Department of State § 62.31

camps. These programs promote international understanding by improving American knowledge of foreign cultures while enabling foreign participants to increase their knowledge of American culture. The foreign participants are best able to carry out this objective by serving as counselors per se, that is, having direct responsibility for supervision of groups of American youth and of activities that bring them into interaction with their charges. While it is recognized that some non-counseling chores are an essential part of camp life for all counselors, this program is not intended to assist American camps in bringing in foreign nationals to serve as administrative personnel, cooks, or menial laborers, such as dishwashers or janitors.

(b) Participant eligibility. Participation in camp counselor exchange programs is limited to foreign nationals who:

(1) Are at least 18 years of age;
(2) Are bona fide youth workers, students, teachers, or individuals with specialized skills; and

(c) Participant selection. In addition to satisfying the requirements in § 62.10(a), sponsors shall adequately screen all international candidates for camp counselor programs and at a minimum:

(1) Conduct an in-person interview; and
(2) Secure references from a participant’s employer or teacher regarding his or her suitability for participation in a camp counselor exchange.

(d) Participant orientation. Sponsors shall provide participants, prior to their departure from the home country, detailed information regarding:

(1) Duties and responsibilities relating to their service as a camp counselor;
(2) Contractual obligations relating to their acceptance of a camp counselor position; and
(3) Financial compensation for their service as a camp counselor.

(e) Participant placements. Sponsors shall place eligible participants at camping facilities which are:

(1) Accredited;
(2) A member in good standing of the American Camping Association;
(3) Officially affiliated with a nationally recognized non-profit organization; or
(4) Have been inspected, evaluated, and approved by the sponsor.

(f) Participant compensation. Sponsors shall ensure that international participants receive pay and benefits commensurate with those offered to their American counterparts.

(g) Participant supervision. Sponsors shall provide all participants with a phone number which allows 24 hour immediate contact with the sponsor.

(h) Program administration. Sponsors shall:

(1) Comply with all provisions set forth in subpart A of this part;
(2) Not facilitate the entry of any participant for a program of more than four months duration; and
(3) Under no circumstance facilitate the entry into the United States of a participant for whom a camp placement has not been pre-arranged.

(i) Placement report. In lieu of listing the name and address of the camp facility at which the participant is placed on Form DS–2019, sponsors shall submit to the Department of State, no later than July 1st of each year, a report of all participant placements. Such report shall reflect the participant’s name, camp placement, and the number of times the participant has previously participated in a camp counselor exchange.

(j) In order to ensure that as many different individuals as possible are recruited for participation in camp counselor programs, sponsors shall limit the number of participants who have previously participated more than once in any camp counselor exchange to not more than ten percent of the total number of participants that the sponsor placed in the immediately preceding year.

§ 62.31  the home life of the host family. All au
pair participants provide child care
services to the host family and attend
a U.S. post-secondary educational in-
stitution. Au pair participants provide
up to forty-five hours of child care
services per week and pursue not less
than twelve semester hours of academic
credit or its equivalent during their
year of program participation. Au pairs
participating in the EduCare program
provide up to thirty hours of child care
services per week and pursue not less
than twelve semester hours of aca-
demic credit or its equivalent during
their year of program participation.

(b) Program designation. The Depart-
ment of State may, in its sole discre-
tion, designate bona fide programs sat-
sifying the objectives set forth in para-
graph (a) of this section. Such designa-
tion shall be for a period of two years
and may be revoked by the Department
of State for good cause.

c) Program eligibility. Sponsors des-
ignated by the Department of State to
conduct an au pair exchange program
shall:
(1) Limit the participation of foreign
nationals in such programs to not more
than one year;
(2) Limit the number of hours an
EduCare au pair participant is obli-
gated to provide child care services to
not more than 10 hours per day or more
than 30 hours per week and limit the
number of hours all other au pair par-
ticipants are obligated to provide child
care services to not more than 10 hours
per day or more than 45 hours per
week;
(3) Require that EduCare au pair par-
ticipants register and attend classes of-
tered by an accredited U.S. post-sec-
ondary institution for not less than
twenty semester hours of academic
credit or its equivalent and that all
other au pair participants register and
attend classes offered by an accredited
U.S. post-secondary institution for not
less than six semester hours of aca-
demic credit or its equivalent;
(4) Require that all officers, employ-
ees, agents, and volunteers acting on
their behalf are adequately trained and
supervised;
(5) Require that the au pair partici-
 pant is placed with a host family with-
in one hour's driving time of the home
of the local organizational representa-
tive authorized to act on the sponsor's
behalf in both routine and emergency
matters arising from the au pair's par-
ticipation in their exchange program;
(6) Require that each local organiza-
tional representative maintain a
record of all personal monthly contacts
(or more frequently as required) with
each au pair and host family for which
he or she is responsible and issues or
problems discussed;
(7) Require that all local organiza-
tional representatives contact au pair
participants and host families twice
monthly for the first two months fol-
lowing a placement other than the ini-
tial placement for which the au pair
entered the United States.
(8) Require that local organizational
representatives not devoting their full
time and attention to their program
obligations are responsible for no more
than fifteen au pairs and host families;
and
(9) Require that each local organiza-
tional representative is provided ade-
quate support services by a regional or-
ganizational representative.

d) Au pair selection. In addition to
satisfying the requirements of §62.10(a), sponsors shall ensure that all
participants in a designated au pair ex-
change program:
(1) Are between the ages of 18 and 26;
(2) Are a secondary school graduate,
or equivalent;
(3) Are proficient in spoken English;
(4) Are capable of fully participating
in the program as evidenced by the sat-
isfactory completion of a physical;
(5) Have been personally interviewed,
in English, by an organizational rep-
resentative who shall prepare a report
of the interview which shall be pro-
vided to the host family; and
(6) Have successfully passed a back-
ground investigation that includes
verification of school, three, non-fam-
ily related personal and employment
references, a criminal background
check or its recognized equivalent and
a personality profile. Such personality
profile will be based upon a psycho-
metric test designed to measure dif-
fences in characteristics among ap-
plicants against those characteristics
considered most important to successfully participate in the au pair program.

(e) **Au pair placement.** Sponsors shall secure, prior to the au pair’s departure from the home country, a host family placement for each participant. Sponsors shall not:

1. Place an au pair with a family unless the family has specifically agreed that a parent or other responsible adult will remain in the home for the first three days following the au pair’s arrival;

2. Place an au pair with a family having a child aged less than three months unless a parent or other responsible adult is present in the home;

3. Place an au pair with a host family having children under the age of two, unless the au pair has at least 200 hours of documented infant child care experience. An au pair participating in the EduCare program shall not be placed with a family having pre-school children in the home unless alternative full-time arrangements for the supervision of such pre-school children are in place;

4. Place an au pair with a host family having a special needs child, as so identified by the host family, unless the au pair has specifically identified his or her prior experience, skills, or training in the care of special needs children and the host family has reviewed and acknowledged in writing the au pair’s prior experience, skills, or training so identified;

5. Place an au pair with a host family unless a written agreement between the au pair and the host family detailing the au pair’s obligation to provide child care has been signed by both the au pair and the host family prior to the au pair’s departure from his or her home country. Such agreement shall clearly state whether the au pair is an EduCare program participant or not. Such agreement shall limit the obligation to provide child care services to not more than 10 hours per day or more than 30 hours per week.

6. Place the au pair with a family who cannot provide the au pair with a suitable private bedroom; and

7. Place an au pair with a host family unless the host family has interviewed the au pair by telephone prior to the au pair’s departure from his or her home country.

(f) **Au pair orientation.** In addition to the orientation requirements set forth at §62.10, all sponsors shall provide au pairs, prior to their departure from the home country, with the following information:

1. A copy of all operating procedures, rules, and regulations, including a grievance process, which govern the au pair’s participation in the exchange program;

2. A detailed profile of the family and community in which the au pair will be placed;

3. A detailed profile of the educational institutions in the community where the au pair will be placed, including the financial cost of attendance at these institutions;

4. A detailed summary of travel arrangements; and

5. A copy of the Department of State’s written statement and brochure regarding the au pair program.

(g) **Au pair training.** Sponsors shall provide the au pair participant with child development and child safety instruction, as follows:

1. Prior to placement with the host family, the au pair participant shall receive not less than eight hours of child safety instruction no less than 4 of which shall be infant-related; and

2. Prior to placement with the American host family, the au pair participant shall receive not less than twenty-four hours of child development instruction of which no less than 4 shall be devoted to specific training for children under the age of two.

(h) **Host family selection.** Sponsors shall adequately screen all potential host families and at a minimum shall:

1. Require that the host parents are U.S. citizens or legal permanent residents;

2. Require that host parents are fluent in spoken English;

3. Require that all adult family members resident in the home have
§ 62.31

22 CFR Ch. I (4–1–12 Edition)

been personally interviewed by an organizational representative;

(4) Require that host parents and other adults living full-time in the household have successfully passed a background investigation including employment and personal character references;

(5) Require that the host family have adequate financial resources to undertake all hosting obligations;

(6) Provide a written detailed summary of the exchange program and the parameters of their and the au pair’s duties, participation, and obligations; and

(7) Provide the host family with the prospective au pair participant’s complete application, including all references.

(i) Host family orientation. In addition to the requirements set forth at §62.10 sponsors shall:

(1) Inform all host families of the philosophy, rules, and regulations governing the sponsor’s exchange program and provide all families with a copy of the Department of State’s written statement and brochure regarding the au pair program;

(2) Provide all selected host families with a complete copy of Department of State-promulgated Exchange Visitor Program regulations, including the supplemental information thereto;

(3) Advise all selected host families of their obligation to attend at least one family day conference to be sponsored by the au pair organization during the course of the placement year. Host family attendance at such a gathering is a condition of program participation and failure to attend will be grounds for possible termination of their continued or future program participation; and

(4) Require that the organization’s local counselor responsible for the au pair placement contacts the host family and au pair within forth-eight hours of the au pair’s arrival and meets, in person, with the host family and au pair within two weeks of the au pair’s arrival at the host family home.

(j) Wages and hours. Sponsors shall require that au pair participants:

(1) Are compensated at a weekly rate based upon 45 hours of child care services per week and paid in conformance with the requirements of the Fair Labor Standards Act as interpreted and implemented by the United States Department of Labor. EduCare participants shall be compensated at a weekly rate that is 75% of the weekly rate paid to non-EduCare participants;

(2) Do not provide more than 10 hours of child care per day, or more than 45 hours of child care in any one week. EduCare participants may not provide more than 10 hours of child care per day or more than 30 hours of child care in any one week;

(3) Receive a minimum of one and one half days off per week in addition to one complete weekend off each month; and

(4) Receive two weeks of paid vacation.

(k) Educational component. Sponsors must:

(1) Require that during their initial period of program participation, all EduCare au pair participants complete not less than 12 semester hours (or their equivalent) of academic credit in formal educational settings at accredited U.S. post-secondary institutions and that all other au pair participants complete not less than six semester hours (or their equivalent) of academic credit in formal educational settings at accredited U.S. post-secondary institutions. As a condition of program participation, host family participants must agree to facilitate the enrollment and attendance of au pairs in accredited U.S. post secondary institutions and to pay the cost of such academic course work in an amount not to exceed $1,000 for EduCare au pair participants and in an amount not to exceed $500 for all other au pair participants.

(2) Require that during any extension of program participation, all participants (i.e., Au Pair or EduCare) satisfy an additional educational requirement, as follows:

(i) For a nine or 12-month extension, all au pair participants and host families shall have the same obligation for coursework and payment therefore as is required during the initial period of program participation.

(ii) For a six-month extension, EduCare au pair participants must complete not less than six semester hours (or their equivalent) of academic
credit in formal educational settings at accredited U.S. post-secondary institutions. As a condition of participation, host family participants must agree to facilitate the enrollment and attendance of au pairs at accredited U.S. post secondary institutions and to pay the cost of such academic coursework in an amount not to exceed $500. All other au pair participants must complete not less than three semester hours (or their equivalent) of academic credit in formal educational settings at accredited U.S. post-secondary institutions. As a condition of program participation, host family participants must agree to facilitate the enrollment and attendance of au pairs at accredited U.S. post secondary institutions and to pay the cost of such academic coursework in an amount not to exceed $250.

(l) Monitoring. Sponsors shall fully monitor all au pair exchanges, and at a minimum shall:

(1) Require monthly personal contact by the local counselor with each au pair and host family for which the counselor is responsible. Counselors shall maintain a record of this contact;

(2) Require quarterly contact by the regional counselor with each au pair and host family for which the counselor is responsible. Counselors shall maintain a record of this contact;

(3) Require that all local and regional counselors are appraised of their obligation to report unusual or serious situations or incidents involving either the au pair or host family; and

(4) Promptly report to the Department of State any incidents involving or alleging a crime of moral turpitude or violence.

(m) Reporting requirements. Along with the annual report required by regulations set forth at §62.17, sponsors shall file with the Department of State the following information:

(1) A summation of the results of an annual survey of all host family and au pair participants regarding satisfaction with the program, its strengths and weaknesses;

(2) A summation of all complaints regarding host family or au pair participation in the program, specifying the nature of the complaint, its resolution, and whether any unresolved complaints are outstanding;

(3) A summation of all situations which resulted in the placement of au pair participant with more than one host family;

(4) A report by a certified public accountant, conducted pursuant to a format designated by the Department of State, attesting to the sponsor's compliance with the procedures and reporting requirements set forth in this subpart;

(5) A report detailing the name of the au pair, his or her host family placement, location, and the names of the local and regional organizational representatives; and

(6) A complete set of all promotional materials, brochures, or pamphlets distributed to either host family or au pair participants.

(n) Sanctions. In addition to the sanctions provisions set forth at §62.50, the Department of State may undertake immediate program revocation procedures upon documented evidence that a sponsor has failed to:

(1) Comply with the au pair placement requirements set forth in paragraph (e) of this section;

(2) Satisfy the selection requirements for each individual au pair as set forth in paragraph (d) of this section; and

(3) Enforce and monitor host family’s compliance with the stipend and hours requirements set forth in paragraph (j) of this section.

(o) Extension of program. The Department, in its sole discretion, may approve extensions for au pair participants beyond the initial 12-month program. Applications to the Department for extensions of six, nine, or 12 months, must be received by the Department not less than 30 calendar days prior to the expiration of the exchange visitor’s initial authorized stay in either the Au Pair or EduCare program (i.e., 30-calendar days prior to the program end date listed on the exchange visitor’s Form DS-2019). The request for an extension beyond the maximum duration of the initial 12-month program must be submitted electronically in the Department of Homeland Security.
Security's Student and Exchange Visitor Information System (SEVIS). Supporting documentation must be submitted to the Department on the sponsor’s organizational letterhead and contain the following information:

(1) Au pair's name, SEVIS identification number, date of birth, the length of the extension period being requested;

(2) Verification that the au pair completed the educational requirements of the initial program; and

(3) Payment of the required non-refundable fee (see 22 CFR 62.90) via Pay.gov.

(p) Repeat participation. A foreign national who enters the United States as an au pair Exchange Visitor Program participant and who has successfully completed his or her program is eligible to participate again as an au pair participant, provided that he or she has resided outside the United States for at least two years following completion of his or her initial au pair program.

§ 62.32 Summer work travel.

(a) Introduction. These regulations govern program participation in Summer Work Travel programs conducted by Department of State-designated sponsors pursuant to the authority granted the Department of State under Public Law 105-277.

(b) Purpose. The purpose of this program is to provide bona fide foreign students who are enrolled full-time and pursuing studies at accredited post-secondary academic institutions located outside the United States with the opportunity to work and travel in the United States for the shorter of four months or the length of the long break between academic years at the schools they attend (i.e., the summer break).

(c) Duration of participation. Summer work travel participants are authorized to participate in the Exchange Visitor Program for up to four months during their official summer breaks. Extensions of program participation are not permitted.

(d) Participant screening and selection. In addition to satisfying the requirements set forth at §62.10(a), sponsors are solely responsible for adequately screening and making the final selection of their program participants and at a minimum must:

(1) Conduct and document interviews with potential participants either in-person or by video-conference;

(2) Ensure that selected applicants have English language skills sufficient to successfully function on a day-to-day basis in their work environments. Sponsors must verify each participant’s English language proficiency either through a recognized language test administered by an academic institution or English language school or through the required documented interview; and

(3) Confirm that at the time of application, applicants (including final year students) are enrolled full-time and pursuing studies at accredited post-secondary academic institutions located outside of the United States and have successfully completed at least one semester, or equivalent, of post-secondary academic study.

(e) Participant orientation. In addition to satisfying the requirements set forth at §62.10(b) and (c), sponsors must provide program participants, prior to participants’ departures from their home countries, the following information and/or documentation:

(1) A copy of the Department of State’s Summer Work Travel Participant Letter;

(2) A copy of the Department of State’s Summer Work Travel Program Brochure;

(3) The Department of State’s toll-free help line telephone number;

(4) The sponsor’s 24/7 immediate contact telephone number;

(5) Information advising participants of their obligation to notify their sponsors when they arrive in the United States and to provide information, within 10 days, of any change in jobs or residences; and

(6) Information concerning any contractual obligations related to participants’ acceptance of paid employment in the United States, if employment has been pre-arranged.