



ADS Chapter 252

Visa Compliance for Exchange Visitors

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ADS 252 – Visa Compliance for Exchange Visitors**

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**This chapter has been modified in its entirety*

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ADS 252 – Visa Compliance for Exchange Visitors

252.1 OVERVIEW

Effective Date: 04/22/2009

This chapter provides policy directives and required procedures related to visa compliance for foreign nationals who are traveling to the United States for any purpose, including Invitational Travel (see [ADS 522.5.12](#)) and Participant Training (see [ADS 253](#)), and are financed, in whole or in part, directly or indirectly, by USAID. With certain exceptions (see [252.3](#)), these foreign nationals are considered [Exchange Visitors](#) (EVs). USAID-sponsored EVs enter the U.S. on the J-1 exchange visitor non-immigrant visa, unless determined otherwise by a U.S. consular officer.

252.2 PRIMARY RESPONSIBILITIES

Effective Date: 04/22/2009

- 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 62.1-.90](#). The Office collects EV data from [Sponsoring Units](#), [Implementers](#), and [Training Providers](#), and manages the Agency's EV approval process. These activities fulfill a mandatory central USAID function of providing the DHS, including Immigration and Customs Enforcement (ICE) and DOS, with information about individuals sponsored for activities in the U.S.
- b. **The Office of the General Counsel (GC) and/or Regional Legal Advisors (RLAs)** interpret and provide advice regarding laws and regulations related to visas.
- c. **Sponsoring Units** are responsible for approving all EV records in USAID's [Visa Compliance System \(VCS\)](#), developing the Mission's Security Risk and Fraud Inquiry (SRFI), and ensuring that all EVs 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 (USAID/W) Office Directors** are responsible for approving the exceptions to the J-1 visa requirement policy, waiving [non-presence country](#) ineligibility, and approving dependent travel.
- f. **The Responsible Officer (RO)** is the designated official in charge of maintaining USAID's official designation as an Exchange Visitor (EV) program sponsor. The RO develops and implements policy and procedures to ensure that the Agency complies with the external regulations governing its official designation. Due to external requirements, USAID is limited to one RO who must be located within the physical borders of the United States.

g. Alternate Responsible Officers (AROs) are the designated alternate officials in charge of working with the RO to maintain USAID's official designation as an EV program sponsor. The RO and any Alternate Responsible Officers (AROs) develop and implement policy and procedures to ensure that the Agency complies with the external regulations governing its official designation. Due to external requirements, USAID is limited to 11 or fewer AROs who must be located within the physical borders of the United States.

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

252.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 04/22/2009

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

All USAID Sponsoring Units, Implementers, and other individuals involved in sponsoring U.S.-based EVs must familiarize themselves with mandatory references for this chapter, including [The Complete Guide to USAID Visa Compliance Systems](#), and to apply such guidance when required or applicable (see **252.4.2**).

Any foreign national traveling to the U.S. for any purpose, including Invitational Travel (see [ADS 522.5.12](#)) and U.S.-based Participant Training (see [ADS 253](#)), funded by USAID in whole or in part, directly or indirectly, is considered an EV; except:

- a.** Individuals employed by USAID, including personal services contractors, or employees of a USAID contractor or sub-contractor;
- b.** Individuals who are in transit through an American port on their way to a third country. For purposes of this section, an individual is in transit if he or she will be in the U.S. solely for the purpose of immediate and continuous travel en route to a third country. It is the responsibility of all USAID-sponsored individuals to obtain any required transit visas.

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

The Department of State has designated USAID as a program sponsor for a wide range of EV categories, as defined in [22 CFR 62](#), which encompass all possible Agency-sponsored activities. The categories are

- a. Student** – The EV is entering the U.S. to study at a degree-granting post-secondary accredited educational institution. The EV may participate in a degree or a non-degree program. The maximum duration of participation for the

Non-Degree Student sub-category is two years. There is no maximum duration of participation for the associate's, bachelor's, master's, or doctoral degrees sub-categories (see [22 CFR 62.23](#)).

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

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

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

252.3.1 Exceptions to the J-1 Visa Requirement

Effective Date: 04/22/2009

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

- The consular official issuing the visa makes a determination that another type of visa is appropriate for the travel;
- The individual is a high-level government official who holds a pre-existing A-Visa and has recognized diplomatic titles, privileges, and immunities;
- The individual is sponsored by USAID/Mexico, is traveling to the United States for no more than 14 business days, and is holding a B-1/B-2 Border Crossing Card (BBBCC) or B-1/B-2 Border Crossing Visa (BBBCV);

- The individual's travel is required in order to meet urgent, sensitive, and high-priority Mission program requirements; or
- Such action is deemed in the best interest of the Agency.

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 if you need a copy]. A copy of the completed form must be kept in the EV's file and one copy must be forwarded to the [USAID Responsible Officer](#).

Sponsoring Units are reminded that individuals sponsored by USAID for travel to the U.S. under a visa other than a J-1 will not be subject to the two-year home residency requirement.

In a case where a consular officer issues a visa other than J-1 to a USAID-sponsored EV, certain ADS 252 provisions remain applicable as Agency policy.

The following ADS 252 provisions remain applicable (with noted conditions):

- 252.3.2 EV Eligibility and Selection
- 252.3.3 EV and Dependent Security Risk and Fraud Inquiry
- 252.3.4 Dependent Certification
- 252.3.5.1 Initiation of EV Data (must be entered into [TraiNet](#) but not submitted to the VCS)
- 252.3.5.3 Approval of EV (must be granted in writing but not entered into the VCS)
- 252.3.6 Pre-departure Orientation
- 252.3.6.2 Health and Accident Insurance Coverage
- 252.3.6.4 Employment of Exchange Visitors
- 252.3.6.5 English Language Proficiency
- 252.3.8 Tracking EVs and Dependents
- 252.3.8.1 Validation of Arrival (must be entered into [TraiNet](#) but not submitted to the VCS)
- 252.3.8.2 Validation of Departure (must be entered into [TraiNet](#) but not submitted to the VCS)
- 252.3.8.3 No Shows and Non-Returnees (status changes will not be made in the [SEVIS](#) system)
- 252.3.8.4 EV Biographical Updates (must be entered into [TraiNet](#) but not submitted to the VCS)

- 252.3.8.5 Travel Validation (must be validated in writing without the use of the [DS-2019 form](#))
- 252.3.8.6 Dependent Biographical Updates (must be noted but not entered into the TraiNet and VCS systems)
- 252.3.9 Documenting EVs and Dependents (except VCS document upload requirements)
- 252.3.10 Compliance Monitoring and Verification

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

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

252.3.2 Exchange Visitor Eligibility and Selection

Effective Date: 04/22/2009

Sponsoring Units must observe the following requirements when determining EV eligibility:

- a. Individuals sponsored with USAID funds must be citizens or legal residents of the [host country](#).
- b. If a potential EV is from a “Covered Country”, such individuals must meet the criteria detailed in [ADS 206, Prohibition of Assistance to Drug Traffickers, Section 487 of the Foreign Assistance Act of 1961, as amended \(FAA\)](#) requires that reasonable steps be taken to ensure that assistance is not provided to or through drug traffickers or persons with narcotics convictions.
- c. Before approving dependent travel, the Sponsoring Unit must ensure that the EV completes and signs the [Dependent Certification Form \(AID 1380-5\)](#) and that the EV agrees to the conditions and regulations included in the form. USAID has no obligation to cover any cost of family members who accompany an EV. The EV bears sole responsibility for supporting dependents while in the U.S.

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

Processing non-presence country EVs can present the Sponsoring Unit and partner organization with administrative challenges, including the conducting of the SRFI and verification that the EV has departed the U.S. and/or 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.

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

252.3.3 Security Risk and Fraud Inquiry (SRFI)

Effective Date: 04/22/2009

USAID Missions or USAID/W Offices must conduct a SRFI on every potential EV. The purpose of the SRFI is to identify individuals who could pose a threat to the security of the United States and to identify individuals seeking to obtain a J-1 visa with the intent of defrauding USAID. Assistance with carrying out the SRFI may be provided by USAID contractor/grantee Implementers, although an SRFI must not be based on information obtained solely from a contractor or grantee.

Travel to the U.S. must begin no more than 120 days (four months) after completion of the SRFI. If travel commences more than 120 days after completion of the SRFI, the EV's SRFI must be updated through re-verification of the information used in the initial inquiry.

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

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

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

a. Standard SRFI Procedure

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

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

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

b. Alternate SRFI Procedure

Missions or USAID/W Offices may establish an alternate SRFI procedure to be used in instances where certain USAID or Embassy staff personally knows an EV or when an EV is of a substantially high profile. Such an alternate procedure may rely solely on the

assertion of U.S. citizen Mission or USAID/W Office staff that the EV does not pose a threat to the security of the U.S. and that they do not intend to defraud USAID. Such assertions must be documented and maintained in an EV's file.

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

252.3.4 Dependent Certification

Effective Date: 04/22/2009

A USAID Mission Director or USAID/W Office Director (or designee) must approve dependent travel. In order to avoid financial liability and to minimize the possibility of [non-returnees](#), USAID strongly discourages approval of dependent travel. A Mission or USAID/W Office Director may only approve dependent travel when it is in the best interest of USAID, such as when cultural or religious norms require an EV to be accompanied to the U.S. by a dependent.

EVs must complete, sign, and submit a [Dependent Certification Form \(AID Form 1380-5\)](#) to the Mission or USAID/W Office Director for approval. The same Security Risk and Fraud Inquiry that is conducted on EVs must also be conducted for EV dependents.

Specific evidence used to make the required Dependent Security Risk and Fraud Inquiry must be documented (see **252.3.2**). 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 EV documents.

A copy of the approved Dependent Certification Form must be uploaded to the [participant's](#) VCS file, scanned and e-mailed, or sent via facsimile to the USAID RO.

252.3.5 Certificate of Eligibility for Exchange Visitor Status (Form DS-2019)

Effective Date: 04/22/2009

USAID-sponsored EVs (as defined in **252.3.2**) must enter the U.S. on a J-1 visa (non-immigrant exchange visitor visa) processed under a USAID program number, unless determined otherwise by a U.S. consular officer. Exchange Visitors 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, unless the use of a visa other than a J-1 is approved.

Agency policies, procedures, and information systems used for obtaining a DS-2019 form reflect requirements of the Student and Exchange Visitor Information System (SEVIS), a Web-based system for maintaining information on international students and EVs in the U.S. The Student and Exchange Visitor Program (SEVP), a division of U.S. Immigration and Customs Enforcement (ICE) of the Department of Homeland Security

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

In order to obtain a **DS-2019 form** for a prospective USAID-sponsored EV, information about the individual must be gathered and managed in the following manner:

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

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

252.3.5.1 Initiation of Exchange Visitor Data

Effective Date: 04/22/2009

The R1 must enter EV information in TraiNet. The R2 must verify data in the Visa Compliance System (VCS), allowing sufficient time for the EV to receive the **DS-2019 form** (see **252.3.5**) and to arrange for a consular interview. VCS is a secure Web-based system that tracks the approval process of the **DS-2019** applications and participant information. VCS facilitates the data interchange between TraiNet and SEVIS. The R1 and R2 must enter and verify EV data at least three weeks prior to the EV's planned travel date. Some consulates may require extended lead-time.

All USAID Missions and partner organizations subject to the requirements of this chapter and [ADS 253, Training for Development](#), must enter data into the Web-based version of TraiNet (TraiNet Web), unless otherwise agreed to, in writing, by the USAID RO. 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 RO.

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 the EGAT, Office of Education (EGAT/ED).

252.3.5.2 Verification of Exchange Visitor Data

Effective Date: 04/22/2009

Once entered in TraiNet, all EV data must be verified by an Approver (R3)-nominated Verifier (R2) using the USAID Visa Compliance System (VCS).

- a. Mission or USAID/W Office Approvers (R3) (**252.3.4.3**) must appoint individuals authorized to verify required data – Verifiers (R2s) – and must submit those appointments directly to the RO in USAID/W. R2 appointments must not be sent to the systems helpdesk.

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

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

252.3.5.3 Approval of Exchange Visitor

Effective Date: 04/22/2009

All data necessary for obtaining a **DS-2019 form** (see **252.3.5**) for each U.S.-bound EV must be approved using the USAID Visa Compliance System (VCS), found at <https://vcs.usaid.gov>. Missions must carry out the Approver (R3) role for EVs sponsored under the mechanisms(s) they fund. Washington offices must carry out the Approver (R3) role for EVs sponsored under the mechanisms(s) they fund, unless alternate arrangements are made between a Mission Approver (R3) and a Washington office.

Sponsoring units, whether in a third country or in USAID/W, must coordinate with the USAID Mission for the SRFI. If the Sponsoring Unit is sponsoring an EV from a non-presence country, the Sponsoring Unit is responsible for the SRFI.

- a. The Mission Director or USAID/W Office Director must appoint Mission or Washington office staff members who are U.S. citizens to approve required data (Approvers) and must submit those appointments directly to the RO in USAID/W. R3 appointments must not be sent to the systems helpdesk.

- b.** Sponsoring Units (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 EVs passport, clearly showing the face, passport number, and country of citizenship;
 - A Training Request or description of EV activity; and
 - [Dependent Certification Form, AID 1380-5](#), approved by the Mission, if applicable.
- c.** Approvers (R3) must certify that, to the best of their knowledge and based on representations made to them, the following occurred or will occur when approving EV data:
- USAID conducted a Security Risk and Fraud Inquiry and noted the date on which USAID completed it. (Completion of the SRFI is required prior to approving an EV in the VCS and cannot be conducted after the fact);
 - USAID will conduct the exchange visit in accordance with the requirements of **ADS 252** and [ADS 253](#);
 - The EV and his or her program are legitimate;
 - The data imported into VCS is valid;
 - Each EV traveling to the U.S (see [22 CFR 62.12 \(b\)](#)):
 - meets eligibility requirements,
 - is qualified to be selected for the training activity;
 - has been approved to participate in the activity in which he or she will be participating;
 - The Mission approves any dependent travel;
 - USAID authorizes him or her to approve the data; and
 - He or she (the R3) is a citizen of the United States and staff member of a USAID Mission or USAID/W.

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

d. If applicable, Approvers must submit via scanning and e-mailing or scanning and uploading to the EV's file in the VCS, or by facsimile, the [Dependent Certification, AID Form 1380-5](#), that the Mission approved to the USAID RO.

252.3.5.4 Submission of Exchange Visitor Data

Effective Date: 01/01/2005

Once the EV's biographical and activity information required for obtaining a J-1 visa **Certificate of Eligibility, Form DS-2019** (see **252.3.5**) has been approved by an R3-Approver using the VCS, the USAID Responsible Officer (RO) or Alternate Responsible Officer (ARO) 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 RO or ARO then prints and signs the form and sends it by international courier to Mission or Washington Office Approvers for consulate filing.

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

252.3.6 Conditions of Sponsorship and Pre-Departure Orientation

Effective Date: 04/22/2009

All EVs must sign a [Conditions of Sponsorship for J-1 Visa Holders form, AID Form 1381-6](#), indicating that they understand and agree to the contents of the form before accepting USAID sponsorship. The EV should sign a copy in his or her primary language if a translation is available. Sponsoring Units and partner organizations must use the most recent version of this form (dated 08/2005 or later). A signed copy must be scanned and uploaded to the VCS and retained by the Sponsoring Unit and the partner organization, as well as given to the EV.

Sponsoring Units (or, Implementers, as designated) must ensure that all EVs take part in a pre-departure orientation to prepare them for their trip to the U.S.

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

252.3.6.1 Two-Year Foreign Residency Requirement and Waiver

Effective Date: 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 (for example, H-1 or L-1), or
- Legal permanent residence in the U.S. (commonly known as a green card).

USAID has incorporated this requirement into its own [Conditions of Sponsorship for J-1 Visa Holders, AID Form 1381-6](#). USAID EVs 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, as designated) must inform EVs of the two-year home residency requirement, which is specified as a condition of sponsorship. Further, they must explain that the EV's failure to fulfill this requirement may result in USAID seeking recovery of all costs associated with their sponsorship.

EVs may apply for a waiver of the two-year home residency requirement. The Department of State, Waiver Review Division administers the waiver review process. Only the 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 EV Sponsor, is not authorized to grant a waiver of the two-year home residency requirement, but does provide Program Sponsor Views of the waiver request to the 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.

If the Agency's view is that the waiver should not be granted, the granting of a waiver of the two-year home residency requirement by the Department of State, Waiver Review Division may result in USAID issuing a Bill of Collection (see [ADS 253](#)) to the J-1 visa holder for all costs associated with USAID's sponsorship of that J-1 visa holder. If the Agency's view is that the waiver should be granted, USAID will not issue a Bill of Collection (see [ADS 253](#)) to the J-1 visa Holder.

USAID/W (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 EVs traveling under the Government Visitor category (see [ADS 252.3](#)), USAID will not object to the granting of a waiver of the two-year home residency requirement.

252.3.6.2 Health and Accident Insurance Coverage

Effective Date: 04/22/2009

All USAID-sponsored EVs must only have Health and Accident Insurance Coverage (HAC) and must obtain this coverage from the USAID HAC contractor. Coverage should generally begin on the date of departure from the EV's home country and end on the date of return to the EV's home country. Approved J-2 dependents must also have HAC coverage secured by the EV from the USAID HAC contractor or other HAC

supplier. HAC coverage is a Department of State eligibility requirement for 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 RO 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 (for example, a university J-1 program). USAID will not transfer its program sponsorship, except when the EV was originally identified, in error, as a USAID-sponsored EV.

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

252.3.6.4 Employment of Exchange Visitors

Effective Date: 01/01/2005

USAID-sponsored EVs 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.

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

252.3.6.6 Termination of Exchange Visitor Status

Effective Date: 03/22/2007

Every EV must be notified at his or her pre-departure orientation that USAID may terminate the individual's status in SEVIS if the EV violates any of the Conditions of Sponsorship; invokes any of the bases of termination of program sponsorship as described in the [Conditions of Sponsorship for J-1 Visa Holders, AID Form 1381-6](#)

(for example, failure to file the appropriate U.S. Federal and state tax forms or bringing dependents to the U.S. without prior USAID approval); or if the EV:

- is convicted of a crime;
- is engaged in unauthorized employment;
- has failed to pursue program activities;
- has failed to submit change of address within ten days;
- has failed to maintain health insurance;
- has failed to maintain a full course of study;
- has been suspended involuntarily;
- has violated sponsor rules governing the program; or
- has violated EV program regulations.

The USAID RO is authorized to initiate a termination in SEVIS for any of the above-listed reasons. EVs must be informed that termination in SEVIS may harm their ability to re-enter the U.S. in the future. Terminated EVs cannot apply for an extension, reinstatement, or change of category, and along with all dependents, must leave the U.S. 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 the GC or your RLA for guidance on this question.

252.3.7 Changing Visa or Status to USAID Sponsorship

Effective Date: 01/01/2005

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

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

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

supporting documents within one academic semester of the start of USAID sponsorship, if the duration of the program exceeds one semester.

252.3.8 Tracking Exchange Visitors and Dependents

Effective Date: 01/01/2005

The vital importance to the United States Government of tracking international students and other EVs enrolled in U.S.-based activities is indicated in the [Enhanced Border Security and Visa Entry Reform Act of 2002 \(Pub. L. 107-173\)](#). The 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 EVs, and monitor information relative to each EV.

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

252.3.8.1 Validation of Arrival

Effective Date: 04/22/2009

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

Within three calendar days of the program start date (indicated on the EVs DS-2019 form), the Sponsoring Unit (or, Implementer, as designated) must confirm that the EV has arrived in the U.S. and has begun his or her program. Upon confirmation, the R1 (see **252.3.5.1**) must update the status of the EV in TraiNet. The R2 verifies this update in VCS and the USAID Responsible Officer submits it to SEVIS. USAID refers to this process as "validation." An EV's arrival must not be validated prior to his or her actual arrival. For further details on the validation process, please refer to [The Complete Guide to USAID Visa Compliance Systems](#).

It is vitally important to validate the arrival of EVs in TraiNet and VCS. Failing to do so will result in the EV being placed in "No Show" status with U.S. Immigration and Customs Enforcement (ICE). This status is an adverse or negative designation in the EV's record with ICE. If it is verified that the EV did indeed arrive in the U.S. and began the program, USAID is then obligated to request the reinstatement of the EV through an official process. USAID relies on its implementing partners to pay the non-refundable reinstatement fee levied by the Department of State.

If the EV does not start the program upon arrival, the Sponsoring Unit or Implementer must report the individual to the USAID RO, who reports the EV to ICE as a “No-Show” (see **252.3.8.3**).

252.3.8.2 Validation of Departure

Effective Date: 04/22/2009

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

Sponsoring Units (or, Implementers, as designated) must track the departure status of their EVs and update TraiNet accordingly.

In the event that an EV does not depart the U.S. within three calendar days of his or her program end date, as indicated on the **DS-2019 form** (see **252.3.5**), the Sponsoring Unit or Implementer must report the EV immediately to the RO or ARO. This notification to the RO/ARO will result in the EV being placed in “Terminated” status with ICE 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 No Show and Non-Returnee Exchange

Effective Date: 04/22/2009

Sponsoring Units and Implementing partners are responsible for monitoring and confirming the arrival and departure of their EVs. In the event that an EV 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 RO immediately upon learning of such circumstances.

Sponsoring Units and Implementing partners must attempt to contact an EV who has been identified as a “No Show” or a “Non-returnee” and inform the individual that he or she will be reported to the Department of Homeland Security and that USAID may attempt to collect its sponsorship costs from the EV. If a Sponsoring Unit or Implementer cannot ultimately locate an EV for tracking purposes, the Sponsoring Unit or Implementer must complete the following actions:

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

An EV who is reported to the RO/ARO as a "No Show" will be placed in "No Show" status in SEVIS. This status is an adverse or negative designation in the EV's record with ICE. EVs who do not depart the U.S. within three calendar days (seven calendar days for long-term programs) after the last U.S.-based activity of the 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 EV's ability to re-enter the United States in the future.

252.3.8.4 Exchange Visitor Biographical Data Updates

Effective Date: 01/01/2005

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

Current U.S. Address – For short-term activities (21 days or fewer) with multiple site visits, where the EV's current address will change frequently, the U.S. address of the Implementer administering the activity may be used. However, USAID Sponsoring Units or Implementers are responsible for tracking the whereabouts of their EVs at all times while they are in the United States (**252.3.8**).

- Current site of activity – If the training or activity provider has not yet been identified at the time of initial data entry, the Implementer's name and U.S. address may be used until such time as the provider is known. Once known, provider information must be entered as a site of training information update into TraiNet. The Implementer's name and U.S. address may also be used for EV activities where no training or activity provider is being used.
- Activity start and end dates
- USAID or other funding contributions
- Program completion
- Name
- Sex

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

252.3.8.5 Travel Outside the United States

Effective Date: 04/22/2009

Sponsoring Units and Implementers must ensure that the EV's **DS-2019 form** (see **252.3.5**) is endorsed with the signature of the USAID RO or ARO before the EV departs the U.S. Only the RO or an ARO may validate travel. Travel validation will only be provided for an EV who is in an appropriate status in SEVIS.

EVs 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 form**, along with prepaid return postage and a letter on institutional letterhead asserting that the EV is in good standing in his or her program, must be sent by the institution and mailed to the following address:

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

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

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

252.3.8.6 Dependent Biographical Data Updates

Effective Date: 01/01/2005

During the course of an EV's activity, any changes in the following information regarding an EV's dependent must be reported to the USAID RO:

- 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: 04/22/2009

The R2-Verifier (see **252.3.5.2**) of an EV's or dependent's VCS record must scan and upload the following documents to the VCS and may also retain these documents on file for their records:

- A black and white copy of the signed **DS-2019 form** (see **252.3.5**);
- The face page of the passport;
- A photocopy of the I-94 form provided by the EV prior to departure from the U.S.; and
- A black and white copy of the stamped **DS-2019** form provided by the EV prior to departure from the U.S.

Sponsoring Units (or, Implementers, as designated) must also keep the following relevant hard-copy documentation on file, or else electronic versions uploaded to VCS, pertaining to their EVs, dependents, and sponsored activities:

- Black and white photocopy of the EV's signed **DS-2019**;
- Photocopy of the EV's I-94 (EVs should make a photocopy of their I-94 or have their U.S. implementing organization or training provider make a copy before surrendering it to airport authorities upon departure. The photocopy should be promptly conveyed to the sponsoring Mission or R2-Verifier for uploading into the EV's VCS file);
- Training request or description of EV activity;
- Nomination/EV selection documentation;
- EV's biographical data information;

- Face page of EV's passports;
- Security Risk and Fraud Inquiry documentation;
- English language proficiency documentation;
- Medical clearance confirmation (unless HAC Plan C is used);
- Confirmation that EV 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.

Sponsoring Units and Implementers must **not** make color copies of the **DS-2019 form**.

252.3.10 Compliance Monitoring and Verification

Effective Date: 04/22/2009

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

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 Systems](#)
- f. [English Language Proficiency](#)
- g. [HAC Insurance and Certification of Medical Eligibility](#)

252.4.3 Mandatory Forms

Effective Date: 04/22/2009

- a. [Conditions of Sponsorship for J-1 Visa Holders \(AID Form 1381-6\)](#)
- b. [Dependent Certification \(AID Form 1380-5\)](#)
- c. [I-539 “Application to Extend/Change Non-immigrant Status”](#)
- d. **Certificate of Eligibility for Exchange Visitor Status, Form DS-2019**
[This form is generated electronically by SEVIS. Please refer to **252.3.5** for a comprehensive discussion of this form.]

252.5 ADDITIONAL HELP

Effective Date: 01/01/2005

252.6 DEFINITIONS

Effective Date: 04/22/2009

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

covered countries

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

DS-2019 form (Certificate of Eligibility)

A form generated electronically by SEVIS and issued by the USAID Responsible Officer in Washington, D.C. to potential Exchange Visitors certifying the individual's eligibility to participate in their Exchange Visitor program and indicating the program start and end date. Exchange Visitors are authorized for a duration of stay in the U.S. limited to the program start and end date. (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 [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, [548](#))

host country national

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

Implementer

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

Individual Taxpayer Identification Number (ITIN)

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

R1

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

R2

Also known as the Verifier, this individual is generally the supervisor of the R1, and accesses the Visa Compliance System (VCS) and verifies that all information imported into VCS from TraiNet regarding all Exchange Visitors is complete, correct, and error free. The R2 is also responsible for verifying Exchange Visitor status changes and

changes to the Exchange Visitor's biographical information throughout the course of the program. A Mission or Bureau/Independent Office Approver must nominate all R2's. The role of the R2 must not be performed by an R1. (Chapter 252)

R3

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

R4

Also known as the Submitter, the R4 is the USAID/Washington Responsible Officer or Alternate Responsible Officer. The R4 accesses both the Visa Compliance System (VCS) and the Student and Exchange Visitor Information System (SEVIS). All data regarding an Exchange Visitor that must be updated or input into SEVIS, must be submitted by the R4. The R4 is responsible for printing, signing and expeditiously shipping to USAID Missions, all Exchange Visitor Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019) generated by SEVIS. (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, [253](#))

USAID Responsible Officer (RO)

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

Visa Compliance System (VCS)

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

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