

Federal Government of Somalia

Foreign Employment Act

18/12/2015

Translated from Somali

Article 1: Definitions

"Foreign worker" a worker who is not a citizen of Somalia.

"Work permit" means work permission given to foreign workers.

"Work permit recipient" means a person who was given a permit to work.

"Committee" means Work Permission Application Assessment Committee.

"Director General" means the Director General of the Ministry of Labor and Social Affairs.

"Minster" means the Minister of Labor and Social Affairs

Article 2: Limits of this Act's Applications

This act does not apply to:

- 1) members of Diplomatic Mission who are living in the Federal republic of Somalia
- 2) Members of consular Missions
- 3) Domestic workers who work for members mentioned (1), (2) and (3) of this Article
- 4) Refugees and asylum-seekers or individuals hold refugee status in the country and applied to the international treaties and particular rules.
- 5) Persons admitted by the government of Somalia to enter and perform any duty or mission, with or without conditions.

Article 3: Employment conditions and exceptions

- a) Services exempt from foreigners will be defined in Presidential decree.
- b) Subject to the Immigration act, a foreigner can work in the country when he/she obtains work permission from the ministry of labour and Social Affairs.
- c) Ministry of labour and Social Affairs cannot give work permit to a foreigner for a job that a citizen can perform.
- d) Subject to the Immigration Act, anyone who is willing to recruit a foreigner must submit a request detailing on the person's information to the ministry of Labour and Social affairs of the Federal republic of Somalia, Ministry of labour and Social Affairs can give work permission to the foreign job-seeker only when she/he legally enter and meet all conditions required by the law.

Article 4: Additional conditions

The Ministry of labour and Social Work, by providing work permission can obliged the foreign employee to meet specified requirements.

Article 5: Investment promotion permit Application

Upon the entry of foreign worker given permit under the encouragement of foreign investment law, he/she shall request work permission from the Ministry of Labour and Social Affairs within 30 days from the day he/sh entered in Somalia

During the waiting period for the Permits under paragraph 1 above, such Foreigner shall be able to work for that time being

Article 6: Residence and Visa

A foreigner or employer who applies for a work permit must

- a) Reside in Somalia, or have been permitted entry into Somalia temporarily, but may not be a tourist, person in transit or a person disqualified or prohibited from working, under requirements in regulations
- b) Haven't been denied entry to Federal republic of Somalia

Article 7: Works that specially permit

The following Foreign worker shall be able to perform works that the minister of labour and social affairs has permitted

1. A deportee, who is permitted to work at certain locations whilst awaiting deportation,.
2. A person who entered in Somalia without permission, but was permitted to remain in Somalia temporarily whilst awaiting deportation.
3. A person whose nationality was revoked.
4. A person who was born in Somalia but was not granted Somali nationality

Article 8: Validity period of the Work Permits

Work permits issued under this act shall be valid for period of one year from the date of issuance except a work permits issued temporarily to a foreigner to enter into the country under this act this shall be valid from date of issuance.

Article 9: Working period extension

In the case where a working period of a person receiving a Work Permit in accordance with Section8 above has been extended in accordance with such

conditions, the person giving permission in accordance with such law shall convey a letter of notification on such working period extension to the Registrar

Article 10:

Prior to the expiration of Work Permit and that the person receiving such Work Permit desires to continue doing such work, such person shall submit the application to the Registrar for renewal thereof.

Once the application for the renewal thereof has already been submitted in accordance with paragraph one above, the person submitting the application for such renewal shall be Permitted to continue working for the time being until the Ministry of labour and Social Affairs will issue an order on Non-renewal thereon. A renewal of a Work Permit shall be for a period of not exceeding one year each time.

Article 11: Refusal or renewal of work permit

In the case where the Ministry refuses to grant the permit or refuses to renew the permit, the person whose his permit has been revoked as the case maybe, shall have the right to the Appeal by submitting an appeal to the Minister within thirty days from the date the order has known to him.

Upon receiving The Minister shall send the appeal Work Permission Application Assessment Committee within seven days from the date of receiving the appeal, and minister shall give a decision thereon within thirty days from the date of receiving the appeal.

The Decision of refusal of the minister can be appealed to Supreme Court of Ferderal republic of Somalia.

Article 12: keeping work permit at hand?

A Work Permit recipient must have the Work Permit kept on him/her or at his/her working place to be availably produced to the Competent Official

Article 13: Damage or Lost of work permit

Should a Work Permit be damaged or lost, the Work Permit recipient shall submit an application to the Ministry for a substitute of such Work Permit within fifteen days from the date of knowing such loss or damage.

Article 14: leaving work specified in the Work permit

If a foreign worker leave the work specified in the work permit, he/she must return the work permit to the Office of the Ministry of Labor and Social Affairs, within 7 days of the date of leaving.

Article 15: Working position not specified in work permit

A work permit holder who wishes to change it, add another type of work, or employer, or place of work, or conditions, must obtain consent to do so from ministry of labour and Social Affairs.

Article 16: Recruiting a foreigner without work permit

No person shall be permitted to employ a Foreigner to work except the one having a Work Permit to work with him/her in accordance with the category or nature of work specified on the Work Permit at the locality or place also indicated on the Work Permit.

Article 17: Recruitment, replacement or resignation of foreign workers

Whoever desire to employ a foreigner or change to another type of work or place of work other than the nature and place of work specified in the Work Permit should convey a notification to the Director General of ministry within 15 days from the date of employment, change or resignation.

Article 18: Foreign Workers employment Assessment Committee

There shall be foreign workers employment Assessment Committee appointed by Minister of Labor and Social Affairs.

The committee shall consist of the following members

1. A member nominated by the Minister of Labor and Social Affairs;
2. A member nominated by the Minister of Finance; and
3. A member nominated by the Minister of National Security.

The Committee shall have sub-act and elect the chairperson among committee members.

Members of the Committee shall hold office for 2 years, they may be re-appointed. Committee members, in addition to their end of the term of office, shall vacant the post for the following reason

- a) Death
- b) Resignation
- c) dismissal by the Minister

Article 19: sub-committee

The Committee shall have the power to appoint a Sub-Committee to carry out actions as assigned by the Committee

Article 20: The Power of the Director General

In performing duties in accordance with this Act, Director-General, shall have the power as follows:

- a. Forwarding a letter of inquiry or summoning any persons to give explanation on the facts including the handover over documents or evidences, Entering any places during the hours when there is or where there is a reasonable ground to suspect that there is an alien working illegally in order to inspect such particular place to assure its compliances with this Act.
- b. The Director General shall also have the power to make inquiries on the facts or call for any documents or evidences from the persons responsible for or related to such place.

Article 21: Supervision

Competent officials must have identification cards, In performing duties, the competent officials shall produce the identification cards to related persons.

Article 22: violation of foreign workers

A foreign working without a Work Permit shall be liable for punishment of imprisonment not exceeding two years or a fine of \$ 5,000 US dollar or equivalent Somali shillings.

Article 23: violation of employers

Whoever recruit a foreigner without a Work Permit shall be liable for punishment of fine from \$ 5,000 upto 10,000 US dollar or equivalent Somali shillings.

Article 24: Foreigners employed before the effective date of this act

Every employer who employed a foreigner before the effective date of this Act shall submit detailed information and records related to the employee to the Ministry of Labour and Social Affairs, the employer shall also required to apply work permit for foreign workers in accordance with this act.

Article 25: Regulatory frame-work

The Minister of Labour and Social Affairs shall has the power to issue regulatory-framework to implement this act

Article 26: Elimination

This Act eliminates provisions of any act against and inconsistent with of this act

Article 27: Effective

This act is an effective when the President of the Federal republic of Somalia signs and disseminated into the government official bulleting.