



**Fakhoury Global Immigration**  
*A Leader in Business-Based Immigration*

# Fakhoury Global Immigration



## Immigration 101

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## TABLE OF CONTENTS

Work Permit Information.....	2
Residence Permit Information .....	3
Entry Visa Information .....	4
Business Visa Information.....	5
In-Country Registration Information.....	6
Commonly Used Immigration Terminology.....	7-8

Please use this guide as a means of familiarizing yourself with global immigration terminology. Please note that this is general information only and not intended as advice on a specific matter. Please contact Fakhoury Global Immigration directly with questions exclusive to your situation.

## WORK PERMIT

A work permit is a generic term used for a legal authorization that allows an individual to work in a country in which he or she does not hold citizenship. The official terminology used for a work permit typically varies from country to country. Often you will hear a work permit referred to as a work visa, work license, employment pass, or working papers. That being said, regardless of the nomenclature, work permits grant a person the right to legally work for a defined period of time in the named country.

Each nation has its own set of requirements to obtain a work permit. Most governments will allow employees of a different nationality to temporarily transfer to a work location within their country, assuming the sending and receiving companies have a common ownership. The general term for this is an Intra Company Transfer. Alternatively, if there is a “contract of services” or “statement of work” in place between the two unrelated companies, an employee can be sent on secondment to work at a foreign entity location. In either situation, most government agencies require a sponsor for the work permit. Additionally, due to economic circumstances, more and more countries are now requiring a labor market test to be performed prior to the issuance of a work permit. A labor market test is used by immigration officials to evaluate whether or not a qualified citizen of their country is available to perform the job or could be easily trained to do the work. This method is used to protect the local workforce.

There is some general documentation typically required for a work permit that is consistent with most countries. All countries will require a valid passport of the assignee and some will request that the validity of the passport extends beyond the desired timeframe of the work permit. Most governments will have a standard application form or a set of forms required for the submission of the case. Lastly, each foreign immigration office will require supporting documents to validate the information stated within the application forms. Some examples of supporting documentation include employment contracts, resumes, educational certificates, financial statements, and invitation letters.

Once it is determined that a foreign national meets the appropriate requirements and all of the applicable documentation has been collected, the process of filing the application can begin. It is extremely important to note that work permits should always be applied for in advance. Each country has its own set of processing timelines and it is advisable to check these timeframes prior to making any contractual or verbal commitments.

After a work permit is approved, the assignee must determine whether an entry visa is required and/or any in-country registrations or residence permit applications.



## RESIDENCE PERMIT

Residence permits are issued to foreign nationals who intend to stay in a country that they are not a citizen of for a set, temporary period of time. Residence permits are official documents that may be issued by visa offices abroad once the applicant demonstrates that they have met the requirements for admission into the country as a temporary resident (either as a visitor, student, or worker).

It should be noted that a valid residence permit does not always guarantee entry into the destination country, as an office at the port of entry may decide if the applicant still meets the admission requirements. This is the case for individuals applying for Temporary Resident Visas in Canada.

Rules, required documents, and fees for residence permits vary by country. Additionally, visa-required nationals may face different application processes and requirements than visa-exempt nationals.

The validity period of a residence permit varies according to country. For example, an applicant that intends to stay in South Africa for a period longer than three months would require a temporary residence permit. However, the foreign national may stay in South Africa on temporary resident status for no longer than three years. In Austria, a residence permit is only required for foreign nationals whose stay exceeds six months.







## IN-COUNTRY REGISTRATION

After a work permit is approved and the assignee has officially entered their destination country, it is imperative to verify whether the government requires any type of in-country registrations. These registrations may be with the police, public security ministry, or local town hall. For example, Brazil requires a registration with the Federal Police within 30 days of arrival.

Just as this requirement varies by country, required documentation also varies. For example, documentation required from foreign nationals registering with the Foreigners Regional Registration Officers (FRRO) in India differs according to the type of visa that is held (employment visa, business visa, student visa, entry visa, research visa, journalist visa, medical visa, and return visa).



## COMMONLY USED IMMIGRATION TERMINOLOGY

**Apostille:** A certificate that authenticates the origin of a public document (e.g., a birth certificate, a certificate of marriage, academic diplomas issued by public institutions). Apostilles are to be used abroad, and may never be used for the recognition of a document in the issuing country. Apostille requirements vary by country.

**Business Visa:** A type of short-term visa required for brief visits to a country in which the applicant is not a citizen. Subject to the permission of an immigration official or governing body, these types of visas are used to perform a limited amount of business related activities with specific conditions such as entry time frames, lengths of stay, and frequency of visits.

**Certified Translation:** A translation that typically consists of the original text, the translated text, and a signed statement (an affidavit) from the translator and/or translation company that attests that the translation was prepared by a skilled translator and is a complete and accurate representation of the original text.

**Citizenship:** The status of an individual under the custom or law of a state as a citizen, which vests in them the rights, privileges, and duties of that state's citizenship.

**Dual Nationality:** An individual holds dual nationality if he or she is a citizen of two separate nations.

**Entry Visa:** An entry visa is a mark, sticker, or stamp in a passport that allows an individual to enter a country that they are not a citizen of for a limited duration. Entry visas allow nonimmigrant individuals to travel to their destination country's port of entry and to gain entry into the country, usually for a specific purpose. Depending on the destination country, certain nationals are exempt from this requirement.

**Expatriate:** Most broadly, an expatriate is defined as any person living in a different country than of which he or she is a citizen. Typically, an expatriate is meant to mean a professional who is hired abroad by a company. Usually, socio-economic factors determine who is an expatriate.

**Immigration:** The process through which non-nationals move into another country for the purpose of settlement.

**In Country Registration:** Following entrance into the destination country, the process through which the foreign national registers with the police, public security ministry, or local town hall. This requirement varies by country as does its documentation requirements.

**Labor Migration:** The movement of individuals from one state to another, or within their own country of residence, for the purpose of employment. This is typically regulated by the appropriate labor authority.

**Localization:** The process through which an employer transitions an expatriate's remuneration package (this includes compensation, medical benefits, retirement/pension plans, and taxes) into one that would be provided to a locally hired employee in a similar position.

## COMMONLY USED IMMIGRATION TERMINOLOGY (CONT.)

**Naturalization:** The process through which non-nationals apply for and are granted nationality by a state.

**Nonimmigrant:** A non-national who is admitted to another country for a specific temporary period of time.

**Notarized Translation:** These translations differ from certified translations as they require the translator to swear in front of the notary that the translation is a true representation of the original. It should be noted that the notarization of a translation does not necessarily assess the quality of the translation, but rather only creates a legal record with the translator's attestation that the translation was produced in good faith and according to professional translation standards.

**Permanent Resident:** An individual who is not a citizen of the destination country, but who is lawfully permitted to reside there.

**Port of Entry:** The airport, seaport, or border crossing where customs officials determine whether or not travelers will be permitted entrance to the destination country.

**Residence Permit:** Issued to foreign nationals who intend to stay in a country that they are not a citizen of for a set, temporary period of time. Residence permits are official documents that may be issued by visa offices abroad once the applicant demonstrates that they have met the requirements for admission into the country as a temporary resident (either as a visitor, student, or worker).

**Secondment:** The temporary assignment of an employee from one employer to another for a specific period of time. This is usually to carry out a specific project, or to cover the duties of a critical employee who is on leave. A secondment may be a transfer within the same organization or between two unrelated business entities, and may be either a domestic or an overseas assignment. The employer and host organization will formalize this process via a secondment agreement, and the seconded employee will typically be provided with a letter that details the terms of his or her secondment assignment.

**Validity Period:** The period of time for which an immigration document is valid.

**Visa Overstay:** This occurs when an individual, who lawfully entered the destination country, overstays his or her period of authorized stay or otherwise violates the terms of his or her temporary status. Consequences for overstaying a visa vary by country.

**Work Permit:** A generic term used for a legal authorization that allows an individual to work in a country in which he or she does not hold citizenship. The official terminology used for a work permit typically varies from country to country.