

 <p>רשות האוכלוסין וההגירה Population & Immigration Authority سلطة السكان والهجرة</p>	Domain: Visas	Procedure number: 5.3.0043
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Procedure for handling applications from high-tech and cyber companies for the employment of foreigners in Israel

in case of discrepancies, the Hebrew version will be binding

A. background

As part of government decisions regarding the encouragement of the high-tech and cyber industry and considering its importance to the Israeli economy, favorable arrangements were established in connection with the **employment of foreigners, applicable to companies recognized as high-tech companies by the National Technology Innovation Authority.**

B. Purpose of the procedure

The purpose of this procedure is to detail the beneficial arrangements established for issuing a permit to a high-tech company for the employment of foreigners and the procedures for submitting applications under the said arrangements both in the Permits Division of the Foreign Workers' Administration (hereinafter: "the Permits Division") and in the offices of the Regional Population Director (hereinafter: "the Bureaus") of the Population and Immigration Authority (hereinafter: "the Authority"):

- A. Accelerated processing of an application for the employment of a foreign expert in "expert salaries" at a high-tech company.
- B. Granting a general work permit to a spouse of a foreign expert employed by a high-tech company.
- C. **Allowing their employment in high-tech companies without the obligation to pay "expert salaries" of up to 500 foreigners who have completed academic studies in one of the high-tech professions, in an institution of higher education in Israel for 3 years from graduation or are full-time students in high-tech professions in Israel.**

And all in accordance with and subject to the conditions set forth below in this Procedure.

C. Definitions:

- C.1. **"Permit"** - the employment permit under section 1M of the Foreign Workers Law, 5771-1991 (hereinafter: "Foreign Workers Law").
- C.2. **"Innovation Authority"** - the National Authority for Technological Innovation, as defined in the Law for the Encouragement of Research, Development and Technological Innovation in Industry, 1984.
- C.3. **"High-tech company"** - a company recognized by the Innovation Authority as a high-tech corporation in accordance with the "Procedure for recognizing a corporation as a high-tech corporation for bringing a foreign expert in high-tech (B-1 work visa of the Population and Immigration Authority)" published on the Innovation Authority's website: https://innovationisrael.org.il/general_content/3098
- C.4. **"High-tech professions"** - **electrical engineering, electronics, computers, software engineering, information systems, computer science, mathematics, statistics, optical / electro-optics engineering,**

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communication systems engineering, software engineering, data science, physics, exact sciences, and medicine.

C.5. **"Expert salary"** - "Regular salary", equal at least twice the average salary in the economy per employee job. Notwithstanding the aforesaid, the Commissioner may condition the granting of the permit on the obligation to pay higher wages than the above, if in the field of work in which the foreign expert is required the ordinary wage is higher than the average wage in the economy, at his sole discretion. Regarding the obligation to pay "expert fees", the following definitions and instructions will apply:

1) **Ordinary wages** - a gross basic wage for a regular job within the meaning of Regulation 1 of the Dismissal Compensation Regulations (calculation of severance pay and resignation which is considered dismissal) 5764-1964. It should be emphasized that a regular wage is a wage that is first paid for overtime work, shifts or overtime. It will also be emphasized that the calculation of the wage supplement due to the employee from his employer for overtime work, etc. will be made on the basis of the aforesaid regular wage.

2) **The average wage in the economy per employee job** - as published by the National Insurance Institute.

3) **Permitted deductions from the said salary** - it should be emphasized that for the purpose of calculating "expert salary", amounts for adequate accommodation or ancillary amounts must not be deducted, and amounts for health insurance that exceed the amounts set forth in the Foreign Workers Regulations (Deduction of Wages for Appropriate Residence), 5769-2000, and in the regulations for foreign workers (prohibition of illegal employment and ensuring fair conditions) (rate of deduction from wages for health insurance contributions), 5772-2001, which are in force.

4) **Payment of wages worth money** - Payment of part of the expert's salary in food and beverages provided to the expert in the workplace, will be made only after obtaining the employee's written consent and not beyond the said market value of the food and beverages and based on receipts, and the payment will be in accordance with the provisions of the Wage Protection Law, 5718-1958.

5) **Value of options or shares** - will not be considered as part of the salary for the purpose of meeting the payment of expert fees.

D. General:

D.1. A decision on the granting of an employment permit and / or a residence and / or work permit in accordance with this procedure is subject to the discretion of the competent bodies in the Population Authority and other Authority procedures, as well as the provisions of the Entry into Israel Law and Foreign Workers Law and relevant government decisions.

D.2. The conditions set out in the permit or license will not be met, or an undertaking given in the application for a permit or license, the authority may revoke, restrict or refuse to extend the permit or license, as the case may be.

D.3. As a rule, an application submitted under this procedure by a high-tech company will be processed without the need for a hearing in the Commissioner's Advisory Committee, unless the employee of the

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treating authority believes that such a hearing should be held, and all in accordance with his discretion, taking into account the totality of the circumstances of the application.

D.4. The employer holding the permit must notify the relevant authority in writing of any material change that has occurred in the application he has submitted for a permit or visa or license under this procedure, within 7 days from the date of the change.

D.5. A company wishing to invite a foreign expert who is a citizen of a country whose citizens are exempt from obtaining an advance entry visa to Israel, for a period of up to 90 days only in a calendar year, may act in accordance with Procedure 5.3.0040 "**Procedure for expedited processing of applications for employment of a foreign expert, who is a citizen of a country in respect of which a visit permit is exempted, invited to Israel for up to 90 days a year**" (hereinafter: "abbreviated procedure") without the need for a commitment to "expert salary" and without the need for approval of recognition of the company as a high-tech company by the Innovation Authority.

E. How to apply for recognition of a high-tech company for the purpose of this procedure:

In order to recognize the company as a high-tech company for the benefit arrangements specified in this procedure, the company must submit to the Population and Immigration Authority, the Permits Division, together with the online application for the employment of a foreigner according to one of the beneficial arrangements specified in this procedure, approval for use of data from the National Technology Innovation Authority and the Central Bureau of Statistics and the possibility of examining the company by the Innovation Authority for the purpose of examining the recognition of a corporation as a technology-intensive company for the purpose of obtaining a permit to employ a foreign worker (hereinafter: "Application form for recognition of recognition as a high-tech company"). The form to be submitted to the Population Authority will be forwarded to the Innovation Authority, which will notify the Population Authority if it has recognized the applicant as a high-tech company, in accordance with "Procedure for the recognition of a corporation as a corporation rich in technological knowledge for the purpose of bringing in a foreign expert in high-tech (1-year work visa of the Population and Immigration Authority)". The beneficial arrangements set forth in this Procedure shall apply only in respect of companies recognized as aforesaid by the Innovation Authority.

F. Details of the arrangements that benefit high-tech companies:

F.1. Accelerated handling of high-tech companies' applications for the employment of foreign experts at "expert salaries":

F.1.A. An application submitted by a "high-tech company" to employ a foreign expert in "expert salary" in accordance with the provisions of Procedure 5.3.0041 "**The procedure for processing applications for the granting of an employment permit and a residence and work permit for foreign experts**" (hereinafter: "Expert Procedure") will be handled by the Population Authority in an expedited manner subject to the following conditions:

1) The high-tech company undertook that the salary of the foreign expert for his work during the entire period of his work in Israel would not be less than the "**experts' salary**".

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2) The application is submitted for the purpose of employing a foreign expert in the field of research and development, or for the purpose of employing a foreign expert who has a unique expertise that assists in business activities related to the product or service developed by the company.

F.1.B. In order to implement the above special arrangement, the high-tech company must submit to the Population Authority, online, the following documents:

1. An online application form for employing a foreign worker who is an expert in the field of high-tech in its appendices:
<https://forms.gov.il/globaldata/getsequence/getHtmlForm.aspx?formType=Experts@piba.gov.il>
2. Application form for testing recognition as a high-tech company:
https://www.gov.il/he/Departments/policies/hightech_procedure
3. Affidavit of a high-tech company:
https://www.gov.il/BlobFolder/policy/hightech_cyber_companies_application_for_foreign_workers_procedure/he/5.3.0043_2.pdf

F.1.C Applications submitted under this section will be considered within 6 working days from the date of receipt of the Innovation Authority's response, as far as possible, and a response to the applicant will be sent by e-mail.

F.1.D. In an application for an extension of the employment permit granted for the employment of a high-tech expert in "Expert Salary" as stated above, the high-tech company must attach to the application for extension an approval of an accountant according to form "Appendix C - Special Report of the Accountant" confirming the payment of experts' fees in the past permit year for the expert for whom the permit extension is requested. A link to the form can be found on the next page:
https://www.gov.il/he/service/working_permit_for_foreign_workers

F.1.E All other expert procedure instructions will apply to the high-tech company and the foreign expert.

F.2. Allowing the employment of a spouse of a foreign expert employed by a high-tech company:

A. A foreign national with a "B / 1 foreign high-tech specialist" license in accordance with the permit granted under section F.1 above, may apply for a "B / 1 General Spouse of a High-Tech Specialist" license for the spouse.

B. The arrangement for granting a B / 1 general license to the spouse of a foreign expert in high-tech is determined as a temporary provision that will be valid until March 1, 2024. In addition, in accordance with the regulations for entry into Israel (exemption from the permit for issuing a visa and a residence permit for types of foreign workers) (Temporary Order) (Amendment) 5719-2019, expiration of the temporary order, will not affect the validity of license B / 1 (general) to be given to the spouse of a foreign expert in a high-tech company, according to this procedure.

C. An employer of the spouse of a foreign high-tech expert shall be exempt from receiving an employment permit as provided in section 1M (a) of the Foreign Workers Law, as long as the spouse has a residence and work license of type "B / 1 General Spouse of a high-tech expert" is valid. In

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addition, the licensee owner may work for any employer in Israel without the requirement for expert salary.

D. The application for the license will be submitted to the Bureau of Population Management in the area of the high-tech company that employs the foreign expert.

E. The application will be submitted to the Bureau in accordance with what is detailed below:

- 1) The application for a B / 1 general license to a spouse of a high-tech expert shall be accompanied by a statement (Appendix E) signed by the foreign expert and the spouse on the existence of a marital relationship, and that the foreign expert will leave Israel immediately upon expiration of the visa and visit permit to be granted to him or the foreign expert, whichever is earlier, and that they will not apply for a visa and license for a temporary or permanent residence in Israel, signed by both spouses.
- 2) Obligation to be present at the office of both spouses when submitting the application.
- 3) Application form for changing the type of visa as / 3.
- 4) The foreign passport of the applicant spouse. Make sure that the passport is valid for at least 6 months from the date of termination of the requested license.
- 5) Original, verified and translated certificate of integrity issued during the 6 months preceding the submission of the application.
- 6) Medical insurance.
- 7) Payment of a license fee in accordance with the fee schedule. The application is exempt from paying an annual fee.

F. The expiration date of the license granted to the foreign expert's spouse in high tech will be equivalent to the expiration of the license granted to the foreign expert and will be valid only if the license granted to the foreign expert is valid.

G. An employee of the Authority's office handling the application will ensure compliance with the conditions and submission of the required, including an update in the registration sheet stating a note that the foreign expert may apply for a "B / 1 General High-Tech Spouse General" work permit for the spouse, employment permit and a valid high-tech specialist license.

H. Will check whether the applicant has been in Israel in the past. If it is found that he has stayed in the past, a link will be made to his previous files, and the following data will be examined - the legality of his entries into Israel, the length of his stay in Israel in the calendar year, the legality of his stay, the type of license he had, and his departure from Israel. If there is a restriction, follow the "Procedure for the provision of services that require preliminary investigation" number 1.2.0001.

I. The bureau employee will update in the registration sheet regarding the submission of the application, including the details of the foreign expert and passport number and will check that there is no impediment to approving the application in accordance with this procedure or any other impediment. In cases where the country of origin / citizenship of the invitee is defined as a country of

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diagnosis by security officials, the bureau employee will verify that all the columns in the personal details form (as / 22) before transferring it for diagnosis. It must be ensured that the permit states that the employment of the expert from the country of diagnosis is approved, subject to examination and approval by the expert by the security authorities.

J. The bureau employee will update the registration sheet regarding the approval of the application and the duration of the approved stay, will issue a type B / 1 general work permit sticker from a high-tech expert spouse in accordance with the license period of the foreign high-tech expert spouse, and will affix the license in the spouse's passport.

K. If the high-tech company is a foreign or international company legally registered in Israel (and not a foreign company) that has received a permit to employ a foreign manager, or a senior foreign worker in a position that requires a great deal of personal trust (up to 2 executives / senior trust employees only) according to the recommendation of the Foreign Trade Administration in the Ministry of Economy, in accordance with an expert procedure, and the company requests that the arrangement under this section apply to the spouse of those employees, the company must apply in writing to the Permits Division of the Foreign Workers Administration via email ashlamot-mumhim@piba.gov.il. A representative of the Foreign Workers Administration will check the conditions under section F2 accordingly and if he finds that the foreigner meets all the conditions under the section, he will record in the foreigner's registration sheet in the authority's computer system that the foreigner may apply for a B / 1 general license for a high-tech expert spouse in accordance with this procedure, and will apply through the company to the Population Administration Bureau for submitting forms as specified above for the purpose of obtaining a type B / 1 general license for the spouse.

L. An application for an extension of a license granted under this section shall be filed in accordance with the foregoing and with the required modifications.

F.3. Employment of a foreign academic graduate and a foreign student in a high-tech company

1. A high-tech company may submit an application, as detailed below, for the employment of foreign nationals without any obligation to pay "expert fees" if one of the following has occurred in respect of the foreigners:

A. they graduated with a bachelor's degree in one of the high-tech professions at an institution of higher education in Israel (hereinafter: "foreign academic graduates"), less than 3 years have passed since the graduation, and the high-tech company undertook to pay them a salary of not less than 150% of the average salary in the economy starting from the seventh month of their employment.

B. They are studying for an academic degree in one of the high-tech professions at an institution of higher education in Israel (hereinafter: "foreign students") and want to work only part-time at a high-tech company.

2. The maximum quota for allowing the employment of foreign academic graduates and foreign high-tech students is up to a total of 500 permits that will be distributed in the order of submitting applications that meet all the required conditions (giving priority to applications for extension of existing permits).

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3. As stated, the conditions that a high-tech company will have to meet in order to employ a foreign academic graduate are different from the conditions for employing a foreign student. The following is a detail regarding the conditions for each type of transaction separately:

F.3.A Conditions for employing a foreign academic graduate in a high-tech company:

1. A high-tech company may apply for a permit to employ a foreign national who has completed a full academic degree at an institution of higher education in Israel in one of the high-tech professions and has not yet passed 3 years from the date of eligibility for the degree.

2. The high-tech company undertakes to pay the foreign academic graduate, starting from the seventh month of his employment, a salary of not less than 150% of the average salary in the economy. It should be emphasized that during the first six months of employment, a high-tech company will have to pay the foreign academic graduate a salary that is not less than the minimum wage, and all other relevant employment conditions that apply under Israeli labor law.

3. A high-tech company wishing to employ a foreign academic graduate shall submit to the Permits Division, **online**, documents as follows:

A. An online permit application form for hiring a foreign expert and its appendices: <https://forms.gov.il/globaldata/getsequence/getHtmlForm.aspx?formType=Experts@piba.gov.il>, When submitting the online application, the "academic graduate" profession must be chosen.

B. Application form for testing recognition as a high-tech company: https://www.gov.il/he/Departments/policies/hightech_procedure

C. Commitment Form Employer A recognized high-tech company to a foreign academic graduate: https://www.gov.il/BlobFolder/policy/hightech_cyber_companies_application_for_foreign_workers_procedure/he/5.3.0043_4%D6%B9.pdf

D. The certification of the Institute of Higher Education in Israel that the foreign national whose employment is requested is entitled to a degree in one of the high-tech professions - and that includes the date of eligibility for the degree.

E. Submitting the application involves the payment of an application fee.

4. After receiving the application in the Permits Division, its compliance with the conditions and requirements will be examined, including compliance with the maximum overall quota as detailed above. If necessary, the applicant will be required to complete missing documents / correct deficiencies in the application and / or its appendices, within 21 working days from the date of receipt of the application. If the required documents have not been completed by the set date, the processing of the application will be stopped and the authority will be entitled to reject it.

5. As a rule, the decision will be made within 30 working days from the date of completion of the documents. In the event of a need for a recommendation from a recommending party or at the request of the advisory committee for additional documents - as a rule, the decision will be made within 30 working days from the date of receipt of the opinion or additional documents, as the case may be.

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6. A permit under this paragraph shall be granted for a period of up to three years from the date of completion of the degree of the requested academic graduate.

7. If the permit is granted, a representative of the high-tech company, together with the foreign academic graduate (if residing in Israel) whose details are specified in the permit, must go to the Population Administration Bureau in the employer's address to apply for a B / 1 license (academic graduate). The license will be valid for up to one year at a time, for the foreign academic graduate but not beyond the expiration date of the permit.

8. The departure of the foreign academic graduate from Israel will not be required prior to the exchange of the license for a B / 1 (academic graduate) foreigner as long as he is legally resident in Israel.

9. At the end of three years from the date of completion of the degree of the foreign academic graduate, the high-tech company will be entitled to submit to the Permits Division online, an application for a permit to employ the foreign academic graduate as a "foreign expert (high-tech)" in accordance with the usual procedures of the Population Authority. If such a permit is approved, the foreign academic graduate's license will be exchanged for a B / 1 foreign specialist license without the need for the foreign graduate to leave Israel.

10. All other provisions of expert procedure shall apply to the high-tech company and the foreign academic graduate.

F.3.B. Conditions for employing a foreign student in a high-tech company:

1. A high-tech company may submit an application to employ a foreign student studying for a full academic degree at an institution of higher education in Israel in one of the high-tech professions (hereinafter "foreign student"), in accordance with the following conditions:

2. The foreign student will be employed only part-time at the same time as continuing his academic studies in Israel.

3. The high-tech company must pay the foreign student a salary and provide him with the terms of employment in accordance with the labor laws applicable in Israel (without the obligation to pay "expert salary").

4. A high-tech company wishing to employ a foreign student shall submit to the Permits Division, **online**, documents as follows:

A. Online application form for a permit to employ a foreign expert, while paying an application fee, according to Procedure 5.3.0041 <https://forms.gov.il/globaldata/getsequence/getHtmlForm.aspx?formType=Experts@piba.gov.il>

B. Application form for testing recognition as a high-tech company: https://www.gov.il/he/Departments/policies/hightech_procedure

C. An undertaking form from an employer in a high-tech company seeking to employ a foreign student.

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D. Foreign Student Affidavit Form.

E. Submitting the application involves the payment of an application fee.

F. Confirmation from the Institute of Higher Education in Israel that the foreign student whose employment is requested is studying for a full academic degree in one of the high-tech subjects and an estimated date for completing the degree.

5. After receiving the application in the Permits Division, its compliance with the conditions and requirements will be examined, including the total quota of permits for the employment of academic graduates and high-tech students as detailed above. If necessary, the applicant will be required to complete missing documents / correct deficiencies in the application and / or its appendices, within 21 working days from the date of receipt of the application. If the required documents have not been completed by the set date, the processing of the application will be stopped, and the authority will be entitled to reject it.

6. As a rule, the decision will be made within 30 working days from the date of completion of the documents. In the event that there is a need for the opinion of a recommending party or the request of the advisory committee for additional documents - as a rule, the decision will be made within 30 working days from the date of receipt of the opinion or additional documents, as the case may be.

7. As a rule, the validity of the permit granted for the employment of the foreign student will be until the estimated date for completion of the degree, as indicated by the approval of the Institute of Higher Education, or up to 3 years, whichever is shorter.

8. In accordance with Government Resolution No. 793 of 12.12.21 and the authority established under Regulation 13 (a) of the Entry into Israel Regulations, 5734- 1974, the foreign student whose details will be listed on the employment permit will be allowed to work for the high-tech company with the permit, on a part-time student license (A / 2).

9. Notwithstanding the aforesaid, the validity of the permit will be conditional on the student continuing his studies at an institution of higher education in Israel in one of the high-tech professions. To the extent that the foreign student has discontinued his studies as aforesaid, the high-tech company is prohibited from continuing to employ him. The employment of the foreign student who has terminated his studies as aforesaid will be possible subject to the submission of an application for a permit to employ the foreign student as a foreign expert with an undertaking to pay expert fees in accordance with the provisions of the Expert Procedure.

10. The extension of the permit will be in accordance with the above with the required changes.

11. After the foreign student completes the academic degree, the high-tech company may submit to the Permits Division online, an application for a permit to employ the foreign student as a "foreign academic graduate (high-tech)" in accordance with the provisions of section F.3.1 of the above procedure. If such a permit is approved, the foreign student's license will be exchanged for a B / 1 academic graduate license without the need for the foreign student to leave Israel.

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12. All other provisions of expert procedure shall apply to the high-tech company and the foreign student.

G. Incidence:

Arrangements in this procedure to allow the employment of spouses of foreign high-tech experts will remain in force until March 1, 2024, as long as they have not been amended or extended.

H. The law and its sections:

11.1 Foreign Workers Law, 5771-1991

11.2 The Entry into Israel Law, 5712-1952

11.3 Entry Regulations to Israel, 5734-1974

11.4 Entry Regulations into Israel (Exemption from the permit to issue a visa and a residence permit for types of foreign workers) (Temporary Order) (Amendment) 5719-2019

I. Appendices:

1. Application form for testing recognition as a high-tech company - approval of use of data from the National Authority for Technological Innovation and the Central Bureau of Statistics and the possibility of testing the company by the Innovation Authority for testing the corporation as a company with high technological knowledge.

2. An affidavit to be filled out by a high-tech company seeking to employ a foreign expert in the field of high-tech in "expert salaries".

3. Foreign Academic Graduate Appendix

4. Affidavit of spouses.

5. Affidavit of a high-tech company for the employment of a student.

6. Affidavit of the foreign student.