



JUMUIYA YA AFRIKA MASHARIKI

EAST AFRICAN COMMUNITY

**MEETING OF THE MULTISECTORAL EXPERTS ON THE
HARMONISATION OF THE ENTRY/ WORK/RESIDENCE PERMITS
FEES, FORMS AND PROCEDURES WITHIN THE EAC COMMON
MARKET PROTOCOL FRAMEWORK**

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NAIROBI, KENYA
8TH -10TH JUNE, 2015**

REPORT OF THE MEETING

(Ref: EAC/IMM MULTISECTORAL/01/2015)

**EAC SECRETARIAT
Arusha, Tanzania
June, 2015**

MEETING OF THE MULTISECTORAL EXPERTS ON THE HARMONISATION OF THE ENTRY/WORK/RESIDENCE PERMITS FEES, FORMS AND PROCEDURES WITHIN THE EAC COMMON MARKET PROTOCOL FRAMEWORK: 8TH -10TH JUNE, 2015

1.0 INTRODUCTION

The Meeting of the multi sectoral experts on the harmonization of the entry/work/residence permits, fees, forms and procedures within the Common Market Protocol framework was held from 8th -10th June, 2015 in Nairobi, Kenya. The meeting was held in accordance with the Directive of the 28th Meeting of the EAC Council of Ministers that directed the EAC Secretariat to convene a multi sectoral meeting of experts to address the issue of harmonization of work/ residence permits, fees, forms and procedures for East Africans as guided by the provisions of the EAC CMP.

The meeting was attended by experts drawn from Ministries responsible for Labour and Employment; Directorates/Departments of Immigration, Investment Authorities, Workers and Employers organizations. The East African Employers Organization (EAEO) and East African Trade Union Confederation (EATUC) attended the meeting as observers. The list of participants is attached hereto as **Annex 1**.

1.1 Objectives of the Meeting

The objectives of the meeting were to:

- a) Discuss the prevailing Partner States entry/work/residence permit classification, fees, forms and procedures for workers and those establishing themselves as self employed workers;
- b) Review the forms and procedures of each Partner State in view of recommending harmonization;
- c) Review the EAC Harmonized Classification of work /Residence Permits and Procedures; and
- d) Discuss and recommend the way forward on the implementation and operationalization of regulation 6(9) on free movement of workers and 6(5) on the right of residence.

1.2 Constitution of the Bureau

In accordance with the EAC Rules of Procedures the meeting was chaired by Mr. Ali Suleiman Nassor, Deputy Commissioner, Immigration Department, United Republic of Tanzania while Ms. Florence Alarango, Ministry of East African Community, Republic of Uganda was the Rapporteur.

1.3 Adoption of the Agenda

The agenda was adopted and is attached hereto as **Annex II**.

2.0 OPENING OF THE MEETING

2.1 Welcome Remarks by the Chairperson

Mr. Ali Suleiman Nassor welcomed the delegates to the meeting. He noted that the task at hand on harmonization of the Work/ Residence Permit fees and procedures is very critical for the freedom of movement of Labour. He urged the experts to be objective and provide the required technical inputs to realize the objectives of the meeting. He wished the delegates fruitful deliberations.

2.2 Welcome Remarks by Ms. Mary Makoffu, Director Social Sectors, East African Community Secretariat.

The Director, Social Sectors Ms. Mary Makoffu welcomed the delegates to the meeting. She informed them that the meeting was fundamental in providing a way forward to the implementation of Article 10 and Annex II, Regulation 6(9) on the Free Movement of Workers and Annex IV, on the right of Residence, Regulation 6(5) of the EAC Common Market Protocol on free movement of labour. She appealed to the experts to be objective, deliberate and resolve issues that are affecting the implementation of the Protocol in regard to movement of labour taking into consideration that Protocol was in its 5th year of implementation. She reminded the experts that Partner States had committed themselves to fully implement the schedule for free movement of workers by 31st December 2015.

She underscored the benefits of free movement of labour and added that the free movement of workers enables the host Partner States to develop capacity of some critical human resource skills and leads to increased remittances to sending Partner States. She urged Partner States to borrow best practices from the republic of Rwanda that has facilitated the movement of workers by developing and occupational demand list and employing citizens of other partner states in the public sector. She added that through the EAMS the Secretariat is able to take stock of the statistics of workers employed in the other Partner States as well as businesses established. She wished the meeting fruitful deliberations.

3.0. COUNTRY PRESENTATIONS ON CLASSIFICATION, FEES AND PROCEDURES OF ISSUANCE OF ENTRY/WORK/RESIDENCE PERMITS

3.1 REPUBLIC OF BURUNDI

With reservation as to regulation contrary in a given convention approved by the Government of Burundi, no foreigner can exercise any lucrative activity without a work permit (Article 1 Ministerial Ordinance No 660/086/92 of February 1992).

Work permit issuance procedures

- Any employer offering employment to a foreign worker has to register this worker and the contract has to receive a stamp of approval from the labor inspection department in a period not exceeding 8 days.
- The work permit is offered by the orientation commission created by Ministerial Ordinance. It is issued by the Director of labor inspection.
- This permit is nominative
- For resident foreigners, this permit is offered upon application: As for non residence, the application is presented by his or her employer.

The following documents are required for each applicant:

- A letter for application
- Identity card
- Two photos
- Diploma or certificate
- Résumé (CV)
- Diploma equivalency certificate

Categories of work permits issued by the orientation commission:

- For a period of two years to foreigners with particular technical skills
- For a period of five years to refugees and stateless individual officially recognized as such by competent officials and foreigners residing in Burundi for at least 20 years.
- Permanently to foreigners born and living in Burundi, as well as those married to a Burundian national residing in Burundi having kept the nationality of the country of origin.
- The permanent work permit is also issued to foreign investors or their representative whose presence in Burundi is justified by the follow up of investment capital.

- Any foreign worker diplomatic status from an accredited embassy/consulate in Burundi, working in a diplomatic mission as well as international organization is subject to regulations of all other foreign workers. They are also subject to regulations related to technical cooperation workers who are not concerned by article N°1 of this ordinance
- Decision of the orientation commission can be appealed at the level of the Ministry. This appeal has to be tabled in within 15 days following notification of the decision. The appeal suspends the effects of the commission's decision.

Work Permit: Fees

- Any employer offering employment to foreign labor force is subject to the payment of tax calculated on the basis of 3% of the gross yearly salary of the concerned worker.
- This tax is paid annually, taking effect on the date the worker contract received the stamp of approval. It is not to be refunded by the worker

Residence permit issuance procedures

- There are three categories of establishment visas:
 - Residence of two years;
 - Residence with unlimited period; and
 - Permanent residence
- For all these kinds of establishment visas the applicant must justify the reasons of her establishment especially presenting justifying document of activities except on dispensation resulting from international preventions and exception made for the nationals from bordering countries

Residence Permit: Fees

Visa for establishment	2 years	500
Undetermined visa	Undetermined period	600
Permanent residence	Undetermined period	1,200

3.2 REPUBLIC OF KENYA

The department of immigration services in Kenya handles migration issues. Work/Residence Permits are issued to any Non-Kenyan wishing to engage in employment in Kenya whether in gainful employment or voluntary service. The Work/Residence Permits issued by the Department are classified from A to M

inclusive. They are issued under Kenya Citizenship and Immigration Act, 2011 and the Kenya Citizenship and Immigration Regulations, 2012.

Objectives of the permit and passes section

- To control and regulate residency through issuance and renewal of entry permits and passes as provided for by the Kenya Citizenship and Immigration Act 2011 and the Kenya Citizenship and Immigration Regulations, 2012.
- Identify and understand the customers' needs and expectations and provide services that exceed their expectations by promptly processing of entry permits and passes.
- To support the development of a strong Kenyan economy and achievement of vision 2030 through issuance of entry permits classes A,B,C, D,F and G to enhance Foreign Direct investment.


General requirements for permits

- Applicant's presence must be of benefit to Kenya
- Application is made in the prescribed form (see attachment)
- Copies of valid and acceptable travel documents
- Two colored passport size photographs
- Copies of business registration documents
- For all employees, there must be competent Kenyan under study for the purpose of eventual kenyanization of the post
- Recommendation/clearance from a registered professional body/organization of which applicant is a member.
- Detailed curriculum vitae of the applicant
- Copies of academic and professional qualification certificates. N/B if certificates are not in English they must be translated and certified by the respective Embassies and/High commissions.
- A cover letter from the employer explaining why the applicant is suitable for the position, why the applicant was offered the job as opposed to a Kenyan citizen and setting out applicant's e.g. experience, training, ability, qualifications among others.

Processing of the work permit

Work permit applications are placed before permit determination committee for deliberation. The committee is composed of representatives from Department of Immigration Services, Ministry of Labor, Social Security and Services, Ministry of East African Affairs, Commerce and Tourism, Ministry of Foreign Affairs and International Trade, Ministry of Education, Science and Technology and Kenya Investment Authority.



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The permit determination committee recommends issuance, deferral or rejection of work permit to the director of immigration services. The parties/applicants who are not satisfied with the decision of the director of immigration services are eligible to appeal to the Cabinet Secretary of the Ministry of Interior and Coordination of National Government.

Further, the aggrieved applicant/s who is/are not satisfied with the decision of the said Cabinet Secretary is/are eligible to appeal to the high court.

The impact of EAC Common Market Protocol (CMP)

Following the coming into force of the EAC CMP in July 2010, harmonization and review of work and residence permits culminated into the new legislation –the Kenya Citizenship and Immigration Act, 2011 and the Kenya Citizenship and Immigration Regulations, 2012. Work permits are issued free of charge (Gratis) to Nationals of EAC Partner States.

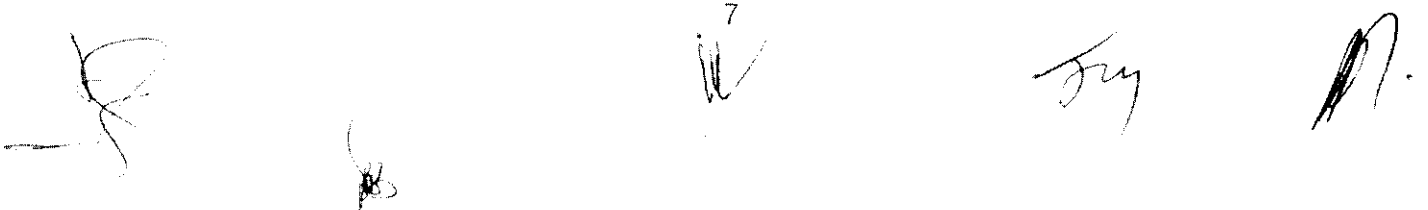
3.3 REPUBLIC OF RWANDA

The National Migration Policy and Strategies was established in February 2008 with the following general objectives:

- a) Attract tourists, investors and skilled workers;
- b) Facilitate and encourage visits of legitimate travelers and residents;
- c) Enhance national security through effective management of migration and mobility;
- d) Labour Migration programme: Skilled Workers in Occupations in Demand, Employer Sponsored Skilled Workers, Semi-skilled workers, Frontier Workers
- e) Business Migration programme: Small and Large entrepreneurs

Legal framework

- a) Law n° **04/2011** of **21/03/2011** on Immigration and Emigration in Rwanda;
- b) Ministerial Order n° **02/01** of **31/05/2011** establishing regulations and procedures implementing Immigration and Emigration Law;
- c) Ministerial Order n°**03/01** of **31/05/2011** determining the fees charged on travel documents, residence permits, visas and other services delivered by the Directorate General of Immigration and Emigration;
- d) Ministerial instructions n° **003/19.18** of **04/04/2013** determining Occupations on Demand List.



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Categories of residence permits

Residence permit: permission allowing a foreigner to reside temporarily or permanently in Rwanda and for the purposes other than visit.

a) Temporary residence permits and classes

A temporary residence permit shall enable a foreigner to reside in Rwanda within a specified period. Whilst in Rwanda, he may work, establish businesses invest in new or existing businesses, unite with family members, etc.

A	Prospecting and Mining – Investors & Entrepreneur
B	Agriculture, animal husbandry and related activities – Investor & Entrepreneur
C	C1 Prescribed professionals
	C2 Professional players and artist
D	D1 Diplomat accredited
	D2 Diplomat – International Organization
E	E1 Government or Parastatal Employee
	E2 Technical Assistance
F	Specific Manufacturing and Processing
G	G1 Specific Trade Business and Services – From the region
	G2 Specific Trade Business and Services – from outside the region
H	H1 Specific Employment by Specific Employer – Employee on ODL – 3 year permit
	H2 Employer Sponsored – LMT
	H3 Journalist
	H4 Semi-skilled worker
	H5 Foreign staff working in International Organisations
I	Approved religious activities
J	Hospitality industry and related activities
K	Persons with assured income
R	Special pass
P	P1 Voluntary worker
	P2 Holiday worker
M	M1 Dependants pass
	M2 Dependant of Temporary resident holder

	M3 Dependant of a Permanent permit holder
N	N1 Student pass
	N2 Occupational trainee
S	S1 Residents within the border area
	S2 Resident in Rwanda
W	Information Technology and related activities
X	Transport and logistics – Investor & Entrepreneur
Z	Other related investments – Investor & Entrepreneur

Generally, temporary permits are valid for **02 years**, except for Investors-**03 years**, students-**01 year** and Special pass-**90 days**

Permanent resident permits

- **L-1** Residence exceeding five years
- **L-2** Exceptional permit
- **L-3** Key staff of Multinational companies
- **L-4** Diaspora
- **L-M** Spouse
- **L-C** Child

Permit charges

- ✓ All temporary residence permits are free of charge for nationals of EAC Partner States;
- ✓ Temporary residence permit fee: 100,000 RWF;
- ✓ Dependants to a Rwandan, Diplomats & workers on government contract: free of charges;
- ✓ Half fee of the principal applicant for dependants;
- ✓ 50,000 RWF for Professional players and artists and Occupational trainee;
- ✓ 20,000 RWF for Traders from the region (EAC & CEPGL) and Semi-skilled workers;
- ✓ 10,000 RWF for Student from outside of EAC & Holiday worker;
- ✓ Permanent resident permit: 200,000 RWF except Rwandan diaspora: 100,000 RWF.

Requirements

- One colored passport size photo with white background, recently taken without glasses, caps and scurf.
- A completed application form
- An application letter addressed to the Director General of Immigration and Emigration by the employer
- Curriculum Vitae
- Original Police Clearance from the country the applicant has lived in for the last 6 months

- Certificate of exploration e.g. Mining certificate from “Office de Geologie et des Mines du Rwanda” (OGMR)
- RDB's business registration certificate (Investor & Entrepreneur)
- Trading license (Patente) issued at sector level (Entrepreneur)
- Bank slip of payment of permit fees

3.4 REPUBLIC OF UGANDA

The Constitution of the Republic of Uganda 1995, Article 16 provides for the National Citizenship and Immigration Board whose mandate is to, among others, grant and cancel Immigration Permits. The Uganda Citizenship and Immigration Control Act Cap 66. Section 7 provides for the functions of the National Citizenship and Immigration Board. S. 7(d) gives the Board the right to grant and cancel work permits. Section 54 of the same Act provides for the classes of Entry permits.

Under the implementation of the EAC Common Market Protocol, the Republic of Uganda in January 2015, like the Partner States of Kenya and Rwanda, waived payment of Work Permit fees for nationals of EAC Partner States. Uganda also waived charges on all other Immigration facilities-Special pass, Dependant passes, Re-entry visa, pupil/student passes and Certificate of Residence Charges.

Classification structure

- The Categories range from Class A-G
- **Class A** category accrues to those directly employed by the Government and those recommended by the Ministry of Foreign Affairs e.g. Diplomats and their immediate family members.
- **Class A2** are Government contractors including those serving in Government Tertiary institutions
- **Class B** (Investment in Agriculture)
- **Class C** (Investment in mining)
- **Class D** (business and trade)
- **Class E** (investment in manufacturing)
- **Class F** (Professionals' category)
- **Class G1** (Volunteers, NGO workers and Missionaries)
- **Class G2** (All employees)

There are two categories of permits; work permit and certificate of residence

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Work Permit Fees

- Non-East Africans Class B, C, D E, F, G2 –are all at 2,500 USD. However Class G2 is 4000 for 2 years, 5000USD for 3 years.
- G1-for 12 months is 250 USD

Requirements for Work Permits (G2)

- ✓ Work permit forms
- ✓ Proof of security bond payment
- ✓ Copy of applicant's passport(bio data page)
- ✓ Copy of applicant's current immigration status
- ✓ Copy of Uganda Investments License for the company (where applicable)
- ✓ Lists of all employees both local and foreign (except class 'A')
- ✓ Police clearance from home country (Interpol)
- ✓ Covering letter by the company for the applicant.
- ✓ Copy of contract signed between the applicant and their intended employer
- ✓ Company Articles and Memorandum of Association (where applicable)
- ✓ 2 Passport photos of the applicant
- ✓ Copies of Academic qualifications obtained by the applicant
- ✓ Company Bank statement for the last 6month(where applicable)

Work Permit Process

- Applications received (New & renewals)
- Scrutinizing & verifying
- Acknowledge receipt by stamping on application and issue receiving slip
- Indexing for new applications
- File opening/ issue file number
- Applications are submitted and receipt acknowledged by department of immigration;
- From Registry to the Board decision-approval-takes 10 working days
- The National Citizenship and Immigration Board either :
 - Approves
 - Defers or
 - Rejects applications
- Approves appeals of reprocessed/ deferred applications
- Approved applications are then endorsed onto applicants' passports
- Rejected applications and respective appeals go to the Legal department and are forwarded to the Director of Citizenship and Immigration Control for submission to the Minister of Internal affairs where they are either rejected or approved.
- Rejected applications go to the Legal Department for organized removal or deportation.

3.5 UNITED REPUBLIC OF TANZANIA

Issuance of work and residence permits in URT is governed by different legal regimes. The fact that Labour and employment are not union matters there are different legislations governing these aspects in Tanzania mainland and Zanzibar respectively. Issuance of residence permits is within the mandate of Immigration laws which are applicable in both mainland and Zanzibar

Legal Framework - Tanzania Mainland

National Employment Policy 2008, National Employment Promotion Services Act 1999, Tanzania Investment Policy 1996, Tanzania Investment Act, 1997, the Immigration Act 1995 and its Regulations of 1997, Special Economic Zones Act 2006, Refugees Act 1998, Public Service Secular No. 1 of 2000, Regional and International Commitments, EAC CMP – where Tanzania have opened employment opportunities for EAC citizens (see annex II pg 45....), SADC Regional Migration Policy Framework, Article 19 SADC Employment and Labour protocol on the protection of migrant workers and Bilateral and Multilateral Agreements

Classes of Work Permit

- One class categorized as class B work permit
- Issued to foreigners who have secured employment in Tanzania
- Used to all sectors taking into account that the applicant has identified the sector which he/she is intending to engage a foreigner prior to the submission
- Issued to people with requisite qualifications / relevant to the job post and to occupations where we have no or limited skills locally

Procedures of application and issuance

- Application is submitted by employer or legal entity /company seeking to employ a non citizen
- Application shall be done when a potential employee is outside Tanzania
- Application shall be submitted to the Labour Commissioner with the following attachments
- Application letter, Employment Contract, Job description, CV, Academic/professional / training certificates, 3 Photos, Copy of Passport, 3 Application Forms and company's documents legalizing its existence in Tanzania

Work Permits - Zanzibar

Legal framework

- Employment Act No. 11 of 2005. Any foreigner (non Tanzanian) has to hold a valid work permit while working in Zanzibar.
- Issued by the Labour Commissioner for a maximum period of one year subject to renewal.

Classification of Work Permits

- Types of work permits; **exemptions** and **non exempted work permit**

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Procedure of application and issuance

- Work permits are applied for to the Labour Commissioner;
- Application is submitted by the employer;
- Companies registered under Zanzibar Investment Promotion Authority (ZIPA) apply through the One Stop Centre;
- Companies that are not under ZIPA do apply through their respective regulatory government bodies.

Fees Structure

EMPLOYEES and INVESTORS NOT UNDER ZIPA	300	150
TEMPORARY (MAX. 6 months)	200	N/A
INVESTORS UNDER ZIPA	EXEMPTION	EXEMPTION

Categories of workers allowed to work under Annex II of CMP

Teaching – 2010, Engineering – 2010/2011/2012, Science – 2015, Health – 2015, Land Surveying -2015 and Air Traffic – 2012

Residence Permits in URT

Legal Framework

- Residence in the URT is regulated by the Immigration Act Cap 54, R.E 2002 and the Immigration Regulations, 1997 which are applicable in both Tanzania Mainland and Zanzibar.
- Other laws include the Tanzania Investment Act, 1997, The National Employment Promotion Services Act, 1999, The Non Citizen (Employment Regulation) Act, 2015, Investment and Protection Act, 2004 – Zanzibar, Employment Relations Act 2005 – Zanzibar and the Companies Act, Cap 212 (RE:2002) etc

Classification of Residence Permits

Residence Permit Class A.

- Issued to foreigners intending to enter or remain in Tanzania for the purpose of engaging in any trade, investment, profession, agriculture, animal husbandry, prospecting of minerals or Manufacturing.
- Must in the first place register a business entity.
- Minimal Capital for foreign investments or trade is USD 500,000.
- It is issued for a period of two years subject to renewal

Residence Permit Class B.

- Issued to foreigners who have been offered a specified employment in United Republic of Tanzania

- It is issued for a period of two years and can be renewed accordingly.

Residence Permit Class C

- Issued to foreigners entering Tanzania as researchers, students, volunteers, missionaries, and retired persons who previously resided in the country.

Exemption Certificate

- Issued to:-

The envoy or other representative of a foreign sovereign power accredited to URT, members of Official Staff as well as Consular Officers and their dependant wives and children, Foreign Nationals coming to work in the public sector, ministries, departments, and agencies and Students from EAC Partner States

Dependant's Pass

- Issued to dependants of principal holders of valid residence permits
- Dependants includes the wives, children, and near relatives of applicants

PROCEDURE OF APPLICATION AND ISSUANCE

Residence Permit class A

All companies registered under Tanzania Investment Centre (TIC), Special Economic Zones (SEZs) and Zanzibar Investment Promotion Agency (ZIPA) should lodge their applications at these centres respectively and other ordinary applications are lodged directly at Head Offices, Dar es Salaam and Zanzibar or through our regional offices. .

Required Documents

Dully filled application form, Data sheet dully filled, Copy of valid passport, Birth and marriage certificates of dependant wife/children, if any, all company's documents to prove registration and business licensing, together with other relevant authorities clearance, when required depending on the nature of the business, Certificate of Incentives for projects registered by TIC, Evidence of Capital in terms of current and noncurrent assets, Evidence of business premises such as lease agreement, etc, Photographs, Cover letter.

Residence Permit Class B.

- Applications for Residence Class 'B' are processed through the Department of Labour (Labour Commissioner's office) that is mandated to recommend and issue work permits. Once work permits are recommended the applications are forwarded to Commissioner General of Immigration to issue the Residence Permits Class 'B'.

Required Documents

Same as class A, with addition of CV, Academic Certificates, Employment Contract and certification by professional bodies but without evidence of capital.

Residence Permit Class C.

- Directly submitted to Head offices at Dar es Salaam and Zanzibar or through regional or district offices by the host institutions with exception of retired persons who apply in their own capacities

Required Documents

Forms, Data Sheets, copy of valid passport, photographs and cover letter. Applying Institutions/Organisations are required to submit certificate of registration.

Exemption Certificate

- Consular officials of foreign sovereign states apply through the Ministry of Foreign Affairs and International Cooperation.
- For foreign workers in employment of the Government/Public Sector submit their applications through the relevant Sectoral Ministry to the President's Office Public Service Management.
- Students from EAC Partner States submit their applications directly to Immigration Department with admission letters from their respective learning Institutions

Dependant's Pass

- Issued to dependants wives, children and relatives of the holder of a valid residence permit.

Required Documents

Dully filled in application form, Copy of valid passport of dependant, Photographs, Documents to prove relationship (Marriage/Birth certificates), Copy of valid residence permit of applicant and Cover letter

FEES STRUCTURE

RESIDENCE PERMIT CLASS	SECTOR	FEES (USD)	FEES (TSHS)
A - 1	Prospecting and Mining	3,000	
A - 2	Large Scale Trade and Business	3,000	
A - 3	Prescribed Profession and Consultancy Services	3,000	
A - 4	Large Scale Manufacturing and Processing	2,500	
A - 5	Large Scale Agriculture and Animal Husbandry	2000	
A - 6	Artisans	2000	
A - 7	Small Scale Farming Trade, Business and Fishing	1000	
A - 8	Peasants		10, 000
B	Specific Employment	2,000	
C - 1	Researchers and persons by Non Government Organisation	500	
C - 2	Retired Persons	500	
C - 3	Approved religious activities (Missionaries) Volunteers and Students	200	
C - 4	Winding Up Affairs of Contract and sick persons	200	

Following Partner States presentations, the meeting made the following observations

- a) There is need to define clearly the terms, "Entry Permit", "Work Permit", "Residence Permit" and to harmonize the use of the terms;
- b) Need to introduce preferential treatment of Citizens of EAC Partner States in the National Legal Framework of respective Partner States;
- c) Three Partners States (Republic of Kenya, Republic of Rwanda and Republic of Uganda) have waived work/residence permit fees for nationals of EAC Partner States while the Republic of Burundi and the United Republic of Tanzania charge work/residence permit fees to citizens of other EAC Partner States.
- d) There is need to amend Partner States Laws and provide for citizens of other EAC Partner States as East Africans. Currently some Partner States laws still refer to them as foreigners.
- e) The Republic of Burundi charges residence permits fee basing on the duration of the permit and the work permit based on annual gross earning of the prospective worker.
- f) Three Partners States (Republic of Kenya, Republic of Rwanda and Republic of Uganda) issue work/residence permit as a single through immigration directorate/departments while the Republic of Burundi and the United Republic of Tanzania issue work permit and residence permit as different documents through Ministry of Labour and Immigration Department respectively.

Recommendations:

- i. **Partner States should define the terms Entry Permit, Work Permit, Residence Permit and further harmonize the use of the said terms in the National laws /regulations.**
- ii. **Partner States to expedite the review of national immigration and labour laws in line with the provisions of the EAC CMP; and**
- iii. **The Republics of Kenya, Rwanda and Uganda urge the Republic of Burundi and The United Republic of Tanzania to consider a review of the work/residence permit fees or introduce preferential treatment for Citizens of EAC Partner States in their National Legal Framework.**

3.0 REVIEW OF THE EAC 2006 HARMONIZED CLASSIFICATION OF ENTRY/ WORK/ RESIDENCE PERMITS AND PROCEDURES

The meeting was informed that the EAC Council of Ministers in November 2006 adopted the recommended harmonised classification and procedures for issuance of entry/work permits in East Africa. The same were reviewed in 2008 after the accession of the Republics of Burundi and Rwanda into the Community. The meeting noted that the harmonized classification of Entry/Work/ Residence

Permits and Procedures had been adopted before the signing of the Common Market Protocol in November, 2009. Since then there have been a number of developments including review of Labour and Immigration laws by some Partner States in the context of the Common Market Protocol

The meeting formed two working groups. The first group discussed, reviewed and refined the EAC 2006 Harmonized classification of entry/ work/ residence permits and issuance procedures and fees. The second group reviewed the contents of the Entry/ Work /Residence Permit forms currently in use by the Partner States and developed a proposed EAC harmonized application form for Entry/ Work/ Residence Permits

The meeting took note of the following observations and emerging issues:

i) on Class D1 and D2, the United Republic of Tanzania was of the view that Diplomats and employees of international organisations should not be provided for in the harmonised classifications since they are covered by relevant Headquarters Agreements and Protocols on Privileges and Immunities while the Republics of Burundi, Kenya, Rwanda and Uganda submitted that the classification should be maintained in the EAC harmonized classification.

ii) On Class J, Recognised Refugees; The Republic of Rwanda informed the meeting that she does not have a classification for refugees as the country is guided by International Instruments on Refugees. The United Republic of Tanzania on the other hand submitted that Refugee matters are not within the domain of immigration or labour laws. They are guided by Refugee laws and in case of applying for work/residence permits, refugees are expected to follow the existing national laws and procedures with specific exemptions where applicable. The Republic of Uganda informed the meeting that she does not have this class as well but there are on-going discussions on how to handle urban refugees especially those seeking for employment.

The Republics of Burundi, Kenya and Uganda maintained that Refugees should be included in the EAC harmonized classification while The United Republic of Tanzania and Republic of Rwanda were of the view that Refugees matters should be guided by relevant international instruments.

iii) Class L on Permanent Residence, The Republics of Kenya, Rwanda and Uganda proposed that there is need to include persons who were citizens by birth but have since renounced or otherwise lost their citizenship status and are precluded by the laws of the countries of their acquired domicile from holding dual citizenship. The Republic of Burundi and The United Republic of Tanzania agreed to consult further on this issue.

iv) The meeting proposed to change the designation of class "M" to "Dependant Pass" to reflect what is provided for in the CMP.



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v) Class N, Civil Society and Non Governmental Organisations:

The Republic of Burundi, Uganda and the United Republic of Tanzania proposed that this class should remain a stand alone because it has some special categories including volunteers. The Republics of Rwanda and Kenya on the other hand were of the view that foreign workers from CSO/NGOs should fall under Class H since these organizations are also employers.

The Proposed Harmonized Classification and Procedures for issuance of Entry/work/Residence Permits is attached hereto as **Annex III**.

Recommendations:

The Competent Authorities (Immigration and Labour) to take note of:

i) the proposed harmonized classification and Procedures for issuance of Entry/work/Residence Permits as work in progress.

ii) the divergent views on some of the proposed classes and give guidance on the way forward.

3.2 Review of Partner States Application Forms For Entry/Work/Residence Permits

The meeting reviewed the contents of the Entry/ Work /Residence Permit forms currently in use by the Partner States and developed a proposed EAC harmonized application form for Entry/ Work/ Residence Permits and made the following observations:

- i. The developed draft form was work in progress
- ii. Entries in the proposed harmonized form should conform to online use
- iii. Some entries should be merged to make the form more compact and user friendly; and
- iv. A meeting of experts drawn from immigration and Labour should be convened by the EAC Secretariat to finalize the process of harmonizing the classification, procedures, forms and fees for issuance of Entry/Work/Residence permit.

The proposed application form for Entry/Work/Residence Permit is attached hereto as **Annex IV**

Recommendations:

The EAC Secretariat should convene a meeting of experts drawn from Immigration and Labour to finalize the process of harmonizing the

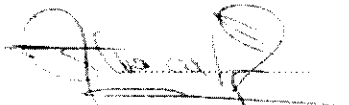
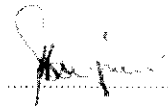
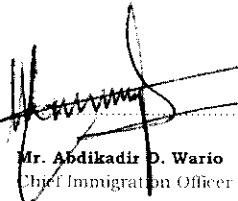
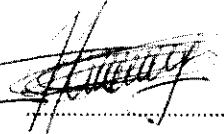
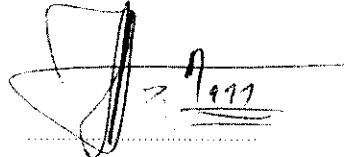
classification, procedures, forms and fees for issuance of Entry/Work/Residence permit by September 2015.

4.0 ANY OTHER BUSINESS

There being no other business; the Chairperson thanked Partner States Experts for their active participation and valuable contributions during the meeting and wished them safe travel back to their respective countries.

The meeting adjourned at 2232hrs.

Signed on this 10th day of June 2015 by the Leaders of Delegations

				
Mr. Abbas M. Ijovya Deputy Commissioner	Mr. Mujuni Behon Principal Immigration Officer	Mr. Abdikadir D. Wario Chief Immigration Officer	Mr. Domitien Habarugira Immigration Officer	Mr. Kayumba Olivier Director of Visitors and Residents
Immigration Department	Directorate of Citizenship and Immigration Control	Department of Immigration Services	Immigration Department Ministry of Public Security	Directorate General of Immigration and Emigration
The United Republic of Tanzania	Republic of Uganda	Republic of Kenya	Republic of Burundi	Republic of Rwanda