

**MINISTRY OF LABOUR, INDUSTRIAL
RELATIONS, EMPLOYMENT AND
TRAINING (MLIRET)**

**Guidelines for
Application for Non-Citizen Spouse
Employment Permit**

APRIL 2019

Table of Contents

Sections	Page
1. Purpose.....	1
2. Scenarios	1
3. Legislation.....	1
4. Eligibility criteria for Employment Permit	2
5. Additional Information	2
6. Duplicate Employment Permit.....	2
7. Checklists - Application for Employment Permit.....	3
8. Appeal.....	3
9. Fees	4

EMPLOYING FOREIGN LABOUR

1. Purpose

- 1.1 The purpose of this guideline is to clarify the requirements when applying for Employment Permit in respect of a non-citizen spouse of a Mauritian National.

2. Scenarios

- 2.1 Non-citizens, married to Mauritian Nationals prior to the 8th March 2019 will continue to be exempted from the requirements of a permit as per the Employment (Non-citizens) (Restriction) Exemptions Regulation 1970. (as amended)
- 2.2 However, an employer who, with effect from or any time after 8 March 2019, has in his employment a non-citizen who is either spouse of a citizen of Mauritius and/or, until remarriage, a surviving spouse of a citizen of Mauritius, may, up to 15 July 2019, have the non-citizen in his employment without there being in force a permit in respect of the non-citizen.
- 2.3 The employer of the non-citizen referred to at Paragraph 2.2 above and who intends to continue to have the non-citizen in his employment must, within a period of 3 months and up to 15 July 2019, apply and obtain a permit in respect of the non-citizen under the Non-Citizens (Employment Restriction) (Work Permit) Regulations 2017.

3. Legislation

- a. The grant of the Employment Permit is governed by the **Non-citizens (Employment Restriction) Act 1973** –which stipulates that a ***“non-citizen shall not engage in any occupation in Mauritius for reward or profit or be employed in Mauritius unless there is in force in relation to him a valid permit and he engages in the occupation”, or is employed in accordance with any condition which may be specified in the permit.***
- b. The Act also stipulates that ***“no person shall have a non-citizen in his employment in Mauritius without there being in force a valid permit in relation to that employment.”*** For this purpose, Employment Permits for non-citizens are issued by the Employment Division of the Ministry of Labour, Industrial Relations, Employment and Training (MLIRET) under the Non-Citizens (Employment Restriction) Act 1973.

4. Eligibility criteria for Employment Permit

- a. *An employer based in Mauritius should apply for an Employment Permit in respect of an expatriate who will be employed to do a specific job for the employer. The Employment Permit is non-transferable.*
- b. Foreign workers should possess the skills, qualifications and experience required for the job applied for;
- c. Employers should submit where applicable a copy of Contract of Employment.
- d. The Application Form for Employment Permit together with all supporting documents as per Section 7 of the Guidelines have to be submitted to the MLIRET. **Incomplete applications, and those not accompanied by the required documents will not be accepted.**
- e. Employer will be required to submit any additional documents for information as and when requested by this Ministry.

5. Additional Information

- a. In case the Non-citizen spouse, married to a Mauritian National, is self-employed, he/she can apply and obtain a permit in his/her own name provided all supporting documents are submitted.
- b. Applications for Employment Permit from overseas companies will only be accepted if the companies are incorporated in Mauritius as a foreign company, under the Company Laws of Mauritius.
- c. For renewal of Employment Permits, the employer should indicate any amendment in the terms of the contract of employment. If any, the employer should have the amendments vetted by the Labour Division of the Ministry of Labour, Industrial Relations, Employment and Training prior to submission of the application.
- d. The Employment Permit is non-transferable.
- e. Employers should submit applications for renewal of Employment Permits in respect of their workers **1 month prior to the expiry of their current employment permits.**

6. Duplicate Employment Permit

- a. In case of loss of an Employment permit, a duplicate Employment Permit can be granted upon request and against payment of an appropriate fee, together with the following documents:
 - Police Memo
 - Letter from Company

- Passport sized photographs. The photographs should be between 35mm and 40mm in width and between 45mm and 50 mm in height and taken against a light background.
- b. In case of a damaged Employment Permit, the following documents have to be submitted
- Original damaged Employment Permit
 - Letter from company
 - Passport sized photographs. The photographs should be between 35mm and 40mm in width and between 45mm and 50 mm in height and taken against a light background.

7. Checklists - Application for Employment Permit

7.1 Documents to be submitted:

- a. Applications for Employment Permit should be submitted on the approved form.
- b. Covering Letter from the company and/or applicant
- c. A copy of Marriage Certificate
- d. A copy of Residence Permit
- e. 4 Passport sized photographs. The photographs should be between 35mm and 40mm in width and between 45mm and 50 mm in height and taken against a light background.
- f. Copy of relevant parts of passport showing name, date of birth, place and date of issue of passport, photo, passport number and movement for foreign spouse.
- g. A copy of Contract of Employment duly signed by the employer and the employee where applicable.

8. Appeal

If a request for Employment permit has been turned down, the applicant may submit only one appeal to the Ministry for consideration.

9. Fees

9.1 Processing fees

Employers have to pay a processing fee of **Rs 700** in respect of each application for Employment permit.

9.2 Employment Permit fees

Non-citizens married to Mauritian Nationals will not be required to pay any additional fees.

9.3 Fee for a Duplicate Employment Permit

Employers have to pay a fee of **Rs 700** in respect of a duplicate Employment Permit. Only one duplicate will be issued per Employment Permit.

April 2019

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