

MOZAMBIQUE – Immigration & Visa



Job Feenstra & Hans Kroll

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INTRODUCTION

Mozambique is located in South East Africa and shares borders with Zambia, Zimbabwe and Malawi to the west, South Africa and Swaziland in the south, Tanzania in the north and the Indian Ocean to the east. Mozambique's capital city is Maputo and its population currently counts 25.3 million people.

Mozambique's mineral wealth has not been determined fully yet. It is certain that significant reserves are present. Titanium and natural-gas deposits are being developed for exploitation by foreign investors. There are also significant coal deposits localized, considerable projects are undertaken to unlock these.

This manual / brochure aims to provide a concise overview of the immigration landscape of Mozambique.

ABOUT IBN

IBN Business & Immigration Solutions provides a full range of immigration services for Southern Africa. With our professional and trusted network of handpicked partners on the ground, 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.

IBN has recently opened its first international office in Windhoek (Namibia) in April 2016.

MOZAMBICAN IMMIGRATION LANDSCAPE

Mozambique has 'recently' enacted new immigration regulations (December 2014). Despite being in force, in practice these Regulations are not being applied as yet and the previous Act, dated September 2006, offers the relevant framework.

This framework is still mostly in place. The most relevant recent development is that Mozambique used to issue a short term work visa for either 3 or 6 months. Recently, in March 2015, the decision was made to phase out the 6-month visa and merely issue a 3-month business visa (which functions as a *de facto* short term work permit). Reason being that officials perceived the system to be abused regularly; people who were meant to be in Mozambique on

an actual work permit pushed the limits of the short term work visa and repeatedly applied for the 6-month short term work permit.

Currently anyone intending to remain and work in Mozambique for longer than these 3 months (ultimately extendable once) is obliged to apply for a long term work permit in Mozambique.

The rest of the current (practical) immigration landscape is addressed in the below.

WHAT IS A VISA?

A visa is an official endorsement in a passport placed by a border control official or authorized government representative. The visa establishes that the bearer is permitted to proceed to the relevant country's territory in compliance with the terms and conditions set out on same visa.

TYPE OF VISAS & PERMITS ISSUED IN MOZAMBIQUE

- Tourist visa
- Business visitor visa / Short term work visa
- Long term work permit
- Study permit
- Accompanying spouse and minor children
- Investor's permit
- Complimentary residence permit

WHAT IS A TOURIST VISA?

A Mozambican tourist visa is valid for 30 days per stay and is designed for people coming to visit Mozambique. Travelers from visa exempt countries will receive this visa at the port of entry, upon arrival.

Conducting any form of business or performing any work related activities on a tourist visa is not allowed. Holders of tourist visas failing to comply with the conditions set out on the visa may be fined an impressive amount.

People from visa-restricted countries will need to apply prior to their travels, in their home country. Their visa is to be issued at the discretion of the Mozambican authorities upon submission of a number of personal documents.

Should there not be any representation in the country of the respective visa restricted traveler; the applicant can contact an immigration agent in Mozambique who will obtain a “*letter of approval*” on their behalf. This letter will be used to travel to Mozambique. The related visa will subsequently be endorsed at the port of entry.

WHAT IS A BUSINESS VISA?

A business visa is traditionally designed for people traveling to another country to attend meetings, conferences, seminars, corporate events, business prospecting missions, etc. On a business visa to Mozambique one may do to the same.

N.B: in the Mozambican immigration framework the holder of a business visa is allowed to conduct work. Thus the business visa serves as the de facto short term work permit.

Business visas to Mozambique are issued either as single entry and valid for 30 days or for 90 days multiple entry.

It is important to note that the 90 days multiple entry visa is limited in the sense that it allows the holder to stay for a maximum of 30 days consecutively. This creates an impractical reality for many: the holder would need to exit and re-enter Mozambique multiple times in order to comply with the conditions on his / her visa.

On the other hand, the Mozambican visa has a remarkably wide scope compared to the ordinary business visas (which are traditionally issued to engage in business meeting only); the holder of a Mozambican business visa is allowed to perform work of a temporary nature.

These business visas may be renewed but whether or not a consecutive application for such would be approved is at the discretion of the authorities and depends on the usual relevant specifics of the case (if it is apparent that the applicant aims to avoid the more stringent and arduous process of obtaining a long term work permit in a situation where that would be the more appropriate route > application rejected).

Obtaining a business / short term work permit to Mozambique is a very swift and straightforward process. The most important documents to be submitted are a sending letter from a non-Mozambican employer, a receiving letter from a legal entity in Mozambique and the receiving company's company registration and tax clearance documents.

Relevant practical aspect: IBN arranges submission at the Consulate-General of Mozambique in Johannesburg, with which we have built a strong relationship. Applicants can submit through this Mozambican mission in South Africa even when holding a visitor visa.

When the application is submitted before 11:30 AM we can collect the outcome the same day, after 14:00.

Relevant recent developments: The Mozambican government is keen on introducing a special 6-month business / short term work permit specifically for the Oil & Gas sector. According to our contacts at the Consulate-General in Johannesburg these are not yet being issued though. It is a recent development, still in the pipeline momentarily. Clearly important to many of our main clients and something we thus closely keep our eyes on. As soon as the intended changes are implemented we will inform you accordingly, creating an overview of the specifics.

WHO NEEDS A BUSINESS VISA?

Anyone who intends to attend meetings, seminars and conferences of a business nature can apply for this kind of visa. Unlike most other countries in the region Mozambique does allow the holder of a business visa to conduct work, provided that such work is of temporary nature. Hence assignees entering Mozambique to perform work of a temporary nature need a business visa.

A separate short term work permit does not exist under Mozambican immigration law.

WHERE TO APPLY FOR A BUSINESS VISA?

All applicants are to apply prior to travels, at the relevant Mozambican mission. If there is no Mozambican embassy / consulate general available in the travelers' country of residence, the foreign national wishing to apply for this form of visa can contact an agent in Mozambique whom can arrange a "letter of approval". This letter of approval is used to travel; upon entry the applicant will then have his or her visa endorsed.

Alternatively, one may travel to the Mozambican representation closest to their country of residence in order to submit the application.

WHAT IS A WORK PERMIT?

A work permit is an authorization granted to foreign nationals to conduct work in a receiving country. The work permit generally specifies its validity, for which employer the work permit holder is allowed to work and in which position.

WORK PERMITS IN MOZAMBIQUE

Short term work authorization

A separate short term work visa does not exist under the Mozambican immigration law. The business visa, as discussed above, can be granted to fulfill the need for a short term work visa.

Long term work permits

The route to obtaining a long term work permit in Mozambique is a multi-step process, divided into 4 steps.

Firstly, an essential distinction between the available long term work permits must be made. They are either *in quota* or *above quota*.

In quota

Mozambique works with a quota system. The quota system essentially grants a company permission to employ a certain number of foreigners. This permission is given in the form of a quota, as a percentage of the total workforce. The percentage and thus amount of foreigners allowed to work within this quota depends on the size of the company:

- Small companies (1 – 10 employees) are entitled to employ a total of 10% foreign staff members
- Medium sized companies (10 – 100 employees) are granted a quota of 8%
- Large companies (100+ employees) may have 5% of their total staff to be comprised of non-Mozambicans

When the receiving entity (in Mozambique) still has *quota available* the process to obtain a long term work permit is rather straightforward.

Following the above the first step towards obtaining a long term work permit in Mozambique is to verify a company's quota and the number of foreigners employed at that stage; the availability within quota can be determined accordingly.

Step two is to obtain an authorization letter from the Department of Labour.

If the foreign national can be employed within quota there is no need to prove that he or she has specific skills, to firstly attempt the sourcing of a local able to fill the position nor to advertise the vacancy in a local newspaper.

The employer will simply obtain a letter from the Department of Labour. This letter will be confirming that there is "space left within the quota" to satisfy the approval of labour requirement.

Step three is the application at a Mozambican mission for a work visa. Such application has to be made at a mission in a country where the applicant has valid temporary residence other than a tourist visa. This work visa gives the applicant permission to enter Mozambique and start working. As soon as the applicant arrives in the country he / she is obliged to apply for a Dire (Dire is the separate residence permit one must obtain to reside in Mozambique for longer than a month).

Obtaining the Dire is the fourth and final step. A Dire is a residence permit, also referred to as local registration. Obtaining the local registration is rather straightforward. An application must be made by submitting a number of personal documents and the work authorization. The permit then ought to be issued for a period corresponding with the work authorization.

Above quota

When the entity in Mozambique has no more availability within quota, the out of quota route has to be taken. An application for out of quota authorization is based purely on merit of the case. Mozambican officials shall determine whether or not there are sufficient grounds to grant the request. Relevant factors will be the sector in which the applicant is to be employed, the intention to transfer skills and the number of local people benefiting from the project the applicant's employer aims to complete.

The steps involved in the process are the same as when an application is within quota. However, step 2, obtaining authorization from the Labour Department, is more challenging.

The process is a lot more time consuming and less predictable as approval to employ of a foreigner above quota needs to be obtained from the Minister of Labour. Application for such dispensation needs to be accompanied with a strong motivation stipulating why foreign skills are required. To cement the actual existence of these skills all degrees, transcripts and a CV of the applicant must be submitted.

Relevant to mention: investment projects which have been approved by the Government and which require the presence a number of foreign workers greater than the available quota, may receive special authorization. It is sufficient, in such cases, for the Minister of Labour to be informed of their employment within 15 days of the arrival of such workers in the country. Documentation from Government approving the project (only relevant for major scale works such as currently around Tete) is all that is required to obtain the authorization.

PROCESSING TIME BUSINESS / SHORT TERM WORK VISA

This visa can be obtained the same day, if all documents are available early in the morning.

PROCESSING TIME LONG TERM WORK PERMIT & ITS VALIDITY

The processing time of long term work permits in Mozambique depends greatly on whether they are in or out of quota (see above).

If in quota the process takes 2 – 3 months, the permit is valid for 2 years and can be renewed.

Above quota may well take 5 – 8 months, depending on the cooperation of the Department of Labour. When approved the long term work permit is valid for 2 years and renewable.

CAN A WORK PERMIT BE RENEWED?

Yes, it can be renewed should the holder's employment contract be renewed or extended. A work permit is up for renewal every two years (depending on what was originally granted in the previous permit).

VIEW IN RESPECT OF SAME-SEX COUPLES

July 2015 is marked down in history as the month in which Mozambique decriminalized same sex activity. However, this does not mean same sex marriage is legalized. The country only decriminalized same sex activity to ensure that gay employees are not adversely affected because of their sexual orientation. In terms of immigration policy nothing has changed in respect of same sex applicants. Same sex marriage is still not recognized and thus the spouse

in a same sex couple, even when legally married elsewhere, will not be able to obtain a visa as a dependent.

DOES MOZAMBIQUE RECOGNISE “LIFE PARTNERS”?

Mozambique does recognize life partners as eligible to accompany their partner. Life partners can only be given permission to accompany their partners if they can prove that they have been in a *common law* union for a period of one year or longer. This existence of a common law union can be established by providing documentation establishing that the couple cohabitates. Ideally a, for example, lease agreement in both their names, is submitted.

Important to note: being married is not required in order to be enabled to accompany a work permit holder.

ACCOMPANYING SPOUSE AND MINOR CHILDREN

The spouse and children of a work permit holder can accompany said work permit holder to Mozambique. They qualify to obtain a Dire (residence permit). If they want to work, separate authorization would need to be obtained.

The essential document to obtain such residence permit is an undertaking from the work permit holder accepting financial responsibility for the applicants.

OTHER RELEVANT PERMITS IN MOZAMBIQUE

- Residence permit (Dire): a Dire is a residence permit, also known as local registration. Any foreign national who intends to reside in Mozambique for a period longer than 3 consecutive days must have this permit. The Dire is issued after submission of a number of personal documents and the related permit authorizing the holder to perform the intended activities (work / study / invest).
- Study permits: to be applied for by any foreign national who wishes to enroll at a tertiary education institution, recognized by government. Minor children who intend to enroll in primary or secondary school are excused from applying for study permits; for them a residence permit will suffice.

- Investor/self-employed work permit: to be applied for by individuals who wish to establish a new company or invest in Mozambique. Abstract category, as highlighted below.

RESIDENCE PERMIT (DIRE) / LOCAL REGISTRATION

Regardless of the permit or visa a person holds, in Mozambique it is compulsory to obtain a residence permit when one intends to stay in the country for longer than 1 month. This residence permit is called Dire (abbreviation of identification document of a foreign resident in Portuguese). The permit is issued for one year and can be extended in correspondence with the validity of the related (work / study / investor / other) permit of the applicant.

A visa holder qualifies for the permit on the basis of the following;

- Being the holder of a work / study / investor permit.
- Being married to the holder of a work permit.
- Being in union (common law) with a Mozambican, for more than 1 year.
- Being in a factual union with a foreign national who holds a work permit, for more than a year.
- Being dependant on a foreign national who holds a work permit (children).
- Being married to, or being dependent on a Mozambican national.

WHO QUALIFIES FOR A STUDY PERMIT?

Study permits are for foreigners who wish to study in Mozambique; only applies to students registered with tertiary institutions. Accompanying minors enrolling in primary and secondary school can do so on their residence permits, they do not have to obtain additional authorization.

WHO QUALIFIES FOR AN INVESTOR'S PERMIT?

For investors, an approved investment project may offer a more favorable quota, for work permit purposes. The investor can thus establish a company and be allowed to hire himself

immediately, remain within quota and through that route obtain his residence permit. Separate, clear-cut requirements for investors are not included in legislation.

However, in case the plans clearly benefit Mozambique and its development, of course depending on the sector and overall business plan, communication between the Investment Promotion Centre (IPC) and the investor can be used and channeled through the IPC to make a strong case with the Department of Labour and immigration authorities, in order to be granted a residence permit after a laxer adjudication process.

WHAT ARE THE REQUIREMENTS TO OBTAIN PERMANENT RESIDENCE?

Permanent Residence (PR) in Mozambique is not truly permanent and the relevant theory soon becomes confusing. Any holder of a PR certificate has to continue renewing his or her PR for equal periods. The first type of residence to obtain is a precarious residence authorization. Only after five consecutive renewals of the precarious residence authorization one can obtain a temporary residence authorization. The holder must then renew the TR ten times consecutively, in order to be obtain permanent residence. Thus permanent residence in Mozambique does not imply that the holder will reside in the country for an indefinite period, the PR certificate is only valid for five years and is renewable for equal periods.

WHICH OTHER GOVERNMENT BODIES ARE INVOLVED IN IMMIGRATION PROCESSES

The Department of Labour is actively involved in all work permit applications, whether inside or outside of a quota. Where it concerns a straight forward inside-quota application, the Department merely issues a letter confirming that there is space available inside the specific quota.

The Department is more involved in cases where the process is outside of a quota. Then an extensive research into local skills is done in order to establish whether hiring a foreigner is justified for the vacancy at hand.

IBN SERVICES

The preparation of immigration applications is done at our offices in South Africa (and Windhoek in case the destination country is Namibia). Hence we are able to meet our clients in person, moreover we keep direct control; ensuring fast response & processing times. In this construction we are enabled to leave our handpicked network of partners the role of assisting with the local submission and as our point of contact to directly liaise with the immigration authorities in their respective countries, when required. All else fully remains in IBN hands. Each IBN partner is tried and tested, we work with them after establishing that all our standards will be adhered to.

We are able to assist with short-term visas as well as work permit applications whether they can be submitted at missions locally or are to be processed by the authorities in the destination country.

IBN can assist with obtaining business visas (meetings) for any destination worldwide. IBN facilitates the process of obtaining work authorization for the entire Southern African region as well as for a number of other high volume countries, such as India and the UAE.

IBN OFFICES:

CAPE TOWN

100 New Church Street, Tamboerskloof, Cape Town 8001
Telephone: +27 (21) 422 2620 Email: 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

WINDHOEK

Unit 9, 2nd floor, Atlas house, 177 Sam Nujoma Drive, Windhoek, Namibia
Telephone: +264 81 452 4420 Email: david@ibn.co.za
www.ibn.com.na

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