

Work authorisation for family members

Global summary of country regulations

Permits Foundation campaigns globally to improve work permit regulations to make it easier for spouses and partners of highly skilled expatriate staff to gain employment. The best international practice allows legally resident spouses, partners and other recognised family members to work freely, without a test of the labour market and not restricted to a particular employer.

The following countries have favourable arrangements, although they differ in the definition of eligible family members. Most of them have adopted the best practice of allowing the recognised family members to work freely during the assignment. A few countries require the family member who wants to work to have a job offer. They then issue a work permit or other letter of consent, linked to the employer, via a fast-track process usually without further conditions or a test of the labour market.

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

If a country is not listed in this overview, it is likely that no special arrangements apply for the work authorization of accompanying family members, who would be required to obtain a full and separate work permit, not linked to the principal employee.

Further country information, links and news: www.permitsfoundation.com

We welcome updates and corrections of this information.

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.

www.mininterior.gov.ar/tramites/tramMigraciones.php?idName=tram&idNameSubMenu=tramMigraciones

Australia

Spouses, de facto partners and dependants of temporary skilled workers sponsored by a business (subclass 457) are able to work and study while living in Australia.

www.immi.gov.au/skilled/skilled-workers/sbs/

Austria* (For non-EU/EEA citizens)

Family members of the holders of Austria's "Red-White-Red Card", "EU Blue Card" or long-term residents obtain the residence title "Red-White-Red Card Plus", which grants free access to the labour market. Family members are spouses, registered partners and unmarried minors including adopted and step children. Spouses and registered partners must be 21 years of age or older when applying.

www.migration.gv.at/en/types-of-immigration/permanent-immigration-red-white-red-card/family-reunification

Belgium* (For non-EU/EEA citizens)

The spouse, registered partner and dependent children of a B work permit holder, need a work permit linked to their own employer. This will be granted without a test of the employment market on completion of the necessary forms. The same applies to family members of Blue Card holders.

www.werk-economie-emploi.irisnet.be/en/categories-particulieres (in English)

www.werk-economie-emploi.irisnet.be/en/-/membres-de-la-famille (in English)

www.werk.belgie.be/defaultTab.aspx?id=37215

(in Dutch)

Bulgaria* (For non-EU/EEA citizens)

Eligible family members of EU Blue Card holders have immediate access to the labour market. Eligible family members are the spouse and single dependant children.

<http://migration.mvr.bg/NR/rdonlyres/C0B87B8D-70EA-45C6-87EA-B72FE1E78035/0/zakonza4usdencitevBulgaria.pdf>

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/helpcentre/answer.asp?q=199&t=17

Czech Republic* (For non-EU/EEA citizens)

Eligible family members (spouse and dependent children) of an EU Blue Card holder and Czech Republic's Green Card are granted a long term residence permit, with which they are allowed to access the labour market without a work permit.

www.portal.mpsv.cz/sz/zahr_zam/zz_zamest_cizincu/zz_zvlastni#kdyneopv

www.portal.mpsv.cz/sz/zahr_zam/modka/ciz#coje

<http://www.mvcr.cz/mvcren/article/third-country-nationals-long-term-residence.aspx?q=Y2hudW09Ng%3d%3d>

Denmark* (For non-EU/EEA citizens)

Several schemes ('Positive List', 'Corporate Scheme', 'Pay Limit' and 'Green Card') apply to the employment of highly skilled foreign workers. The spouse, registered partner or cohabiting partner, and children under 18, are also eligible for residence permits. The spouse or partner is allowed to work full-time for the duration of the permit. Denmark has opted out of the EU Blue Card Directive.

See, e.g. www.nyidanmark.dk/en-us/coming_to_dk/work/corporate-scheme.htm

Estonia* (For non-EU/EEA citizens*)

The spouse and dependent children of EU Blue Card holders have immediate access to the labour market once they have been granted a residence permit. They are exempt from the annual quota on the number of work permits. (See Aliens Act, section 'Calculation of fulfillment on immigration quotas', Art. 115).

www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XXXXXXXX14K1&keel=en&pg=1&ptyyp=RT&tyyp=X&query=v%E4lismaalaste

European Union*

For citizens of the EU/EEA, free movement of workers normally applies. The spouse and children are also free to work, irrespective of nationality. During a transition period of up to 7 years after accession of Bulgaria and Romania in 2007, and for Croatia from 2013, conditions may be applied that restrict the free movement to and from these member states. These transitional arrangements are gradually being removed.

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, marked with *.

EU Blue Card

The EU 2009 Directive on highly qualified third country nationals has been implemented in national legislation by the participating Member States. It established attractive conditions for highly qualified third country nationals by creating a common fast-track procedure and conditions for Member States to issue a residence/work permit called the EU Blue Card. Dependants have access to the employment market. The UK, Denmark and Ireland did not adopt the Directive but have own arrangements for dependants.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0017:0029:EN:PDF>

Intra-corporate transfers

An EU Commission proposal for a Directive on Intra-Corporate Transfers (COM 2010 387) is in the final stages of discussion and amendment between the European Parliament and the Council. Permits Foundation has proposed amendments that are supported by Parliament. If also agreed by Council, these will allow family member permits to be processed at the same time as the employee and would allow the family members to take up employment or self-employment for the same duration as the transferee.

www.permitsfoundation.com/news/europe-the-european-commissions-proposals-for-a-directive-on-intra-corporate-transfers-should-be-amended-to-allow-spouses-and-partners-to-work-permits-foundation-responds/

www.permitsfoundation.com/news/adoption-in-sight-for-the-intra-corporate-transferee-directive/

Finland* (For non-EU/EEA citizens)

The spouse, cohabiting partner, registered partner and unmarried children under the age of 18 have an unlimited right to work once the temporary residence permit has been obtained. This also applies to family members of the EU Blue Card.

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

France* (For non-EU/EEA citizens)

The immigration and integration law 2006 created 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. Family members receive a temporary residence permit for 'private life and family' which allows them to work without a work permit. Family members of Blue Card holders are also permitted to work. The eligible family members are a spouse at least 18 years old and minor legitimate children (natural or adopted).

As a result of a change in the Civil code, married couples of same-sex and opposite-sex now also have the same rights in immigration procedures. To qualify for immigration benefits, such as a spouse residence permit, a same-sex marriage must take place in France or be registered and recognized by the country where the marriage took place. This does not apply to nationals of countries with which France has long-standing bilateral arrangements (Poland, Algeria, Tunisia, Morocco, Bosnia and Herzegovina, Montenegro, Serbia, Kosovo, Slovenia, Cambodia and Laos).

By contrast with married spouses, unmarried partners are not officially recognized in immigration law. However, under common law, the authorities may take other forms of relationship such as registered partners into consideration.

www.immigration-professionnelle.gouv.fr/en/procedures
www.immigration-professionnelle.gouv.fr/en/procedures/sheet/employees-on-assignment
www.immigration-professionnelle.gouv.fr/en/procedures/sheet/european-blue-card
www.permitsfoundation.com/news/france-same-sex-married-spouses-recognised-in-immigration-procedures/
www.admi.net/jo/20070322/INTD0700063D.html
www.legifrance.gouv.fr/Waspad/UnTexteDeJorf?numjo=SOCN0753910D

Germany* (For non-EU/EEA citizens)

The family members of highly skilled professionals with a settlement permit as well as family members of all resident permit holders have direct and unrestricted permission to work.

Same sex registered partners are also eligible for family reunification, in practice, but this is not provided for in law.

www.make-it-in-germany.com/en/working/guide-to-working-in-germany/opportunities-for-family-members/#third-country-nationals;
<http://www.auswaertiges-amt.de/EN/EinreiseUndAufenthalt/LernenUndArbeiten/ArbeiteninD.html?nn=623184>
www.bmi.bund.de/EN/Topics/Migration-Integration/Immigration/labour-migration/labour-migration_node.html;

Hong Kong Special Administrative Region of China

Spouses of professional staff (including those under the Quality Migrant Admission Scheme) and capital investors may work without prior permission of the Immigration Department. See for further information 'Guidebook for Entry for Residence as Dependants in Hong Kong' section VI-16.

www.immd.gov.hk/en/services/hk-visas/dependents/guidebook.html
www.info.gov.hk/gia/general/200602/23/P200602230169_print.htm

Hungary* (For non-EU/EEA citizens*)

Family members of EU Blue Card holder who have been granted a residence permit have immediate and unconditional access to the labour market. Family members eligible to apply for family reunification are the spouse, a minor child (including adopted and foster children) under parental custody and the children are dependent.

www.ec.europa.eu/immigration/tab2.do?searchFromTab2=true&searchByCountryCountryId=16&searchByUserProfileId=4&searchByUserSubProfileId=0&loadProfileByCountry=Find%20information&langDefault=7%24en&userLang=7&languageLocaleId=7

India

Since February 2011, the spouse of an employee on intra-company transfer may apply for conversion of the 'X' (entry) visa into an Employment Visa in India, subject to the normal conditions for an Employment Visa. This includes a minimum salary \$25,000 a year, although this does not apply to ethnic cooks, language teachers (other than English language teachers) and translators and staff working for an Embassy/High Commission in India. Conversion requires approval of the Ministry of Home Affairs (Foreigners Division) after a report from the FRRO/FRO. This replaces the previous requirement to return to the home country to apply for an E visa. Permits Foundation, which lobbied for this change as a first step, continues to advocate that the spouses of Intra Company Transferees be allowed to take employment or self employment for the duration of the assignment.

<http://www.mha.nic.in/pdfs/GuidWrkVISA-090211.pdf>

<http://boi.gov.in/content/information-foreigners-possessing-entry-x-visa-2>

Ireland* (For non-EU/EEA citizens)

Spouses, civil partners and dependant unmarried children under 18 of Green Card Holders and Researchers 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. Ireland has opted out of the EU Blue Card Directive.

www.djei.ie/labour/workpermits/

www.djei.ie/labour/workpermits/spousaldependantemploymentpermit.htm

Italy* (For non-EU/EEA citizens)

If a foreign national has a residence permit for employment, self-employment, asylum or religious reasons, valid for at least a year, the spouse is granted a permit that allows him/her to be employed or self-employed without the need to convert to their own work permit. An employer notifies the Labour Office of the individual's start date.

www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/english_version/Single_desk_for_immigration.html

www.interno.gov.it/mininterno/export/sites/default/it/temi/immigrazione/english_version/Entry_of_foreign_nationals_into_Italy.html

Family members of EU Blue Card holders who have obtained a residence permit are also permitted to work without conditions and to be self-employed. Eligible family members are a spouse, both opposite and same sex spouse through marriage, dependent children, dependent parents and relatives within third degree who are dependent and unable to work according to Italian law.

www.interno.gov.it/mininterno/site/it/sezioni/servizi/legislazione/immigrazione/legislazione_108.html (info in Italian)

http://ec.europa.eu/ewsi/UDRW/images/items/docl_3621_25548117.pdf (info in Italian)

Japan

Under regulations implemented in May 2012 for highly skilled professionals, spouses are permitted to work in skilled positions (such as "instructor", "engineer", "specialist in humanities/international services"), for a specified employer. The normal immigration requirements (e.g. education or professional background) are waived and there is no limit on the number of hours per week. Spouses of other workers still need permission from the Immigration Bureau for 'extra-status activities' after getting an offer of employment for part-time work up to a maximum of 28 hours per week. The new regulations will be reviewed in 12 months. Permits Foundation, which lobbied for improvement, will continue to advocate an "open" permission to work that allows both employment and self employment.

http://www.immi-moi.go.jp/english/topics/pdf/120502/01_e.pdf

http://www.immi-moi.go.jp/english/topics/pdf/120502/05_e.pdf

Latvia* (For non-EU/EEA citizens)

Spouse of EU Blue Card holder has free access to the labour market as soon as he/she obtains a residence permit. Eligible family members are a spouse and minor children. If family members other than spouse want to take up employment they need to follow the normal work permit procedure. Under this procedure, a vacancy should be registered in the State Employment Agency and available for EU citizens for at least one month. If it cannot be filled by an EU citizen, an employer should confirm an invitation to a third-country national and, if proven that this person has all necessary qualifications, a work permit will be issued and a new residence permit, stating that holder has right to employment with a particular employer. [No web link available.](#)

Lithuania* (For non-EU/EEA citizens)

The spouse and minor children of EU Blue Card holders and other foreign workers who have a temporary residence permit in connection with family reunification are exempt from the obligation to obtain a work permit.

www.migracija.lt/index.php?1881600279

www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=431008 (in Lithuanian)

Luxembourg* (For non-EU/EEA citizens)

Family members of a EU Blue Card holder granted a residence permit are entitled to access the labour market as wage earners or independent workers, but during the first year they are subject to a “labour market test.” This is a check whether it is possible to hire a national or a European job seeker for the vacancy, whether the activity meets the national economic interests and if the family member has the required level of qualifications. Eligible family members are a spouse or partner in a civil partnership (over 18 years) and unmarried children under 18. Family reunification of direct ascendants or unmarried children over 18 years old can also be allowed for socioeconomic reasons.

www.mae.lu/en/Site-MAE/VISAS-Immigration/Long-term-stay-superior-to-three-months/Third-country-nationals

www.mae.lu/en/content/view/full/32695

www.guichet.public.lu/fr/citoyens/travail-emploi/non-luxembourgeois/index.html (French)

www.legilux.public.lu/leg/a/archives/2012/0080/a080.pdf#page=2

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 approval from the relevant authority (MIDA / MDEC / Central Bank / Securities Commission / Public Service Department of Malaysia). The application can be made in Malaysia and no fees apply, beyond the normal cost of a dependant's pass. Feedback from employers and spouses to Permits Foundation indicates that this process is not as straightforward as it appears.

www.imi.gov.my/index.php/en/main-services/expatriate/facilities-for-dependants

www.imi.gov.my/index.php/en/information/faq/25-awam/soalan-lazim/371-faqs-employment-pass

Malta* (For non-EU/EEA citizens)

Spouse and minor children of an EU Blue Card holder shall be granted a residence permit within six months of application if all requirements are met. No time limit is applied with respect to access to the labour market.

www.mhas.gov.mt/en/MHAS-Information/Services/Documents/Residence/CEA8-URP.pdf

Mexico

Partners are eligible to apply for a work permit once they have secured a job offer from a company, which is legally established in Mexico (see page 16, Section J, "Manual de Criterios y Trámites Migratorios").

www.diputados.gob.mx/LevesBiblio/regla/n247.pdf

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

Spouse or partner (including same sex partner) in a sustainable and exclusive relationship and children of expatriate employees earning more than €52,010 per year (or €38,141 under the age of 30 years) are allowed to work freely. Companies must apply to the Immigration and Naturalisation Service for “Knowledge Migrant” status for the expatriate employee. Salary minima do not apply to scientific researchers and medical doctors training to become specialists. Similarly, the eligible family members of an EU Blue Card holder are also allowed to take any type of work and do not need a work permit. Partners of staff employed by a number of international organisations are also permitted to work under the relevant ‘seat agreements.

www.government.nl/issues/work-employment-rights-and-duties/documents-and-publications/leaflets/2011/12/21/q-a-labour-migration.html

www.ind.nl/en/Residence-Wizard/work/highly-skilled-migrants/Pages/default.aspx

www.eubluecard.nl/family_members

See also ‘Bringing a foreign employee to the Netherlands.’ www.ind.nl/en/Customer-Information/Documents/6002.pdf

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

Norway

The family members (spouse, partner and children over 18 yrs) of European Economic Area (EEA) nationals, and also of third countries nationals who hold a temporary residence permit, are free to work.

www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Family-immigration/

Poland* (For non-EU/EEA citizens)

Family members of EU Blue Card holder are granted a special residence permit for a maximum of two years, but it can be extended. They have immediate access to employment and are exempt from the need to obtain a work permit. Eligible family members are a spouse, if the marriage is recognized under Polish law and minor children.

The Ministry of Labour and Social Policy www.mpips.gov.pl

The Office for Foreigners: www.udsc.gov.pl/RESIDENCE%2cPERMIT%2cFOR%2cA%2cFIXED%2cPERIOD%2c1800.html

Portugal* (For non-EU/EEA citizens)

Family members of an EU Blue Card holder who have been granted a residence permit are permitted to work and be self-employed. Eligible family members are a spouse, minor and dependent children.

Further information in Portuguese www.dre.pt/pdfgratis/2012/08/15400.pdf

Romania* (For non-EU/EEA citizens)

Family members of an EU Blue Card holder who have been granted a residence permit may work and carry out economic activities on the basis of a residence permit. Eligible family members are a spouse and minor unmarried children.

<http://ori.mai.gov.ro/detalii/pagina/en/FAMILY-REUNIFICATION-/75>

Further information in Romanian www.ori.mai.gov.ro

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 and is normally processed within 7 days (online application). Employment may not begin until the employer has received the Letter of Consent, which is generally granted.

www.mom.gov.sg/pass-navigator/foreign-national/Pages/i-am-staying-in-singapore-holding-a-dependent-pass-i-wish-to-work-here-full-time.aspx

Slovakia* (For non-EU/EEA citizens)

Family members of an EU Blue Card holder are entitled to apply for temporary residence for the purpose of family reunification. Holders are authorized to work and perform business activities immediately after obtaining this permit. Temporary residence for family unification is granted by the Police department until the end of the validity of the residence permit of the Blue Card holder, for maximum five years. Eligible family members are a spouse, (at least 18 years old) dependent children and a dependent parent.

www.emn.sk/phocadownload/documents/act_on_residence_of_aliens_21_10_2011_en.pdf

Slovenia* (For non-EU/EEA citizens)

Family members of EU Blue Card holder granted a residence permit have free access to the labour market and right to self-employment. They do not need to apply for the residence permit before entering Slovenia. Eligible family members are a spouse, legally registered partner or long-term relationship partner, minor children under 18 years, unmarried children and minor unmarried children of the spouse.

<http://www.infotujci.si/v/53/employment-or-work-highly-qualified-employment-seasonal-work>

www.infotujci.si/index.php?setLang=EN&t=&id= www.infotujci.si/v/11/Immediate-family-members

www.infotujci.si/v/7/temporary-residence-permit <http://www.mddsz.gov.si/en/legislation/>

Spain* (For non-EU/EEA citizens)

Under Article 19 of Organic Law 2/2009 and Articles 52-61 of Royal Decree 557/2011, in force since June 2011, accompanying family members (spouse, domestic partner or children of working age) receive a residence permit that allows them to work or be self employed in any occupation or industry without any other administrative procedure. This also applies to eligible family members of the EU Blue Card.

http://extranjeros.empleo.gob.es/es/InformacionInteres/FolletosInformativos/archivos/triptico_reagrupacion_familiar_eng.pdf

http://extranjeros.empleo.gob.es/es/InformacionInteres/FolletosInformativos/archivos/triptico_tarjeta_azul_eng.pdf

http://extranjeros.mtin.es/es/NormativaJurisprudencia/Ley_Organica_4_2000.pdf

www.noticias.juridicas.com/base_datos/Admin/rd557-2011.t4.html#c2

Sweden* (For non-EU/EEA citizens)

The family members (spouse, de facto or registered partner, and children under the age of 21 yr.) 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/info/518_en.html

Family members of Blue Card holders are also be granted a residence permit and work permit with no time limit in respect of access to the labour market. The eligible family members are spouse, cohabiting partners and unmarried children under 18.

http://www.migrationsverket.se/info/7557_en.html

Switzerland

EU citizens:

Citizens of EU-25 Member States, plus Norway and Iceland, have freedom of movement for employment. This is under probation until 2014 for citizens of EU-8 countries. Nationals from Bulgaria and Romania are subject to interim restrictions until 2016.

Non-EU/EEA citizens:

The accompanying spouse, partner and children under 18 years of a person with a permanent residence permit or a residence permit are permitted to work on a salaried or self-employed basis anywhere in Switzerland. www.admin.ch/ch/e/rs/142_20/a46.html

Accompanying family members of staff of permanent missions and international organisations (holders of "B", "C", "D", "E", "I", "L" and "P" cards issued by the Federal Department of Foreign Affairs) have access to the Swiss labour market. www.eda.admin.ch/eda/en/home/topics/intorg/un/unge/gepri/mandir/mandi1.html

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

The Points Based System currently admits Tier 1 (high value migrants), Tier 2 (skilled staff with a job offer, including intra-company transferees) and Tier 5 (temporary workers). The spouse, civil partner, unmarried or same sex partner and children under 18 years of a work permit holder are allowed to work.

The UK has opted out of the EU Blue Card Directive.

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 spouse, including same-sex spouse, of the following visa holders may apply to the US Citizen and Immigration Services for an Employment Authorization Document: L1 (inter-company transfers with minimum 12 months pre-employment), E1/E2 (treaty traders and investors) and E3 (Australian nationals in a specialty occupation). The spouses of J1 (exchange visitors) may also apply provided their income is not needed to support the J-1 principal alien. The EAD can take up to three months to obtain; then the spouse is free to take employment.

www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=73ddd59cb7a5d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=db029c7755cb9010VgnVCM10000045f3d6a1RCRD

Dependents, including same-sex domestic partners, of diplomats and employees working for UN and NATO (A,G and NATO visas) may also be eligible and should contact their organisation regarding the application procedure.

http://travel.state.gov/visa/temp/types/types_2639.html#14

http://travel.state.gov/visa/temp/types/types_2638.html

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