



# Changing the law to get partner work permits

It is difficult enough for the partners of expats to find suitable employment in their new country of residence. To make matters worse, many governments do not even grant a work permit. The Permits Foundation is trying to change that situation. **TEXT HENK DAM**

All of which means there is plenty of work ahead for the Permits Foundation, which is dedicated to encouraging governments to ease restrictions on work permits for expat partners. That is generally one of the biggest hurdles for partners looking for work: many countries do not allow them to perform paid work, or make it very difficult to do so. Kathleen Van der Wilk, of the Permits Foundation, sums it up like this: “There are about fifteen countries that allow expat partners to work without any conditions. Then, there are a handful of countries that require partners to have a work permit, which they can receive through an expedited process. In all other countries, it is difficult to nearly impossible for the relocated partner to find paid work.”

Countries are lagging behind the times with such policies, notes Van der Wilk. “In most cases, the expat partner is a woman,” she says. “These tend to be highly educated people who had a career in their own country and want to continue working. The desire to keep working has really grown in the past few decades. And I’m not just referring to women from Western countries, but also from many other countries.” Equally important, she points out, is that governments are only hurting themselves by making it so difficult for these people to get a work permit. “For one thing,” she continues, “these highly educated, expat partners can contribute to the economy of the host country through their work. In addition, you make international relocation, with all the investment that brings, more



difficult if you don't allow partners to work. Our research shows that sixty percent of partners would refuse, or prefer not, to relocate if they cannot continue to work themselves."

*'Governments are only hurting themselves'*

### Pushing for legislative change

One thing is clear: Van der Wilk is a powerful champion of expat partners who want to get back to work. She has been

part of the Permits Foundation since its inception, initiating its creation in 2001, after having worked as an HR Manager for Shell in the United Kingdom, Venezuela and the Netherlands. While at Shell, she set up an organisation to help the partners of seconded Shell personnel find jobs in their new country. In the course of that work, she was constantly running up against the issue of work permits for the assignees' partners.

"It quickly became apparent," says Van der Wilk, "that I was dealing with a structural problem. There were still very few countries at that time, such as the United Kingdom and Australia, that automatically issued work permits for partners. Besides that, you had one or two



Nina\* moved to India with her husband and was eager to work there but ineligible for a work visa. So, she took what was for her a difficult step: she started working illegally. Although she had some twinges of guilt about it, she feels, in hindsight, that it was a completely reasonable thing to do.

**P**lenty of people told me I was crazy, when I mentioned that I was moving to India with my husband so he could work for his company there for a couple of years. Especially since our careers were on a par with one another and work is very important to me. His company was nice enough to arrange a work visa for me so that I could do one job for them there, but that ended after a couple of months.

When I found a part-time position at another organisation, I needed a new work visa, but I couldn't get one because India makes it incredibly hard. Fortunately, the organisation in question understood my dilemma, so I

started working 'under the table'. It was set up so that the salary I earned was paid out to two colleagues who did have work permits. They also paid the taxes on it and I received what was left cash in hand. So, I was actually paying taxes, even though I had no official status. At least that part of it felt right.

After that, I also worked temporarily for an international organisation, where I was able to obtain a work visa. I had to trade that in for a spouse visa, though, when that job came to an end. The Indian authorities were none too happy about that. I spent hours at embassies and ministerial offices getting my different visas sorted out.

countries that had bilateral agreements, primarily for the spouses of diplomats. I thought to myself ‘That should be expanded to include men and women of all nationalities in both the public and private sector’.”

Van der Wilk set up talks with some major corporations, including Akzo Nobel, DSM, Heineken, Shell and Unilever, as well as with the ministries of foreign affairs for the UK and the Netherlands. Everyone she met with agreed that it was time to work together to tackle the problem of work permits for expat partners. Consequently, the Permits Foundation was founded, with twenty companies and government agencies as its original sponsors. Since then, the number has grown to forty. The sponsors influence foundation policy, such as determining which countries in particular will be targeted, through an eight-member board. Day-to-day operations are conducted by a small team and the foundation has local sponsors and advisors working in the countries where it is concentrating its activities at the time.

*‘Each success paves the way for the next’*

### Not for cohabiting partners

How do things stand at the moment in terms of governments’ willingness to issue partners work permits in various countries? A whole slew of countries now allow the partners of expatriates to work without any restrictions. That is the case in the EU for European citizens, including in the new member states, following a transition period of seven years. Some European countries also allow the family members of non-EU citizens to work. By mid-2011 the other EU countries will join their ranks with the introduc-



tion of the so-called Blue Card system, under which highly skilled non-EU citizens with a job offer are allowed into the EU through an expedited procedure. And thanks to the Permits Foundation, their partners will also have an immediate right to work. Outside of Europe, Australia, Argentina, Canada and New Zealand allow partners to work. Married spouses are permitted to work in Hong Kong and (albeit under certain restrictions) in Malaysia and Singapore as well as in Japan, if it is part-time.

The situation for spouses has greatly improved in the US as well, compared to before. If a married expat is seconded to the US under the terms of an L, E or J visa, his or her spouse can receive an ‘employment authorisation document’ (for any form of work), though it can take up to ▶▶

### Sleeping dogs

Then it happened: the last employer I had worked for at home approached me and asked what I thought about working for them from India. I would be able to do much of the work from home, with a bit of travelling to nearby countries every now and then. I really wanted the job, but I knew straight away that I would never ever get a work permit, if for no other reason than that my employer was not officially registered in India.

*‘I certainly wanted to pay my share of taxes’*

That was a big problem for me, because I really wanted this job but I didn’t want to work illegally. That was not in keeping with my norms and values. And I certainly wanted to pay my share of taxes. But when I called a tax advisor at an illustrious multinational agency, he told me, strictly off the record, in a near whisper, ‘I wouldn’t pay. It’s better to let sleeping dogs lie’.

### Pangs of conscience

So it was that I worked illegally for two years and undoub-

tedly broke some Indian laws. My conscience also bothered me. At the same time, though, I was in complete agreement with a Swedish friend of mine who said that by refusing to give expat partners work permits, India was, in point of fact, denying people their right to work. Still, I’m sure you can imagine how relieved I was when this situation came to an end because we moved back to our own country – where that stint working illegally turned out to be beneficial for my career. Thanks to the experience I’d gained, I got another job with the same employer, where I could put my international experience to good use. I learned two important things. First, I think I might have been a little naïve when I set off for India with my husband. If he were to be asked again to go to a new country where it was difficult to get a work visa, I would have to think long and hard about it. The second thing I learned is that there is always interesting work to be found that you can learn a lot from, especially if you don’t have any children. Even if a country makes it hard for people to get visas, you shouldn’t be afraid to take matters into your own hands – even if it has to be ‘under the radar’.”

(\*) Name has been changed at the request of the interviewee.



three months to be issued. Moreover, this provision only applies in cases where the persons are legally married, not for cohabiters. “We would prefer to see that expanded,” Van der Wilk says, “so that all partners of all visa holders can get to work straight away.”

*‘It takes time to win broad support for changing laws or regulations’*

### **China still uncharted territory**

The Permits Foundation is currently focusing its efforts on India, Indonesia and Japan – places where it is very difficult for expat partners to work legally. In India, for instance, the permit has to be applied for in the country of origin: the partner must physically leave India, therefore, to do so. India has indicated that it is prepared to discuss making the process easier, according to Van der Wilk. Several rounds of talks have already been held and more are scheduled. The Permits Foundation is armed with plenty of arguments: “You’re talking about a small group of people,” she says, “but these people bring know-how and investments with them. What’s more, they pay

*Susan Musich, Managing Director of Passport Career*

### **Alternative strategy for obtaining a work permit**

In some countries, such as Brazil and India, it is challenging for a spouse to obtain a work permit on a dependent visa. In cases such as this, it may be easier for the spouse to obtain a job offer from a multinational or multilateral organisation and get them to issue a visa and work permit. In such cases, the spouse may have to leave the country in order to re-enter the country under a different visa status. Sometimes, however, they can go to a neighbouring country rather than back to their home country.

Passport Career focuses on online global job search support of international professionals, with an emphasis on expat partners. ([www.passportcareer.com](http://www.passportcareer.com))

taxes on their income. In addition, if India makes it easier for partners to receive work permits, we will publicise it worldwide. That will prompt other countries to change as well, which will strengthen the position of Indian expat partners when they want to work in a foreign country.”

*‘The situation for partners has greatly improved in the US as well, compared to before’*

Do countries that are reluctant to grant work permits to the partners of expatriates have any good arguments for doing so? “The main reasons cited are that it protects their own workers,” Van der Wilk says. “But we have not encountered any general opposition. In the end, all advanced countries want to compete for international investments and highly skilled talent. They recognise that this is good

for their economy and the local population. It takes time to win broad support for changing laws or regulations, but no country we have initiated talks with so far has refused.”

There are other countries the Permits Foundation would like to bring to the table. China is one of them. With good reason: there are many expats working in this quickly developing country, but their partners are not allowed to work, in theory, without their own work permit. “China is a major destination for our sponsors, but we have not approached the authorities there yet. It’s a question of manpower and our assessment as to how quickly we might be able to achieve success,” Van der Wilk says. “Other countries on the sponsors’ wish list are Mexico and Brazil. We still have a long way to go, but each success paves the way for the next.”

The foundation website, [www.permitsfoundation.com](http://www.permitsfoundation.com), has a breakdown by country of policies regarding work permits for expat partners. 🌐

# ‘Don’t work illegally!’

In some countries, it is virtually impossible for an accompanying spouse to get a work permit. If this is the case, the best thing to do is to consider alternatives to paid employment. Net Expat helps expat partners to get a clear understanding of their situation.

“Whatever you do, don’t be tempted to accept a job when you do not have a work permit. Steer clear of any type of illegal employment. Don’t even think about it! It can get you into serious trouble. If caught, you, and your partner, will have to leave the country. In addition, you might very well get fiscal problems to boot.”

*‘In some countries the spouse stands no chance of getting a work permit’*

Alain Verstandig, Managing Director of Net Expat, is completely clear in his advice. He knows that in some countries, it is virtually impossible to find a job as a trailing spouse, even though many are really keen to work in their new country. He has also seen the misery that can occur when someone decides to enter the black economy. Net Expat ([www.netexpat.com](http://www.netexpat.com)) is active worldwide in the field of assessment, training and coaching of expats and their partners. One of the problems his company comes across, is that in some countries it is virtually impossible for an accompanying expat spouse to get a work permit. “In countries such as India, South Africa, Russia, Indonesia

and Brazil, the spouse really stands no chance of getting a permit to work. In 99.9% of cases it will not be issued.” He sees this as a tragedy, first and foremost. “Seventy percent of spouses have a career when their partner is asked to become an expat. The great majority want to continue that career abroad. Not just for fun or out of ambition, but often because it is necessary. Half of the accompanying spouses need to continue to work whilst abroad if they want to maintain their present living standards.”

If a spouse is going to live in a country that usually does not issue work permits to expat partners, Net Expat will tell them immediately: “You have to be fair to spouses.” They then suggest that the spouse should consider alternatives. “One of the alternatives is self-employment. We often advise it if a person’s field of expertise allows it and, in many cases, this advice is followed. We have special programmes for people who want to be self-employed. It is a very good option, as long as you realise that you need to be able to take care of a lot of things yourself.” The other alternative is working on a volunteer basis. “Spouses might consider working as a volunteer for organisations such as the Red Cross. It is rewarding in many ways and, in the end, it’s not bad for your CV either.”