



Work permits for expatriate partners

– Country summary

The following locations have favourable arrangements for granting work permission to the legally resident spouse or partner and sometimes children of work permit holders.

Spouses and partners of diplomatic staff and employees of international organisations should check with the employing organisation whether similar arrangements apply.

Permits Foundation advocates regulations where spouses and partners are allowed to work freely, without a test of the labour market and not restricted to a particular employer.

For further country information, links and news visit: www.permitsfoundation.com

Argentina

Spouses and children are granted a residence permit that allows them to work freely during the course of the assignment. The spouse and children should be included in the employee's work and resident permit applications to the Dirección Nacional de Migraciones.

www.mininterior.gov.ar/migraciones/

Australia

Spouses, de facto partners and dependants of Temporary Business (Long Stay) visa holders are able to work and study while living in Australia.

www.immi.gov.au/allforms/booklets/1154.pdf (See pages 4 and 5.)

Belgium (For non-EU/EEA citizens*)

The spouse and children of a foreign work permit holder need a work permit linked to their own employer. This will be granted without a test of the employment market.

http://www.bruxelles.irisnet.be/nl/citoyens/home/travailler/travailler_comme_ressortissant_etranger/permis_de_travail/permis_b.shtml

Canada

Spouses or common-law partners of skilled foreign workers (defined in the National Occupational Classification) authorised to work for at least 6 months may apply for a work permit that is 'open.' It allows them to accept any job without a labour market opinion

www.cic.gc.ca/english/information/faq/work/work-faq08.asp

Denmark (For non-EU/EEA citizens*)

Several schemes (The 'Positive List', 'The Corporate Scheme', 'The Pay Limit' and 'Green Card') apply for the employment of highly skilled foreign workers. Under each of these schemes, the spouse, registered partner or cohabiting partner, as well as children under the age of 18, are also eligible for residence permits. The spouse or partner is allowed to work full-time for the duration of the permit.

See, for example, www.nyidanmark.dk/en-us/coming_to_dk/work/corporate-scheme.htm

European Union* (For EU/EEA citizens and their dependants)

For citizens of the EU/EEA, free movement of workers normally applies. The spouse and children of EU citizens are also free to work, irrespective of their nationality. However, during a transitional period of up to 7 years after accession of 10 new Member States in May 2004 and of Bulgaria and Romania in January 2007, conditions may be applied that restrict the free movement of workers from, to and between these member states. These restrictions are gradually being removed country by country.

www.ec.europa.eu/eures/main.jsp?acro=free&lang=en&step=1&accessing=0&content=1&restrictions=1&fromCountryId=null&countryId=Nl&langChanged=true

For citizens from outside the EU/EEA, refer to individual countries.

On the 25th May 2009, the Council of the European Union adopted the so-called EU Blue Card Directive. This establishes attractive conditions for third country nationals to take up highly qualified employment, by creating a common fast-track procedure and conditions for member states to issue a special residence and work permit called the EU Blue Card. Blue Card. Holders will have equal treatment with nationals in a number of areas. Dependants will be able to access the employment market directly. Participating member states have up to 2 years to incorporate the provisions into national legislation. The UK, Denmark and Ireland have not adopted the Directive but already allow dependants to work.

<http://register.consilium.europa.eu/pdf/en/08/st17/st17426.en08.pdf>

Finland (For non-EU/EEA citizens*)

The spouse, registered partner and unmarried children under the age of 18 are permitted to work once the temporary residence permit has been obtained.

www.mol.fi/mol/en/02_working/05_foreigners/01_permits_registration/03_other_countries/02_without_permit/21_fam/index.jsp

France (For non-EU/EEA citizens*)

The immigration and integration law of 2006 created new categories of residence and work permit for 'competences and talents' (decided each year) and intra-group transferees earning at least 1.5 times the minimum salary in France. The family members of both these permits will receive a temporary residence permit mentioning 'private life and family' which allows the holder to work without a work permit.

www.admi.net/jo/20070322/INTD0700063D.html

www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=SOCN0753910D

Germany (For non-EU/EEA citizens*)

There are three categories and processes for partners who wish to work.

The first group are the partners of highly skilled professionals who are eligible for a settlement permit from arrival. The partners may work without the approval of the federal employment agency. However, only around 900 of these permits have been issued since January 2005. The threshold is high. Conditions relate to the nature of the post, e.g. role and level of responsibility, salary and availability of suitable German or EU candidates. An academic must demonstrate expertise in his or her subject, which is generally assumed in the case of university lecturers and heads of institutions. Other academic staff must be leading significant projects or working groups. Business and professional applicants are assessed according to experience and must earn at least € 84,600 per year. It is also at the discretion of the State (Land) or, in certain States (Länder), the Federal Office for Immigration and Refugees.

Other skilled workers who do not qualify for permanent settlement permit may be granted a temporary residence permit for work that is authorised by the federal employment agency. Their family members also need the approval of the federal employment agency for a specific position before they can take up employment. The second category within this group, the partners of intra-company transferees will normally be granted approval without a test of the labour market. Only routine checks of the employer are required. All other partners require a full test of the labour market.

www.bmi.bund.de (e.g. English version, Acts and Regulations.)

Hong Kong Special Administrative Region of China

From May 2006, Hong Kong reintroduced regulations (also previously applicable prior to 2003) allowing spouses of professional staff and capital investors to work without prior permission of the Immigration Department.

www.info.gov.hk/gia/general/200602/23/P200602230169_print.htm

www.immd.gov.hk/ehtml/hkvisas_1.htm

Ireland (For non-EU/EEA citizens*)

Spouses of Green Card Holders are permitted to apply for an employment permit. No labour market test is required. The permit is issued to the individual and allows employment with a named employer in a specified occupation. Either the employer or the individual may apply. The duration is linked to that of the principal permit holder. A change of employer is allowed after 12 months, provided a new application is made. Employees eligible for a Green Card are those with annual salaries of €60,000 or more and those in specified shortage occupations with a salary between €30,000 and €59,999.

www.entemp.ie/labour/workpermits/guidelines.htm

Japan

Dependent permits are issued for the purpose of residence only. If a spouse wishes to work, he or she needs to obtain permission from the Immigration department for 'extra-status activities' after getting an offer of employment. Under current practice, extra-status activities will generally be permitted for part-time working less than 28 hours per week. Full-time working requires a full employment permit.

www.tfemploy.go.jp/en/spec/spec_1a.html

www.mofa.go.jp/j_info/visit/visa/04.html#b1b

Malaysia

Spouses on a Dependent Pass are permitted to take paid employment after obtaining an endorsement in their passport by the Immigration Department. A job offer is required and the employer needs to have approval from the relevant authority / agency (MIDA / MDEC / Central Bank of Malaysia / Securities Commission / Public Service Department of Malaysia). The application can be made in Malaysia and no fees are made for the endorsement to work, beyond the normal cost of a dependant's pass.

www.imi.gov.my/index.php/en/our-services/employers/expatriate/immigration-facilities-for-expatriates-dependant

The Netherlands (For non-EU/EEA citizens*)

Partners and children of expatriate employees earning more than Euro 49,087 per year (or Euro 35,997 under the age of 30 years) are allowed to work freely during the course of the assignment. To qualify, companies must apply to the Immigration and Naturalisation Service for "Knowledge Migrant" status for their expatriate employee. The salary minima do not apply to scientific researchers and medical doctors training to become specialists. Partners of staff employed by a number of international organisations are also permitted to work under the relevant 'seat agreements.'

See the brochure 'Bringing a foreign employee to the Netherlands'

www.ind.nl/EN/algemeen/brochures/downloaden/index.asp?lang=en&subhome=&title=&origin=

www.ind.nl/en/inbedrijf/wonenenwerken/kennismigranten/index.asp

New Zealand

A partner of a person holding a Work Visa or Work Permit allowing a stay in New Zealand of more than six months may apply for and be granted an open Work Visa and Work Permit for the same period as their partner. They do not need to provide an offer of employment.

www.immigration.govt.nz/migrant/stream/work/worktemporarily/requirements/Familystream.htm

Singapore

Spouses and children of Employment Pass holders are eligible for a Dependant Pass. Should he or she wish to take employment, the employing company must apply to the Work Pass Division of the Ministry of Manpower for a Letter of Consent. The application requires details of educational qualifications, job content and salary. The processing time is normally within 7 days for an online application. The outcome is mailed to the employer. Employment may not begin until the employer has received the Letter of Consent, which is generally granted.

www.mom.gov.sg/publish/momportal/en/communities/work_pass/other_passes/dependant_s_pass/employment.html

Sweden (For non-EU/EEA citizens*)

The family members (spouse, de facto, common law or registered partner, and children under the age of 21 years) of a foreign national holding a work permit will be granted a residence permit for the same period. If the employee's work permit is for at least 6 months, the family members may also be granted a work permit.

www.migrationsverket.se/english.jsp

United Kingdom (For non-EU/EEA citizens*)

The UK is phasing in a 5-tier points based system, which replaces around 80 different work permit and entry schemes. Tier 1 (highly skilled workers), Tier 2 (skilled staff with a job offer, including intra-company transferees) and Tier 5 (temporary workers) are already in effect.

The spouse, civil partner, unmarried or same sex partner and children under 18 years of a work permit holder are allowed to work.

www.ukba.homeoffice.gov.uk/workingintheuk/tier1/general/applicationsbydependants/employmentandswitching/

www.ukba.homeoffice.gov.uk/workingintheuk/tier2/ict/dependants/workingandconditions/

www.ukba.homeoffice.gov.uk/workingintheuk/tier5/internationalagreement/dependants/workingandconditions/

United States

The spouses of the following visa holders may apply to the US Citizen and Immigration Services (USCIS) for an Employment Authorization Document (EAD): L1 (inter-company transfers with a minimum of 12 months pre-employment), E1/E2 (treaty traders and investors) and E3 (Australian nationals in a specialty occupation). In addition, the spouses of J1 (exchange visitors) may apply for an EAD provided their income is not needed to support the J-1 principal alien. The EAD can take up to three months to obtain. Once obtained, the spouse is free to take up employment. The spouse does not need to meet any special conditions. Spouses of employees working for UN, NATO and foreign government missions may also be eligible and should contact their organisation regarding the application procedure.

www.uscis.gov/portal/site/uscis/

Permits Foundation

Carel van Bylandtlaan 16, P.O. Box 162, 2501 AN The Hague

PermitsFoundation@shell.com www.PermitsFoundation.com

Contact

Kathleen van der Wilk-Carlton, Tel. +31 70 3191930 or Françoise van Roosmalen, Tel. +31 70 3318466

Terms and conditions:

This information is compiled for general purposes only, with acknowledgement to the sources quoted. If you require specific advice about working in a particular country, please contact the relevant immigration authorities or an immigration lawyer. Permits Foundation accepts no responsibility for any loss resulting from reliance on this information.

Additions or corrections are most welcome.