

B-1 Nonimmigrant Visa for Domestic Employee of US Citizen/Permanent Resident or Foreign National in Nonimmigrant Status

General requirements for B-1 visa applicant

- The employee has a residence abroad which he or she has no intention of abandoning;
- The employee can demonstrate at least one year's experience as a personal or domestic servant from statements by previous employers;
- The individual has been employed abroad by the employer as:
 - a personal or domestic employee of the US citizen for at least 6 months, or while abroad, the employer has regularly employed a domestic servant in the same capacity as that intended for the applicant
 - a personal or domestic employee of the foreign national for 1 year prior to the date of the employer's admission to the US;
- If the employee-employer relationship existed immediately prior to the time of the visa application, the employer can demonstrate that he has regularly employed (either year-round or seasonally) personal or domestic employees over a period of several years preceding the domestic employee's visa application for a nonimmigrant B-1 visa;
- The employer and the employee have signed an employment contract which contains statements that the employee is guaranteed the minimum or prevailing wage, whichever is greater, and free room and board, and that the employer will be the only provider of employment to the employee;

The employer must pay the domestic employee's initial travel expenses to the US and travel expenses to either the employer's onward assignment or to the employee's country of normal residence at the termination of the assignment.

B-1 Domestic Worker Nonimmigrant Visa Document List

Employee (Beneficiary) - Clear photocopies only

- Current passport (identity pages and all pages with any US visa, stamp or notation)
- I-94 Card (front and back)
- Previous CIS approval notices (H-1B; F-1; I-20; IAP-66; Employment Authorization Card)
- Evidence of home country ties – birth certificates, school records for children; marriage certificate; house deed or lease; financial accounts in home country, etc.

Employer (Petitioner)

- Employer's birth certificate or biographical page from passport
- Employment Contract with job title, detailed job description, hours, salary, and
- Employer support letter confirming one year experience with employer abroad as well as international travel required for employer
- Confirmation of employer's current and past employment in by résumé and/or work letter
- Prevailing Wage for Domestic DOL Wage Area

Employment Authorization application (EAD) for Domestic B-1 Worker of US Citizen/LPR/Foreign National

Form I-765 Document List

- 2 passport-style photos of the employee
- Correct filing fee
- Evidence that the employer is a US citizen
- Evidence that the employer has a permanent home abroad or is stationed outside the US and is temporarily visiting the US or the citizen's current assignment in the US will not be longer than 4 years and;
- Evidence that the employee has been employed by the US citizen abroad as a domestic servant for at least 6 months prior to admission to the US.

Fong•Ilagan, LLP works with clients to simplify the U.S. immigration process. To discuss your case with an experienced board-certified attorney, please contact our office at 713.772.2300.