

Bangladesh Investment Development Authority (BIDA)

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CIRCULAR

Subject: Permit to set up foreign commercial office in Bangladesh, recommendation of visa for foreign workers and procedure for issuance of work permit to foreign workers, 2023

1.0 Introduction:

In order to attract foreign investment in Bangladesh, the government of the People's Republic of Bangladesh has created a favorable investment environment and formulated regulations. However, it is necessary to formulate and update regulations for the purpose of establishing private sector commercial institutions, foreign organizations working for the development of the country's infrastructure sector, branch offices, liaison offices and representative offices of foreign companies for the purpose of investment development. With the aim of transforming Bangladesh's manpower into skilled manpower through the transfer of the latest technology, knowledge, experience and skills invented and practiced in the developed world, there is an opportunity to hire foreign experts, technicians and skilled foreign workers to work in the private sector related to industry, commerce and education in Bangladesh. As a result, there is a need to recommend and grant work permits for foreign workers in the applicable class of visas in the country, equalize/determine salaries and allowances and institutionalize or formalize foreign workers working without authorization. To this end, there must be a mechanism to ensure coordination, revenue collection, and national security between law enforcement agencies and related government departments by centrally storing and managing information on foreign workers. If the work permit is granted according to the procedure, it will be easier to prevent the unauthorized recruitment of foreign workers in Bangladesh and coordinate their numbers. In addition, procedures must also be introduced to ensure that the employment of foreign workers does not deprive local workers of employment opportunities.

The Bangladesh Investment Development Authority (BIDA) is a committee chaired by the Executive Chairman of the Bangladesh Investment Development Authority (BIDA) in charge of granting permission to set up branch offices, liaison offices, representative offices of foreign companies in Bangladesh and granting work permits to professionals engaged in public and private industries, commercial and educational institutions, including all these institutions. (Source: Prime Minister's Office Notification No. 53.42.01.00.00.31 2003-395 dated 27.10.2003 AD) With the approval of the Hon'ble Prime Minister, a notification was issued on 6 January

2011 amending the composition of the said committee. According to the revised notification (Source: Prime Minister's Office Notification No. 03.068.018.03.00.036.2010-15(17) dated 06.01.2011 AD) Executive Chairman or Executive Member of Bangladesh Investment Development Authority (BIP) Acting as the chairman of the committee. All administrative orders related to the committee are issued from the Bangladesh Investment Development Authority (BID) and the decision of the authority will be considered as the final decision of the government, it is also mentioned in the revised notification. According to the committee's scope of work, "Guidelines 2011 for Granting Permission for Establishing/Opening of Branch, Liaison & Representative Office of Foreign Companies in Bangladesh and Issuing Work" A guideline titled "Permit of Foreign National(s)]" was created and according to the guideline, permission to set up branch office, liaison office, representative office and all these institutions including government and private industry, commercial and educational institutions were given to the employees.

Bangladesh's economic development, implementation of mega projects for infrastructure development, investment, product production and service sector industry development and commercial activities expansion, diversification and growth, the scope and number of commercial office permits and foreign workers' work permits have increased at a significant rate. In addition, the issue of project offices established for the implementation of development projects is not included in the 'Guidelines 2011', thus creating complications in the registration of project offices. For this reason project offices in the form of branch offices are being allowed alternatively. As the scope and type of global investment and commercial activities change and multiplicity increases, there is a need to consider the relevant issues with the permission of Project Office and Homogenous Commercial Office in order to develop investment in coordination with the international environment.

As 12 years have passed since the formulation of the existing Guidelines, 2011, there has been a need to revise/update the guidelines in line with changes in the rates of pay and allowances of foreign workers and the changed and revised visa policy. It is also to be noted that Bangladesh Investment Development Authority Act, 2016 Act, 2016, in view of the economic realities arising due to the promotion of Bangladesh from a least developed country to a developing country, there is a need to modernize the guidelines for the Bangladesh Investment Development Authority established in 2016.

For this reason all applicable laws, rules, regulations including Bangladesh Investment Development Authority Act, 2016 (Act No. 36 of 2016), Foreign Exchange Control Act, 1947, Foreign Exchange Control (Amendment) Act, 2015, Guidelines for Foreign Exchange Transactions, 2018, According to the administrative orders, permission to set up branches, liaison, representative offices, and project offices of foreign companies in Bangladesh for implementation of development activities and visa policy issued by the Department of Security Services, the latest administrative orders regarding security verification and other applicable

regulations in the light of the visa recommendations and work permits for foreign professionals. This approach aims to streamline existing delivery practices to make services simpler, more timely, transparent and incorporate new services.

2. Short title and introduction:

This procedure shall be called "Permission for Establishment of Foreign Commercial Offices in Bangladesh, Recommendation of Visa to Foreign Professionals and Procedure for Issuance of Work Permits to Foreign Professionals, 2023" and shall be effective from the date of issue of this Procedure.

3. This procedure will be applicable in the following areas:

3.1. Permission to set up branch office, liaison office, representative office, project office, office of joint venture/consortium/association (JVCA) in Bangladesh of foreign incorporated/registered companies as per rule 54 of Public Procurement Rules, 2008 or any existing law or rule and a In settling matters relating to permits;

3.2. Branch Offices, Liaison Offices, Representative Offices, Project Offices of foreign companies established in Bangladesh, Offices of Joint Venture/Consortium/Association (JVCA) as described in Rule 54 of Public Procurement Rules, 2008 or any existing law or rule and commercial establishments, educational institutions, Recommendation of visa, work permit for employment of foreign workers in sports organizations, cultural institutions/organizations, government organizations, contractor/sub-contractor organizations, service provider organizations etc.

3.3. In providing and settling related matters; 3.3. In the case of recommending visas for the employment of foreign workers in private industrial establishments incorporated in Bangladesh, providing work permits and settling related matters;

3.4. This procedure shall apply to all jurisdictions except the jurisdiction of any authority or body established by law.

4. Definition: Unless there is anything contrary to the subject or context-

4.1. "Act" shall mean the Bangladesh Investment Development Authority Act, 2016 (Act No. 36 of 2016):

4.2. "Inter-Ministerial Committee" means the Committee referred to in clause 5 of this Procedure;

4.3. "Authority" shall mean the Bangladesh Investment Development Authority (including the Board of Investment where applicable);

4.4. "Procedure" means the Procedures for Permitting Establishment of Foreign Commercial Offices in Bangladesh, Recommendation of Visa for Foreign Workers and Grant of Work Permits to Foreign Workers, 2023; 4.5. 'Foreign Company/Organization' shall mean companies/organizations incorporated and/or registered/incorporated under foreign laws and also firms, individuals, and associations authorized by the appropriate authorities;

4.6. 'Branch office' means a limited commercial operation of a company registered abroad other than a direct process of production of goods or services. means the office authorized by the Inter-Ministerial Committee of the Bangladesh Investment Development Authority (where applicable shall also mean the Board of Investment) for conducting business activities;

4.7. 'Liaison or representative office' means an office established by a foreign registered company/organization to establish contact with various companies/organizations in Bangladesh for the purpose of exchanging information about the local business or investment and commercial environment and local buyers or consumers about the foreign company's products or services which have no /will have no local source of income

4.8. 'Project office' shall mean the offices of the selected foreign companies/companies in the implementation activities of government, foreign development cooperatives or public and private funded development projects or parts thereof in Bangladesh. In this case, the foreign contractor appointed by the appropriate agency and its sub-contractor shall also mean the project office of the company/institution;

4.9. 'Foreign Contractor/Sub-Contractor' means a foreign contractor/sub-contractor organization engaged in development projects implemented in Bangladesh;

4.10. 'Joint Venture, Consortium, and Association (JVCA)' means Rule 54 of the Public Procurement Rules, 2008 or any existing law or rule, a joint venture/consortium/association (JVCA) formed by more than one domestic/foreign organization for the purpose of implementing a development project- Who will understand;

4.11. 'Foreign Contractor' means any commercial establishment, branch office, liaison office, representative office, project office, educational institution, sports institution, public and private bank, joint/consortium/association, contractor/sub-contractor, Govt. And shall mean foreign persons selected and appointed for employment in private medical institutions or medical educational institutions, cultural institutions/organizations, government development projects and all public and private institutions. This definition of foreign worker shall also include foreign investor;

4.12. 'Commercial office' means a branch office of a foreign company, liaison office, representative office, project office, or a foreign contractor/sub-contractor engaged in development projects in Bangladesh. It specifically denotes a joint venture/consortium/association formed by more than one domestic/foreign entity for the implementation of development projects in accordance with the Public Procurement Rules, 2008, Article 54, or any existing law or regulation, solely employed in the procurement and sale of goods and services in Bangladesh.

5. Inter-Ministerial Committee: The Inter-Ministerial Committee is responsible for approving the offices mentioned in clauses 3.1 and 3.2 and foreign practitioners and to be responsible for settlement of matters related to grant of work permit;

5.1. Constitution of Inter-Ministerial Committee:

1	Executive Member, International Investment Promotion, Bangladesh Investment Development Authority	:	President
2	Director General, International Investment Promotion, Bangladesh Investment Development Authority	:	Member
3	Joint Secretary, Department of Defense Services or designated representative	:	Member
4	Joint Secretary, Ministry of Industries or nominated representative	:	Member
5	Director General (International Trade, Investment and Technology), Ministry of External Affairs or Designated: Representative	:	Member
6	First Secretary (Tax Policy), National Board of Revenue	:	Member
7	Member (IP), Bangladesh Export Processing Zone Authority or nominated representative	:	Member

8	Manager (OSS & Coordination), Bangladesh Economic Zone Authority or nominated representative	:	Member
9	Director (FEID), Bangladesh Bank or nominated representative 1	:	Member
10	Representative of the Directorate of Registration of Joint Venture Companies and Firms	:	Member
11	Director, Registration and Incentive Foreign Commercial, Bangladesh Investment Development Authority:	:	Member-Secretary

5.2. Scope of work of the Inter-Ministerial Committee:

5.2.1. Settlement of matters related to establishment of branch office, liaison office, representative office, project office, joint venture/consortium/association (JVCA) office in Bangladesh of companies incorporated/registered outside Bangladesh, extension of permission, and modification and cancellation of permission;

5.2.2. Branch offices, liaison offices, representative offices, project offices, joint venture/consortium/association (JVCA) offices of foreign companies established in Bangladesh, commercial institutions, educational institutions, sports organizations, cultural institutions/organizations Government/semi-government/autonomous institutions/services Recommending visas for employment of foreign workers in any public/private institutions, contractors/sub-contractors, determining work permit conditions, issuing work permits and settling all matters related to work permits;

5.2.3. Taking decisions regarding the revision, modification, extension and cancellation of the procedure or its part as necessary;

5.2.4. The Committee shall hold the required number of meetings every month. Committee to hold virtual and in-person meetings as needed.

5.2.5. Shall issue the decision of the meeting as soon as possible after the meeting;

5.2.6. Inter-Ministerial Committee Chairman Branch, Liaison, Representative in Special Cases, Project Office and Joint Venture/Consortium/Association (JVCA) Office may take decisions on any matter under the purview of the Committee including approval of permit/extension and approval of work permit/extension of work permit. However, the decision shall be presented at the next meeting of the Committee for approval;

5.2.7. If the committee deems necessary, any ministry/department/organization/representative can be included in the committee as a member by following the formalities;

5.2.8. The Committee may at any time for reasonable cause cancel, temporarily suspend, partially or wholly modify any permit or impose new conditions/relaxation on the grant of permit;

5.2.9. The Committee shall take necessary decisions on all policy-making matters directly and indirectly related to its scope of work and send recommendations to the Government as necessary.

5.3. All administrative orders related to the Inter-Ministerial Committee will be issued from the Bangladesh Investment Development Authority and the decision of the Inter-Ministerial Committee shall be considered as the final decision of the Government.

6. Matters to be considered in permitting and operating foreign companies/organizations to set up branch offices, liaison offices, representative offices, project offices and joint venture/consortium/association (JVCA) offices in Bangladesh:

6.1. In granting permission to set up commercial offices in Bangladesh, the country's economic development, employment generation, sector-wise development and opportunities to attract foreign direct investment in the future must be actively considered;

6.2. Branch Office: The following points must be considered while granting permission to foreign companies/organizations to set up branch offices in Bangladesh:

6.2.1. In the country where the foreign company/organization is incorporated/registered-

(a) The said company/entity should have documentary evidence of continuous profit making for the previous three financial years and should have net assets of minimum 1.00 (one) lakh US dollars or its equivalent; or

(b) At the time of application, the said company/organization must have accumulated profits even if the said company/organization is making losses and the company/organization must have minimum net assets of 1.00 (one) million US dollars or its equivalent at the time of application.

6.2.2. (a) If the applicant foreign company/organization is not financially solvent individually, the supporting company (if any sister concern exists)/subsidiary company (where applicable)/holding company (where applicable) on behalf of the aforementioned foreign company/organization can provide a financial solvency commitment letter of at least 10,000,000 (ten million) US dollars or its equivalent. In this regard, if necessary, the relevant company/organization will provide a commitment letter according to Annex-1 regarding providing financial assistance. However, it is a condition that for the fulfillment of this clause, the financial solvency of the relevant company/organization will be interpreted based on internationally accepted accounting standards (International Accounting Standards), considering the Consolidated Net Worth as defined. Another condition is that if a foreign bank company or financial institution wants to establish a branch office in Bangladesh, it must have sufficient capital according to applicable Basel standards for the main bank and financial institution and must obtain a license from the Bangladesh Bank (Central Bank of Bangladesh) for banking operations and comply with the terms and conditions mentioned in the said license.

(b) If the applicant foreign company/organization is unable to comply with the conditions mentioned in clauses 6.2.1 and 6.2.2(a), its application will not be considered.

6.2.3. Authorized Branch Offices in Bangladesh can carry out the following activities:

6.2.3.1. Acting as purchase or sales representative in Bangladesh on behalf of the parent company. Also conducting commercial activities in Bangladesh on behalf of foreign commercial banks;

6.2.3.2. Providing technical or financial support between the parent company or any foreign company and Bangladeshi company;

6.2.3.3. Providing professional or consultancy services or acting as a contractor/sub-contractor within the scope of the parent company's scope of work;

6.2.3.4. Conducting such activities, including research, on behalf of the parent company;

6.2.3.5. Providing sales and after sales services for the proper marketing/distribution of products and/or services provided by the parent company;

6.2.3.6. Representing foreign airlines and shipping companies;

6.2.3.7. To engage in import and export business subject to proper approval;

6.2.3.8. Engaging in other commercial activities with the approval of the Authority/Inter-Ministerial Committee;

6.2.4. The branch office concerned with the production of goods or services shall set up the industry in Bangladesh within 10 (ten) years of obtaining the permission of the office. Renewal of branch office approval after 10 (ten) years will not be considered.

6.3. The following points must be considered in permitting Liaison and Representative Offices:

6.3.1. Companies incorporated/registered abroad may establish liaison and representative offices in Bangladesh subject to the following conditions:

6.3.1.1. Liaison and representative offices shall not engage in any activities other than those described in the permit;

6.3.1.2. Liaison and representative offices shall not derive any income from local sources;

6.3.1.3. Establishment of liaison and representative offices, operating expenses, salaries and allowances of local/foreign manpower and all other types of expenses should be carried out through inward repatriation from the main office abroad to the banking channel;

6.3.1.4. Liaison and Representative Offices shall not repatriate any money other than the unspent portion of foreign exchange brought from abroad.

6.3.2. Authorized Liaison and Representative Offices in Bangladesh may carry out the following activities:

6.3.2.1. Able to coordinate/liaise on business matters between foreign head offices and local agents, suppliers/exporters/importers in Bangladesh through correspondence, personal and electronic communications;

6.3.2.2. Collect, collate, analyze and disseminate information in areas of work approved by the Authority/Inter-Ministerial Committee;

6.3.2.3. Authority/inter-ministerial committee may perform other functions with approval. Provided that:

(a) the functions of any representative and liaison office of a foreign bank shall be limited to the functions prescribed by the Bangladesh Bank (Central Bank of Bangladesh);

(b) Liaison and Representative Offices shall not undertake any other activities in addition to the activities mentioned above without the approval of the Authority/Inter-Ministerial Committee.

6.3.2.4. The Liaison and Representative Office shall not be directly involved in the sale and purchase of any goods or services within Bangladesh on its own behalf for profit. Also, these offices cannot participate in any value addition activities. For this purpose, the committee can define the value addition activities.

6.4. Project Office: A foreign institution or a joint venture/consortium/association of one or more foreign institutions, selected for government and non-government development projects, including infrastructure in Bangladesh, can establish a project office in the branch office on the following conditions to implement project realization goals in coordination with the contracting/sub-contracting agency:

6.4.1. Project offices should be registered with the authority. However, project offices cannot be registered without the recommendation of the government project implementing ministry/department/organization/department;

6.4.2. The project office registered with the authority cannot set up any office and conduct any activity in any other place without the approval of the authority/inter-ministerial committee;

6.4.3. According to Article 54 of Chapter 10 of Public Procurement Rules 2008 in the implementation of any development project in the public and private sectors in Bangladesh, if any office under the joint venture/consortium/association agreement is established, JDCA will be the project office to facilitate the management of manpower and financial functions of project implementation. The inter-ministerial committee can give permission. Provided that the activities of the joint ventures, consortiums and associations formed shall be limited to project related works only and the liabilities arising out of the project shall be borne by the contracted companies under the joint ventures/consortium/association alone and collectively;

6.4.4. Any project office may apply to the inter-ministerial committee for the resolution of any matter not mentioned in the procedure but considered essential for the purpose of conducting the activities on the recommendation of the project manager of the organization procuring goods, works and services;

6.4.5. A joint venture/consortium/association formed for the implementation of a project can only receive the income related to that project. The income received may be shared/transferred in proportion to the investment/participation mentioned in the project document among the organizations participating in the joint venture/consortium/association. The joint venture/consortium/association implementing the project cannot directly carry out any outward repatriation. However, each of the organizations participating in the joint venture/consortium/association individually or from their joint account or through their authorized branch office, as applicable, after meeting their expenditure from the funds received from the project. Surplus money can be repatriated abroad subject to the payment of all types of liabilities and taxes following the existing procedures in the currency transaction system;

6.4.6. Provisions of Rule 54 of Chapter 10 of PPR, 2008 shall apply in case of joint venture/consortium/association. Provided that the joint venture. All foreign contractors/sub-contractors and organizations covered by the consortium/association agreement have to obtain approval from the Inter-Ministerial Committee for setting up branches/project offices separately for receiving specific services for their organization.

6.4.7. Permission to set up office shall not be valid if the work for which the joint venture/consortium/association has been formed is terminated or if the joint venture/consortium/association becomes inoperative for any other reason. In such cases a formal process of cancellation of project office approval must be followed in due process.

6.5. Matters to be observed in obtaining permission for establishment of Branch Office, Liaison Office, Representative Office and Project Office:

6.5.1. Branch/liaison representative office of a company registered abroad and project office for implementation of development projects. In the case of setting up in Bangladesh, permission must be obtained from the Inter-Ministerial Committee;

6.5.2. The Inter-Ministerial Committee shall review the application and the documents submitted in this regard and subject to the satisfaction of the Committee, grant permission to set up the said office subject to the following conditions:

6.5.2.1. Branch Offices, Liaison Offices, Representative Offices and Project Offices of foreign companies shall limit their operations within the business/commercial areas specified in the Office Establishment Permit. The income earned from the business/commercial sector approved by the Branch and Project Office Authority/Inter-Ministerial Committee may be repatriated outwards subject to compliance with existing foreign exchange transaction regulations and subject to special permission of Bangladesh Bank in applicable cases;

6.5.2.2. Permitted offices must notify Bangladesh Bank of the permit through AD Bank as per section 18(b) of the Foreign Exchange Control Act, 1947 within 30 (thirty) days of approval;

6.5.2.3. Permitted offices are required to raise minimum 50,000.00 (fifty thousand) US Dollars or equivalent foreign currency from foreign sources within 2 (two) months of obtaining permission for working capital, initial establishment and operating expenses through inward repatriation to Bangladesh through banking channels. must bring Additional foreign exchange at the rate of 5% per month of USD 50,000.00 (fifty thousand) US dollars or equivalent foreign currency shall be brought for monthly delay in case of inward repatriation.

6.5.3. The authorized offices are required to file with the Registrar of Joint Stock Companies and Firms all necessary details including memorandum, articles of association and certificate of incorporation of their parent company as per the provisions of the Companies Act, 1994 of Bangladesh and within 7 (seven) days of the filing. Authorities must be notified;

6.5.4. In the case of appointment of foreign workers in the authorized offices, it is mandatory to take permission from the inter-ministerial committee and ensure all types of statutory deductions including income tax, tax at source as per the rules. All transactions including actual salary allowances and all monetary and non-monetary benefits payable in favor of the foreign worker should be done through the foreign worker's bank account

in Bangladesh or, as applicable, foreign bank account and in this case should follow the existing rules of foreign exchange transaction system;

6.5.5. The authorized offices shall open accounts in the Scheduled Bank of Bangladesh in accordance with the laws, regulations and guidelines related to foreign exchange transactions and conduct all types of financial transactions including inward and outward repatriation through the said bank account;

6.5.6. Quarterly statements of foreign currency income and expenditure brought in through inward repatriation must be regularly submitted to Bangladesh Bank, National Board of Revenue and Bangladesh Investment Development Authority in the prescribed form;

6.5.7. Prior approval of the Authority/Inter-Ministerial Committee must be obtained in case of modification/alteration of any information and conditions mentioned in the permission letter of the Branch/Liaison/Representative/Project Office;

6.5.8. Where applicable, the authorized offices shall obtain clearance/license from other relevant Ministries/Departments/Organizations/Departments/Authorities of the country under existing laws and regulations;

6.5.9. In order to carry out any activity not mentioned in the permit of the authorized offices, the permission of the authority/inter-ministerial committee must be obtained separately for the said activity;

6.5.10. The offices engaged in the project must submit the appropriate certificate/recommendation letter from the contracting agency with the application submitted for permission to set up the project office;

6.5.11. As per the existing laws of Bangladesh the authorized offices shall pay the government duty/tax/revenue in due time. All applicable taxes and musas (value added tax) should be deducted while paying office/house rent, salaries, various types of goods and services supplied and contract work bills and the deducted source tax and musas should be deposited in the respective accounts as per the existing applicable laws of Bangladesh. Proof of Submission of Return (PSR) and TIN/BIN as the case may be from the National Board of Revenue for all the offices which will deduct income tax and VAT at source;

6.5.12. The Authority/Inter-Ministerial Committee may at any time on its own initiative cancel, temporarily suspend, partially or fully modify any commercial office permit or

impose new conditions and take any legal action in relation to the permit for establishment of office without assigning any reason. However, the authority/inter-ministerial committee may give opportunity to the organization to make a statement on the matter;

6.5.13. A foreign-owned company cannot establish a branch office, liaison office, representative office, or project office in Bangladesh;

6.5.14. In order to set up more than one office in Bangladesh by authorized branch office, liaison office, representative office and project office, permission should be obtained from the authority/inter-ministerial committee separately for each office. In such cases, all documents such as: Audit Report, Bank Account, Income Tax Certificate etc. must be separate. According to the International Financial Reporting Standards (IFRS), the authorized organization will be considered as a single entity for the purpose of preparing financial statements, paying income tax, sending profit to the head office under Accrual Basis Accounting method and should take measures accordingly. Audit report should be audited by any CA firm in Bangladesh as per CA Order 1973. Based on the audited financial statements verified through the Document Verification System (DVS) prepared by The Institute of Chartered Accountants of Bangladesh (ICAB) in respect of payment of profits of commercial offices. to be sent;

6.5.15. Subject to the permission of the Authority/Inter-Ministerial Committee, Liaison and Representative Offices may bank the sale price of their old unused assets, advance refunds paid to house owners and other service providers or any unexpected income;

6.5.16. Authority. Branches, Liaison, Representatives and Project Offices approved by the Inter-Ministerial Committee or through them shall be liable for any financial/non-financial liabilities incurred in Bangladesh by their foreign Principal Company, Holding Company, Subsidiary or Associate. To jointly carry out company and branch, liaison, representative and project offices will be obliged;

6.5.17. Branches, liaisons, representatives and project offices approved by the authority/inter-ministerial committee shall be bound to comply with all applicable laws, rules, regulations, orders in force in Bangladesh;

6.5.18. Branch/Liaison Representative/Project Office shall ensure compliance of Income Tax Ordinance, 1984 or existing Income Tax Act.

6.6. Permission and extension of time for establishment of Branch, Liaison, Representative, and Project Offices:

6.6.1. Initially, permission will be granted to branches, liaison, representative and project offices for a period of 3 years;

6.6.2. Later, if the previous activities of the institution are considered satisfactory in terms of application, the period can be extended by a maximum of 2 years each time.

6.7. Matters to be observed in case of repatriation of foreign company's Bangladesh branch office profit abroad, repayment of loan received by branch office/liaison office/representative office/project office from head office and residual amount due to closure of offices:

6.7.1. Advertisement in at least 02 (two) newspapers of wide circulation (one of which is an English daily), irrespective of whether there are outstanding liabilities in the latest audit report of the office. The published advertisement must mention all liability information along with relevant information and the fact that the creditor should receive their dues from the registered office address within 2 months from the date of publication of the advertisement;

6.7.2. If the creditors do not contact within 2 months or fail to receive the money due, the money of the creditors will be held separately in the custody of a designated Scheduled Bank. The address of the said bank branch and bank account information must be mentioned in the newspaper advertisement;

6.7.3. If a creditor contacts the branch manager of the bank even after the closure of the branch/liaison/representative/project office, the branch of the bank will release the money to the creditors subject to the consent of the authorized person of the parent company/institution of the closed office;

6.7.4. If the amount of any creditor remains unpaid within 3 years from the date of closure of the branch/liaison/representative/project office, the claim of the said debt shall become barred and the said amount shall be credited to the Government as per the instructions laid down in The Limitation Act, 1908 (Act No. IX of 1908). to do;

6.7.5. Repatriation of foreign company's Bangladeshi branch office profits after payment of creditors from the total assets of the branch/liaison/representative/project office, repayment of loans received by the branch office/liaison office/representative office/project office from the head office and offices Repatriation of Residual Amount as a result of closure will be subject to existing foreign exchange transaction regulations.

Remittance of profits should have adequate status as Retained Earnings as per the audited financial statements of the local branch office. Prior approval of Bangladesh Bank is required for repatriation abroad for any purpose not generally authorized by the Foreign Exchange Control Act, 1947 and the Guidelines for Foreign Exchange Transactions, 2018 issued by Bangladesh Bank under the Circular or Circular Letter issued from time to time.

7. Matters to be followed in issuing visa recommendation in favor of foreign workers:

7.1. Apart from the jurisdiction of the authorities created by law, foreign workers are allowed in private industrial establishments, commercial establishments, branch offices, liaison offices, representative offices, project offices of foreign companies in Bangladesh, educational institutions, sports institutions, cultural institutions/organizations, public and private, located anywhere in Bangladesh. In case of coming to Bangladesh for employment in all public and private institutions including banks, public and private medical institutions or medical educational institutions, government development projects, joint ventures/consortiums/associations, contractor/sub-contractor offices, visas applicable as per the existing visa policy from the authorities (i.e. , E-1, PI etc.) recommendations can be provided;

7.2. The Authority may issue visa recommendations in accordance with existing visa policies and other relevant laws and regulations;

7.3. In the case of a commercial organization, if the company has a minimum of 1.00 (one) lakh USD as foreign investment (foreign equity) in Bangladesh and if the foreign investor seeking PI visa has invested 40.00 (forty) thousand USD individually, the authorities can recommend a P.I. visa for the investor.

7.4. In the case of private industrial enterprises, if the company has a minimum of USD 1.00 (one) lakh as foreign investment (foreign equity) in Bangladesh in the first stage and if the foreign investor seeking PI visa has invested USD 40.00 (forty) thousand individually, the authorities A PI visa can be recommended. However, at the time of extension of the work permit received from the authority of the foreign investor, the industrial enterprise must have a minimum investment of 2.00 (two) lakhs in Bangladesh;

7.5. Encashment certificate/evidence of 50.00 (fifty) thousand MD should be submitted for the capital in case of employment of foreign workers in commercial/private industrial establishments established with joint/foreign investment incorporated in Bangladesh;

7.6. In case of recruitment of foreign workers in any organization in Bangladesh, after the completion of the recruitment process, an application should be made to the authorities for the recommendation of the appropriate class of visa for the foreign worker to be employed;

7.7. In case of changing any information and conditions of the visa recommendation letter, the permission of the authorities must be obtained.

8. Matters to be followed in granting work permit in favor of foreign workers:

8.1. If a foreign worker is employed in Bangladesh or works as an investor in Bangladesh, their work permit is mandatory;

8.2. Commercial Institutions, Branch Offices, Liaison Offices, Representative Offices, Project Offices of Foreign Companies in Bangladesh, Educational Institutions, Sports Institutions, Cultural Institutions/Organizations, Public and Private Banks, Joint/Consortium/Association, Contractors/Sub- When working in all public and private institutions including contractor institutions, public and private medical institutions or medical educational institutions, government development projects, it is mandatory for all foreign workers and investors to obtain a work permit from the authority/inter-ministerial committee;

8.3. In order to ensure the timely start of production of private industrial establishments and to keep the production process running smoothly, no issue related to the granting of work permits and work permits to foreign workers employed in private industrial establishments located anywhere in Bangladesh shall be presented to the Inter-Ministerial Committee except under the jurisdiction of a separate authority constituted by law. Following all the provisions of this procedure, the authorities will issue such permits and settle all matters related to permits;

8.4. Before applying for a work permit, the appropriate class of visa must be obtained from the relevant Bangladesh Mission on the recommendation of the Bangladesh Investment Development Authority;

8.5. National security must be considered in granting work permits in favor of foreign nationals;

8.6. All those positions that do not require any special degree, specialized knowledge, specialized skills, training and experience, in those positions foreign workers cannot be employed;

8.7. Specialized knowledge and skills shall mean specialized degrees, knowledge, skills, training and experience in a subject. Listed below are (but not limited to) foreign professionals who may be considered as experts in granting work permits;

8.7.1. Specialists/consultants/high-ranking executives/technicians/managers/senior officers engaged in various professions and businesses;

8.7.2. Engineers/Technicians/Designers;

8.7.3. Quality Controller/Quality Inspector/Production Inspector/Production Supervisor etc.;

8.7.4. Experts considered by the Inter-Ministerial Committee.

8.8. It must be ensured that the process of recruitment of foreign workers has been completed in accordance with the recruitment rules duly approved by the recruitment authority, specifying all matters related to recruitment of local workers and foreign workers (name of post, age, educational qualification, skills, training, experience, salary and allowances etc.);

8.9. Bangladeshi nationals should be given preference in the employment of manpower in local and foreign/joint venture industrial/commercial establishments;

8.10. Recruitment of foreign workers can be done only in those industries/commercial establishments which require high technology and skills and where the required expertise/manpower is not available in Bangladesh and the availability of local workers and the sector homogeneity of the sector in which the company is interested in the recruitment. It will be considered as a preliminary condition to verify whether the other company is able to get the work done by the local person for the same post. In the case of commercial establishments, foreign workers cannot be appointed to junior engineers, technicians and similar positions (positions where manpower with less than 05 years of experience is employed). In the case of recruitment of foreign company's project office established in Bangladesh, the project document should clearly mention the issues of recruitment of local/foreign staff. In this case, if necessary, the written opinion of the project manager can be taken;

8.11. (a) Before initiating the recruitment process for foreign employees in any position, it must be ensured that suitable local candidates for the position are available. To ascertain this, at least two widely circulated Bangladeshi national daily newspapers and

job-related websites should publish the job advertisement, including details such as the position name (with numbers), qualifications (clearly specifying educational qualifications and experience relevant to the position), offered salary and allowances, and all financial and non-financial benefits (clearly and separately mentioning basic salary and other allowances in financial terms).

(b) In specific cases, the competent authority or the Ministry Committee may consider the matter of hiring a high-ranking official of a foreign company to work in any establishment of the same company in Bangladesh through a transfer. In such cases, the method described in Section 8.11(b) need not be followed.

8.12. A report on the activities undertaken in response to the recruitment advertisement must be submitted with the work permit application. The report should list the total number of job aspirants who have applied and how many have been interviewed. Also educational qualification, experience, mobile number, email, nationality of all applicants to be submitted along with the report containing;

8.13. At least 15 days should be allowed for submission of application after publication of advertisement for recruitment of manpower;

8.14. Recruiting authority must apply online for work permit with proper category of visa document and arrival stamp given in passport within 15 days of the arrival of the recruited foreign worker in Bangladesh;

8.15. Bangladesh Investment Development Authority, National Board of Revenue and Security Services Department shall provide for imposition of appropriate fines and other charges for staying without work permit and blacklisting if necessary;

8.16. In case of application and in case of recruitment to any project, request letter should be submitted to the controlling ministry/organization and the project managing agency in case of project;

8.17. In order to employ foreign doctors and nurses in private hospitals, they have to apply for work permit after receiving No Objection (NOC) from the Ministry of Health/Bangladesh Medical and Dental Council (BMDC) and Bangladesh Nursing Council (BNC). The recruitment of foreign doctors and nurses from those countries which do not recognize the MBBS and Nursing degree of Bangladesh from the less developed and developing countries will be discouraged, but the conditions applicable to the less developed and developing countries may be relaxed in the case of internationally recognized doctors and nurses;

8.18. No-objection letter from the Ministry of Culture should be submitted with the application for work permit in the case of employment of foreign performers for organizing entertainment events (dance, music, instrumental music, physical exercise, circus, magic and others) by hotels, restaurants or cultural institutions/organizations;

8.19. Foreign Exchange Regulation Act, 1947 (amended up to September 2015) and following the guidelines and circulars issued by Bangladesh Bank from time to time under it, salary allowances and other benefits of the employed foreign workers and remittance of savings and other financial benefits abroad at the end of the working period in Bangladesh. The amount and procedure may be determined by the inter-ministerial committee;

8.20. No salaries, allowances and financial benefits of foreign workers can be paid outside Bangladesh. Legal action will be taken against the institution if any institution pays salaries, allowances and financial benefits outside Bangladesh without the prior approval of the Authority/Inter-Ministerial Committee. However, if the project agreement executed with the government of Bangladesh clearly mentions the payment of salary, allowances and financial benefits to foreign workers outside Bangladesh, the issue of allowing the payment of salary, allowances and financial benefits outside Bangladesh as per the contract can be considered. In other cases, the Authority/Inter-Ministerial Committee shall decide on the payment of salary and allowances of foreign employees abroad after considering the merits of the proposal in the light of the Foreign Exchange Regulation Act, 1947 and its amendments and existing Income Tax Acts/Ordinances;

8.21. No service shall be provided by the Authority/Inter-Ministerial Committee until the conditions of recruitment of foreign workers are fully ascertained and compliance with the provisions applicable to the recruitment of foreign workers; 8.22. Work permits cannot be granted in favor of nationals of countries that do not have diplomatic or commercial relations with Bangladesh;

8.23. Along with the application for work permit, the employing organization shall submit an appropriate action plan regarding the transfer of the technical specialized knowledge of the recruited foreign workers to the local workers within 5 years, and if the said action plan is not implemented, no further application for extension of the work permit period of the organization shall be considered. The authorities may, if necessary, verify on the ground the implementation of the action plan for improving the technical skills of the local workers;

8.24. In case of technical, administrative, accounting and financial management, sales and product marketing managerial level posts, if local staff are available, all those posts should be reserved for local staff. Foreign professionals can be appointed to top positions in this regard. But in that case the availability of local staff should be checked first. The ratio of recruitment of foreign workers to local workers should be ensured as per paragraph 8.25 of these guidelines;

8.25. The ratio of local workers and foreign workers employed in industrial establishments will be 10:1 during project implementation and 20:1 during regular production. However, in the case of technical and managerial posts in institutions and educational institutions other than industrial institutions, this ratio will be 5:1 and 10:1 respectively before the commencement of regular activities and during the activities. While determining this ratio, the work tier of the organization will be considered instead of the total number of employees of the organization. However, the manpower engaged through outsourcing cannot be considered as the organization's own manpower in calculating the ratio of foreign and domestic manpower. Note that investors will not fall under this ratio.

8.25.1. The Authority/Inter-Ministerial Committee may, if necessary, relax the manpower ratio of local personnel to foreign personnel in respect of the following posts in institutions other than industrial establishments and educational institutions in view of practicality:

A. Technical posts with high experience and specialized skills

b. Senior and Specially Experienced Managerial Posts

8.25.2. However, relaxation of the ratio of domestic to foreign manpower will not be considered in respect of the following posts:

A. Unskilled, semi-skilled and unskilled positions

b. Non-management related posts and general posts.

8.26. Foreign workers seeking work permit must possess passports of legal validity of the concerned country and visas of appropriate category (E, PI visa etc.) issued by the concerned Bangladesh Mission / Security Service Department as per existing visa policy. In special cases, work permit may be granted in favor of foreign nationals who have obtained Landing Permit/Visa on Arrival, E-1, J, A-3 visas;

8.27. Foreign investors/entrepreneurs or their representatives arriving for a short period of time in order to witness the investment potential and opportunities in Bangladesh or their representatives can be granted work permit if they arrive in Bangladesh by taking a 'Business' class visa for a short period and establish a company locally and obtain the appropriate class visa;

8.28. Change of visa class of foreign nationals from 'Landing Permit/Visa on Arrival' to 'E' or 'PI' class based on the recommendation of the authorities of the Directorate of Exit and Passport to all foreign workers who will be granted work permit on the basis of 'Landing Permit/Visa on Arrival' can do;

8.29. Employment of foreigners working in a local establishment before the expiry of their work permit in another local establishment will be discouraged. If you want to work in another organization before the expiry of the work permit / during the period, you have to confirm the payment of all types of liabilities and taxes payable against the salary allowances and financial benefits received from the said organization while receiving clearance from the previous organization. After duly canceling the work permit, the foreign worker must leave Bangladesh and arrive in Bangladesh with a new visa of the appropriate class;

8.30. If a foreign employee, upon the expiration of the work permit term or at the end of the authorized period, is not appropriately terminated and does not accept a new visa while being employed in another establishment without canceling the existing work permit, and if the matter comes to the attention of the authorities, the work permit of the foreign employee shall be canceled, and necessary legal actions shall be taken against both the foreign employee and the hiring authority;

8.31. Any institution incorporated in Bangladesh may appoint a second institution in Bangladesh to provide employment to foreign workers. In this case, an agreement must be made between the two organizations clearly describing all the issues of hiring such foreign workers. The second organization can select foreign professionals and appoint them to the first organization according to this procedure. However, no foreign worker selected/appointed by the first two institutions shall be employed in any third institution;

8.32. A foreign worker's total income (salaries and allowances) and monetary/non-monetary benefits must be clearly mentioned in the work permit. House rent and other allowances payable at reasonable rates/figures should be mentioned along with the basic salary. No monetary/non-monetary benefits in addition to the salary allowances mentioned in the work permit shall be provided in Bangladesh and outside Bangladesh. As soon as the matter of payment of salary allowances other than those

mentioned in the work permit is brought to light by the authorities, the work permit shall be canceled and appropriate legal action shall be taken against the appointing authority and the foreign worker;

8.33. In case of violation of any condition mentioned in the work permit, the work permit will be canceled as soon as the matter is brought to the attention of the authorities and appropriate legal action will be taken against the appointing authority and the foreign worker;

8.34. The salary of the foreign worker should be increased every year in line with the rate of inflation. This rule of the employing organization shall also apply to local workers of the same grade and status as Bangladeshis;

8.35. No discrimination shall be made between local workers and foreign workers of the same grade and status employed in any institution;

8.36. If a foreign employee or investor employed in any establishment, having obtained approval from the competent authority/Ministry Committee, resigns from the position before the expiration of the work permit or before fulfilling the authorized period, the hiring institution is obligated to submit a tax clearance certificate for the said foreign employee or investor to the tax authorities in accordance with the relevant provisions of Bangladesh's existing income tax laws before their departure from or termination of activities in Bangladesh;

8.37. According to the applicable provisions of the existing Income Tax Act, commercial establishments, branch offices, liaison offices, representative offices, project offices of foreign companies established in Bangladesh, educational institutions, sports institutions, cultural institutions/organizations, public and private banks, joint/consortium/Associations, contractors/sub-contractors, government and private medical institutions or medical educational institutions, government development projects, and foreign workers working/employed in all public and private institutions must submit a copy of Income Tax Clearance Certificate/Income Tax Return Submission Receipt to the authorities. ;

8.38. No foreign worker will be given work permit to work in a local Proprietorship.

9. Extension of work permit:

9.1. Normally 01 (one) year work permit will be granted initially in favor of foreign workers. If there is a need to extend the period of service of the foreign workers employed in the country, the employing organization can apply to the

authority/inter-ministerial committee for extension of the period of work permit of the said foreign workers subject to submission of proper reasons. The Authority/Inter-Ministerial Committee, while considering the proposal for extension of the work permit of the said foreign worker shall consider the contribution made by the said foreign worker to the skill development of his superiors and subordinates of his employing organization. The duration of the work permit can be extended for a maximum of 2 (two) years each time subject to the fulfillment of the conditions given in the work permit and the issuance of the security clearance by the Department of Security Services in view of the application of the organization;

9.2. Recruitment of foreign workers for a period of more than 5 (five) years will be discouraged. However, based on the merits of the proposal and information on the foreigner's skills, performance, contribution to the country's development and type of business/industry.

Extension of work permit may be considered subject to submission of the following documents:

9.2.1. Reasonable reasons for extension of work permit with supporting documents;

9.2.2. Plan to replace the foreign worker by a local worker with supporting documents;

9.2.3. A plan with supporting documentation on how the foreign worker will train and upskill the local worker as his successor;

9.2.4. Copy of a duly approved training manual including training evaluation procedures for local staff;

9.2.5. Documents proving that proper procedures and formalities have been followed in the recruitment of foreign workers;

9.2.6. Other information or evidence required by the Authority/Inter-Ministerial Committee.

9.3. Application for extension of work permit should be made at least 2 months before the expiry of the prescribed period. or application for extension of work permit will not be considered;

9.4. If the permission of the foreign company's branch office, liaison office, representative office and project office expires, the work permit of the foreign national employed there will not be valid. If any foreign employee of the employing organization leaves the country without paying income tax, in this case the concerned organization has to pay income tax.

10. Modification of information or conditions of work permit: No information or conditions of work permit shall be changed without the approval of the Authority/Inter-Ministerial Committee.

11. Revoke permission:

11.1. If the foreign worker does not want to continue working in the organization in which he is employed during the period of the work permit or at the end of the period, the employing organization will necessarily take steps to cancel the work permit of the worker. In this case, the employer will ensure that the employee pays income tax and leaves the country on time. In case of any violation in this regard, appropriate legal action will be taken by the Authority/Inter-Ministerial Committee and the National Board of Revenue against the employing organization;

11.2. If there is an allegation of any anti-state or law-and-order violation or any other anti-social/immoral activities against a foreign worker who has been granted a work permit and the same is proved, the authority/inter-ministerial committee will take necessary measures including canceling his work permit directly;

11.3. The Authority/Inter-Ministerial Committee may at any time on its own initiative cancel, temporarily suspend, partially or fully amend or impose new conditions on the work permit of any foreign worker without assigning any reason and may take any legal action. However, if necessary, the authority/inter-ministerial committee may give opportunity to the organization to make a statement on the matter.

12. Application submission:

12.1. Application should be submitted on Bangladesh Investment Development Authority's online OSS portal to receive the following services;

12.1.1. Obtaining permission for establishment of branch office, liaison office, representative office, project office in Bangladesh, extension of office period, closure of office, and modification of information and conditions of permission;

12.1.2. Accepting visa recommendations and correcting information on visa recommendation letters in accordance with existing visa policies (ie E, E-1 and PI etc.);

12.1.3. Acceptance of work permit, extension of work permit, cancellation of work permit and modification of information and conditions of work permit.

12.2. Annexure-2 to Annexure-10 as applicable for filing the applications mentioned in the above paragraph Information and documents must be submitted to the OSS portal;

12.3. If correct and proper information and documents are not submitted, it will be intimated immediately through OSS portal/e-mail/SMS for submission of information and documents mentioning a fixed deadline;

12.4. If proper information and documents are not received within the stipulated time, the application will not be approved and the same will be intimated through OSS portal/e-mail/SMS.

13. Application Approval Process:

13.1. The applications submitted for receiving various services from the authority will be disposed of by the inter-ministerial committee and the concerned division/departmental office of the authority as per the Standard Operating Procedure described in Annexure-11;

13.2. (a) Establishment of Branch Office, Liaison Office, Representative Office, Project Office, Office of Joint Venture/Consortium/Association (JVCA) in Bangladesh as described in Rule 54 of Public Procurement Rules, 2008 or any existing law or rule of companies incorporated/registered abroad. The permission and the issues related to this permission will be settled by the inter-ministerial committee. No applications from commercial offices can be settled from the departmental offices of the authority.

(b) Branch offices, liaison offices, representative offices, project offices, offices of joint ventures/consortiums/associations (JVCAs) as described in rule 54 of the Public Procurement Rules, 2008 or any existing law or rule and commercial establishments of foreign companies established in Bangladesh; The granting of work permits for the employment of foreign workers in educational institutions, sports organizations, cultural institutions/organizations, government institutions, contractors/sub-contractors etc. and related matters will be settled by the inter-ministerial committee. No application for permission to operate commercial offices shall be entertained from the departmental offices of the authority.

(c) Grant of work permit for the employment of foreign workers by private industrial establishments incorporated in Bangladesh and related matters shall be settled by the relevant division/departmental office of the authority;

(d) The visa recommendation of the foreign workers of the institutions mentioned in paragraph (b) above will be settled from the head office of the authority and the application for visa recommendation of the institutions mentioned in paragraph (c) will be settled from the concerned branch/departmental office of the authority.

13.3. The Inter-Ministerial Committee shall take into consideration the matters mentioned in Clauses 6, 8 and 9, 10 and 11 of these Guidelines and take decisions on the following:

13.3.1. Permission to set up branch office, liaison office, representative office and project office, extension of office term, modification of information and terms of permission, closure of office and repatriation of residual amount of office;

13.3.2. Grant of work permit, extension of work permit, amendment of work permit and cancellation of work permit as described in Clause 8.2 of these guidelines except for foreign workers employed in private industrial establishments located anywhere in Bangladesh under the jurisdiction of any separate authority constituted by law;

13.4. Taking into consideration the matters mentioned in clauses 8, 9, 10 and 11 of this guideline, the activities related to granting work permit, extension of work permit, amendment of work permit and cancellation of work permit to foreign workers employed in private industrial establishments located anywhere in Bangladesh without jurisdiction of any separate authority constituted by law. The processing will be done through the online OSS portal by the concerned Division/Divisional Office of the Authority. Any work permit application shall be disposed of within 3 (three) working days of submission provided appropriate information and documents are provided;

13.5. The application form for the fields mentioned in clause 13.3 and 13.4 will be accepted on the online OSS portal of the authority and if there is any deficiency in the application after proper verification of the application form, the applicant will be notified online to fill the deficiency. If there is no deficiency or if the deficiency is filled, the concerned department of the authority will dispose of the application in applicable cases or it will be presented for the decision of the Inter-Ministerial Committee meeting. The matter of approval or disapproval of the application will be communicated to the applicant through the OSS portal;

13.6. If the application is approved by the Authority/Inter-Ministerial Committee then the applicable fee as mentioned in Annexure-12 of Online OSS Portal, Applicants will be notified to submit through The permit will be issued after the applicant submits the applicable fee and VAT;

13.7. Application for relaxation of conditions of permission letter for setting up branch office, liaison office, representative office and project office should be submitted in the prescribed manner by the authority;

13.8. If the visa recommendation and the application form for correction of the visa recommendation letter is submitted through the online OSS portal, the relevant officer of the authority will send the visa recommendation online to the concerned Bangladesh Embassy after reviewing the necessary information and attached documents;

13.9. The applications submitted with all necessary information and proper documents for availing various services in the Authority will be disposed of within the time limit mentioned in Schedule No. 5 of the Schedule to One Stop Service (Bangladesh Investment Development Authority) Rules, 2020;

13.10. The Authority/Inter-Ministerial Committee may, if necessary, take the approval of the concerned Executive Member or Executive Chairman for disposal of any application submitted online.

14. Minimum salary structure for granting work permit to foreign workers:

14.1. Information regarding honorarium to foreign investors or basic salary and other allowances/benefits payable to employed foreign workers should be specifically mentioned in the work permit application form. In order to avoid confusion regarding pay and allowances, the minimum pay structure mentioned in Annexure-13 will be considered as a benchmark according to the economic condition of different countries, per capita income and rank of foreign workers. These norms may be modified from time to time by the Inter-Ministerial Committee as per need;

14.2. The salary mentioned in Annexure-13 is the minimum indicative basic salary only. International standards shall be used while determining the salary of the foreign worker by the applicant organization. The appointing authority shall provide as much financial information as possible while determining salaries and allowances;

14.3. To ensure that the salaries and allowances of foreign workers employed in branches, liaisons, representatives, project offices and joint and wholly foreign private industrial establishments established in Bangladesh are similar to the salaries and allowances of similar positions in comparable countries;

14.4. The Authority/Inter-Ministerial Committee may reasonably re-fix the salary and allowances fixed by the employing organization after considering the overall factors including educational qualifications, skills and experience of the foreign worker;

14.5. For the purpose of payment of tax in Bangladesh, the minimum salary structure shall be considered as the basis of income calculation, but shall not in any way create any other impediment for proper taxation.

15. Security Clearance:

15.1. Inter-Ministerial Committee/Authority Copy of Work Permit of Foreign Worker to Department of Security Services for issuance of security clearance online

will send; 15.2. The inter-ministerial committee will send the copy of the application form of the branch office, liaison office and representative office of the foreign company and the application form of the establishment to the Security Service Department for issuing security clearance;

15.3. The Department of Security Services shall issue security clearance to the foreign worker as per the guidelines (Annexure-14) issued by the said department;

15.4. The Security Services Department will send the security clearance to the Bangladesh Investment Development Authority within 21 (twenty one) working days after investigation by the appropriate authorities. Security clearance will be deemed granted if no objection related to state/social security is received within the said period. If there is no objection related to the issuance of security clearance or state/social security within 21 (twenty one) working days from the Department of Security Services, then the Directorate of Passport and Immigration will extend the visa period of the said foreigner to the period of work permit;

15.5. Security clearance cannot be objected to by the Security Services Department citing any matter not related to state/social security. In case of objections not related to state/social security, the authority/inter-ministerial committee or the concerned department of the authority will review the objection in the light of the guidelines and

take necessary decisions. The said decision shall be considered final, which shall be followed by all the concerned bodies;

15.6. If any condition of the permit is not duly complied with, the Department of Security Services will inform the Bangladesh Investment Development Authority. Inter-Ministerial Committee and Bangladesh Investment Development Authority take appropriate action on objections other than state and social security of Security Service Department and extend the period of work permit, Immigration and Passport Directorate will extend the visa period of the concerned foreign worker. In this case, the decision of the inter-ministerial committee/authority will be considered final.

16. Data Bank:

A data bank will be set up in the Bangladesh Investment Development Authority for the purpose of storing up-to-date information on all foreign-owned industrial and commercial establishments established in Bangladesh and all foreign nationals who have received work permits from the Bangladesh Investment Development Authority. The data stored in the data bank will be reviewed and analyzed from time to time by the inter-ministerial committee and the data bank will be linked with the concerned organizations. In the interest of national/state security, necessary information will be provided from the data bank to other government intelligence agencies including 'NSI' and 'SB' and other government intelligence agencies including 'NSI' and 'SB' will provide information to the authority's data bank as necessary.

17. Revocation and Custody:

17.1. 27.10.2003 A.D. of the Prime Minister's Office regarding the inter-ministerial committee set up for issues related to the granting of work permits to foreign workers engaged in public and private industries, commercial and educational institutions with the implementation of this procedure: dated 53.42.01.00.00.31 2003- Notification No. 395 and Notification No. 03.068.018.03.00.036.2010-15(17) dated 06.01.2011 shall be deemed cancelled;

17.2. Notwithstanding the repeal under sub-section 17.1, any act done by the Inter-Ministerial Committee and the Authority constituted by the said repealed Notification/Notifications and any measures, decisions, orders and approvals passed by the said Inter-Ministerial Committee shall be deemed to have been done, adopted, executed or ongoing by the said Inter-Ministerial Committee;

17.3. After issuing these guidelines, "Guidelines 2011 for Granting Permission for Establishing/Opening of Branch, Liaison & Representative Office of Foreign Companies

in Bangladesh and Issuing Work Permit" of Foreign National(s)]” or any action taken or decision/approval, any order or registration, notification or notification, any authorization or notice given, or any action taken, taken, executed under this guideline. or ongoing shall be deemed to exist.

18. The Authority may revise, extend, refine and modify these procedures on the recommendation of the Inter-Ministerial Committee.

19. The Bangladesh Investment Development Authority will publish an English translation of this policy and take necessary measures for its wide dissemination. In case of any confusion regarding this procedure, the Bengali text shall prevail.

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