



Population and Immigration  
Authority



State of Israel

# Special Restrictions Applying to Foreign Caregivers Wishing to Change their Place of Employment



**THIS INFORMATION SHEET EXPLAINS THE FOLLOWING SPECIAL RESTRICTIONS SET IN POPULATION AND IMMIGRATION AUTHORITY PROCEDURES AND REGULATIONS WHICH APPLY TO FOREIGN CAREGIVERS WHO WISH TO CHANGE THEIR PLACES OF EMPLOYMENT IN ISRAEL:**

1. Restrictions concerning the geographical regions in Israel where the foreign caregiver may be employed.
2. Special supervision concerning the number of changes of place of employment of foreign caregivers.
3. The obligation to give Prior Written Notice before stopping to care for an elderly or disabled employer.

The above restrictions have been set as special conditions for the validity of the (B/1) visas and stay and work permits issued to foreign caregivers (hereinafter: the visas), and violation of these restrictions may result in the cancellation or non-renewal of the foreign worker's visa, as well as removal of the worker from Israel.

This brochure is intended to provide a general explanation regarding the aforementioned restrictions, but it does not replace or supersede the language of the relevant regulations and procedures which is binding. In addition, nothing in the regulations, procedures or in this brochure shall detract from other conditions of the foreign caregivers' visas or from PIBA's general authority to revoke or to refuse to extend a foreign worker's visa. The information in this brochure is up to date as of June 2014, and any later updates or changes can be followed on the Population and Immigration Authority website at [www.piba.gov.il](http://www.piba.gov.il) (hereinafter: PIBA).

## INTRODUCTION

A foreign caregiver is invited to Israel to care for an elderly or disabled person (hereinafter: an invalid) who has been issued a permit allowing him to employ a foreign caregiver in his home. The foreign caregiver must work in good faith to uphold the employment contract with the invalid or with the invalid's legal representative/ responsible family member.

However, the foreign caregiver is not "bound" to a certain invalid employer. The caregiver may move between invalid employers who possess permits to employ foreign caregivers, subject to regulations and PIBA procedures, after providing prior notice in writing of intent to terminate the current employment in accordance with PIBA procedures. The change of employment must be registered with a Recruitment Agency licensed by PIBA, in keeping with the relevant procedures, before beginning the new employment.

Following are explanations concerning the above special restrictions on changes of employment of foreign caregivers:

### 1. Geographic Restrictions on Employment:

#### a. Regional Restrictions:

A visa given to a foreign caregiver shall be limited to the region or regions in Israel in which the caregiver will be permitted to work.

Regarding a foreign worker arriving in Israel from abroad for the first time, the region in Israel in which he or she may be employed shall be set in accordance with the area of residence of the invalid whom he has been brought from abroad to care for, and shall be noted in the worker's visa.

Regarding foreign caregivers already in Israel at the time the regulations go into effect, the region in Israel in which they may work shall correspond to the region of residence of the last invalid by whom the foreign worker was lawfully employed as of that date, and that region shall be noted in the caregiver's visa during the next visa extension.

Thus, change of employment of a foreign caregiver shall be allowed only within the Region which applies to each caregiver as set out below:

**Tel Aviv Region** – a foreign caregiver allowed to work in the "Tel Aviv Region" may work for invalids residing **anywhere in the country**.

**Central Region** – a foreign caregiver allowed to work in the "Central Region" may work only for invalids residing in the Haifa and Jerusalem regions, as well as for invalids residing in the Periphery. **He or she may not work for invalids residing in the Tel Aviv Region, as defined in the regulations.**

**Peripheral Region** – A caregiver allowed to work in the "Peripheral Region" may work only in peripheral areas in both the **North and the South** of the country. **The caregiver may not work for an invalid residing in the Tel Aviv or Central regions, as defined in the regulations, and therefore he may not work in the Tel Aviv, Haifa or Jerusalem areas.**

Information regarding the boundaries of the various regions and the cities and communities situated in each of the above Regions, appears on PIBA's website at [www.piba.gov.il](http://www.piba.gov.il).

It should be emphasized that the above Geographic Restrictions **are in addition** to the general conditions concerning for changes of employment of a foreign caregiver. Thus, even when transferring to an employer within the permitted Region, the caregiver must abide by the other conditions for legal employment.

#### b. Prohibition of employment contrary to Geographic restrictions

- Should it be found that a foreign worker has been employed in a region other than the allowed region, PIBA may, following a hearing, decide to revoke the caregiver's visa or not to allow extension of the visa, and in such an event the caregiver must leave Israel.
- Should the invalid employer by whom the foreign caregiver is lawfully employed move not allowed by the caregiver's visa to reside in another region in Israel **temporarily**, the foreign worker may continue to care for the invalid in the new region as well, and such employment shall not constitute a violation of these regulations.
- Should the invalid by whom foreign caregiver is lawfully employed move to another Region **permanently**, the foreign worker may continue to work for this same invalid in the new region, provided that notice to that effect has been submitted to the Immigration Authority and that following such notice the new region be noted in the foreign worker's visa.
- In exceptional cases in which an invalid requests employment of a foreign caregiver whose visa does not allow work in the invalid's region of residence, PIBA may allow a special exception to the above rules, if it finds that exceptional circumstances having to do with the good of the invalid or of the foreign worker, justify the exception. **Please note: According to the regulations, PIBA may not grant exceptions as specified above, if the employment of the caregiver contrary to the Geographic Conditions began prior to the PIBA decision regarding the exceptional request. Thus, if the caregiver began to work for the invalid illegally before PIBA's decision, the request shall be rejected out of hand.**

**The aforementioned geographical restrictions are set in the Entrance into Israel Regulations (Setting of Geographical Regions for the Employment of Foreign Workers in the Nursing Industry), 5713-2014**

## **2. Special Supervision Concerning the Number of Changes of Place of Employment of Foreign Caregivers.**

As set out above, a foreign caregiver is not bound to a particular employer, and may change employers subject to PIBA rules and regulations, including the proper registration of the change of employment with PIBA via an authorized Recruitment Agency.

However, in the event that a foreign caregiver has terminated employment with at least three invalids within a two-year period, and there is reason to believe that he is abusing his visa, PIBA may investigate these suspicions, and will request that the caregiver appear before the investigating body.

Should PIBA's investigation reveal that the foreign worker has abused his visa, an authorized official may decide to revoke or to not renew the worker's visa, following a hearing in which the worker's claims shall be heard.

It is important to stress that the termination of employment of a foreign caregiver due to the following reasons **shall not be considered termination of employment as per the above regulations and shall** not be taken into account as one of the three changes of employment set out above:

- Termination due to the firing of the foreign worker by the invalid.
- Termination due to the invalid's relocation to a nursing home.
- Termination due to the death of the invalid.
- Termination of a temporary placement of the foreign caregiver as a substitute for the invalid's regular foreign caregiver.

In addition, the resignation of a foreign worker from employment with a invalid due to substantial worsening of his or her working conditions or due to other changes in working conditions under which the workers are not be required to remain in their present employment, including abuse of the foreign caregiver at his place of employment, **shall not constitute abuse of the visa granted to the foreign caregiver under the above regulations.**

**The above arrangements are set out in the Entrance into Israel Regulations (Supervisory Measures Concerning the Movement of Foreign Workers in the Caregiving Sector), 5713-2014**

## **3. Requirement to provide Advance Notice in Writing before Stopping Employment with an Invalid.**

In accordance with a special PIBA procedure, a foreign caregiver wishing to terminate employment caring for an invalid, must provide **written notice in advance** both to the invalid or to the family member of the invalid responsible for the employment, as well as to the Licensed Recruitment Agency with whom he is registered, before leaving the employment.

This procedure is meant to prevent caregivers from suddenly leaving an invalid employer in a manner that does not allow the invalid or his family to make other arrangements for necessary care.

The violation of the terms of the procedure may result in the expulsion of the foreign caregiver from Israel following a hearing. Therefore it is most important to study the procedure as set forth below and to strictly uphold it.

### **Details of the procedure**

A foreign caregiver who has cared for a invalid for seven days or more, and who wishes to resign from this employment, must give advance written notice of his wish to resign to the authorized Recruitment Agency at which he or she is registered, as well as to the invalid. If due to his impairment the invalid may not understand the notice, the worker must provide the notice in writing and in advance to the relative of the invalid responsible for the employment, instead of to the invalid himself.

The written notice should include the worker's intention to leave the invalid and the date upon which he intends to stop the employment, which shall not be earlier than the minimal period as follows:

- a. If the foreign caregiver has cared for the invalid for a period of between seven days to three months – advance notice in writing must be given **at least seven days** before terminating the employment.
- b. If the foreign caregiver has cared for the invalid for a period of between three to six months – advance notice in writing must be given **at least 14 days** before terminating the employment.
- c. If the foreign worker has cared for the invalid for a period of between seven months to one year – advance notice in writing must be given **at least 21 days** before terminating the employment.
- d. If the foreign worker has cared for the invalid for a period of over one year – advance notice in writing must be given **at least one month** before terminating the employment.

Thus, even after providing advance notice as set forth above, the worker may not leave the invalid before the passage of the above prior notice period, which is calculated according to the length of time the worker has worked for the invalid.

Leaving a invalid without giving written advance notice to the invalid/responsible relative and the Recruitment Agency, or prior to the end of the relevant minimal advance notice period, constitutes a violation of the terms of the caregiver visa and may result in the expulsion of the foreign worker from Israel following a hearing!

For monitoring purposes, a foreign caregiver may, but is not obligated to, send a copy of the advance written notice he or she gave to the employer to PIBA by fax to: 02-6469642 or by email to "hodaa-siud@piba.gov.il".

Sending the copy of the advance notice to PIBA does not replace the obligation to provide advance written notice to the invalid employer and the Recruitment Agency, as specified above.

### **Exceptional cases**

A foreign caregiver is not obligated to provide advance written notice in case of special circumstances under which he or she should not be required to work during the advance notice period.

### **Complaints**

Should a complaint be received from an invalid or from a Recruitment Agency claiming that the caregiver has not provided notice as per this procedure, PIBA may summon the caregiver to a hearing to decide whether the caregiver shall be permitted to remain in the country. Should the caregiver not report to the hearing, PIBA may take a decision in the caregiver's absence.

**The obligation to provide advance written notice is set forth in PIBA procedure 10.1.0001 "Procedure for provision of advance notice prior to resignation". For full details of the procedure and examples of advance notices please see the Population and Immigration Authority's website at [www.piba.gov.il](http://www.piba.gov.il), in the Procedures and Laws chapter.**

**In Summary:**

**PIBA wishes the best of luck to the foreign caregivers arriving in Israel to perform the important and complex work of caring for the elderly, disabled and invalid population. In the course of their stay in Israel, it is important that the foreign caregivers abide by the rules specified above, which are conditions for the validity of the visa they have received.**

I hereby declare that the above Restrictions were explained to me and that I received copy of this brochure

Name of the caregiver (in English): \_\_\_\_\_

Passport No.: \_\_\_\_\_

Signature: \_\_\_\_\_

Signed before: \_\_\_\_\_

Date: \_\_\_\_\_

