



Legal Update

April 2019

Immigration Practice

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Frequently Asked
Questions about
the B/1 Work
Permit for experts
in Israel
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Frequently Asked Questions about the B/1 Work Permit for experts in Israel

Does every business visit to Israel require the issuance of a work permit? In the current economic and globalized climate, foreign representatives often come to Israel for various business purposes such as consulting, negotiations, business meetings, lectures, training *et al.* In such cases, the question arises as to whether such representatives are “foreign experts” who are required go through the long and complex procedure of obtaining a work permit, or are business travelers authorized to carry out their activities in Israel in accordance with a regular tourist visa (classified as a B/2 visa). This is a complex question, and answers often fall in a “gray area.” According to the Authority's regulations, a work permit is required when the expert arrives “to carry out a temporary and time-sensitive task that requires special expertise or skill, such as repairs of equipment supplied by the company employing the foreign expert.” The regulations state that in the case of foreign nationals who wish to arrive in Israel for a short period to search for investments, participate in negotiations, take business meetings, *etc.*, there is no requirement to apply for the issuance of a work permit. In light of this uncertainty, we recommend that you consult with us on a case-by-case basis.

Can a business entity without a branch or presence in Israel apply for permission to employ a foreign expert in Israel? Yes. In this case, the employer must attach a notarized power of attorney to the application that has been apostilled or authenticated by an Israeli consulate abroad; authorizing a representative in Israel to handle the application.

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What would happen if a foreign worker was caught in Israel without a work permit? The employment of a foreign worker in Israel without a valid work permit constitutes a criminal offense which may lead to the imposition of fines and other criminal sanctions on the employer and its management, as well as on the employee. The Population & Immigration Authority conducts a strict enforcement regime, which has been grown in scope in recent years and equally applies to large and international organizations operating in Israel. Therefore, it is recommended not to risk enforcement action and apply for a work permit in any event.

Is the foreign expert's salary required to be paid in Israel? No. Insofar as a foreign expert is being paid an "*experts' salary*" (equivalent to at least double the national average wage in Israel – around NIS 21,000), there is no obligation that wages be paid in Israel, but the salary paid must be at least equal to the "*experts' salary*."

I would like to employ a manager in Israel. Is he considered a foreign "expert"? There is a special route for applying for a permit for a manager or senior representative of a foreign or international company, but this process is only relevant for employees within the organization's most senior managerial echelon. However, it is possible and acceptable to apply for permission to employ workers at a lower managerial level under the "*experts*" category, noting the employee's special training and experience, and presenting suitable resumes and references.

Can a foreign expert obtain a work permit in Israel without the sponsorship of a specific employer? No. For a foreign expert to obtain a work permit in Israel, he must be sponsored by an employer who wishes to employ him and has already received a specific work permit for such an expert.

Is the work permit personal or is it possible to employ a number of employees according to the number of employees for whom the permit was granted? The work permit is personal to each employee. In other words, it is not possible to replace one foreign worker with another under the same permit. If the employer wishes to replace the employee for whom the permit was granted to another employee, a separate application must be submitted for the new employee.

Is there a restriction on the number of foreign workers that can be employed under the "*experts*" category? A work permit for a manager or senior representative in a foreign or international company can be granted to up to two employees. A 90-day work permit can be obtained for up to 300 employees. There is no limit to the number of employees that can be employed as experts concerning the other categories. However, each application is subject to the discretion of the Authority, which examines, among other things, whether there is a real need to employ the experts in Israel. Employing a large number of employees under the "*experts*" category may raise questions at the Authority, and the employer will have to convince the Authority that there is a real need to employ them in Israel.

Are Jewish foreign workers required to obtain a work permit? The employee's religion is irrelevant, and any foreign worker who is not a citizen or *resident* of Israel is required to have a work permit. However, Jewish employees in the process of making "*Aliyah*" may be eligible to receive a work permit in Israel.

Can the worker stay in Israel when applying for a work permit? There is nothing to prevent the expert from staying in Israel at the initial stage of the process; at the point where the application for a work permit is submitted to the Permits Unit of the Authority (the first step in the process). However, from the point where the employer applies to the Authority for the issuance of an entry visa to the expert (the second step onwards), the employee must remain outside the borders of Israel.

Can members of the family of the foreign experts accompany them for the duration of their employment in Israel? Yes. The worker may apply for a visa for the entry of his spouse and children up to the age of 18. In such cases, it is required to present marriage and birth certificates that prove the family connection to the foreign worker. As a rule, family members will be issued a visa allowing them to stay in Israel and multiple entries and exits but does not allow them to work. Concerning permits for short periods (45 and 90 days), no entry visa will be granted to family members.

For how long is work permit granted and can it be extended? Except for special permits for a defined duration (permits for 45 days and 90 days respectively), a work permit will generally be issued for a period of one to two years that should be extended if necessary.

How can a work permit to employ a foreign expert be extended and is it necessary to go through the entire tedious process from the beginning? The procedure for extending a work permit requires submitting an application to the Permits Unit at the Authority, together with various documents and the payment of certain fees. The extension process does not require the expert to go to an Israeli consulate and takes a shorter period than obtaining a work *permit* for the first time - about one month.

Is it possible to extend a work permit indefinitely or is there a maximum period during which a foreign expert can work in Israel? The maximum period for employment of a foreign worker in Israel is 63 months from the date of the first grant of their work permit. Special and exceptional circumstances may be applied for the employment of the employee for a longer period. This application must be submitted at least six months before the expiration of the work permit.

Can the foreign expert enter Israel freely for the duration of the work permit? As part of the process of issuing a work permit, the foreign worker is also issued a multiple entry visa that allows him to enter Israel without restriction. The work permit of any foreign worker who leaves Israel without valid multiple entries visa will be canceled. Therefore, it is important to ensure that a multiple entries visa has been issued and remain valid throughout his employment.

Should the foreign expert pay income tax in Israel? A foreign expert is liable for income tax in respect of income generated in Israel. Under certain conditions, a foreign expert is entitled to recognition of living expenses (housing, meals, and flights) for tax deduction purposes. The employer in Israel (as a basic rule) is subject to withholding tax. We recommend that you consult with us concerning the tax liability of any foreign expert employed in Israel on an individual basis.

For further details see our Immigration Practice's webpage:

<https://www.fbclawyers.com/practice-areas/immigration/>

We would be happy to answer any questions that you might have.

Sincerely,

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