



Embassy of the United States of America
Consular Section – Nonimmigrant Visas
Avda. Mcal. Lopez 1776 – Asuncion
Paraguay

How to apply for a nonimmigrant visa for a NONIMMIGRANT ALIEN DOMESTIC EMPLOYEE

Under certain circumstances, domestic employees may qualify for a non-immigrant visa to accompany their employers on temporary trips to the U.S.

Which employers qualify to take an alien domestic employee to the U.S in nonimmigrant status to work for them during a temporary stay?

1. U.S. citizens, who reside permanently abroad, are stationed in a foreign country and who are visiting the U.S temporarily, or whose overseas employment requires frequent international transfers lasting two years or more. Also, U.S. citizens who are assigned to the U.S temporarily, and who are likely, as a condition of employment, to be transferred abroad again within four years.
2. Nonimmigrant aliens (bearers of B1-B2, E, F, H, I, J, L or M nonimmigrant visas) who are in or are applying for temporary admission to the United States.

IMPORTANT NOTE: PERSONS IN LAWFUL PERMANENT RESIDENCE IN THE UNITED STATES (“GREEN CARD” HOLDERS) ARE NOT ENTITLED TO BRING TO OR EMPLOY NONIMMIGRANT ALIEN DOMESTIC EMPLOYEES IN THE U.S.

How does the domestic qualify for this special nonimmigrant visa?

Most nonimmigrant visa applicants, including domestic servants, must qualify in their own right for a nonimmigrant visa by demonstrating ties abroad which they have no intention of abandoning. (See “HOW TO APPLY FOR A NONIMMIGRANT VISA”). Once the basic requirements and documentation, plus the special requirements outlined below are assembled, the domestic employee must pay the US\$131 application fee (payable in guaranies) at **BANCO REGIONAL SAECA (branches: www.bancoregional.com.py)**. The employee must then request a visa interview on line (paraguay.usembassy.gov). This application should include the valid passport, the Banco Regional receipt, the completed application form Ds-156 completed on line (evisaforms.state.gov), one picture (5 x 5 cm with white background), the contract and any other additional documents. (See below).

Who should attend the interview?

The domestic employee must apply in person. While it is not required, the qualifying employer should accompany the domestic to the interview since the Consular officer may want to talk to the employer as well.

Additional Special Documentary Requirements

In addition to meeting the “nonimmigrant” standard stated above, each domestic employee applying for a nonimmigrant visa to accompany or follow to join a qualifying employer to the U.S must:

1. Prove at least one year of prior experience as a domestic employee by presenting legalized documentation of previous employment.
2. Prove that s/he has been employed abroad by the employer as a personal or domestic servant, for at least one year prior to the date of the employer’s admission to the United States.
3. Present two copies of a signed contract between the employee and qualifying employer which guarantees:
 - the employer will provide payment of a salary of the U.S. minimum or prevailing wage (whichever is more) for services performed for the employer in the United States plus any other benefits normally required for U.S. domestic workers in the area of employment, free room and board, and a round-trip airline ticket. Also, the employer must prove that he/she is the sole source of employment to the servant;
 - the domestic employee will leave the U.S when the employer does;
 - the employer will report any violation of the domestic employee’s status to the Immigration and Naturalization Service (INS).

If a visa is issued, the domestic must accompany the employer to the U.S or follow to join the employer. Qualifying domestics are issued limited validity B-1 nonimmigrant visas annotated to identify the domestic employee and the employer. In some cases, the Embassy may place the contract in an envelope and attach it to the domestic’s passport for INS inspection. While in the U.S these accompanying domestic employees may not transfer or be transferred to another employer without permission of INS. If an employee abandons the employer in the U.S, this must be reported immediately to the INS and the Embassy to avoid further consequences for the employer.

All domestic workers will be subject to and protected by U.S law while in the United States. The contract creates legal obligations on the part of both employee and employer.

The telephone number for police and emergency services is 911 and the Department of Health and Human Services maintains a telephone hotline for reporting abuse of domestic employees, 1-888-3737-888.

(03/19/2007)