

NOV 10 2015

SUBJECT: 9 FAM Update on Personal/Domestic Employees of U.S. Citizens on Temporary Assignment in the United States

1. 9 FAM 41.31 N9.3-2(b) has been updated to increase the length of stay in the United States from four years to six years for personal/domestic employees accompanying U.S. citizen employers on temporary assignment in the United States. 9 FAM 41.31N9.3-2 will be revised as follows:

9 FAM 41.31 N9.3-2 Personal/Domestic Employees of U.S. Citizens on Temporary Assignment in United States
(CT:VISA-XXXX; xx-xx-2015)

a. Personal or domestic employees who are accompanying or following to join U.S. citizen employers temporarily assigned to the United States provided you are satisfied that:

- (1) The employee has a residence abroad which he or she has no intention of abandoning;
- (2) The alien has been employed abroad by the employer as a personal or domestic servant for at least six months prior to the date of the employer's admission to the United States OR the employer can show that while abroad the employer has regularly employed a domestic servant in the same capacity as that intended for the applicant;
- (3) The employee can demonstrate at least one year experience as a personal or domestic servant by producing statements from previous employers attesting to such experience; and
- (4) The employee is in possession of an original contract or a copy of the contract, to be presented at the port of entry, which contains the original signatures of both the employer and the employee.

b. The U.S. citizen employer is subject to frequent international transfers lasting two years or more as a condition of the job as confirmed by the employer's personnel office and is returning to the United States for a stay of no more than six years. The employer will be the only provider of employment to the domestic employee, and will provide the employee free room and board and a round trip airfare as indicated under the terms of the employment contract; and

c. The required employment contract has been signed and dated by the employer and employee and contains a guarantee from the employer that, in addition to the provisions listed in item (b) above, the employee will receive the minimum or prevailing wages whichever is greater for an eight hour work-day. The employment contract must also reflect any other benefits normally required for U.S. domestic workers in the area of employment. The employer will give at least two weeks' notice of his or her intent to terminate the employment, and the employee need not give more than two weeks' notice of intent to leave the employment.