

MS 205 VOLUNTEER OR TRAINEE MARRIAGE

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Transmittal Memo

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1.0 PURPOSE

This manual section sets out Peace Corps' policies and procedures regarding Volunteers or Trainees who marry during their Peace Corps service, and married Volunteers or Trainees whose marital or service status changes during their Peace Corps service.

2.0 VOLUNTEER OR TRAINEE MARRIAGE

2.1 Notice of Intent to Marry

A Volunteer or Trainee who intends to marry and continue in service must notify and consult with the Country Director.

2.2 Determination Regarding Continuation of Service

2.2.1 Determination on Continuation of Service

The Country Director shall determine in writing whether the Volunteer or Trainee who has given notice of his or her intent to marry may continue in service after the marriage. The determination shall be based on consideration of the following issues:

- (a) Whether the marriage would prevent or diminish the ability of the Volunteer or Trainee to serve effectively;
- (b) Whether the marriage would require the Volunteer or Trainee to transfer to a new site or assignment and whether a transfer would be feasible and acceptable to the host country;
- (c) Whether the marriage would financially burden the Volunteer or Trainee or the Peace Corps program; and
- (d) When the prospective spouse is not another Volunteer or Trainee, whether the prospective spouse's background and lifestyle are consistent with the Agency's goals and philosophy.

2.2.2 Marriage Between a Volunteer or Trainee and Another Volunteer or Trainee

In addition to considering the issues listed in paragraph 2.2.1 (a) through (c), a Country Director shall not authorize a Volunteer or Trainee who intends to marry another Volunteer or Trainee to continue service unless the prospective spouses are able to resolve differences in service dates consistent with Section 3.0 of this manual section.

2.2.3 Marriage Between a Volunteer or Trainee and a Non-Volunteer or Non-Trainee U.S. Citizen

In addition to considering the issues listed in paragraph 2.2.1, a Country Director shall not authorize a Volunteer or Trainee who intends to marry a non-Volunteer or non-Trainee U.S. citizen to continue in service unless:

- (a) The prospective non-Volunteer or non-Trainee spouse satisfactorily passes the National Agency Check, if required under paragraph 2.3.1;
- (b) The Country Director determines that the prospective non-Volunteer or non-Trainee spouse has demonstrated an adequate knowledge of the host country's customs and language and a capacity to live successfully in the host country or a similar location; and
- (c) The prospective Volunteer or Trainee spouse can demonstrate that the couple will have adequate financial resources to support themselves and that any job held by the prospective non-Volunteer or non-Trainee spouse is compatible with the goals of the Peace Corps and the responsibilities of the Volunteer or Trainee.

2.2.4 Marriage Between a Volunteer or Trainee and a Non-U.S. Citizen

In addition to resolving the issues listed in paragraph 2.2.1, a Country Director shall not authorize a Volunteer or Trainee who intends to marry a non-U.S. citizen to continue in service unless:

- (a) The prospective non-U.S. citizen spouse satisfactorily passes the security investigation required under paragraph 2.3.3;
- (b) The Volunteer or Trainee can demonstrate that the couple will have adequate financial resources to support themselves and that any job held by the non-U.S. citizen spouse is compatible with the goals of the Peace Corps and the responsibilities of the Volunteer or Trainee; and
- (c) If the non-U.S. citizen spouse is not a citizen of the Volunteer's or Trainee's host country, he or she can demonstrate an adequate knowledge of the host country's customs and language and a capacity to live successfully in the host country or a similar location.

The Country Director shall also encourage the Volunteer or Trainee to seek guidance from the U.S. Embassy for information on:

- (a) The effect marriage to a non-U.S. citizen may have on the Volunteer's or Trainee's legal status under local law, especially as it pertains to citizenship, property rights, and the legal status of any children born to, or adopted by, the couple; and
- (b) Procedures for securing a U.S. visa for the prospective non-U.S. citizen spouse.

2.3 Security Investigations

2.3.1 Marriage to a Non-Volunteer or Non-Trainee U.S. Citizen

Unless exempted by paragraph 2.3.2, a National Agency Check must be conducted on the prospective non-Volunteer or non-Trainee spouse prior to his or her marriage to the Volunteer or Trainee. At least 120 days prior to the proposed date the Volunteer or Trainee plans to marry, the Volunteer or Trainee shall furnish to the Country Director a Standard Form 85P completed by his or her proposed spouse. The Country Director shall immediately request in writing that the Peace Corps Director of Personnel Security conduct a National Agency Check of the non-Volunteer or non-Trainee U.S. citizen. The request shall include the Volunteer's or Trainee's name and country of assignment.

The Director of Personnel Security shall inform the Country Director and the Country Desk Officer of the results of the investigation upon completion.

2.3.2 Exceptions to Security Investigation

A security investigation described in paragraph 2.3.1 is not required if one of the following conditions is met:

- (a) The prospective spouse is a returned Peace Corps Volunteer or Trainee who left Peace Corps service within the last year. (Previous Peace Corps status may be verified by the Volunteer Financial Operations unit in the Office of Finance and International Financial Operations); or
- (b) The prospective spouse has a current security clearance granted by an entity of the U.S. Government. (Clearance must be verified by the Office of Personnel Security).

2.3.3 Marriage to a Non-U.S. Citizen

Both a Country Name Check and a National Agency Check must be conducted on a prospective non-U.S. citizen spouse prior to his or her marriage to a Volunteer or Trainee.

Country Name Check

The Country Director shall request the U.S. Embassies in all countries where the prospective spouse has resided to conduct a Country Name Check to assist in determining whether the marriage would prejudice

the national interest of the United States or the Peace Corps program. The Country Director shall provide the same information required for a National Agency Check on the prospective spouse to the U.S. Embassies for their investigation.

National Agency Check

At least 120 days prior to the proposed date the Volunteer or Trainee plans to marry, the Volunteer or Trainee shall furnish to the Country Director a Standard Form 85P completed by his or her proposed spouse. The Country Director shall immediately request in writing that the Peace Corps Director of Personnel Security conduct a National Agency Check of the prospective non-U.S. citizen spouse, including a check of U.S. immigration records. The request shall include the Volunteer's or Trainee's name and country of assignment.

The Director of Personnel Security shall inform the Country Director and the Country Desk Officer the results of the investigation upon completion.

2.4 Grounds for Administrative Separation

A Volunteer or Trainee who marries without a written determination by the Country Director that the Volunteer or Trainee may continue in service after the marriage may be administratively separated under MS 284, Early Termination of Service.

2.5 Documentation of Status Changes

The Country Director shall document a change in the marital status of a Volunteer or Trainee on form PC-440. The form shall be sent to and maintained in the Volunteer Financial Operations unit (VFO) in the Office of Finance and International Financial Operations. An informational copy shall be sent to the Office of Special Services.

The Country Director shall also send any Volunteer or Trainee name change resulting from a marriage or divorce to VFO by e-mail. Fax or cable should be used only in the event e-mail is unavailable or unreliable. An information copy shall be sent to the Country Desk Officer. Transmissions of the name change shall be consistent with Peace Corps' Interim Policy Statement, Procedures for Transmitting Volunteer Status Information, issued in May 2000 (to be integrated into MS 223).

2.6 Continuation of Level of Living

A Volunteer or Trainee who marries a non-Volunteer or non-Trainee shall live at the same economic level as other Volunteers or Trainees in the service area.

2.7 Financial Responsibility

The Peace Corps is not responsible for expenditures related to securing a U.S. immigrant visa or the transportation of a non-Volunteer or non-Trainee spouse of a Volunteer or Trainee.

3.0 ACCOMMODATING VOLUNTEERS WHO WISH TO MARRY

When two Volunteers who wish to marry each other have different completion of service dates, they may choose one of the following two options:

- (a) Each Volunteer may retain his or her original completion of service date as long as the date of one Volunteer does not interfere with the effective service of the other; or

- (b) The Volunteers may “split the difference” of their remaining time, if they are authorized to do so by the Country Director. To “split the difference” means reducing one Volunteer’s service time and extending the other’s so that both Volunteers have the same completion of service date. This option may be authorized by the Country Director if the proposed extension of time for one Volunteer is consistent with the criteria for extensions of service in MS 281 (Completion of Service Date Advancement and Extension of Service), and the reduction in service time for the other Volunteer in no way jeopardizes Peace Corps’ ability to fulfill its commitment to the host country’s Peace Corps project.

4.0 ACCOMMODATING MARRIED VOLUNTEER COUPLES

4.1 General Considerations

Peace Corps will attempt to accommodate the wishes of both spouses of a married Volunteer couple in situations where they want to separate; or one spouse terminates service early, completes service, or requests a transfer and the other spouse desires to continue or extend his or her Peace Corps service. Before making a decision to accommodate the spouses in such situations, the Country Director must determine that:

- (a) The wishes of the Volunteers are consistent with the best interests of Peace Corps;
- (b) The Peace Corps program will not be adversely affected; and
- (c) The Volunteer remaining in service will be able to fulfill all host agency and Peace Corps commitments.

In addition, the Country Director shall ensure that both spouses:

- (a) Express in writing their mutual consent to any change in their marital or service status; and
- (b) Sign a statement that the Volunteer remaining in service can meet any financial obligations to the departing spouse or that such obligations are waived for the remainder of his or her Peace Corps service. This requirement is applicable in all cases of separations where either or both of the Volunteers wish to remain in Peace Corps.

4.2 Married Volunteer Couples Who Decide to Separate

When a married Volunteer couple has decided to separate and one spouse requests to terminate early or complete service and the other spouse requests to continue or extend his or her Peace Corps service, the Country Director shall decide whether to approve the requests after interviewing the couple and determining that:

- (a) The spouses have made a thorough assessment of their situation and its implications and have made a bona fide decision to separate;
- (b) The remaining Volunteer has a viable assignment;
- (c) The motivation of the remaining spouse for continued service is such that the likelihood of early termination is minimal;
- (d) The separation of the couple will not have cultural ramifications which will adversely affect the program or the remaining Volunteer’s credibility; and
- (e) The Volunteer will be able to continue to function effectively as a Volunteer and to meet all financial obligations to his or her spouse.

4.3 When the Terminating Volunteer Spouse Remains In-Country

When one Volunteer spouse wants to remain in service and the other completes service or resigns from service early and wants to remain in-country, the Country Director shall inform them in writing that the terminating spouse will no longer be eligible for any Peace Corps allowances and benefits, except as authorized under MS 263, Volunteer Pregnancy. The Volunteer who terminates early and remains in country is considered to have a field termination and, as such, is ineligible for a return ticket to his or her home of record, unless he or she is qualified for a field exception under MS 284, Early Termination of Service.

4.3.1 If the terminating spouse who wants to remain in-country does not intend to seek paid employment, the Country Director may approve a request from the other spouse to remain in service if the following criteria are met:

- (a) The spouses have demonstrated in an interview with the Country Director that they have made a thorough assessment of their situation and its implications, including financial considerations;
- (b) The spouses are capable of remaining financially self-sufficient;
- (c) There is a viable assignment for the individual requesting to remain a Volunteer; and
- (d) The terminating Volunteer's presence will not have a disruptive influence on the Peace Corps program and the Volunteer remaining in service can continue to serve effectively.

4.3.2 If the terminating spouse who wants to remain in country wishes to take paid employment, both spouses will be required to terminate their Peace Corps service unless the Regional Director grants an exception based on the Country Director's determination that neither the early termination nor the paid employment of the Volunteer spouse adversely affects the other's lifestyle and performance or the Peace Corps program in general. The Country Director's determination shall be based on consideration of the following criteria:

- (a) The lifestyle of the spouses, as determined by salary and type of employment, will be consistent with the Peace Corps' standards of modest living;
- (b) Employment in the particular job selected by the terminating spouse will not reflect adversely on the local image of Peace Corps;
- (c) The employment will not adversely affect the morale of other Volunteers in the host country;
- (d) Approval would not create a precedent for future early terminations under the same conditions; and
- (e) Approval would not contribute to an image of Peace Corps as a vehicle for obtaining paid employment overseas.

4.4 In-Country Reassignment of Volunteer Spouses to Different Sites

When a married Volunteer couple wishes to separate and both spouses request to remain in country as Volunteers, the Country Director shall base his or her decision whether they may remain in service on the criteria listed in paragraph 4.2. In such cases, both spouses must consent to separate assignments and the Country Director shall ensure that the arrangements will not have a disruptive influence on the Peace Corps program. A statement of financial responsibility will not be required although continued service of both Volunteers may be denied if one spouse makes financial demands on the other as a result of the separation.

4.5 Resignation of Spouse when Other Spouse Completes Service

A Volunteer spouse who resigns from service to accompany a spouse who has completed service is subject to Peace Corps' early termination policy set out in MS 284.

4.6 Interrupted Service

When a Volunteer spouse resigns, is administratively or medically separated, or receives interrupted service, the other Volunteer spouse may be granted interrupted service. See MS 284.

5.0 EARLY TERMINATION OF A MARRIED TRAINEE

If one member of a married Trainee couple resigns, receives interrupted service, or is administratively or medically separated prior to the completion of Peace Corps training, the other spouse will also be required to discontinue Peace Corps service unless the Country Director:

- (a) Ensures that the criteria set out in paragraph 4.2 have been met; and
- (b) Decides to permit the other spouse to continue training and enroll as a Volunteer because he or she has demonstrated unusual potential or possesses a scarce skill.

In the case of a third-country training, the Country Director of the third country may permit the spouse who wishes to remain to continue training with the concurrence of the Country Director in the country of assignment.

6.0 EFFECTIVE DATE

The effective date of this manual section is the date of issuance. *See* MS 002.