

B-1 Visa for Domestic Workers

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The B-1 visa is an ideal solution for personal employees or domestic workers to accompany or join a U.S. citizen employer temporarily in the United States. This visa category caters to a range of domestic roles, including cooks, chauffeurs, valets, footmen, nannies, housemaids, gardeners, and paid companions.

Requirements for the B-1 Visa

- The U.S. citizen employer must either have a permanent home or should be routinely stationed in a foreign country.
- The U.S. citizen employer is temporarily traveling to the U.S. The employer's return to the U.S. should not exceed six years.
- The employer can demonstrate the regular employment of the domestic worker in the same capacity as the intended employment in the U.S. or a minimum 6-month employment relationship prior to the employee's entry into the U.S.
- The employee must provide evidence of employment experience as a personal employee or domestic worker (i.e., attested statements from previous employers).
- A signed and dated employment contract for the intended employment in the U.S. must be provided.

Requirements of the Employment Contract

- The employment contract must be signed and dated.
- The employee's daily wage should be the greater of the minimum or prevailing wage under U.S. federal, state, or local law.
- The employer must provide living quarters and airfare for a round trip to the U.S. to the employee.
- A certification to affirm that the employee may only be required to stay on the premises after working hours if appropriately compensated.
- The employee must only be employed by the employer in the U.S.
- The contract should mirror the standard benefits provided to U.S. domestic workers in a similar area of employment.

Application Process

The employee should work with an immigration attorney to prepare a detailed B-1 application addressing the employee's qualifications for B-1 status. Once the application is complete, the employee should schedule a visa appointment at a U.S. Embassy or Consulate abroad to present their B-1 visa application and discuss their qualifications.

Once the application is approved, the employee's passport will be returned with the B-1 visa within 3 to 5 business days. The

B-1 visa may be granted for a period ranging from 6 months to 10 years, at the discretion of the interviewing officer.

Post-entry in the U.S., the employee must then apply for an Employment Authorization Card (Form I-765, Application for Employment Authorization). This process may take from 3 to 9 months. The Employment Authorization Card will be limited to the expiration of the employee's I-94 admission period.

Work Authorization

Once the employee receives the Employment Authorization Card, the employee may apply for a U.S. Social Security number and receive a salary from a U.S. source. Holders of B-1 visas are subject to taxation obligations imposed on U.S. wage earners and may avail of the same protections as U.S. workers.

B-1 Employment Status Post Entry in U.S.

The initial authorized entry period typically spans from 6 to 12 months. The employee may be eligible for an extension status (Form I-539, Application for Extension of Status) for six months, which may be renewed.

It is imperative that the employee keep track of the expiration dates of their visa, I-94 admission period and Employment Authorization Card. Unlawful presence in the U.S. can have serious consequences on their ability to return to the U.S. in the future.