

Bringing Servants into the U.S.

There is a possibility to employ cleaners, gardeners and nannies for however many hours you require them. To find a cleaner check publication boards at grocery stores and ask friends and neighbors. The latter will also be able to tell you the current wage scale.

For general help in the garden, especially mowing grass, try to find one via your neighbors or have a look at the Yellow Pages. If you are renting a home, sometimes the homeowner will pay for the gardener.

Names of babysitters (often teenagers) are to be found in neighborhood magazines, school bulletins or ask other people. You can also find names of nanny services in the Yellow Pages.

Once you move into a house, you will notice that many gardeners, nannies, cleaning companies, etc. will leave their business cards at your front door.

If you choose to bring your own servant into the U.S., the individual would first need to obtain a B-1 visa (either simultaneously with or after you have obtained your L-1 visa if applicable)

The individual cannot immediately begin working in the U.S.

Employment Authorization will need to be obtained from the Immigration and Naturalization Service in the U.S. before the individual can begin working in the U.S.

Personal or domestic servants coming to the United States with a U.S. citizen or permanent resident alien:

Permanent resident alien employers or U.S. citizens cannot use the B-1 visa category for their personal or domestic servants, as such servants must be able to show that they intend to return to their residence outside the U.S. at the end of their tenure. Because permanent resident aliens are by definition permanently residing in the U.S., there is nothing to indicate that their servants will remain here temporarily.

Other employers may qualify their servants for B-1 status under several different circumstances. First, citizens with a permanent home abroad, or on assignment abroad, may obtain B-1 status for their servants during temporary trips to the United States. The periods of stay in the U.S. should generally be for six months or less for the servant to qualify for B-1 status and the servant must have commenced employment for the citizen prior to the U.S. visit.

Second, citizens who are temporarily assigned to the U.S. can bring their servants with them, provided they are subject to frequent international transfers and are returning to U.S. for no more than four years as a condition of their employment. The servant must have been employed abroad by the employer for

at least six months prior to admission to the United States and must have one year of paid experience as a servant. In addition, the employer must produce an employment contract which provides the servant with free private room and board, guarantees the “prevailing wage” as defined by the Department of Labor for the time of intended employment and provide either party two weeks’ notice of termination of the employment relationship.

Personal or domestic servants coming to the United States with an alien employer:

For non-immigration aliens to bring their servants to the U.S., the servant must have been employed by the alien for at least one year prior to the date of the alien’s admission to the U.S.; or the alien employer must have used servants regularly over a period of several years and the servant in question must be able to document at least one year’s experience. For necessary documentation and information we recommend you contact your local American Consulate.

Because these aliens will engage in employment in the United States, they must obtain explicit permission to work from the INS after they are admitted to the United States and before they commence employment. Application for employment authorization is made on INS Form I 755. The application is mailed to the INS Service Center with jurisdiction over the alien’s place of residence in the United States.