

Step 5 Work permits**Who to contact?**

The Labor Department, under the Ministry of Internal Affairs is responsible for issuing work permits to foreign investors. All work permit applications are processed at the Department's head office in Port Vila. Applicants, however, may obtain information and lodge applications at the Department's outer island office located in Luganville, Santo, Contact details are as follows:

Port Vila

Mailing address: Private Mail Bag 9022
Port Vila, Vanuatu

Physical location: Tamarama Building
Lini Highway, Port Vila

Telephone: +678 22 610

E-mail: Ms. Murielle Metsan, Acting Commissioner
of Labour
mmetsan@vanuatu.gov.vu

Website: <https://dol.gov.vu/>

Luganville

Mailing address: Private Mail Bag 635
Luganville, Santo, Vanuatu

Telephone: +678 36 724

What is the purpose of the requirement and its legal basis?

The *Work Permit Act* (Cap 187) regulates the employment of foreign citizens in Vanuatu according to the type of work permit issued, described in this Act. Section 5A states that a foreign investor who has received a foreign investment approval certificate from VIPA is entitled to be issued with the number of work permits identified in the certificate, as long as they meet the specified requirements under the Act.

The purpose of the requirement is to avoid illegal employment of non-citizens in the country, promote and encourage the Government's localization policy. It helps to protect the reserved occupation list referred to in this act by ensuring work permits are issued for jobs that Ni Vanuatu do not have the expertise to do.

It is a requirement under section 5C of this Act for a foreign investor to train citizens with the aim of replacing non- citizens in the positions for which the work permits are issued; and that the Commissioner will take into account the amount of training the person has provided in deciding whether to renew the work permits.

It shall be an offence for any non-citizen worker to whom this Act applies to take up or to continue in any employment in Vanuatu, without first having obtained a work permit or, where such permit has been issued, otherwise than in accordance with the conditions thereof. Every employer who wishes to employ any non-citizen worker shall make application for a work permit to the Commissioner of Labour in the form and manner prescribed in Schedule 1.

Normally, the duration of the work permit is linked to the duration of the foreign investment approval certificate. However, an employer who wishes to retain the services of any employee in respect of whom a work permit has been issued beyond the expiry of the period for which such permit is valid, shall make application in the manner and form prescribed in Schedule 1 to the Commissioner of Labour not less than 60 days prior to the date of expiry of such permit.

How does the application process work?

Obtaining a work permit for the first time involves the following steps:

Complete the prescribed application form available from the Department of Labor, making sure that the items on the Department's Check List Form for the different types of permit are fully met.

Common to all types of permits are the following supporting documents:

- Copy of the VIPA approval certificate
- Cover letter providing explanation for the application
- Copy of flight itinerary
- Copy of Passport identification pages with 2 passport size photos
- Letter from the Principal Immigration Officer (PIO)
- Copy of Residence Permit
- Copies of written contract and Interview report
- Plan for local counter-part training
- Qualifications and reference letters

Submit the completed application and supporting documents to the Department of Labor along with the required permit fee.

If approved, receive the work permit which can either be picked up from the Department of Labor or received via the mail. If rejected, the applicant may appeal the decision to the Minister for Internal Affairs.

Application to renew a work permit must be made no less than 60 days prior to the permit's expiry date. The applicant must submit to the Department of Labor the work permit, valid foreign investment approval certificate (copy), valid Business License (copy) and the required permit fee.

For more detailed information about the work permit requirements and other labor rules please consult the Labor Department directly.

How are decisions made?

Work permits are issued if the application is complete and the following criteria are met:

A copy of the VIPA approval certificate if the employer is a foreign investor

A cover letter from the employer justifying the need for applying for a permit.

A copy of a residence permit issued by the Immigration Department.

Applicant has not been refused a work permit in Vanuatu during the past five years nor had a work permit cancelled during this period of time.

The applicant has met all requirements described in the DOL “Check List Form”.

How long does it take?

The Labor Department’s target and in accordance with section 5B of the Act is to issue work permit applications for foreign investors within 5 working days.

How much will it cost?

The fee for a work permit for one year is 200,000 Vatu (a complete listing of fees is provided in Annex 1).

In addition, the cost of an application fee is 10,000 Vatu.

ANNEX 1**Work Permit Fee and Tax**

Note: Fees are not refundable. Tax is not refundable if application is refused

Application Fee	10,000 VT
Exemption (Application Fee Only) – One day to one month permit – Not refundable	10,000 VT
Temporary work permit (Application fee included). One month to four months permit – Not renewable	40,000 VT
Valid permit for 1 year	200,000 VT
Renewal of valid permit for 1 year	200,000 VT