



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

November 28, 2018

HC-88-(S)-18

The United States Mission to the United Nations presents its compliments to the United Nations Secretariat and has the honor to refer to its previous circular diplomatic note HC-59-(S)-14 dated June 6, 2014 that set forth the legal requirements and Department of State policies regarding the employment of foreign domestic workers by United Nations staff members.

The United States Mission wishes to remind the United Nations Secretariat of these requirements and to request that all staff members of the United Nations again be apprised of the Department of State's requirements relating to the hiring of domestic workers and the importance of all the staff members of the United Nations abiding by them through participation in the Department's Domestic Worker Program.

The Department has emphasized to the United Nations Secretariat that it places a high priority on the fair and equitable treatment of domestic workers, and that the Department looks to the United Nations Secretariat to provide oversight of staff members who employ these workers.

The United States Mission wishes to inform that the employment of nonimmigrant domestic workers by staff members of the United Nations has been designated a benefit under the Foreign Missions Act. This benefit shall be provided on such terms and conditions as the Department of State may approve. As before, any staff member of the United Nations who sponsors a domestic worker must abide by all program requirements, including new requirements. (Please see attached for current requirements.) From this date forward, if such requirements are not fully met, the Department may suspend participation in the program by declining to accept pre-notification requests of upcoming domestic workers, or for all staff members if warranted by the circumstances.

Please note that the attached designation does not impair the Secretary of State's authority to suspend, in appropriate circumstances, the issuance of G-5 visas to domestic workers seeking to work for officers or employees of an international organization under the Wilberforce Reauthorization Act.

Please contact UNDomesticWorkers@state.gov for any questions.

The United States Mission to the United Nations avails itself of this opportunity to renew to the United Nations Secretariat the assurance of its highest consideration.

Attachment: Domestic Worker Program Requirements

Domestic Worker Program Requirements

Foreign mission members and International Organization (IO) personnel who employ a foreign domestic worker (“employers”) must abide by all requirements of the Domestic Worker Program and must respect all applicable U.S. federal, state, and local laws and regulations.

In addition, the Office of the Chief of Protocol requires that employers accept and comply with the following Domestic Worker Program requirements:¹

- Facilitation of their domestic workers’ participation in the forthcoming USUN Domestic Worker In-Person Registration Program;
- Provision of assistance, as needed, to the domestic worker to establish a bank account in the United States in his/her name only;
- After the first 30 days of employment in the United States, payment of salary made exclusively by check or electronic funds transfer to the domestic worker’s U.S. bank account;
- Provision of a pay slip at the time of wage payment to the domestic worker noting the hourly wage, overtime wage, and the number of hours worked in the pay period and any required deductions to fulfill tax and social security obligations. No other deductions are permitted.
- Maintenance of contemporaneous timekeeping and payment records and the retention of such records for three years after employment ends, as well as provision of copies of the records to the Department of State upon request;
- Establishment of employment contracts that include all Department required terms, in English and if the domestic worker does not understand English, in a language the domestic worker understands;
- Timely request, through the employer’s foreign mission or IO, of extensions of G-5 status for the domestic worker prior to expiration of the domestic worker’s authorized period of stay in the United States, such that there is sufficient time to allow such requests to be processed before the expiration of the domestic worker’s authorized period of stay;

¹ Not all of these requirements are in the required contract terms.

- Prohibition of all salary deductions, except as required by law;
- Exclusive employment of the domestic worker by the employer who signed the contract; and,
- Provision of at least 35 hours a week of compensated employment.

The following are new, additional Domestic Worker Program requirements:

- Employers may not be related to the domestic worker they employ (exceptions may be made on a case-by-case basis, e.g., for the care of a disabled family member);
- Employers or the employer's foreign mission or IO must cover the medical expenses of domestic workers while they are in the United States;
- Employers under investigation for abuse or exploitation of a domestic worker or a pattern of repeated domestic worker terminations will not be eligible to participate in the Domestic Worker Program unless and until the matter is resolved;
- The Secretary General, Assistant and Under Secretaries General may generally sponsor only two domestic workers. Other qualified employers may generally sponsor only one domestic worker. Members of the support and service staff may generally not sponsor any; and,
- Missions and IOs which wish to participate in the Domestic Workers Program must agree that if any of their personnel request that a domestic worker be accompanied by a dependent, the mission/IO will submit a Dependent Protection and Oversight Plan signed by the Chief of Mission/senior IO official to accompany the pre-notification request. The Plan must include regular monitoring of the dependent's welfare and living conditions, with increased oversight for minors, and written semi-annual certification by the employee, the employer, and the employer's mission/IO that the dependent is not working in the United States.

While these are the current Domestic Worker Program requirements, we anticipate that this framework will evolve in the future based on changing circumstances. The United Nations Secretariat will be provided reasonable notice of changes.