

Work Contract of Foreigners in Morocco

Posting or expatriation, all you need to know : Employment contract a foreign one and residence card are required.

At the end of the mission, the employee is also required to submit a tax clearance that he can leave the country.

The employer incurs liability for the validity of the information provided by him to various authorities for the secondment.

A company decides to loosen up one of its executives to Morocco. Before taking office in Morocco, the detached or expatriate must make a number of steps to comply with Moroccan law and guarantee his rights. Here are the most important.

On the arrival

the formalities related to the installation are relatively cumbersome. But for companies that have already rubbed the administration for a similar case, the procedure can be rapid.

Writing a contract of employment of foreign words

it must be submitted to the Ministry of Employment - Department of Employment – division of the immigration - Rabat.

required Documents:

- Certificate of work from the parent company listing the various occupied positions;
- Certificate of posting properly issued by the parent company;
- Certified copies of diplomas;
- Certificate of former employers or the last employer;
- Certified copy of passport pages: one containing the photograph, the one with visas, possibly, and with date of entry in Morocco;
- yellow Printed of five copies called "printed contract of the work abroad" completed by the company in Morocco, and signed by the employer in Morocco and the person concerned;
- White Printed ,called “work visa”, of 2 copies completed and signed by the detached;
- Important Note: the detached do not need the certificate from the ANAPEC (National Agency for Employment Promotion and skills). However, their period of secondment may not exceed 3 years.

Application for certificate of registration or resident’s permit. To do this, go to the police of the city of employment equipped by a file that includes:

- Three certified photocopies of the contract of the employment abroad;
- Three certified photocopies of the passport: page with photo, the one of the possible visa and in which figured the latest date of entry in Morocco;
- Three copies of which certified the lease contract on behalf of the expatriate (make two copies of the certified copy);
- Three copies of which certified the contract Lydec (or other state controlled company) on behalf of the expatriate (make two copies of the certified copy)

If the expatriate is housed by the employer, he must provide a certificate confirming this support, which cancels the provision of two items above.

- Two sheets of application for registration (white printed);
- Three sheets of registration application (card printed);
- 8 photos;
- Special Stamp of bill of 60 dirhams. Note: These documents are valid for each residence card. For married people, the same list is to provide for Spouses and children over sixteen years.

After the filing of such documents from the Police, Service of foreigners, a receipt is issued to the applicant pending the establishment of the residence card at the DGSN in Rabat. The receipt must be covered each month in case the residence permit has not yet been issued by the DGSN within 30 days.

Opening of a bank account

Opening a bank account at a bank is conditioned by the availability of the residence card. But generally, the receipt is sufficient.

To be on the safe side, you must staple by the police prefecture your photo on the receipt, all is cancelled by the stamp of the immigration authorities.

Statement to the CNSS or others

If a bilateral agreement was signed between Morocco and the country of origin of the expatriate and if he is already registered in the Social Fund of his country, it is not necessary for the employer to be register in the CNSS.

In this case, a certificate of the fund of the country of origin is required and must be included in the personal file of the detached.

However, if no such certification, registration with the CNSS becomes mandatory. This updated certificate will be of use for the renewal of contract of employment to the ministry of job.

At the end of the mission

The employee has to regularize his situation with the taxes according to the provisions related to foreigners.

Tax clearance

it should be noted that through the letter of posting, the expatriate, according to Moroccan law, seconded to the Moroccan subsidiary by the headquarters.

According to Moroccan law (read the back of the contract of employment of foreign - yellow printed), the subsidiary is responsible for the return of detached to his country of origin and support the removal, the return ticket, etc...

The detached, according to Moroccan law, authorized to work in Morocco for a limited period of 2 or 3 years, possibly renewable for the same period. After those periods, he loses his status as detached.

If the detached wishes to leave Moroccan territory, it is recommended to have a tax clearance. In order to do that he must submit a number of documents.

What the employer must issue:

- Certificate of wages in recent years;
- Certificate of balance in full. These 2 certificates should be covered by the tax inspector of the place where the detached works;
- Certificate of work;
- Certificate of cessation of activity;
- Certificate of non-payment of other wages or bonuses declared after the date of departure.

What should the detached do:

- Complete a sworn statement signed and legalized by the employee for non-income wage rather than his ordinary wage;
- Make a sworn statement signed and notarized by employee's spouse for lack of income (if the spouse does not work);
- Fill out an information sheet to be stamped by the tax inspector of place of residence;
- This form will be accompanied by:

• certificates provided by the employer;

• a certificate of residence (for two copies at the time of application);

• sworn statements;

• a copy of the lease housing certified.

The inspector responsible for checking documents will be responsible to validate them and provide a document signed by the divisional of the sector of Taxes allowing seconded to appear at the tax collector of the place if his residence to pay the due tax, if there are any, and ask for the tax discharge.

Once the clearances got obtained, do 5 photocopies.

THESE FIVE PHOTOCOPIES that are TO BE certified should correspond with the original through the tax collector, ANY OTHER CERTIFICATION IS NOT ACCEPTED.

Other steps to take:

This is to officially note the end of residence permit in Morocco.

Delisting of the consulate of the country of origin

the secondment must report to the consulate of his country of origin to apply for delisting of nationals residing in Morocco.

He will not forget to claim the certificate of graduation.

Application for change of residence

to deposit at the police station. It requires:

- A printed to complete (model to recover from the mover), accompanied by:
- 1 copy of tax discharge per person;
- Certificate of radiation received from the Consulate (1 copy per person)
- Residence card;
- A certificate signed by the owner, legalized or last 6 or rent bill;
- tax Discharge Lydec / Redal ...

The Commission calls at the same time a receipt recovery of the residence card.

Conclusion

It is worth recalling the criminal responsibility of the employer as to the veracity of the information provided by him to various government agencies on behalf of detached.

The law provides for forgery and abuse of sanctions which it is referred to in the face of the yellow printed of contract of the work abroad (Preamble) citing Articles 360 and following of the Penal Code.

To remember the first paragraph of art. 360 of the Code that states: "Whoever forged, falsified or altered permits, certificates, books, cards, newsletters, receipts, passports, travel orders, roadmaps, passes or other documents issued by government to find a right, identity or quality or to grant permission, is punishable by imprisonment of six months to three years and a fine of 150 to 1 500 dirhams (...)».

And since "no one is supposed to ignore the law, it is strongly recommended that any employer wants to hire a foreigner as part of a detachment and even under a local contract, to check the veracity of the information that we provide him with.

Zoom

Sell his car and transfer the proceeds of the sale

If the detached has a car and wishes to sell and transfer its product (in currency), he will proceed to the following steps:

- demand surrender of a vehicle to the bank on behalf of the Exchange Office.
- It is strongly recommended to contact the bank where the account of detached is held, to apply for transfer of proceeds from the sale to move to Rabat for the authorization of the Exchange Office.

- The bank can do this, but it will require more time.
- Do not forget to ask at the same time, the authorization to transfer the balance in full