



**UNITED STATES MISSION TO THE UNITED NATIONS  
NEW YORK**

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HC-18-12

The United States Mission to the United Nations presents its compliments to the Permanent Missions and Observer Offices to the United Nations and has the honor to refer to its diplomatic circulars HC-125-09 dated October 15, 2009 and HC-128-11 dated September 28, 2011 (copies of which are attached and/or available for download at:

[http://usun.state.gov/about/host\\_aff/129277.htm](http://usun.state.gov/about/host_aff/129277.htm) ) which set forth extensive requirements with regard to the employment of foreign domestic workers.

The above referenced notes emphasized the importance the United States Government places on providing fair treatment to foreign domestic workers brought into the United States to work for diplomatic and non-diplomatic personnel and required that Permanent Representatives and Permanent Observers take any and all measures necessary to ensure that members of their missions and offices employing such workers respect the laws relating to the treatment to be accorded such workers. The Department of State wishes to remind Permanent Representatives and Permanent Observers that it ultimately looks to them to ensure that the responsible conduct of their mission and office members comports with Department requirements and is in compliance with the relevant United States laws.

The Department of State's efforts to combat trafficking in person are guided by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, which

includes the requirement that the Secretary of State suspend the issuance of A-3 and G-5 visas for a diplomatic mission or international organization if she finds credible evidence that a domestic worker was abused and the diplomatic mission or international organization tolerated the abuse.

#### Terms of Employment of Domestic Workers by Mission and Observer Office Members

The Department has determined that in addition to not allowing for the deduction from wages for lodging (as required by diplomatic circular note HC-128-11, enclosed), deductions from wages will no longer be allowed for food for A-3 or G-5 domestic workers.

Further, as Permanent Representatives and Permanent Observers are aware, as of October 2009, the Department of State has required that all wages for A-3 and G-5 domestic workers be paid by check or electronic funds transfer into bank accounts. The Department wishes to clarify that these bank accounts must be in the United States in order that domestic workers may readily access and utilize their wages. Consistent with the banking requirements set forth in the October, 2009 note, this requirement takes effect 90 days after the commencement of employment of a specific domestic worker; cash payment of wages is not permitted and bank accounts must be in the domestic worker's name only.

#### Domestic Worker Visa Eligibility Requirements

The Department also wishes to take this opportunity to request that the Permanent Representatives and Permanent Observers review all requests for pre-notification of domestic workers to ensure that, among other criteria, the requests reflect a bona fide employee-employer relationship. Specifically, the Department is concerned about recent cases involving mission personnel employing persons who were or appeared to be family members. Applications for visas for the employment of close family members will undergo an extensive review by

United States Consular Officers abroad to ensure that they reflect a true employer-employee relationship. In addition, the Department wishes to note that A-3 and G-5 visa requests will be reviewed with regard to ensuring that the employing officer has the means to afford to pay prevailing or minimum wages in the United States, whichever is higher, particularly with regard to requests for multiple A-3 or G-5 employees to be employed in a singular diplomatic or non-diplomatic household. (The enclosed circular note, HC-128-11, sets forth current wage rates.)

The provisions of this note will go into effect on February 15, 2012 and as of that date all employment contracts with A-3 or G-5 workers should be amended to be in accordance with the provisions of this note and the notes of October 2009 and September 2011.

The United States Mission to the United Nations avails itself of this opportunity to renew to the Permanent Missions and Observer Offices to the United Nations the assurances of its highest consideration.