



## **GHANA - Immigration & Visa**



**Job Feenstra & Faith Ndlovu**

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## INTRODUCTION

Ghana is a country located in West Africa, sharing borders with Ivory Coast to the west, Burkina Faso in the north, Togo to the east and the Atlantic Ocean to the south. Its capital and largest city is Accra, located along the Gulf of Guinea and the Atlantic Ocean. The capital city is categorized as an important commercial manufacturing and communications center for the West African region. It is interesting to note that, although all Ghana's neighbors are French speaking countries, the dominant language is English.

Ghana's current population is about 28 million people with over 25 ethnic languages. Formerly known as the Gold Coast, Ghana was a British colony declaring independence already in 1957.

Ghana is an average natural resource enriched country, possessing industrial minerals, hydrocarbons and precious metals (traditionally the 2<sup>nd</sup> largest gold producer on the continent). The country is home to the Ghana Stock Exchange, which is the 5<sup>th</sup> largest Stock Exchange on continental Africa and the 3<sup>rd</sup> largest in sub-Saharan Africa. The economy is unsurprisingly strongly influenced by commodity pricing and cocoa value – Ghana produces high quality cocoa and is the 2<sup>nd</sup> largest producer on the globe. Ghana is believed to have up to 7 billion USD worth of petroleum reserves; lots of potential to be unlocked in coming years.

With the economic program "Ghana: Vision 2020", Ghana aims to achieve its goals of accelerated economic growth and improved quality of life for all its citizens, by reducing poverty through private investment, rapid and aggressive industrialization, and direct and aggressive poverty-alleviation efforts.

This writing offers a brief, comprehensive overview of the immigration landscape of Ghana.

## ABOUT IBN

IBN Business & Immigration Solutions provides a full range of immigration services throughout the African continent. With our professional and trusted network of handpicked local partners, we are familiar with the practical reality governed by immigration rules & regulations.

IBN has been in the industry for nearly 2 decades. The company holds its headquarters in Cape Town and boasts 3 offices; in Johannesburg, Stellenbosch and Windhoek (Namibia). Its team

consists of over 20 caring and dedicated immigration professionals prepared to go the extra mile to find the best immigration solution for you.

### **OUR SERVICES FOR GHANA**

Our team of immigration specialists will facilitate your immigration into Ghana. We provide first class service and comprehensive, expert advice – to global corporations as well as individuals. The IBN immigration team will offer tailored solutions for all your immigration needs for Ghana with the assistance of our professional and trustworthy team on the ground.

### **GHANA'S IMMIGRATION LANDSCAPE**

The legislation governing immigration in Ghana is the Immigration Act of 2000 combined with the Immigration Regulations of 2001. All foreigners taking up employment in Ghana need to obtain both a work and residence permit prior to starting their actual work. The much used business visa authorizes the holder to engage in business meetings, conduct feasibility studies, attend conferences and similar events but not to exercise employment.

The Ghana Investment and Promotion Center (GIPC) can grant foreign companies an Automatic Expatriate Quota (AEQ); a number of “open work permits” which can be used to directly let foreigners start working in Ghana, comparable to the system in Mozambique. The total number of spots granted under the AEQ shall depend on the paid up capital / investment made. In Mozambique it depends on the number of staff members in total.

In Ghana the granting of a work permit is governed by rather sector specific rules and regulations. Therefore, it is challenging to provide a one fits all basic overview of the Ghanaian immigration landscape. Multiple departments are involved. Just to mention a few; the Petroleum Commission (PC) in respect of petroleum companies, the Minerals Commission (MC) for mining and mining supporting companies, the Ghana Investment Promotion Centre (GIPC) and the Free Zones Board (GFZB).

## WHAT IS A VISA

A visa is an official endorsement in a passport, which allows the bearer to proceed to the relevant country's territory provided that such bearer complies with the terms and conditions stipulated on the obtained visa.

## BUSINESS RELATED VISAS AND PERMITS OFFERED IN GHANA

- Business visa
- Work permits – Short term work
- Work permits – Long term work

## BUSINESS VISA

As indicated above the much used business visa authorizes the holder to engage in business meetings, to conduct feasibility studies, attend conferences and similar events but not to exercise employment. In urgent situations however it may be permitted to repair machinery on a business visa.

Business visas are applied for prior to travelling through the representative mission in the applicant's country of residence – or the closest mission. Such business visa is usually issued for 60 days and can be renewed in country by applying directly to the Ghana Immigration Services.

Essential documents are an invitation letter drafted by a legal entity in Ghana, bank statements of the applicant, the occupation of the applicant and the company details and contact number of the receiving entity in Ghana. It is advised to add an ID copy of the signatory of the invitation letter, as well as his or her contact details.

## WORK AUTHORIZATION

A work permit offered in Ghana stipulates specifically that this kind of permit is to be granted for the employment of a foreign national. The permit limits the holder to engage in the specified employment, business or professional occupation, for the specific employer, as mentioned on the permit.

### TYPES OF WORK PERMITS OFFERED IN GHANA

There are two main types of work permit offered in Ghana.

Short term work permit and long term work permit.

The short term work permit is valid for a period of six months and cannot be renewed.

The long term work permit on the other hand has an option of renewal ad infinitum and is valid for a period of 12 months. Long term work permits can either be granted as Automatic Expatriate Quota - explained further below - or as additional quota (the standard work permit).

### SHORT TERM WORK PERMITS: TEMPORARY WORK PERMITS

Short term work permits in Ghana are issued for 3 to a maximum of 6 months and are not renewable. Most important documents in this context are the receiving entity's company registration documents, a motivation letter including description of the nature of the work to be done and an appointment letter or employment contract from a Ghanaian legal entity.

*Important Recent Developments:* Ghana has introduced the Rotator Permit specifically for the fast growing Oil & Gas sector in Ghana. These rotator permits are issued for workers whom are sent on the much used rotational shift, common practice in the Oil & Gas industry. This permit is tailored made for foreign workers engaged in off-shore activities and applied for through the Petroleum Commission, issued to qualifying entities.

The Rotator Permits are applied for through the Petroleum Commission and are valid either for 6 months or 1 year. Otherwise these permits are no different from the normal work permits.

## **LONG TERM WORK PERMITS: AUTOMATIC EXPATRIATE QUOTA**

Ghana works with an interesting and attractive Automatic Expatriate Quota system. The country grants foreigners a quota depending on the amount of money invested in the country. An immigration quota is essentially *a number of 2 year work permits allocation*. This Immigration quota can only be obtained after meeting the requirements of registration with the GIPC.

An application for Quota must be made by the foreigner employing company to the GIPC. This is done by enclosing the profile and bio data page of the prospective candidate's passport. Investment of USD 50.000 to USD 250.000 grants the company the right to "automatically" employ 1 foreigner, 250.000 – 500.000 results in 2 spots, 500 to 700 hundred thousand provides 3 persons the right to work for the company in Ghana whereas an investment of more than 700.000 USD grants the investing entity 4 AEQ spots.

The issuance of an automatic immigration quota does not entitle a prospective employee to start working immediately. The automatic quota serves as a first stage in the work authorization process. Thus in addition it is compulsory that any prospective employee obtains a residence permit before engaging in work activities in Ghana.

In case a company intending to receive a foreign employee and has no (more) AEQ available, it is possible to submit an application for a standard long term work permit. This work permit is valid for 1 year. Stringent local beneficiation rules are not (yet) in place. The placing of an advertisement regarding the vacancy, for example, is not compulsory – although sector specific additional requirements may be in place most importantly in the Oil & Gas sector.

## **INSTITUTIONS THAT ISSUE WORK PERMITS IN GHANA**

Any foreign national who wishes to work in Ghana may obtain a work permit after applying at the Ministry of Interior. Such application is to be submitted through the Ghana Immigration Services (GIS).

Corporates and other institutions are required to follow the same procedure if they wish to employ a foreign national. Additionally, there is a need for companies in various sectors to

comply with regulations in their specific sectors when wishing to obtain a work permit for a foreign national.

Please note: interestingly holding a work permit does not immediately authorize a foreign national to start working. The foreign national is additionally required to obtain a residence permit before they can engage in work activities.

### **WHAT IS THE PROCESSING TIME OF A WORK PERMIT APPLICATION?**

The processing time for a work permit in Ghana is approximately four weeks after submission of application.

### **BE AWARE OF SECTOR SPECIFIC REGULATIONS LIKELY TO INFLUENCE WORK PERMIT APPLICATIONS**

There are some specific requirements and controls imposed on companies that wish to employ foreign nationals. These requirements are rather sector specific and will depend wholly on the sector in which the foreigner is to be employed.

#### **Petroleum Commission**

Petroleum companies and also other companies offering services to the Petroleum sector may apply for the work permits of their expatriates through the Petroleum Commission (PC) of Ghana. A justification letter is the most important document that must be attached to any application. The PC also insists on receiving all vacancies of the employing company. In addition, the PC requests for a Labour Market test to be done. This Labour Market test essentially is a manner to proof that the company has tried to work with locals, if no fit local was found for the vacancy this is to elaborate on in the motivation letter.

The commission then is to decide whether the prospective candidate holds technical skills required for the industry including the unavailability of such skill in Ghana – currently this is almost always the case. The petroleum sector in Ghana is very young and there is a big lack of specialized skills.



## GHANA IMMIGRATION SERVICE PUBLIC NOTICE

# SUBMISSION OF ANNUAL RETURNS

The Ghana Immigration Service [GIS] wishes to remind employers of non-Ghanaian Citizens that, under section 31 of the Immigration Act, Act 573, Employers are required to submit Annual Returns on the status of their employees by the 14<sup>th</sup> of January, 2015. The returns are to be submitted to the nearest Immigration Office and the information provided must include the following;

- Full name of Employee
- Nationality
- Position Held
- Date of employment
- Number of years resident in Ghana
- Date of expiry of Residence Permit

- Category of permit [Quota or Work Permit]
- Business Address and Telephone No.
- Physical location/Address of Company/Organization etc

Employers are to note that failure to comply with this directive will attract sanctions in accordance with the Immigration Laws of Ghana.

For further information, please contact the Enforcement Unit of the Ghana Immigration Service [Room 4] within the Ministry of the Interior, or call 0302-685004

DIRECTOR OF IMMIGRATION

## **RED FLAGS – ANNUAL RETURN FILING OBLIGATION & NON-CITIZEN ID CARD**

In Ghana the company receiving foreign workers must, each year, as prescribed in the 2001 Immigration Regulations submit its annual return filings. The company is obliged to provide details of the foreign workers it employs, copies of their work and residence permits and submit this to both the Director of GIS and the entity responsible for the allocation of AEQ.

Foreign workers living and working in Ghana must, in addition to their work and residence permit, in Ghana apply for a Non-Citizen ID Card. This card is applied for in person as biometric data of the applicant is captured.

Penalties apply for non-compliance with the above requirements.

Ghana does not recognize same-sex partnerships for immigration purposes. Local requirements and related processing times may change at any time, without prior notice.

### **IBN OFFICES:**

#### **CAPE TOWN**

100 New Church Street, Tamboerskloof, Cape Town 8001

Telephone: +27 (21) 422 2620 Email: [capetown@ibn.co.za](mailto:capetown@ibn.co.za)

#### **JOHANNESBURG**

3rd Floor, West Wing Offices, 158 Jan Smuts Avenue, Rosebank, Johannesburg 2196

Telephone: +27 (11) 568 1470 Email: [johannesburg@ibn.co.za](mailto:johannesburg@ibn.co.za)

**WINDHOEK**

Unit 9, 2<sup>nd</sup> floor, Atlas house, 177 Sam Nujoma Drive, Windhoek, Namibia

Telephone: +264 81 452 4420 Email: [david@ibn.co.za](mailto:david@ibn.co.za)

[www.ibn.com.na](http://www.ibn.com.na)

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