



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

New Interview Requirement for B-1 Employers in Manila, Philippines

New Interview Requirement for B-1 Employers in Manila, Philippines ^[1]

Submitted by Editor on Feb 1st 2013

Visas for Domestic Employees of B, E, F, H, I, J, L, O, P, and Q Visa Holders and U.S. Citizens Temporarily Assigned To The United States (B-1)

Holders of nonimmigrant B ^[2], E ^[3], F ^[4], H ^[5], I ^[6], J ^[4], L ^[5], O ^[7], P ^[8], and Q ^[9] visas, and U.S. citizens planning temporary stays in the United States, are eligible to be accompanied by domestic employees during their visit to the United States, subject to certain conditions. Please read the requirements outlined below, and note our new requirement for employers ^[10]:

How to Apply

To apply, please check the Nonimmigrant Visa Application Procedures ^[11] page. In addition to the basic documentary requirements, as specified on the application procedures Step 2 ^[12], the applicant must submit the following additional documentary requirements:

1. Original employment contract signed by the employer and the employee. The contract must stipulate:

- a) A description of the work duties of the employee;
- b) The number of hours to be worked by the employee per week;
- c) The rate of pay (the state ^[13] or federal minimum ^[14] or prevailing wage ^[15], whichever is greater for every hour worked);
- d) The number of authorized holidays, vacation, and sick leave days per year;
- e) The regular day(s) off each week;
- f) The frequency and form of payment;
- g)

The rate of overtime pay (state law governing overtime rates can be checked [here](#)) ^[16];

h) Any money deducted for food or lodging;

i) That the employer will not withhold the employee's passport, employment contract, or other personal property, nor prohibit the employee from leaving the premises when the employee is not on duty;

j) That the employer to pay the domestic's initial travel expenses to the United States, and, subsequently to the employer's onward assignment, or to the employee's country of normal residence at the termination of the assignment;

k) That the employee will not accept any other employment while working for the employer;

l) That both parties understand that the employee cannot be required to remain on the premises after working hours without compensation;

m) That the employer agrees to abide by all Federal, State, and local laws in the United States.

The employee must have in his/her possession an original contract or a copy of the contract, to be presented at the Port of Entry, showing original signatures of both the employer and the employee.

2. If the applicant has travelled to the U.S. in the past as a domestic employee, proof that the required U.S. wages were paid during previous trips, such as check stubs, ledger entries, deposit slips, or payment receipts.

3. Employer's proof of ability to pay the employee's wages while in the United States

4. Documents signifying employer's status or temporary stay in the United States

5. [Evidence of ties and financial status of the applicant in the Philippines](#) ^[17].

Please read [this pamphlet](#) ^[18] (PDF) prior to your visa interview. Please click [here](#) ^[19] (PDF) for the Tagalog version. You will be asked if you have received, read, and understood its contents.

Notes:

- The employer is **required** to accompany his/her domestic employee to the interview. However, it may not be necessary for an officer to interview an employer. The employer **must** bring his/her passport with valid U.S. visa. The employer need not book a separate appointment to accompany the domestic employee to the interview.
- In certain cases, additional documents may be requested.
- All documents must be originals. Photocopies will not be accepted, unless specified. The applicant must submit these documents to the interviewing consular officer during the interview. The Nonimmigrant Visa Unit does not accept documents before the interview. Any documents received will not be returned and will be destroyed. Please note, however, that presentation of the documents will not guarantee visa

issuance. Applicants must still qualify under INA Section 214(b).

- In addition to the above documentary requirements, certain additional documents or representations are required for the issuance of a visa to:

Domestic employee of B [2], E [3], F [4], H [5], I [6], J [4], L [5], O [7], P [8], and Q [9] visa holders:

- The employee has a residence abroad which he or she has no intention of abandoning;
- The employee can demonstrate at least one year experience as a domestic or domestic servant; and,
- The employee has been employed outside the United States as a domestic or domestic employee by the employer for at least one year prior to the date of the employer's admission to the United States; or if the employee-employer relationship existed immediately prior to the time of visa application, the employer can demonstrate that he or she regularly employed domestic or domestic servants over a period of several years preceding the visa application.

Domestic employee of U.S. citizens temporarily assigned to the United States:

- The U.S. employer normally works abroad;
- The U.S. employer is returning to the United States for no more than 4 years;
- The employee can demonstrate at least one year experience as a domestic or domestic employee by producing statements from previous employers attesting to such experience; and,
- The employee has been employed abroad by the employer as a domestic employee for at least six months prior to the date of admission to the United States or, in the alternative, the employer has, while abroad, regularly employed a domestic employee in the same capacity as that intended for the applicant.

Please feel free to visit the [Frequently Asked Questions \(FAQs\)](#) [20] page.

Last Update : January 31, 2013

Nonimmigrant Visas:

[General Nonimmigrant Visa](#) [21]

[B Visa](#) [22]

Agency:

[DOS](#) [23]

Source URL (retrieved on 12 Aug 2020 - 18:08): <https://immigration.com/news/general-nonimmigrant-visa/new-interview-requirement-b-1-employers-manila-philippines>

Links:

[1] <https://immigration.com/news/general-nonimmigrant-visa/new-interview-requirement-b-1-employers-manila-philippines>

[2] <http://manila.usembassy.gov/www/niv7.html>

[3] <http://manila.usembassy.gov/www/niv9.html>

[4] <http://manila.usembassy.gov/www/niv10.html>

[5] <http://manila.usembassy.gov/www/niv11.html>

[6] <http://manila.usembassy.gov/www/niv12.html>

[7] <http://manila.usembassy.gov/www/niv16.html>

[8] <http://manila.usembassy.gov/www/niv17.html>

[9] <http://manila.usembassy.gov/www/niv18.html>

[10] <http://manila.usembassy.gov/domestic-employees.html#EmployerAppearance>

[11] <http://manila.usembassy.gov/niv-application.html>

- [12] <http://manila.usembassy.gov/niv-application.html#2>
- [13] <http://www.dol.gov/whd/minwage/america.htm>
- [14] <http://www.dol.gov/elaws/faq/esa/flsa/001.htm>
- [15] http://travel.state.gov/visa/laws/telegrams/telegrams_2773.html
- [16] <http://www.dol.gov/dol/topic/wages/overtimepay.htm>
- [17] <http://manila.usembassy.gov/wwwhmv03.html>
- [18] <http://www.travel.state.gov/pdf/Pamphlet-Order.pdf>
- [19] <http://travel.state.gov/pdf/Pamphlet-Tagalog-Online-Reading-Version.pdf>
- [20] <http://manila.usembassy.gov/niv-faq.html>
- [21] <https://immigration.com/visa/nonimmigrant-visas/general-nonimmigrant-visa>
- [22] <https://immigration.com/visa/nonimmigrant-visas/b-visa>
- [23] <https://immigration.com/agencies/agency/dos>