

East Africa Immigration Processes – Mobilising your talent into the three specific locations





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The Kenyan legal Framework makes provision for ten entry permits. The permit categories are now defined in terms of an Industry basis for example :

- Class A - Mining
- Class F - Manufacturing

This presentation will focus on the generic class of permit and visa applicable to non-Kenyan citizens who intend to work in Kenya, who do not fall into a specific industry. This is catered towards middle to senior management for companies or business representatives doing feasibility studies in Kenya. This is known as the:

- Class D (General Employment)



Class D Permit (Employment)

This permit is issued to applicants who have been offered specific employment by a specific employer. The applicants must be over 35 and have a qualification not easily found in Kenya

Requirements

- Employer must already be an already registered and recognised entity in Kenya
- Form 3 and Form 22 duly completed by the employer
- 2 Passport size photos
- Passport Copy
- Copy of CV
- Copies of all academic and professional qualifications
- Employer will have to provide a copy of its PIN (Personal Identity Number) certificate issued by the Kenyan Revenue Authority
- Certificate of Incorporation
- **Motivation/Cover letter addressed to the Director of Immigration in support of the application**
- Employer may also have to show that he failed to fill the vacancy from the local labour market.

Class D Permit (continued)

Process:

- Duty of the employer to apply for an obtain a work permit on behalf of the employee
- On approval of the permit a Notification of Approval of Entry Permit is issued stating the conditions to be complied with, which include obtaining a Security Bond and the paying of the Entry Permit Fee. The permit will be issued approximately two weeks after payment.
- The applicant will be required to go for fingerprinting and to apply for an alien card, which takes about two months to be processed.

**Approximate time frame for processing
of work permits:**

2 - 4 months



Special Pass

This a short term permit can be applied for by persons wishing to enter Kenya to work for a short period of time or awaiting the outcome of an application or appealing a decision. The process is similar to that of the work permit, where it is lodged with the Immigration Department.

The Requirements are:

- Passport valid for at least 6 months
- Form 10 duly completed
- 2 Passport size photos
- CV of applicant
- Motivation letter from local employer/ sponsor
- Certificates of Education
- Clearance from Regulatory bodies
- Application Fee

Processing work permits: 2 - 3 Weeks

General Tips

- For all citizens of the East African Community (Uganda, the United Republic of Tanzania, Republic of Rwanda and Republic of Burundi) the entry permit is issued free of charge. No entry fee and security bond is payable.
- The employer has 30 days from the date of the Notification of Approval in which to pay for a work permit.
- A work permit issued in respect of a person not present in Kenya at the time of issue, will cease to be valid if the person fails to enter Kenya within 90 days from the date of issue.
- The application for registration as an alien within 30 days of entry into Kenya.
- A Special Pass can be issued for up to six months. It is important for the applicant to indicate the period for when a Special Pass is required because the fee for a Special Pass KES 15,000 per month.
- The Business Visa is thought to be phased out but one still can be obtained on entry for visa exempt nationals for visits for business purposes for one to two weeks at a time



Frequently asked questions

- Is a special pass or a Class D permit a multiple entry one?
- What would a dependent spouse or child wishing to study apply for ?



Tanzania



Employment regimes

Tanzanian legislation makes provision for three classes of permit, two of which where an expatriate may live and work in the country for extended periods.

These are:

- Class A permit - investors
- Class B permit - employment
- Class C permit – students, missionaries, volunteers

Class A permit

This permit is issued to investors or self employed persons wishing to invest in prospective areas of the Tanzanian economy such as agriculture, mining, forestry and social services. This can be applied for whilst the applicant is in Tanzania.

Requirements:

- Application form completed in duplicate
- Employer/employee data sheet
- Covering application letter from the applicant
- 8 x passport size photos in light blue background
- Applicant's Curriculum Vitae
- Applicant's academic certificates
- Business License
- Certificate of registration of Tax Payers Identification Number (TIN)
- Certificate of registration for Value Added Tax (VAT) (if applicable)
- Employer's Certificate of incorporation
- Employer's Memorandum and Articles of Association
- Extract from the register for business names
- Evidence of business premises
- **Sectorial approval from the relevant Ministry (if needed)**

Class A permit (continued)

- Share certificate or share transfer and Board of Directors resolution (for investors who have bought some shares or company)
- Power of Attorney for a person given power as a Director
- Copy of the applicant's passport along with his dependants if he/she wish to include them in the work permit
- Authenticated translations (by authorized institutions) of documents / certificates in cases where these are in languages other than English or Kiswahili
- Evidence of capital that has been invested in the company in terms of Cash and assets – Bank or financial statement will suffice



Class B permit

This permit is issued to employees or persons who have been offered a specific employment in Tanzania, is valid for up to 2 years and is applied for in the applicant's home country. It is a two stage process, requiring a approval from the Ministry of labour and Immigration

Requirements:

- Application forms duly filled in triplicate
- General Security covenant
- Employer/employee data sheet
- Photocopy of applicant's passport
- Employment contract detailing job description (It should have a clause on repatriation of the applicant to his/her place of domicile or engagement in case of termination of contract for lawful cause)
- Curriculum vitae of the applicant
- Certified copies of academic certificates
- Service testimonial from previous employer (if any)
- 7 x passport size photographs in light blue background
- **Registration certificates with professional institution/Boards, where applicable**
- Employer's memorandum and Articles of Association

Class B permit (continued)

Requirements (continued)

- Employer's certificate of Incorporation
- VAT certificate
- Tax Payer's Identity Number (TIN) certificate
- Business Licence tax Clearance certificate
- Letter of recommendation form the Director of Employment, Ministry of Labour & Employment
- Covering / motivational letter from the employer requesting the issue of the permit
- In the case where an applicant is currently employed in Tanzania and gets employed by another company, a letter of no objection is required from the first employer as well as the original permit and details of the applicant's current immigration status is required
- Original work permit (in the case of a renewal)
- Police Clearance Certificate



Class A & B Permit

Process:

- Duty of the employer to apply for an obtain a work permit on behalf of the employee
- The application for the Class A & B are submitted to the Labour Department to assess the activities and on approval from the Labour Committee, a letter is issued to confirm that the applicant has fulfilled the requirements. Thereafter the application is lodged with the Immigration Department.
- On approval of the permit, the Permit Fee is payable and a security deposit is payable.

Approximate time frame for processing of work permits:

Class A: 2 months

Class B: 1 month



Carrying-On Temporary Assignment (CTA) visa

The CTA visa is the equivalent of a short term visa for

- business purposes
- issued to prospective visitors to Tanzania conducting the likes of feasibility studies,
- setting up professional and business contacts,
- attending meetings
- foreigners being sent to Tanzania on a temporary assignment for work. The CTA visa is valid for a maximum period of three months, is non-renewable and is a single entry visa.

The CTA visa can be obtained at the point of entry into Tanzania; explaining to the immigration official the purpose of the visit and the assignment. At the official's discretion the applicant may be requested to provide documents such as invitation letter or assignment contract in support of the request for the visa.



General tips

- All supporting documents must be either in English or Kiswahili. If not in either of these languages, they are to be translated by a sworn translator, apostilled and authenticated for use in Tanzania
- For the Class A, if a host company has no Certificate of Incentives, it shall be required to provide a bank guarantee or proof of assets of at least USD 300 000.00 for consideration by the Principal Commissioner of Immigration Services
- The process is quicker if the company is registered with the Tanzania Investment Centre but they require a certificate of incentives which is subjected to 10% payment of all government fees as facilitation fees
- The registration process for the Class B permit for certain professions is a lengthy process and can cause additional delays
- The list of requirements for the Class A and B permits are subject to regular change and it is best to confirm requirements before submitting applications
- It is possible to obtain a multiple entry permit for business purposes but this does not allow work, only business meetings. This is obtained either from the Immigration Department and on approval, a letter is sent to the applicant to enter or from the nearest Embassy to the applicant.

Frequently asked questions

- When can one use a CTA or a Multiple entry visa?
- What would a dependent spouse or child wishing to study apply for ?



Uganda



Employment Regimes

The Ugandan Legal Framework makes provision for expatriates to work in Uganda under one of nine classes. All applications are lodged at the Immigration Department for presentation to the Board

- Class A & A2 (Government Contractors)
- Class B (Persons intending to invest in the business of Agriculture/ Animal Husbandry)
- Class C (Persons intending to invest in the business of prospecting minerals / mining in Uganda)
- Class D (Persons intending to carry on the business/ trade in Uganda)
- Class E (Persons intending to engage in manufacturing business in Uganda)
- Class F (Professionals)
- Class G1 (Volunteers, NGO Workers, Missionaries)
- Class G2 (Employees)

Class F Permit

For the purposes of this discussion, we have looked at Class F and G 2. This Permit is issued to members of prescribed professions intending to practice such Professions in Uganda

Prescribed Professions Listed in the Immigration Act

- Naval Architects
- Engineers
- Accountants
- Architects
- Veterinary Surgeons
- Estate Agents
- Values and Land Agents
- Land Surveyors
- Nurses and Midwives



Class F Permit (continued)

Requirements

- Application Form duly completed
- Two Passport Size Photos
- Certified Copies of Passport
- Covering / motivational Letter
- Certified Copies of Qualifications
- **Registration with the relevant Professional agency e.g. Association of Medical Practitioners**
- Company documents
- Letter of good conduct from home country/
Interpol letter from home country
- Security bond



Class G2 Permit

This permit is issued to persons intending to work as employees whether for gain or not and who do not fall into a specific industry:

Requirements:

- Application Form duly completed
- Two Passport size Photos
- Certified copies of Passport
- Certified Copies of Academic Qualifications
- Appointment Letter
- **Covering / motivational letter from Company**
- Letter from Investment Authority
- Trading License
- Security Bond
- Company's Bank Statement
- Letter of good conduct
- Proof of failure to employ a Ugandan



Class G2 Permit (continued)

- Income Tax Clearance
- Letter of good conduct
- Proof of failure to employ a Ugandan
- Income Tax Clearance
- Summary of Curriculum Vitae
- Copies of Company documents
 - i) Investment Authority License
 - ii) Certificate of Corporation
 - iii) Memorandum and Articles of Association



Class F & G2 Permit

Process:

- Apply for a business Visa at entry point
- Complete application form, attach all supporting documents and write to the Ugandan Investment Authority (UIA) for a recommendation letter (this takes approximately 5-7 working days)
- Apply to the Ministry of Internal Affairs, Immigration Department, attaching the application form and all supporting documents together with the UIA letter and the security bond
- The work permit fee is payable after approval of the permit

Approximate time frame for processing
of work permits:

Class F & G2: 3 to 6 months



Work Permit

Special Pass

Allows one to work on a short term basis. It services people doing business within a period not exceeding five months and those waiting for the Immigration Control Board's decision after applying for either Entry Permits, Certificate of Residence, Dependant's Pass. It is valid for three months and no more than five months.

Requirements

- Holder's Passport
- Letter explaining why the applicant requires a special pass
- Duly completed Special Pass Application Form
- must be submitted either with or after submitting the application for either Entry Permits, Certificate of Residence or Dependant's Pass

Approximate time : 2 weeks



General Tips

- The Security Bond amount payable for both Work Permits and Special Passes is determined by country of origin.
- Special Passes applied for while awaiting the outcome of the Immigration Control Board's decision, can be renewed to the required time period if a work permit has not been obtained.
- One can obtain a business visa for entry to Uganda at the mission for short stays
- One does not have to be present to apply for a work permit.
- The authorities are cracking down and checking on foreigners – applicants must carry their documents
- EAC nationals (specific set of nationals, Tanzanian, Burundi, to name two) who obtain work of more than 90 days should apply for work permit within 15 days from date of concluding contract of employment.





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