

## Exhibit A

## C

**Effective: March 7, 2013**

United States Code Annotated [Currentness](#)

Title 8. Aliens and Nationality ([Refs & Annos](#))

Chapter 12. Immigration and Nationality ([Refs & Annos](#))

▣ [Subchapter II. Immigration](#)

▣ [Part IX. Miscellaneous](#)

→→ **§ 1375b. Protections for domestic workers and other nonimmigrants**

(a) Information pamphlet and video for consular waiting rooms

(1) Development and distribution

The Secretary of State, in consultation with the Secretary of Homeland Security, the Attorney General, and the Secretary of Labor, shall develop an information pamphlet and video on legal rights and resources for aliens applying for employment- or education-based nonimmigrant visas. The video shall be distributed and shown in consular waiting rooms in embassies and consulates appropriate to the circumstances that are determined to have the greatest concentration of employment or education-based non-immigrant visa applicants, and where sufficient video facilities exist in waiting or other rooms where applicants wait or convene. The Secretary of State is authorized to augment video facilities in such consulates or embassies in order to fulfill the purposes of this section.

(2) Consultation

In developing the information pamphlet under paragraph (1), the Secretary of State shall consult with nongovernmental organizations with expertise on the legal rights of workers and victims of severe forms of trafficking in persons.

(b) Contents

The information pamphlet and video developed under subsection (a) shall include information concerning items such as--

(1) the nonimmigrant visa application processes, including information about the portability of employment;

(2) the legal rights of employment or education-based nonimmigrant visa holders under Federal immigration,

labor, and employment law;

(3) the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States;

(4) the legal rights of immigrant victims of trafficking in persons and worker exploitation, including--

(A) the right of access to immigrant and labor rights groups;

(B) the right to seek redress in United States courts;

(C) the right to report abuse without retaliation;

(D) the right of the nonimmigrant to relinquish possession of his or her passport to his or her employer;

(E) the requirement of an employment contract between the employer and the nonimmigrant; and

(F) an explanation of the rights and protections included in the contract described in subparagraph (E); and

(5) information about nongovernmental organizations that provide services for victims of trafficking in persons and worker exploitation, including--

(A) anti-trafficking in persons telephone hotlines operated by the Federal Government;

(B) the Operation Rescue and Restore hotline; and

(C) a general description of the types of victims services available for individuals subject to trafficking in persons or worker exploitation.

(c) Translation

(1) In general

To best serve the language groups having the greatest concentration of employment-based nonimmigrant visas, the Secretary of State shall translate the information pamphlet and produce or dub the video developed under subsection (a) into all relevant foreign languages, to be determined by the Secretary based on the languages spoken by the greatest concentrations of employment- or education-based nonimmigrant visa

applicants.

(2) Revision

Every 2 years, the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, shall determine the specific languages into which the information pamphlet will be translated and the video produced or dubbed based on the languages spoken by the greatest concentrations of employment- or education-based nonimmigrant visa applicants.

(d) Availability and distribution

(1) Posting on Federal websites

The information pamphlet and video developed under subsection (a) shall be posted on the websites of the Department of State, the Department of Homeland Security, the Department of Justice, the Department of Labor, and all United States consular posts processing applications for employment- or education-based nonimmigrant visas.

(2) Other distribution

The information pamphlet and video developed under subsection (a) shall be made available to any--

(A) government agency;

(B) nongovernmental advocacy organization; or

(C) foreign labor broker doing business in the United States.

(3) Deadline for pamphlet development and distribution

Not later than 180 days after December 23, 2008, the Secretary of State shall distribute and make available the information pamphlet developed under subsection (a) in all the languages referred to in subsection (c).

(4) Deadline for video development and distribution

Not later than 1 year after March 7, 2013, the Secretary of State shall make available the video developed under subsection (a) produced or dubbed in all the languages referred to in subsection (c).

(e) Responsibilities of consular officers of the Department of State

(1) Interviews

A consular officer conducting an interview of an alien for an employment-based nonimmigrant visa shall--

**(A)(i)** confirm that the alien has received, read, and understood the contents of the pamphlet described in subsections (a) and (b); and

**(ii)** if the alien has not received, read, or understood the contents of the pamphlet described in subsections (a) and (b), distribute and orally disclose to the alien the information described in paragraphs (2) and (3) in a language that the alien understands; and

**(B)** offer to answer any questions the alien may have regarding the contents of the pamphlet described in subsections (a) and (b).

(2) Legal rights

The consular officer shall disclose to the alien--

**(A)** the legal rights of employment-based nonimmigrants under Federal immigration, labor, and employment laws;

**(B)** the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States; and

**(C)** the legal rights of immigrant victims of trafficking in persons, worker exploitation, and other related crimes, including--

**(i)** the right of access to immigrant and labor rights groups;

**(ii)** the right to seek redress in United States courts; and

**(iii)** the right to report abuse without retaliation.

(3) Victim services

In carrying out the disclosure requirement under this subsection, the consular officer shall disclose to the alien the availability of services for victims of human trafficking and worker exploitation in the United States, including victim services complaint hotlines.

(f) Definitions

In this section:

(1) Employment- or education-based nonimmigrant visa

The term “employment- or education-based nonimmigrant visa” means--

(A) a nonimmigrant visa issued under [subparagraph \(A\)\(iii\)](#), [\(G\)\(v\)](#), [\(H\)](#), or [\(J\)](#) of [section 1101\(a\)\(15\)](#) of this title; and

(B) any nonimmigrant visa issued to a personal or domestic servant who is accompanying or following to join an employer.

(2) Severe forms of trafficking in persons

The term “severe forms of trafficking in persons” has the meaning given the term in [section 7102 of Title 22](#).

(3) Secretary

The term “Secretary” means the Secretary of State.

(4) Abusing and exploiting

The term “abusing and exploiting” means any conduct which would constitute a violation of [section 1466A](#), [1589](#), [1591](#), [1592](#), [2251](#), or [2251A](#) of Title 18.

CREDIT(S)

([Pub.L. 110-457, Title II, § 202](#), Dec. 23, 2008, 122 Stat. 5055; [Pub.L. 113-4, Title XII, § 1206](#), Mar. 7, 2013, 127 Stat. 140.)

HISTORICAL AND STATUTORY NOTES

## Codifications

Section was enacted as part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and not as part of the Immigration and Nationality Act, which otherwise comprises this chapter.

## Amendments

2013 Amendments. Subsec. (a) heading. Pub.L. 113-4, § 1206(1)(A), inserted “and video for consular waiting rooms” following “Information pamphlet”.

Subsec. (a)(1). Pub.L. 113-4, § 1206(1)(B), inserted “and video” following “information pamphlet”, and at the end, inserted “The video shall be distributed and shown in consular waiting rooms in embassies and consulates appropriate to the circumstances that are determined to have the greatest concentration of employment or education-based non-immigrant visa applicants, and where sufficient video facilities exist in waiting or other rooms where applicants wait or convene. The Secretary of State is authorized to augment video facilities in such consulates or embassies in order to fulfill the purposes of this section.”.

Subsec. (b). Pub.L. 113-4, § 1206(2), inserted “and video” following “information pamphlet”.

Subsec. (c)(1). Pub.L. 113-4, § 1206(3)(A), inserted “and produce or dub the video” following “information pamphlet”.

Subsec. (c)(2). Pub.L. 113-4, § 1206(3)(B), inserted “and the video produced or dubbed” following “translated”.

Subsec. (d)(1). Pub.L. 113-4, § 1206(4)(A), inserted “and video” following “information pamphlet”.

Subsec. (d)(2). Pub.L. 113-4, § 1206(4)(B), inserted “and video” following “information pamphlet”.

Subsec. (d)(4). Pub.L. 113-4, § 1206(4)(C), added par. (4).

## CROSS REFERENCES

Peonage, Slavery, and Trafficking in Persons,

Generally, see [18 USCA § 1581 et seq.](#)

Civil remedies, see [18 USCA § 1595.](#)

Mandatory restitution, see [18 USCA § 1593.](#)

Protection and assistance for victims of trafficking under the Trafficking Victims Protection Act, see [22 USCA § 7105.](#)

8 U.S.C.A. § 1375b, 8 USCA § 1375b

Current through P.L. 113-57 (excluding P.L. 113-54 and 113-56) approved 12-9-13

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## C

**Effective: December 23, 2008**

United States Code Annotated [Currentness](#)

Title 8. Aliens and Nationality ([Refs & Annos](#))

Chapter 12. Immigration and Nationality ([Refs & Annos](#))

▣ [Subchapter II](#). Immigration

▣ [Part IX](#). Miscellaneous

→→ **§ 1375c. Protections, remedies, and limitations on issuance for A-3 and G-5 visas**

(a) Limitations on issuance of A-3 and G-5 visas

(1) Contract requirement

Notwithstanding any other provision of law, the Secretary of State may not issue--

(A) an A-3 visa unless the applicant is employed, or has signed a contract to be employed containing the requirements set forth in subsection (d)(2), by an officer of a diplomatic mission or consular post; or

(B) a G-5 visa unless the applicant is employed, or has signed a contract to be employed by an employee in an international organization.

(2) Suspension requirement

Notwithstanding any other provision of law, the Secretary shall suspend, for such period as the Secretary determines necessary, the issuance of A-3 visas or G-5 visas to applicants seeking to work for officials of a diplomatic mission or an international organization, if the Secretary determines that there is credible evidence that 1 or more employees of such mission or international organization have abused or exploited 1 or more nonimmigrants holding an A-3 visa or a G-5 visa, and that the diplomatic mission or international organization tolerated such actions.

(3) Action by diplomatic missions or international organizations

The Secretary may suspend the application of the limitation under paragraph (2) if the Secretary determines and reports to the appropriate congressional committees that a mechanism is in place to ensure that such abuse or exploitation does not reoccur with respect to any alien employed by an employee of such mission or institution.

(b) Protections and remedies for A-3 and G-5 nonimmigrants employed by diplomats and staff of international organizations

(1) In general

The Secretary may not issue or renew an A-3 visa or a G-5 visa unless--

(A) the visa applicant has executed a contract with the employer or prospective employer containing provisions described in paragraph (2); and

(B) a consular officer has conducted a personal interview with the applicant outside the presence of the employer or any recruitment agent in which the officer reviewed the terms of the contract and the provisions of the pamphlet required under [section 1375b](#) of this title.

(2) Mandatory contract

The contract between the employer and domestic worker required under paragraph (1) shall include--

(A) an agreement by the employer to abide by all Federal, State, and local laws in the United States;

(B) information on the frequency and form of payment, work duties, weekly work hours, holidays, sick days, and vacation days; and

(C) an agreement by the employer not to withhold the passport, employment contract, or other personal property of the employee.

(3) Training of consular officers

The Secretary shall provide appropriate training to consular officers on the fair labor standards described in the pamphlet required under [section 1375b](#) of this title, trafficking in persons, and the provisions of this section.

(4) Record keeping

(A) In general

The Secretary shall maintain records on the presence of nonimmigrants holding an A-3 visa or a G-5 visa in the United States, including--

- (i) information about when the nonimmigrant entered and permanently exited the country of residence;
- (ii) the official title, contact information, and immunity level of the employer; and
- (iii) information regarding any allegations of employer abuse received by the Department of State.

(c) Protection from removal during legal actions against former employers

(1) Remaining in the United States to seek legal redress

(A) Effect of complaint filing

Except as provided in subparagraph (B), if a nonimmigrant holding an A-3 visa or a G-5 visa working in the United States files a civil action under [section 1595 of Title 18](#), or a civil action regarding a violation of any of the terms contained in the contract or violation of any other Federal, State, or local law in the United States governing the terms and conditions of employment of the nonimmigrant that are associated with acts covered by such section, the Attorney General and the Secretary of Homeland Security shall permit the nonimmigrant to remain legally in the United States for time sufficient to fully and effectively participate in all legal proceedings related to such action.

(B) Exception

An alien described in subparagraph (A) may be deported before the conclusion of the legal proceedings related to a civil action described in such subparagraph if such alien is--

- (i) inadmissible under [paragraph \(2\)\(A\)\(i\)\(II\), \(2\)\(B\), \(2\)\(C\), \(2\)\(E\), \(2\)\(H\), \(2\)\(I\), \(3\)\(A\)\(i\), \(3\)\(A\)\(iii\), \(3\)\(B\), \(3\)\(C\), or \(3\)\(F\) of section 1182\(a\)](#) of this title; or
- (ii) deportable under [paragraph \(2\)\(A\)\(ii\), \(2\)\(A\)\(iii\), \(4\)\(A\)\(i\), \(4\)\(A\)\(iii\), \(4\)\(B\), or \(4\)\(C\) of section 1227\(a\)](#) of this title.

(C) Failure to exercise due diligence

If the Secretary of Homeland Security, after consultation with the Attorney General, determines that the nonimmigrant holding an A-3 visa or a G-5 visa has failed to exercise due diligence in pursuing an action described in subparagraph (A), the Secretary may terminate the status of the A-3 or G-5 nonimmigrant.

(2) Authorization to work

The Attorney General and the Secretary of Homeland Security shall authorize any nonimmigrant described in paragraph (1) to engage in employment in the United States during the period the nonimmigrant is in the United States pursuant to paragraph (1).

(d) Study and report

(1) Investigation report

(A) In general

Not later than 180 days after December 23, 2008, and every 2 years thereafter for the following 10 years, the Secretary shall submit a report to the appropriate congressional committees on the implementation of this section.

(B) Contents

The report submitted under subparagraph (A) shall include--

- (i) an assessment of the actions taken by the Department of State and the Department of Justice to investigate allegations of trafficking or abuse of nonimmigrants holding an A-3 visa or a G-5 visa; and
- (ii) the results of such investigations.

(2) Feasibility of oversight of employees of diplomats and representatives of other institutions report

Not later than 180 days after December 23, 2008, the Secretary shall submit a report to the appropriate congressional committees on the feasibility of--

(A) establishing a system to monitor the treatment of nonimmigrants holding an A-3 visa or a G-5 visa who have been admitted to the United States;

(B) a range of compensation approaches, such as a bond program, compensation fund, or insurance scheme, to ensure that such nonimmigrants receive appropriate compensation if their employers violate the terms of their employment contracts; and

(C) with respect to each proposed compensation approach described in subparagraph (B), an evaluation and proposal describing the proposed processes for--

- (i) adjudicating claims of rights violations;
- (ii) determining the level of compensation; and
- (iii) administering the program, fund, or scheme.

(e) Assistance to law enforcement investigations

The Secretary shall cooperate, to the fullest extent possible consistent with the United States obligations under the Vienna Convention on Diplomatic Relations, done at Vienna, April 18, 1961, (23 U.S.T. 3229), with any investigation by United States law enforcement authorities of crimes related to abuse or exploitation of a nonimmigrant holding an A-3 visa or a G-5 visa.

(f) Definitions

In this section:

(1) A-3 visa

The term “A-3 visa” means a nonimmigrant visa issued pursuant to [section 1101\(a\)\(15\)\(A\)\(iii\)](#) of this title.

(2) G-5 visa

The term “G-5 visa” means a nonimmigrant visa issued pursuant to [section 1101\(a\)\(15\)\(G\)\(v\)](#) of this title.

(3) Secretary

The term “Secretary” means the Secretary of State.

(4) Appropriate congressional committees

The term “appropriate congressional committees” means--

(A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives;  
and

(B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

CREDIT(S)

(Pub.L. 110-457, Title II, § 203, Dec. 23, 2008, 122 Stat. 5057.)

HISTORICAL AND STATUTORY NOTES

Codifications

Section was enacted as part of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and not as part of the Immigration and Nationality Act, which otherwise comprises this chapter.

RESEARCH REFERENCES

Treatises and Practice Aids

[Immigration Law Service 2d § 6:11](#), Attendants, Servants, or Personal Employees (A-3).

[Immigration Law Service 2d § 6:49](#), G-5 Visas.

8 U.S.C.A. § 1375c, 8 USCA § 1375c

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## Exhibit B

# Visas for Diplomats and Foreign Government Officials

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## Glossary

**Important Notice:** Effective immediately, U.S. embassies and consulates will adjudicate visa applications that are based on a same-sex marriage in the same way that we adjudicate applications for opposite gender spouses. Please reference the specific guidance on the visa category for which you are applying for more details on documentation required for derivative spouses. For further information, please see our FAQ's.

**Notice:** Learn about the Nonimmigrant Rights, Protections and Resources informational [pamphlet](#), now available!

- [Overview](#)
- [Qualifying for a Diplomatic Visa](#)
- [Local Government and European Union Officials](#)
- [How to Apply - Required Documentation](#)
- [Visa Processing and Issuance Fees](#)
- [Renewing a Visa in the U.S.](#)
- [Immediate Family Members](#)
- [Personal Employees](#)
- [Additional Information](#)
- [Misrepresentation of Facts or Fraud](#)
- [Entering the U.S. - Port of Entry](#)
- [Further Visa Inquiries](#)
- [Frequently Asked Questions](#)

## Overview

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A citizen of a foreign country, who wishes to enter the United States, generally must first obtain a visa, either a nonimmigrant visa for temporary stay, or an immigrant visa for permanent residence. The type of visa you must have is defined by immigration law, and relates to the purpose of your travel. A visas are issued to diplomats and other government officials for travel to the United States. With the exception of a Head of State or Government who qualifies for an A visa regardless of the purpose of his or her visit to the United States, the type of visa required by a diplomat or other government official depends upon their purpose of travel to the United States.

A visa allows a foreign citizen to travel to the United States port-of-entry, and request permission of the U.S. immigration inspector to enter the U.S. A visa does not guarantee entry into the U.S.



## Qualifying for a Diplomatic Visa

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Diplomatic applicants must meet specific requirements to qualify for a diplomatic (A) visa under immigration law. The consular officer will determine whether you qualify for the visa. **For an A-1 or A-2 visa, you must be traveling to the United States on behalf of your national government to engage solely in official activities for that government.** The fact that there may be government interest or control in a given organization is not in itself the defining factor in determining if you qualify for an A visa; the particular duties or services that will be performed must be governmental in character or nature, as determined by the United States Department of State, in accordance with U.S. immigration laws. Government officials traveling to the United States to perform non-governmental functions of a commercial nature, or traveling as tourists, require the appropriate visa, and do not qualify for A visas.

**Foreign officials who are traveling to the United States on official business must obtain an A visa prior to their entry.** They cannot travel on tourist's visas, or visa free under the Visa Waiver Program. Please note that U.S. visa law indicates that if a visa applicant is entitled to an A visa as a principal or dependent, he or she must receive an A visa. The exceptions to this rule are extremely limited.

Qualified A visa applicants traveling to the United States for assignments of less than 90 days will be issued visas annotated "TDY" (temporary duty).

## Local Government and European Union Officials

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Local government officials representing their state, province, borough, or other local political entity do not qualify for A visa status; they require a B visa.

## How to Apply - Required Documentation

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As part of the visa application process, when applying abroad, an interview at the embassy consular section is required for most visa applicants. Embassies and consulates generally do not require an interview for those applying for A-1 and A-2 visas; however, a consular officer can request an interview. Please contact the [U.S. Embassy or Consulate](#) in your home country for more information.

Personal employees, attendants and servants of A visa holders, that is, applicants for A-3 visas, are required to be interviewed. Additionally, as part of the visa interview, an ink-free, digital fingerprint scan will be quickly completed.

Visa application forms should be delivered to the embassy or consulate in the country in which you are a resident. Each applicant and any accompanying persons, must submit the forms and documentation as explained below:

- **Online Nonimmigrant Visa Electronic Application, Form DS-160.** Visit our [DS-160 webpage](#) to learn more about the DS-160 online process.

- **An application for A, G, and NATO Visa, Form DS-1648** (*ONLY for A-1 and A-2 visa applicants applying in the U.S.*, including in cases of change of status, or those working at the United Nations, the DS-1648 should be submitted instead of DS-160). This application must be completed and submitted online by selecting [DS-1648 Online: New Application for A, G, or NATO Visa \(Applying in the United States only\)](#), and then submitting the confirmation page generated at the end of the application, affixed with the Embassy, mission, or organization seal. The non-electronic form DS-1648 is NOT accepted.
- **A diplomatic note.** The diplomatic note is written confirmation by the sending government of the applicant's status. A-3 applicants must also have a diplomatic note included with their applications to confirm the official status of employers.
- **A passport valid for travel to the United States** and with a validity date at least six months beyond the applicant's intended period of stay in the United States (unless [country-specific agreements](#) provide exemptions).
- **One photograph** - You will upload either a scanned or digital photograph to your Form DS-160 or DS-1648 that meets the format requirements explained in the [Photograph Requirements](#), under Applicants using Form DS-160 or Form DS-1648. If the photo upload function fails, continue trying to upload until the application allows you to proceed without a photo. Then, submit one 2x2 inch color photograph that meets requirements explained in the [Photograph Requirements](#), stapled or glued to the online DS-160 or DS-1648 confirmation page **ONLY** if the confirmation page has an X in the box where the uploaded photo should appear. If the confirmation page includes a photo image, then the photo upload function has succeeded and no separate print photograph is required.
- **Copy of both the visa and paper Form I-94 (both front and back) for the principal visa holder** required for an immediate family member applying separately from the principal visa applicant. If the principal visa applicant entered the U.S. after the automation of Form I-94, and his/her Arrival/Departure Record was created electronically, a photocopy of his/her admission stamp can be provided to the family member applying separately. Alternatively, the principal applicant may obtain a paper Form I-94 at [www.cbp.gov/I94](http://www.cbp.gov/I94) and provide it to the family member applying separately.

## Visa Processing and Issuance Fees

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Individuals who establish entitlement to an official visa classification (e.g., A, G, C-3, NATO) are exempt from paying visa fees. Additionally, individuals holding diplomatic passports may also be exempt from visa fees regardless of visa classification and purpose of travel, if they meet one of the qualifying categories defined in [22 CFR 41.26 \(c\)\(1\)\(i\) through \(xvi\)](#). Possession of a diplomatic passport or the equivalent is not by itself sufficient to qualify for a no-fee diplomatic visa. The consular officer will make the determination whether the visa applicant qualifies for an exemption of fees under U.S. immigration laws. Official passport holders are not charged for official visas, but are required to pay visa application and reciprocal issuance fees, if applicable, for all non-official visas.

## Immediate Family Members

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Immediate family members are defined as the spouse and unmarried sons and daughters of any age who are members of the household, even if studying in a different location. Application procedures are the same as for the principal applicant. **Important Notice:** Effective immediately, U.S. embassies and consulates will adjudicate visa applications that are based on a same-sex marriage in the same way that we adjudicate applications for opposite gender spouses. Immediate family members may also include someone who will reside regularly in the household of the principal applicant, is not a member of some other household, and is recognized as an immediate family member of the principal alien by the sending Government or International Organization, as demonstrated by eligibility for rights and benefits such as the issuance of a diplomatic or official passport or other similar documentation, or travel or other allowances. Those who may qualify for immediate family status on this basis include: any other relative, by blood, marriage, or adoption, of the principal alien or spouse; a domestic partner; and a relative by blood, marriage, or adoption of the domestic partner. The term "domestic partner" for the purpose of this section means a same-sex domestic partner. Domestic partners may be issued diplomatic visas if the sending state would provide reciprocal treatment to domestic partners of U.S. Mission members. Individuals who do not qualify as immediate family, as described above, may otherwise potentially qualify for a B-2 visa. B visa applicants are required to pay visa application and reciprocal issuance fees, if applicable.

## Personal Employees

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Personal employees, attendants, domestic workers, or servants of individuals who hold a valid A-1 or A-2 visa may be issued an A-3 visa, if they meet [the requirements in 9 FAM 41.22 N4](#). As part of the application process, an interview at the embassy or consulate is required. Proof that the applicant will receive a fair wage, sufficient to financially support himself, comparable to that being offered in the area of employment in the U.S. is required. In addition, the applicant needs to demonstrate that he/she will perform the contracted employment duties. The consular officer will determine eligibility for the A-3 visa. Applicants for A-3 visas must apply outside the United States.

If the employer does not carry the diplomatic rank of Minister or higher or hold a position equivalent to Minister or higher, the employer must demonstrate that he or she will have sufficient funds to provide a fair wage and working conditions, as reflected in the contract. Consideration is also given to the number of employees an employer would reasonably be able to pay.

**To apply for an A-3 visa, the visa applicant must submit each of the items explained in the [How to Apply - Required Documentation](#) section above, as well as the following.**

The employment contract must be in English and, if the employee does not understand English, also in a language the employee understands.

**Employment Contract** signed by both the employer and the employee which must include each of the following items:

- **Description of Duties.** The contract must describe the work to be performed, e.g., housekeeping, gardening, child care, and also must include a statement that the domestic employee shall work only for the employer who signed the contract.

- **Hours of Work.** The contract must state the time of the normal working hours and the number of hours per week. It is generally expected that domestic workers will be required to work 35-40 hours per week. It also must state that the domestic employee will be provided a minimum of one full day off each week. The contract must indicate the number of paid holidays, sick days, and vacation days the domestic employee will be provided.
- **Minimum Wage.** The contract must state the hourly wage to be paid to the domestic employee. The rate must be the greater of the minimum wage under U.S. Federal and state law, or the prevailing wage for all working hours. Information on the prevailing wage statistics by occupation and metropolitan area is available on the [Department of Labor's Online Wage Library & Data Center website](#).

The contract must state that wages will be paid to the domestic employee either weekly or biweekly. As of March 2011, the Department determined that no deductions are allowed for lodging, medical care, medical insurance, or travel. As of April 2012, deductions taken for meals are also no longer allowed.

- **Overtime Work.** The contract must state that any hours worked in excess of the normal number of hours worked per week are considered overtime hours, and that hours in which the employee is "on call" count as work hours. It also must state that such work must be paid as required by U.S. local laws.

NOTE: Under Federal law, the rate of overtime pay need not exceed the regular hourly rate if the employee resides in the home of the employer, but State law governing overtime rates also applies and must be checked. If the employee does not reside with the employer, overtime for hours in excess of 40 hours per week must be paid at the rate of time and a half.

- **Payment.** The contract must state that after the first 90 days of employment, all wage payments must be made by check or by electronic transfer to the domestic worker's bank account. Neither Mission members nor their family members should have access to domestic workers' bank accounts. In addition, the Department requires that the employer retain records of employment and payment for three years after the termination of the employment in order to address any complaints that may subsequently arise. Further, the bank account must be in the United States so that domestic workers may readily access and utilize their wages.
- **Transportation to and from the United States.** The contract must state that the domestic employee will be provided with transportation to and from the United States.
- **Other Required Terms of Employment.** The contract must state that the employer agrees to abide by all Federal, State, and local laws in the United States. The contract also must include a statement that the domestic worker's passport and visa will be in the sole possession of the domestic worker. In addition, the contract must state that a copy of the contract and other personal property of the domestic employee will not be withheld by the employer for any reason. The contract must include a statement that the domestic worker's presence in the employer's residence will not be required except during working hours. The contract must also include a statement by the employee, promising not to accept any other employment while working for the employer.
- **Other Recommended Terms of Employment.** The contract may include additional agreed-upon terms of employment, if any, provided they are fully consistent with all U.S. Federal, State, and local laws. Any modification to the contract must be in writing.

**Important Notices - for Employers and Personal Employees/Domestic Workers** - Personal employees are advised to keep their passport and a copy of their contract in their possession. They should not surrender their contract and passport to their employer under any circumstances. Personal employees and domestic workers are advised that they will be subject to U.S. law while in the United States, and that their contracts provide working arrangements that the employer is expected to respect.

Recent changes to U.S. law relate to the legal rights of certain employment-based nonimmigrants under Federal immigration, labor, and employment laws, and the information to be provided about protections and available resources. As a temporary visitor to the U.S., it is important that you are aware of your rights, as well as protections and resources available when you come to work or study here. Before your interview, review the Nonimmigrant Rights, Protections and Resources pamphlet and learn about additional information on our [webpage](#).

The U.S. Government considers "involuntary servitude" of domestic workers, as defined under the Trafficking Victims Protection Act (TVPA), to be a severe form of trafficking in persons (TIP) and a serious criminal offense. Victims of involuntary servitude are offered protection under the TVPA. "The term 'involuntary servitude' includes a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraints, or the abuse or threatened abuse of the legal process." While in the U.S., domestic workers are advised that the telephone number for police and emergency services is 911, and that the U.S. Government maintains a telephone hotline for reporting abuse of domestic employees and other TIP-related crimes, 1-888-373-7888.

### **Additional Information**

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- No assurances regarding the issuance of visas can be given in advance. Therefore final travel plans or the purchase of nonrefundable tickets should not be made until a visa has been issued.
- Unless previously canceled, a visa is valid until its expiration date. Therefore, if the traveler has a valid U.S. visitor visa in an expired passport, do not remove the visa page from the expired passport. You may use it along with a new valid passport for travel and admission to the United States.

### **Misrepresentation of Material Facts or Fraud**

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Attempting to obtain a visa by the willful misrepresentation of a material fact, or fraud, may result in the permanent refusal of a visa or denial of entry into the United States. [Classes of Aliens Ineligible to Receive Visas](#) provides important information about ineligibilities.

### **Entering the U.S. - Port of Entry**

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Applicants should be aware that a visa does not guarantee entry into the United States. The visa allows a foreign citizen to travel to a port of entry in the United States, such as an international

airport, a seaport or a land border crossing, and request permission to enter the U.S. Immigration inspectors with the Department of Homeland Security's, Customs and Border Protection (CBP), will permit or deny admission to the United States, and determine the permitted length of stay in the U.S., on any particular visit. Visa holders whose visas indicate port of entry restrictions are responsible for paying close attention to those restrictions, and risk being refused entry if they attempt to enter the United States at a port of entry that has not been authorized. In advance of travel, prospective travelers should review important information about [Admissions/Entry](#) requirements, as well as information related to restrictions about [bringing food](#), [agricultural products](#) or other [restricted/prohibited goods](#) explained on the Department of Homeland Security, Customs and Border Protection website. Upon arrival, A-3 visa holders will have biometric data collected by the [Department of Homeland Security](#) (previously known as the US-VISIT program). A-1 and A-2 visa holders are exempt. If allowed to enter, the CBP official will authorize the traveler's admission to the U.S.

**Notice: New Electronic I-94 Process** - A new electronic I-94 process at air and sea ports of entry was fully implemented by May 25, 2013. Under the new CBP process, a CBP officer will provide each admitted nonimmigrant traveler with an admission stamp on their passport. CBP will no longer issue a paper Form I-94 upon entry to the U.S., with some exceptions. [Learn more](#) on the CBP website.

If you are issued a paper Form I-94, this will document your authorized stay in the U.S. and note the length of stay permitted; it is very important to keep the paper Form I-94 in your passport.

### Further Visa Inquiries

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- Questions on visa application procedures and visa ineligibilities should be made to the U.S. consular office abroad by the applicant. Before submitting your inquiry, we request that you carefully review this website and also the Embassy consular web site abroad. Very often you will find the information you need.
- If your inquiry concerns a visa case in progress overseas, you should first contact the U.S. Embassy or Consulate handling your case for status information. Select [U.S. Embassy or Consulate](#), and you can choose the Embassy or Consulate Internet site you need to contact.

### Frequently Asked Questions

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Select [Frequently Asked Questions](#) to learn more.

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## Exhibit C

## **9 FAM 41.21 NOTES**

*(CT:VISA-2023; 09-23-2013)  
(Office of Origin: CA/VO/L/R)*

### **9 FAM 41.21 N1 EXEMPTIONS FROM INELIGIBILITY PROVISIONS**

#### **9 FAM 41.21 N1.1 Exemptions for A-1 Class**

*(TL:VISA-320; 09-27-2001)*

- a. In exempting class A-1 foreign government officials from the provisions of the Immigration and Nationality Act (INA) relating to aliens ineligible to receive visas, the Congress acted on the assumption that to do otherwise might infringe upon the constitutional prerogative of the President to receive ambassadors and other public ministers (Article II, Section 3 of the Constitution). The legislative history underlying the distinctions made in the INA between A-1 and A-2 classes of foreign government officials offers some assistance in determining legislative intent. Committee Report No. 1365 which accompanied House Report No. 5678, 82nd Congress contains the following paragraph on page 34.
- b. Ambassadors, public ministers, and career diplomatic and consular officers who have been accredited by foreign governments recognized de jure by the United States and accepted by the President or the Secretary of State, and members of their immediate families, are exempted from all provisions relating to the exclusion and deportation of aliens generally, except those provisions relating to reasonable requirements of passport and visas as means of identification and documentation. In view of constitutional limitations, such aliens may be excluded on grounds of public safety only under such regulations as may be deemed necessary by the President.

#### **9 FAM 41.21 N1.2 Absence of Presidential Directive**

*(CT:VISA-1437; 06-02-2010)*

The President has not issued a directive to date applying the provisions of INA 212(a)(3)(A) (8 U.S.C. 1182(a)(3)(A)), (3)(B), and (3)(C) to aliens within the A-1 classification. (See INA 102(1)) (8 U.S.C. 1102(1)).



## **9 FAM 41.21 N2 ISSUING CERTAIN VISAS UPON APPROPRIATE REQUEST**

*(CT:VISA-1237; 07-01-2009)*

Ordinarily, you may issue a visa in the A, C-2, C-3, G, or North Atlantic Treaty Organization (NATO) categories only upon receipt of a note from the appropriate foreign office, mission, international organization, or NATO authority. Under unusual circumstances, if you issue a visa upon the oral request of a competent foreign authority, you make a note in the nonimmigrant visa (NIV) system regarding the request (e.g., name and position of requester, date of request, etc.). You should also solicit a written confirmation from the appropriate foreign office, mission, international organization, or NATO authority.

## **9 FAM 41.21 N3 WAIVER OF PERSONAL APPEARANCE AND FILING OF VISA APPLICATIONS**

*(CT:VISA-1300; 09-16-2009)*

Under the provisions of 22 CFR 41.102(a)(2) and (b)(3), you are authorized to waive personal appearances for A-1, A-2, C-2, C-3, G-1, G-2, G-3, G-4, and NATO 1-6 aliens and applicants for diplomatic or official visas. However, in such cases, pursuant to 22 CFR 41.103(a)(3) even if a personal appearance of a visa applicant is waived, the filing of an application is not waived.

## **9 FAM 41.21 N4 ALIENS OF CLASSES A AND G ON ASSIGNMENTS OF LESS THAN 90 DAYS**

*(CT:VISA-917; 11-29-2007)*

Posts are to enter Temporary Duty ("TDY") in the annotation field of a machine readable visa (MRV) issued to the recipient of an A or G visa who is coming to the United States for assignments of less than 90 days. The request for an A or G visa must clearly specify that the official is coming for a temporary assignment of less than 90 days. Absent this information, you are to seek clarification about the length of the assignment from the authorities concerned.

## **9 FAM 41.21 N5 MEMBERS OF IMMEDIATE FAMILY OF FOREIGN OFFICIALS**

## **9 FAM 41.21 N5.1 "Immediate Family"**

### **9 FAM 41.21 N5.1-1 Spouse and Unmarried Sons and Daughters**

*(CT:VISA-1437; 06-02-2010)*

The term "immediate family" includes the spouse and unmarried legal sons and daughters of any age of the principal alien. Such legal sons and daughters need not previously have qualified as a "child" as defined in INA 101(b)(1) (8 U.S.C. 1101(b)(1)).

### **9 FAM 41.21 N5.1-2 Other Members of Principal Alien's Household**

*(CT:VISA-1437; 06-02-2010)*

- a. The term "immediate family" may also include, upon individual authorization from the Department (see 9 FAM 41.21 N5.2, paragraph c), any other alien who will reside regularly in the household of the principal alien, is not a member of some other household, and is recognized as an immediate family member of the principal alien by the sending Government or International Organization, as demonstrated by eligibility for rights and benefits such as the issuance of a diplomatic or official passport or other similar documentation, or travel or other allowances. Aliens who may qualify for immediate family status on this basis include: any other relative, by blood, marriage, or adoption, of the principal alien or spouse; a domestic partner; and a relative by blood, marriage, or adoption of the domestic partner. The term "domestic partner" for the purpose of this section means a same-sex domestic partner.
- b. Before you issue a derivative visa in an A or G classification other than G-4 to a domestic partner, you must confirm that the sending state would provide reciprocal treatment to domestic partners of U.S. Mission members. Individuals who do not qualify as immediate family, as described above, may otherwise potentially qualify for a B-2 visa (see, e.g., 9 FAM 40.101 N4 and 9 FAM 41.31 N14.4). In any request for an advisory opinion (AO) (per 9 FAM 41.21 N5.2 paragraph c) for an individual case involving significant foreign policy issues or public interest, address how the policy issues or public interest relate to the visa case.

### **9 FAM 41.21 N5.2 Aliens Who are Members of Some Other Household**

*(CT:VISA-1386; 12-11-2009)*

- a. An alien who has been a member of a household other than the household of the principal alien would not normally be included within the "immediate family"

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of the principal alien as that term is defined in 22 CFR 41.21(a)(3), regardless of other circumstances. Thus a nephew of college age who has resided in the household of the principal alien's sister and brother-in-law would not qualify as an immediate relative of the principal alien simply to join the principal alien's household with the intention of attending college in the United States. F-1 classification under sponsorship of the principal alien might be appropriate in such a situation.

- b. However, the fact that an alien has been, even in the recent past, a member of some other household does not preclude a finding that, at the time of application for a visa, the applicant is a member of the household of the principal alien. For example, a recently widowed, divorced or aging parent may have closed a former household with the intention of becoming part of the principal alien's household. This could also occur because, due to advanced age or infirmity, the parent has experienced significant difficulty in maintaining his or her own household. The test in adjudicating these cases is whether the applicant, for reasons of age, health, or change in circumstances, has a compelling reason to join the household of the principal alien rather than maintain or reestablish an independent household.
- c. You may consider "immediate family" status to be individually authorized by the Department of State in accordance with 22 CFR 41.21(a)(3)(iv) in all cases in which you have made a favorable determination on the alien's application provided that, in the case of a domestic partner, you have confirmed that the sending state would provide reciprocal treatment to domestic partners of U.S. Mission members, and provided that in your judgment no significant foreign policy issues or public interest exists. If you are unable to confirm reciprocal treatment or if significant foreign policy issues or public interest exist, you must refer the case to the Department (CA/VO/L/A) for an advisory opinion (AO).

### **9 FAM 41.21 N5.3 Aliens Who Will Reside Regularly in Household of Principal Alien**

*(TL:VISA-2; 08-30-1987)*

An alien may be held to reside regularly in the household of the principal alien even though actually absent from the household for a large part of the year while attending a boarding school or college.

### **9 FAM 41.21 N5.4 Immediate Family of Foreign Official Who Has Requested Status of Permanent Resident**

*(CT:VISA-1437; 06-02-2010)*

An alien who is a member of the immediate family of a principal alien classifiable as A-1, A-2, G-1, G-2, G-3, or G-4 may receive that classification even when the principal alien has requested permission to obtain or retain the status of

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permanent resident under INA 247(b) (8 U.S.C. 1257(b)). The principal alien must have waived his and/or her rights, privileges, exemptions, and immunities.

## 9 FAM 41.21 N6 ALIENS ENTITLED TO A-3, G-5, OR NATO-7 CLASSIFICATION

*(CT:VISA-2023; 09-23-2013)*

You may issue an A-3, G-5, or NATO-7 visa to the personal employee of an alien of a foreign mission in the United States in the A-1 or A-2 category (A-3 visa), G-1 through G-4 category (G-5 visa), or NATO-1 through NATO-6 category (NATO-7 visa) if the applicant qualifies for the visa classification, the contract meets the requirements set out in N6.4 below, you ensure that the applicant is aware of rights set out in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (WWTVPRA) pamphlet notifications (see 9 FAM 41.21 N6.8), and each of the following are met:

- (1) The diplomat or official employing the alien is in "A", "G", or "NATO" visa status, or received an A, G, or NATO visa and will be traveling with the domestic employee to take up a new diplomatic assignment;
- (2) The foreign mission or international organization submitted the necessary "Pre-Notification of a Domestic Worker" form to the Office of Protocol (DomesticWorkers@state.gov), where applicable;
- (3) The applicant has been entered into The Office of Foreign Missions Information System (TOMIS) and shows as "pending", for new proposed employees, or "active" for renewing A-3 or G-5 employees continuing to work for the same employer. All family members accompanying or following to join the domestic employee also must be pre-notified to Protocol, and if not included in the domestic employee's initial pre-notification request, need to be separately pre-notified to Protocol before visa issuance. Their names will be listed, once accepted and entered by Protocol, under the A-3 or G-5 principal's record in TOMIS.
  - (a) TOMIS is available in the Consular Consolidated Database (CCD) under the "Other Agencies/Bureaus" menu. To find a record in TOMIS, you may search by surname and either given name, nationality, visa, or country/organization; or with an eight-digit Personal Identification Number (PIN), if available, which is issued to each person registered with Protocol. If the employer is listed in TOMIS as active, but the personal employee does not show under that employer's "private servants" listing, refuse the case under INA 221(g) pending the employee's inclusion in TOMIS. Protocol will not notify post of a new "Pre-Notification of a Domestic Worker," so post must check periodically in TOMIS to see if the employee has been added. A "pending" entry indicates that Protocol has accepted and data-entered

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the pre-notification, and post may continue processing the case to conclusion. The record will be updated to "active" after the A-3 or G-5 visa holder enters the United States and Protocol is notified of his or her entry on duty by the diplomatic mission or international organization.

- (b) You must wait until the pre-notification is accepted and entered by Protocol, and may not issue A-3 and G-5 visas upon mere presentation of a diplomatic note (see TDY exceptions in NOTE below), and also may not issue B-1 visas to allow a diplomat's domestic employee to travel on an "emergency" basis. It generally takes Protocol several days to review and enter pre-notifications into TOMIS. If the employer or applicant advises that the diplomatic mission or international organization sent a pre-notification request more than a week earlier, and it still is not showing in TOMIS, contact CA/VO/F/P or CA/VO/P/D. CA/VO will check with Protocol to see if there are technical problems or more serious problems which prevent Protocol from accepting the pre-notification, for example, complaints of abuse against the employer by previous A-3 or G-5 employees.

NOTE: The requirements for pre-notification and a TOMIS record for an A-3 or G-5 applicant do not apply in instances where the employee is on a temporary assignment of less than 90 days or for NATO-7 applicants. In such cases, please see annotation instructions in 9 FAM 41.113 PN12.2. However, if you receive an A-3 or NATO-7 application from a domestic employee planning to work for more than 90 days for an A-2 foreign military or NATO visa holders, request guidance from CA/VO/L/A (or CA/VO/P/D or CA/VO/F/P) before issuing the visa.

### **9 FAM 41.21 N6.1 Personal Employees of Aliens in Permanent Resident Status Not Eligible for A-3, G-5, or NATO-7 Classification**

*(CT:VISA-2023; 09-23-2013)*

An alien in A, G, or NATO status, who acquires or retains permanent resident status as provided in INA 247(b) (8 U.S.C. 1257(b)) or in 22 CFR 40.203 may not have in his or her employ a personal employee in the A-3, G-5, or NATO-7 classification. The employee of such an alien must qualify for and obtain an H-2B nonimmigrant visa (NIV) or an immigrant visa (IV) for the purpose of working for the employer.

### **9 FAM 41.21 N6.2 Qualifying for A-3, G-5, or NATO-7 Visa**

*(CT:VISA-2023; 09-23-2013)*

- a. In order to benefit from A-3, G-5, or NATO-7 status, the alien must be coming



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to the United States to perform a specific job, and must be capable of doing so, regardless of whether the alien has ever performed such a job in the past. For example, an alien with a degree in computer science who is coming to work as a domestic employee may be issued an A-3, G-5, or NATO-7 visa if he or she clearly has the intent and ability to perform the job. However, if a consular officer believes that an applicant is presented as a domestic employee for someone in A, G, or NATO status, but will actually work as a computer consultant for a private company, then the A-3, G-5, or NATO-7 visa should be denied. The alien should be found ineligible under INA 214(b) (8 U.S.C. 1184(b)), as he or she has not established his or her eligibility in any nonimmigrant visa (NIV) category. Such an applicant may also be subject to a finding of ineligibility under INA 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)). Similarly, an A-3, G-5, or NATO-7 visa applicant who has recently resided illegally in the United States, or who may have previously sought another visa status and was refused under INA 214(b) (8 U.S.C. 1184(b)), and who appears to be using the A-3, G-5, or NATO-7 application to evade U.S. immigration requirements, should be carefully scrutinized to determine whether he or she actually intends to take up the stated employment; however, the previous illegal status and change to A-3, G-5, or NATO-7 status is not a basis in itself for refusal if you believe the applicant plans to take up the stated employment.

- b. You may not issue or renew an A-3, G-5, or NATO-7 visa unless the visa applicant has executed a contract with the employer or prospective employer containing detailed provisions described below (See 9 FAM 41.21 N6.4). You must conduct a personal interview with the applicant outside the presence of the employer or any recruitment agent.
- c. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (WWTVPRA) (Public Law 110-457) requires you to ensure that an individual applying for an A-3, G-5, or NATO-7 visa is made aware of his or her legal rights under Federal immigration, labor, and employment laws. This includes information on the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States. At the time of the visa interview, you must confirm that a pamphlet (described in 9 FAM 41.21 N6.8) has been received, read, and understood by the applicant. You are also required to review the contents of the mandatory employment contract, as described in 9 FAM 41.22 N6.4, with the applicant.
- d. A-3, G-5, and NATO-7 applicants are subject to all ineligibilities under INA 212(a) (8 U.S.C. 1182(a)), as well as INA 222(g) (8 U.S.C. 1202(g)). Consular officers are reminded that A, G, and NATO visa applicants meet the requirements of INA 214(b) ( by establishing entitlement to such nonimmigrant status. They do not need to demonstrate that they:
  - (1) Are not intending immigrants;
  - (2) Have a residence abroad they do not intend to abandon; or
  - (3) Have compelling ties outside the United States.

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## **9 FAM 41.21 N6.3 Key Questions to be Addressed in A-3, G-5, and NATO-7 Applications**

*(CT:VISA-2023; 09-23-2013)*

- a. Several key questions should be addressed by the consular officer in cases involving A-3, G-5, and NATO-7 applicants:
  - (1) Is the applicant capable of performing the work required?;
  - (2) Are the parties concerned entering into a true employee and/or employer relationship for a reasonable period of time? i.e., can it be reasonably assumed that the applicant's background, education skills, employment history, or relationship to the prospective employer will not preclude the parties from entering into a "true" employee and/or employer relationship? . In particular, you should consider whether this requirement is met in cases where officials are employing family members;
  - (3) Is the applicant otherwise fully qualified? (See 9 FAM 41.212 N6.4.);
  - (4) Will the applicant receive a fair wage by U.S. and Department standards? All full-time, live-in domestic employees must be paid the greater of the prevailing or minimum wage per hour under U.S. Federal and state law, and in the jurisdiction which the domestic will be employed, for all hours on duty. Live-in domestics must receive free room and board in addition to their salary. No deductions are allowed from the domestic worker's salary for lodging, medical care, medical insurance, travel, or meals. Although the employer is not required to pay for medical insurance, the employer is responsible for ensuring that the employee does not become a public charge while in his or her employ. ; and,
  - (5) Does the contract address all of the stipulated necessary minimum provisions outlined in 9 FAM 41.21 N6.4 below?
- b. Provided the answer to each question above is "yes," and the applicant is not inadmissible on independent grounds of the INA, an A-3, G-5, or NATO-7 visa should be issued. Otherwise, the applicant should be denied the visa under INA 214(b) (8 U.S.C. 1184(b)) and/or any other appropriate section of the INA. Additionally, if a particular A-3, G-5, or NATO-7 application raises fraud concerns, refer the case to the Department for further verification.

## **9 FAM 41.21 N6.4 Salary, Contracts, and Employer Obligations**

*(CT:VISA-2023; 09-23-2013)*

- a. A-3, G-5, and NATO-7 employees are covered by the Fair Labor Standards Act (FLSA). In each case, you must request the employer to provide a contract, in both English and a language understood by the employee, to demonstrate that the employee will receive a fair wage, and that the employee understands his

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or her duties and rights regarding salary and working conditions. In each case, an employee applying for an A-3, G-5, or NATO-7 visa must present a copy of the employment contract, in both English and (if the applicant does not understand English) a language understood by the applicant, that has been signed by both the applicant and the employer. Post must scan the employment contract and attach the scanned document to the application record in NIV.

b. The contract must contain the following provisions:

- (1) Description of Duties. The contract must describe the work to be performed, e.g., housekeeping, gardening, child care, and also must include a statement that the domestic employee shall work only for the employer who signed the contract and will not accept any other employment while working for the employer.
- (2) Hours of Work. The contract must state the time of the normal working hours and the number of hours per week. It is generally expected that domestic workers will be required to work 35-40 hours per week. It also must state that the domestic employee will be provided a minimum of one full day off each week. The contract must indicate the number of paid holidays, sick days, and vacation days the domestic employee will be provided.
- (3) Minimum Wage. The contract must state the hourly wage to be paid to the domestic employee. The rate must be the greater of the minimum wage under U.S. Federal and state law, or the prevailing wage for all working hours. Information on the prevailing wage statistics by occupation and metropolitan area is available on the Department of Labor's Online Wage Library & Data Center website.

The contract must state that wages will be paid to the domestic employee either weekly or biweekly and also state what deductions are to be taken from the wages. As of March 2011, the Department determined that no deductions are allowed for lodging, medical care, medical insurance, or travel. As of April 2012, deductions taken for meals are also no longer allowed.

- (4) Overtime Work. The contract must state that any hours worked in excess of the normal number of hours worked per week are considered overtime hours, and that hours in which the employee is "on call" count as work hours. It also must state that such work must be paid as required by U.S. local laws.

NOTE: Under Federal law, the rate of overtime pay need not exceed the regular hourly rate if the employee resides in the home of the employer, but State law governing overtime rates also applies and must be checked. If the employee does not reside with the employer, overtime for hours in excess of 40 hours per week must be paid at the rate of time and a half.



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- (5) Payment. The contract must state that after the first 90 days of employment, all wage payments must be made by check or by electronic transfer to the domestic worker's bank account. Neither Mission members nor their family members should have access to domestic workers' bank accounts. In addition, the Department requires that the employer retain records of employment and payment for three years after the termination of the employment in order to address any complaints that may subsequently arise further, the bank account must be in the United States so that domestic workers may readily access and utilize their wages.
  - (6) Transportation to and from the United States. The contract must state that the domestic employee will be provided with transportation to and from the United States.
  - (7) Other Required Terms of Employment. The contract must state that the employer agrees to abide by all Federal, State, and local laws in the United States. The contract also must include a statement that the domestic worker's passport and visa will be in the sole possession of the domestic worker. In addition, the contract must state that a copy of the contract and other personal property of the domestic employee will not be withheld by the employer for any reason. The contract must include a statement that the domestic worker's presence in the employer's residence will not be required except during working hours.
  - (8) Other Recommended Terms of Employment. The contract may include additional agreed-upon terms of employment, if any, provided they are fully consistent with all U.S. Federal, State, and local laws. Any modification to the contract must be in writing.
- c. You may encounter applications where the applicant does not submit a contract, the contract does not guarantee a fair wage or working conditions, or you have evidence that the employer will not comply with the conditions specified in the contract. In such cases, you should refuse the application under either INA 214(b) (8 U.S.C. 1184(b)), because the applicant has not shown entitlement to A, G, or NATO nonimmigrant status, or under INA 221(g) (8 U.S.C. 1201(g)), because the alien has failed to submit a required document. If the agreed wage falls below the minimum or prevailing wage you should refuse the application pursuant to INA 214(b) (8 U.S.C. 1184(b)). You may refuse visas for A-3, G-5, or NATO-7 applicants under any appropriate provision of law. If you routinely encounter A-3, G-5, or NATO-7 applications that do not meet fair wage standards, contact CA/VO/L/A for assistance.
- d. In accordance with INA 291 (8 U.S.C. 1361), the burden of proof for A-3, G-5, or NATO-7 eligibility is on the applicant. You must assess the credibility of the applicant and the evidence submitted to determine qualification for an A-3, G-5, or NATO-7. The applicant must satisfy you that he or she will credibly engage in A-3, G-5, or NATO-7 activity under the contractual thereby maintain lawful status.

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- e. Do not issue a visa unless you can reasonably conclude that the employer will in fact provide the employee with the required wages and working conditions. You may presume that the applicant is not eligible if the employer does not carry the diplomatic rank of Minister or higher, or a position equivalent to Minister or higher. To rebut this presumption, the employer must demonstrate that he or she will have sufficient funds to comply with the FLSA and Department standards, as reflected in the contract. You must deny the visa if you are not convinced the employer can in fact meet the terms of the contract. Consideration also must be given to the number of employees a particular employer may reasonably be able to pay. Note that this presumption applies in all cases in which the applicant's employer is an employee of an international organization classifiable as G-4, and it therefore will be necessary for the employer to demonstrate that he or she has sufficient funds to provide the required wages and working conditions, as such employer and position would never be of the rank of Minister or higher.
- f. If an employer has had previous instances of non-compliance with contracts with A-3, G-5, or NATO-7 employees or has a pattern of employee disappearance or credible abuse allegations, you may presume that the applicant is not eligible for the visa and refuse the application (see paragraph d above). To rebut this presumption, the employer and the visa applicant would have to convince you that such an outcome is unlikely to reoccur; for example, by the employer establishing that he or she reasonably expected that previous employees would remain in A-3, G-5, or NATO-7 status, rather than suddenly cease working in the household and remain unlawfully in the United States; that the disappearances of the former employees were promptly reported; by presenting evidence establishing that the employer and the visa applicant intend to fulfill the provisions of the contract and enter into a bona fide employer-employee relationship; and that the applicant intends to maintain A-3, G-5, or NATO-7 visa status while in the United States. The burden of proof remains on the applicant and the employer to establish eligibility and future compliance with all requirements.

### **9 FAM 41.21 N6.5 A-3, G-5, and NATO-7 Domestic Worker Principal Applicants Under the Age of 18**

*(CT:VISA-2023; 09-23-2013)*

Posts must obtain an advisory opinion (AO) from CA/VO/L/A before issuing an A-3, G-5, or NATO-7 visa to a domestic worker principal applicant under the age of 18.

### **9 FAM 41.21 N6.6 Refusals and Advisory Opinions (AO)**

*(CT:VISA-2023; 09-23-2013)*

Posts are not required to obtain an advisory opinion before refusing an A-3, G-5, or NATO-7 visa application under INA 214(b) in cases where the applicant does

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not intend to take up the position, or where a contract is not provided in accordance with the consular officer's request. Consular officers may not, however, refuse an A-3, G-5, or NATO-7 visa applicant under INA 214(b) who meets the qualifications for A-3, G-5, or NATO-7 status, but whom the consular officer believes is an intending immigrant. Posts should not hesitate to seek the Visa Office's advice in questions of eligibility. In addition, posts should report by cable to the Department any denials in the 'A,' 'G' or 'NATO' category which are likely to prompt inquiries or complaints from the applicant's host government. These cabled reports should be slugged for the Office of the Chief of Protocol (S/CPR) and the Office of Foreign Missions (DS/OFM) in addition to the following Visa Office (CA/VO) addressees: CA/VO/L/A and CA/VO/F/P.

### **9 FAM 41.21 N6.7 Endorsing A-3, G-5, and NATO-7 Visas**

*(CT:VISA-2023; 09-23-2013)*

Posts are to endorse A-3, G-5, and NATO-7 visas issued to attendants, servants, and personal employees of aliens classified A-1 or A-2 (A-3 visa), G-1 through G-4 (G-5 visa), or NATO-1 through NATO-6 (NATO-7 visa). The notation is to be placed in the annotation field of the MRV and is to contain the name of the principal alien and his place of employment. For example:

John Doe, Embassy of Z,  
Washington, DC

### **9 FAM 41.21 N6.8 Information Pamphlet on Legal Rights of A-3, G-5, NATO-7, H, J, and Domestic Employees**

*(CT:VISA-2023; 09-23-2013)*

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (WWTVPRA) requires the Secretary of State, in consultation with the Secretary of Homeland Security, the Attorney General, and the Secretary of Labor, to hand out an information pamphlet on legal rights and available resources to aliens applying for A-3, G-5, H, or J visas, as well as to any personal or domestic servant (such as B-1 domestic or NATO-7) who is accompanying or following to join an employer.

#### **9 FAM 41.21 N6.8-1 Contents of Information Pamphlet**

*(CT:VISA-2023; 09-23-2013)*

- a. The contents of the information pamphlet, "For Certain Employment or Education-Based Nonimmigrants," include a discussion of procedural issues, legal rights, and available legal resources concerning items such as:
  - (1) The nonimmigrant visa (NIV) application process, including information

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about the portability of employment;

- (2) The legal rights of employment- or education-based NIV holders under Federal immigration, labor, and employment laws;
  - (3) The illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States;
  - (4) The legal rights of immigrant victims of trafficking in persons and worker exploitation, including:
    - (a) The right of access to immigrant and labor rights groups;
    - (b) The right to seek redress in United States courts;
    - (c) The right to report abuse without retaliation;
    - (d) The right of the nonimmigrant not to relinquish possession of his or her passport to his or her employer;
    - (e) The requirement for an employment contract between the employer and the nonimmigrant; and
    - (f) An explanation of the rights and protections included in the mandatory employment contract.
  - (5) Information about nongovernmental organizations that provide services for victims of trafficking in persons and worker exploitation, including:
    - (a) Anti-trafficking in persons telephone hotlines operated by the Federal Government;
    - (b) The Operation Rescue and Restore hotline; and
    - (c) A general description of the types of victims' services available for individuals subject to trafficking in persons or worker exploitation.
- b. The pamphlet has been translated into certain foreign languages, based on the languages spoken by the greatest concentration of employment- and education-based NIV applicants. The pamphlet is posted on the Department of State's travel information Web site and must be posted, in English and any relevant local language that the pamphlet has been translated into, on the Web site of every consular post.

**9 FAM 41.21 N6.8-2 Consular Officer Responsibilities Under the William Wilberforce Trafficking Victims Protection Act (WWTVPRA)**

*(CT:VISA-2023; 09-23-2013)*

- a. The WWTVPRA requires you to ensure that aliens applying for A-3, G-5, H, or J visas or a personal or domestic servant accompanying or following to join an employer (such as B-1 domestic or NATO-7), are made aware of their legal rights under Federal immigration, labor, and employment laws. This includes

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information on the illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States. At the time of the NIV interview, you must confirm that a pamphlet prepared by the Department detailing this information has been received, read, and understood by the applicant. Consular officers must add a mandatory case note in the NIV system stating that the pamphlet was provided and that the applicant indicated s/he understood its contents.

- (1) Consular officers must confirm that the alien has received, read, and understood the contents of the information pamphlet, and to offer to answer any questions the alien may have regarding the contents of the pamphlet; or
- (2) If the pamphlet was not received, read, or understood, to provide a copy to the applicant and orally disclose its contents in a language that the applicant understands, and offer to answer any questions that the applicant may have regarding information contained in the pamphlet, as well as information described below regarding legal rights, U.S. law, and victim services. Such an oral disclosure should include:
  - (a) The legal rights of employment-based nonimmigrants under Federal immigration, labor, and employment laws;
  - (b) The illegality of slavery, peonage, trafficking in persons, sexual assault, extortion, blackmail, and worker exploitation in the United States;
  - (c) The legal rights of nonimmigrant victims of trafficking in persons, worker exploitation, and other related crimes, including:
    - (i) The right of access to immigrant and labor rights groups;
    - (ii) The right to seek redress in United States courts; and
    - (iii) The right to report abuse without retaliation; and
  - (d) The availability of services for victims of human trafficking and worker exploitation in the United States, including victim services complaint hotlines.
- b. All applicants for A-3, G-5, or NATO-7 visas must be interviewed, regardless of whether the applicant has been issued a previous visa in the same classification to work for the same employer. The interview of an A-3, G-5, or NATO-7 applicant must be conducted outside the presence of the employer or recruitment agent.

Note: No interview is required when the A-3, G-5 or NATO-7 applies to extend his/her stay (I-94) domestically. However, the employee must provide a copy of the contact with the application for extension of stay. The contract should be reviewed for compliance and scanned into the record.

## 9 FAM 41.21 N6.9 Suspension of Processing of A-3 and

## **G-5 Applications from Certain Foreign Missions and International Organizations**

*(CT:VISA-2023; 09-23-2013)*

- a. The Secretary of State shall suspend, for such period as the Secretary determines necessary, the issuance of A-3 visas or G-5 visas to applicants seeking to work for officials of a diplomatic mission or an international organization, if the Secretary determines that there is credible evidence that one or more employees of such mission or international organization have abused or exploited one or more nonimmigrants holding an A-3 visa or a G-5 visa, and that the diplomatic mission or international organization tolerated such actions.
- b. The Secretary may suspend the application of the limitation under paragraph (a) if the Secretary determines and reports to the appropriate Congressional committees that a mechanism is in place to ensure that such abuse or exploitation does not reoccur with respect to any alien employed by an employee of such mission or institution.
- c. All visa processing posts will be advised when the Secretary has determined that A-3 or G-5 visa processing should be suspended for a specific diplomatic mission or international organization.

## **9 FAM 41.21 N7 DESIGNATED PORTS OF ENTRY (POE) FOR CERTAIN DIPLOMATIC AND INTERNATIONAL ORGANIZATION PERSONNEL**

*(CT:VISA-907; 10-11-2007)*

See Visa Reciprocity and Country Documents Finder under country concerned.

## **9 FAM 41.21 N8 REQUIRING SECURITY ADVISORY OPINION (SAO) IN CERTAIN CASES**

*(CT:VISA-907; 10-11-2007)*

See Visa Reciprocity and Country Documents Finder for country specific guidance.

## **9 FAM 41.21 N9 VALIDITY OF A-3 AND G-5 VISAS**

*(CT:VISA-1237; 07-01-2009)*

See 9 FAM 41.112 N2.6.



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**9 FAM 41.21 N10 CLASSIFYING SPOUSE AND  
CHILD OF A, G, OR NATO ALIEN**

*(TL:VISA-320; 09-27-2001)*

See 9 FAM 41.11 N4 and 9 FAM 41.11 N5.

## **9 FAM 41.22 NOTES**

*(CT:VISA-2028; 09-26-2013)*  
*(Office of Origin: CA/VO/L/R)*

### **9 FAM 41.22 N1 ALIENS ENTITLED TO A-1 CLASSIFICATION**

*(TL:VISA-14; 08-30-1988)*

The following aliens are entitled to A-1 nonimmigrant classification under INA 101(a)(15)(A).

#### **9 FAM 41.22 N1.1 Alien Accredited by Foreign Government as Officer at Diplomatic or Consular Post**

*(CT:VISA-1038; 09-25-2008)*

- a. An alien duly accredited by a foreign government recognized de jure by the United States as an officer of a permanent diplomatic mission or consular post established in the United States with the consent of the Department, who seeks to enter the United States solely for the purpose of performing duties appropriately performed by such an officer. (Officers of diplomatic missions usually have the title of "Ambassador," "Minister," "Counselor," "Secretary," or "Attaché" such as military, commercial, financial, agriculture, or scientific; and those of consular posts, "Consul General," "Consul," or "Vice Consul.") (See 9 FAM 41.22 N5 of this section regarding "Honorary Consul.")
- b. De jure recognition is not synonymous with diplomatic relations, and de jure recognition may continue even though diplomatic relations have been severed. Consequently, an A-1 visa may be issued to an alien who seeks to enter the United States for the purpose of performing official duties for a government which has severed diplomatic relations with the United States, provided that:
  - (1) The United States has recognized that government de jure prior to severance of diplomatic relations;
  - (2) There is a continuing status of de jure recognition; and
  - (3) There is a reciprocal exchange of representatives between the United States and that government. An A-1 classification for such an alien is warranted even if, owing to the absence of diplomatic relations, the individual will function under the aegis of the embassy of a third country protecting power.



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**9 FAM 41.22 N1.2 Alien Head of State or Government**

*(TL:VISA-14; 08-30-1988)*

An alien holding the position of head of state or head of government in a government recognized de jure by the United States.

**9 FAM 41.22 N1.3 Certain Alien Officials of Foreign Governments**

*(TL:VISA-14; 08-30-1988)*

An alien seeking to enter the United States to perform official duties for a government recognized de jure by the United States who holds any of the following positions in that government:

- (1) A position corresponding to that of a member of the U.S. Cabinet;
- (2) The presiding officer of a national legislative body; or
- (3) A member of the highest judicial tribunal.

**9 FAM 41.22 N1.4 Family Member of Alien Classifiable A-1**

*(TL:VISA-320; 09-27-2001)*

See 22 CFR 41.21(a)(3).

**9 FAM 41.22 N1.5 Career Courier**

*(TL:VISA-520; 02-11-2003)*

See 22 CFR 41.22(h)(1).

**9 FAM 41.22 N2 ALIENS ENTITLED TO A-2 CLASSIFICATION**

*(CT:VISA-1438; 06-02-2010)*

The following aliens are entitled to A-2 nonimmigrant classification under INA 101(a)(15)(A) (8 U.S.C. 1101(a)(15)(A)).

## **9 FAM 41.22 N2.1 Alien Accredited by Foreign Government as Employee at Diplomatic or Consular Post**

*(TL:VISA-14; 08-30-1988)*

An alien duly accredited by a foreign government recognized de jure by the United States who seeks to enter the United States solely to serve as a full-time employee of a permanent diplomatic mission or consular post established in the United States by that government, who is not within any of the categories entitled to A-1 classification, and whose duties are those normally performed by employees of permanent diplomatic missions or consular posts established in the United States.

## **9 FAM 41.22 N2.2 Alien Seeking to Perform Official Duties for Foreign Government**

*(CT:VISA-2023; 09-23-2013)*

- a. An alien holding an official position with a foreign government recognized de jure by the United States who seeks to enter the United States pursuant to orders or instructions from such government, solely to perform duties or services for that government (including participation in an international meeting or conference other than one convened by or under the auspices of an international organization, held in the United States) which, in the view of the Department, are official in nature. (See 9 FAM 41.24 N1 and 9 FAM 41.24 N2 for classification of aliens attending meetings or conferences convened by or under the auspices of an international organization.)
- b. In accordance with the above provisions, foreign government officials and law enforcement personnel coming to the United States under sponsorship of the foreign government for training by Diplomatic Security's Office of Antiterrorism Training Assistance (DS/ATA) shall be accorded A-2 visas. As the training program is less than 90 days, the visa should include the required "TDY" designation per 9 FAM 41.21 PN5.1. (See 9 FAM 41.21 PN5.2 for guidance on annotating the "ATA" visas.)
- c. Under the "90-day-rule," foreign government officials coming to the United States for 90 days or more should only be issued A-2 visas if they are coming to work at an embassy, consulate, or miscellaneous foreign government office in the United States. One exception to the rule is for personnel of foreign armed forces for education or training in accordance with 9 FAM 41.22 N2.5. You may also issue an A-2 visa to a foreign government official who otherwise qualifies and is coming to work at a U.S. Government agency on behalf of a foreign government for longer than 90 days, as long as the foreign government and the U.S. Government agency request A-2 visa issuance. The U.S. Government agency letter must provide a point of contact and should be

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scanned into CCD. If you determine there is a particular U.S. Government interest in A-2 visa issuance in any other case outside the scope of the 90-day-rule, please submit a request for an advisory opinion (AO) slugged for the Advisory Opinions Division (CA/VO/L/A), which will consult with the Office of the Legal Adviser and with the Office of the Chief of Protocol on the case.

- d. Another limitation on A-2 visa issuance concerns domestic workers. An alien employed in a domestic or personal capacity – such as to cook, clean, or take care of children – in the private residence of a mission member does not qualify for an A-2 visa, regardless of whether the sending government or the mission member pays the domestic worker. Instead, an A-3 visa may be appropriate for such an alien. However, aliens employed on mission premises or engaged in certain duties pertaining to the maintenance of the residence of the head of a diplomatic mission or the principal officer of a consular post may qualify for an A-2 visa.

### **9 FAM 41.22 N2.3 Family Member of Alien Classifiable A-2**

*(TL:VISA-320; 09-27-2001)*

See 22 CFR 41.21(a)(3).

### **9 FAM 41.22 N2.4 Official Acting as Courier**

*(TL:VISA-320; 09-27-2001)*

See 22 CFR 41.22(h)(2).

### **9 FAM 41.22 N2.5 Personnel of Foreign Armed Services**

*(CT:VISA-1038; 09-28-2008)*

- a. Personnel of foreign armed services from other than NATO countries, coming to the United States in connection with their military status for education or training at any of the U.S. military schools or on a U.S. military installation, are treated as foreign government officials for visa classification purposes.
- b. Also treated as foreign government officials are personnel of foreign armed services from other than NATO countries, coming to receive military training for up to 90 days on TDY status at a location other than a U.S. military school or a U.S. military installation, provided that the training is either U.S. Government-provided or sponsored, or if the training has been licensed by the Office of Defense Trade Control Licensing (PM/DTCL). To verify PM/DTCL licensing of training, submit a request for an advisory opinion (AO) slugged for the Advisory Opinions Division (CA/VO/L/A) and PM/DTCL, using CVIS and KOMC tags and identifying the U.S. firm the applicant's state is providing the training.

## **9 FAM 41.22 N3 EVIDENCE OF QUALIFICATION FOR A-1 OR A-2 CLASSIFICATION**

### **9 FAM 41.22 N3.1 Purpose of Entry and Official Duties in United States Determines Classification**

*(CT:VISA-1038; 09-25-2008)*

- a. Qualification for A-1 or A-2 classification is determined by the purpose for which the alien seeks to enter the United States and the nature of the official duties the alien will perform while there. Therefore, the fact that an alien is an official or employee of a foreign government or is the holder of a diplomatic, official, or service passport does not in itself, except for a head of state or head of government as provided in 9 FAM 41.22 N1.2 of this section, qualify the alien for an A-1 or A-2 visa.
- b. The fact that there may be government interest or control in a given organization is not in itself controlling on the matter of A-2 entitlement. There must be some further showing that the particular duties or services to be performed by the applicant are themselves of an inherently governmental character or nature. Where an organization is essentially engaged in commercial and/or competitive activities (e.g., banking, mining, transportation), an official of such organization would generally not be qualified for an A-2 visa. Depending upon the purpose of travel to the United States, consideration may be given to B-1, L-1, or E classification. Consular officers shall review all applications for A-2 visas for officials of organizations which are not directly engaged in functions of a governmental nature as measured by U.S. standards.
- c. If any difficulty is encountered in resolving a particular case, the consular officer shall submit the case to the Department (CA/VO/L/A) for an advisory opinion. The advisory opinion request shall include a full report as to the nature, structure and purpose of the organization concerned, together with the consular officer's analysis and comments.

### **9 FAM 41.22 N3.2 Visa Stamped "Diplomatic" or "Official" for any Nonimmigrant Classification**

*(CT:VISA-1438; 06-02-2010)*

An alien may be entitled to receive a visa stamped "diplomatic" or "official" in any of the nonimmigrant classifications provided in INA 101(a)(15) (8 U.S.C. 1101(a)(15)) without qualifying for an A-1 or A-2 classification. (See 9 FAM 41.26 and 9 FAM 41.27.)

## **9 FAM 41.22 N4 ALIENS ENTITLED TO A-3 CLASSIFICATION**

*(CT:VISA-2023; 09-23-2013)*

See 9 FAM 41.21 N6.

## **9 FAM 41.22 N5 HONORARY CONSULS**

*(CT:VISA-1038; 09-25-2008)*

Honorary consuls are usually so designated because the performance of duties for the foreign government which appoints them is only incidental to the primary purposes of entry into, or presence in, the United States, typically for business, employment, study, or some other nongovernmental purpose. Therefore, an honorary consul does not usually seek to enter solely in order to perform governmental official duties and is not normally classifiable A-1 or A-2. However, the term "honorary" may be used in the consul's title even though the consul is coming solely to perform official duties. In such a case, the consular officer shall request the Department's (CA/VO/L/A) advisory opinion for the appropriate visa classification of the alien.

## Exhibit D

The Secretary of State presents her compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and has the honor to refer to the standards applicable to the employment of personal workers, attendants, and any other domestic workers of mission personnel who are in the United States in nonimmigrant A-3 or G-5 visa status. The Secretary wishes to emphasize the importance the United States Government attaches to providing fair treatment to domestic workers who come to the United States to work for members of the diplomatic community and to remind the Chiefs of Mission to take any and all measures necessary to ensure that members of their missions employing such workers respect the laws relating to the treatment to be accorded to domestic workers. This note supersedes any previous notes on this subject.

#### New Domestic Worker Visa Eligibility Requirements

The Secretary wishes to inform all missions of two new requirements the Department of State is implementing in connection with the employment of domestic workers by foreign missions personnel that pertain to the visa eligibility of prospective domestic workers. The Department of State currently requires that

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the Office of the Chief of Protocol be notified at the time of the arrival and departure of all domestic workers in the United States.

Effective October 15, 2009, the Department of State will also require that foreign missions notify the Department of any prospective domestic worker before the worker applies for a visa. This “pre-notification” requires foreign missions to submit a “Pre-Notification of a Domestic Worker” form (“Pre-Notification Form”) addressed to [DomesticWorkers@state.gov](mailto:DomesticWorkers@state.gov). The Pre-Notification Form, a sample of which is enclosed, can be found on the Office of Protocol website under the Diplomatic Affairs section at [www.state.gov/s/cpr](http://www.state.gov/s/cpr). The Office of Protocol must receive this notification before a domestic worker submits an application for an A-3 or G-5 visa and before a visa interview can be scheduled; such visas will not be issued unless the Pre-Notification Form has been submitted. Foreign missions should note that this pre-notification process does not guarantee the issuance of an A-3 or G-5 visa; nor does it change other nonimmigrant visa eligibility requirements relating to such visas. The Secretary of State wishes to advise that the Department of State accepts Pre-Notification Forms with the understanding that the Chief of Mission has reviewed and authorized any such proposed employment by a mission member of a domestic worker.



In addition to requiring a Pre-Notification Form before a domestic worker may apply for an A-3 or G-5 visa, the Department has determined that such visas will not be issued unless the U.S. consular officer responsible for reviewing the visa application reasonably concludes that the mission member will be able to provide the required wages and working conditions (addressed below). Under this policy, consular officers will now presume that any prospective foreign mission employer of a domestic worker who does not carry the diplomatic rank of Minister or above, or a position equivalent to Minister or above, will not be able to provide the legally required wages and working conditions. To overcome this presumption, a prospective mission member not having the rank of Minister or above would have to demonstrate to the consular officer reviewing the A-3 or G-5 visa application that he or she has the financial ability to pay the salary of the domestic worker as specified in the contract, as well as related travel expenses. The consular officer will also take into consideration the number of domestic workers that a particular mission member may reasonably have the ability to employ. If a mission member seeks to replace a domestic worker or add to his/her existing domestic staff, the A-3 or G-5 visa may be denied if the Department has credible evidence that the mission member failed to fulfill his/her obligations to a former or current employee, such as to abide by the contract terms generally, and specifically, to pay a fair wage.

## Terms of Employment of Domestic Workers by Mission Members

The Chiefs of Mission are reminded that mission members who employ domestic workers must have a written employment contract. The employment contract is necessary and required to assist both the employer and the employee in establishing a good-faith employment relationship in which each is expected to carry out the terms of the contract. The contract must be in English; and if the domestic worker does not understand English, the contract must also be in a language understood by the domestic worker. Two copies of the contract must be signed by both parties, one for the employer and one for the domestic worker. In addition, when a prospective domestic worker applies for a visa, the worker must provide a copy of the signed employment contract to the consular official.

The Department of State is introducing one new requirement to the terms of employment of domestic workers by mission members, which must be included in employment contracts. In the past, the Department has required mission members to retain records of the number of hours worked and the payments made in connection with that work. Effective October 15, 2009, the Department will require within 90 days of commencement of employment that wage payments to domestic workers must be made by either check or electronic fund transfer to a bank account in the domestic worker's name only (cash payments will not be permissible). Chiefs of Mission are encouraged to implement internal mission

policies to ensure adherence to this obligation so that in the event of a dispute, the mission will have ready access to payment records.

Mission members' employment contracts with domestic workers must include the following:

- **Description of duties.** The contract must describe the work to be performed, e.g., housekeeping, gardening, child care, and must also include a statement that the domestic employee shall work only for the employer who signed the contract.
- **Hours of work.** The contract must state the time of the normal working hours and the number of hours per week. It is generally expected that domestic workers will be required to work 35-40 hours per week. It must also state that the domestic employee will be provided a minimum of one full day off each week. The contract must indicate whether the domestic employee will be provided paid holidays, sick days and vacation days.
- **Minimum Wage.** The contract must state the hourly wage to be paid the domestic employee. The rate must be the greater of the minimum wage under U.S. federal and state law or the prevailing wage for all working hours. The contract must state that wages will be paid to the domestic employee either weekly or biweekly and state also what deductions are to be taken from the wages. If any deduction is taken for meals or lodging, it must be no more than is reasonable and must be documented.
- **Overtime work.** The contract must state that any hours worked in excess of the normal number of hours worked per week are considered overtime hours, and that hours in which the employee is "on call" count as work hours. It must also state that such work must be paid as required by U.S. local laws.
- **Payment.** The contract must state that after the first 90 days of employment, all wage payments must be made by check or by electronic transfer to the domestic worker's bank account. Neither Mission members nor their family members should have access to domestic worker bank accounts.

- **Transportation to and from the United States.** The contract must state that the domestic employee will be provided with transportation to and from the United States.
- **Other required terms of employment.** The contract must state that the employer agrees to abide by all federal, state and local laws in the United States. The contract must also include a statement that the domestic worker's passport and visa will be in the sole possession of the domestic worker. In addition, the contract must state that a copy of the contract and other personal property of the domestic employee will not be withheld by the diplomatic or consular employer for any reason.
- **Other recommended terms of employment.** The contract must include a statement that the domestic worker's presence in the employer's residence will not be required except during working hours. The contract may include other agreed-upon terms of employment, if any, provided they are fully consistent with all U.S. federal, state and local laws. Any modification to the contract must be in writing.

To avoid possible misunderstanding, all mission members employing domestic workers must maintain for the duration of actual employment plus three years, a copy of the contract and proof of wage payments, e.g., cancelled checks or electronic fund transfers (signed receipts for cash payments after the first 90 days are not permissible); and a record of daily and weekly hours worked, including any overtime, and a record of any deductions made.

#### Treatment of Domestic Workers: Role of the Chief of Mission

The Department looks to the Chiefs of Mission to be responsible for the conduct of mission members and for ensuring that the treatment of domestic workers in their employ respects all relevant U.S. laws. In this regard, the

Department of State recommends that the mission maintain copies of the signed domestic-worker contracts and be able to review such contracts, as well as records of payments made to the domestic worker, in the event that the Department receives credible allegations of a mission member's mistreatment of a domestic worker and seeks mission assistance in gathering further information.

The recently enacted William Wilberforce Trafficking Victims Protection Reauthorization Act requires the Secretary of State to "suspend for such period as the Secretary determines necessary, the issuance of A-3 visas or G-5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, if the Secretary determines that there is credible evidence that one or more employees of such mission or international organization have abused or exploited one or more nonimmigrants holding an A-3 or G-5 visa, and that the diplomatic mission or international organization tolerated such actions." Should the Department have to make such an assessment, mission policies and record-keeping regarding the employment of domestic workers may be relevant to this assessment.

Finally, the Department of State forwards to the Department of Justice all credible allegations of abuse of domestic workers by mission members which may constitute criminal conduct. In that context, the Department of State may take other appropriate action, including a request for a waiver of any applicable



immunity, based on a determination by an appropriate prosecuting authority. Mission members are expected to pay the legal minimum wage and abide by other contract terms and must also be made aware that in the United States, withholding a person's passport may be evidence of the crime of trafficking in persons if it is done with the intent of keeping that person in a state of forced labor. Consistent with the general expectation that mission members pay their just debts, they are expected to pay any award of damages in cases brought against them by their former domestic workers.

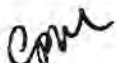
#### Documentation Requirements Upon Arrival and Departure

The Chiefs of Mission are reminded that, if a domestic worker is issued a visa and admitted to the United States, the mission is required to submit the following documents to the Office of the Chief of Protocol through the e-Gov system upon the worker's entry into the United States: (1) the form DS-2004 (Notification of Appointment); (2) a copy of the domestic worker's visa; (3) a copy of Form I-94 ("Departure Record"); and (4) a copy written in English of the signed contract between the employer and the domestic worker. This official registration must be completed within 90 days of the date of the original pre-notification request.

The Secretary of State wishes to remind the Chiefs of Mission that it is the responsibility of mission members employing domestic workers to retransfer

abroad all domestic workers at the time of termination, unless the domestic worker has changed employers, or at the conclusion of the mission member's assignment in the United States. However, the Department does not object to the employee's changing employers provided that the new employer is in a legal status to offer such employment, offers fair and reasonable employment conditions, and assumes the responsibility to transfer the employee abroad at the conclusion of the employment. The Secretary of State also wishes to remind the missions that the Office of Protocol must be notified when domestic employees arrive in the United States, and upon their termination, whether they have departed the United States or transferred to a new employer. Notification to the Office of Protocol of the termination of a domestic worker who has left the employment of mission members will relieve mission members of responsibility for such workers.

The Government of the United States places strong emphasis on its commitment to combat abuse and trafficking in persons in all forms, and underscores that it takes seriously any allegations of mistreatment of domestic workers by their diplomatic employer.

Department of State, 

Washington, September 16, 2009.

## Exhibit E



11/11/12  
(Date)

Employment Contract  
For Personal (Domestic) Employees of  
An Alien of a Foreign Mission in the United  
States (Visa A3)

Between


PARTY A: Dr Devyani Khobragade (Deputy Consul General – CGI-NY) (hereinafter referred to as the Employer)

PARTY B:  (hereinafter referred to as the Employee)  
Victim's name

The Employee will go to the U.S. with the Employer as a domestic employee. The Employer agrees to employ the Employee at or in connection with the Employer's residence in the position(s) of .....House keeper and baby-sitter.....

Should the Employee leave employment while in the U.S. for any reason, the Employer will be responsible for ensuring that the Employee departs the U.S. or for contacting the U.S. Citizenship and Immigration Service (USCIS) and the Consular Section to report the facts and to provide full assistance in ensuring the Employee leaves the U.S. as scheduled. The following employment conditions will apply to the Employer and the Employee during the period of employment in the U.S.:

- The Employee will be paid wages at the prevailing or minimum wage rate as required by law, whichever is greater. The expected hourly salary in the U.S. would be \$ 9.75 (in excess of NY prevailing wage 2011 for domestic workers).
- It is expected that the Employee will work 40 hours and five days a week as per the general work week norm in the U.S. and that the Employee will receive overtime pay accordingly if work is performed beyond 40 hours a week.
- The normal number of hours per week shall be 40 hours, including the following normal work hours: Sunday (OFF) Monday (from 7am to 12pm & 6:30pm-8:30pm) Tuesday (from 7am to 12pm & 6:30pm-8:30pm), Wednesday (from 7am to 12pm & 6:30pm-8:30pm), Thursday (from 7am to 12pm & 6:30pm-8:30pm), Friday (from 7am to 12pm & 6:30pm-8:30pm) and Saturday (from 8am to 1:00pm). It is understood that those hours in which the Employee is "on call" count as paid work hours.
- Wages shall be paid biweekly by electronic fund transfer to the Employee's bank account. Copies of pay records will be made available without charge to the Employee. Neither the Employer nor Employer's family members will have access to the Employee's bank account. After the first 90 days of employment, all wage payments must be made by check or by electronic transfer to the Employee's bank account.

  
11/11



Victim's Initials

- The Employee shall be provided a minimum of at least one full day off each week, which day(s) will normally be SUNDAY.

In addition, the Employee will be provided time-off from work, as follows (exceeding US DOL Bureau of Labor Statistics standards-<http://www.bls.gov/news.release/ebs.t05.htm>):

Holidays (With Pay): 7

Sick Days (With Pay): 7

Vacation Days (With Pay): 7

- The Employee will be provided with round-trip transportation to and from the U.S., at no cost to the Employee, at the beginning of employment and after its termination.
- The Employer agrees to abide by all Federal, state and local laws in the U.S.
- The Employee shall work only for the Employer while in the U.S.
- The Employee's passport and visa will be in the sole possession of the Employee.
- A copy of this contract and other personal property of the Employee will not be withheld by the Employer for any reason.
- The Employee will not be required to remain on the Employer's premises after working hours unless properly compensated.
- The Employee agrees that under no condition will she depart the employment and remain in the U.S. without legal authorization. Instead, the Employee will return to her home country promptly upon leaving employment.
- Any modification to this contract must be made in writing.
- Other benefits normally required for U.S. domestic workers in the area of employment:

...Full medical care, full board and lodging shall be provided at Employer's expense, with no unpermitted deductions made....

If the employee does not read and write English, there must also be a second contract in the language understood by the employee. Contract is to be carried with the Employee in the event it is requested by the Department of Homeland Security, Customs and Immigration Service.

Signed: [Signature]  
(EMPLOYER)

DR. DEVYANI KHOBRAGADE

NEW DELHI

11/11/12

(डॉ. देव्यानी खोबरागडे)  
(DR. DEVYANI KHOBRAGADE)  
निदेशक (सी.पी.सी.)  
Director (CPV)  
विदेशी नगराचार, नया दिल्ली  
Ministry of External Affairs  
New Delhi

Witness

[Redacted Signature]

[Witness's signature]

Signed: [Redacted] [Victim's signature]  
(EMPLOYEE)

New Delhi  
11/11/12

Witness: [Redacted]

NEW DELHI  
11/11/12

[Witness's signature]

## Exhibit F



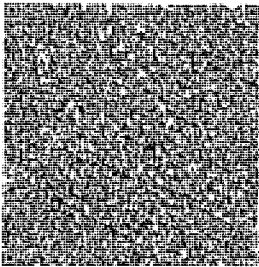
सत्यमेव जयते

# INDIA NON JUDICIAL

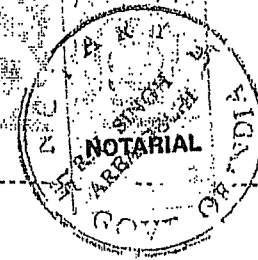
## Government of National Capital Territory of Delhi

### e-Stamp

Certificate No. : IN-DL47924436882700K  
Certificate Issued Date : 23-Nov-2012 12:55 PM  
Account Reference : IMPACC (IV)/ dl736903/ DELHI/ DL-DLH  
Unique Doc. Reference : SUBIN-DL73690395810985343833K  
Purchased by : Dr Devyani Khobragade  
Description of Document : Article 5 General Agreement  
Property Description : NA  
Consideration Price (Rs.) : 0  
(Zero)  
First Party : Dr Devyani Khobragade  
Second Party : NA  
Stamp Duty Paid By : Dr Devyani Khobragade  
Stamp Duty Amount(Rs.) : 10  
(Ten only)



Please write or type below this line



New Delhi  
21st Nov, 2012

**Employment Contract  
For Personal (Domestic) Employees of  
An Alien of a Foreign Mission in the  
United States (Visa A3)**

#### Statutory Alert:

1. The authenticity of the Stamp Certificate can be verified at Authorised Collection Centers (ACCs), SHCIL Offices and Sub-registrar Offices (SROs).
2. The Contact Details of ACCs, SHCIL Offices and SROs are available on the Web site "www.shcilstamp.com"

Between

**PARTY A: Dr Devyani Khobragade (Deputy Consul General – CGI-NY)**  
(hereinafter referred to as the Employer)

**PARTY B: \_\_\_\_\_** (hereinafter referred to as the Employee) [Victim's name]

The Employee will go to the U.S. with the Employer as a domestic employee. The Employer agrees to employ the Employee at or in connection with the Employer's residence in the position(s) of ... **House keeper and baby-sitter**...

The following employment conditions will apply to the Employer and the Employee during the period of employment in the U.S.:

- ⑩  The Employee will be paid an expected monthly salary of Rs. 25,000 per month with an additional Rs. 5000 for overtime, i.e. work on Sunday, after hours and for parties etc. The maximum salary per month including the overtime allowance will not exceed Rs. 30,000 per month.
- Wages shall be paid **monthly** by **electronic fund transfer** to the Employee's bank account. Copies of pay records will be made available without charge to the Employee. Neither the Employer nor Employer's family members will have access to the Employee's bank account. After the first 90 days of employment, all wage payments must be made by check or by electronic transfer to the Employee's bank account.
- ⑩  The Employee shall be provided a minimum of at least one full day off each week, which day(s) will normally be  
**SUNDAY**
- ⑩  The Employee will be provided with round-trip transportation to and from the U.S., at no cost to the Employee, at the beginning of employment and after its termination.
- ⑩  The Employee shall work only for the Employer while in the U.S.
- ⑩  The Employee's passport and visa will be in the sole possession of the Employee.



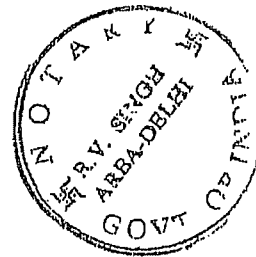
- ⑩  A copy of this contract and other personal property of the Employee will not be withheld by the Employer for any reason.
- ⑩  The Employee will not be required to remain on the Employer's premises after working hours unless properly compensated.
- ⑩  The Employee agrees that under no condition will she depart the employment and remain in the U.S. without legal authorization. Instead, the Employee will return to her home country promptly upon leaving employment.
- ⑩  Any modification to this contract must be made in writing.
- Other benefits normally given would be:  
...Full medical care, full board and lodging shall be provided at Employer's expense, with no unpermitted deductions made....

Signed: \_\_\_\_\_   
(EMPLOYER)

Signed: \_\_\_\_\_ [Victim's signature]  
(EMPLOYEE)

Witness: \_\_\_\_\_ [Witness's signature]

Witness: \_\_\_\_\_ [Witness's signature]



23 Nov 2012

ATTESTED  
  
Notary Public, Delhi

## Exhibit G

# FIRST INFORMATION REPORT

( Under Section 154 Cr.P.C. )

( Internet Copy )

1. District: SOUTH DISTT P.S.: FATEHPUR BERI Year: 2013 FIR No.: 348 Date: 09-10-2013

2. Act(s): Section(s):  
(i) IPC 1860 387/420/120B

3. Occurrence of Offence:

(a) Day: Date From: Date To:  
Time Period: Time From: Time To:  
(b) Information received at P.S: Date: 09-10-2013 Time: 10:35 hrs  
(c) Daily Diary Reference : Entry No.: 15A Time: 10:35hrs

4. Type of Information: WRITTEN

5. Place of Occurrence:

(a) Direction and Distance from P.S: / 0.00Km. Beat No.: 07  
(b) Address: DELHI,SULTANPUR, NEW DELHI  
(c) In case, Outside the limit of the Police Station:  
Name of P.S: District:

6. Complainant / Informant :

(a) Name: DR DEVYANI KHOBRADE  
(b) Date/Year of Birth: Nationality:  
(c) Passport No. Date of Issue: Place of Issue:  
(d) Occupation: [ Address ]  
(e) Address: CONSULATE GENERAL OF INDIA, [REDACTED] . NEW YORK, NY-10065

7. Details of Known / Suspected / Unknown accused with full particulars(attach separate sheet if necessary):

(i)

8. Reason for delay in reporting by the complainant / informant:

9. Particulars of properties stolen/ involved(attach separate sheet if necessary):

Sl.	Property Type(Description)	Est. Value(Rs.)	Status
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10. Total value of property stolen:

11. Inquest Report / U.D. Case No., if any:

12. F.I.R Contents(attach separate sheet,if required):



Sub:- FIR from Devyani Khobragade, Deputy Consul, New York From "Dr. Devyani Khobragade" Date Wednesday, July 3, 2013 1:18 To [Email addresses] 'CG', [Email address] [Email address] "V Perumal", "G. Balasubramanian E/I Washington" Dear Shri Jaiswal, Im sending a FIR against [Victim's name], resident of Mehrauli, New Delhi, for fraud, willful deceit, harassment, and extortion. A receipt of acceptance of this FIR would be highly appreciated. Dr. Devyani Khobragade Deputy Consul General Consulate General of India, NY Tel: [Tel. nps] Fax: [Fax number] Mobile + [Tel. number] Subject FW: Vetting of draft police complaint From [Email address] [Email address] Date Tuesday, July 2, 2013 18:32 To [Email address] From : Uttam Khobragade (mailto: [Email address]) Sent : 02 July 2013 09:42, To Uttam Khobragade Subject: Fwd: Vetting of draft police complaint. Forwarded message From: Devyani Khobragade Date : Tue, Jul 2, 2013 at 7.50 AM, Subject: Vetting of draft police complaint To: [Email addresses] Bajaj Consul NYC , CG Dear Sir, This has been been by CG. May kindly approve expeditiously. July 1, 2013 To Police Station Incharge, Mehrauli Police Station, New Delhi Complainant: Dr. (Mrs.) Devyani Khobragade Presently working as Deputy Consul General, Consulate General of India, Address . New York, NY-10065; Tel: +[Tel. number] E-mail, [Email address] Accused: No. 1 [Victim's name] [Victim's and Victim's husband's name and address] [Address] Sub - complaint under Section 420,408,403,120 of Indian Penal Code. Sir, Complainant belong to Indian Foreign Service (1999 Batch) and served conutry in Germany, Pakistan and Italy in diplomatic positions. Complainant was informed by Government of India, Ministry of External Affair, New Delhi, 17th August, 2012 that she has been posted as Consul in new York U.S.A. and she was looking for domestic help to take care of her household work during her posting at new York. Both accused approached complainant stating that they are not having job and need money for children's education. Accused no 1 will come to New York to take care of her household work for monthly salary of Rs 30000/- and arrangement of stay and food along with complainant in addition to salary. On this promise of accused no. 1, complainant requested Government of India to issue Official Passport to accused no 1. Both accused were fully aware that this Official Passport is property of Government of India and accused no. 1 can hold this passport as long as she works with complainant as domestic help. Accused no. 1 therefore proceeded along with complainant on air ticket given by Government of India for her status as domestic assistant to complainant. Accused was incharge of kitchen, baby sitting and other domestic work from her landing at New York. In mid - March 2013, accused No. 1 asked the complainant if the accused No. 1 can work outside on her off days, to which accused No. 1 was informed by the complainant that in accused No. 1's position as domestic assistant to the complainant of an Official passport with dependent visa, accused No. 1 is not entitled to work outside. On 18th June 2013, accused No. 1 came to the office of the complainant, i.e., Consulate General of India, for the first time and mentioned that she felt overburdened by work at home and would feel happy to stay and work outside the complainant's house from 7 pm to 7am. While the complainant explained to her that her well being and conduct during her stay under the complainant's employment was complainant's responsibility and hence it may be difficult for the accused to stay and work outside. The complainant also informed the accused No. 1 that as the accused No. 1 came on Official Passport and as a domestic assistance of complainant herhaps Government rules do not permit her to stay beyond the limit of Consulate premises. On 21st June 2013, complainant went to New Jersey for weekend. On 23rd June when complainant came back, accused no. 1 was not at home. As every Sunday accused No. 1 used to go out to church and meet friend at beauty parlour, her absence was treated as routine. However when the accused No. 1 did not return on Sunday night, complainant got worried and stated contacting accused No. 1 on cell phone no. +1-646-421-7240 to which there was no response. On enquiry, husband of complainant told that accused No. 1 left on 21st June afternoon telling that she is going for shopping. When accused No. 1 did not come back on 24th June, complainant contacted accused no. 2 (husband of accused no. 1) who in turn told that he is not aware of the whereabouts of accused no. 1. Thereafter complainant searched room allotted by her to accused no. 1 and found that accused left with most of her belonging and Official passport which is property of Government of India and she is not entitled to hold said passport if she cease to be domestic assistant of complainant. Complainant requested accused no. 2 to sent a missing person complaint by e-mail so that a complaint can be registered with the local police in New York. However, accused No. 2 refused to do so and, therefore, complainant reported the incident to the local police as a missing person report can only be filed by the family member. After repeated requests, accused no. 2 confirmed that accused no. 1 contacted himon 28th June

but did not give the phone number from which the call was made. It is evident from conduct of both accused that they made false promise to work as domestic assistance just to procure Official passport and enter U.S.A. by misusing position as domestic assistant of complainant and thereafter to work as freelance servant and earn huge money, many times more than that of her agreed salary and thus committed offence of cheating u/s 420 120 of I.P.C. Accused no. 1 was given custody of Official passport which is property of Government of India and was duty bound to surrender said passport the moment she ceased to be domestic assistance on 21st June 2013, the day she left the house and stopped reporting for duty. But accused no. 1 is wrongly keeping with her and using Official passport which was entrusted to her in her capacity of domestic assistance of complainant and thus committed offence under section 403 and 408 of I.P.C. Both accused are citizens of India and conspiracy was planned in Delhi. You are requested to book them for above mentioned offence and recover Official passport which is property of Government of India. (Dr. Devyani Khobragade) Deputy Consul General Consulate General of India New York. "Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation of other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return email and delete this message and any attachments from your system. Virus Warning: Although the company has taken reasonable precautions to ensure no viruses are present in this email. The company cannot accept responsibility for any loss or damage arising from the use of this email or attachment."

श्रीमान Duty officer साहब थाना फतेहपुर बेरी बकार सरकार निवेदन है कि उरोक्त शिकायत Through Email, शिकायत कर्ता Dr. Devyani Khobragade Deputy Consul General, Consulate General of India New York नें भेजी है जिस पर Enquiry के बाद बराये Legal opinion Directorate of Prosecution भेजी गई थी जो As per opinion सरेदस्त सूत्र जुर्म u/s 387/420/120B IPC का सरजद होना पाया जाता है लिहाजा तहरीर हजा बर्गज कायमी मुकदमा दर पेश है मुकदमा दर्ज Register करके आईन्दा तफतीश मन SI की जावे । Sd/- English SI Rajbir Singh P.S. F.Pur Beri N.D. No. D-4380 9/10/13 कार्यवाही पुलिस अज थाना तहरीर उपरोक्त की पेशगी पर मुकदमा न० 348/13, u/s 387/420/120B IPC का दर्ज रजिस्टर करके FIR की copy व असल तहरीर हवाले SI Rajbir Singh साहब की जा रही है जो आईन्दा तफतीश अमल में लाएंगे । बकलम HC/DO

**13. Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item no.2 :**

(i) Registered the case and took up the investigation

OR

(ii) Directed (Name of the I.O):

Rank:

PIS No.:

to take up the investigation,OR

(iii) Refused investigation due to:

OR

(iv) Transferred to P.S(name):

District:

on point of jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost :

R.O.A.C:

14.

Signature / Thumb Impression of  
The Complainant / Informant :

Signature of Officer

Name:

Rank:

PIS No.:

15. Date and Time of despatch to the court: