

Working with a foreign employee

Employers, who wish to take foreign workers as employees into service, usually require a work permit for the foreigner. This is stated in the law “Landsverordering Arbeid Vreemdelingen” (LAV) and in the “Eilandsbesluit Arbeid Vreemdelingen” (EBAV). How, in practice, these rules are applied is stated in the “Richtlijnen inzake de toepassing van de Landsverordering Arbeid Vreemdeling (P.B. 2001, no. 82) en het Eilandsbesluit arbeid vreemdelingen Bonaire 2002” (A.B. 2002, no. 19) which came into effect September 1, 2006. This brochure gives information regarding what the employer must comply with.

Work Permit

It is prohibited to allow a foreigner work without a work permit. Employers who violate this can be punished with a prison sentence up to three (3) months, or a fine up to Nafl. 100.000,00. A work permit is granted only if there is no local manpower available. The decision to grant or deny a petition is taken by or on behalf of the executive council.

When is a permit required?

In principle, all employers who require a foreign employee must request a work permit. Under the term employer falls: companies, government institutes, and individuals who have employees (live-in, farmers).

This does not apply to the following:

- People who have admission by right
- Spouses or partners who have a long-term or common-law relationship with an Antillean or Dutch European, or with a foreigner who has become naturalized.
- People who work autonomously.

People who have a residence permit granted the Minister of Justice without prohibition for working.

Duration of the work permit

A work permit can be given for a maximum of 3 (three) years and can be fixed to the duration of a project. Only in special cases can the permit be prolonged up to a maximum of 2 (two) more years, after the period of three years expires. A work permit cannot last longer than the contracted period of work.

Work permit for a short period

It is also possible to give a work permit for a short period (maximum of three (3) months). The condition of this work permit is that it is for a specific project and for a defined period of time, or for certain types of specializations. This work permit can be prolonged one time up to three (3) months.

Extension

In principle, only in particular cases and if the local labour market allows, is it possible to prolong a work permit.

If during five consecutive years without interruption an employer is given a work permit for the same foreign employee, the next extension will be a permit valid for two (2) years. When this period of validation comes to an end and extension is requested, a permit, if granted, will be issued for three years.

To ensure proper processing of the petition for extension of the work permit, the request must be submitted no later than six (6) weeks prior to the expiration of the valid period.

Changes

All petitions to change employer are considered as a first petition. This permit will be granted only if the local labour market allows it.

Change of occupation is only possible if:

- The employer can prove the employee has the education and experience which corresponds to the

occupation.

The employee complies with the legal period of termination of the contract

Particular categories of employee

Trainees

Companies who wish to offer foreign trainees a placement must request a permit. Under foreign trainee it is understood: a foreign trainee who in the framework of his or her school can complete their traineeship in Bonaire. The application for trainee must be requested according to normal procedures, taking into account the special requirements which apply for trainees. The employer will receive a work permit for the trainee for the period of the internship, up to a maximum of one (1) year.

Artists/Musicians

Impresario's who want to have foreign artists perform in Bonaire for a short period must request a work permit. This petition must be received no later than four (4) weeks before the event takes place.

Tourists

Those who do not stay longer than three months in the Dutch Antilles for recreation, sport, health, family situation, study, religious or business purposes and during this stay do not receive payment for work, will be considered a tourist.

Occasionally a foreign employee works for a client on the island, although one cannot speak of an employer-employee relationship. This refers to foreign employees who come to the island for a very short period to do a very specialized job (e.g. oil inspectors, registered accountants, specialized lawyers, bankers, technical personnel in telecommunication)

A work permit is not required for these workers if:

- A foreign worker is performing a job which is very specialized and for which there is no available professional within the local labour market.
- A foreign worker is performing this specialized work for a short period (maximum seven (7) days)

Application for Work Permit

All applications for work permits may be submitted every Tuesday from 8:00 am. At the Bestuurskantoor.

All required documents must be submitted.

If documents are missing, the employer will receive six (6) weeks to submit them. If submission of the necessary documents is not completed within the required period, the application will be cancelled.

Required Documents

Employee	When necessary
Passport	All applications
Testimonials	First application
Copy of diplomas (legalized)	First application
Copy of proof of good conduct	First application
Copy of declaration of health	First application
Concept employment contract	All applications
Description of Function	All applications
Copy of current valid work permit	Modification/ Extension
Most recent salary slip	Extension
Declaration of place of residence (Registry's Office)	Modification/ Extension

Employer	When Necessary
Passport	All applications
Business and Director's License	All applications
Registration at the Chamber of Commerce	All applications
Declaration SVB	All applications
Declaration Tax and Customs Administration	All applications
Permit Fees	1 st application/ modification=750,00 Extension=500,00 Short-term permit=350,00
Proof of registration of job opening at DEZA	Extention/1 st application
Proof of job opening placed in newspaper 6 weeks prior to application	Extention/1 st application
For domestic employee / farmer	When Necessary
Annual income/turnover 36.000.00	1 st application
Description of the Infrastructure of the farm, what will be planted or grown, long-	1 st application
Ground plan of room	1 st application

Objections and Appeals

If the petition for a work permit is denied, the person affected by the decision may submit a letter of objection at the executive council within six (6) weeks after the date of decision, or may appeal at the Court within six (6) weeks after the date of decision.

APPLICATION FOR WORK PERMIT

INSTRUCTIONS



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