

DOMESTIC RELATIONS AND WORLD BANK GROUP FAMILIES

AN INFORMATION PACKAGE FOR
WORLD BANK GROUP EMPLOYEES, SPOUSES,
LAWYERS AND ADVOCATES

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DISCLAIMER

This document is intended to provide general information to help readers answer some basic questions about how the World Bank Group handles certain family matters involving its staff members. This publication is not equivalent to legal advice, and should not be relied upon as such. Any specific questions concerning legal rights should be presented to an attorney.

A NOTE TO READERS

This document is useful only if it is current, accurate and complete.

If you have any suggestions or comments that would help us improve it, please send your suggestions to hrservicecenter@worldbank.org.

VERSIONS

Five versions of this document were released in draft between May 2006 and May 2008.

| | | |
|------------|-------------|---|
| Version 1 | 18-Jan-2009 | Initial release |
| Version 2 | 09-May-2009 | Incorporated new Staff Rule 3.06 |
| Version 3 | 02-Nov-2009 | Staff Rule 2.01 reforms to remove ability to block access to salary, benefits and pension information |
| Version 4 | 24-Aug-2010 | Added http link to Staff Manual references Updated Appendix C to new format for sample salary and benefits letter Updated Appendix A (Staff Rule 3.06) to latest version New MIP Continuation rates (Appendix D) |
| Version 4a | 30-Aug-2010 | Updated World Bank Legal Dept. contact |
| Version 4b | 17-Jan-2011 | New MIP Continuation rates (Appendix D) |
| Version 5 | 08-Jun-2011 | Revisions by Domestic Violence Prevention Task Force participants |

FOREWORD

This document arose from the need for a World Bank Group corporate response to domestic abuse and spouse rights by a spouse and partner association, the World Bank Family Network (WBFN). Starting in December 2000 with a grant from former World Bank Group President James D. Wolfensohn's discretionary fund, WBFN prepared a series of reports describing the characteristics and impact of abuse on the largely non-U.S. World Bank Group workforce based in Washington, D.C., with recommendations for practical steps to help families. WBFN was later joined by numerous World Bank Group units to form the World Bank Group's Domestic Abuse Prevention Network. The Network refined and implemented many of original WBFN recommendations. The resulting changes included:

- appropriate modification of World Bank Group administrative practices, especially those that harbored unintended negative consequences for family members;
- strengthening of the World Bank Group's ethical code and disciplinary procedures; and
- improved outreach to family members, and direct counseling and case-management services for abuse victims.

Underpinning these measures, ongoing educational initiatives target employees and their families to improve awareness about the scope of domestic abusive behaviors and how these relate to World Bank Group employment policy and U.S. law. These educational activities have been overseen and underwritten by the World Bank Group.

ACKNOWLEDGMENTS

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Finally, much credit belongs to the World Bank Group Legal Assistance Officer, Jeff Silverstein, for emphasizing the need for a document such as this, and for his sage advice on its content.

1 INTRODUCTION

1.1 This document is intended to help families of the World Bank Group¹ employees who are involved in domestic relations cases and domestic abuse situations, and the advocates and lawyers who help them.

THE WORLD BANK GROUP'S UNIQUE CHALLENGES

1.2 Non-American, non-U.S. permanent resident World Bank Group families in particular face special challenges in identifying and procuring the full range of legal options available to them. Most spouses in such families are completely financially dependent on the employee. Apart from financial issues, identifying an appropriate lawyer can be difficult, since World Bank Group cases can require knowledge and expertise in some combination of family law, immigration law and international law. Additionally, other issues arise from the employment of one or both spouses at the World Bank Group.

1.3 Because the World Bank Group is a public international organization with certain privileges and immunities, many aspects of domestic disputes and divorce law which are routine with other U.S. employers are more challenging (e.g., subpoena of payroll records, enforcement of wage garnishment orders, etc.):

- Records (including personnel records) of the World Bank Group are inviolable and cannot be subpoenaed due to the World Bank Group's immunities and privileges. Obtaining accurate information on an employee's salary, pension, and benefits is not always straightforward or rapidly accomplished. (Chapter 2, page 3)
- The World Bank Group cannot automatically deduct amounts from salary payments to employees to pay child support and/or spousal support obligations, although such garnishments are possible after proven non-compliance making court-ordered payments. (Paragraphs 3.3 and 3.4, page 10)
- Many spouses hold a G4 visa. G4 visa holders and their dependents are in the United States legally as "non-resident aliens" on a "non-immigrant" visa, with potentially profound immigration implications in the event of divorce. (Chapter 5, page 15)
- Subpoenas for information served on the World Bank Group will not be honored due to the immunities and privileges held by the World Bank Group.² (Paragraph 2.7, page 4)

¹ The World Bank Group includes the International Bank for Reconstruction and Development or IBRD and the International Development Agency or IDA (commonly and collectively called "the World Bank") and affiliates: the International Finance Corporation or IFC, the Multilateral Investment Guarantee Association or MIGA, the Global Environment Fund or GEF, and the International Centre for the Settlement of Investment Disputes or ICSID.

² International organizations such as the World Bank Group enjoy certain privileges and immunities that are designed to allow them (as organizations) to pursue the objectives that have been entrusted to them without interference from their member countries or from individuals in these countries. To implement this principle, the employees of international organizations are also accorded some privileges and immunities. An employee's immunity is granted in the interest of the international organization, and not for the benefit of the employee. The Convention on the Privileges and Immunities of the Specialized Agencies contains the following statement: "Privileges and immunities are granted to officials in the interests of the specialized agencies only and not for personal benefit of the individuals themselves" (Article 22). The immunity of employees is functional, in that it is the acts performed by an employee in his or her official capacity that are protected. This immunity is not the same as that of diplomats which is much wider, and protects the person of the diplomat. An important immunity of World Bank Group employees is the immunity from legal process for acts performed in their official capacity. Other privileges and immunities relate to taxes, immigration, alien registration and national service obligations, and travel. For World Bank Group employees, the immunity from legal process for acts performed

- Washington-based World Bank Group employees who are not U.S. citizens (including all employees holding a G4 visa) do not pay U.S. federal or state income tax on their World Bank Group salaries. Most World Bank Group employees are paid on a “net of tax” basis, and many career employees receive substantial benefits. Support amounts in the U.S. family law system is based on gross income, so if a net salary is submitted without explanation, the courts or attorneys may conclude erroneously that household income is lower than reality (relative to employees who do not work at the World Bank Group and are thus paid gross salaries), with adverse consequences for temporary or permanent spouse and/or child support petitions. The World Bank Group can give approximate estimates of gross income amounts for employees paid net of tax. (Paragraph 2.8, page 4)

THE WORLD BANK GROUP LEGAL ASSISTANCE OFFICER

1.4 The World Bank Group retains a Legal Assistance Officer who is available to clarify the peculiarities regarding World Bank Group employment conditions, G4 visa issues, etc., that may present certain challenges in representing spouses in domestic relations cases. The Legal Assistance Officer, Jeffrey Silverstein, can be reached at jsilverstein@worldbank.org, 202-4581609, or 703-239-0855.

in their official capacity has its source in the Articles of Agreement and in the Convention on the Privileges and Immunities of the United Nations Specialized Agencies, in the case of countries that have acceded to the Convention with respect to the World Bank Group. The immunity covers only acts performed by the employee in his or her official capacity. Employees are subject to legal process for acts performed before they joined the World Bank Group, for acts they would perform after leaving the World Bank Group, and for acts performed while they are employed by the World Bank Group and which are not performed in their official capacity. “Legal process” would include actions brought against the staff member in, civil courts, as well as criminal prosecution and possible detention in cases where criminal activity is alleged.

2 OBTAINING INFORMATION REQUIRED FOR SPOUSAL/CHILD SUPPORT

CHALLENGES

2.1 Accurate and current information on salary, pension and benefits of World Bank Group staff must be made available to the court and/or the plaintiff, so that a fair level of support for the plaintiff and her/his dependents can be arranged without any period of undue hardship.

2.2 World Bank Group employees who are involved as respondents in domestic relations cases (including domestic abuse cases) may exploit some of the special circumstances associated with World Bank Group employment to impede and delay the provision of such information (e.g., the World Bank Group's immunity to subpoenas). In the World Bank Group community, many victims of domestic abuse are entirely dependent financially on their abuser, and have limited or no access to alternative sources of income via employment or welfare benefits.

2.3 In connection with spousal and/or child support arrangements, a respondent may try to reduce his/her potential financial commitments to the plaintiff by portraying his/her income as being lower than it actually is. The World Bank Group's unique compensation system and restrictions on subpoena (and the unfamiliarity with this system by the courts) present higher risks in this regard than with other U.S. employers. For example, a respondent earning an annual salary net of U.S. taxes may quote this net salary from the World Bank Group, rather than its gross equivalent. The financial models often used by courts to set child support assume inputs of gross salary. Thus, the underreporting of salary can result in a lower amount of spousal and/or child support, given the means of the respondent. Other issues include omission of benefits paid quarterly or annually, or at the end of employment.

OBTAINING INFORMATION: AN OVERVIEW

2.4 Information about the salary, pension and benefits of an employee from the World Bank Group (hereafter referred to "information requests," "information orders" or "information") can be provided by the World Bank Group or by the individual employee/respondent. Generally, the most impartial route involves provision of such information by the employer, a neutral third party, as opposed to provision of information by the respondent directly. Employee-provided information may be incomplete by comparison, or lack the context required for accurate interpretation.³

2.5 The World Bank Group's Staff Rule 2.01 (Confidentiality of Personnel Information) sets forth provisions governing administration of and access to staff records and other personnel information about employees maintained, whether in hard copy or electronically, by the World Bank Group. It also provides for certain situations where the World Bank Group can release certain information about an employee without the employee's authorization.

³ World Bank Group compensation and benefits schemes can be complicated. Often, submissions of information prepared by respondents lack accuracy and completeness out of ignorance, not malice.

2.6 Staff Rule 2.01 stipulates that spouses and registered domestic partners of World Bank Group employees (past and present) have access to the salary, benefits and pension information of their spouse/partner. Therefore, World Bank Group's internal rules allow disclosure of such information to spouses or registered domestic partners without informing the employee. Salary, benefits and pension information thus can be provided by the World Bank Group directly to the spouse/domestic partner within five business days following a written (or emailed) request (see sample letter, Appendix C, page 41). Spouses or domestic partners (or their attorneys) should direct their written requests for information about an employee's salary, benefits and pension to the Human Resources Service Center (see Appendix F, page 53).

ORDERS FOR INFORMATION ADDRESSED TO THE WORLD BANK GROUP

2.7 If a subpoena or court order for personnel information regarding an employee is addressed to the World Bank Group instead of an employee personally, the World Bank Group Legal Department responds to the sender, asserting the World Bank Group's immunities and privileges, including immunity from subpoenas. The World Bank Group does not and cannot comply with such subpoenas or court orders. Unfortunately, because the subpoena process is effective against other U.S. employers, courts and attorneys must be reminded of the World Bank Group's immunity from subpoenas, and encouraged to simply ask their clients – the Bank Group spouse – to simply request the information from the World Bank Group Human Resources Department.

NET AND GROSS SALARY

2.8 World Bank Group employees who are not U.S. citizens (including all employees holding a G4 visa and U.S. permanent residents) do not pay U.S. state or federal tax on their World Bank Group net salary.⁴ In a spouse and/or child support discussion, when a net salary is quoted in net terms, with or without benefits information, household income is significantly underrepresented to the court (which expects gross income inputs). This may have adverse consequences for spouse and/or child support petitions, unless appropriately adjusted to gross income. Thus, in order to compare net salaries to equivalent "gross" salaries earned by almost all U.S. workers, the gross equivalent of the World Bank Group salary must be provided. A gross income estimate is available to most staff via the "Gross Salary" employment verification letter in the HRKiosk, and is included in all World Bank Group verifications of salary. Additionally, most staff members have access to a more sophisticated gross income calculator in the HR Kiosk, although this is not widely known since non-American staff typically have no need for such a calculator during their careers.

2.9 Receiving a net salary (not paying U.S. income taxes) is mandatory. Such treatment of non-American staff is codified in Internal Revenue Code, 26 USC 893 regarding "compensation of employees of foreign governments or international organizations."

⁴ Most American employees also are paid a net salary, but also receive a tax allowance benefit designed to cover the U.S. federal and state income tax liability on the net income. The largest exception is American employees on Extended Term Consultant and Extended Term Temporary appointment types, who are paid a gross salary and who pay U.S. federal and state taxes from that salary without receiving a tax allowance benefit.

DISPUTES REGARDING ESTIMATED GROSS INCOME

2.10 Estimating gross income from net income is by nature imprecise. The tax situation that would apply to any World Bank Group employee who earns tax-free income depends on hundreds of variables, including jurisdiction of residence, filing status, number of exemptions, investment income, spouse income, level of allowed deductions, carryover of gains and losses from previous years, and more. The World Bank Group thus provides a range of estimates as part of any verification of salary, pension and benefits.

2.11 In case where a respondent disputes the efficacy of using anything other than net income to determine support, or if the parties agree that gross income estimates are appropriate to use but cannot agree on the gross amount to be used, the plaintiff's attorney should consider calling a Certified Public Accountant or other tax expert to testify as to the appropriate gross equivalent income for any net salary.⁵

BENEFIT SUMMARY: DEPENDENCY ALLOWANCE

2.12 The World Bank Group pays a dependency allowance to each eligible employee⁶ who has eligible dependents.⁷ The dependency allowance for Headquarters staff is currently five percent of net income up to US\$3,500 per year, plus US\$600 for each eligible child. All amounts are reduced by high spouse salaries (starting at US\$30,000 gross per annum) and eliminated once spouse salaries exceed US\$130,000 gross per annum.⁸

BENEFIT SUMMARY: PENSION/STAFF RETIREMENT PLAN

2.13 Participation in the World Bank Group Staff Retirement Plan is mandatory for all eligible employees.⁹ Employees participating on or before April 14, 1998 are generally in the "gross plan," a defined contribution program. Employees who began participation on or after April 15, 1998 are generally in the "net plan," a combined defined benefit/defined contribution program.¹⁰ A small number of employees who were hired after April 14, 1998 but before March 1, 2000 transferred pensionable service from another qualifying international organization into the World Bank Group Staff Retirement Plan and are gross plan participants.

⁵ One other difficulty of estimating gross income from net income is the treatment of U.S. Social Security contributions. Many U.S. employers pay 50 percent or 100 percent of their employee's Social Security obligations.

⁶ Extended Term Consultants, Extended Term Temporaries, Short Term Consultants and Short Term Temporaries are not eligible for dependency allowance.

⁷ For purposes of dependency allowance, an eligible dependent is a legal spouse and any unmarried child under age 19 for whom the employee provides principal support. Additionally, unmarried children aged 19 to 24 are eligible dependents if the employee provides principal support and the child is either a full-time student or earning less than an income threshold (currently about US\$10,712 per year). Other conditions may apply, including residency in the employee's household, particularly for step-children.

⁸ Like all World Bank Group benefits policies, these amounts are subject to change.

⁹ Staff Retirement Plan participation is mandatory for Regular, Open-ended and Term appointments. It is not available to other appointment types. Extended Term Consultants and Extended Term Temporary appointments do not participate in the Staff Retirement Plan, but do participate in a similar "termination indemnity" benefit equal to 15 percent of final salary per year and fraction of year worked, payable when the appointment ends. More information regarding the Staff Retirement Plan is available publicly at <http://www.worldbank.org/humanresources>.

¹⁰ Many employees hired prior to April 15, 1998 commenced pension plan participation on April 15, 1998, and are thus in the net plan.

2.14 Significant differences exist between the two plans. The gross plan allows an “unreduced pension at age 50” and also allows participants to commute up to 33.3% of the value of the pension into a lump sum withdrawal at the time of pension application (which results in lower monthly pension payments). The gross plan also allows a retiree who divorces after retirement to designate the former spouse as an optional survivor eligible for a survivor pension if the retiree predeceases. The gross plan is, indeed, “gross” from a tax perspective, and retirees must pay any income tax liability on the pension payments. The net plan lacks the commutation and unreduced early retirement features, as well as the optional survivor feature. The net plan is paid net of tax, with a provision for the retiree to receive a supplemental payment to cover any income tax levied on the pension payments.

2.15 Both pension plans accept support payments to a former or legally separated spouse pursuant to a court order. A court order must be correctly prepared to ensure acceptance by the Staff Retirement Plan. Many provisions apply to such an order (see paragraph 6.6, page 21).

BENEFIT SUMMARY: LIFE INSURANCE

2.16 Most employees have World Bank Group-paid basic life insurance coverage equal to their annual net salary if they participate in the “gross plan” pension, and three times their annual net salary if they participate in the “net plan” pension.¹¹ In either case, the employee may purchase additional optional life insurance such that total World Bank Group plus optional coverage is six times annual net salary or less.

2.17 The beneficiary of any life insurance claim is specified by the employee. The employee may change this beneficiary at any time, and the latest beneficiary form in effect at the time of death governs the distribution of insurance proceeds.

2.18 The life insurance policy contains a provision that allows an employee to assign ownership of the policy to another individual or entity (such as a trust). Once assigned, only the policy owner (and not the employee) can change aspects of the coverage or beneficiary. Assignment of life insurance for active staff is binding on life insurance for retirees.

2.19 The World Bank Group also offers a modest optional dependent life insurance policy to eligible employees that covers the spouse (or registered domestic partner) of an employee, plus any eligible children.¹² The coverage is either standard (providing US\$20,000 coverage for the death of a spouse, and US\$8,000 coverage for the death of an eligible child), or high (providing US\$50,000 coverage for the death of a spouse, and US\$10,000 coverage for the death of an eligible child). The beneficiary is automatically the employee.

¹¹ Extended Term Consultants and Extended Term Temporaries receive World Bank Group life insurance benefits equal to one times annual net salary (or equivalent if the employee is paid gross per annum), and cannot purchase optional life insurance. Short Term Consultants and Short Term Temporaries are not eligible for life insurance coverage.

¹² Extended Term Consultants and Extended Term Temporaries are not eligible for dependent life insurance.

BENEFIT SUMMARY: ACCIDENT INSURANCE

2.20 Most employees have World Bank Group-paid basic accident insurance coverage equal to three times annual net salary.¹³ Regular, Open-ended and Term appointments may purchase additional optional accidental death insurance that doubles the World Bank Group-paid basic coverage for themselves only, or for themselves and any eligible dependents (see paragraph 2.23 below). Accident insurance covers accidental deaths only, and has many exclusions including natural causes, suicide, and death while serving in the armed forces of any country.

2.21 The beneficiary of any accident insurance claim is specified by the employee. The employee may change this beneficiary at any time, and the latest beneficiary form in effect at the time of death governs the distribution of insurance proceeds.

2.22 The accident insurance policy contains a provision that allows an employee to assign ownership of the policy to another individual or entity (such as a trust). Once assigned, only the policy owner (and not the employee) can change aspects of the coverage or beneficiary.

2.23 The accident insurance policy includes automatic coverage for the accidental death of eligible dependents, defined as the spouse (or registered domestic partner) of an employee, plus any eligible children. The coverage is 50 percent of the employee's basic coverage for accidental death of a spouse or domestic partner, or 25 percent of the employee's basic coverage for accidental death of an eligible child. If the employee has purchased optional dependent coverage, the basic coverage is doubled. The beneficiary in the event of the accidental death of a dependent is automatically the employee.

BENEFIT SUMMARY: MEDICAL INSURANCE

2.24 The Bank Group sponsors a comprehensive medical, dental and prescription drug insurance plan for eligible employees¹⁴ and their dependents. Enrollment in the MIP is optional. Once enrolled, a spouse's coverage must stay in effect until the couple divorces (unless the spouse consents in writing to ending her/his dependent coverage).

2.25 For full treatment of MIP Continuation (the ability of a MIP participant who loses eligibility to remain in the MIP for up to three years following loss of eligibility, similar to COBRA provisions), see Appendix D, page 50).

BENEFIT SUMMARY: EXPATRIATE BENEFITS

2.26 Expatriate employees¹⁵ appointed to an Open-ended, Term or Executive Director Advisor position subject to international recruitment on or after July 1, 1999 and whose duty station is the

¹³ Short Term Consultants and Short Term Temporaries are covered by a limited accidental death insurance policy only while on operational travel.

¹⁴ Short Term Consultants and Short Term Temporaries are not eligible for medical insurance coverage.

¹⁵ An expatriate employee at Headquarters is defined as an employee recruited to a career position subject to international recruitment who does not hold a U.S. passport or U.S. Permanent Residency ("green card") at the time of appointment (or at any time in the 12 months preceding appointment), or at any time after appointment.

United States are eligible to receive a mobility premium.¹⁶ The mobility premium is paid for a period of 10 years with a gradual reduction in payments starting in year 5. Prior service for the World Bank Group in receipt of expatriate benefits may count towards the 10-year period. The mobility premium clock is suspended while a staff member is on an extended field assignment or telecommuting.

2.27 Employees hired prior to July 1, 1999 who are eligible for expatriate benefits receive a different form of benefit: Home Country Travel and Education Benefits.¹⁷ Home Country Travel consists of a trip from Washington, D.C. (or the staff member's duty station if the staff member is on an extended field assignment) to the employee's home country once every two years. Education benefits consist of World Bank Group financial support for tuition payments for eligible dependent children at private schools (through high school) and private universities (the university must be outside the duty station country of the employee, normally outside the United States). The World Bank Group generally pays 75 percent of tuition and related costs (e.g., textbooks, room and board/subsistence for university-level education, etc.), plus travel benefits if the education is received in a different country from the staff member's duty station.

BENEFIT SUMMARY: SEPARATION GRANT

2.28 Employees who were appointed to a Regular or Fixed Term appointment prior to April 14, 1998 and who have been in continuous service since are eligible for a separation grant upon termination of employment. Employees in the net pension plan are not eligible, and the small number of employees who are in the gross pension plan due to pension transfer but who joined the World Bank Group after April 14, 1998 are also not eligible.

2.29 The separation grant is computed as two weeks of final net salary for each year (including fractional amounts) of continuous eligible service, up to 26 years of eligible service. Eligible service is the date of appointment to a Fixed Term or Regular appointment or July 1, 1979, whichever is later. Periods of leave without pay or external service without pay for more than 30 consecutive calendar days do not count as eligible service.

BENEFIT SUMMARY: RESTORATION OF TERMINATION GRANT

2.30 A small number of employees transferred from a World Bank Group Country Office to Headquarters before April 14, 1998.¹⁸ These employees were paid a termination grant in local currency upon departure from the Country Office appointment. The World Bank Group allows such employees the opportunity to restore this payment and to receive the termination grant benefit upon end of employment based on final net salary from Headquarters.

¹⁶ A small number of employees eligible for expatriate benefits hired after July 1, 1999 receive home country travel and education benefits, not mobility premium. Reasons include transfer from another World Bank Group appointment where home country travel and education benefits were offered, transfer from the IMF, a marriage to a World Bank Group employee receiving home country travel and education benefits, or an extended field assignment (during which mobility premium is suspended). See paragraph 2.27.

¹⁷ Eligible employees include expatriate appointments at Headquarters prior to July 1, 1998, plus internationally-recruited expatriate appointments from July 1, 1998 through June 30, 1999.

¹⁸ Many employees transferred from a Country Office to Headquarters after April 14, 1998. The termination grant liability for these employees (earned while appointed to a Country Office as a Local Regular or Local Fixed Term appointment prior to April 15, 1998) is incorporated into the net pension plan benefit of such employees, and is not reported separately.

BANK/BANK AND BANK/FUND COUPLES

2.31 Special rules govern the benefits given to World Bank Group staff members who are married to one another, and to World Bank Group staff who are married to International Monetary Fund staff members.

BANK/BANK AND BANK/FUND COUPLES: DEPENDENCY ALLOWANCE

2.32 Both the World Bank Group and the International Monetary Fund have similar rules governing dependency. A child cannot be a dependent in more than one household. Each organization evaluates every divorce to determine which parent provides principal support, taking many factors into account including custodial arrangements, child support (if any), and parental agreements.

BANK/BANK AND BANK/FUND COUPLES: EXPATRIATE BENEFITS

2.33 Many permutations exist depending on expatriate benefit eligibility.

2.34 For Bank/Bank couples where both parents are eligible for home country travel/education benefits or for mobility, a divorce will create an entitlement for each spouse under the same type of benefit (home leave/education versus mobility premium). In the mobility premium case, the entitlement uses each staff member's eligibility and zone. Mobility premium for child dependents are paid only to the staff member who receives dependency allowance for the child.

2.35 For Bank/Fund couples eligible for home leave/education, divorce has no impact, since each staff member while married had the capability of accessing each benefit from each organization, although "double-dipping" was prohibited.

2.36 For Bank/Fund couples where the Fund employee receives home leave/education and the Bank Group employee receives mobility premium, a divorce has no spousal impact since neither the Bank Group nor the Fund offered spousal expatriate benefits. Whichever parent receives dependency allowance for a child would receive expatriate benefits for that child.

INTRODUCING INFORMATION BY CROSS-EXAMINATION

2.37 Certain jurisdictions such as Maryland allow information provided by the World Bank Group to be introduced into a court proceeding as evidence because the standard World Bank Group letter includes a "Custodian of Record" stipulation (see sample letter, Appendix C, page 41).

2.38 Unless both parties can be compelled to accept the validity of the information, other jurisdictions, however, will not accept such documents as evidence. (Unless a document's author can testify, the information is considered "hearsay" and is inadmissible in court.) The proper procedure in such cases is to introduce the information through cross-examination of the respondent during the hearing by the plaintiff's lawyer.

3 SUPPORT ORDERS AND GARNISHMENT

INTRODUCTION

3.1 The World Bank Group has a Staff Rule regarding staff compliance with family obligations, specifically for spousal and child support obligations (see Staff Rule 3.06 Family Obligations, page 32).

3.2 Each plaintiff (and the plaintiff's attorney) must ensure that support orders and/or garnishment orders are specific and unambiguous about how often payments must be made, the amount of payments, who should paid, when payments end (if applicable), and how payments should be made. The information in the support order must indicate a "readily ascertainable" amount or percentage of salary, and a "due date" for payments.

CHILD SUPPORT ORDERS

3.3 Child support is administered differently in each state:

- In the District of Columbia, all child support payments are processed by the Child Support Clearing House.
- In Maryland, once an order for support has been issued by the court, the payee can go to the Maryland Department of Human Resources, Office of Child Support (there is one in each county), and request that child support payments are redirected through the Maryland Child Support Account. The Office of Child Support will help to arrange this. Maryland will then proceed against a respondent who is delinquent in paying support.
- In Virginia, at the support hearing, plaintiffs can ask for child support payments to be ordered payable to the Department of Child Support Enforcement (DCSE), rather than directly to the plaintiff. While payments to the DCSE incur a delay before the plaintiff receives the money, this procedure ensures that a valid, reliable record of the amount and date of payments exists. Such a record could expedite action to commence garnishment by the World Bank Group, should the respondent prove to be noncompliant, or comply poorly.

SPOUSAL SUPPORT ORDERS

3.4 The District of Columbia and Virginia have no provisions for assistance to plaintiffs awarded spousal support. Maryland, however, allows use of a similar procedure to child support (see paragraph 3.3 above) for spousal support.

WAGE GARNISHMENT ORDERS

3.5 A wage garnishment order is an order for an employer to deduct amounts from an employee's paycheck, and remit those deductions directly to a third party. As such, a wage garnishment order may be directed as a matter of court routine to the World Bank Group as the respondent's employer. Due to its immunities and privileges, the World Bank Group cannot comply with such an order.

3.6 However, wage garnishment orders for spouse and/or child support are an exception. When the World Bank Group receives a wage garnishment order for spouse or child support, the World Bank Group may authorize deductions from the wages of an employee in accordance with the garnishment order (see paragraph 3.7 below). The World Bank Group has internal procedures that must be followed before deducting any amount from an employee's salary for spouse and/or child support. Please allow reasonable time for the World Bank Group to respond.

NON-COMPLIANCE WITH SPOUSE AND/OR CHILD SUPPORT ORDERS

3.7 If an employee does not comply with court-ordered payments for spousal and/or child support, the following procedures should be followed:

- The plaintiff's lawyer should submit a copy of the original court order to the World Bank Group Legal Department, with a copy to the World Bank Group Office of Ethics and Business Conduct. (See Appendix F, page 53.)
- To facilitate the World Bank Group's understanding of the situation, the court order should be accompanied by a cover letter stating the nature of the matter, the date of issuance of the court order, the deadline, and other details of payments that must be met by the employee, and the action needed (e.g., encouraging the employee to comply with the court order by arranging for regular automatic electronic payments to the plaintiff).

3.8 The World Bank Group Legal Department will respond to the letter and, if no additional information is required from the sender, refer the matter to the World Bank Group Office of Ethics and Business Conduct. The World Bank Group Office of Ethics and Business Conduct will contact the employee to encourage the employee to comply with the court order within five (5) business days and inform the employee of the possible consequences of not complying with the court order. If the employee fails to comply, the World Bank Group's Office of Ethics and Business Conduct may authorize deductions of the amounts due from the employee's salary in accordance with the court order. The World Bank Group Office of Ethics and Business Conduct may also consider the non-compliance as a matter of possible misconduct.

REPEATED NON-COMPLIANCE OF PAYMENT FOR SPOUSE/CHILD SUPPORT

3.9 If the Bank Group receives a subsequent court order or request for the payment of spouse or child support regarding the same staff member, or receives a complaint (together with the court order) about a late or partial payment for spouse or child support already ordered by a court, the Office of Ethics and Business Conduct will contact the staff member and give the staff member three (3) business days to demonstrate to the satisfaction of the Office of Ethics and Business Conduct that he/she complied with the court order. Otherwise, the Bank Group will authorize the deductions for spouse or child support from the staff member's salary in accordance with the court order. The procedure to follow is:

- The plaintiff's lawyer should submit a copy of the original court order to the World Bank Group Legal Department, with a copy to the World Bank Group Office of Ethics and Business Conduct (see Appendix F, page 53).

- To facilitate the World Bank Group's understanding of the situation, the court order should be accompanied by a cover letter stating the nature of the matter, the date of issuance of the order, the deadline, and proof of repeated payment non-compliance.
- The World Bank Group Legal Department will respond to the letter and refer the matter to the World Bank Group Office of Ethics and Business Conduct for action. (See paragraph 3.8 above.)

3.10 You should familiarize yourself with Appendix A of this document. Note that all Staff Rules may change without prior notice. It is always prudent to verify the correct version of Staff Rule 3.06 by accessing <http://go.worldbank.org/8Y4OVZPZU0>.

4 SERVING SUBPOENAS AND OTHER COURT ORDERS

HOW TO ISSUE AND SERVE PAPERS ON A WORLD BANK GROUP RESPONDENT

4.1 Subpoenas¹⁹ and court orders can be “served” on different categories of respondents by several different procedures, and “service” is necessary for the subpoena or court order to be enforced. The requirements for valid process service vary among jurisdictions. Generally, the process for service over property issues (“*in rem*”) is different from that for service over people (“*in personum*”):

- If *in rem* jurisdiction over property is sought, and/or no action is required by the recipient to allow this, then service can occur by a wide range of methods including sending the papers by certified mail, taping the papers up on the front door of the recipient’s home, or even sending by email.
- If *in personum* jurisdiction over persons is sought, and some action will be required by the recipient, then service must occur in person. The papers must be placed into the respondent’s hand by a person whose authority to do so is recognized by the court.

4.2 For the purposes of Protective Orders and court-ordered support payments, in the Washington, D.C. metropolitan area, personal service is required. Personal service can take place in various locations including the respondent’s residence, at a port of entry into the country, or at the respondent’s workplace.

4.3 Subpoenas or court orders that are personal in nature from any “court of competent jurisdiction” from any country in the world must be served on the employee respondent personally, and not on the World Bank Group. The World Bank Group is immune from subpoenas in accordance with its immunities and privileges provided for under U.S. and international law.

4.4 Issuance of subpoenas or court orders against an employee personally may offer some advantages to a plaintiff and be needed depending on the case and the plaintiff’s lawyer’s advice. For example, if the respondent fails to comply with a subpoena or court order addressed to him/her personally, the plaintiff can ask the court to hold the respondent in contempt, and invoke serious penalties and sanctions, including jail. The threat of punitive judicial sanctions can act as a powerful incentive to comply.

4.5 Subpoenas and court orders (including domestic violence Protective Orders) cannot be served on a World Bank Group employee while on World Bank Group premises²⁰ because the World Bank Group premises are inviolable in accordance with its immunities and privileges. However, if the intended recipient, a World Bank Group

¹⁹ A subpoena is “a command to appear at a certain time and place to give testimony regarding a certain matter. A subpoena *duces tecum* requires production of books, papers and other things.” (Black’s Law Dictionary) Subpoenas can be issued by a court, or by a private attorney.

²⁰ “World Bank Group premises” refers to all spaces inside and within any building owned, occupied or leased, whether in whole or in part, by the World Bank Group.

employee, is at work on World Bank Group premises, the following procedures are available:

- The server explains the purpose of his/her visit at the security checkpoint found in at the entrance to each World Bank Group building.
- World Bank Group Security Operations staff will contact the World Bank Group Legal Department, which will ascertain the intended purpose of the papers (e.g., personal matter of an employee versus a business matter of the World Bank Group).
- If the recipient is a World Bank Group employee being served papers in his/her personal capacity (and not his/her professional capacity), the employee will be notified, and invited to step outside of the World Bank Group premises²¹ permit service to be accomplished.
- Should the employee decline cooperation, he/she will be reminded of the World Bank Group policy regarding personal legal obligations, and the process server will be advised to attempt service elsewhere.

4.6 If service proves difficult to accomplish due to action by the respondent (e.g., moving to an undisclosed address, embarking on extended overseas mission travel, etc.), the plaintiff should explore with her/his lawyer what alternative options under local law are available.²²

ORDERS AGAINST THIRD PARTIES

4.7 U.S. financial institutions including the Bank-Fund Staff Federal Credit Union do not enjoy immunities and privileges, and must honor subpoenas for information.

²¹ See Footnote 20.

²² A policy change to allow the World Bank Group to disclose address information without the employee's permission in family disputes is currently under review.

5 THE G4 VISA

RESTRICTIONS AND PRIVILEGES

5.1 About 65 percent of the World Bank Group staff in Washington, D.C. are non-American, about half of whom work and reside in the United States on G4 visas.²³ G4 visas are issued to foreign nationals living in the United States and working for an international organization. The G4 visa is termed a non-immigrant visa (meaning that it does not progress to lawful Permanent Residency or to U.S. citizenship), and the principal G4 visa holder and any dependent G4 visa holders are “non-resident aliens.”

5.2 There are some limited immunities and privileges associated with principal G4 visa holders. The immunities relate to World Bank Group business and do not cover illegal behavior. G4 visa holders do not enjoy diplomatic immunity and must comply with all U.S. laws, including family law, or face the consequences.

5.3 One important privilege for G4s and their dependents is that of relatively unrestricted re-entry into the United States while their visas are valid. Also, G4 visa holders and their dependents are exempt from jury duty and military service in the United States.

5.4 One important restriction applies to dependent G4 visa holders seeking employment in the United States. Such individuals generally require a work permit (Employment Authorization Card) to work in the United States. Once a work permit is obtained, any income earned by a dependent G4 visa holder is fully taxable in the United States. (See paragraph 5.10, page 16.)

RENEWING A G4 VISA

5.5 A G4 visa is valid for a period that depends on the nationality of the G4 visa holder and the duration of the principal G4 visa holder’s employment contract with the World Bank Group.

5.6 G4 visa holders must remain aware of when their visas expire to ensure timely renewal. Renewal within the United States optimally occurs 60 days prior to expiration. G4 visa renewal services are provided by the World Bank Group as long as the employee remains employed by the World Bank Group on a Regular, Open-ended, Term or Extended Term appointment, or as a Short Term consultant or Short Term temporary with a 150-day contract. Renewal requests should be made as early as possible within the 60-day period prior to expiration of the current visa.

5.7 The U.S. State Department requires renewal of dependent G4 visas at the same time as the employee’s principal G4 visa, if the visas expire within 60 days of each other. Each employee is responsible for renewal in a timely fashion.

²³ The remaining group of employees is typically U.S. Permanent Residents.

I-94 CARDS

5.8 Upon entry to the United States, an I-94 card of a G4 visa holder (distributed to passengers by airlines, completed by the traveler and attached to the passport) is typically marked by a U.S. immigration officer with the notation "D/S" (Duration of Status). "D/S" means that the passport holder has legal status in the United States (even if the G4 visa in the passport has expired), as long as he/she is employed by the World Bank Group or is a dependent of the principal G4 visa holder, who is stationed in the United States and employed by the World Bank Group.

5.9 The I-94 card is removed from passports by immigration officials (or airline employees) on departure from the United States. The traveler must ensure that the I-94 card is removed before leaving the United States. Otherwise, the passport holder may encounter problems upon re-entry.

GETTING A WORK PERMIT

5.10 Many G4 dependent spouses want to work in the United States. Unless the G4 dependent finds work in an international organization and becomes a G4 principal, a work permit (Employment Authorization Document), issued by the U.S. Citizenship and Immigration Service (hereafter, USCIS) is required.

5.11 The work permit application package can be downloaded using any computer connected to the World Bank Group Intranet (see <http://visa>), including those in the WBFN and in the Job Search Center, which are available for use by spouses. Call 202-473-8751 or 202473-2445 for locations.

5.12 As principal G4 visa holders, employees must provide passport and visa information required for completion of a work permit application for their dependents. The World Bank Group Human Resources Service Center will assist any dependent unable to obtain this information independently in connection with their work permit application.

LOSS OF G4 STATUS

5.13 The dependent G4 visa status of spouses residing in the United States can end in various scenarios:

- A change in circumstances such as the employee accepting an overseas assignment or otherwise living abroad;
- A final divorce decree;
- Termination of the employee's employment; or ☐ Death of the employee.

5.14 A G4 dependent may remain in the United States for only 60 calendar days following the loss of G4 status, e.g., 60 days from the date of a final divorce decree, unless an application for a change of status is filed within those 60 days. Anyone departing the United States during this 60-day period may not re-enter the United States on the G4 visa.

5.15 In addition to loss of dependent G4 status due to the change of circumstances described in paragraph 5.13 above, dependent children may lose G4 status for other reasons including:

- Marriage;
- Loss of dependency by gaining full-time employment (unless a full-time student);
- Loss of dependency by earning over US\$10,712 per year (unless a full-time student);
- Loss of dependency by leaving the employee's household; or
- Reaching age 25 unless disabled.²⁴

CHANGE OF STATUS FROM G4

5.16 U.S. immigration issues are complex, and expert advice for each individual situation is required to determine eligibility for another immigrant or nonimmigrant status. Depending on individual circumstances such as citizenship, education and work experience, family composition and connections, extent of financial assets and so on, the range of visa options will vary. Many nonimmigrant visas do not allow the holder to work in the United States.

5.17 A person may apply for only one type of nonimmigrant status at a time. The applicant must wait for the outcome of the initial application before submitting an application for another nonimmigrant status for which they may be eligible. If an individual abandons a pending application in favor of a new application for a different class of visa, an immigration attorney should be engaged.

5.18 Application for a change of status must be filed before the individual falls "out of status" (defined as remaining in the United States after one's legal status to remain in the United States ends). Failing to file in time seriously compromises the chances of successfully obtaining an alternative visa.

5.19 For World Bank Group spouses who divorce, the need for an alternative to the G4 dependent's visa (and work permit, where applicable) is typically an urgent issue. In such cases, the following options apply to a G4 dependent. She/he:

- may remain in the United States for up to 60 days following the final divorce decree.
- may apply for a change in visa status, if eligible. Application for a change in visa status must be made within the period of up to 60 days following the final divorce decree. By applying for a change in visa status, the applicant may be able to remain in the United States beyond the 60-day period mentioned above.
- must stop work as of the date of the final divorce decree. This means that after the final divorce decree, G4 dependents cannot legally continue to work, even if the employment authorization was originally issued for a much longer period.

²⁴ In certain cultural contexts, the U.S. State Department might extend a dependent G4 visa to non-disabled dependent children above age 25 for a fixed period of time.

5.20 Physical separations and legal separations do not invalidate the G4 dependent's visa status. Only a final divorce decree has that effect.

VISA OPTIONS FOR DEPENDENT G4 SPOUSES AFTER DIVORCE

5.21 Dependent G4 visa holders who divorce often wish to remain in the United States. While many immigration options exist, not all are available to all applicants. Competent advice must be sought from an experienced immigration attorney. Solutions include:

- Options based on other family relationships, which can ultimately lead to U.S. citizenship, including:
 - Permanent Residency sponsorship by a child 21 or older who is a U.S. citizen.
 - N visa status through a child younger than 21 who already has obtained Permanent Residency.
- Options involving employer sponsorship, including:
 - Employer sponsorship and labor certification while the individual is in valid dependent G4 status, leading to Permanent Residency.
 - Employer sponsorship for an H-1B visa for permission to perform professional work.
- Options that do not allow the visa holder to work, but do allow continued stay in the United States for a defined period, including:
 - B-2 visa status, so that personal business can be completed, for family visits, tourist activity, or medical treatment.
 - F visa or J visa (student visas that may include limited employment provisions).
- Options for domestic violence victims, including:
 - U visa (see paragraph 7.34 below, page 29).
 - "self-petitioning" for U.S. Permanent Residency.
- A national of a country eligible for the U.S. State Department's annual "green card lottery" may apply to the lottery and, if selected, receive Permanent Residency.

5.22 See Appendix B (page 36) for a full treatment of many of these options.

THE G4 VISA AND DIVORCE IN VIRGINIA

5.23 In 2000, the Virginia Court of Appeals upheld a lower court ruling that a World Bank Group employee and principle G4 visa holder who sought divorce from her husband (also a World Bank Group employee and principal G4 visa holder) failed to prove she was a *bona fide*

resident and domiciliary of Virginia.²⁵ Many World Bank Group couples (including G4 couples) living in Virginia subsequently have obtained a divorce through Virginia courts despite this ruling. Individuals may wish to consult their attorney with regard to how this case may or may not impact their divorce proceeding.

5.24 This case does not affect the powers of Juvenile and Domestic Relations Courts in Virginia regarding Protective Orders, awarding of temporary custody and visitation, child support, temporary spousal support, exclusive use of property (such as residence, vehicles), etc.

5.25 This case does not affect divorce proceedings in other states, which use different determinations for eligibility for divorce under state law.

²⁵ *Adoteye v. Adoteye*, 32 Va. App. 221, 527 S.E.2d 453 (2000).

6 RETIREES

6.1 Domestic relations cases for World Bank Group retirees present similar challenges to those of active employees. However, there are important differences:

- Typically, the immigration law component is not an issue. If the couple resides in the United States post-retirement, typically both individuals will have permanent residency or U.S. citizenship, and not G4 visa status.
- Retirees receive only three World Bank Group benefits: a pension, medical insurance coverage (if eligible and enrolled), and life insurance coverage (if eligible and enrolled).²⁶

6.2 The World Bank Group operates a single Staff Retirement Plan, but with two distinct groups of retirees. Benefits and options differ between the two groups (see paragraph 2.13, page 5). The two groups are:

- “Gross plan” retirees, who are typically retirees who were retired or participating in the Staff Retirement Plan on April 14, 1998; and
- “Net plan” retirees, who joined the Staff Retirement Plan on or after April 15, 1998.²⁷

6.3 The gross and net plans have different eligibility criteria, vesting rules, benefit rules and survivorship rules. The gross plan is a defined contribution plan, and the net plan is a combined defined contribution/defined benefit plan. A retiree can participate in only one plan.

GENERIC SPOUSAL SUPPORT ORDER FOR ALL PARTICIPANTS

6.4 World Bank Group Pension Administration has online resources to assist attorneys with preparing appropriate instructions to accommodate decisions reached in divorce proceedings. A generic Spousal Support Order template is available with appropriate optional language for gross plan participants and net plan participants.²⁸

GROSS PLAN PARTICIPANTS ONLY

6.5 During retirement, a retiree may elect an optional survivor pension (which reduces the retiree’s pension) within 180 days of the following life events:

- Marriage after retirement
- Divorce after retirement
- Birth/adoption after retirement

6.6 World Bank Group Pension Administration has many resources and forms available for

²⁶ Retirees may receive other benefits in the period immediately following end of employment, such as resettlement benefits.

²⁷ See Footnote 10, page 8.

²⁸ See <http://www.worldbank.org/humanresources>, then select Pension and Benefits (including Retiree Life and Medical insurance), then “Gross Plan,” then select “Life Event (Marriage, Divorce, etc.),” then click on “Spouse Support Explanation” in the third paragraph. Please note that the net plan participants must use this gross plan link, as the template is not available on the net plan website. You may also contact Pension Administration directly.

gross plan participants to assist attorneys with preparing appropriate instructions to accommodate decisions reached in divorce proceedings:

- A general web page on Life Events including divorce.²⁹
- A document entitled “Explanation of the Spousal Support Payment under the World Bank Group Staff Retirement Plan” which includes a generic Spousal Support Order and an Acknowledgment of Legal Obligation to Pay Spousal Support template used by retirees to instruct World Bank Group Pension Administration with regard to execution of court orders.³⁰
- A document entitled “Support Payments: Payment of Spousal Support from Participant’s Pension”³⁰
- Form 2369, Election of Pension for Former Spouse.³¹

²⁹ See <http://www.worldbank.org/humanresources>, then select Pension and Benefits (including Retiree Life and Medical insurance), then “Gross Plan,” then select “Life Event (Marriage, Divorce, etc.),” Please note that the net plan participants must use this gross plan link, as the template is not available on the net plan website. ³⁰ Ibid., then click on “Spouse Support Explanation” in the third paragraph.

³⁰ Ibid., then click on “Spouse Support” in the third paragraph.

³¹ <http://www.worldbank.org/humanresources>, then Forms, then Pension, then Election of Pension for Surviving Spouse - Form 2272 (HQ).

7 DOMESTIC ABUSE AND PROTECTIVE ORDERS

INTRODUCTION

7.1 As a response to advocacy for family welfare, the World Bank Group has taken special measures to help reduce harm from abusive domestic behaviors within the World Bank Group community. The World Bank Group's corporate response to domestic abuse includes institutional policies and practices as well as certain services that are made available to victims of domestic abuse.

THE HUB

7.2 The HUB is a free, confidential, counseling, referral and case-management service dedicated to domestic abuse issues. The HUB is contracted by the World Bank Group to provide those services to World Bank Group staff and family members. Therefore, the HUB functions as a liaison between the client, community resources, and the World Bank Group. The HUB can be reached at +1-202-458-5800 at any time of day, any day of the week. Help is available in many languages besides English.

7.3 The scope of the HUB's assistance for domestic abuse cases includes crisis help, safety and welfare of adults as well as children, physical and mental health, accommodation, provision of confidential referrals for abusers who seek help in changing their behavior, and legal/immigration status. Assistance for legal matters can be offered in several ways:

- The HUB helps clients identify the various legal options available for obtaining protection and support.
- In cases where the family's visa status is a complicating factor, the HUB may arrange for one free consultation with a law firm specializing in immigration matters.
- The HUB is knowledgeable about the process for seeking Protective Orders in the Washington, D.C. metropolitan area, and can offer practical guidance to victims in preparing themselves for a court appearance.
- The HUB can refer to the Domestic Violence Legal Empowerment and Appeals Project (DV LEAP) for legal information and referrals.

7.4 HUB clients who have already obtained a Temporary Protective Order (see paragraph 7.10, page 24) may qualify for limited financial assistance to apply towards the cost of obtaining a Final Protective Order.

7.5 DV LEAP attorneys are available to consult about the domestic violence and custody aspects of the case but will not act as attorneys for clients or directly represent them. DV LEAP consultants will provide legal information, options and resources but will not provide legal advice. DV LEAP consultants will make referrals for attorneys with domestic violence expertise. The World Bank Domestic Violence Prevention Coordinator or HUB makes referrals to DV LEAP.

REPORTING AND DOCUMENTING DOMESTIC ABUSE INCIDENTS

7.6 Every case of domestic abuse is different in terms of safety considerations and actions that will help protect the victim and other at risk family members. As always, consulting with a professional experienced in domestic violence advocacy and/or law may be helpful in deciding which actions listed below are safest to take:

- Victims and/or their children experiencing domestic abuse or family violence may need to call the police in instances in which they are experiencing conflict, threats, and/or physical harm by the abuser. Police can be reached by calling 911. When the police arrive, it is a good practice to record the name and badge number of the officer who responds and the number of the report. If possible, get the police officer's business card.
- The police officer will conduct an investigation. The investigation may include interviewing witnesses orally, getting signed statements from victims and witnesses, and photographing injuries and/or property damage. Many jurisdictions require the officers to fill out a separate domestic violence report. Depending upon the laws of the individual jurisdiction and the circumstances of the specific case, the police may make an arrest and remove the alleged abuser from the home at this time. Otherwise, the officers will just try to resolve the immediate problem.
- Even if there is not an arrest, the victim may still request that the police officer write a report, and ask for a note of the case/report number. This number is needed to be able to get a copy of the report later. The victim has a legal right to this report under the law. The victim should do so promptly, as the report will be needed to support later actions such as a filing for a Protective Order, custody, or criminal charges.
- If anyone is injured, it is the best practice for medical treatment to be obtained as soon as possible. Make sure any injuries are documented by the police and the medical provider. This may be more easily accomplished at a hospital emergency room than at the office of a private doctor. (The World Bank Group Health Services Department Clinic cannot perform this function.) Physical injuries should be photographed on the day of the assault as well as on the following three days (when bruising may become more evident).
- If appropriate, the alleged victim should accept a police officer's offer of transportation to a hospital emergency room for treatment.
- Any damage to property from the domestic violence incident should be documented by photographing the damage.
- If the domestic abuse incident was not reported to the police at the time of occurrence, the alleged victim (or victim advocate) can still call the police at a later time and ask the police to document the complaint of abuse.

PROTECTION FROM FUTURE DOMESTIC VIOLENCE INCIDENTS

7.7 In the United States, alleged domestic abuse victims can petition for a Protective Order before the courts, which forbids the alleged abuser from further violence against the victim(s). Every jurisdiction varies regarding who is eligible to obtain a Protective Order, the standard that needs to be proven to obtain a Protective Order, the relief available, and the process for obtaining the Protective Order.

7.8 Seeking a Protective Order is an action handled in the civil court system but subsequent violations of the Protective Order also may involve the criminal justice system, depending upon the jurisdiction. Protective orders can be useful in helping to keep the abuser away from the victim, his/her residence, his/her work and perhaps even day care providers and schools. Victims may be able to seek temporary custody, support, use and possession of the home or vehicles, and other economic remedies depending upon the state's laws.

7.9 Victims may request the court to rescind (i.e., drop) or modify a Protective Order. This occurs frequently due to intimidation of the alleged victim by the alleged abuser, often accompanied by promises of future good behavior. It is up to the individual judge to decide if the order should be rescinded or modified. If the judge rescinds the order, and if the abuser becomes violent in the future, the victim will need to go through the whole process again. There are instances in which a judge may feel that an abuser is too violent, and refuse a victim's wishes to rescind or modify a Protective Order. In such cases, the Protective Order remains in place for a determined period of time. While a victim is legally entitled to petition the court for a new Protective Order at a later time, a victim should be aware that a withdrawal may undermine her/his safety, protection and/or credibility in future legal proceedings.

THE TEMPORARY PROTECTIVE ORDER³²

7.10 A Temporary Protective Order is an order issued by a court. To obtain a Temporary Protective Order, the alleged victim should file a petition with the court. Then, a hearing will be scheduled before the court. While victims can represent themselves in obtaining a Protective Order, it is helpful to have legal representation and/or victim advocacy. This is not a process that the victim should go through alone and unprepared. To prepare for this process, the victim can call the Domestic Violence Intake Office for the jurisdiction in which he or she is seeking a Protective Order, and make an appointment to talk about the domestic violence situation, and how to proceed with court action against the alleged abuser. Jurisdictions also may have legal programs that can provide attorneys (some free of charge depending upon the individual client's resources) to represent victims in Protective Order proceedings. The HUB, DV LEAP, and/or the World Bank Domestic Violence Prevention Coordinator also maintain a list of private attorneys who can represent victims in Protective Order proceedings and the victim can contact these offices to obtain these names (see paragraph 7.2, page 22).

7.11 Domestic Violence Intake Offices usually have victim advocate personnel available who are knowledgeable about domestic violence and the court process, and may be helpful in explaining options and the procedures involved. Sometimes domestic violence victim advocates can assist the victim with filling out whatever forms are necessary and assessing their safety. They also may be able to accompany the victim to court appearances and provide moral support.

7.12 If a victim chooses to file a Temporary Protective Order, she/he will fill out the required paperwork and have a hearing before the judge to explain why a Protective Order is needed. This hearing usually takes place the same day (or the next day in some cases if the court is near

³² The Temporary Protective Order is also called a Temporary Restraining Order, a Preliminary Protective Order, or a Preliminary Restraining Order, depending on the jurisdiction.

closing time) and the hearing is “*ex parte*,” which means that only the victim needs to be present. The alleged abuser does not need to be there (and, indeed, is only rarely present).

7.13 At the Temporary Protective Order hearing, the alleged victim can, depending upon the jurisdiction, request the conditions listed below. Some of these items may appear in a preprinted checklist on Temporary Protective Order forms, while others may need to be added, or modified, as appropriate to the individual situation:

- The abuser must not assault, stalk, threaten or harass the alleged victim or her/his children in any way.
- The abuser must remain a certain distance away from the victim at all times.
- The victim shall have exclusive use of the marital residence. The abuser must vacate the residence. The manner and time of this event must be specified. Additionally, the abuser must refrain from reentering the home, surrender all keys, refrain from damaging the premises or property, and refrain from shutting off utilities or altering mail service.
- The victim shall have exclusive use of at least one vehicle.
- The victim shall have temporary custody of any minor children.
- The abuser shall refrain from contacting the alleged victim and her/his children.
- If there is any reason to fear that the abuser might abduct the children to a foreign country, the minor children’s passports should be surrendered to the court, or to the custodial parent, under conditions of time and place that are specified in the Temporary Protective Order.
- The judge may award supervised or unsupervised visitation rights to the alleged abuser. The time, place and conditions for exchange of the children between the parents must be carefully and fully specified in the Temporary Protective Order.
- In case of visitation rights of children, victims should consider that the Temporary Protective Order requires written (including via email) documentation of the precise arrangements (who, time, place for pick up and drop off) for each and every visitation.
- Victims also may be granted support for their children, money for rent, mortgage, utilities, and other reasonable living needs, depending upon the jurisdiction.

7.14 The court will issue a written Temporary Protective Order if the victim meets the burden of proof under the law of that state and schedule a Final Protective Order hearing within a specified period of time set out under the state’s law. If the Temporary Protective Order is granted, the victim will receive a copy of the Temporary Protective Order and should keep this copy with her/him at all times and provide a copy to the schools, day care provider, etc.

7.15 The abuser must be served in person with a copy of the judge’s Temporary Protective Order. Otherwise, the Temporary Protective Order is not enforceable. (See Chapter 4, page 13 regarding serving papers on World Bank Group staff and how to optimize compliance with the Temporary Protective Order.) “Service” is usually performed by a police officer or sheriff from the county where the Temporary Protective Order is sought, but there are also other means of service, such as private process

servers or, in some jurisdictions like the District of Columbia, adults over 18 years of age can perform service.³³

7.16 After successful service, the server will file a document in the court's case file that indicates service took place. This document makes the Temporary Protective Order enforceable, and is required for a Final Protective Order hearing.

7.17 Bearing in mind that information on household income will be needed at the ensuing Final Protective Order hearing in order to set support for the victim(s), the victim and her/his attorney should immediately take steps to obtain information on the abuser's income (see Chapter 2, page 3).

THE FINAL PROTECTIVE ORDER³⁴

7.18 A Final Protective Order is also issued by a court and requires a hearing. Victims are strongly advised to have legal representation for this hearing, and need to select a lawyer who is experienced in domestic abuse cases in that particular jurisdiction. The HUB, DV LEAP, and/or the World Bank Domestic Violence Prevention Coordinator maintain a list of private attorneys who can represent victims in Protective Order proceedings and the victim can contact these offices to obtain these names (see paragraph 7.2, page 22).

7.19 A victim should discuss with her/his attorney what to expect from the hearing including testifying, cross examination and what it may feel like to have to reveal personal and painful experiences in open court. It is important for the alleged victim to be prepared as information and documents may need to be produced at the hearing, especially if the victim seeks spouse and/or child support from the alleged abuser (see paragraphs 7.24 to **Error! Reference source not found.**).

7.20 Before the hearing for the Final Protective Order takes place, certain jurisdictions like the District of Columbia offer an opportunity to consult with an Attorney Negotiator from the court. The Attorney Negotiator does not represent either party, but allows the victim a chance to review the petition and understand the legal provisions in the requested Final Protective Order, and make changes or add items in the petition at this time. The abuser then has a chance to speak with the Attorney Negotiator. The aim of these separate discussions with the Attorney Negotiator is to be able to present a mutually agreed arrangement to the judge, if this can be achieved in advance of the hearing. A victim should not feel pressured to resolve the case in a certain way with the Attorney Negotiator and/or make changes to her petition if the victim does not feel it is in her/his best interests to do so. When possible, it is best for the victim to consult with her/his own attorney before the Final Protective Order hearing.

7.21 At the hearing for the Final Protective Order, the abuser is required to appear, in addition to the victim. If the abuser fails to appear at the Final Protective Order hearing, the default hearing will proceed. At the hearing, the victim/victim's attorney, must have Proof of

³³ Use of private process servers may be advantageous because they are more persistent in completing service. The World Bank Group Legal Assistance Officer or Domestic Abuse Coordinator can advise further (see Appendix F, page 53).

³⁴ The Final Protective Order is also called a Permanent Restraining Order or a Final Restraining Order or a Permanent Protective Order in some jurisdictions.

Service³⁵, i.e., that the alleged abuser (the respondent) was personally given a copy of the Temporary Protective Order, and has thus also been notified of the hearing (see paragraph 7.16, page 26). The abuser can have his/her lawyer present, and will have the opportunity to contest the entry of a Protective Order.

7.22 At the hearing for the Final Protective Order, the allegations made at the Temporary Protective Order hearing are repeated and evidence of the alleged abuse, including testimony of the parties, is presented. The abuser, or his/her lawyer, will be able to question the victim about the incident in question and history of abuse, and the victim, or her/his lawyer, will be able to question the abuser.

7.23 The victim can ask the court for a Final Protective Order for her/himself, and also for any minor children, or others, who share the same home as the alleged victim. Final Protective Orders are issued for a determined period of time pursuant to the law of the state.

7.24 At around the same time that the victim has the Final Protective Order hearing, she/he may be required to file a request for financial support (spousal and/or child) from the abuser. Accurate information about the household income must be available to the court in order for the court to adjudicate any request for financial support in a proper and equitable manner. Chapter 2 discusses how to obtain such information regarding World Bank Group employees (see page 3).

- The victim must therefore bring to the court documentation of her/his own financial situation, including two or more recent pay slips, if applicable.
- The victim must try to obtain full and accurate information on the abuser's financial situation in advance of the hearing, and must produce any information obtained.

7.25 However, the victim may not have such financial information at the hearing. In such cases, the victim should ask the judge presiding over the Final Protective Order hearing to issue a court order addressed to the employee to produce the required information at a specific time and place. Having a court order for the information issued at the Final Protective Order hearing is highly desirable to expedite what might otherwise become a protracted legal process to obtain the information.

7.26 Temporary child custody arrangements also can be included in the Final Protective Order in most jurisdictions.

NON-COMPLIANCE WITH A PROTECTIVE ORDER

7.27 If the alleged abuser does not comply with a Temporary Protective Order or Final Protective Order, the victim should consider notifying the police immediately by calling 911. Violation of a Temporary or Final Protective Order may be a criminal offense, and if the abuser perpetrates further violence against the victim(s) in the course of the violation, prosecutors can bring additional criminal charges against the alleged abuser. The prosecutor, in the role of

³⁵ This is often called "Return of Service."

protecting all citizens of the state, may elect to bring these criminal charges even if the victim does not want that to occur, but most prosecutors will consider the victim's wishes.

7.28 Criminal charges can result in serious consequences for an abuser who does not comply with a Temporary or Final Protective Order. For example, an abuser who holds a G4 visa who is found guilty of violating a Temporary or Final Protective Order can be deported. World Bank Group staff members who are found guilty of a felony may be terminated from employment per Staff Rule 3.00.

G4 VISA ISSUES AND ABUSE³⁶

7.29 Domestic abuse cases of G4 dependents may include threats made against visa status and the alleged victim's right to stay in the United States. Such threats are a powerful control mechanism to intimidate victims. Such threats are patently false. An individual employee cannot grant or withdraw a G4 visa of a dependent. The U.S. State Department, working with the World Bank Group, makes such determinations.

HELP IF AN EMPLOYEE MAKES THREATS AGAINST A SPOUSE'S G4 VISA OR WORK PERMIT

7.30 Employees with G4 dependents are obligated to provide whatever documentation is needed for the World Bank Group to renew expiring dependent G4 visas and work permits, as long as the dependents are still entitled to their dependent status. The World Bank Group acts decisively in cases where an employee refuses to cooperate with G4 dependent visa or work permit renewals.

7.31 G4 dependents with concerns about visa or work permit renewals, or issues such as ability to access their passport, should call the World Bank Group's Human Resources Visa Unit (202-473-2222) or send their query to hrservicecenter@worldbank.org. The Visa Unit processes all G visa transactions, and processed documents are returned to the Visa Unit. Upon request, the Visa Unit will arrange to return processed documents directly to a G4 dependent and not to the employee.

7.32 Spouses with concerns about handling of visa issues may also contact WBFN.

THREATS AGAINST FAMILY MEMBERS

7.33 Some abusers attempt to control their victims by threatening to harm other family members wherever they may be. Injuring or threatening to do bodily harm to someone is against the law. For example, there might be threats to harm the children at home, or other relatives in the home country. No parent, or any person acting pursuant to directions from the parent, may conceal a child from the child's other parent. A particularly potent threat among families living in the United States under G4 visas is that of taking the children and returning them to their home country. This may be parental kidnapping, a serious crime for which the perpetrator will be prosecuted. Victims also should be aware that if they take their children across state or country lines, under some circumstances, they could be prosecuted for parental

³⁶ For a full explanation of visa issues relating to G4 dependents who divorce their principal G4 spouses, see Chapter 5.

kidnapping even if they did so to protect themselves and their children. There are legal protections to assist victims and children, but they vary by state. It is always best for victims to consult with an experienced domestic violence attorney before taking actions that may have criminal and civil custody consequences in the future.

THE U VISA FOR NON-IMMIGRANT VICTIMS

7.34 The U visa was devised to help non-American victims of crimes, including victims who do not qualify for help under the Violence Against Women Act (VAWA), typically because they are not married to the abuser, or the abuser is not a U.S. citizen or Permanent Resident.

7.35 The U visa offers temporary lawful status to victims of certain serious crimes committed in the United States (including rape, domestic violence, abusive sexual contact, kidnapping, etc.) which have resulted in substantial physical or mental abuse to the victim. The victim must:

- have information about the crime; and
- be certified by a law enforcement official, judge or other official as having been or likely to be helpful in investigating or prosecuting the criminal activity.

7.36 The Crime Victims Act states that the U visa is for victims who are actively helping authorities pursue the perpetrator of the crime. However, this requirement can be met by a single police report, and no ensuing criminal investigation. If there is an investigation, there does not have to be a prosecution, nor a conviction. Thus, a victim can be granted a U visa without the corresponding perpetrator ever being found guilty of a crime. This means that victims of World Bank Group employee abusers might be granted a U visa based on the abuse, but the perpetrator will not necessarily be convicted, and thereby risk termination by the World Bank Group, or deportation.

7.37 Currently, USCIS considers “any credible evidence” in adjudicating applications. A successful U visa application thus can occur even in cases where a no Protective Order exists. However, at least one police report about the alleged abuse is required to establish cooperation with law enforcement.

7.38 Under the U visa regulations, victims of eligible crimes have the opportunity for interim relief. Interim relief allows victims to remain in United States in “deferred action status” and to obtain work authorization.

7.39 A dependent G4 visa holder must be willing to end G4 status to get the U visa. However, “deferred action” status does not constitute a change in immigration status, and a dependent G4 visa holder entering deferred action status remains a dependent G4 unless G4 eligibility is otherwise lost (see paragraph 5.13, page 16).

7.40 Deferred action status must be renewed yearly. The U visa, once available, will be valid for three years. Recipients of interim relief, and ultimately the U visa, are eligible for work authorization, but not public benefits. After three years, recipients can file for discretionary adjustment of status to Permanent Resident on humanitarian, family unity or public interest grounds. Spouses and children of U visa applicants, as

well as parents of applicants under 16, may also qualify for the U visa “if it is necessary to avoid extreme hardship” or to avoid jeopardizing the prosecution of the crime. Such family members may also be eligible for adjustment of status, on hardship grounds.

7.41 Obtaining interim relief now does not guarantee getting a U visa once the regulations are issued. Recipients of interim relief should refrain from leaving the United States to avoid potential re-entry problems.

8 MISCELLANEOUS

ISLAMIC DIVORCES WITHOUT SPOUSAL REPRESENTATION

8.1 In May 2008, the Maryland Court of Appeals issued a unanimous 21-page opinion declaring that *talaq* is contrary to Maryland's constitutional provisions providing equal rights to men and women. The court wrote that "*Talaq* lacks any significant 'due process' for the wife, its use, moreover, directly deprives the wife of the 'due process' she is entitled to when she initiates divorce litigation in this state. The lack and deprivation of due process is itself contrary to this state's public policy." Under Islamic traditions, *talaq* can be invoked only by a husband, unless he grants his wife the same right.

8.2 The decision affirms a 2007 ruling by the Court of Special Appeals, the state's intermediate appellate court, which also ruled that *talaq* does not apply in Maryland.³⁷

³⁷ *Aleem v. Aleem*, CSA No. 1366, Sept. Term 2006. Reported. Opinion by Rodowsky, J., ret'd, spec. assigned. Filed Sept. 10, 2007.

Appendix A Staff Rule 3.06 Family Obligations

SPOUSE AND (OR) CHILD SUPPORT OBLIGATIONS AND DIVORCE

01. Subject, Policy Rationale and Applicability

Subject

1.01 This Rule sets forth the procedures adopted by the Bank Group to ensure compliance by staff members with their personal legal obligations regarding spouse and child support and divorce. This Rule was most recently amended on July 1, 2009.

Policy Rationale

1.02 The purpose of this Rule is to ensure that the Bank Group's privileges and immunities are not used to shield staff members from their personal legal obligations or from the due observance of the law for those obligations involving financial support to family members through spouse and/or child support.

Applicability

1.03 This Rule applies to all staff members. This Rule does not apply to deductions from pensions to satisfy court ordered support obligations to a former spouse or separated spouse, as this would be governed by the terms of the Staff Retirement Plan and Trust.

02. Spouse and/or Child Support Obligations, Criteria, Procedure, Divorce

Spouse and/or Child Support Obligations

2.01 Staff members must comply with their personal legal obligations and observe applicable law, including all obligations involving financial support to family members through spouse and/or child support.

Criteria

2.02 The Bank Group may commence deductions from a staff member's salary for spouse and/or child support if all the following criteria are met:

- a. the Bank Group receives an original, copy or certified copy of a court order or request from a judicial or administrative authority that:
 - i. evidences a legal obligation of a staff member to make payment of a readily ascertainable amount or percentage of salary; and
 - ii. orders a staff member to make payments for spouse and/or child support, or evidences the staff member's underlying obligation or failure to make those payments; and
- b. the staff member fails to furnish to the Bank Group, through its Office of Ethics and Business Conduct (EBC), evidence that he/she has complied with his/her personal legal

obligations as set forth in that court order or request after being contacted by EBC in accordance with this Rule.

Procedure

Receipt of Court Orders and Requests

2.03 The Bank Group may initiate the Procedure set forth in this Rule upon receipt of a copy or original of the court order or request from a judicial or administrative authority regarding spouse and/or child support obligation(s) of a staff member. However, upon receipt of a copy or original of that court order or request the Bank Group:

- (a) reserves the right to request additional information and documentation from the sender, including proof of service of the court order or request to the other party, before the Bank Group initiates the Procedure set forth in this Rule;
- (b) in cases where the Bank Group receives a copy of the court order or request, the Bank Group may:
 - (i) confirm with the sender his/her commitment to send the original or certified copy of the court order or request to the Bank Group within a reasonable time; and
 - (ii) neither initiate nor conclude the Procedure unless and until the original or certified copy of that court order or request is received by the Bank Group within a reasonable time.

For the purpose of this Rule, a certified copy means a copy stamped or otherwise certified by a competent authority who can verify and attest that the copy is the same as the original.

2.04 Upon receipt of a court order or request from a judicial or administrative authority regarding spouse and/or child support obligation(s) of a staff member pursuant to paragraph 2.03 of this Rule, the Bank Group will respond to the sender of that court order or request and, when no additional information and documentation is required from the sender, forward the matter to the EBC. EBC will contact the staff member concerned and advise him/her of the need to comply with his/her personal legal obligations as set forth in the court order or request. If, within five (5) business days of such contact with the staff member, the staff member has not furnished the EBC with evidence establishing compliance with the court order or request, EBC:

- (a) may authorize deductions of the amounts for spousal and/or child support from the staff member's salary in accordance with the court order or request, provided, however, that the court order or request meets the criteria described in paragraph 2.02 (a) of this Rule; or
- (b) if, however, the staff member's salary is not processed through payroll (i.e., STCs and STTs), EBC (i) shall notify the staff member in writing of his/her failure to demonstrate that compliance and (ii) will submit to the Vice President, Human Resources, the record of the EBC's communications with a staff member pursuant to Staff Rule 3.00 Office of Ethics and Business Conduct, Section 12. The Vice President,

Human Resources, will decide, based on the record, whether the staff member's noncompliance constitutes misconduct and, if so, what disciplinary measures from Section 3 of Staff Rule 3.00 Section 10 to impose.

Repeater Submissions of Court Orders or Requests

2.05 In cases where the Bank Group receives a subsequent court order or request regarding the same staff member and spouse and/or child support obligation(s), or receives a complaint about a late or partial payment for an already ordered spouse and/or child support obligation(s), together with the court order or request, EBC shall notify the staff member concerned in writing. The staff member has three (3) business days from the date of that written notification to demonstrate to the satisfaction of the EBC that he/she has made satisfactory electronic payment arrangements for the amounts due. If the staff member fails to make those payment arrangements, EBC may authorize deductions of the amounts for spousal and/or child support from the staff member's salary in accordance with the court order or request, provided, however, that the court order or request meets the criteria described in paragraph 2.02 (a) of this Rule.

Commencement of Salary Deductions

2.06 Deductions from a staff member's salary, in accordance with this Rule, will commence as of the first salary payment, in accordance with Staff Rule 6.01 (Compensation), paragraph 6.02, to be made to the staff member following the Bank Group's decision to make such deductions. The amounts deducted shall be directed to the person or authority named as recipient of those payments by the court order or request received by the Bank Group.

Divorce

2.07 Notwithstanding paragraph 2.08 of this Rule, in order to be accepted by the Bank Group as a court order for purposes of this Rule, Divorce decree(s) (or equivalent) establishing spouse and/or child support obligations of a staff member at the time of divorce must fulfill the criteria set forth in paragraph 2.02(a) of this Rule. If EBC, in consultation with the Legal Department, determines that the Divorce decree (or equivalent) fails to satisfy the criteria set forth in paragraph 2.02(a) of this Rule, the party requesting action by the Bank Group based on that Divorce decree (or equivalent) must furnish to the Bank Group another document that fulfills the criteria set forth in paragraph 2.02(a) of this Rule before the Bank Group commences the Procedure set forth in this Rule.

2.08. When the Bank Group is presented with two (2) or more Divorce decrees (or equivalent) from different jurisdictions regarding the same staff member and spouse, the Manager, Human Resources Service Center, or a designated official, may decide not to take any further action with respect to personnel and compensation matters until the Bank Group receives evidence from a court of competent jurisdiction finally adjudicating the matters in dispute.

2.09. When the Bank Group is presented with a Divorce decree (or equivalent), the Manager, Human Resources Service Center, or a designated official, may notify the other

spouse concerned that the Divorce decree was received by the Bank and that the Bank Group will process the Divorce decree accordingly. If the other spouse concerned provides evidence within thirty (30) calendar days of receipt of that notice that the Divorce decree (or equivalent) is being challenged in a court of competent jurisdiction, the Human Resources Service Center may suspend taking any further action with respect to personnel, benefits and compensation matters relating to the divorce until the Bank Group receives evidence from a court of competent jurisdiction finally adjudicating the matters in dispute.

03. Disciplinary Proceedings

3.01 Staff members will be held accountable for failure to comply with their personal legal obligation(s) by having amounts due pursuant to a court order or request deducted from their salary in accordance with this Rule. Deductions from salaries made pursuant to this Rule are not disciplinary measures. However, in addition to deductions from salary pursuant to this Rule, staff members may be subject to disciplinary measures under Staff Rule 3.00 (Office of Ethics and Business Conduct), Section 12 for failure to comply with their personal legal obligation(s), including payment of court-ordered spousal and child support.

04. 'Pendente Lite' Spouse and/or Child Support Orders

4.01 The Bank Group will enforce Pendente Lite spouse and/or child support orders in accordance with this Rule provided those Pendente Lite orders fulfill the legal requirements set forth in paragraph 2.02(a) of this Rule. For purpose of this paragraph, Pendente Lite orders mean orders that are contingent on the outcome of litigation.

05. Challenged Court Orders or Requests

5.01 The Bank Group may honor the court order or request establishing spouse and/or child support as received by the Bank Group and in accordance with this Rule unless the staff member furnishes to the Bank Group an original or certified copy of a document from a competent authority that supersedes the court order or request as received by the Bank Group.

5.02 If any court order or request is cancelled or changed, the Bank Group will not recover from the payee any amounts paid as specified in paragraph 2.06 of this Rule prior to the cancellation or change to the court order or request. The Bank Group will not reimburse the staff member for any amounts paid prior to the Bank's receipt of the original or certified copy of the court order or request cancelling or changing the prior court order or request.

Appendix B Technical Memorandum On Visa Issues

FROM: Freilicher & Hoffman, P.C.

SUBJ: Immigration Options for Battered Spouses of World Bank Employees

DATE: July 11, 2005

This memorandum is intended to serve as a basic guide for the spouses of World Bank employees who are victims of domestic abuse and who wish to know what options they may have for legally remaining in the United States following separation or divorce from the principal alien.

The information provided below will address options available to spouses who currently hold G4 dependent nonimmigrant status. Spouses of World Bank employees who are contemplating or undergoing separation or divorce are advised to consult with qualified counsel concerning their particular issues. It is very important to strictly adhere to all rules and regulations concerning immigration status and employment in the United States.

Important Immigration Documents

There are at least three important immigration documents besides the passport which affect the status and ability of G4 dependents to legally live and work in the United States: *Form I-94 (Departure Record)*, *U.S. nonimmigrant visa*, and *Employment Authorization Card (EAC)*. The Form I-94 is the white form stamped by the Citizenship and Immigration Services (USCIS) (formerly the Immigration and Naturalization Service) at the port-of-entry. The I-94 governs the alien's status in the United States; it assigns the nonimmigrant classification and period of admission. Individuals in G4 status typically have I-94s with the legend "D/S" meaning duration of status. G4 status is indefinite as long as the qualifying family relationship remains intact and the principal alien continues employment at the World Bank. A valid U.S. visa permits the bearer to seek admission to the United States for the specific classification listed on the visa. A valid EAC allows the bearer to work in the United States while he or she maintains G4 dependent status. There may be other documents that are relevant to a spouse's status or which may become important if a change or adjustment of status is sought in the United States.

Effects of Separation or Divorce on G4 Status

G4 dependent spouses who legally separate from World Bank employees continue to be eligible for G4 dependent status until the divorce is finalized. They may also continue to work as long as they have a valid EAC and until the divorce is finalized.

G4 dependent spouses who divorce World Bank employees can remain in the United States for 60 days following the final divorce. However, the G4 visa itself becomes invalid on the date of the divorce decree and cannot be used to enter the United States within the 60 days following the final divorce or any time thereafter. Divorced spouses must file to change status with USCIS or leave the United States before 60 days have passed following the divorce decree or

they risk falling out of status. Nonimmigrant aliens in the United States who are not in a valid status cannot apply to change their status in the United States and will be required to apply for a new visa at a U.S. consulate abroad if they wish to return to the United States. Remaining in the United States beyond the 60-day grace period may adversely affect a divorced spouse's ability to obtain a new visa or to take advantage of future immigration opportunities and benefits.

G4 dependent spouses who are authorized to work in the United States as evidenced by a valid EAC should be aware that such employment authorization ends immediately upon divorce. This is true even if the EAC was issued for a period extending beyond the date of the divorce decree.

Options for Remaining and Working in the United States

Depending on their education, training, experience, family relationships and circumstances, divorced and/or battered spouses may be eligible for their own immigrant or nonimmigrant status in the United States. Those options available to divorced and/or battered spouses in G4 status are discussed below. Individual circumstances will determine eligibility for any of these immigration benefits.

1. Battered Spouses

There are limited options available to G4 dependent spouses under the various provisions of U.S. immigration law related to domestic violence. (See attached chart.)

Violence Against Women Act: Spouses who are or were G4 dependents of lawful permanent resident World Bank employees and who have been battered by their lawful permanent resident spouse may be eligible for permanent residence. Under the Violence Against Women Act (VAWA) passed by Congress in 1994, the spouses and children of United States citizens or lawful permanent residents may self-petition to obtain lawful permanent residence. The immigration provisions of VAWA allow certain battered spouses and children to file for immigration relief without the abuser's assistance or knowledge, in order to seek safety and independence from the abuser.

To be eligible to file a self-petition (an application that you file for yourself for immigration benefits) as a battered spouse, you must qualify under one of the following categories:

Spouse: You may self-petition if you are a battered spouse married to a U.S. citizen or lawful permanent resident. Unmarried children under the age of 21, who have not filed their own self-petition, may be included on your petition as derivative beneficiaries.

Parent: You may self-petition if you are the parent of a child who has been abused by your U.S. citizen or lawful permanent resident spouse. Your children (under 21 years of age and unmarried), including those who may not have been abused, may be included on your petition as derivative beneficiaries, if they have not filed their own self-petition.

Battered Child: A child may self-petition if he or she is a battered child (under 21 years of age and unmarried) who has been abused by a U.S. citizen or lawful permanent resident parent. His or her children (under 21 years of age and unmarried), including those who may not have been abused, may be included on the battered child's petition as derivative beneficiaries.

Victims of Trafficking and Violence Protection Act: In special, limited circumstances, divorced spouses may be eligible for T or U nonimmigrant visas. These two nonimmigrant categories were established by the Victims of Trafficking and Violence Protection Act of 2000. The purpose of this act is to "combat trafficking in persons," ensure "just and effective punishment of traffickers," and "protect their victims." The protections offered the victims tend to assist the victims while they actively participate in efforts to prosecute traffickers. Both of these nonimmigrant categories can lead to permanent residence under limited circumstances.

The T visa is provided for an eligible "victim" who meets the definition of a victim of a severe form of trafficking; who is present in the United States on account of such trafficking; has complied with any reasonable request for assistance in the investigation or prosecution of trafficking acts; or is under age 15; and who would suffer extreme hardship if removed from the United States.

The U visa is provided for victims of crimes, such as domestic violence, who possess information about the criminal activity and are cooperating with a criminal investigation and prosecution.

Seeking immigration benefits as provided for abused spouses is very complicated and necessarily involves a thorough review of each person's situation. Interested parties are encouraged to consult with qualified immigration counsel concerning their possible eligibility for such benefits.

2. Family Relationship Options

There are options for a G4 dependent spouse to remain and possibly work in the United States by changing or adjusting status based on a family relationship following divorce from the World Bank employee. These categories include the following:

Sponsorship by a United States citizen child 21 or older: The parent of a U.S. citizen child who is at least 21 years old may apply for permanent residence based on the sponsorship of the U.S. citizen child.

Parent of child granted permanent residence as a G4 Special Immigrant: The parent of a child who has been granted permanent residence as a G4 Special Immigrant may be eligible for N nonimmigrant status until that child's 21st birthday. Employment authorization is incident to N status. A minor sibling of the G4 Special Immigrant may also be eligible for N status.

3. Employment Options

The option to remain and work in the United States based on employment is a function of meeting certain requirements and being sponsored in most cases by a qualified employer. Employment options may include immigrant and nonimmigrant opportunities.

Employment options leading to permanent residence: Employer sponsorship through the labor certification route is one traditional way to obtain permanent residence. This can be a lengthy process and generally requires the applicant to maintain a valid nonimmigrant status during the labor certificate process if he or she wishes to remain and work in the United States until permanent residence is granted.

Nonimmigrant employment options: There may be opportunities to remain in the United States temporarily through employment. For example, the H-1B category is for individuals who have at least a bachelor's degree or its equivalent and who will be employed in a specialty occupation such as accountants, scientists, university teachers, lawyers, engineers, computer analysts, doctors, other health care professionals, economists, pharmacists, and translators. An employer is required to file for this status on behalf of the alien.

4. Other Options

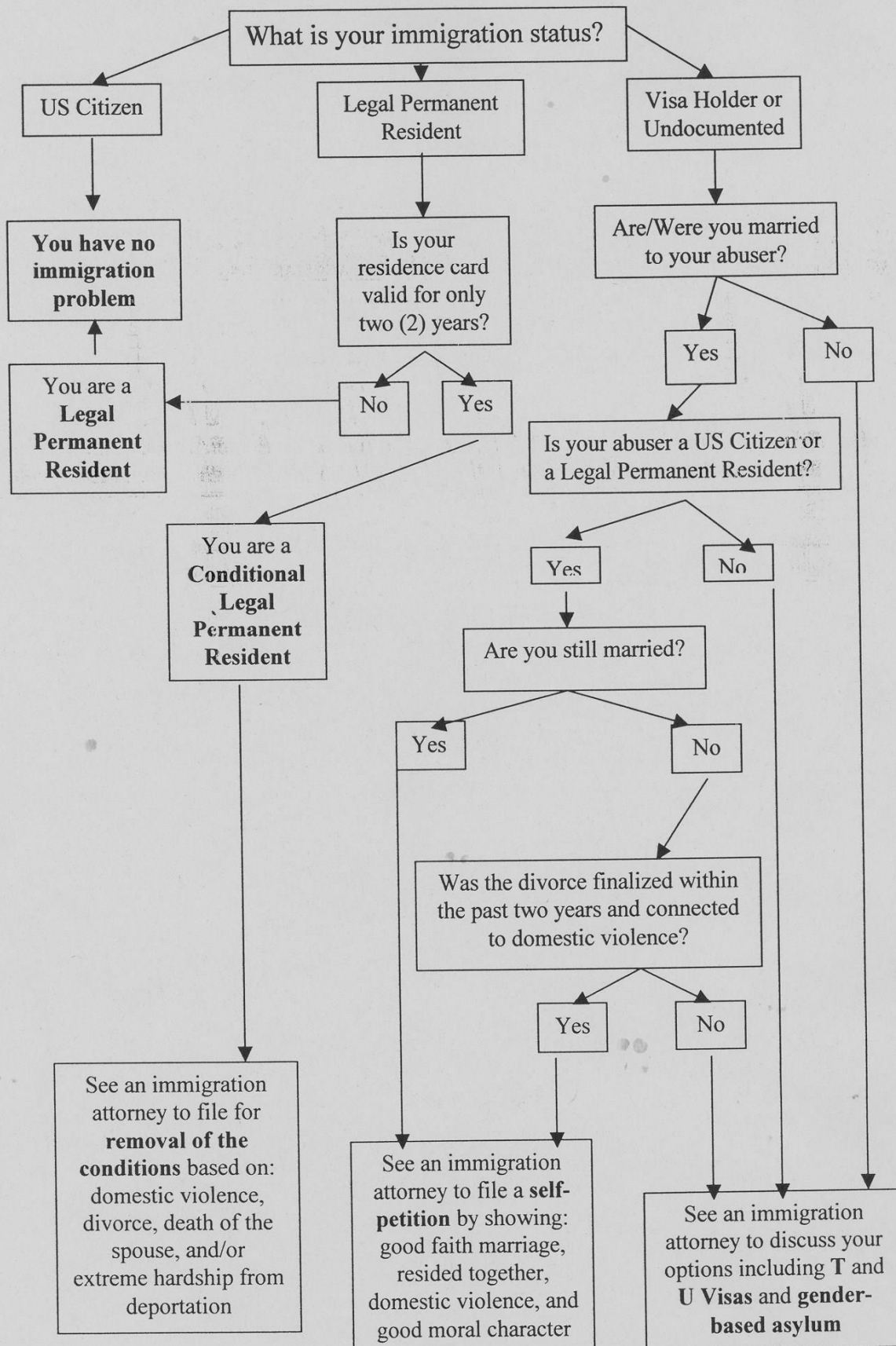
There may be other options for divorced spouses who need to remain in the United States beyond the 60-day period following divorce.

Divorced spouses who wish to remain in the United States beyond the duration of their G4 dependent status to complete legal procedures or finalize personal matters may be eligible to change their status in the United States to B-2 visitor. A change of status to B-2 can extend an alien's stay up to six months. Other legitimate activities for an alien classified as a B-2 nonimmigrant "visitor for pleasure" include visiting family, tourism, or medical treatment. An alien in B-2 status is not permitted to work in the United States.

Divorced spouses who wish to take up or resume academic studies may be eligible for student status in the United States. Current regulations provide F and J visas to qualified nonimmigrant aliens who are pursuing a course of study. Employment options as an F or J student are often restricted to the type of study being undertaken and are limited in duration.

Eligibility for any of the above options must be determined on a case-by-case basis. It is very important, therefore, for the G4 dependent spouse to seek advice as soon as possible to explore all available avenues. Attached is an outline of general immigration categories that may be of interest.

Immigration Options for Battered Immigrants: A Flowchart



Appendix C Sample Information Letter From The World Bank Group

The following eight pages show a sample redacted information letter sent by the World Bank Group to disclose salary, insurance and benefits information on a staff member, in accordance with Staff Rule 2.01. Pension information is not shown in this sample.

The World Bank Group

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION

HR Service Center MSN G2-202
Washington, DC 20433
USA

202-473-2222
202-522-2150 fax
hrservicecenter@worldbank.org

██████████ 2010

Ms. ██████████

Dear Ms. ██████████

I acknowledge receipt of your request for information about salary and benefits (including pension and insurance) regarding your husband, World Bank Group staff member Mr. ██████████. The World Bank Group (hereafter, the “Bank Group”) hereby responds to your request in accordance with Staff Rule 2.01 (Confidentiality of Personnel Information), paragraph 5.01(i). Please find attached Annexes A and B. Annex A is a reference table listing salary and benefits, including insurance. Annex B provides detailed information about many of the items in Annex A.

The Bank Group understands that the information provided in this document and its Annexes may possibly be used in a court proceeding and therefore provides a certification of custodial records as set forth below. However, please be advised that the Bank Group hereby provides the information voluntarily, without waiving any of its privileges and immunities which are hereby reserved.

Please do not hesitate to contact me for any further explanation of the information provided to you as per this letter. Email is easiest (wsilverman@worldbank.org). My direct telephone is (202) 473-0314 and my fax is (202) 522-2150.

Certification of Custodial Records

I, William Seth Silverman, Program Manager, Human Resources Vice Presidency, HR Service Center (HRSSC) of the World Bank Group, hereby certify that I am the custodian of the records and information requested and those records and the information provided in this letter regarding salary and benefits of Mr. ██████████ World Bank UPI ██████████, a staff member of the World Bank Group, are:

(a) true and correct;

- (b) made at or near the time of the occurrence set forth, by or from information transmitted by a person with knowledge of those records and information;

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- (c) made and kept in the ordinary course of the regularly conducted business activity of the World Bank Group; and
- (d) made and kept by the regular business activity as a regular practice.

Sincerely,

A handwritten signature in black ink, appearing to read 'W Silverman', with a long horizontal flourish extending to the right.

William Silverman
Program Manager
Human Resources Service Center

Attachments: Annex A, Annex B

Annex A: Verification of Salary, Benefits and Pension

| Item | Preparation Date | | 2010 | |
|------|-------------------------------------|--|------------------|--|
| 1 | Verification for Employee | | | |
| 2 | Entry on Duty Date | | | |
| 3 | Current Duty Station | | United States | |
| 4 | World Bank Group ID Number | | | |
| 5 | | Net Salary per Annum | | |
| 6 | Net Salary | Dependency Allowance (net, annualized) | | See Annex B for explanation |
| 7 | | Total Net Salary (Salary plus Dependency) | | |
| 8 | Notional Gross Salary | Estimated Gross per Annum (low range) | | See Annex B for explanation. |
| 9 | | Estimated Gross per Annum (high range) | | |
| 10 | Medical Insurance Plan | Option | Family Coverage | See Annex B for reduction of coverage information |
| 11 | | Coverage | MIF | See Annex B for continuation (COBRA) details |
| 12 | Retiree Medical Insurance Plan | Eligibility | No | Minimum staff member age for Retiree MIP entry is 50 |
| 13 | Life Insurance Coverage | Covers death of staff member | | See Annex B for conditions of coverage and beneficiary designation |
| 14 | | Assignment of Ownership | No | If yes, see Annex B for ownership information |
| 15 | Dependent Life Insurance Coverage | Covers death of spouse | \$0 | Staff member is automatic beneficiary |
| 16 | | Covers death of eligible child | \$0 | Staff member is automatic beneficiary |
| 17 | | Covers death of staff member | | See Annex B for conditions of coverage and beneficiary designation |
| 18 | Basic Accidental Death Insurance | Covers death of spouse | | Staff member is automatic beneficiary |
| 19 | | Covers death of eligible child | | Staff member is automatic beneficiary |
| 20 | | Assignment of Ownership | No | If yes, see Annex B for ownership information |
| 21 | | Covers death of staff member | | See Annex B for conditions of coverage and beneficiary designation |
| 22 | Optional Accidental Death Insurance | Covers death of spouse | \$0 | Staff member is automatic beneficiary |
| 23 | | Covers death of eligible child | \$0 | Staff member is automatic beneficiary |
| 24 | | Assignment of Ownership | No | If yes, see Annex B for ownership information |
| 25 | Expatriate Benefits | Eligibility | Mobility Premium | If eligible, see Annex B for details |
| 26 | | Eligibility | Yes | See Annex B for benefit description |
| 27 | Resettlement Upon Ending Employment | If eligible, home country | | |
| 28 | | If eligible, cost limit if resettling outside home country | | |
| 29 | Separation Grant | Eligibility | No | If yes, see Annex B for valuation |
| 30 | Restoration of Termination Grant | Eligibility | No | If yes, see Annex B for valuation |
| 31 | Unused Annual Leave | Net per day of leave payable at termination | | Based on current salary; see Annex B for explanation |
| 32 | World Bank Group Pension Plan | Plan Type | Net Plan | Valuation will be provided separately by Pension Administration |
| 33 | U.S. Visas | G4 visaholders recorded in household | | If yes, see Annex B for explanation |

Annex B: [REDACTED] (prepared [REDACTED], 2010)

| Annex A, Line 6: Dependency Allowance | |
|--|---|
| General Information | Specific Information |
| <p>Dependency allowance is paid to staff members with dependents. The amount is 5% of the staff member's net salary (up to US\$3,500 per year) for a spouse, and US\$600 per year per dependent child. Both amounts are reduced by spouse income over US\$30,000 gross per year, and eliminated by spouse income over US\$130,000 gross per year.</p> <p>Dependency allowance is included when the Bank Group computes net income.</p> <p>Note that the dependency status of a spouse in Bank Group records can only change upon receipt of a court order or equivalent document issued by a court from a competent jurisdiction ruling on the spouse's marital status with the staff member. Until a court order changing the marital status is received by the Bank Group, a spouse will remain as dependent in Bank Group records, the staff member's records will still show that the staff member is married, and the staff member will remain eligible for all spousal benefits, such as insurance, dependency and visa status. Exceptions may apply and you should always consult a lawyer and/or the HR Service Center for adequate legal counsel and updated Bank Group policy respectively. For more information, you may consult the World Bank Group's <i>Domestic Relations and Family Law Guide</i> at www.worldbank.org/humanresources then "Personal/Family Support Services."</p> | <p>The staff member reported a spouse [REDACTED] [REDACTED] [REDACTED] [REDACTED] income in 2008 of</p> |

| Annex A, Lines 8-9: Notional Gross Salary | |
|---|---------------------------------------|
| General Information | Specific Information |
| <p>Most Bank Group staff members are exempt from taxation on Bank Group compensation. Because most compensation is tax exempt, salaries are officially stated as net of tax amounts, except where salary is specifically designated as gross, as is the case for U.S. nationals holding consultant appointments.</p> <p>The most significant exception is for U.S. nationals, who are subject to taxes on Bank Group income. For Americans, the Bank Group simply reports actual (gross) W-2 wages where available.</p> <p>For non-Americans, because most employment in the United States and elsewhere is paid gross, most family courts expect gross (and not net) income as an input to the process of setting levels of spousal and/or child support. The Bank Group thus provides notional gross income estimates of net salaries as a matter of policy as part of the salary, benefits and pension information disclosure process. These gross income estimates are derived using an "Estimate Your Gross Income" calculator that is available to all Bank Group career employees through our HRKiosk. The estimates use the most recent U.S. Internal Revenue Service tables relating net and gross income as well as average deductions by income category. The actual calculation of gross income varies widely depending on individual circumstances, notional filing status, non-Bank Group income, eligibility for tax deductions, state of residence, and other inputs. Thus, for non-Americans, these amounts are estimates.</p> | <p>Staff member [REDACTED] is</p> |

| Annex A, line 10: Medical Insurance Option | |
|--|----------------------|
| General Information | Specific Information |
| The Bank Group prohibits employees from removing a spouse from medical insurance coverage without written consent of the spouse. | None |

| Annex A, line 11: Medical Insurance Coverage | |
|--|---|
| General Information | Specific Information |
| Spouse coverage ends on the last day of the month of the date of the final divorce decree. Ex-spouses may, upon request, access MIP Continuation (our “COBRA” plan) for up to three years at an unsubsidized cost, provided the application is made within 60 calendar days of the date of coverage loss. Coverage must be in the same plan that the staff member/retiree is enrolled in at the time of divorce. | Currently, for individual coverage, the unsubsidized MIP Continuation premiums per month are: |
| The staff member is obligated to provide the ex-spouse with the MIP Continuation application. However, the Bank Group HR Service Center will provide applications upon request. | MIP-A: US\$396 MIP-B: US\$302 MIP-C: US\$396 |
| Billing and payments are handled by Aetna U.S. Healthcare (even if the staff member is enrolled in Vanbreda insurance), and not by the Bank Group. | Retiree Plan 1: US\$497 Retiree Plan 2: US\$422 |

| Annex A, line 12: Retiree Medical Insurance Coverage | |
|---|---|
| General Information | Specific Information |
| The minimum eligibility requirement for Retiree Medical Insurance from the World Bank Group is age plus pension years is greater or equal to 60 and a minimum of five years of pension. | Staff member must work until [REDACTED] to become eligible. |

| Annex A, line 13: Life Insurance Coverage | |
|--|---|
| General Information | Specific Information |
| Life insurance pays in the event of the death of the staff member for any reason. | On [REDACTED] the staff member [REDACTED] ([REDACTED] named fe) as his primary beneficiary |
| The staff member may change his or her beneficiary/ies at any time, and the latest designation is the one used in event of a death claim. | |
| Staff members may assign ownership of the life insurance policy to another individual or legal entity, which would preclude the staff member from changing beneficiaries or coverage levels. (See Annex A, line 14.) | |

| Annex A, line 17: Basic Accidental Death Insurance Coverage | |
|---|---|
| General Information | Specific Information |
| Accidental death insurance pays in the event of the death of the staff member due to accidental causes. Exclusions include death from natural causes, bacterial | On [REDACTED] the staff member [REDACTED] |

| | |
|--|---|
| infections, suicide, serving in the armed forces of any country, and aviation accidents where the insured is a member of the crew of the aircraft. | (member fe) as his primary named beneficiary |
| The staff member may change his or her beneficiary/ies at any time, and the latest designation is the one used in event of a death claim. | |
| Staff members may assign ownership of the basic accidental death insurance policy to another individual or legal entity, which would preclude the staff member from changing beneficiaries or coverage levels. (See Annex A, line 20.) | |

Annex A, line 21: Optional Accidental Death Insurance Coverage

| General Information | Specific Information |
|---|---|
| Optional accidental death insurance pays in addition to basic accidental death insurance coverage claims (see Annex A, line 17). | On [REDACTED] the staff member [REDACTED] (member named fe) as his primary beneficiary |
| The staff member may change his or her beneficiary/ies at any time, and the latest designation is the one used in event of a death claim. | |
| Staff members may assign ownership of the optional accidental death insurance policy to another individual or legal entity, which would preclude the staff member from changing beneficiaries or coverage levels. (See Annex A, line 24.) | |

Annex A, line 25: Expatriate Benefits (if applicable)

| General Information | Specific Information |
|---|----------------------|
| <p>Certain staff members of the Bank Group are eligible for expatriate benefits during all or part of their employment. Expatriate benefits consist of one of two alternative modalities:</p> <ul style="list-style-type: none"> Home Leave/Education: ○ The Bank Group pays for one trip to the staff member's home country every two years for the staff member and every eligible dependent. <ul style="list-style-type: none"> 75% of eligible tuition and related costs for educating eligible dependent children at qualifying institutions. <p><u>OR</u></p> <ul style="list-style-type: none"> Mobility Premium, whereby the Bank Group pays a cash benefit to the staff member, depending on number of eligible dependents and home country, for the first 10 years of employment in Washington, DC, with the amount declining each year starting in year 5. | |

Annex A, line 26: Resettlement (if applicable)

| General Information | Specific Information |
|---------------------|----------------------|
|---------------------|----------------------|

| | |
|---|--|
| For eligible staff members, the Bank Group will pay for one-way transportation and a full household shipment anywhere in the world outside of the duty station area (for a D.C.-based staff member, the Greater Washington-Baltimore Metropolitan Area), subject to a cost-limit of Washington, D.C. to the staff member's home country (see Annex A, line 28). If the staff member resettles anywhere within the home country, there is no cost limit.) Sometimes, upon divorce, the Bank Group advance-resettles a former spouse. | |
|---|--|

Annex A, line 29: Separation Grant (if applicable)

| General Information | Specific Information |
|---|-----------------------------|
| Eligible staff members accrue a separation grant, payable upon ending employment. The grant accrues at a rate of 1/9490 (0.0010537) of final net salary per calendar day of qualifying service. The maximum accrual is 26 years. Two-thirds (66.7%) of the grant is paid to all eligible staff upon termination of employment. The final third (33.3%) is paid only to staff members who resettle outside of their final duty station upon termination of employment. | |

Annex A, line 30: Restoration of Termination Grant (if applicable)

| General Information | Specific Information |
|---|-----------------------------|
| Eligible staff members who received a termination grant early in their careers when ending employment from a Country Office appointment prior to April 1998, may be eligible for a lump sum benefit upon termination if they have repaid the termination grant previously received. Such staff members are eligible to receive the restored amount, based on current salary, upon termination of the current appointment with the Bank Group. | |

Annex A, line 31: Unused Annual Leave

| General Information | Specific Information |
|---|-----------------------------|
| The Bank Group pays for up to 60 days of unused annual leave upon termination of employment. Leave usage is at the discretion of the staff member so there is no way to predict whether or not a staff member will receive an unused annual payment upon ending employment. | |

Annex A, line 32: U.S. Visas

| General Information | Specific Information |
|---|-----------------------------|
| Upon divorce, any household member whose dependency ends (for example, a spouse or a step-child) who holds a dependent G4 visa, is "terminated" in State Department records, immediately invalidating the dependent G4 visa and any work authorization cards in effect from the date of the final divorce decree. A former G4 dependent has 60 days from the date of divorce to depart the U.S., and may not work nor re-enter the U.S. on the dependent G4 visa during this time. To stay longer, the dependent needs to change status to a valid visa. The Bank Group cannot assist dependents with this issue. | |

Appendix D Medical Insurance (MIP) Continuation

The World Bank

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
ASSOCIATION Washington, DC 20433 USA

Human Resources Service Center

MSN G2-202

(202) 473-2222

(202) 522-2150 fax INTERNATIONAL DEVELOPMENT

hrservicecenter@worldbank.org

TO WHOM IT MAY CONCERN:

This fact sheet describes the options available to spouses and other eligible dependents of World Bank Group staff or retirees under the World Bank Group's Medical Insurance Plan (MIP). Anyone losing MIP coverage (including due to divorce or legal separation) may continue MIP coverage for up to 36 months in the MIP Continuation program, subject to these provisions:³⁸

1. MIP Continuation is priced without the World Bank Group subsidy.
2. Late Enrollment is not available for MIP Continuation. If the application is not made within 60 days of the date of coverage loss, MIP Continuation coverage will not be available.
3. Payment is due from (and coverage begins on) the first day of eligibility, regardless of when the application is accepted during the 60-day enrollment period.
4. If you obtain other health insurance during the 60-day period, you are not eligible to apply for MIP Continuation.
5. Normally, a dependent or terminating employee is covered under the Active Staff MIP or Retiree MIP through the end of the month of the coverage loss event (e.g., divorce).³⁹
6. MIP Continuation must occur in the same Plan (e.g., Retiree Plan 1, Active Staff Plan A, etc.) as prior to the MIP Continuation.
7. Individuals covered by MIP Continuation cannot switch Plans (e.g., Retiree Plan 1 to Retiree Plan 2, or Plan A to Plan B) while on MIP Continuation.
8. Individuals covered by MIP Continuation cannot switch Administrators (e.g., Aetna to Vanbreda) while on MIP Continuation. Note that Aetna provides billing services for all MIP Continuation participants, even those enrolled with Vanbreda.
9. MIP Continuation is closed to new entrants. In other words, any enrolled coverage plan (Individual, Dual or Family) cannot be increased during the MIP Continuation coverage period. (For example, someone on an MIP Continuation Individual plan cannot insure a spouse upon marriage or remarriage.)
10. Coverage cannot increase upon MIP Continuation relative to coverage under the Active Staff or Retiree MIP (i.e., changing from Individual coverage in the Active Staff MIP to Dual coverage in MIP Continuation is prohibited). However, if anyone entering MIP Continuation is pregnant at the time of application, MIP Continuation can be purchased to cover the pending birth, i.e. dual coverage for a pregnant individual entering MIP Continuation from the Active Staff MIP.
11. MIP Continuation can decrease relative to coverage under the Active Staff MIP. For example, an employee with Dual coverage in the Active Staff MIP can apply for Dual coverage or Individual coverage (but not Family coverage) in MIP Continuation. (This generally does not apply to the Retiree MIP.)

³⁸ The exception is staff who terminate for cause such as misconduct or fraud. In such cases, MIP Continuation eligibility is at the discretion of the World Bank Group.

³⁹ An exception is children who marry. Their dependency and MIP coverage end the date of marriage.

12. If someone enters MIP Continuation not pregnant, and becomes pregnant during the MIP Continuation coverage, the newborn(s) would be insured for the first 31 days of life under the mother's coverage; however, the newborn(s) would only be insured thereafter if the MIP Continuation was in the Family plan at the time of application.
13. Coverage remains in effect until the participant fails to pay the monthly premiums or 36 months, whichever is soonest. Payment failure includes late payments of premiums, non-payment of premiums, or checks returned for insufficient funds.
14. All checks must be paid in U.S. dollars.
15. As premiums are periodically adjusted, the cost of the MIP Continuation coverage will also adjust.
16. Payment collection and administration are performed on behalf of the Bank Group by Aetna U.S. Healthcare. Each participant must provide and maintain with Aetna an accurate billing address for the monthly premiums.
17. Prepayment to Aetna for coverage is permitted. However, prepayment does not protect against premium increases.

Unlike Active Staff and Retiree MIP premiums, premiums for MIP Continuation are not subsidized by the World Bank Group. The current monthly MIP Continuation premium schedule is as follows.

| | Active Staff MIP | | | Retiree MIP | |
|-------------|--------------------|----------|----------|--------------------|--------|
| | Effective 1/1/2011 | | | Effective 1/1/2011 | |
| Coverage | Option A | Option B | Option C | Plan 1 | Plan 2 |
| Individual | \$448 | \$342 | \$448 | \$522 | \$443 |
| Dual | \$808 | \$618 | \$808 | \$1044 | \$886 |
| Family | \$1080 | \$818 | \$1080 | \$1305 | \$1108 |
| Family Plus | \$1392 | \$1064 | \$1392 | n/a | n/a |

To enroll in MIP Continuation, the insured must complete the application form provided by the World Bank Group, and submit it with a check made payable to "IBRD" for the initial monthly amount to Aetna at the address on the form. Checks that do not clear result in immediate cancellation of coverage with no opportunity to reapply (furthermore, the insured will be financially responsible for any claims filed between the end of any current coverage and the date the Bank Group cancels MIP Continuation coverage for non-payment).

Conversion Policy: After MIP Continuation expires, MIP participants can convert their medical insurance to a separate insurance policy with Aetna U.S. Healthcare or Vanbreda (depending on who administered MIP Continuation). Aetna or Vanbreda will provide details as the participant nears the MIP Continuation maximum period. You must apply for Conversion within 31 days of end of MIP Continuation coverage.

Questions: Direct all billing and enrollment questions to Aetna Individual Billing Administration at (800) 429-9526 or (508) 675-7915. The fax number is (860) 636-6964.

For additional information, contact the HR Service Center via email (hrservicecenter@worldbank.org).

Appendix E Statement On Domestic Abuse

Code of Professional Ethics

Domestic Abuse

It is recognized that employees may become involved in adversarial family situations. In order to minimize World Bank Group involvement in such situations, staff should be advised that the World Bank Group will not tolerate domestic abuse by its employees.

The Principles of Staff Employment, General Obligations, provide that staff are obligated to: “conduct themselves at all times in a manner befitting their status as employees of an international organization.” This status imposes certain obligations upon us, including the avoidance of behaviors that could reflect unfavorably on the organizations comprising the World Bank Group or that could be perceived by outsiders as staff abusing the immunities and privileges conferred on these organizations to avoid their legal obligations or the legal consequences of their actions. Those who violate this principle put their own as well as the organizations’ reputations at risk.

Since domestic abuse involves illegal behavior, it is a matter that falls primarily under the police and local authorities.

Since it is a form of misconduct that the World Bank Group will not tolerate, we will not let abusers hide behind the organizations’ immunities and privileges. The institution’s immunities do not apply to employees in such situations.

The World Bank Group will become involved if domestic abuse involving staff is brought to its attention. Action may be taken at our discretion, in accordance with the facts of the individual case, and the provisions of the Principles of Staff Employment and Staff Rules.

Appendix F Contact Information

| | | | |
|--|--|---|---|
| Bank-Fund Staff Federal Credit Union | 202-458-4300 202-522-1528 fax U.S./Canada: 800-9-BFSFCU | memberservices@bfsfcu.org | Bank-Fund Staff Federal Credit Union P.O. Box 27755 Washington, DC 20038-7755 www.bfsfcu.org |
| World Bank Domestic Violence Prevention Coordinator | 202-473-2931 | Contact: Elizabeth Legrain elegrain@worldbank.org | World Bank MSN G2-204 P.O. Box 27290 Washington, DC 20038-7290 |
| Office of Ethics and Business Conduct | 202-473-0279 202- 522-3093 fax 24-hour hotline: 800-261-7497 | ethics_helpline@worldbank.org | Office of Ethics and Business Conduct World Bank MSN MC11-1102 P.O. Box 27290 Washington, DC 20038-7290 www.worldbank.org/ethics |
| The HUB | 202-458-5800 (confidential assistance and support for domestic abuse victims, 24-hour hotline) | | |
| Human Resources Service Center | 202-473-2222 | hrservicecenter@worldbank.org | HR Service Center World Bank MSN G2-202 P.O. Box 27290 Washington, DC 20038-7290 www.worldbank.org/humanresources |
| Legal Department | 202-522-1596 | Contact: Ms. Ranjini Ramakrishnan rramakrishnan1@worldbank.org | Legal Department (LEGAL) World Bank MSN MC6-605 P.O. Box 27290 Washington, DC 20038-7290 |
| Legal Assistance Officer | 202-458-1609 703-239-0855 | Contact: Jeff Silverstein jsilverstein@worldbank.org | Legal Assistance Officer World Bank MSN MC6-605 P.O. Box 27290 Washington, DC 20038-7290 |
| Pension Administration | 202-458-2977 | 1pension@worldbank.org | Pension Administration World Bank MSN C 7-702 Washington, DC 20433 Office location: MC 1-850 www.worldbank.org/humanresources |
| Security Operations | ☐ Emergency: 202-458-8888 ☐ Non-emergency: 202-458-4513 ☐ ID office: 202-458-4486 | soperations@worldbank.org | Security Operations World Bank MC1-108 Washington, DC 20433 |
| World Bank Family Network (WBFN) | 202-473-8751 202-522-3142 fax | familynetwork@worldbank.org | WBFN World Bank MSN H2-204 Washington, DC 20433 www.wbfn.org |
| World Bank Visa Unit | See Human Resources Service Center above | | |

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