

# GHANA LAW FINDER

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# ACTS OF GHANA



HOME

FOURTH REPUBLIC

## **IMMIGRATION ACT, 2000 (ACT 573)**

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Schedule

**FIVE HUNDRED AND SEVENTY-THREE**

**ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA**

ENTITLED

**THE IMMIGRATION ACT, 2000**

AN ACT to re-enact with amendments the law relating to immigration; to provide for the admission, residence, employment and removal of foreign nationals and to provide for related matters.

DATE OF ASSENT: 2nd February, 2000

BE IT ENACTED by Parliament as follows

**PART I—ENTRY AND DEPARTURE**

**Section 1—Disembarkation.**

A person in charge of a sea-going vessel, aircraft or vehicle arriving at any port or place in Ghana shall not permit a passenger who embarked outside Ghana to disembark until disembarkation has been authorised by the immigration officer.

**Section 2—Appearance Before Immigration Officer on Entering Ghana.**

- (1) A person entering Ghana shall enter at an authorised point and shall proceed to the nearest immigration office, produce his travel document and complete the prescribed forms.
- (2) A person who arrives by sea or air in Ghana at a place other than an authorised place or port, shall within forty-eight hours proceed to and report to the immigration officer at the nearest immigration post.
- (3) An immigration officer to whom a person reports in accordance with this section shall, if the person is not prohibited from entering Ghana, and he is satisfied by documentary or other evidence of the person's identity grant that person entry subject to this Act.
- (4) An immigration officer may dispense with the personal attendance of any person if he is satisfied by documentary or other evidence of that person's identity and right to enter Ghana.
- (5) This section does not apply to any person who enters Ghana in direct transit to a place outside Ghana where that person arrives in:
  - (a) a vessel which is proceeding to a place outside Ghana and does not disembark from the vessel;

(b) an aircraft, and does not leave the transit area of the airport and leaves Ghana within twenty-four hours of arrival on the same aircraft or another aircraft; or

(c) a vehicle or vessel or aircraft and is escorted by an immigration officer from the point of entry to the exit point, and leaves Ghana within forty-eight hours of arrival.

(6) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding five million cedis or imprisonment for a term not exceeding twelve months or to both.

(7) Subject to this Act, Regulations may provide for passengers in transit without entry visa to enter Ghana for the purpose of seeing places of interest.

### **Section 3—Illegal Place of Entry and Border-Resident.**

(1) A person shall not enter Ghana except by one of the approved places of entry into Ghana.

(2) For the purposes of this section, an approved place of entry is—

(a) a place in Ghana in respect of which landing or docking rights have been granted to an aircraft or vessel; or

(b) a place specified in the Schedule to this Act.

(3) The Minister in consultation with the Immigration Service Board may by legislative instrument amend the Schedule to this Act.

(4) Regulations may be made under this Act to provide for free movement across the border of a border-resident for the purpose of attending to his routine economic or social matters.

(5) Without prejudice to any other penalty imposed by or under this Act a person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine of not less than one million cedis or to a term of imprisonment of not less than three months and not exceeding twelve months or to both

### **Section 4—Conditions for Entry into Ghana.**

(1) Subject to this Act where an immigration officer is satisfied that a person other than a citizen of Ghana entering Ghana;

(a) is in possession of a valid passport or other travel document and a valid visa to enter Ghana where applicable;

(b) is exempted from obtaining a visa to enter Ghana;

(c) has his name endorsed upon a visa and is in the company of the holder of the visa;

(d) has applied and been granted an emergency entry permit; or

(e) is a person admitted to diplomatic status by the Government of Ghana, the immigration officer

may permit that person to enter Ghana for a period that may be specified.

- (2) A prohibited immigrant within the meaning of section 8 shall not be permitted to enter Ghana.
- (3) Where a person who appears before an immigration officer does not have a visa or an emergency entry permit, the immigration officer may grant him a visa subject to such conditions as may be prescribed by Regulations, and to such other conditions that the immigration officer may impose.
- (4) Conditions prescribed for the purpose of this section may relate to—
  - (a) security to be furnished whether by bond, deposit or otherwise, and the liability of the person who provides the security;
  - (b) place of residence in Ghana;
  - (c) occupation or business to be followed or undertaken;
  - (d) any activities which might offend the religious beliefs of any section of the community;
  - (e) in the case of permission for passing through Ghana, the route to be followed; and
  - (f) in the case of any condition or permit in the form of a pass, the return of the pass.

#### **Section 5—Re-entry Visa.**

- (1) Where a person lawfully in Ghana who is not—
  - (a) a citizen of Ghana; or
  - (b) the holder of residence permit, seeks to leave Ghana temporarily he may apply to the Director in the prescribed manner for a re-entry visa authorizing him to re-enter Ghana.
- (2) Upon application made under sub-section (1) and the payment of the prescribed fee, the Director may issue to the applicant a re-entry visa to be stamped in the applicant's passport or other travel document and this shall be valid until it expires or is cancelled.

#### **Section 6—Power to Make Enquiries.**

The Director or any immigration officer authorised by him may before the issue of any permit or visa under this Act make enquiries or require the production of evidence in order to satisfy himself as to the truth of any statement made in the application for the permit.

#### **Section 7—Power to Detain a Person for Further Examination.**

- (1) Where an immigration officer is in doubt as to the right of any person to enter Ghana, the officer may send that person to be detained and that person shall remain in custody pending the determination of the matter.
- (2) The Director may pending the completion of enquiries in respect of a detained person, release that



person from custody upon such directions as he may determine and may for that purpose, issue a temporary permit to that person.

(3) A person who refuses or neglects to comply with a direction given by an immigration officer under sub-section (1) or who leaves the detention area in contravention of sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding five million cedis or imprisonment for a term not exceeding twelve months or both.

### **Section 8—Prohibited Immigrant.**

(1) A Person other than a citizen of Ghana is a prohibited immigrant for the purposes of this Act if that person:

- (a) has a deportation order in force against him made under this Act or any other enactment;
- (b) is unable to show that he has the means of supporting himself and his dependants if any, or is destitute and likely to be a burden on the public;
- (c) refuses to submit to a medical examination after being required to do so by a health officer;
- (d) has been sentenced in a foreign country for any extraditable crime within the Extradition Act of Ghana;
- (e) has been certified by a health officer to be medically unfit to enter Ghana;
- (f) has been declared by the Minister by executive instrument to be a person whose entry into Ghana is not conducive to the public good;
- (g) procures or attempts to bring into Ghana any person for the purpose of prostitution or other immoral purpose;
- (h) is a person whose activities are contrary to the laws of Ghana; or
- (i) is the dependent of to person to whom any of the provisions of this subsection applies.

(2) A person who enters Ghana while he is a prohibited immigrant commits an offence and is liable on summary conviction to a fine not exceeding ten million cedis or to imprisonment for a term of not less than six months and not exceeding two years or to both.

(3) Where a person is charged with an offence under subsection (2), the burden of proof that he is not a prohibited immigrant lies upon that person.

(4) An immigration officer may—

- (a) prevent a prohibited immigrant from entering Ghana, or if he has already entered Ghana, direct him to depart from Ghana by the first available means, and may use all necessary force to ensure compliance with his directive;
- (b) direct a prohibited immigrant not to disembark from any ship, vehicle or aircraft on which he may

be, or not to depart from any place where he may be, except to go to some other place approved by the immigration officer; or

(c) arrest a prohibited immigrant without warrant and effect his repatriation or arraign him before a court for an offence under sub-section (2).

(5) Where an immigration officer directs a prohibited immigrant to depart from Ghana by the first available means under paragraph (a) of sub-section (4), he may at the same time direct the person in charge or the owner or agent of any vessel, vehicle or aircraft from which the prohibited immigrant disembarked to remove him from Ghana by the first available means.

(6) A person who fails to comply with a directive given under subsection (5) to remove a prohibited immigrant commits an offence and is liable on summary conviction to a fine not exceeding five million cedis or to imprisonment for a term not exceeding twelve months or to both.

(7) Where a directive has been given under paragraph (a) or (b) of subsection (4), the person to whom the directive has been given shall be deemed to be in lawful custody.

### **Section 9—Embarkation.**

A person in charge of a vessel, aircraft or vehicle departing from any port or place in Ghana shall not permit any passenger to embark until embarkation has been authorised by an immigration officer.

### **Section 10—Appearance Before Immigration Officer of Person Leaving Ghana.**

(1) A person leaving Ghana shall appear before an immigration officer at the immigration post at any of the approved places of departure.

(2) The immigration officer may examine a person who appears before him and shall ask that person to complete a form as may be prescribed.

(3) The immigration officer may dispense with personal attendance of any person leaving Ghana if he is satisfied by documentary or other evidence of the person's identity and his right to leave Ghana.

(4) A person who wilfully or recklessly makes a statement to an immigration officer which is false or who refuses to answer a question properly put to him by an immigration officer may be disallowed re-entry into Ghana temporarily.

### **Section 11—Illegal Exit.**

(1) A person shall not leave Ghana, except by an approved place of departure.

(2) Without prejudice to any other penalty imposed by or under this Act, a person, who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than one million cedis or to a term of imprisonment of not less than three months or more than one year or to both.

(3) For the purpose of this section, an approved place of departure is a place mentioned in section 3, subsection (2) of this Act.

## **Section 12—Conditions of Departure.**

Subject to this Act where an immigration officer is satisfied that a person leaving Ghana:

- (a) is not a wanted person;
- (b) is in possession of a valid travel document;
- (c) has a valid visa to enter the country of destination; and
- (d) is not in arrears of payment of fees or penalty to the Director the officer may permit that person to leave Ghana on completing the prescribed form and endorse his passport or travel document.

## **PART II—RESIDENCE AND EMPLOYMENT OF FOREIGN NATIONALS IN GHANA**

### **Section 13—Residence Permits.**

- (1) A person who has been lawfully admitted entry into Ghana, may upon an application to the Director in the prescribed manner, be issued with a residence permit.
- (2) The Director may grant residence permit for up to a period not exceeding eight years, except that, a residence permit shall not be for more than four years in the first instance.

### **Section 14—Indefinite Residence Status.**

- (1) The Director may with the approval of the Minister grant an indefinite residence status to a person who satisfies the Director that he is qualified under section 15 or 16 of this Act for that status.
- (2) An application for an indefinite residence status shall be made to the Director in the prescribed form and a copy shall be submitted to the Minister by the Director.

### **Section 15—Indefinite Residence Status Generally.**

- (1) Subject to this Act, a person qualifies for indefinite residence status if that person:
  - (a) has resided in Ghana throughout the period of twelve months immediately preceding the date of the application;
  - (b) has during the seven years immediately preceding the period of the twelve months, resided in Ghana for a period amounting in the aggregate to not less than five years;
  - (c) is of good character as attested to in writing by two Ghanaians who are notaries public, lawyers, senior public officers or any other class of persons approved of by the Minister;
  - (d) has not been sentenced to a period of imprisonment of twelve months or more;
  - (e) has made or is in the opinion of the Minister capable of making a substantial contribution to development of Ghana;

- (f) intends to reside permanently in Ghana upon the grant of the status; and
- (g) possesses a valid residence permit on the date of his application.

(2) The Director may in special circumstances and with the approval of the Minister

- (a) allow a continuous period of twelve months ending not more than six months before the date of application to be reckoned for purposes of subsection (1)(a) of this section;
- (b) allow periods of residence earlier than seven years before the date of application to be reckoned in computing the aggregate period mentioned in subsection 1(b) of this section.

(3) Where a person is granted an indefinite residence status and absents himself from Ghana for more than twelve consecutive months he automatically loses that status.

(4) A person who loses an indefinite residence status under subsection (3) may apply to the Director for reinstatement, except that the application shall be treated as a fresh application subject to such conditions as the Director may determine.

### **Section 16—Indefinite Residence Status for Foreign Spouses.**

(1) A foreign national married to a citizen of Ghana is entitled to indefinite residence in Ghana if that foreign national:

- (a) has resided in Ghana throughout the period of twelve months immediately preceding the date of the application;
- (b) has immediately preceding the period of the twelve months, resided in Ghana for an aggregate period of not less than two years;
- (c) has not been convicted of any offence and sentenced to a period of imprisonment of twelve months or more;
- (d) intends to reside permanently in Ghana upon the grant of the status; and
- (e) is in possession of a valid residence permit on the date of the application.

(2) The Director may in such special circumstances as he thinks fit and with the approval of the Minister allow a continuous period of six months and an aggregate period of one year to be substituted for the twelve months and two years respectively provided under paragraphs (a) and (b) of subsection (1).

(3) Where a foreign spouse who is granted an indefinite residence status stays away from Ghana for more than twelve consecutive months that foreign spouse automatically loses the status.

(4) A foreign spouse who loses an indefinite residence status under subsection (3) may apply to the Director for reinstatement, except that the application shall be treated as a fresh application subject to such

conditions as the Director may determine.

(5) The separation, divorce or death of a spouse in a marriage to which this section applies shall not affect the indefinite residence status held by the foreign spouse immediately before the occurrence of the event.

(6) Notwithstanding any provision of this section, a foreign spouse whose marriage is no longer in existence may upon application to the Director be granted indefinite residence status subject to evidence that the marriage was contracted in good faith.

### **Section 17—Right of Abode.**

(1) Subject to this section the Minister may on an application and with the approval of the President grant the status of right of abode to any of the following persons:

(a) a Ghanaian by birth, adoption, registration or naturalisation within the meaning of the Citizenship Act who by reason of his acquisition of a foreign nationality has lost his Ghanaian citizenship; and

(b) a person of African descent in the Diaspora.

(2) A Ghanaian citizen to whom paragraph (a) of subsection (1) applies shall produce to the Minister such documentary and other evidence that the Minister may require testifying to the loss of his Ghanaian citizenship by reason of having acquired another citizenship.

(3) A person of African descent in the Diaspora qualifies to be considered for the status of a right of abode if he satisfies the Minister that he:

(a) is of good character as attested to by two Ghanaians who are notaries public, lawyers, senior public officers or other class of persons approved of by the Minister;

(b) has not been convicted of any criminal offence and been sentenced to imprisonment for a term of twelve months or more;

(c) is of independent means:

(d) is in the opinion of the Minister capable of making a substantial contribution to the development of Ghana; and

(e) has attained the age of eighteen years.

### **Section 18—Consequences of Indefinite Residence Status and Right of Abode Status.**

(1) A person with indefinite residence status or a person with right of abode status is—

(a) entitled to remain indefinitely in Ghana;

(b) entitled to enter Ghana without a visa;

(c) entitled to work in Ghana either as self employed or as an employee without a work permit; and

(d) subject to the laws of Ghana.

(2) A non-Ghanaian child or other non-Ghanaian dependent of a person with

(a) indefinite residence status; or

(b) right of abode status is eligible for a dependency permit.

(3) A dependency permit may on an application be issued by the Director and shall be subject to such conditions as shall be specified therein.

(4) For the purposes of subsection (2) “a child” means a natural or an adopted child under the age of eighteen years.

### **Section 19—High Court may Revoke the Right of Abode Status.**

(1) The High Court may on an application by the Attorney-General deprive a person with a right of abode status of that status on the ground that—

(a) the activities of that person are inimical to the security of the State or prejudicial to public order, public health, morality or public interest;

(b) the right was acquired by fraudulent misrepresentation or any other illegal or irregular means; or

(c) the holder of the status no longer qualifies under this Act.

### **Section 20—Expiration and Revocation of Permit or Other Authorisation.**

(1) A person shall not remain in Ghana after the expiration of any permit issued to him.

(2) Subject to section 19 the Director may during the validity of any permit or visa granted to a person to enter or remain in Ghana

(a) revoke the permit on grounds of fraudulent misrepresentation or concealment or any other illegal practice;

(b) revoke the permit on grounds that the conditions governing the permit have been broken; or

(c) impose fresh conditions in relation to that permit;

and shall take reasonable steps to communicate notice of the revocation, or other fresh conditions to the person concerned.

(3) Where a permit is revoked and notice has been given and the holder of that permit is:

(a) present in Ghana, he shall not remain in Ghana after the revocation and shall be removed from Ghana in accordance with the provisions of this Act and be prohibited from re-entering Ghana temporarily, or in the case of a prohibited immigrant, permanently; or

(b) outside Ghana, he shall be prohibited from re-entering Ghana temporarily, or in the case of a prohibited immigrant, permanently.

(4) A person, who enters or re-enters or remains in Ghana in contravention of any order made under this section, commits an offence and is liable on summary conviction to a fine of not less than one million cedis or to imprisonment for a term of not less than three months or more than one year.

(5) Where a permit is revoked the revocation applies to—

(a) a person whose name is endorsed in the permit;

(b) any spouse of the holder of the permit where the spouse was issued with the permit in consequence of the issue of a permit to the other spouse; and

(c) any dependent of the holder of the permit who is not a citizen of Ghana.

(6) Notification of a revocation to the holder of the permit constitutes notification to the persons mentioned in subsection (5).

### **Section 21—Removal of Illegal Immigrants.**

(1) Where the presence of a person in Ghana is unlawful, that person may be repatriated from Ghana by an order of the Director.

(2) Where a person is ordered to be removed from Ghana under this Act, that person may be arrested and detained for such period as may be necessary for making arrangements for his removal.

(3) A person may for the purpose of subsection (1) be detained in any police station or immigration detention area.

### **Section 22—Authority of Immigration Officer to Arrest and Prosecute.**

An immigration officer enforcing this Act has the authority and powers of a police officer relating to arrest, detention and search.

### **Section 23—Renewal of Permits.**

(1) A person who has been granted a permit to remain in Ghana under section 4 of this Act, may within one month before the permit expires apply to the Director in the prescribed manner for a renewal of the permit.

(2) An application for a renewal of a permit shall be treated as an application for a permit under section 4(1) of this Act, except that the Director may renew the permit with effect from the date of issue or from the date of expiry of the previous permit.

### **Section 24—Employment of Foreign Nationals.**

Subject to this Act a person shall not employ any foreign national in Ghana except in accordance with a permit granted by the Immigrant Quota Committee established under section 25 of this Act.

### **Section 25—Establishment of Immigrant Quota Committee.**

There is hereby established an Immigrant Quota Committee referred to in this Act as “the Committee”.

### **Section 26—Composition of the Committee.**

(1) The Committee consists of the following members:

- (a) the Deputy Minister who is the chairman;
- (b) the Director of Immigration or his representative not below the position of a Deputy Director; and
- (c) a representative of the;
  - (i) Ministry of the Interior;
  - (ii) Ministry of Employment and Social Welfare;
  - (iii) Ministry of Trade and Industry;
  - (iv) Registrar-General’s Department;
  - (v) Ghana Investments Promotion Centre;
  - (vi) Bank of Ghana;
  - (vii) Statistical Service; and
  - (viii) Ghana Employers Association.

(2) The representative of the Ministry of the Interior is the secretary to the Committee.

### **Section 27—Functions of the Committee.**

(1) The Committee is responsible for the consideration of all applications for immigrant quota and work permit and shall submit its recommendations to the Minister for the issue of an immigrant quota and work permit.

(2) The Committee shall be guided in considering an application for immigrant quota and work permit by the relevant investment laws of the country.

(3) The Minister may issue a work permit to any person who is not a prohibited immigrant, a visitor, tourist, transit passenger or student, and who satisfies the Committee that—

- (a) he wishes to enter Ghana in order to take up work or employment;
- (b) he is qualified to work or undertake employment in the trade, business or calling in respect of which the application is made;



(c) his taking up of the work or employment will be to the benefit generally of Ghana; and

(d) he is lawfully resident in Ghana and is qualified to work as an employee or a self-employed.

### **Section 28—Work permit and Immigrant Quota.**

(1) A work permit granted for the employment of a foreign national shall specify the number and description of persons authorized to be employed.

(2) An approval to fill in an immigrant quota may specify the period for which a foreign national may occupy a particular post while a Ghanaian understudies him to take over on expiry of the period.

(3) A work permit issued to a person shall specify the employer by whom that person is to be employed and the holder shall not without the consent in writing of the Committee engage in any form of paid employment or in any business or professional occupation in Ghana, other than the particular employment, business or professional occupation specified in the work permit.

### **Section 29—Other Bodies Dealing with Immigrant Quotas.**

Without prejudice to the generality of section 27 any relevant body granting immigrant quotas under any other enactment shall continue to exercise that authority subject to the provisions of this Act.

### **Section 30—Change or Cessation of Employment.**

(1) When a foreign national commences work for an employer in Ghana—

(a) the employer shall not later than seven days after the commencement give notice of the commencement date to the Committee with a copy to the Director in the prescribed form, and furnish the Director with a letter of guarantee in the prescribed form in respect of the repatriation expenses of the foreign national; and

(b) the employee shall, not later than seven days after the commencement give notice of the commencement date to the Committee with a copy to the Director in the prescribed form.

(2) When a foreign national ceases to work for an employer in Ghana—

(a) the employer shall not later than seven days after the cessation give notice of the cessation to the Committee in the prescribed form with a copy to the Director and shall comply with the directions of the Director as to arrangements for the repatriation of the foreign national and his dependents; and

(b) the employee shall not later than seven days after the cessation give notice of the cessation to the Committee with a copy to the Director in the prescribed form.

### **Section 31—Annual Returns.**

(1) Not later than fourteen days after the first day of January in each year, a person to whom an immigrant quota has been granted under this Act or any other enactment, shall send to the Committee, with a copy to the Director an annual return in the prescribed form giving the names and addresses of all foreign nationals

employed by him in Ghana as at first January and any other particulars which may be prescribed.

(2) Any body corporate which fails to comply with subsection (1) is liable to pay to the Immigration Service a penalty of five million cedis and any individual who fails to comply with subsection (1) is liable to pay a penalty of one million cedis.

(3) A body corporate or an individual that fails to pay the prescribed penalty within seven days commits an offence and is liable on summary conviction to a fine of ten million cedis or a term of imprisonment of not less than six months or more than two years or to both.

### **Section 32—Renewal of Quotas and Work Permits.**

(1) A person who has been granted a permit to work in Ghana under section 27 may one month before the expiry of that permit apply to the Committee in the prescribed manner for the renewal of his permit.

(2) An application for renewal shall be treated as if it were a fresh application.

### **Section 33—Employers Guarantee.**

(1) Where an employer furnishes to the Director a letter of guarantee in the prescribed form in respect of the repatriation of a foreign national, the employer:

(a) is liable to pay under the guarantee the repatriation expenses if the foreign national ceases for any reason to be employed by the employer; and

(b) is liable to pay under the guarantee the repatriation expenses of the dependants of the foreign national in the event of the death of the foreign national.

(2) The employer may be released from his guarantee if the Director is satisfied that alternative security for the repatriation of the foreign national and his dependants has been supplied or if the Director is satisfied that the foreign national and his dependants have left Ghana.

### **Section 34—Registration of Foreign Nationals in Ghana.**

(1) Subject to this Act a foreign national who remains in Ghana for a period exceeding three months shall register with the nearest immigration office in a prescribed manner.

(2) A foreign national who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five million cedis or imprisonment for a term not exceeding twelve months or to both.

## **PART III—DEPORTATION**

### **Section 35—Person Liable to Deportation.**

(1) A foreign national is liable to deportation if—

(a) a court recommendation for his deportation is effective under subsection (2) of this section;

(b) he has been found by a court to be destitute or without means of support or to be of unsound mind or mentally handicapped;

(c) he is a prohibited immigrant;

(d) he is in Ghana without a valid permit, or any of the conditions on which his permit was granted has been broken; or

(e) his presence in Ghana is in the opinion of the Minister not conducive to the public good.

(2) A recommendation for deportation is effective if it is made by a court upon conviction for an offence punishable by a term of imprisonment exceeding three months with or without a fine and

(a) on an appeal against the conviction, the appellate court has upheld the recommendation; or

(b) no appeal has been brought within the time allowed for appeal but the recommendation was made by—

(i) the High Court, or

(ii) an inferior court and has been approved by the Chief Justice.

(3) Where a court makes a finding under paragraph (b) of subsection (1), the court shall report the finding in writing to the Minister.

### **Section 36—Deportation Order.**

(1) The Minister may by executive instrument order the deportation of any person liable to deportation.

(2) The order may be made subject to such conditions as the Minister may impose.

(3) A deportation order may include the dependants of the person to be deported if the Minister so directs.

### **Section 37—Effect of Deportation Order.**

(1) A person to be deported shall leave Ghana in accordance with the requirements of the deportation order and shall so long as the deportation order is in force remain out of Ghana.

(2) A person who enters Ghana when a deportation order made against him is in force commits an offence and is liable on summary conviction to a term of imprisonment not exceeding five years and may be deported without any further deportation order being made.

(3) Where a person to be deported is serving a sentence of imprisonment, he shall unless the Minister otherwise directs, complete the sentence.

### **Section 38—Power to Arrest.**

(1) A person, other than a person under a supervision order issued under section 40 of this Act, who is to be deported or who is liable to deportation may be arrested and detained by the Director under the authority of

the Minister until that person is dealt with under subsection (3).

(2) A person to be deported may be conducted in custody to or from any consulate or other place in Ghana if the attendance of that person is required for the purposes of ascertaining his nationality or of making arrangements for his admission to another country.

(3) A person who is to be deported from Ghana may be placed on board a suitable vessel or aircraft by an immigration officer and may be lawfully detained on board the vessel or aircraft, whilst the vessel or aircraft is within the territorial limits of Ghana.

### **Section 39—Power to Record Identification.**

An immigration officer may where a person to be deported is in custody, do all things reasonably necessary for the identification of that person by means of photography, measurement and the taking of fingerprints.

### **Section 40—Supervision Order.**

(1) If, on the expiration of six months from the making of a deportation order, deportation has not been effected, or if, at any time before the expiration of that period, the Minister is satisfied that deportation is for any reason impracticable, or undesirable he may by executive instrument make a further order, to be known as supervision order, with respect to the person to be deported, requiring that person, while in Ghana to observe any conditions specified in the order as to:

- (a) the area in which he is to reside;
- (b) the carrying on by him of political activities;
- (c) reporting to the immigration officer and the police from time to time;
- (d) the means by which he may gain a livelihood; and
- (e) his association with a person with criminal record.

(2) The period of six months in subsection (1) shall in respect of a person serving a term of imprisonment be computed from the end of the term.

(3) A person in respect of whom a supervision order is in force who fails to comply with the requirement of that order, commits an offence and is liable on summary conviction to a fine of not less than five hundred thousand cedis or to imprisonment for a term of not less than two months, or both.

(4) The operation of a deportation order made in respect of any person shall be suspended while a supervision order is in force in relation to that person, but shall revive if the Minister so directs and in that event the supervision order shall cease to have effect.

(5) Subject to subsection (4), a supervision order made in respect of any person shall expire after a period of two years from the date of the order and on the expiration of the supervision order, the deportation order made in respect of that person, shall also expire.

### **Section 41—Expenses of Deportation.**

- (1) The Director may apply any money or property that belongs to a person to be deported in payment of the deportation expenses.
- (2) The person in charge, the owner and the agent of a vessel, aircraft or vehicle from which any person disembarks in Ghana shall be jointly and severally liable to pay the deportation expenses of that person to the Director if that person
  - (a) was a member of a crew of the vessel of aircraft and was left in Ghana in contravention of section 42 of this Act; or
  - (b) is a prohibited immigrant and the Minister has made a deportation order in respect of him, or has been directed to leave Ghana under section 8(4) of this Act.
- (3) A person other than a person to whom subsection (2) applies, who is concerned in or connected with the bringing into Ghana of a prohibited immigrant of the description set out in section 8(1) of this Act shall be liable to pay to the Director the deportation expenses of that person.

## **PART IV—EXEMPTION, DETENTION AND PETITION**

### **Section 42—Exemption of Crew Entering Ghana.**

- (1) The members of the crew of a vessel or aircraft arriving in Ghana from abroad may be permitted to enter Ghana on satisfactory proof of their identity notwithstanding that they may not have passports, visas, or permits.
- (2) No member of the crew of a vessel or aircraft shall be discharged or left behind in Ghana without the consent of an immigration officer.
- (3) This section does not apply to a member of the crew of a vessel or aircraft who is a citizen of Ghana.

### **Section 43—Liability of Master or Other Person For Detention Expenses.**

- (1) Where any person is in immigration custody under this Act, the master, owner, charterer and agent of the vessel or aircraft which brought that person to Ghana shall be jointly and severally liable for all expenses incurred in the detention and maintenance of that person, except that no liability is incurred where any person detained is subsequently permitted to enter Ghana.
- (2) Any expenses to be paid under subsection (1), shall be recoverable as a debt due to the Government of Ghana from the master, owner, charterer and agent of the vessel or aircraft jointly and severally.

### **Section 44—Power to Search Vessel or Aircraft.**

An immigration officer may, for the purpose of satisfying himself whether there is a person he may wish to examine, search any vessel or aircraft and anything on board it or any vehicle taken off a vessel or aircraft.

### **Section 45—Offence in Ghanaian Territorial Zone.**

(1) Where a foreign national is charged with an offence alleged to have been committed aboard a vessel or an aircraft in Ghanaian territorial waters or airspace, the court may—

(a) on convicting the person charged, order that on the expiration of the sentence, or on the sooner readiness of the vessel to proceed to sea or the aircraft to take off, the person be held in custody aboard the vessel or aircraft for conveyance from Ghana; or

(b) on discharging or acquitting the person charged, order that the person be immediately conveyed back to the vessel or aircraft.

#### **Section 46—Submission of Petitions.**

(1) Any person other than a prohibited immigrant aggrieved by a—

(a) refusal to grant or renew a permit under this Act;

(b) revocation of a permit under this Act; or

(c) repatriation ordered by an immigration officer may submit a petition to the Minister within seven days of such action and the Minister shall subject to subsection (3) take such action as he considers appropriate.

(2) Subsection (1) does not apply to a deportation order issued under an executive instrument under the hand of the Minister.

(3) The Minister shall in determining a petition under subsection (1) be assisted by a committee comprising the following persons

(a) a representative of the Attorney-General not below the rank of a Senior State Attorney, who shall be the chairman of the committee;

(b) a representative of the Minister for Foreign Affairs not below the rank of a Director; and

(c) one other person appointed by the Minister who shall not be an officer or employee of the Immigration Service.

#### **Section 47—Petition not to Act as Stay of Action.**

(1) A petition to the Minister under section 46 shall not act as a stay of the action which has been petitioned against.

(2) Notwithstanding subsection (1) of this section Regulations may provide for conditions in which a person may be permitted to stay in Ghana pending the hearing of a petition made by that person.

### **PART V—MISCELLANEOUS PROVISIONS AND OFFENCES**

#### **Section 48—Refugees.**

The Director upon the recommendation of the Refugee Board shall issue any relevant immigrant document

in respect of a refugee in Ghana.

#### **Section 49—Prohibited Areas.**

- (1) The Minister may by legislative instrument declare some areas in Ghana as prohibited to foreign nationals.
- (2) A foreign national shall not enter or remain in areas prohibited to foreigners unless he has a valid prohibited area permit granted by the appropriate authority.
- (3) A permit granted under subsection (2) shall be subject to such conditions as may be specified in the permit and prescribed by Regulations made under section 55 of this Act, and shall be in a prescribed form.
- (4) A person who contravenes subsection (2) commits an offence and is on summary conviction liable to a term of imprisonment of not less than three months or to a fine of not less than five hundred thousand cedis or to both.

#### **Section 50—Returns to the Minister.**

The Director shall submit to the Minister in a prescribed form the statistics of immigrants at the end of December of every year including:

- (a) nationality and personal data;
- (b) economic and social activity undertaken;
- (c) reasons for entering;
- (d) date of entry; and
- (e) type of visa issued.

#### **Section 51—Residual Powers.**

Notwithstanding anything to the contrary in this Act the Minister may revoke or waive any visa, permit, conditions of entry and any requirement on grounds of—

- (a) national interest;
- (b) compassionate circumstances; or
- (c) any other reasonable ground.

#### **Section 52—Offences.**

- (1) A person who—
  - (a) aids or assists any person to enter Ghana in contravention of this Act;

- (b) knowingly harbours any person whom he knows is to be deported or has reasonable grounds to believe has acted in contravention of this Act;
- (c) knowingly permits or assists the escape from any vessel, aircraft or vehicle in Ghana of any person to be deported;
- (d) disobeys or disregards any obligation imposed or directive given by or under this Act;
- (e) knowingly makes or causes to be made any false return, false statement or false representation in connection with any obligation imposed or directive given by or under this Act;
- (f) restricts or obstructs, any immigration officer in the execution of his duty;
- (g) wilfully and without lawful excuse hinders or obstructs any deportation being effected under this Act;
- (h) gives, sells, or lends any registration certificate, card, passport, or permit issued to him under this Act or any other Act in order that it is used by any other person;
- (i) by false declaration obtains or attempts to obtain for himself or any other person any registration certificate, card, passport, permit or visa, or any other certificate;
- (j) without lawful authority uses or has in his possession any forged certificate or card, passport, permit, visa or other document or any passport, registration certificate or card or other document on which any visa, photo or endorsement, has been unlawfully made or altered, commits an offence and is liable on conviction to a fine not exceeding ten million cedis or imprisonment for a term not exceeding two years or to both.

(2) When a master of a sea-going vessel or captain of an aircraft or driver of a vehicle is charged with the offence, the clearance outwards of the vessel or aircraft or vehicle may be refused until the case has been heard and upon conviction the fine imposed has been paid.

### **Section 53—Burden of Proof.**

In any proceedings under this Act or Regulations made under this Act, or on examination by an immigration officer, if the question arises:

- (a) whether any person is in possession of a passport, visa or permit; or
- (b) whether any person is a citizen of Ghana, the burden of proof that that person is in possession of a passport, visa or permit or that he is a citizen of Ghana, lies on that person.

### **Section 54—Carrier Liability.**

Where a master of a vessel or a person in charge of an aircraft, or a vehicle aids, abets or permits any person to disembark from the vessel, aircraft or vehicle or to leave the precincts of the port in contravention of any of the provisions of this Act he is liable to pay to the immigration service a penalty of five million cedis and where he fails to pay the penalty within fourteen days of demand, he commits an offence and is liable on summary conviction to a fine not exceeding ten million cedis or to imprisonment for a term not exceeding two



years or to both.

### **Section 55—Regulations.**

The Minister in consultation with the Immigration Service Board may by legislative instrument—

- (a) provide for passengers in transit to enter Ghana without entry visa;
- (b) amend the Schedule to this Act;
- (c) provide for free movement across the borders of border-residents;
- (d) provide for the conditions for issue of emergency visas;
- (e) provide for conditions and procedures for the issue and renewal of permits under this Act;
- (f) require a person in charge of any vessel, aircraft or vehicle leaving Ghana or entering Ghana to furnish such information as may be prescribed in respect of persons on board who are not citizens of Ghana;
- (g) prescribe for fees to be paid and the forms to be used in respect of any permits and other matters under this Act; and
- (h) generally provide for the effective implementation of the provisions of this Act.

### **Section 56—Interpretation.**

In this Act, unless the context otherwise requires—

“authorised point” means an approved place of entry into Ghana;

“a person of African descent in the Diaspora” means a person whose immediate forebears have resided outside the African Continent for at least three generations but whose origin, either by documentary proof or by ethnic characteristics is African;

“border-resident” means a national of a neighbouring country who ordinarily resides within five kilometres radius of either side of Ghana's territorial frontiers with the Republics of Togo, Burkina Faso and Cote d'Ivoire;

“court” includes a Tribunal;

“dependency permit” means a permit issued by the Minister under Regulations made under section 55 to a dependent;

“dependent” means a child and a spouse;

“deportation expenses” means the amount of all expenses which are incurred in connection with the maintenance and transport and removal from Ghana of a person and his dependants who are deported or

otherwise removed from Ghana under the provisions of this Act;

"Director" means the Director of Immigration;

"foreign national" means any person who is not a citizen of Ghana;

"foreign spouse" means a foreign national married to a Ghanaian citizen;

"immigration officer" means any officer of the Immigration Service assigned to act on behalf of the Director of Immigration;

"Minister" means the Minister responsible for the Interior;

"officer" means an immigration officer;

"passport" means a valid travel document issued to the person producing it by or on behalf of the country of which he is a subject or a citizen for a period which, according to the laws of that country, has not expired and which refers to the person, and is furnished with a photograph of him;

"permit" includes a visa, a certificate or other authorisation;

"person entering Ghana" includes a person who has entered Ghana but has not complied with sections 2 and 4 of this Act;

"person leaving Ghana" includes a person who has left Ghana but has not complied with sections 10 and 12 of this Act;

"person to be deported" means any person in respect of whom a deportation order is made who is not a person in respect of whom a supervision order has effect;

"port" means seaport or airport or airfield;

"prescribed" means prescribed by Regulations made under this Act.

"refugee" means a person who owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or unwilling to avail himself of the protection of that country or who not having a nationality and being outside the country of his former habitual residence is owing to such fear unable or unwilling to return to it, or who owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to seek refuge in another place outside his country; or any person stipulated by the Government to belong to this class;

"repatriation expenses" has the same meaning as deportation expenses;

"Service" means the Immigration Service;

"vessel" means a sea-going vessel;

“visa” includes a re-entry visa.

### **Section 57—Repeals or Savings.**

(1) The following enactment are hereby repealed

Aliens Act 1963 (Act 160);

Aliens (Amendment) Act 1965 (Act 265);

Aliens (Amendment) Decree, 1974, (NRCD 259); and

Aliens Act 1963 (Commencement) Instrument 1963 (L.I. 247).

(2) Any Regulation, permit, visa, deportation order, supervision orders or authorisation issued, made or given under any of the repealed enactments and in force immediately before the coming into force of this Act shall be deemed to have been issued, made or given under the corresponding provisions of this Act and shall remain in force until otherwise dealt with under this Act.

## **SCHEDULE**

### **Section 3**

Approved places of entry into Ghana

#### **BRONG-AHAFO REGION**

Atuna

Dormaa Ahenkro-Gonokrom

Nkrankwanta

Kofibadukrom

Kwamesekrom

Sampa

#### **GREATER ACCRA REGION**

Kotoka International Airport

Tema

#### **NORTHERN REGION**

Bole-Chache

Tatale

#### UPPER EAST REGION

Bawku-Missiga

Kulungugu

Mognori

Namoo

Paga

Pulimankon

#### UPPER WEST REGION

Hamile

Tumu

#### VOLTA REGION

Aflao

Akanu

Baglo

Batume

Have-Avi

Honuta

Kpoglo

Leklebi Dafor

Leklebi Kame

Menuku

Nyive

Shia

Tinjase

Wli Afegame

Yawgu

WESTERN REGION

Ellanda Wharf

Dadieso

Elubo

Half Assini, Newtown

Jaway Wharf

Oseikojokrom

Sewum

Takoradi Harbour

Yaakese

Date of Gazette Notification: 11th February, 2000.

