4.2](#)).

The Department of State designated USAID as a sponsor of two programs (G-2-0263 and G-2-0370) for the following categories of Exchange Visitors, as defined in [22 CFR 62](#):

- a. **\*Student** – The exchange visitor is entering the U.S. to study at a degree-granting post-secondary accredited educational institution. The Exchange Visitor may participate in a degree or a non-degree program. (See [22 CFR 62.23](#)).
- b. **\*Short-Term Scholar** – The Exchange Visitor 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 a similar type of institution (See [22 CFR 62.21](#)).
- c. **\*Specialist** – The Exchange Visitor 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 Exchange Visitor is entering the U.S. for a period up to five years primarily to conduct research, or 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](#)).
- e. **\*Government Visitor** – The Exchange Visitor 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](#)).
- f. **\*Trainee** – The Exchange Visitor is entering the U.S. for a period up to 18 months to engage in training intended to enhance the Exchange Visitor's skills in his or her specialty or non-specialty through participation in a structured training program and to improve the participant's knowledge of American techniques, methodologies, or expertise within the individual's field of endeavor (See [22 CFR 62.22](#)).

Because USAID is designated as a sponsor for multiple Exchange Visitor categories, any distinction based on the type of activity does not negate the requirement for individuals to enter the U.S. on a J-1 visa.

### **\*252.3.1 Waiver of the J-1 Visa Requirement**

Effective Date: 02/24/2006

Mission or Office Directors may, in consultation with Regional Legal Advisors or the Office of the General Counsel, and on a case-by-case basis, waive the use of a J-1 visa in appropriate circumstances. It is appropriate to waive the use of the J-1 visa when

- The individual is a high-level government official holding a pre-existing A-visa and having recognized diplomatic titles, privileges and immunities,
- 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.

The Mission or Office Director must complete **AID Form 522-5** [Note: This document is only available on the USAID Intranet (<http://inside.usaid.gov/forms/a522-5.doc>) Please contact [ads@usaid.gov](mailto:ads@usaid.gov) if you need a copy]. A copy of the completed form must be kept in the Exchange Visitor's file and one copy must be forwarded to the USAID Responsible Officer.

A waiver of the J-1 visa requirement does not negate the requirement that Sponsoring Units or Implementers use the Training Results and Information Network (TraiNet) to document all participants traveling to the United States to participate in a learning event (see [252.6](#) and [ADS 253](#)). The Mission or Office granting the waiver also remains responsible for tracking the whereabouts of all individuals receiving the waiver while they are in the United States, as well as ensuring the timely return to their home country.

### **252.3.2 Exchange Visitor Eligibility and Selection**

Effective Date: 01/01/2005

Sponsoring Units must observe the following requirements when determining Exchange Visitor eligibility:

- a. Individuals sponsored with USAID funds must be citizens or legal residents of the host country.
- b. If a potential Exchange Visitor is from a "Covered Country," such individuals must meet the criteria in [ADS 206, Prohibition of Assistance to Drug Traffickers](#).
- c. Before approving dependent travel, the Sponsoring Unit must ensure that the Exchange Visitor completes and signs the Dependent Certification Form ([AID](#)

[1380-5](#)) and that the Exchange Visitor agrees to the conditions and regulations included in the form. USAID has no obligation to cover any cost of family members who accompany an Exchange Visitor. Furthermore, the Exchange Visitor bears sole responsibility for supporting dependents.

d. Citizens of USAID non-presence countries are not eligible, unless they have permanent residency in a USAID presence country. Mission Directors or Bureau Offices may waive a selected non-presence country Exchange Visitor's ineligible status. Missions or Bureaus providing such a waiver must conduct the same Exchange Visitor and Dependent Security Risk and Fraud Inquiry (see [252.3.3](#)) as is required for USAID presence country Exchange Visitors, and must retain copies of the Security Risk and Fraud Inquiry for each Exchange Visitor.

### **252.3.3 Exchange Visitor and Dependent Security Risk and Fraud Inquiry**

Effective Date: 01/01/2005

This section only supplements and does not substitute or supersede other security measures in place or determined to be appropriate by the Embassy, Consulate, Regional Security Officer (RSO), and/or USAID's Office of Security. Missions are encouraged to consult with the aforementioned when developing a Security Risk and Fraud Inquiry. Missions must consult with the Consulate's Fraud Prevention Manager when developing the Security Risk and Fraud Inquiry.

\*USAID Missions or Bureaus must conduct a security risk and fraud inquiry to help identify security threats that potential Exchange Visitors or their dependents could pose to the United States, and to help identify individuals seeking to obtain a J-1 visa with a fraudulent intent. The process for conducting the Security Risk and Fraud Inquiry must be included in the Mission Order or Directive for Visa Compliance for Exchange Visitors, and must address:

- How the Security Risk and Fraud Inquiry will be conducted,
- Who will conduct the inquiry,
- The point at which the inquiry must occur in the Exchange Visitor selection and pre-departure process, and
- \*The procedure for maintaining documentation of the Security Risk and Fraud Inquiry.

Because security and fraud concerns vary among the different Missions around the world, there is no single appropriate formula or prescribed process to cover all situations. Missions or Bureaus may establish a Security Risk and Fraud Inquiry based on

- Formal background checks,
- Police reports,
- Letters of recommendation from employers,

- Previous personal knowledge of the Exchange Visitor's conduct,
- Information and impression based on interview, and
- Any other evidence the Mission determines to be appropriate in the local environment, including working with and making inquiries to such Embassy officials as Regional Security Officers (RSO), Homeland Security Officers (HSO), consular officers, etc.
- \*Any combination of the above

\*At a minimum, a USAID staff member or Implementing Partner staff member must physically meet the potential Exchange Visitor to verify his or her identity.

#### **252.3.4 Dependent Certification**

Effective Date: 01/01/2005

The Mission or Office Director must approve dependent travel. Exchange Visitors must complete, sign, and submit a Dependent Certification Form ([AID Form 1380-5](#)) to the Mission or Bureau Office Director for approval. A Security Risk Inquiry must be conducted for Exchange Visitor dependents.

Specific evidence used to make the required Dependent Security Risk Inquiry (see [252.3.2](#)) must be named in the provided text field (item 11.2) of the form. Sponsoring Units (or Implementers, as designated) must keep the approved Dependent Certification Form ([AID Form 1380-5](#)) and the security risk determination evidence on file with other Exchange Visitor documents.

A copy of the approved Dependent Certification Form must be sent (faxed) to the USAID Responsible Officer.

#### **252.3.5 Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019)**

Effective Date: 01/01/2005

\*USAID-sponsored Exchange Visitors (as defined in [252.3.2](#)) must enter the U.S. on a J-1 visa (non-immigrant Exchange Visitor visa) processed under one of USAID's two program numbers (G-2-0263 and G-2-0370), unless otherwise waived according to the procedure in [252.3.1](#). An Exchange Visitor must submit a Certificate of Eligibility for Exchange Visitor (J-1) Status Form DS-2019 and other supporting documents to the U.S. consulate in order to apply for a J-1 visa.

\*Agency policies and supporting procedures and systems for obtaining a DS-2019 form reflect requirements of the Student and Exchange Visitor Information System (SEVIS). SEVIS is a web-based system for maintaining information on international students and exchange visitors in the United States. SEVIS is administered by the Student and Exchange Visitor Program (SEVP), a division of U.S. Immigration and Customs Enforcement (ICE), the largest investigative arm of the Department of Homeland



Security (DHS). For more information on SEVIS, go to <http://www.ice.gov/graphics/sevis/index.htm>.

In order to obtain a DS-2019 form for a USAID-sponsored Exchange Visitor, information about the prospective Exchange Visitor must be gathered in the following manner:

1. An assigned operator (R1) must initiate it, using the USAID Training Information Network (TraiNet), a USAID internal database,
2. An assigned verifier (R2) must verify it, using the USAID Visa Compliance System (VCS)
3. An assigned Mission or Bureau approver (R3) must approve it, also using VCS, and
4. The EGAT Responsible Officer (R4) or Alternate to SEVIS submits it.

SEVIS generates the DS-2019 form, and the USAID Responsible Officer or Alternate Responsible Officer signs it and expeditiously sends it to Mission Approvers for facilitating consular interviews. For visa policy and procedural guidance, see [The Complete Guide to USAID Visa Compliance](#).

\*There may be circumstances in which a Consular Officer of another Department of State official having such authority independently determines that a J-1 visa is *not* the appropriate visa for such USAID-sponsored travel. In such cases, the travel should proceed, and the Mission or Bureau Office Director should notify the USAID Responsible Officer of such decision in writing. Sponsoring Units and Implementers must not advise USAID-sponsored Exchange Visitors to the U.S. to apply for a visa other than a J-1 visa.

#### **\*252.3.5.1 Initiation of Exchange Visitor Data**

Effective Date: 02/24/2006

The R-1 must enter Exchange Visitor information accurately and completely, without error, in TraiNet. The R-2 must verify data in the Visa Compliance System (VCS), allowing sufficient time for the Exchange Visitor to receive the DS-2019 form and to arrange for a consular interview. VCS is a secure web-based system that tracks the approval process of the DS-2019 applications and participant information. VCS facilitates the data interchange between TraiNet and SEVIS. The R-1 and R-2 must enter and verify exchange visitor data at least two weeks prior to the planned travel date. Some consulates may require extended lead-time.

All USAID Missions and partner organizations subject to the requirements of [ADS 252](#) and [ADS 253](#) must enter data into the web-based version of TraiNet (TraiNet Web), unless otherwise agreed to, in writing, by the USAID Responsible Officer. Current users of the desktop version of TraiNet must transition to TraiNet Web as USAID awards them new contracts, grants and cooperative agreements, or sooner if feasible, unless otherwise agreed to, in writing, by the USAID Responsible Officer.

If it is impossible or impractical to utilize TraiNet Web or the desktop version, implementing partners may continue to collect data by other means, but must still enter the data into TraiNet for submission to EGAT/ED.

### **252.3.5.2 Verification of Exchange Visitor**

Effective Date: 01/01/2005

Once entered in TraiNet, the R-2 must verify all Exchange Visitor data using the USAID Visa Compliance System (VCS). Unless otherwise approved by the USAID Responsible Officer, the R-2 must be a member of the same organization that entered the data in TraiNet.

- a.** A Mission or Bureau Approver (**252.3.4.3**) must nominate individuals authorized to verify required data (Verifiers). The supervisor of the TraiNet Operator performs the role of Verifier (R2); the TraiNet Operator cannot perform this role. In those cases where the TraiNet Operator is on USAID staff, an implementer cannot carry out the R2 role. R2 Verifiers may not supervise the R1 Initiators where such relationship would be contrary to U.S. law or USAID policy.
- b.** Verifiers (R2) must verify that all TraiNet data imported into VCS is complete, correct, and error-free.

### **252.3.5.3 Approval of Exchange Visitor Data**

Effective Date: 01/01/2005

Missions or Bureaus must approve all data necessary for obtaining a DS-2019 form, for each U.S.-bound Exchange Visitor, using the USAID Visa Compliance System (VCS).

- a.** The Mission Director or Bureau Office Director must appoint Mission or Bureau staff members who are United States citizens to approve required data (Approvers), and submit those appointments directly to the USAID Responsible Officer in Washington.
- b.** Sponsoring Units (or Implementers, as designated) must provide Mission Approvers with the following reference documents required for the approval function:
  - (1) A copy of the face-page of the Exchange Visitor's passport, clearly showing the face, passport number, and country of citizenship,
  - (2) A Training Request or description of Exchange Visitor activity, and
  - (3) If applicable, a Dependent Certification Form [AID 1380-5](#), approved by the Mission.

**\*c.** Approvers (R3) must certify the following when approving exchange visitor data:

- That USAID conducted a Security Risk Inquiry and the date on which USAID completed it,
- That USAID will conduct the exchange visit in accordance with the requirements of [ADS 252](#) and [ADS 253](#),
- That the exchange visitor and his/her program are legitimate,
- That USAID authorizes him or her to approve the data.
- That he or she (the R3) is a citizen of the United States and staff member of a USAID Mission or USAID Washington,
- That to the best of his/her knowledge and based on representations made to him/her, the data imported into VCS is valid;
- For each Exchange Visitor traveling to the U.S., verifying that the Exchange Visitor (see [22 CFR 62.12 \(b\)](#)):
  - meets eligibility requirements;
  - is qualified to be selected for the training activity;
  - has been accepted for the activity in which he or she will be participating;
- Each dependent, relaying Mission approval (see [252.3.3.1](#)); and

**d.** If applicable, Approvers must submit, via facsimile, the Dependent Certification ([AID Form 1380-5](#)) that the Mission approved to the USAID Responsible Officer.

**\*252.3.5.4 Submission of Exchange Visitor Data**

Effective Date: 01/01/2005

Once the Exchange Visitor biographical and activity information required for obtaining a J-Visa Certificate of Eligibility Form DS-2019 has been approved by the Mission using the VCS, the USAID Responsible Officer or Alternate Responsible Officer submits the information to the Student and Exchange Visitor Information System (SEVIS), administered by the Department of Homeland Security. SEVIS generates the DS-2019 form, which the USAID Responsible Officer or Alternate Responsible Officer then prints, signs, and sends by international courier to Mission or Bureau Approvers for consulate filing.

The Mission or Bureau 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 Exchange Visitor does not depart for the U.S. as planned, the DS-2019 form is expeditiously returned to the USAID Responsible Officer with a brief explanation of the reason for the return. All unused DS-2019 forms must be returned to the USAID Responsible Officer or Alternate Responsible Officer.

**252.3.6 Conditions of Sponsorship**

Effective Date: 01/01/2005

The following essential terms of sponsorship must be followed for all U.S.-based Exchange Visitors (see also [ADS 253](#)):

**a. Two-Year Foreign Residency Requirement and Waiver:**

Section 212(e) of the Immigration and Nationality Act ([8 USC § 1182](#)) requires that J-1 users reside for a total of 24 months in the respective host country before being eligible to apply for certain types of non-immigrant visas (e.g., H-1 or L-1) or for legal permanent residence in the U.S., (commonly known as a green card). USAID has incorporated this requirement into its own Conditions of Sponsorship for J-1 Visa Holders, [AID Form 1381-6](#). J-1 users may continue to travel to the United States 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 or Implementers must inform Exchange Visitors of the two-year home residency requirement, which is specified as a condition of sponsorship, and that the Exchange Visitor's failure to fulfill this requirement may result in USAID seeking recovery of all costs associated with their sponsorship. Exchange Visitor applicants must agree to and sign Conditions of Sponsorship for J-1 Visa Holders, [AID Form 1381-6](#). They must sign this form before potential Exchange Visitors accept USAID sponsorship.

\*Exchange Visitors 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 Department of Homeland Security/USCIS has the authority to grant or deny a waiver of the two-year home residency requirement. USAID, as an Exchange Visitor Sponsor, is not authorized to grant a waiver of the two-year home residency requirement, but does provide Program Sponsor Views upon the request of the Department of State, Waiver Review Division. Program Sponsor Views represent the position of the Agency regarding whether or not the waiver should be granted or denied.

USAID considers each waiver request on a case-by-case basis, and provides Sponsor Views accordingly. For Exchange Visitors traveling under the Government Visitor category, USAID will not object to the granting of a waiver of the two-year home residency requirement. If USAID does not object to the granting of the waiver, USAID will not issue a Bill of Collection (see [ADS 253](#)).

**\*b. Transferring Visa Sponsorship:**

The USAID Responsible Officer alone has the authority delegated from the U.S. Department of State to transfer J-1 visa sponsorship from one of USAID's

programs to another program (e.g., a university J-1 program). USAID will not transfer its program sponsorship, except when the Exchange Visitor was originally identified, in error, as a USAID-sponsored Exchange Visitor.

USAID-sponsored Exchange Visitors 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.

**c. Employment of Exchange Visitors:**

USAID-sponsored Exchange Visitors with J-1 visas must not be employed, except in connection with an assistantship, on-the-job training, or practical training experience that is an integral part of the sponsored activity.

Exchange Visitors are permitted to work if the job is part of the program in which they are participating. When a salary or stipend is paid, the maintenance allowance is reduced by the net amount paid. As long as the employment is part of the program, no special work permission from USAID is required. See also [ADS 253](#).

**252.3.6.1 Health and Accident Insurance Coverage**

Effective Date: 01/01/2005

All USAID-sponsored Exchange Visitors who are enrolled in U.S.-based and third-country activities must have appropriate Health and Accident Insurance Coverage (HAC). HAC coverage is a Department of State eligibility requirement for a J-1 visa (See [ADS 253](#) and the mandatory reference, [HAC Insurance and Certification of Medical Eligibility](#) for further details).

**252.3.6.2 Language Proficiency Determination**

Effective Date: 01/01/2005

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

**\*252.3.7 Changing Visa or Status to USAID Sponsorship**

Effective Date: 01/01/2005

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

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

- a. From outside the U.S., the Exchange Visitor 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.
- b. Within the U.S., the Exchange Visitor must file the appropriate application (currently I-539) to request a change of status while remaining in the United States. The Exchange Visitor 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: 01/01/2005

The vital importance to the United States Government of tracking international students and other Exchange Visitors 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 Department of Homeland Security, Immigration and Customs Enforcement (ICE), and Department of State, through the Student and Exchange Visitor Information System (SEVIS), manage the issuance of J-1 and J-2 visas, track students and Exchange Visitors, and monitor information relative to each Exchange Visitor.

Agency policies and supporting procedures and systems for tracking USAID-sponsored Exchange Visitors reflect SEVIS requirements:

- a. Sponsoring Units (or Implementers, as designated) are responsible for tracking the whereabouts of Exchange Visitors and dependents at all times while they are in the United States. Sponsoring Units or Implementers must provide current contact information to the USAID Responsible Officer or Alternate Responsible Officer at any time upon request.

If a Sponsoring Unit or implementer cannot ultimately locate an Exchange Visitor for tracking purposes, the Sponsoring Unit or Implementer must

- (1) Solicit information regarding an Exchange Visitor's whereabouts from all available sources, including fellow students, friends, and relatives; and, report such information both to police and USAID Responsible Officer or Alternate Responsible Officer.
- (2) File a "missing persons" police report.
- (3) Expeditiously notify the USAID Responsible Officer or Alternate Responsible Officer in writing, for possible program termination via SEVIS.

- b. Sponsoring Units (or Implementers, as designated) are also responsible for the Exchange Visitor's timely departure from the United States.

### **252.3.8.1 Exchange Visitor and Dependent Status Changes**

Effective Date: 01/01/2005

Throughout an Exchange Visitor's stay in the United States, Sponsoring Units, if they become aware of changes in the Exchange Visitor's status, must transmit any such changes to the USAID Responsible Officer or Alternate Responsible Officer.

The following must be transmitted via the process described in 252.3.5 to the USAID Responsible Officer by entering changes in Exchange Visitor status into USAID's Training Information Network (TraiNet), and verifying and approving the information using the USAID Visa Compliance System (VCS):

#### **a. Validation of Arrival**

\*Exchange Visitors must not arrive in the U.S. more than seven calendar days prior to the beginning of their program or activity.

\*Within three business days of the start date indicated on the Exchange Visitor's DS-2019, the Sponsoring Unit or Implementer must confirm that each Exchange Visitor has arrived in the U.S. and begun their program or activity. Upon confirmation, the R-1 (see **252.3.5.1**) must update the status of the exchange visitor in TraiNet. The R-2 verifies this update in VCS and the USAID Responsible Officer submits it to SEVIS. USAID refers to this process as "validation." For further details on the validation process, please refer to [The Complete Guide to USAID Visa Compliance](#).

If the Exchange Visitor does not start the program upon arrival, the Sponsoring Unit or Implementer must report the Exchange Visitor to the USAID Responsible Officer, who reports the Exchange Visitor to ICE as a no-show.

#### **\*b. Validation of Departure**

Sponsoring Units or Implementers must track the departure status of their Exchange Visitors and update TraiNet accordingly. USAID-sponsored Exchange Visitors must depart the U.S. within three business days of the program end date indicated on their DS-2019, unless circumstances arise that preclude such departure and that the USAID Responsible Officer or Alternate Responsible Officer approves of in writing.

In the event that an Exchange Visitor does not depart the United States within three business days of his/her program end date indicated on the DS-2019, the Sponsoring Unit or Implementer must report the Exchange Visitor immediately to the USAID Responsible Officer or Alternate Responsible Officer. The Sponsoring Unit or Implementer must do this so that the Exchange Visitor's data can be

terminated in SEVIS for violating sponsor rules governing the program. See [ADS 253](#) for policy governing the recovery of sponsorship costs for non-returnees.

**c. Exchange Visitor Biographical Data Updates**

During the course of an Exchange Visitor's activity, any changes in the following information must be updated in TraiNet immediately. It is particularly important that changes in current U.S. address (Exchange Visitor residence) be reported within 10 calendar days.

- Current U.S. Address – For short-term activities (21 days or less) with multiple site visits, where the Exchange Visitor's current address will change frequently, the U.S. address of the Implementer administering the activity may be used. However, USAID Sponsoring Units or Implementers are responsible for tracking the whereabouts of their Exchange Visitors 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 Exchange Visitor 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
- Field of Study



**d. Travel Outside the United States**

Exchange Visitors must obtain the approval of the Sponsoring Unit or Implementer for travel outside the U.S. while enrolled in a USAID-sponsored activity.

Sponsoring Units or Implementers must ensure that the Exchange Visitor's DS-2019 is endorsed with the signature of the USAID Responsible Officer, or Alternate Responsible Officer, before the Exchange Visitor departs the U.S.

**e. Termination of Exchange Visitor Data**

The USAID Responsible Officer maintains records of all USAID-sponsored Exchange Visitors in the SEVIS database. Sponsoring Units or Implementers must notify the USAID Responsible Officer if they become aware that an Exchange Visitor:

- (1) is convicted of a crime;
- (2) is engaged in unauthorized employment;
- (3) has failed to pursue program activities;
- (4) has failed to submit change of address within 10 days;
- (5) has failed to maintain health insurance;
- (6) has failed to maintain a full course of study;
- (7) has been suspended involuntarily;
- (8) has violated sponsor rules governing the program; or
- (9) has violated Exchange Visitor program regulations.

\*In the event that an Exchange Visitor fails to return to his or her country of residence within three days of the completion of his or her program, the USAID Responsible Officer terminates the Exchange Visitor's record in the SEVIS database, on that grounds that he or she has violated sponsor rules governing the program.

**f. Dependent Biographical Data Updates**

During the course of an Exchange Visitor's activity, any changes in the following information regarding an Exchange Visitor's dependent must be reported to the USAID Responsible Officer:

- Current U.S. Address
- Name
- Sex
- City of Birth

- Country of Birth
- Country of Citizenship
- Country of Legal Permanent Residence

### **252.3.9 Documenting Exchange Visitors and Dependents**

Effective Date: 01/01/2005

Sponsoring Units or Implementers must keep relevant documentation on file pertaining to their Exchange Visitors, dependents, and sponsored activities:

- Training request or description of visitor exchange activity
- Nomination/Exchange Visitor selection documentation
- Exchange Visitors' bio data information
- Face page of Exchange Visitors' passport
- Security risk inquiry documentation
- English language proficiency documentation
- Medical clearance confirmation (unless HAC Plan C is used)
- Signed Conditions of Sponsorship for J-1 Visa Holders Form, [AID 1381-6](#)
- Pre-departure orientation checklist
- SEVIS identification number
- All other documentation/correspondence related to visa compliance

\*Sponsoring Units may require the retention of other documentation. R-2 Verifiers (See [252.3.5.2](#)) must retain a black and white copy of the stamped DS-2019 form, the face page of the Exchange Visitors passport, and a copy of I-94 Form for their records. Sponsoring Units and Implementers must NOT make COLOR copies of the DS-2019 form.

### **252.4 MANDATORY REFERENCES**

Effective Date: 01/01/2005

#### **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: 01/01/2005

- a. [ADS 206, Prohibition of Assistance to Drug Traffickers](#)
- b. [ADS 253, Training for Development](#)
- \*c. [ADS 522, Performance of Temporary Duty Travel in the U.S. and Abroad](#)
- d. [ADS 625, Administrative Accounts Receivable](#)
- e. [The Complete Guide to USAID Visa Compliance](#)
- \*f. [English Language Proficiency](#)
- \*g. [HAC Insurance and Certification of Medical Eligibility](#)

**252.4.3 Mandatory Forms**

Effective Date: 01/01/2005

- a. [Conditions of Sponsorship for J-1 Visa Holders \(AID Form 1381-6\)](#)
- b. [Dependent Certification \(AID Form 1380-5\)](#)
- c. **Waiver of Requirement for Use of J-Visa (AID Form 522-5)**, only available on the USAID Intranet at <http://inside.usaid.gov/forms/a522-5.doc>
- \*d. [I-539 “Application to Extend/Change Non-immigrant Status”](#)

**252.5 ADDITIONAL HELP**

Effective Date: 01/01/2005

**252.6 DEFINITIONS**

Effective Date: 01/01/2005

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

**Covered Country**

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. (Chapter 252, 206)

**\*DS-2019 form (Certificate of Eligibility)**

A form 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. (Chapter 252, 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. (Chapter 252, 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, 311, 322, 495)

The country in which a USAID funded activity takes place. (Chapters 200-203, 252, 253, 301, 305, 311, 322, 495)

**\*Host Country National**

A citizen of a Host Country. (Chapter 252, 253)

**Individual Taxpayer Identification Number (ITIN)**

The unique identifying number assigned by the IRS to each Exchange Visitor trained in the US, to track US tax liability and payment. (Chapter 252, 253)

**Implementer**

See training contractor. (Chapter 252, 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. (Chapter 252, 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-show’s” 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. (Chapter 252, 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. (Chapter 252, 253)

**\*Presence Country**

See Host Country.

**\*R-1**

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 R-1 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)

**\*R-2**

Also known as the Verifier, this individual is generally the supervisor of the R-1, 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 R-2 is also responsible for verifying Exchange Visitor status changes and

changes to the Exchange Visitor's biographical information throughout the course of the program. All R-2's must be nominated by a Mission or Bureau Approver. The role of the R-2 must not be performed by an R-1. (Chapter 252)

**\*R-3**

Also known as the Approver, this individual is a United States citizen member of the Mission or Bureau staff who is responsible for approving all exchange visits to the United States and some Exchange Visitor status changes and biographical updates. The R-3 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 R-3 must be appointed by the Mission or Bureau Office Director. (Chapter 252)

**\*R-4**

Also known as the Submitter, the R-4 is the USAID/Washington Responsible Officer or Alternate Responsible Officer. The R-4 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 R-4. The R-4 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. (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 that expends USAID funds for an Exchange Visitor activity. (Chapter 252, 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. (Chapter 252)

**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 desktop and 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 to help design, implement, or monitor aspects of results-oriented training or Exchange Visitor activities under Mission guidance and authority. See “Implementer.” (Chapter 252, 253)

**\*USAID Responsible Officer**

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. Both the Responsible Officer and Alternate Responsible Officers must be United States citizens. (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. (ADS 252)

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