



Secretariat

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ADMINISTRATIVE INSTRUCTION

To: Members of the staff

From: The Assistant Secretary-General for Personnel Services

Subject: VISA STATUS OF NON-UNITED STATES STAFF MEMBERS
SERVING IN THE UNITED STATES

1. The purpose of this administrative instruction is to clarify certain requirements and to provide a consolidated text of previous administrative issuances concerning United States international organization G-4 and G-5 visas. It is not designed to define or interpret United States regulations, policies or practices.

2. Documents ST/AFS/SER.A/238 of 19 January 1954, ST/ADM/SER.A/538 of 5 May 1959 and related issuances on this subject are hereby superseded and cancelled.

A. International organization (G-4) visa status

3. The G-4 visa status is a non-immigrant status granted to officials or employees of international organizations and their immediate family members while stationed on official business in the United States. Staff members who are not citizens or permanent residents of the United States are granted United States international organization (G-4) visa status by the United States authorities in order to permit them to work at United Nations Headquarters in New York or in other locations in the United States.

4. Staff members who are considered international recruits, i.e. staff in the Professional category and above, Field Service staff and staff in the General Service category who are considered as having been internationally recruited under staff rule 104.7, are required by the United Nations to obtain G-4 visa status on appointment and to relinquish any other visa status in the United States that they held previously. In certain circumstances, however, they may be allowed to retain or acquire the immigrant status of a permanent resident in the United States during their service with the United Nations in accordance with paragraph 20 below. In

general, the United Nations requires written assurance that recruits will relinquish their permanent resident or other United States visa status upon appointment.

5. The immediate family of a staff member eligible for G-4 visa status is defined by United States law to include close relatives by blood, marriage, or adoption who are not members of another household and who will reside regularly in the staff member's household. A staff member's spouse and unmarried dependent children under the age of 21 and those entitled to education grant travel are automatically considered eligible for G-4 visa status.

6. Other relatives may be eligible for G-4 visa status upon demonstration, to the United Nations Visa Committee and the United States authorities, of close ties and a continuing dependency and residential relationship with the staff member. Their purpose in seeking entry to the United States must be to reside with the staff member. If the relative was not previously living in the staff member's household, the staff member may be expected to explain the dissolution of the relative's former household or the compelling reasons necessitating the departure of the relative from the former household. If the relative is not financially dependent on the staff member, other reasons for the expected residence with the staff member may be required, such as physical need of family care in the case of parents, or incapacity or minority in the case of brothers and sisters. Favourable consideration is generally given by the Visa Committee to applications for a relative previously living in the staff member's household and for parents who are over the age of 65 years. G-4 visa status will not be approved if it appears that the purpose of the relative's application for entry into the United States is solely for study, for the pursuit of business or employment opportunities, or for any other purpose rather than to join the household of the staff member.

7. Applications for G-4 visa status for staff members assigned to permanent or temporary duty in the United States, and for the eligible family members referred to in paragraph 5 above, must be requested by the appropriate recruitment service for new recruits or short-term staff, or by the departmental personnel officer for staff assigned from another duty station. The request must be sent to the Chief, Transportation Section, Office of General Services, at Headquarters and not to a United States consulate abroad. Upon receipt of the application, a cable or letter requesting the issuance of a G-4 visa is transmitted by the Chief, Transportation Section, Office of General Services, to the appropriate United States consular office where the applicant will be granted the visa. While the duration of the G-4 visa and the number of entries given by the United States authorities on presentation of a national passport depends on the nationality of the holder, a multiple entry G-4 visa valid for at least a year is usually given if a United Nations laissez-passer is presented. Upon their arrival in the United States staff members must provide the date of their arrival and of the arrival of each dependant to the departmental personnel officer on the personnel induction questionnaire (P.1) form in order that the United States Immigration and Naturalization Service be informed through the United States Mission to the United Nations.

8. Staff members who are permanent residents in, but not citizens of, the United States and are recruited for posts in the Professional and higher categories are required by the United Nations to apply for a change to G-4 visa status, unless they are exceptionally authorized to retain it in accordance with paragraph 20

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below. The application must be made on a request for change to G-4 visa status (for staff members) (PT.63) form and submitted through the departmental personnel officer to the Chief, Transportation Section, Office of General Services, for onward transmittal to the United States Mission to the United Nations. Staff members who have been permitted under the provisions of paragraph 20 below to retain or acquire permanent resident status and who wish to change or to revert to G-4 visa status shall follow the same procedure. The staff member's liability for payment of United States taxes in respect of United Nations salaries and allowances is deemed to cease as of the date when the G-4 status is granted by the United States authorities.

9. Applications for conversion to G-4 visa status for the eligible family members referred to in paragraph 5 above must be sent through the departmental personnel officer on a request for change to G-4 visa status (for spouse and eligible family members) (PT.63/A) form to the Chief, Transportation Section, Office of General Services and not to a United States consulate abroad. The procedure governing the transmittal of the application and the type of visa issued are the same as in paragraph 7 above for the staff member.

10. Applications for G-4 visas for other relatives described in paragraph 6 above should be submitted by the staff member directly to the Secretary of the United Nations Visa Committee, Office of Personnel Services, at Headquarters. The application should be made on a request for visa (PT.62) form, accompanied by completed forms VC.3 and VC.4, which can be obtained from the Secretary of the Visa Committee. If the application is approved by the Visa Committee, the PT.62 form will be forwarded to the Chief, Transportation Section, Office of General Services, who then will send an official request for the G-4 visa to the United States consular office where the applicant will appear in person. A copy of the request may be given to the staff member for transmittal to the relative who should be advised by the staff member to go to the United States consular office with a valid national passport and apply for the G-4 visa. Such relatives should not apply for, or accept, any other type of visa while awaiting the issue of the G-4 visa.

11. When a staff member or an eligible family member arrives in the United States with a G-4 visa entered in the passport, the immigration official generally records "G-4 D/S" on United States government form I-94 (arrival-departure record) which he or she staples in the passport. This notation establishes G-4 visa status valid for as long as the staff member remains in the employ of the United Nations and does not leave the United States (see para. 12 below). If a specific expiration date for G-4 visa status has been recorded on the I-94 form and the staff member is required to remain on duty in the United States beyond the specified date, the staff member must apply on a request for change to G-4 visa status (for staff members) (PT.63) form through the departmental executive or administrative officer to the Chief, Transportation Section, Office of General Services, to obtain an extension of the G-4 visa status for himself or herself and his or her eligible family members at least 15 working days before the expiration date specified on the I-94 form.

12. Staff members and their eligible family members scheduled to leave the United States on official or personal travel should examine their passports to see that the G-4 visa stamped in their passports will still be valid on the re-entry date since the I-94 form is removed from the passport upon departure from the United

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States. If the entry visa has expired and if at least 15 working days are available before departure from the United States, an application should be made for a new G-4 entry visa on forms PT.61 and PT.61/A, both in duplicate, together with United States government form DS-1070. 1/ Forms PT.61, PT.61/A and DS-1070, duly certified by the departmental executive or administrative Officer, should be hand-delivered to the Transportation Section, Office of General Services, with the national passport or the United Nations laissez-passer, as the case may be. The application and passport will be forwarded to the Department of State, Washington, DC, for the visa to be issued. If there are less than 15 working days before the scheduled departure from the United States, an application for a new G-4 entry visa should be made on a request for renewal of G-4/G-5 visa (PT.5) form duly certified by the departmental executive or administrative officer, and should be submitted to the Chief, Transportation Section, Office of General Services. The staff member will be give a letter addressed to a United States consulate or embassy abroad, to present to the consulate or embassy in order to obtain the new G-4 visa to re-enter the United States.

Expiration of G-4 visa status

13. Under United States government regulations, a staff member's authorized stay in the United States expires automatically upon separation from service or transfer to a duty station outside of the United States, even if the G-4 visa stamped in the passport indicates it is valid beyond the separation or transfer date. In practice the United States authorities have agreed informally to allow staff members and their families 30 days after the date of separation or transfer in which to leave the country. However, if additional time is required, the application must be made in writing directly to the Travel Control Section, United States Immigration and Naturalization Service, 26 Federal Plaza, New York, NY 10267 (attention Mr. Irving Fortgang). Proof of date of separation from service or of date of transfer must accompany the application. On the death in service of a staff member who has G-4 visa status, the Staff Counsellor should be contacted to obtain additional time for any surviving family members who are in the country on G-4 visa status.

Employment within the United States for family members with G-4 status

14. Spouses and dependent children of staff members with G-4 visa status who wish to work in the United States are required to secure permission from the United States Immigration and Naturalization Service. In general, employment is authorized within certain limitations for spouses and dependent children. Employment is not authorized either for the staff member, except with the United Nations, or for other relatives on G-4 visas. Limitations generally do not apply to unmarried children who are full-time students working part time during the academic year or full time during their school holidays. The necessary information and forms may be obtained from the Staff Counsellor's office. Requests for permission to accept employment must be submitted to the United States Immigration and Naturalization Service through the United States Mission to the United Nations. Permission should be obtained before the employment is commenced and may be granted and renewed for two-year periods. Permission should be renewed upon each change of employment. Further information is contained in information circular ST/IC/78/53 of 24 August 1978 on employment of family members on G-4 visas

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or may be obtained from the Staff Counsellor's office. It should be noted that income tax and Social Security must be paid on non-United Nations salaries earned in the United States.

B. Visas for household employees (G-5 visa status)

15. Staff members who have G-4 visa status may apply for a G-5 visa for a household employee through the United Nations Visa Committee. Normally, the Visa Committee only considers applications from internationally recruited staff members. Applications by locally recruited G-4 visa holders will only be considered when the Visa Committee is satisfied that there are compelling circumstances which, in the opinion of the Committee, would warrant an exception being made for humanitarian reasons. The household employee cannot be related to the staff member or the spouse, must have previous experience in domestic service, and should come from the same cultural background. A G-5 visa cannot be issued for any purpose clearly within any other United States non-immigrant visa category (e.g., for study, business, tourism or other employment purposes) nor for the purpose of au pair arrangements which would permit the G-5 visa holder to study, etc.

16. If the prospective household employee is not present in the United States at the time of the application, the application should be made on a request for visa (PT.62) form accompanied by a draft written contract stipulating the conditions of service of the employee, which must include paid vacation, time off, medical insurance, social security, travel, wages, etc., and by completed forms VC.1 and VC.2, which may be obtained from the Secretary of the Visa Committee. If the prospective household employee is in the United States on some other type of visa at the time of the application, a request for change to G-5 visa status (for household employee) (PT.63/B) form should be substituted for the PT.62 form. If the Visa Committee approves the application, the Chief, Transportation Section, Office of General Services, transmits a formal request to the United States consulate where the household employee will apply for the visa. The I-94 form, which is stapled in the passport upon arrival in the United States with a G-5 visa, is only valid for one year from the date of entry into the United States.

17. Applications for an extension of stay should be submitted at least six weeks before the expiration date of the G-5 visa. The application must be made on United States government form I-539 (application to extend time of temporary stay) 2/ and submitted through the Visa Committee to the Chief, Transportation Section, Office of General Services, with the household employee's I-94 form and a certificate that the staff member is still the holder of a G-4 visa and continues to employ the employee. The Chief, Transportation Section, Office of General Services, will forward the application to the United States Immigration and Naturalization Service through the United States Mission to the United Nations. When the I-94 form is returned with the extension approved, an application for the new G-5 visa must be submitted on forms PT.61 and PT.61/A, both in duplicate, duly completed by the staff member, signed by the departmental executive or administrative officer and approved by the Visa Committee through the Chief, Transportation Section, Office of General Services, with the household employee's passport and form I-94, which will

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be transmitted to the Department of State through the United States Mission for the visa to be issued.

C. United States permanent resident visa status

18. Staff rule 104.4 (c) requires staff members intending to acquire permanent resident status in any country other than that of their own nationality, or who intend to change their nationality, to notify the Secretary-General of that intention before the change in resident status or in nationality becomes final. Accordingly, such staff members should inform their personnel officers in writing prior to making their application for permanent resident status or naturalization, as the case may be.

19. In 1953, the General Assembly established the policy that persons in permanent resident status should in future be ineligible for appointment as internationally recruited staff members unless they are prepared to change to a G-4 visa status (or equivalent status in host countries other than the United States of America). That policy was adopted because it was considered that "a decision to remain in permanent resident status in no way represents an interest of the United Nations. On the contrary, to the extent (if any) that it may weaken existing ties with the country of nationality, it is an undesirable decision". Accordingly, internationally recruited staff members who have permanent resident visa status in the United States are generally required to renounce such status and to change to G-4 visa status upon appointment. Likewise, internationally recruited staff members who seek to change to permanent resident status shall generally not be granted permission to sign the waiver of rights, privileges, exemptions and immunities required by the United States Government for the acquisition or retention of permanent resident status (see para. 21 below).

20. Exceptions to the policy that internationally recruited staff members must apply for G-4 visa status and give up their permanent resident or other visa status in the United States on appointment may be made in cases of:

- (a) Stateless persons;
- (b) Newly-appointed staff members who have applied for citizenship by naturalization, when such citizenship will be granted imminently;
- (c) General Service staff members previously authorized to retain permanent resident status, on promotion to the Professional category; and
- (d) Staff members in the General Service, Manual Workers and Security Service categories.

Under administrative instruction ST/AI/234, annex II, the decision to authorize the change of residence status in respect of staff in the Professional category is reserved to the Assistant Secretary-General for Personnel Services. The policy does not apply in the case of staff appointed to serve outside the United States as technical assistance project personnel under the 200 series of the Staff Rules or

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in the case of staff appointed for less than one year for whom there is no prospect that their service will be extended.

21. Locally recruited staff members in the General Service, Manual Workers and Security Service categories holding permanent resident status in the United States at the time of appointment and wishing to retain this status should show their alien registration card to the departmental personnel officer on the day they report for duty. In accordance with United States law, a permanent resident of the United States who is a United Nations staff member may not continue to hold permanent resident status unless within a period of 10 days he or she signs, on United States government form I-508, 3/ a waiver of the rights, privileges, exemptions and immunities which would accrue to the person as an official of the United Nations. Since the Secretary-General alone has authority to waive the privileges and immunities of the United Nations, the staff member must first address a request for permission to sign the waiver to the departmental personnel officer. Forms for this purpose are available from the departmental personnel officer. Permission to sign the waiver may only be granted in the cases indicated under paragraph 20 above. If permission is granted, the staff member must inform his or her personnel officer in writing as soon as possible of the date of the signature of the waiver.

22. Staff members in the General Service, Manual Worker and Security Service categories seeking to acquire permanent resident status after appointment should inform the departmental personnel officer in writing in accordance with staff rule 104.4 (c) prior to making their application. If a staff member becomes a United States permanent resident, he or she will also be required by the Immigration and Naturalization Service to sign the waiver of rights, privileges, exemptions and immunities referred to in paragraph 20 above. The staff member must first request permission to sign the waiver as indicated in the same paragraph. If such permission is granted and an alien registration card is issued to the staff member, he or she must take it to the departmental personnel officer to be recorded. The staff member must also inform the departmental personnel officer as soon as possible in writing of the date of the signature of the waiver.

23. The signing of the waiver by staff members who are already in permanent resident status or acquired it after entry on duty places them in a position of parity with the staff of United States nationality with respect to their United Nations status. While such staff members retain full functional immunities for actions taken in the course of official business, they are otherwise subject to United States laws, including those regarding taxation and payment of custom duties, compliance with the established limit on the length of any stay outside of the United States and annual registration, etc. These staff members are liable for payment of United States taxes on salary earned from the United Nations as from the date of the signing of the waiver. On the other hand, United States law precludes staff members in permanent resident status from contributing to the Social Security system on their United Nations earnings. Staff members who sign the waiver in order to acquire permanent resident status are likewise affected in respect of their United Nations entitlements, i.e. they lose any entitlements they would otherwise have had to international benefits under the Staff Rules by virtue of serving at a duty station outside the country of their nationality and become

similarly subject to United States law and liable for payment of United States taxes, but only from the date on which they are granted permanent resident status as shown on their alien registration card and not from the date on which they sign the waiver.

24. Any staff member authorized to sign the waiver may request reimbursement, in accordance with staff regulation 3.3 (f), from the United Nations for the amount of taxes paid in respect of his or her United Nations income received subsequent to acquisition of permanent resident status or subsequent to the signing of the waiver where the staff member was already in permanent resident status.

25. Unless otherwise provided above, any query regarding the contents of this administrative instruction should be addressed to the departmental executive, administrative or personnel officer or the Transportation Section, Office of General Services, as appropriate, and not to the United States authorities.

Notes

1/ Form DS-1070 is available from the departmental executive or administrative officer.

2/ Form I-539 may be obtained from the Transportation Section, Office of General Services.

3/ Form I-508 may be obtained from the United States Mission to the United Nations or from the United States Immigration and Naturalization Service.
