



# ADS Chapter 252

## Visa Compliance for Exchange Visitors

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**Functional Series 200 – Programming Policy  
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

- a. The **Bureau of Economic Growth, Agriculture, and Trade, Office of Education (EGAT/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 62-69](#). The office collects Exchange Visitor data from [Sponsoring Units](#), [Implementers](#), and [Training Providers](#), and manages the Agency's [Exchange Visitor](#) approval process. These activities fulfill 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.
- b. The **Office of the General Counsel (GC) and/or Regional Legal Advisors (RLAs)** interpret and provide advice regarding laws and regulations related to Visas.
- c. **Sponsoring Units** are responsible for approving all Exchange Visitor records in USAID's [Visa Compliance System \(VCS\)](#), developing the Mission's Security Risk and Fraud Inquiry (SRFI), and ensuring that all Exchange Visitors approved in the VCS have been subject to the SRFI. Sponsoring Units are ultimately responsible for ensuring that partner organizations are complying with the requirements of this chapter.
- d. **Program Implementers and Training Providers** are responsible for complying with the requirements of this chapter.
- e. **Mission Directors and USAID/Washington Office Directors** are responsible for reviewing and granting waivers of the requirement for use of the J-1 Visa, 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 Exchange Visitor program sponsor. The RO develops policy and procedures to ensure that USAID complies with the external regulations governing its official designation.

**g.** The **Regional Security Officer or USAID's Office of Security (SEC)**, at the request of a Mission or USAID/Washington, consults on the development of SRFI procedures.

### **252.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

Effective Date: 03/22/2007

The policy directives and required 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 the following:

- a.** Individuals employed by USAID or a USAID contractor or sub-contractor;
- b.** Individuals who are granted a waiver by a Mission Director or USAID/Washington Office Director, in accordance with **252.3.1**; and
- c.** Individuals who are transiting through an American port on their way to a third country. For purposes of this section, an individual is transiting if s/he will be in the United States solely for the purpose of immediate and continuous travel through the United States to a third country. These individuals will still need to obtain a C-1 transit Visa from the U.S. Consulate. It is the responsibility of the [participant](#) to obtain transit Visas, whether for the United States or a third country (see **ADS 253**).

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 for this chapter, including [The Complete Guide to USAID Visa Compliance](#), and to apply such guidance where required or applicable. This particular 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](#)).

Individuals may not travel as Research Scholars if they have traveled to the United States 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. Furthermore, those Exchange Visitors 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 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. The Exchange Visitor's skills will be enhanced through participation in a structured training program and the program will 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: 01/01/2005

Mission Directors or USAID/Washington Office Directors may, in consultation with RLAs or GC, 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 one of the following circumstances is evident:

- The individual is a high-level government official who holds a pre-existing A-Visa and has 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 Director or USAID/Washington Office Director must sign the completed **AID Form 522-5** [Note: This document is only available on the USAID Intranet. 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.

Even if a Sponsoring Unit grants a waiver of the J-1 Visa requirement, they must still ensure that they or the 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**). This biographical and funding information must not be submitted to the Visa Compliance System (VCS). The Mission or USAID/Washington 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 their timely return to their home country.

Sponsoring Units are reminded that by waiving the J-1 Visa requirement, an individual sponsored by USAID for travel to the United States will not be subject to the two-year home residency requirement.

### **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 detailed 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 USAID/Washington Office Directors may waive a selected non-presence country Exchange Visitor’s ineligible status. Missions or USAID/Washington Offices providing such a waiver must conduct the same Exchange Visitor and Dependent Security Risk and Fraud Inquiry (SRFI) (see **252.3.3**) as is required for USAID presence country Exchange Visitors, and must retain copies of the SRFI for each Exchange Visitor.

Processing non-presence country Exchange Visitors can present the Sponsoring Unit and partner organization with administrative challenges, including the conducting of the SRFI and verification that the Exchange Visitor has returned to his or her country (see also **253.3.4**). Sponsoring Units must be mindful of such challenges when considering sponsoring someone from a non-presence country.

### **252.3.3 Exchange Visitor and Dependent Security Risk and Fraud Inquiry (SRFI)**

Effective Date: 03/22/2007

USAID Missions or Bureaus/Independent Offices must conduct a SRFI on every potential Exchange Visitor. The purpose of the SRFI is to help identify individuals who could pose a threat to the security of the United States, and to help identify individuals seeking to obtain a J-1 Visa with a fraudulent intent.

This SRFI only supplements and does not duplicate, 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 or reviewing a Security Risk and Fraud Inquiry. Missions must consult with the Consulate’s Fraud Prevention Manager when developing the SRFI.

The process for conducting the SRFI and alternate procedure must be included in the Mission Order or Directive for Visa Compliance for Exchange Visitors, and must address:



- How the SRFI 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 SRFI.

**a. Standard SRFI Procedure**

Because security and fraud concerns vary among different Missions around the world, there is no single formula or prescribed process to cover all situations. The majority of Exchange Visitors will be subject to a Mission's standard SRFI. Missions or Bureaus/Independent Offices may establish a standard SRFI based on the following:

- Evidence that 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;
- Formal background checks;
- Police reports;
- Letters of recommendation from employers;
- Previous personal knowledge of the Exchange Visitor's conduct;
- Information and impression based on formal interview; and
- 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.

**b. Alternate SRFI Procedure**

Missions or USAID/Washington Offices may establish an alternate SRFI procedure to be used in instances where certain USAID or Embassy staff personally knows an Exchange Visitor, or when an Exchange Visitor is of a substantially high profile. Such an alternate procedure may rely solely on the assertion of Mission program staff that the Exchange Visitor does not pose a threat to the security of the U.S. and that they do not intend to defraud USAID.

The Mission or USAID/Washington Office Director is responsible for identifying what level of staff may assert personal knowledge of an Exchange Visitor as the basis for this alternate SRFI.

**252.3.4 Dependent Certification**

Effective Date: 01/01/2005

The Mission or USAID/Washington 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 USAID/Washington Office Director for approval. The same Security Risk and Fraud Inquiry that is conducted on Exchange Visitors must also be conducted for Exchange Visitor dependents.

Specific evidence used to make the required Dependent Security Risk and Fraud 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 via facsimile 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. The Student and Exchange Visitor Program (SEVP), a division of U.S. Immigration and Customs Enforcement (ICE) and the largest investigative arm of the Department of Homeland Security (DHS), administers SEVIS. 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/Independent Office Approver (R3) must approve it, also using VCS; and
4. The EGAT Responsible Officer (R4) or Alternate to SEVIS submits it to SEVIS.

SEVIS generates the DS-2019 form, and the USAID Responsible Officer or Alternate Responsible Officer signs it and expeditiously sends it to Mission or Bureau/Independent Office 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 or another Department of State official having such authority independently determines that a Visa other than a J-1 Visa is the appropriate Visa for such USAID-sponsored travel. In such cases, the travel can proceed, and the Mission or USAID/Washington Office Director must notify the USAID Responsible Officer of such decision in writing. Sponsoring Units and Implementers must not advise USAID-sponsored Exchange Visitors traveling 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 use 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/Independent Office 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

All data necessary for obtaining a DS-2019 form for each U.S.-bound Exchange Visitor must be approved using the USAID Visa Compliance System (VCS), found at <https://vcs.usaid.org/>. Mission approvers are responsible for approving the data for Exchange Visitors who are residents of the country the Mission is in. Sponsoring units, whether in a third country or in USAID/Washington, must coordinate with the USAID Mission for the SRFI and approval process. If the Sponsoring Unit is sponsoring an Exchange Visitor from a non-presence country, the Sponsoring Unit is responsible for the SRFI and VCS approval:

- a. The Mission Director or USAID/Washington Office Director must appoint Mission or Bureau/Independent Office staff members who are United States citizens to approve required data (Approvers), and submit those appointments directly to the USAID Responsible Officer in USAID/Washington.
- b. Sponsoring Units (or Implementers, as designated) must provide Mission Approvers with the following reference documents required for the approval function:
  - A copy of the face-page of the Exchange Visitor's passport, clearly showing the face, passport number, and country of citizenship;
  - A Training Request or description of Exchange Visitor activity; and

- If applicable, a Dependent Certification Form [AID 1380-5](#), approved by the Mission.
- c. Approvers (R3) must certify that, to the best of his or her knowledge and based on representations made to him/her, the following occurred or will occur when approving Exchange Visitor data:
- That USAID conducted a Security Risk and Fraud 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, and
    - has been accepted for the activity in which he or she will be participating; and
  - That the Mission approves of any dependent travel;
- 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-1 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). SEVIS is administered by the Department of Homeland Security. SEVIS generates the DS-2019 form. The USAID Responsible Officer or Alternate Responsible Officer then prints and signs the form, and sends it by international courier to Mission or Bureau/Independent Office Approvers for consulate filing.

The Mission or Bureau/Independent 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 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 and Pre-Departure Orientation**

Effective Date: 03/22/2007

All Exchange Visitors must understand and sign a Conditions of Sponsorship for J-1 Visa Holders, [AID Form 1381-6](#). The Exchange Visitor must sign this form before accepting USAID sponsorship. The Exchange Visitors should sign a copy in their primary language, if a translation is available. Sponsoring Units and partner organizations must ensure that they are using the most recent version of this form (dated 08/2005 or later). A signed copy must be retained by the Sponsoring Unit and the partner organization, as well as given to the Exchange Visitor.

Sponsoring Units must ensure that all Exchange Visitors take part in a pre-departure orientation to prepare them for their trip to the United States.

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

#### **252.3.6.1 Two-Year Foreign Residency Requirement and Waiver**

Effective Date: 01/01/2005

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 (e.g., 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 Conditions of Sponsorship for J-1 Visa Holders, [AID Form 1381-6](#). USAID Exchange Visitors 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. They must inform the Exchange Visitors that the Exchange Visitor's failure to fulfill this

requirement may result in USAID seeking recovery of all costs associated with their 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/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 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.

Note that the grant of a waiver of the two-year home residency requirement by the Department of State, Waiver Review Division, however, does not relieve the J-1 Visa Holder from his responsibility to pay USAID for all costs associated with USAID's sponsorship of such J-1 Visa Holder, if requested by USAID. If USAID does not object to the granting of the waiver, USAID will not issue a Bill of Collection (see [ADS 253](#))

USAID/Washington (EGAT/ED) considers each waiver request on a case-by-case basis, and provides Sponsor Views accordingly to the Department of State for its determination. 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.

### **252.3.6.2 Health and Accident Insurance Coverage**

Effective Date: 01/01/2005

All USAID-sponsored Exchange Visitors must only have the Health and Accident Insurance Coverage (HAC) provided by the USAID HAC contractor. Approved J-2 dependents must also have HAC coverage secured by the Exchange Visitor from the USAID HAC contractor or other HAC supplier. HAC coverage is a Department of State eligibility requirement for a J-1 Visa Holders (See [ADS 253](#) and [HAC Insurance and Certification of Medical Eligibility](#) for more details).

### **252.3.6.3 Transferring Visa Sponsorship**

Effective Date: 01/01/2005

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 Sponsor's 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.

**252.3.6.4 Employment of Exchange Visitors**

Effective Date: 01/01/2005

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 of salary or stipend paid. As long as the employment is part of the program, no special work permission from USAID is required. See also [ADS 253](#).

**252.3.6.5 English Language Proficiency**

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 [22 CFR 62.10\(a\)\(2\)](#), [ADS 253](#), and [English Language Proficiency](#).

**252.3.6.6 Termination in SEVIS**

Effective Date: 03/22/2007

All Exchange Visitors must be notified at their pre-departure orientation that USAID may terminate their record in SEVIS if the Exchange Visitor violates any of the Conditions of Sponsorship; invokes any of the bases of termination of program sponsorship as described in the Conditions of Sponsorship for J-1 Visa Holders, AID Form 1381-6; or if the 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.

The USAID Responsible Officer is authorized to initiate a termination in SEVIS for any of the above-listed reasons. Exchange Visitors must be informed that termination in SEVIS may have adverse effects on their ability to re-enter the United States in the future. Terminated Exchange Visitors cannot apply for an extension, reinstatement, or



change of category. Terminated Exchange Visitors, and all dependents, must leave the United States immediately. (See also **252.3.8.3**, Termination in SEVIS for No Shows, [Non-returnees](#), and Other Exchange Visitors).

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 GC or your Regional Legal Advisor for guidance on this question.

### **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 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 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.
- (2) 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.

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

**252.3.8.1 Validation of Arrival**

Effective Date: 03/22/2007

Exchange Visitors must not arrive in the U.S. more than three calendar days prior to the beginning of their program or activity (seven calendar days for long-term training programs).

Within three calendar 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 TrainNet. 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 Immigration and Customs Enforcement as a No-Show (see **252.3.8.3**).

**252.3.8.2 Validation of Departure**

Effective Date: 01/01/2005

Sponsoring Units or Implementers must track the departure status of their Exchange Visitors and update TrainNet accordingly. USAID-sponsored Exchange Visitors must depart the U.S. within three calendar days (seven calendar days for long-term training programs) 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 in writing. The intent of this policy is to accommodate those Exchange Visitors who are unable to depart the U.S. It is not intended to accommodate those individuals who seek to remain in the United States to participate in personal business, including visits to friends or family members who reside in the U.S. The USAID Responsible Officer approval is contingent upon written justification and assurance that the Sponsoring Unit will track the whereabouts of the Exchange Visitor and cover all associated costs including, but not limited to, HAC insurance.

In the event that an Exchange Visitor does not depart the United States within three calendar days of his/her program end date, as 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 **252.3.8.3**). See [ADS 253.3.7](#) and [ADS 625.3.4.3](#) for policy and procedures governing the recovery of sponsorship costs for non-returnees.

### **252.3.8.3 Termination in SEVIS of No Shows, Non-returnees, and Other Exchange Visitors**

Effective Date: 03/22/2007

It is the responsibility of Sponsoring Units and Implementing partners to monitor and confirm the arrival and departure of their Exchange Visitors. In the event that an Exchange Visitor becomes a No Show (see **252.3.8.1**) or a Non-returnee (see **252.3.8.2**), the Sponsoring Unit or Implementing partner must inform the USAID Responsible Officer as soon as they become aware of such circumstances.

Sponsoring units and implementing partners must attempt to contact an Exchange Visitor who has been identified as a No Show or a Non-returnee and inform them that they will be reported to the Department of Homeland Security and that USAID may attempt to collect their sponsorship costs from the Exchange Visitor. If a Sponsoring Unit or implementer cannot ultimately locate an Exchange Visitor for tracking purposes, the Sponsoring Unit or Implementer must complete the following actions:

- (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 the USAID Responsible Officer or Alternate Responsible Officer;
- (2) File a "missing persons" police report, if feasible; and
- (3) Expeditiously notify the USAID Responsible Officer or Alternate Responsible Officer in writing, for possible program termination in SEVIS.

Exchange Visitors who are No Shows will be terminated in SEVIS for failing to pursue program activities. Exchange Visitors who do not depart the United States within three calendar days of the end of their program will be classified as a non-returnee under [ADS 253](#), absent prior approval of an extension by USAID, and will be terminated in SEVIS for violating sponsor rules governing the program. Termination in SEVIS may affect the Exchange Visitor's ability to re-enter the United States in the future.

### **252.3.8.4 Change of Address and Other Exchange Visitor Biographical Updates**

Effective Date: 01/01/2005

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; and
- Field of Study.

**\*252.3.8.5 Travel Outside the United States**

Effective Date: 01/01/2005

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. Only the USAID Responsible Officer or a USAID Alternate Responsible Officer may validate travel.

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.

The DS-2019, along with prepaid return postage and a letter on institutional letterhead asserting that the Exchange Visitor is in good standing in their program, must be sent by the institution only, and mailed to the following address:

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

**252.3.8.6 Dependent Biographical Data Updates**

Effective Date: 01/01/2005

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, and
- Country of Legal Permanent Residence.

**252.3.9 Documenting Exchange Visitors and Dependents**

Effective Date: 01/01/2005

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

- Training request or description of Exchange Visitor activity;
- Nomination/Exchange Visitor selection documentation;
- Exchange Visitors' biographical data information;
- Face page of Exchange Visitors' passports;
- Security risk inquiry documentation;
- English language proficiency documentation;
- Medical clearance confirmation (unless HAC Plan C is used);
- Confirmation that Exchange Visitor has been enrolled in HAC;
- Signed Conditions of Sponsorship for J-1 Visa Holders Form, [AID 1381-6](#);
- Pre-departure orientation checklist;

- SEVIS identification number; and
- 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 the following for their records:

- A black and white copy of the stamped DS-2019 form,
- The face page of the Exchange Visitor's passport, and
- A copy of I-94 Form. 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

- [8 USC § 1182](#)
- [22 CFR 62](#)
- [22 CFR 62.10\(a\)\(2\)](#)
- [22 CFR 62.20](#)
- [22 CFR 62.21](#)
- [22 CFR 62.22](#)
- [22 CFR 62.23](#)
- [22 CFR 62.26](#)
- [22 CFR 62.29](#)
- [22 CFR 213](#)
- [Pub. L. 107-173/H.R. 3525](#)

##### **252.4.2 Internal Mandatory References**

Effective Date: 01/01/2005

- [ADS 206, Prohibition of Assistance to Drug Traffickers](#)
- [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)**  
[Please note that this form is 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: 03/22/2007

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 USAID/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**

The individual or entity that carries out program and management planning and oversight of the participant training. (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. A Mission or Bureau/Independent Office Approver must nominate all R-2's. 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/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 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 Mission or USAID/Washington Office Director must appoint the R-3. (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/Independent Office 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 or Independent Office to help design, implement, or monitor aspects of results-oriented training or Exchange Visitor activities under Mission guidance and authority. (Chapter 252, [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. (Chapter 252, [Chapter 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. The Responsible Officer is an official from the Bureau of Economic Growth, Agriculture & Trade, Office of Education. 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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