



## ADS Chapter 252

# Visa Compliance for Exchange Visitors

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**ADS 252 – Visa Compliance for Exchange Visitors**  
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**Table of Contents**

**[252.1](#) **[OVERVIEW](#) ..... **[4](#)******

**[252.2](#) **[PRIMARY RESPONSIBILITIES](#) ..... **[4](#)******

**[252.3](#) **[POLICY DIRECTIVES AND REQUIRED PROCEDURES](#) ..... **[5](#)******

**[252.3.1](#) **[Exceptions to the J-1 Visa Requirement](#)..... **[7](#)******

**[252.3.2](#) **[Dependents](#) ..... **[8](#)******

**[252.3.3](#) **[Request for Certificate of Eligibility for Exchange Visitor Status \(Form DS-2019\)](#) ..... **[8](#)******

**[252.3.3.1](#) **[R1 Initiator](#) ..... **[9](#)******

**[252.3.3.2](#) **[R2 Award and Country Verifier](#) ..... **[10](#)******

**[252.3.3.3](#) **[R3 Approver](#)..... **[10](#)******

**[252.3.3.4](#) **[R4 - Responsible Officer \(RO\)](#) ..... **[11](#)******

**[252.3.4](#) **[Pre-Arrival Information and Orientation](#) ..... **[12](#)******

**[252.3.5](#) **[Documenting EVs and Dependents](#) ..... **[12](#)******

**[252.3.5.1](#) **[Conditions of Sponsorship](#) ..... **[13](#)******

**[252.3.5.2](#) **[EV Two-Year Foreign Residency Requirement and Waiver](#) ..... **[13](#)******

**[252.3.5.3](#) **[EV Health and Accident Insurance](#) ..... **[14](#)******

**[252.3.5.4](#) **[EV English Language Proficiency](#) ..... **[15](#)******

**[252.3.6](#) **[EV Program Administration and Tracking EVs and Dependents](#) ..... **[15](#)******

**[252.3.6.1](#) **[Validation of EV Arrival at U.S. Program Site](#) ..... **[15](#)******

**[252.3.6.2](#) **[Reporting No Shows](#) ..... **[16](#)******

**[252.3.6.3](#) **[Cancellation of EVs](#) ..... **[16](#)******

**[252.3.6.4](#) **[Termination of EV Status](#) ..... **[17](#)******

**[252.3.6.5](#) **[EV Employment](#) ..... **[18](#)******

**[252.3.6.6](#) **[Transferring EV Visa Sponsorship](#) ..... **[18](#)******

**[252.3.6.7](#) **[EV and Dependent Biographical Data Updates](#) ..... **[18](#)******

**[252.3.6.8](#) **[Validation of EV Travel Outside the United States](#)..... **[19](#)******

**[252.3.6.9](#) **[Validation of EV Departure from the United States](#)..... **[20](#)******

**[252.3.6.10](#) **[EV Automobile Operation](#) ..... **[20](#)******

**[252.3.7](#) **[EV U.S. Taxpayer Identification](#) ..... **[21](#)******

[252.3.8](#) [RO Compliance Monitoring and Verification](#) ..... [21](#)

[252.4](#) [MANDATORY REFERENCES](#) ..... [21](#)

[252.4.1](#) [External Mandatory References](#) ..... [21](#)

[252.4.2](#) [Internal Mandatory References](#) ..... [21](#)

[252.4.3](#) [Mandatory Forms](#)..... [22](#)

[252.5](#) [ADDITIONAL HELP](#) ..... [22](#)

[252.6](#) [DEFINITIONS](#)..... [22](#)

## ADS 252 – Visa Compliance for Exchange Visitors

### 252.1 OVERVIEW

Effective Date: 11/08/2022

This chapter provides policy directives and required procedures for implementing external Federal regulations found in [22 CFR 62, Exchange Visitor Program](#), which pertains to J-1 Exchange Visitor (EV) visa compliance for foreign nationals who are traveling to or are in the United States as beneficiaries of USAID development assistance and are financed in whole or in part, directly or indirectly, by USAID. USAID sponsors U.S.-based EV programs to support country, regional, and sector development objectives and U.S. national security goals by fostering a mutual understanding between foreign nationals and the American people.

The Department of State (DoS) designates the Agency as an official EV sponsor responsible for issuing a Certificate of Eligibility for J-1 Visa Status (Form DS-2019). All USAID-sponsored EVs must obtain, use, and comply with the terms of the J-1 visa unless determined otherwise by a U.S. consular officer.

All USAID Operating Units (OUs) and Implementing Partners (IPs) involved in sponsoring U.S.-based EVs must use the Training and Exchanges Automated Management System (TEAMS) for processing EVs. TEAMS is a web-based application that helps USAID/Washington (USAID/W), Missions, contractors, and contractor systems at various locations to collaborate in approving and reporting EVs.

### 252.2 PRIMARY RESPONSIBILITIES

Effective Date: 11/08/2022

**a.** The **Bureau for Management, Office of Management Policy, Budget, and Performance (M/MPBP)** maintains the Agency's J-1 visa sponsor designation and ensures the Agency's compliance with the Department of Homeland Security (DHS) and DoS regulations contained in [22 CFR 62](#). M/MPBP collects EV data from OUs and IPs and manages the Agency's EV approval process. These activities fulfill a mandatory central USAID function of providing DHS, including Immigration and Customs Enforcement (ICE) and DoS, with information about individuals sponsored for activities in the United States.

**b.** The **Office of the General Counsel (GC)** and/or **Resident Legal Officers (RLOs)** interpret and provide advice regarding laws and regulations related to visas.

**c.** **Operating Units** ensure that implementing partners comply with the requirements of this ADS chapter. The OU informs the Contracting Officer/Agreement Officer (CO/AO) if an activity anticipates funding foreign nationals in the United States, so the applicable EV clauses and provisions can be added to the award. In practice, the OU is typically the USAID organizational unit of the Contracting Officer's Representative/Agreement Officer's Representative (COR/AOR).

- d. Implementing Partners**, whose accountability to USAID is set by the terms of a contract, grant, or cooperative agreement, assist OUs with essential responsibilities related to this ADS chapter.
- e. Mission Directors and USAID/W Office Directors** of the organizational unit of the COR/AOR approve exceptions to the J-1 visa requirement policy. Mission Directors, or designees, appoint R3 Approvers (see letter **g** below).
- f. The R4 Responsible Officer (RO)** is the designated official in charge of maintaining USAID's official designation as an EV program sponsor. The R4 RO develops and implements policy and procedures to ensure that the Agency complies with the external regulations governing its official designation. USAID is limited to one RO who must be located within the physical borders of the United States. **Alternate Responsible Officers (AROs)** are the designated alternate officials who backstop and/or support the RO to maintain USAID's official designation as an EV program sponsor. The RO and AROs must be U.S. citizens and are designated by the DoS in accordance with [22 CFR 62](#).
- g. The R3 Approver** is a U.S. citizen and a USAID Mission staff member who approves EVs and dependents traveling to the United States (see section **252.3.3.3**) on behalf of USAID. Missions carry out the R3 Approver role for each EV and dependent(s) whose legal residence is in a Mission's covered country, unless alternately agreed upon arrangements are made with another Mission R3 Approver or with a designee from USAID/W. R3 Approvers must be USAID Direct-Hire personnel. The Mission Director, or designee, appoints R3 Approvers for Mission staff, and the USAID/W Office Director, or designee, appoints R3 Approvers for USAID/W staff.
- h. The R2 Country Verifier** is a USAID Mission staff member who supports the R3 Approver by verifying EVs and dependents traveling to the United States (see section **252.3.3.2**). Missions are not required to have an R2 Country Verifier. The R3 Approver appoints R2 Country Verifiers.
- i. The R2 Award Verifier** is an IP staff member who verifies data for EVs and dependents traveling to the United States on behalf of the IP (see section **252.3.3.2**). The R2 Award Verifier is employed by the same organization as, and has an oversight role over, the R1 Initiator. The USAID COR/AOR appoints R2 Award Verifiers.
- j. The R1 Initiator** is an IP staff member who enters EV and dependent(s) information and initiates data workflows in TEAMS (see section **252.3.3.1**). The R1 Initiator is employed by the same organization as the R2 Award Verifier. The USAID COR/AOR appoints R1 Initiators.

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

Effective Date: 11/08/2022

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

Any foreign national traveling to the United States for any purpose, funded by USAID in whole or in part, directly or indirectly, is considered an EV, except:

- a. Foreign government officials and their immediate family members who qualify for an A diplomatic visa having recognized diplomatic titles, privileges, and immunities.
- b. Individuals employed by USAID, including Personal Services Contractors (PSCs) and U.S. Government (USG) employees under interagency agreements with USAID.
- c. Individuals working under a USAID contract or sub-contract or USAID cooperative agreement, grant, sub-recipient, or sub-award.
- d. 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 they will be in the United States solely for the purpose of immediate and continuous travel en route to a third country. USAID-sponsored individuals must obtain any required transit visas.
- e. Individuals employed by a Public International Organization (PIO) (see [ADS 308, Agreements with Public International Organizations](#)).
- h. Individuals sponsored by a PIO under a USAID-funded project contribution (see [ADS 308](#)). Under a USAID-funded project contribution, the Agency relies on the PIO's internal systems and procedures for program implementation; therefore, the PIO itself is the EV's sponsor rather than USAID.

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

The DoS has designated USAID as a Student and Exchange Visitor Program (SEVP) sponsor. The Agency is designated for a wide range of EV categories, as defined in [22 CFR 62](#), which encompass all possible Agency-sponsored activities. The categories are:

- i. **Student** – The EV is entering the United States 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](#)).

- ii. **Short-Term Scholar** – The EV is entering the United States 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](#)).
- iii. **Specialist** – The EV is an expert in a field of specialized knowledge and is entering the United States for a period up to one year to observe, consult, or demonstrate special skills (see [22 CFR 62.26](#)).
- iv. **Research Scholar** – The EV is entering the United States 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 United States under an F or J visa within the previous 12 months unless their presence in the United States was for less than six months. EVs who travel as Research Scholars may not return to the United States as a Research Scholar for two years following the completion of their program.
- v. **Government Visitor** – The EV is entering the United States 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: 11/08/2022

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

- The individual is sponsored by USAID/Mexico for a program of no more than 14 calendar days in duration (from program start date to program end date), is traveling to the United States, and is holding a B-1/B-2 Border Crossing Card (BBBCC) or B-1/B-2 Border Crossing Visa (BBBCV);
- The individual's travel is required 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/W Office Director must sign the completed [AID 252-2, Exemption of Requirement to Use USAID-Sponsored J-1 Visa](#) to request an exemption. The OU must keep a copy of the completed form in compliance with the USAID Records Management Program (see [ADS 502, The USAID Records Management Program](#)) and forward one copy to the R4 RO at [EVpolicy@usaid.gov](mailto:EVpolicy@usaid.gov).

The [AID Form 252-2](#) is intended for internal Agency management control purposes only and it is not related to the Nonimmigrant Visa Referral (form DS-4034/5) process.

Individuals sponsored by USAID for travel to the United States under a visa other than a J-1 are not subject to the two-year home residency requirement (see section **252.3.5.2**), and R1 Initiators are not required to enter their information in TEAMS.

### **252.3.2 Dependents**

Effective Date: 11/08/2022

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

EVs may bring family members to the United States either for an EV's full duration of stay or for short visits. EVs are responsible for paying all travel costs for an accompanying spouse and dependent(s) and may only bring family members to the United States if the EV possesses adequate financial resources to support an accompanying spouse and dependent(s).

All dependents of USAID-sponsored EVs must obtain, use, and abide by the terms of the J-2 visa processed under a USAID program number. The same J visa application procedures that apply to EVs also apply to dependents (see section **252.3.3**).

OUs must inform the EV that the EV is responsible for arranging, maintaining, and paying for each dependent's health insurance coverage and ensuring that the insurance remains in effect for the duration of the dependent's presence in the United States.

### **252.3.3 Request for Certificate of Eligibility for Exchange Visitor Status (Form DS-2019)**

Effective Date: 11/08/2022

To apply for a J-1/2 visa, EVs and their dependent(s) must submit a J-1/2 visa application and supporting documents (see the DoS [Exchange Visitor Visa website](#)) to the U.S. Consulate. The [Certificate of Eligibility for Exchange Visitor Status \(Form DS-2019\)](#) is a required document as part of the J-1/2 visa application. 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, and their dependent(s), in the United States. The Student and Exchange Visitor Program, a division of U.S. Immigration and Customs Enforcement of the Department of Homeland Security, administers SEVIS.

The TEAMS system supports USAID Exchange Visitor Visa Compliance for EVs and their dependents who come to the United States on a USAID J-1/2 visa. TEAMS manages data for U.S. exchange visitor programs by interfacing with SEVIS and is the



entry point for data on EV programs. All USAID OUs and IPs involved in funding U.S.-based EVs must use TEAMS for entering and monitoring EV data and must familiarize themselves with the [Training & Exchanges Automated Management System \(TEAMS\) User's Manual \(ADS 252maa\)](#), and apply such guidance when required or applicable.

TEAMS users must manage the process for a prospective USAID-sponsored EV and their dependent(s) to obtain a DS-2019 form (see [ADS 252maa](#)) in the following manner:

1. **Initiation of EV Data:** An assigned R1 Initiator must enter EV/dependent information (i.e., biographic data, program dates, program information, etc.) into TEAMS, initiating the flow of information.
2. **Verification of EV Data:** An assigned R2 Award Verifier and, if applicable, an R2 Country Verifier must verify EV/dependent information within TEAMS.
3. **Approval of EV Selection and Data:** An assigned R3 Approver must approve, on behalf of USAID, EVs selected to participate in the USAID-sponsored program and their dependents, and EV/dependent information in TEAMS.
4. **Submission of EV Data:** The R4 RO submits to SEVIS (via TEAMS) verified and approved EV/dependent information.
5. SEVIS generates the DS-2019 Form, and the R4 RO signs and expeditiously sends it to the R3 Approver for use during the EV's (and their dependent's) consular interview.

The process to request a DS-2019 takes approximately four to six weeks from the time the EV data is initially entered into TEAMS until the completed and signed DS-2019 arrives at the Mission. Visa processing procedures and timelines vary by country. For systems and procedural guidance, see [ADS 252maa](#).

#### **252.3.3.1 R1 Initiator**

Effective Date: 11/08/2022

The USAID COR/AOR for the award funding the EV must nominate the R1 Initiator(s), as needed for each award, by submitting or responding to a TEAMS helpdesk ([teams@usaid.gov](mailto:teams@usaid.gov)) request. While the role has no nationality requirement, the role must be fulfilled by an IP staff member who is funded by the award and is employed by the same IP as the R2 Award Verifier of the EV/dependent. There is no limit to the number of IP staff members who can be assigned to the role for each award.

The R1 Initiator must enter EV and dependent(s) information and initiate data workflows in TEAMS with enough lead time to allow the R2 Award Verifier, the R2 Country Verifier (if applicable), the R3 Approver, and the R4 RO to carry out their respective roles, and

for the EV and dependent(s) to receive their DS-2019 Form for their consular interview(s).

### **252.3.3.2 R2 Award and Country Verifier**

Effective Date: 11/08/2022

There are two types of R2 Verifiers:

1. **R2 Award Verifier (Required):** The USAID COR/AOR for the award funding the EV must nominate the R2 Award Verifier(s), as needed for each award, by submitting or responding to a TEAMS helpdesk (**teams@usaid.gov**) request. While the role has no nationality requirement, the role must be fulfilled by an IP staff member who is funded by the award and is employed by the same IP as the R1 Initiator of the EV/dependent information. There is no limit to the number of IP staff members who can be assigned to this role of verifying EV/dependent(s) information on behalf of the IP.
2. **R2 Country Verifier (Optional):** The USAID Mission R3 Approver for the Mission that covers the EV's and dependents' country of residence may choose to nominate a R2 Country Verifier, as preferred. Missions are not required to have an R2 Country Verifier. The R3 Approver nominates an R2 Country Verifier by submitting or responding to a TEAMS helpdesk (**teams@usaid.gov**) request. While the role has no nationality requirement, the role must be fulfilled by a USAID staff member of the covering Mission. There is no limit to the number of Mission staff members who can be assigned to this role of verifying EV/dependent(s) information on behalf of the covering Mission.

The R2 Award Verifier and, if applicable, the R2 Country Verifier must verify EV and dependent(s) information in TEAMS is complete, correct, and error-free with enough lead time to allow the R3 Approver, and the R4 RO to carry out their respective roles, and for the EV and dependent(s) to receive their DS-2019 Form for their consular interview(s).

### **252.3.3.3 R3 Approver**

Effective Date: 11/08/2022

Missions must carry out the R3 Approver role for EVs and dependents whose legal residence is in a Mission's covered country, regardless of whether the EV is sponsored by that Mission or another USAID OU, unless alternately agreed upon arrangements are made with another USAID R3 Approver or with a designee from USAID/W to carry out the role. The Mission Director of the Mission that covers the EV's and dependents' country of residence must nominate the R3 Approver, as needed, by submitting the nomination by email directly to the R4 RO at **EVpolicy@usaid.gov**. If a Mission has designated staff from USAID/W to fulfill the R3 Approver role, the USAID/W Office Director must nominate the R3 Approver and notify the R4 RO via email at **EVpolicy@usaid.gov**. The R3 Approver role must be fulfilled by Mission staff members who are U.S. citizens and U.S. Direct-Hires. There is no limit to the number of Mission

staff, or USAID/W staff if designated, who can be assigned to this role of approving EVs/dependents and EV/dependent information on behalf of the covering Mission.

The R3 Approver must approve the selection of the EV, and their dependent(s) if applicable, for USAID-sponsorship and EV/dependent information in TEAMS with enough lead time to allow the R4 RO to carry out their role, and for the EV and dependent(s) to receive their DS-2019 Form for their consular interview(s).

Approvers must certify, to the best of their knowledge and based on representations made to them, the following:

- The EV and their program are legitimate;
- The EV/dependent(s) data is valid;
- All required supporting documentation is complete and uploaded to the EV's record in TEAMS (see section **252.3.5**); and
- Each EV/dependent traveling to the United States (see [22 CFR 62](#)):
  - Meets eligibility requirements, including English language proficiency (see section **252.3.5.4**);
  - Is qualified to be selected for the EV activity; and
  - Has been identified to participate in the EV activity by the IP and approved by the award COR/AOR.

Once the R3 Approver receives the signed DS-2019 Form from the R4 RO, the R3 Approver must provide the DS-2019 form to the EV and instruct the EV and their dependent(s) to submit the form to the U.S. Consulate as part of their J-1/2 visa application. The R3 Approver must ensure the following if an EV or dependent(s) does not ultimately depart for the United States as intended:

1. The EV program is canceled by the R1 Initiator by initiating the cancellation workflow in TEAMS, resulting in the R4 RO submitting the cancellation to SEVIS;
2. The DS-2019 form is immediately returned to the RO, with a brief explanation; and
3. The J-1/2 visa(s) are canceled by the U.S. Consulate, typically via a request made through/from the USAID Mission.

#### **252.3.3.4 R4 - Responsible Officer (RO)**

Effective Date: 11/08/2022

The DoS approves and designates the RO and AROs to carry out the duties as described in this ADS chapter and outlined in [22 CFR 62.11](#). Prospective RO and AROs located in M/MPBP must apply for designation by preparing, signing, and submitting Form DS-3036 to DoS in SEVIS. The R4 RO and AROs must be U.S. citizens or lawful permanent residents of the United States. There must be one RO and at least one ARO designated per sponsor program (i.e., SEVP program number designation).

The R4 RO must submit approved EV and accompanying dependent(s) information to the DHS' SEVIS via TEAMS with enough lead time to allow for the R3 Approver to provide the DS-2019 forms to the EV and dependent(s) for their consular interview(s).

#### **252.3.4 Pre-Arrival Information and Orientation**

Effective Date: 11/08/2022

OUs must ensure that EVs receive pre-arrival information to prepare them for their trip to the United States. OUs are encouraged to provide pre-arrival information for dependents. As set forth in [22 CFR 62.10\(b\)](#), pre-arrival information must include, but is not limited to:

- Conditions of Sponsorship (see section [252.3.5.1](#)),
- EV Two-Year Foreign Residency Requirement and Waiver (see section [252.3.5.2](#)),
- EV Health and Accident Insurance (see section [252.3.5.3](#)),
- EV English Language Proficiency (see section [252.3.5.4](#)),
- Termination of EV Status (see section [252.3.6.4](#)),
- EV Employment (see section [252.3.6.5](#)), and
- Transferring EV Visa Sponsorship (see section [252.3.6.6](#)).

Upon the EV's arrival in the United States, OUs must ensure that all EVs receive a comprehensive orientation about their programs that includes but is not limited to [22 CFR 62.10\(c\)](#). OUs are encouraged to provide orientation for dependents upon their arrival in the United States.

#### **252.3.5 Documenting EVs and Dependents**

Effective Date: 11/08/2022

OUs and IPs, in accordance with the terms of their award(s), must handle, maintain, and safeguard EV documentation in compliance with the USAID Records Management Program (see [ADS 502, The USAID Records Management Program](#)).

The R1 Initiator (see section **252.3.3.1**) must scan and upload the following documents to every EV/dependent record into TEAMS before the R4 RO submits the information to SEVIS via TEAMS:

- The face page of the passport;
- [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#) [English-version] (signed by both the EV and USAID Official) (see section **252.3.5.1**); and
- Health and Accident Insurance documentation for EV/dependents (see section **252.3.5.3**);

The R1 Initiator must enter the following information to every EV/dependent record into TEAMS before the R4 RO submits the information to SEVIS via TEAMS:

- Biographical data information, including names and contact information of family members residing in the United States; and
- English language proficiency documentation (see section **252.3.5.4**).

OUs may require the retention of other documentation. The R1 Initiator and, if applicable, the R2 Award Verifier must coordinate with the OU to ensure any additional documentation is uploaded.

### **252.3.5.1 Conditions of Sponsorship**

Effective Date: 11/08/2022

All EVs must sign the English-version of the [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#), indicating that they understand and agree to the contents of the form before accepting USAID sponsorship. The EV may also sign a version translated into their primary language if a translation is available. OUs must use the most recent version of this form (see <https://www.usaid.gov/forms>). The OU and the implementer must retain a signed copy in accordance with the terms of their award. The R1 Initiator or R2 Award Verifier (see section **252.3.5.2**) of an EV's or dependent's TEAMS record must scan and upload a signed copy of the form to TEAMS. The OU (or Program Implementer, in accordance with their award) must provide the EV with a fully signed copy of the form.

### **252.3.5.2 EV Two-Year Foreign Residency Requirement and Waiver**

Effective Date: 11/08/2022

[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 their respective residence country before being eligible to apply for the following:

- Certain types of nonimmigrant visas (e.g., H-1 or L-1), or
- Legal permanent residence in the United States (commonly known as a green card).

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

All USAID OUs 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 DoS, Waiver Review Division administers the waiver review process. Only the DHS/U.S. Citizenship and Immigration Services has the authority to grant or deny a waiver of the two-year home residency requirement. The R4 RO, on behalf of USAID, is not authorized to grant a waiver of the two-year home residency requirement but does provide Program Sponsor Views of the waiver request to the DoS Waiver Review Division. Program Sponsor Views represent the position of the Agency regarding whether the waiver should be granted or denied.

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

The R4 RO considers each waiver request on a case-by-case basis and provides Program Sponsor Views accordingly to the DoS for its determination. For EVs traveling under the Government Visitor category, USAID will not object to granting a waiver of the two-year home residency requirement.

### **252.3.5.3 EV Health and Accident Insurance**

Effective Date: 11/08/2022

OUs must enroll EVs in health and accident insurance coverage that meets or exceeds the Federal requirements established to implement the [Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256, 22 U.S.C. 2451, et seq. \(1988\)](#) as set forth in [22 CFR 62.14](#), as periodically updated. Sponsoring Units must inform the EV that the EV is responsible for arranging, maintaining, and paying for each dependent's health insurance coverage and ensuring that the insurance remains

in effect for the duration of the dependent's presence in the United States. Health and accident insurance coverage must begin the day the EV/dependent departs their residence country to travel to the United States and must remain in effect through the day the EV/dependent returns to their residence country.

#### **252.3.5.4 EV English Language Proficiency**

Effective Date: 11/08/2022

OUs 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\(a\)\(2\)](#)).

#### **252.3.6 EV Program Administration and Tracking EVs and Dependents**

Effective Date: 11/08/2022

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

USAID policies and supporting procedures and systems for tracking USAID-sponsored EVs reflect SEVIS requirements. OUs (or IPs in accordance with their awards) must track the whereabouts of EVs and dependents at all times while they are in the United States.

##### **252.3.6.1 Validation of EV Arrival at U.S. Program Site**

Effective Date: 11/08/2022

OUs, and IPs in accordance with the terms of their awards, must track the U.S. arrival status of their EVs and update TEAMS accordingly. An EV must not arrive in the United States more than 30 days prior to the first scheduled U.S.-based activity of their program, as indicated on the EV's DS-2019 form.

The OU, and IPs in accordance with the terms of their awards, must immediately confirm that the EV has arrived in the United States and has begun their program. Upon confirmation, the R1 Initiator must update the status of the EV in TEAMS. The R2 Award Verifier verifies this update in TEAMS and the R4 RO submits it to SEVIS via TEAMS. USAID refers to this process as "validation," and the validation process must be completed within 30 calendar days after the program start date (indicated on the EVs DS-2019 form). An EV's arrival must not be validated prior to their actual arrival. For further details on the validation process, please refer to the [TEAMS User's Manual \(ADS 252maa\)](#).

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

In the event that an EV does not begin their program upon arrival in the United States, the OU, and IPs in accordance with the terms of their awards, must report the EV immediately to the RO or ARO. This notification to the RO/ARO results in the EV being placed in “No Show” status with ICE (see section **252.3.6.2**).

### **252.3.6.2 Reporting No Shows**

Effective Date: 11/08/2022

In the event that an EV becomes a “No Show” (see section **252.3.8.2**), the OU, or IPs in accordance with the terms of their awards, must inform the R4 RO immediately upon learning of such circumstances.

OUs or IPs, in accordance with their awards, must attempt to contact an EV who has been identified as a “No Show” and inform the individual they will be reported to DHS and that USAID may attempt to collect its sponsorship costs from the EV (see [ADS 625, Accounts Receivable and Debt Collection](#)). If an OU or IP, in accordance with their awards, cannot ultimately locate an EV for tracking purposes, the OU or IP 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
- Notify the R4 RO in writing at **EVpolicy@usaid.gov** within one calendar day after the OU or IP identifies the EV as missing, for possible program termination in SEVIS.

### **252.3.6.3 Cancellation of EVs**

Effective Date: 11/08/2022

OUs must cancel in TEAMS the participation of EVs who are not traveling to the United States for their USAID-sponsored activity. Reasons for EV cancellation can range from the EV’s inability to obtain a J-1 visa, to personal issues that preclude an EV’s participation in the sponsored activity, to the cancellation of an entire USAID-sponsored program.

Upon becoming aware that an EV will not travel, the R1 Initiator must update the status of the EV to “canceled” in TEAMS. The R2 Award Verifier and, if applicable, the R2



Country Verifier must verify and the R3 Approver must approve this update in TEAMS, allowing sufficient time for the USAID RO or ARO to submit the cancellation to SEVIS prior to the program start date. The R3 Approver must return the unused DS-2019 form to the USAID RO or ARO for appropriate destruction and disposal. The R3 Approver must ensure the J-1/2 visa(s) are canceled by the U.S. Consulate, typically via a request made through/from the USAID Mission.

#### **252.3.6.4 Termination of EV Status**

Effective Date: 11/08/2022

Every EV must be notified that USAID may terminate the individual's status in SEVIS if the EV violates any of the Conditions of Sponsorship; invokes any of the bases of termination of program sponsorship as described in the [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#); or if the EV (or dependent, as applicable):

- Is convicted of a crime,
- Is engaged in unauthorized employment,
- 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 R4 RO is authorized to initiate a termination in SEVIS for any of the above-listed reasons. OUs must inform EVs that termination in SEVIS may harm their ability to re-enter the United States in the future. EVs whose programs have been terminated cannot apply for an extension, reinstatement, change of category, or transfer to another program, and along with all dependents, must leave the United States within three calendar days from the date they were terminated.

The interpretation in [9 FAM 302.3](#) concerning conviction of a crime in the context of visa eligibility informs this basis of termination in SEVIS (consult with GC or RLO for guidance on this issue).

When an EV's program is terminated in SEVIS, the R4 RO must inform the R3 Approver associated with the EV's TEAMS record. The R3 Approver must inform the consular officer of the EV's program termination to ensure the J-1/2 visa(s) is canceled.

**252.3.6.5 EV Employment**

Effective Date: 11/08/2022

USAID-sponsored EVs with J-1 visas can be employed in the United States in connection with an assistantship or on-the-job experience that is an integral, documented part of the sponsored activity if the OU approves it. OUs must inform the R4 RO before an EV is employed while under USAID-sponsorship by contacting **EVpolicy@usaid.gov**. The R-1 Initiator or R-2 Award Verifier must upload the OU approval to the EV's record in TEAMS.

**252.3.6.6 Transferring EV Visa Sponsorship**

Effective Date: 11/08/2022

The USAID RO or AROs have the sole authority delegated from the DoS to transfer J-1 visa sponsorship from one of USAID's programs to another sponsor's program (i.e., a university J-1 program). OUs must contact the R4 RO at **EVpolicy@usaid.gov** to transfer J-1 visa sponsorship.

USAID-sponsored EVs who entered the United States 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. USAID-sponsored EVs who entered the United States 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 to a USAID J-1, according to the circumstances:

1. From outside the United States, 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 United States under J-1 visa classification.
2. Within the United States, 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 Nonimmigrant Status](#) and all supporting documents within one academic semester of the start of USAID sponsorship, if the duration of the program exceeds one semester.

**252.3.6.7 EV and Dependent Biographical Data Updates**

Effective Date: 11/08/2022

During the course of an EV's program, OUs must immediately update in the EV or dependent's TEAMS records any changes to the following information:

- Current U.S. address – Changes in current U.S. address (EV residence) must be reported within ten calendar days. For short-term activities (21 calendar days or fewer) with multiple site visits, where the EV/dependent's current address will

change frequently, the U.S. address of the implementer administering the activity may be used. USAID OUs, and IPs in accordance with the terms of their awards, must track the whereabouts of their EVs/dependents while they are in the United States (see section **252.3.6**);

- Current site of activity – The implementer's name and U.S. address may be used if the program provider has not been identified at the time of initial data entry. Once known, the R1 Initiator must enter the provider information as a program site information update into TEAMS. The implementer's name and U.S. address may also be used for EV activities where no program provider is being used;
- Activity start and end dates;
- Dependents' arrival at their place of residence in the United States;
- Dependents' departure from the United States;
- USAID or other funding contributions;
- Program completion date;
- Name;
- Sex;
- Country of birth;
- City of birth;
- Country of citizenship;
- Country of legal permanent residence;
- Position code; and
- Field of study.

#### **252.3.6.8 Validation of EV Travel Outside the United States**

Effective Date: 11/08/2022

EVs must obtain the approval of the OU for travel outside the United States while enrolled in a USAID-sponsored activity. OUs must ensure that the EV's DS-2019 Form (see section **252.3.3**) is validated with the signature of the R4 RO before the EV departs the United States for such travel. Only the R4 RO may validate travel for an EV who is in an appropriate status in SEVIS.

The R1 Initiator or R2 Award Verifier must upload a copy of the OU's approval of travel outside the United States to the EV's record in TEAMS. The OU or IP must mail the DS-2019 Form, along with prepaid return express mail postage to the R4 RO for handling.

#### **252.3.6.9 Validation of EV Departure from the United States**

Effective Date: 11/08/2022

OUs, or IPS in accordance with the terms of their awards, must track the U.S. departure status of their EVs/dependents and update TEAMS accordingly.

OUs, or IPs in accordance with the terms of their awards, must confirm that the EV has completed their program and that EVs/dependents depart the United States within 30 calendar days of the program end date indicated on the EV's DS-2019 form. Upon confirmation, the R1 Initiator must update the status of the EV in TEAMS. The R1 Initiator must not confirm program completion in TEAMS prior to their actual departure from the United States. For further details on reporting an EV's program completion in TEAMS, please refer to the [TEAMS User's Manual \(ADS 252maa\)](#).

In the event an EV/dependent does not complete their program and or does not depart the United States within 30 calendar days of the program end date, the OU, and IPs in accordance with the terms of their awards, must report the EV/dependent immediately to the R4 RO at [EVpolicy@usaid.gov](mailto:EVpolicy@usaid.gov). This notification to the R4 RO may result in the EV/dependent-being placed in "Terminated" status with ICE for violating sponsor rules governing the program (see section **252.3.6.4**). The OU must follow procedures governing the recovery of EV program costs (see [ADS 625, Accounts Receivable and Debt Collection](#)).

#### **252.3.6.10 EV Automobile Operation**

Effective Date: 11/08/2022

To operate a motor vehicle in the United States, the OU, or IP in accordance with their award, must ensure that the EV has obtained all necessary personal, liability, and health and accident insurance, and licenses to meet state and local requirements for the operation of a motor vehicle. The OU must inform the EV that they must pay for the cost for the medical treatment of injuries sustained as a result of a motor vehicle accident.

**252.3.7 EV U.S. Taxpayer Identification**

Effective Date: 11/08/2022

All J-1 visa holders assisted with funds from U.S. sources, including USAID, are subject to the U.S. Internal Revenue Service (IRS) requirement to file U.S. tax returns, regardless of whether tax payments are due. If requested by an EV, the OU (or IP, in accordance with their award) must contact the RO or ARO at **EVPolicy@usaid.gov** to obtain a confirmation letter of EV status as a result of USAID's J-1 visa sponsorship of the individual. EVs may use this confirmation letter for their own purposes of applying for either a Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) in accordance with IRS instructions (see [Publication 519, U.S. Tax Guide for Aliens](#)). The procedures concerning EV taxes are contained in the [Internal Revenue Code, 1986](#).

**252.3.8 RO Compliance Monitoring and Verification**

Effective Date: 11/08/2022

Missions and USAID/W offices must make every reasonable effort to accommodate Agency compliance monitoring and verification, including periodic site visits by the R4 RO. The goal of these periodic site visits 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 to ensure that USAID is providing DHS with accurate and timely information regarding USAID-sponsored EVs.

**252.4 MANDATORY REFERENCES****252.4.1 External Mandatory References**

Effective Date: 11/08/2022

- a. [8 U.S.C 1182](#)
- b. [9 FAM 402.5-6\(B\)\(2\) Mandatory Exchange Visitor Classification in Certain Cases](#)
- c. [22 CFR 62, Exchange Visitor Program](#)
- d. [Pub. L. 107-173/H.R. 3525, Enhanced Border Security & Visa Entry Reform](#)
- e. [U.S. Internal Revenue Code, 1986](#)

**252.4.2 Internal Mandatory References**

Effective Date: 11/08/2022

- a. [ADS 252maa, TEAMS User's Manual](#)
- b. [ADS 308, Agreements with Public International Organizations](#)

c. [ADS 502, The USAID Records Management Program](#)

d. [ADS 625, Accounts Receivable and Debt Collection](#)

### 252.4.3 Mandatory Forms

Effective Date: 11/08/2022

a. [AID Form 252-1, Conditions of Sponsorship for U.S.-Based Activities](#)

b. [AID Form 252-2, Exemption of Requirement to Use USAID-Sponsored J-1 Visa](#)

c. **Certificate of Eligibility for Exchange Visitor Status, Form DS-2019**  
This form is generated electronically by SEVIS.

d. [DS-160, Nonimmigrant Visa Application](#)

e. [I Form 9, Employment Eligibility Verification](#)

f. [I-539, Application to Extend/Change Nonimmigrant Status](#)

### 252.5 ADDITIONAL HELP

Effective Date: 12/27/2022

a. [ADS 252saa, Exchange Visitor Visa Compliance: ADS 252 Frequently Asked Questions](#)

### 252.6 DEFINITIONS

Effective Date: 11/08/2022

See the [ADS Glossary](#) for all ADS terms and definitions.

#### **Beneficiary**

Any foreign national who is a recipient of, derives advantage from, or is helped by USAID development assistance. Such individuals are not employees of USAID nor providers of USAID development assistance. (**Chapter 252**)

#### **DS-2019 Form (Certificate of Eligibility)**

A form generated electronically by SEVIS and issued by the USAID Responsible Officer in Washington, DC to potential EVs certifying the individual's eligibility to participate in their EV program and indicating the program start and end date. EVs are authorized for a duration of stay in the United States limited to the program start and end date. (**Chapter 252**)

#### **Exchange Visitor (EV)**

Any foreign national who is traveling to or is already in the United States as a beneficiary (not provider) of USAID development assistance for any purpose, including

invitational travel (see [ADS 522](#)) and is financed in whole or in part, directly or indirectly, by USAID. All USAID-sponsored EVs must obtain, use, and abide by the terms of the J-1 visa exclusively even if they already have a valid nonimmigrant 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 EV. (**Chapter 252**)

### **Health and Accident Coverage (HAC)**

A health and accident insurance policy for all U.S. EVs. (**Chapter 252**)

### **Implementing Partner**

Any individual or organization that receives an acquisition or assistance award from USAID (a contract, grant, cooperative agreement, or similar instrument). Unless the context otherwise requires, implementing partners include subrecipients, subcontractors, and contractors under an assistance award. (**Chapter 252** and [319](#))

### **J-1 Visa**

A nonimmigrant visa issued by the U.S. Embassy for an individual who has a residence in a foreign country which they have no intention of abandoning and who is coming temporarily to the United States as an EV 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 EV activities. (**Chapter 252**)

### **Operating Unit**

The organizational unit responsible for implementing a foreign assistance program for one or more elements of the Department of State's Foreign Assistance Framework. The definition includes all U.S. Government agencies implementing any funding from the relevant foreign assistance accounts (the 150 accounts). For USAID, it includes field Missions and regional entities, as well as regional Bureaus, pillar Bureaus, and Independent Offices in USAID/Washington that expend program funds to achieve DOs identified in a CDCS. (**Chapter 252**)

### **Program Provider**

Any institution, organization, or individual, whether public, private, non-profit, or for-profit, that directly furnishes program components to an Exchange Visitor under full or partial USAID funding. Distinct from Implementers who arrange for such programs and are also known as program Implementers or Programming Agents. (**Chapter 252**)

### **R1 Initiator**

The individual who is responsible for entering Exchange Visitor information into TEAMS accurately and completely without error, thus initiating the J-1 visa issuance process. The R1 Initiator 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 Award Verifier**

The individual who accesses the Training and Exchanges Automated Management System (TEAMS) to verify that all information in TEAMS regarding all Exchange Visitors is complete, correct, and error free. The R2 Award Verifier is also responsible for verifying Exchange Visitor status changes and changes to the Exchange Visitor's biographical information throughout the course of the program. The USAID Contracting/Agreement Officer's Representative (COR/AOR) must nominate all R2 Award Verifiers. The role of the R2 must not be performed by an R1 Initiator as the R2 Award Verifier is generally the supervisor of the R1 Initiator. (**Chapter 252**)

**R2 Country Verifier**

The individual who accesses the Training and Exchanges Automated Management System (TEAMS) to verify that all information in TEAMS regarding all Exchange Visitors is complete, correct, and error free. The R2 Country Verifier is also responsible for verifying Exchange Visitor status changes and changes to the Exchange Visitor's biographical information throughout the course of the program. The R3 Approver must nominate all R2 Country Verifiers. (**Chapter 252**)

**R3 Approver**

The individual is a U.S. citizen and 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. R3 Approvers must be U.S. Direct Hires. The Mission Director, or designee, must appoint the R3 Approver for Mission staff, and the USAID/W Office Director, or designee, appoints R3 Approvers for USAID/W staff. (**Chapter 252**)

**R4 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. The R4 RO is the Responsible Officer or Alternate Responsible Officer for USAID's sponsorship designation under the Department of State's Student and Exchange Visitor Program. R4 ROs must be U.S. citizens located within the physical borders of the United States. The R4 RO accesses both the Training and Exchanges Automated Management System (TEAMS) 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 RO. The R4 RO is responsible for printing, signing and expeditiously shipping to USAID Missions all Exchange Visitor Certificate of Eligibility for Exchange Visitor (J-1) Status (Form DS-2019) generated by SEVIS (see [22 CFR 62](#) for information on the nomination process). (**Chapter 252**)

**Residence Country**

Country where the Exchange Visitor claims legal residency. (**Chapter 252**)

**Student and Exchange Visitor Information System (SEVIS)**



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**)

**Training and Exchanges Automated Management System (TEAMS)**

USAID's data system for the reporting of information on all USAID Exchange Visitor activities. TEAMS is USAID's single repository of Exchange Visitor data. TEAMS is a web-based application that helps Missions, contractors, and contractor systems at various locations to collaborate in approving and reporting EVs. The system serves as USAID's data interface with the Department of Homeland Security's (DHS) Student and Exchange Visitor Information System (SEVIS). (**Chapter 252**)

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