

Guide to visa requirements for work in Africa

Given the growth in Africa, employers are regularly seconding their employees to businesses in other jurisdictions. With each country having different visa requirements for employees who wish to work in those jurisdictions, the employment practice team at Baker McKenzie South Africa have compiled a 'Guide to immigration requirements for workers in 11 key jurisdictions in Africa'.



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This guide is intended to aid businesses expanding into Africa, as they negotiate the complexities of the visa and immigration process for employees working in these jurisdictions.

Algeria

In Algeria, work permits are only available for posts, which cannot be undertaken by Algerian nationals. Further, foreign employees may not be hired unless they have a minimum of a 'technical level of qualification'.

An employer must make a declaration to the competent authorities within 48 hours of hiring a foreign national and present any documents, which give that employer the right to hire foreigners. On termination of the employee's contract, the employer must again inform the authorities.

There is no official English translation of the Algerian laws and consulates appear to apply the regulations with slight modifications. For this reason, those wishing to start businesses or send employees to Algeria should consult their nearest consulate or embassy.

Angola

In Angola, a foreign national seeking employment requires a work visa. The work visa allows its holder multiple entries into Angola and the holder can remain in Angola until the work contract expires.

The work visa must be used within 60 days of the date of its concession. It allows the holder to work in Angola for a period of 12 months, which can be prolonged for equal periods, up until the termination of the work contract.

Once a foreign worker has worked in Angola for a minimum of five years and wishes to relocate permanently to Angola, he or she will be entitled to apply for a residence visa. The residence visa entitles its holder to carry on a paid job.

Botswana

In Botswana, a foreign national issued with a work permit does not automatically qualify for a residence permit. As such, the foreign national must make two separate applications, one for a residence permit and another for a work permit. It is common for both applications to be submitted simultaneously.

There are no special permits for individuals who possess scarce skills but individuals possessing scarce skills obtain more points in the visa evaluation process.

Burundi

In Burundi, a foreigner is able to enter the country for a limited period of three months (for business or touristic purposes) by obtaining an ordinary visa, also called an entry visa (le visa d'entrée). Once in the country, a foreigner wishing to live and work in Burundi will have to apply for a visa d'établissement.

A foreign worker wishing to work in Burundi is required to obtain an invitation authenticated by the Immigration Office in Burundi or by the Ministry of External Relations and International Cooperation, which forms part of the visa application.

In terms of the *Règlementation de l'emploi des étrangers au Burundi*, foreign labourers should not exceed 20% of the Burundian company's employees.

Egypt

To work in Egypt, a foreign employee requires an entry visa, a residence permit and a work permit. An employer who wishes to hire a foreign employee must submit a comprehensive formal request to the Ministry of Manpower and Immigration.

Foreigners are prohibited from working as tour guides, exporters, importers and customer officers. Furthermore, certain professions require a specific authorisation from the relevant authority.

The maximum percentage of foreigners that may be employed by corporate entities in Egypt is 10%. However, the competent Minister can vary this percentage upon approval.

Ghana

A foreign national issued with a work permit or an immigration quota permit in Ghana does not automatically qualify for a

residence permit. A foreigner that has been granted a work permit or immigrant quota cannot start working immediately in Ghana unless the Director of Immigration grants that person residence permit. A foreign national, must therefore make two separate applications, one for a residence permit and another for a work permit.

One month before the expiry of a work permit, a foreign national may apply to the Immigrant Quota Committee for the renewal of his permit, which is treated as if it were a fresh application.

A foreign national granted a work permit or immigrant quota work permit must also submit an annual return, which must be completed prior to 14th of January in each year.

Kenya

To engage in employment in Kenya, foreign nationals are required to obtain work permits, and people who intend remaining in Kenya for work or business purposes for a short period of time can obtain a special pass. It is issued to a person who intends to engage in any form of employment (whether paid or unpaid) or in any other income generating activity. The special pass is valid for a period not exceeding three months.

Mozambique

In Mozambique, the labour laws provide for two different work permits for long-term secondments, namely a work permit within the quota or labour communication; and a work permit above the quota or work authorisation. The Mozambican labour regime restricts the admission of expatriates working for Mozambican companies or branches: 5% if a large company or branch (with more than 100 employees); 8% if a medium-sized company or branch (between 10 and 100 employees); and 10% if a small company or branch (fewer than 10 employees).

However, a Mozambican company may apply for a work permit above the quota for a foreign national, if it can prove that individual possesses certain skills and knowledge that cannot be found in any other potential Mozambican candidate.

Further, in terms of the Labour Law (23/2007), investment projects approved by the Government which contemplate the employment foreign nationals in a smaller or greater percentage than foreseen above, do not require work permits and notice must be given to the Minister of Labour within fifteen days after the foreign national enters Mozambique.

A Mozambican company that wishes to employ a foreign employee must apply for a work permit before the employee enters Mozambique. There is a three-step process, which is to be followed before a foreign employee can start working and legally living in Mozambique. Short-term work permits are available for occasional and specific services not exceeding 90 days in a calendar year. It may be worthwhile considering the cost and time implications of a short-term work permit versus an ordinary work permit if an employee is rendering services not exceeding 90 days in a calendar year.

Nigeria

Individuals travelling to Nigeria on short-term assignments require either a Temporary Work Permit or a Business Visitor's Visa. The provisions in the Immigration Act, 2015 pertaining to foreign nationals requiring visas, work permit and residence permits do not apply to nationals of member states of the Economic Community of West African States (ECWAS). ECWAS nationals are exempted from requiring entry visas and can work, reside and undertake commercial and industrial activities within Nigeria.

Long-term assignments are linked to specific job designations, meaning that the visa is connected to both the entity and the position in which the foreign national employee will be assigned. There is a specific process, which the employer is required to follow before the employee can apply for their work visa.

South Africa

A foreign national who wishes to work in South Africa needs to obtain the appropriate temporary residence visa. The Immigration Act 2002 and its regulations provide for different types of work visas, depending on the circumstances surrounding the applicant's entry into South Africa.

The General Work Visa is issued to applicants who do not have skills and/or expertise listed on the critical skills list. One of the key issues in obtaining a general work visa is that the employer must be able to demonstrate that there are no South African citizens or permanent residents with qualifications or skills and experience equivalent to those of the foreign applicant.

The Critical Skills Work Visa is issued to applicants in possession of skills or qualifications that are considered critical. The employer does not have to demonstrate that it was unable to find a suitable citizen or permanent resident for the relevant position.

The Intra-Company Transfer Work Visa is issued in circumstances where multi-national companies may decide to transfer an existing employee in a key position from a foreign branch to a branch, subsidiary or an affiliate of that company in South Africa.

Tanzania

A foreign national desirous of working in Tanzania needs to obtain both a residence and a work permit.

An individual issued with a work permit does not automatically qualify for a residence permit. Thus, the foreign nation must make two separate applications - one to the Labour Commissioner and the other to the Immigration Services Department.

Conclusion

In all jurisdictions, in addition to obtaining immigration approval for the employee's assignment, employers should ensure that the requisite employment and secondment agreements are in place. Where there is an employment agreement in existence in both the home country and in the foreign country, the employer should be careful to avoid conflict between the two agreements.

More detail on the work visa application process in each of these countries is available in the [Africa Immigration Guide](#).

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