

Annex to Guidance Directive 2017-01: Reinforcing the primary objectives and enhancing monitoring of 22 CFR 62.22 (Trainees and Interns): Regulatory prohibition of unskilled or casual labor positions

Examples* of acceptable bona fide training or work-based learning under 22 CFR 62.22:

Example 1: Trainees and interns must only undertake activities that constitute bona fide training or work-based learning in an intern's academic field, as applicable. For trainees, bona fide training must also develop new and advanced skills in a trainee's occupational field. Example below:

- A trainee or intern in restaurant management might train as a server as part of learning overall restaurant operations in the U.S. context. Such training can be explained as a non-predominant portion of one phase on a T/IPP, provided that such activities are linked to the goals of expanding the trainee/intern's existing knowledge and skills in restaurant management. However, being a server for an entire training or internship phase could not reasonably be linked to the explicit goals and objectives of the training or internship program in restaurant management and would instead constitute unskilled or casual labor.

Example 2: Activities listed in [Appendix E](#) may be included as part of observational (shadowing) activities of a trainee or intern as long as these observational activities are justified on the T/IPP through specific goals and objectives of a training or internship program. Trainees and interns may not conduct a phase solely comprised of work activities defined by Appendix E as unskilled occupations because such placements would not be considered to constitute bona fide training or work-based learning. In the case of trainees, the training program must develop new and advanced skills in the trainee's occupational field. Examples below:

- An intern may be placed at a natural foods grocery store chain to learn retail or business management. As part of this work-based learning in their academic field, he or she may be assigned to the chain's warehouse for observation. The intern may undertake work-based learning activities in inventory management, but the intern should not be required to box merchandise in a stockroom and/or work on loading docks. Any work-based learning should be substantively linked to the intern's academic field (i.e., retail or business management).
- A trainee or intern who is placed at a hotel to learn hotel management may undertake bona fide training or work-based learning, but may not merely be placed in positions listed on Appendix E (e.g., "hotel cleaners"). Appendix E activities are illustrative of the types of occupations that constitute unskilled labor positions within the meaning of 22 CFR 62.22(j). However, a trainee or intern may be assigned to shadow a housekeeping supervisor, whereby the trainee or intern observes, for example, how the supervisor assesses the criteria for clean premises, as such shadowing could constitute bona fide training or work-based learning.

Example 3: Bona fide training or work-based learning may involve some entry-level activities that are directly related to carrying out bona fide training or work-based learning activities. However, entry-level activities cannot be done in isolation and must be interspersed with the acquisition of a broad range of advanced-level skills. Examples below:

- A trainee seeking to become a chef in a culinary art placement may need to chop vegetables to prepare a particular dish. This activity is acceptable as part of bona fide training to become a chef in culinary arts. However, chopping vegetables, or any other entry-level activity conducted in isolation from any other activities that comprise bona fide training (i.e. going on to cooking and presentation), is considered unskilled or casual work, which would not be permitted.
- Similarly, a trainee or intern seeking to learn horticultural skills may need to rotate plants around a greenhouse multiple times per day to ensure they receive the requisite amount of sunlight. This activity is acceptable only if it is part of a trainee's bona fide training or work-based learning in the intern's academic field. Such activity should be interspersed during the workday with the acquisition of a broad range of advanced-level horticultural skills. However moving plants, or any other entry-level activity in isolation from bona fide training or work-based learning, would be considered unskilled or casual labor, and is not permitted. In the case of trainees, the training program must develop new and advanced skills in their occupational field.

**Examples are not meant to be exhaustive but are included to illustrate practical examples of permissible activities for work-based learning in an intern's academic field and/or bona fide training. This level of detail is not necessarily required on T/IPPs.*