

BVI exempts certain categories of people from work permit requirements

The BVI Government has enacted a measure which exempts various categories of people from the need to obtain work permits. In particular the exemption for directors visiting the BVI for board meetings is significant in supporting the BVI's position as the leading corporate domicile in the global economy.

In our [11 July update](#) we reported the Statutory Rates, Fees and Charges (Amendment of Schedule) (No 2) Order 2017 which changed the fees payable for work permits, including a new fee for temporary work permits. Today we report the Labour Code (Work Permit Exemption) Order 2017 which excludes certain categories of people from the need to obtain work permits.

The following categories, described in summary form, are exempt from the need for a work permit for 7 days in the first instance with extensions based on a request for extension:

- directors and other officers of companies (whether incorporated in the BVI or elsewhere) visiting the BVI for the sole purpose of participating in meetings of the board of directors of such companies
- persons visiting BVI business persons for business deals and negotiations. Note that this does not include foreign lawyers not admitted to practise in or holding a valid practising certificate in the BVI
- persons attending business-related events (meetings, conferences, etc) put on by BVI entities (whether government or private). This includes paying participants but also the persons putting on the conference
- persons making purchases from BVI businesses
- persons receiving training and work coaching (including internships) from BVI entities
- persons conducting research with the permission of the requisite Government Agency
- persons participating in amateur sporting activities
- students attending institutions of learning for short-term training and educational activities.

The following categories, described in summary form, are exempt from the need for a work permit for 60 days in the first instance with extensions based on a request for extension:

- persons conducting or otherwise participating in arbitration or mediation (but not Court litigation) proceedings
- persons acting as expert witness in both court and arbitration proceedings.

For all the above, the relevant BVI entity must produce an invitation letter stating the person's work title, date of expected arrival, the duration of their stay and purpose of their visit and a statement of the fees charged or to be paid to anyone to be exempted. This letter must be presented to the Immigration Officer at the port of entry. The BVI entity must also collect and pay any tax payable on such fees. Where there are large groups of exempted persons (for example at a conference), a notification of the activity and a list of persons exempted is acceptable instead of individual letters.

BVI entities found to “misuse or abuse” the exemption provision are punishable by a penalty of up to \$5,000.

The Order came into force on 21 July.

If you have questions on this measure please contact Sheila George, Johann Henry or your usual Harneys contact.

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