

ADDITIONAL REQUIREMENTS IN RESPECT OF AUTOMATIC IMMIGRANT QUOTAS - GHANA INVESTMENT PROMOTION CENTRE (GIPC)

SPECIAL POINTS OF INTEREST:

- > Additional Quota Requirements at GIPC
- > Further Requirements at Petroleum Commission
- > The Fight against Ebola
- > GT Legal launches Corporate Immigration Manual

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The Ghana Investment Promotion Centre (GIPC) has issued additional requirements to be complied with, when requesting automatic immigration quotas from the Centre.

What's new!!

With immediate effect; all applications for employment quotas must be reinforced by meeting the following requirements:

- Curriculum vitae of the employee
- Bio-data pages of the passport of the employee

The additional requirements;

- Contract of employment of the employee
- Half-yearly financial and audit report of the employer
- Banker's draft of the relevant fees.

Employers must note that:

- The above requirements are compulsory;
- The banker's draft has to be paid when the request for the quota is submitted; not after the quota has been granted;
- The half-report must be signed accordingly and sent to the Chief Executive

Officer of GIPC, Accra, Ghana.

- The requirements affect only requests for automatic employment quotas from the GIPC.

Our take:

- This is a measure by the GIPC to austere implement and make mandatory the relevant requirements as provided by law. It is worth noting that in the current scheme of things, requests for employment quotas which do not meet the terms of the requirements will not be granted.
- The impact on processing time is not known. GT Legal does not anticipate that the additional requirements will unreasonably elongate current processing times, if they in fact do.
- In accordance with the guidelines provided by the GIPC, we have provided below a suggested layout of the half-yearly report. The content should include but not limited to the following where applicable:
 - ⇒ Date of Registration with GIPC
 - ⇒ Location of the Business (indicate change of business location)
 - ⇒ The ownership structure and directorship (indicate any changes in the shareholding

structure or directorship; are the shareholders the same as the directors?)

- ⇒ The project concept (Object of the business) – brief description of the company's activities
- ⇒ Stated capital
- ⇒ Change in stated capital (New capital) – what is the new capital?
- ⇒ Foreign Loan – Has the company contracted any foreign loan?
- ⇒ Technology transfer – has the company signed any Technology Transfer agreement?
- ⇒ Operations – new projects, new branches, employment level
- ⇒ Challenges – what challenges has the company faced?
- ⇒ Performance – how well has the company performed over the period under review?

Conclusion

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ADDITIONAL REQUIREMENTS TO OBTAIN WORK PERMITS IN THE OIL AND GAS SECTOR (GHANA)

The Petroleum Commission has announced stringent measures as regards application requirements for work permits. This is as part of the Commission's efforts to fully and effectively implement the provisions of the Petroleum Commission (Local Content and Local Participation) Regulations, 2013 (L.I 2204). The LI, among other things, states that Ghanaian must be prioritised in terms of employment and capacity building in the petroleum industry.

What's new!!

Effective 1st September, 2014;

- Employers must notify the Commission of all vacant positions through a dedicated email address.
- It is compulsory to attach proof of advertisement to the work permit applications when submitting them to the Commission. Positions must be advertised in at least two (2) local newspapers including Daily Graphic and Ghanaian Times.
- There must be a Ghanaian who would understudy the expatriate employee; and the

details of such Ghanaian must be attached to the work permit application.

- The application should indicate a comprehensive succession plan in a suggested layout.

Employers;

- must advertise position in at least two (2) local print media which must include the Daily Graphic and the Ghanaian Times.
- must intensify efforts in local market search to recruit Ghanaians to understudy expatriate staff.
- are required to provide a succession plan of training provided to Ghanaians in the industry.
- In the case of renewal applications an updated succession plan would be required

Our take:

It is important to note that the new directions by the Commission are not necessarily new but novel in the sense that they seek to make compulsory, some of the stipulations of the Regulations in their application with

respect to employers in the petroleum industry.

The new measures affect only work permit applications in respect of the petroleum industry.

The impact on processing time is not known. The timeframe for advertisement of a role is not known. Nevertheless, GT Legal does not anticipate that the new measures will unreasonably prolong current processing times, if they indeed do.

Conclusion

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FINANCIAL MARKETS UPDATE

Ghana's cedi could begin a gradual recovery against the dollar in coming months; this is according to some traders who ascribe the expected Eurobond issue and cocoa inflows as the reasons for this speculation.

The local currency plunged about 30 per cent in the first half of the year due to shortage of dollars and concerns over a weak economy. It is refreshing to finally see some light at the end of the tunnel for the cedi.

Finance Minister, Seth Terkper said the government is set to issue a third Eurobond of up to \$1.5 billion and will also sign a syndicated loan of \$ 2 billion for next year's cocoa purchases, noting that the inflows will boost the country's reserves in support of the cedi. The USD/GHS traded at a low of 3.2000 and a high of 3.6500 in the month of July.

The monetary policy committee (MPC) of the Bank of Ghana raised its benchmark interest rates by 100 basis points to 19% on July 9th. With annual inflation hitting 15% in June and the unprecedented depreciation of the cedi, the interest-rate move was of no surprise.



the year are expected to be enough to cover not less than 3 months of imports, up from 2.5 months in June.

Finally, the Finance Minister said the government was seeking Parliament's approval for 3.1 billion cedis (\$935 million) in additional spending for the year to complement the 34.9 billion cedi 2014 budget.

Ghana's cocoa purchases were slightly above target at 866,742 tonnes by close of the main crop season, up 12.5 percent from the previous year, industry regulator Cocobod said in a preliminary tally. Cocoa opened the month of July at USD 3,135 and closed at USD 3,219 with a month high of USD 3,234 and a low of USD 3,057. Gold's choppy performance continued through the month of July, opening at a price of USD 1,326.86 it went as high as USD 1,345.00 and as low as USD 1,280 and closed the month of July at a price of USD 1,282.09. Brent crude oil remained fairly stable throughout the month of July with prices well in the range of USD 110.89 and USD 104.84.

The Central Bank, Bank of Ghana (BoG) reported in July that the banking sector remains sound and continues to expand, evidenced by strong asset growth. Total assets grew by 44.4

Ghana's national statistics office indicated that annual producer price inflation was 33.1 percent year on year in June. The producer price inflation is an advanced indicator of consumer price inflation, which also rose to 15% in June, driven mainly by a persistent depreciation of the cedi. On the subject of key economic indicators, Ghana cut its 2014 economic growth target and forecast a wider budget deficit and higher inflation due to fallen revenues, declining of major exports prices and the slide of the cedi, the finance minister said at the budget review in July.

The highlights were, budget deficit will rise to 8.8 percent from 8.5 percent, economic growth was also revised downwards from 8 percent to 7.1 percent this year. The year-end inflation target which was initially 9.5 percent was also revised upwards to 13 percent plus or minus 2 percent.

Another highlight of the presentation of the supplementary budget by the Finance Minister to parliament was that Ghana's gross international reserves at the end of

percent year-on-year to GHS42.9 billion at end-May 2014, compared with GHS32.1 billion a year ago.

The asset growth was on the back of advances, which accounted for 45.1 per cent and was funded largely by deposits which went up by 32.5 per cent year-on-year. However, the credit conditions survey conducted in June 2014 suggests tightening of credit stance for most loan types including consumer credit, SMEs, large enterprises and short-term loans. The average lending rates of banks rose to 27.9 per cent in May 2014 from 25.6 per cent in December 2013. The average rate on 3-month term deposits remained unchanged at 12.5 per cent.

(Z-Business News, B&FT)

BACK TO BASICS: JUST WHAT IS SECURITISATION? (pt2)

There are four steps in a securitisation: (i) SPV is created to hold title to assets underlying securities; (ii) the originator or holder of assets sells the assets (existing or future) to the SPV; (iii) the SPV, with the help of an investment banker, issues securities which are distributed to investors; and (iv) the SPV pays the originator for the assets with the proceeds from the sale of securities.

The standards of securitisation are:

- Legal true sale of assets to an SPV with narrowly defined purposes and activities
- Issuance of securities by the SPV to the investors collateralised by the underlying assets
- Reliance by the investors on the performance of the assets for repayment – rather than the credit of their Originator (the seller) or the issuer (the SPV)
- Consequent to the above, “Bankruptcy Remote-ness” from the Originator.

Apart from the above, the following additional characteristics are generally noticed:

- administration of the assets, including continuation

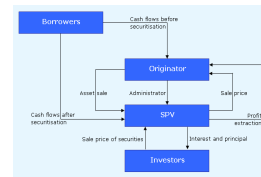
of relationships with obligors

- support for timely interest and principal repayments in the form of suitable credit enhancements
- ancillary facilities to cover interest rate / forex risks, guarantee, etc.
- formal rating from one or more rating agencies

A securitisation transaction generally involves some or all of the following parties: (i) the initial owner of the asset (the originator or sponsor) who has a loan agreement with the borrowers (obligors); (ii) the issuer of debt instruments who also is the SPV. The structure keeps the SPV away from bankruptcy of the originator, technically called ‘bankruptcy remote’; (iii) the investment bankers who assist in structuring the transaction and who underwrite or place the securities for a fee; (iv) the rating agencies, who assess credit quality of certain types of instruments and assign a credit rating; (v) the credit enhancer, possibly a bank, surety company, or insurer, who provides credit support through a

letter of credit, guarantee, or other assurance; (vi) the servicer, usually the originator, who collects payments due on the underlying assets and, after retaining a servicing fee, pays them over to the security holders; (vii) the trustee, who deals with issuer, credit enhancer and servicer on behalf of the security holders; (viii) the legal counsel, who participates in the structuring of the transaction; and (ix) the swap counterparty who provides interest rate / currency swap, if needed.

Securitisation approach



THE CORPORATE IMMIGRATION REVIEW-GHANA SERIES 2: BY MR PAA KWESI HAGAN [Chapter 14, The Corporate Immigration Review 4th Edition (Law Business Research Ltd)]

IMMIGRATION FRAMEWORK— Continued.

i. Legislation and policy

Currently, Ghana does not have a comprehensive policy framework to facilitate the management of migration. However there are some existing policies that are geared towards attracting foreign investment, human resources and the transfer of technology to facilitate socio-economic development and also to prevent transnational crime, illegal immigration, economic exploitation and corruption. The primary legislation governing immigration in Ghana is the Immigration Act, 2000 (Act 573) and the Immigration Regulations, 2001 (LI 1691). This serves as the primary source for all immigration services provided in Ghana. The Ghana Immigration Service is the frontline agency responsible for the entry, residence and employment of foreign nationals in Ghana in accordance with the provision of the Immigration Act, 2000 (Act 573). Other pieces of legislation with a bearing on migration issues include: a. the Ghana Investment Promotion Centre Act, 2013 (Act 865) (the GIPC Act); and

b. the Free Zone Act, 1995 (Act 504).

There are two main types of work permit issued by the Ghana Immigration Service: temporary and long-term work permits. The former is valid for six months and the latter is usually valid for a year. Temporary permits are non-renewable while the long-term work permits may be re-

newed upon an application to the Director of Immigration.

The GIPC Act guarantees issuance of automatic immigrant quotas to companies with foreign participation operating in Ghana. These quotas are issued based on the company’s level of investment or foreign paid-up capital. Irrespective of the abovementioned immigrant quotas, the Ghana Immigration Service may refuse to grant a visa to an expatriate to whom a quota relates; where GIS has sufficient reason to believe that the expatriate is not a desirable person and should not be permitted to enter the country.

ii. The immigration authorities

The main agency responsible for immigration is the Ghana Immigration Service, which falls within the remit of the Ministry of the Interior.

The Ghana Immigration Service is tasked with performing the core immigration function of monitoring movement in and out of the country, regulating the activities of foreigners, issuance of permit and visas, and monitoring and investigating breaches of the immigration laws and regulations. It is further tasked with ensuring compliance with the provisions of the GIPC, social security and income tax laws, issuance of permanent residence status and indefinite stay status to deserving applicants, detention, removals, passport processing, collaboration with other agencies, refugees and asylum assistance and border patrol.

The Ministry of the Interior on the other hand is mandated to ensure internal security, prevent and manage

internal conflicts and disputes, manage crime prevention and prosecution of offenders, rehabilitation and reform of prisoners, protection of the country’s frontiers, immigration control and monitoring of the activities of illegal immigrants, the repatriation and deportation of illegal aliens and the extradition of fugitive criminals.

iii. Exemptions and favoured industries

ECOWAS exemptions:

Citizens of ECOWAS are offered preferential treatment such as the right to enter Ghana, reside and establish a business during a stay of not more than 90 days. However, citizens must be in possession of a valid travel document and an international health certificate.

GIPC Exemptions

The GIPC encourages foreign investments in a number of sectors. These include agriculture and agro-processing, information and communications technology, infrastructure, energy and health care and food processing. Incentives and benefits are provided to these sectors including customs duty exemptions on equipment imported for investment purposes; general free transferability of capital, profits and dividends; insurance against non-commercial risks; double taxation agreements to rationalise the tax obligations of investors to prevent double taxation; as well as automatic immigrant quotas.



The Corporate Immigration Review, 4th Edition.

THE FIGHT AGAINST EBOLA

Despite a three-month freeze on all international conferences in Ghana, an emergency meeting of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) is likely to be held in Accra. The meeting will be held if it is considered necessary and will follow the meeting of the sub-region's health ministers. The Executive Director of the Joint United Nations Programme on HIV and AIDS (UNAIDS), Michel Sidibe was in Ghana to inspect work done so far on setting up a production hub of anti-retroviral drugs in Ghana.

A meeting of the West African Health Organisation held Tuesday, 26th August over the deadly Ebola virus which preceded the meeting of the sub-region health ministers on 28th August, had in attendance officers of the World Health Organisation (WHO) and the Centre for Disease Control. Then, if it is deemed important, ECOWAS will hold another emergency meeting of the heads of state to agree on the measures that must be taken going forward in order to eliminate Ebola. The current outbreak of the virus is


All you need to know about Ebola

Ebola Facts

Ebola is a very scary disease.
It kills most of the time and has no cure.

The good news is that you don't have to get it.
Here's what you need to know.

Get Started



What's Ebola?

<h3 style="color: #90ee90;">It's Bloody</h3>  <p style="color: white; font-size: small;">Ebola is what scientists call a haemorrhagic fever - it operates by making its victims bleed from almost anywhere on their body. Usually, victims bleed to death from Ebola.</p>	<h3 style="color: #90ee90;">It's Contagious</h3>  <p style="color: white; font-size: small;">Ebola is highly contagious, being transmitted via contact with body fluids such as blood, saliva, semen or body discharges. <b style="color: #90ee90;">Ebola is NOT AIRBORNE!</p>	<h3 style="color: #90ee90;">Really Deadly</h3>  <p style="color: white; font-size: small;">About 90% of people that catch Ebola will die from it. It's one of the deadliest diseases in the world, killing in a few weeks.</p>	<h3 style="color: #90ee90;">Untreatable</h3>  <p style="color: white; font-size: small;">This is the sad part - Ebola has no known treatment or cure. Victims are usually treated for symptoms with the faint hope that they recover.</p>
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How Do I Know Someone has Ebola?

The symptoms generally take **2 - 21 days** to become apparent.
The symptoms are deceptively general - tending to look a lot like malaria or a flu.
One more thing, people aren't contagious until they display symptoms.



Fever



Headache



Diarrhoea



Vomiting



Weakness



Joint & Muscle Ache



Stomach Pain



Lack of Appetite

Protect Yourself

There are a few things to protect yourself and your family.
Don't mess around with this advice, remember, Ebola has no cure!



Wash Your Hands with Soap
Do this a lot. You can also use a good hand sanitizer. Avoid unnecessary contact!



No Bush Meat & Suya
Bush meat may be carrying the virus. Also avoid suya. Better to restrict yourself to food you prepared yourself.



Disinfect Your Surroundings
The virus cannot survive disinfectants, heat, direct sunlight, detergents and soaps. Clean up!



Fumigate if you Have Pests
Fumigate your environment & dispose of the carcasses properly! Better a clean environment for you!



Don't Touch Carcasses
Dead bodies can still transmit Ebola. Don't touch them without protective gear or avoid them altogether.



Protect Yourself
Use protective gear if you must care or go near someone you suspect has Ebola.



Report
Report any suspicious symptoms in yourself or anyone else **IMMEDIATELY** you notice them. Don't delay!!



Educate Everyone
Tell your neighbours, colleagues and domestic staff. You're safer when everyone is educated about Ebola.

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client is our boss, quality is
our work and value for money
is our goal**

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We act and advise across the broad spectrum of corporate work including public takeovers, private mergers and acquisitions, complex joint ventures, disposals and corporate restructurings, as well as general corporate, commercial, antitrust and corporate governance issues.

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CORPORATE IMMIGRATION MANUAL— BY PAA KWESI HAGAN & GT LEGAL

**Immigration &
Legal Services in
Ghana**

2014 Edition

We are delighted to launch the Corporate Immigration Manual authored by Paa Kwesi Hagan, Managing Partner of Globetrotters Legal. You can find a copy to read on our website (www.globetrotterslegal.com >> **News >>Publication tab**). Corporate immigration has become more important than ever considering that Ghana is moving into a middle income status. The Manual seeks to provide overview of the regulatory regime governing corporate immigration in Ghana, and guidance to current practice.

About the Author:

Mr Paa Kwesi Hagan is a solicitor, immigration and corporate expert, and head of Globetrotters Legal who specialises in providing immigration solutions for global corporations operating in Ghana. Paa Kwesi has a wealth of experience in advising clients on Ghanaian

immigration and compliance matters and also in liaising with regulatory bodies in Ghana. He has advised several high-net-worth companies and multinationals on immigration, compliance and corporate issues.

He has also performed immigration audits for key companies in Ghana. In addition, he has represented clients at immigration hearings before regulatory bodies and continually engages positively with government institutions to influence immigration policy.

Paa Kwesi has been recognised in Who's Who Legal: Ghana 2014 as one of the leading experts in the field of labour and employment law. That apart,

he has also been acknowledged in The International Who's Who of Corporate Immigration Lawyers 2014 as a leading expert in corporate immigration globally and the foremost expert in corporate immigration in Ghana. He has also authored the corporate immigration review chapter on Ghana, being his contribution to the 'The Corporate Immigration Review 4th Edition' by the Law Business Research.

Paa Kwesi is a member of the Ghana Bar Association and is admitted as a barrister and solicitor of the Supreme Court of Ghana. He was educated at the Faculty of Law of the University of Ghana. He is also a member of the International Bar Association (IBA) and an International Associate of the American Immigration Lawyers Association (AILA).



Mr. Paa Kwesi Hagan