

**THE EFFECTS OF GHANA'S IMMIGRATION
ACT 573 ON THE EMPLOYMENT AND
RESIDENCE OF FOREIGN PERSONNEL**

BY

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**THIS DISSERTATION IS SUBMITTED TO THE UNIVERSITY
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DECLARATION

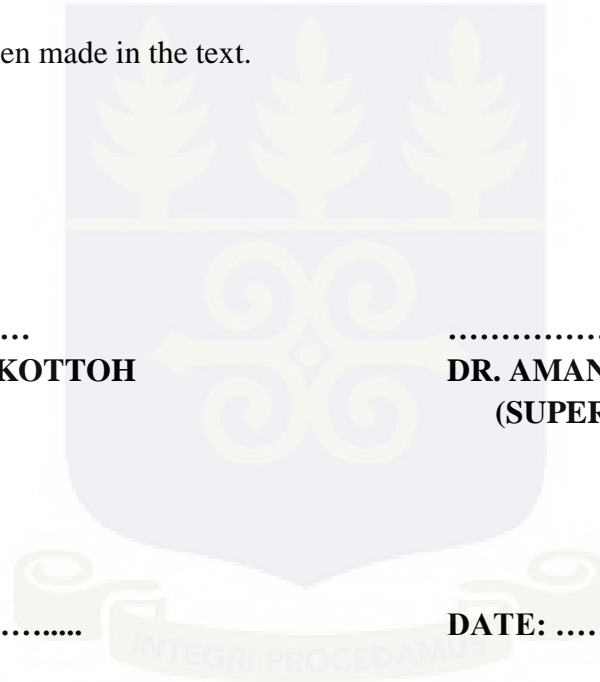
I, EVELYN DANQUAH KOTTOH, do hereby declare that this dissertation is the end product of my own research under the supervision of Dr. Amanda Coffie of the Legon Centre for International Affairs and Diplomacy (LECIAD), University of Ghana towards the award of a Master of Arts (MA) in International Affairs and that, to the best of my knowledge, it neither contains materials previously published by another person nor materials which have been accepted for the award of any other degree by this or any other university except where due acknowledgement has been made in the text.

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DEDICATION

I dedicate this work to the Almighty God and my family for their immense contribution, sacrifice and prayers in seeing to it that, this work becomes a reality and a success.



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My greatest and profound gratitude goes to the Almighty God for granting me the enablement, grace and favour to carry out this study successfully and in a grand style, may His name be praised.

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To all my colleagues and friends of LECIAD 2016/2017, I am very happy to have been part of this great family, God's favour, blessings and grace to you all.



ACRONYMS AND ABBREVIATIONS

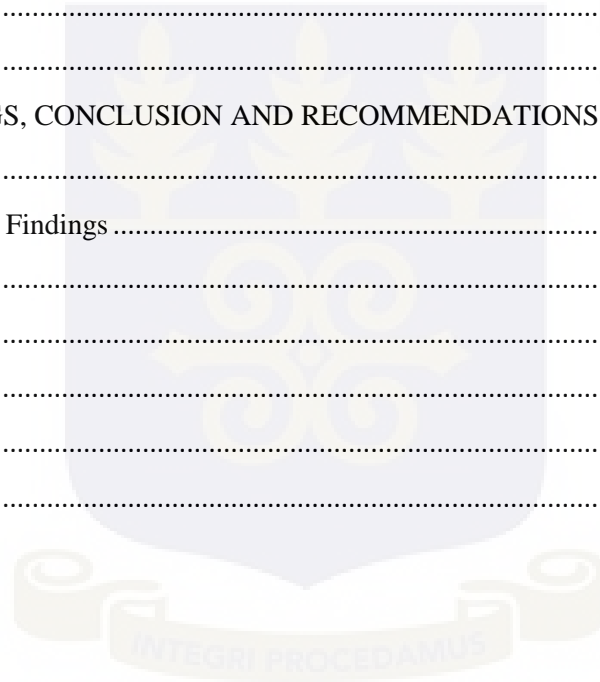
ANC	-African National Congress
BOST	- Bulk Oil Storage and Transportation
ECOWARN	- ECOWAS Early Warning and Response Network
EEC	- European Economic Community
ECOWAS	- Economic Community of West African State
GCCI	-Ghana Chamber of Commerce and Industry
GDP	- Gross Domestic Product
GIPC	- Ghana Investment Promotion Council
LI	- Legislative Instrument
MODEC	-Mitsui Ocean Development and Engineering Company
NGOs	- Non-Governmental Organizations
OAU	- Organization of African Unity
SANSA	- South African Network of Skills Abroad
UK	- United Kingdom
UN	- United Nations
WAMI	- West African Monetary Institute
UEMOA	- UEMOA

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ABSTRACT

Transnationalism had made it imperative and possible for the transfer of social, political and economic processes by people across borders. However, the extent to which foreigners are transnationalized in a country largely depend on the immigration policies and laws existing in the recipient country. Ghana since independence had had immigration policies which had regulated international migrations to the country. The adoption of the Ghana Immigration Act 2000 (Act 573) has influenced the extent to which foreign nationals can stay or reside in Ghana and work, especially with regards to employment in the oil industry. Therefore, this study focuses on analyzing the effects of Ghana's Immigration 2000 (Act 573) on the residence and employment of foreign personnel in the oil industry. The utilized the Transnationalism as the main theory for its analysis. The study is purely qualitative and relies primarily on literature review and interviews for data collection and analyses. Findings from the study reveals that the implementation of the Ghana Immigration Act 2000 (Act 573) has both positive and negative effects on the employment of foreign nationals in the oil industry. In terms of positive effect, the Act facilitates improvement in residence and work permits for expatriates through Quota System, to attract investors into the oil industry whilst the negative effect was revealed in how securing and sometimes renewal of work permits for foreign nationals take too much time. The study also reveals that the Ghana Immigration Service faces some challenges in the effective implementation of immigration policies with particular refence to of the Ghana Immigration Act 2000 (Act 573). Paramount among these challenges include conflict between the implementation of ACT 573 and the ECOWAS Protocol on Free Movement of Person, Goods & Services, ignorance of Act 573 and insufficient Logistics and financial constraints of the GIS. Following from the findings, the study concludes that, the implementation of the Ghana Immigration Act 2000 (Act 573) has significant effect on the residence and employment and of foreign nationals in the oil industry in Ghana. Towards this end, the study recommends that training of officers of the GIS is imperative if the right performance and productivity is envisioned. There should be a standard of training for officials at each level to ensure that officers become well engrossed with the knowledge in dealing with each legality and each situation. The GIS should have officials in all the districts in the country to enhance proper monitoring of foreign nationals who carryout economic activities.

CHAPTER ONE INTRODUCTION

1.1 Background to Study

Migration as a global phenomenon arose when people saw the need to make discoveries of other countries and interact with its citizens to achieve a given purpose such as entry or exit or to work and reside in the home country.¹ As a result of growing and intense economic, political and socio-cultural interdependence among state and non-state actors, mass intra and inter-border and continental movements of people have been on the rise.² It is believed that even the slave trade and other forms of colonization emerged because people migrated to other countries to discover what they considered as opportunities which included the free trade in goods and services.³ Migration takes place in every continent and in every country irrespective of the economic situation in the various countries. According to estimates from UN 2015 report, during 2013, United States and Germany had the most significant number of immigrants in the world, and Tuvalu and Tokelau had the lowest.⁴ In West Africa, migration has become a normal routine where people cross borders to nearby countries to seek for better job opportunities or to seek asylum from political instability. In some cases, migrants prefer to use illegal means and through unapproved routes to get to the home nation either through dessert as the case of migrants travelling through the Sahara Desert to Lybia.⁵ Using unapproved routes poses threats to the lives of the migrants as they usually face various complications including a shortage of food and water and even bad exposure to bad weather conditions leading to various forms of disease with most of the cases resulting in death. The same situation happens to migrants using the sea as a

transit route to various parts of the world of which the world loses lots of life through illegal migration.

The concept of migration has evolved as migrants achieve various purposes which may or may not be favourable to the home country. Migration has been recognized worldwide for its ability to spread knowledge, ideas and skills.⁶ However, it has been perceived as a global problem of which migrants are considered as potential terrorists creating security threats, unemployment problems and being the contributor to violence in some countries.⁷ The GCCI of United Nations declares that some countries hosting migrants have become fearful of the presence of migrants believing that people with different cultural background especially the extremists could cause problems.⁸ In Ghana, Migration has much influence in vital sectors of the economy with high potential for generating income and increasing our GDP through Foreign Direct Investment, trade, and tourism. Nonetheless, this benefit of migration has always come with challenges. For example, cyber fraud, illegal mining, retail and unemployment many other social vices.⁹

Given these challenges associated with migration, most countries in the world are pursuing strict immigration policies that aim at restricting migrant entry into their countries. These immigration policies are not limited to the advanced countries as a United Nations report on migration listed 44 countries including 30 from developing countries as states which have increased their border restrictions as part of renewed immigration policies.

In the case of Ghana, there was a need to strengthen our immigration policies and regulations to reduce the challenges associated with immigration. Therefore, the 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) were repealed with Immigration Act 2000 (Act 573)¹⁰. The new Act provides avenues for registration of foreign nationals to

regulate their employment activities and residency in the country. It provides guidelines for both employers and foreign nationals (employees) and serves as Ghana's policy framework on Immigration and work-related activities of immigrants. The Act requires that an immigrant who has the intention of working in Ghana will enter the country before his/her employer requests for a work permit on his/her behalf. In recent years Ghana has experienced a flow of return migrants as the economic situation continues to improve.¹¹ Most countries in the world experience immigration and emigration in varying proportions such that they are classified based on the proportion of those entering or leaving the country.¹²

1.2 Statement of Research Problem

Migration as a global phenomenon is supposed to be a smooth movement of people from one state to the other to achieve the desired purpose without causing a negative impact in the resident country. Nonetheless, the situation of illegal migration creates several challenges which include but not limited to the spread of diseases, terrorism, joblessness, and other security risks.¹³ Most countries all over the world including Ghana, in one way or the other, have to suffer from migrants using unapproved routes. Also, Chinese and other some European migrants in Ghana were arrested for engaging in illegal mining popularly known in as 'galamsey'. Given these challenges, some Ghanaians complain bitterly about how migrants can disobey the laws of the nation and creating disorder. Some people believe that the overwhelming increase in unemployment in Ghana traces its source from migration. They believe that the fact that migrants can engage in petit trades create competition for citizens putting some people into a jobless situation. It has been argued that such problems relating to migration is due to little or poor enforcement of immigration laws by respective officials. Others believe that the poor enforcement is because some officials are corrupt and so do not apply the regulations as

supposed to be. Nonetheless, having good migration laws with adequate enforcement could help in removing all the barriers to migration and help increase the benefits of migration in Ghana.

To tackle the challenges of international migration to Ghana as identified above, there have been enactment and enforcement of Immigrations Laws in the country since independence. These include the Aliens' Act, 1963 (Act 1960), the Ghanaian Business Promotion Act, 1970, the Investment Act of 1994 and the Free Zone Act of 1995. These laws sought to prevent transnational crimes in Ghana as well as fast-track economic development in the country. However, contemporary problems of migration have outlived these laws have and as such the laws do not also address emerging issues in international migration. As a result, Ghana in an attempt to take a new direction in addressing its development and security issues due to international migration implemented the Immigration Act Law, 2000 (Acts 573). This Act sought to address the developments of new challenges and management of migration in contemporary and introduced regulations to govern the hiring and maintenance of foreign nationals in the Ghanaian economy.

1.3 Research Questions

1. What are the laws regulating the hiring and maintenance of foreign nationals in Ghana?
2. To what extent does Act 573 facilitate or constrain hiring and maintenance of foreign nationals to work in Ghana?
3. What are the challenges faced by the Ghana Immigration Service in enforcing Act 573 with respect to hiring and maintaining of foreign nationals in Ghana?

1.4 Objectives

The study seeks to examine the following objectives:

1. To identify the laws regulating the hiring and maintenance of foreign nationals in Ghana.
2. To assess the section of Act 573 that facilitates or constrains the hiring and maintenance of foreign nationals to work in Ghana.
3. To examine the challenges faced by the Ghana Immigration Service in enforcing Act 573 concerning hiring and maintaining of foreign nationals in Ghana.

1.5 Scope of the Study

Notwithstanding several immigration laws and policies which have enacted and enforced in Ghana since independence, this particular study focused primarily on the effects of Ghana's immigration Act 573 on the employment and residence of foreign personnel. Greater emphasis will be placed on examining the section of Act 573 that facilitates or constrains the hiring and maintenance of foreign nationals to work in Ghana, with special attention to some oil companies in the country.

1.6 Rationale of Study

The current challenges of immigration have a rippling effect on the world at large and the citizens of Ghana as it affects security and safety, employment, expenditure and other macroeconomic variables. It is, therefore, necessary for stakeholders of the economy including government, public and private organisations, NGOs and other international bodies to pay special attention to policies that regulate immigration. These policies can only work efficiently when there is adequate knowledge and information to guide policymakers. Conducting studies of

this kind, therefore, helps to inform and draw the attention of policymakers on the need to address all immigration challenges as well as to give recommendations on how such cases could be handled. In addition, the current study will lay a path to other researchers who wish to develop the topic further. It will also serve as a source of knowledge and reference material to students and anyone who wants to know more about immigration in Ghana.

The study seeks to look critically at the oil industry since the Ghanaian government has changed entry requirements for foreign nationals seeking authorization to work in the industry and has introduced new recruitment requirements for employers in the industry¹⁴. In this regard, the study will help provide information on employers' and staffs' perception and their knowledge level about the new policies. This can guide the government in future decisions to maintain or amend the new recruitment policies.

The benefit of this study is also to contribute to knowledge in the fields of International Migration and International Relations by analyzing the laws regulating the hiring and maintenance of foreign nationals in Ghana, with special reference to Act (573). In this vein, it seeks to make recommendations which policymakers, students, states, integration blocs and international organizations could rely on for future researchers on the topic to make interventions in case of future immigration challenges in the country and elsewhere.

1.7 Hypothesis

The Ghana Immigration Act has significantly improved the employment and residency of foreign nationals in Ghana, especially in the oil industry.

1.8 Theoretical Framework: Transnationalism

So many theories and concepts have been developed to explain why migration takes place. These theories argue from various dimensions as proponents believe that several factors inspire people to migrate. Even though such theories face several criticisms, their relevance cannot be underestimated. However, this study utilizes the transnational migration theory which has received much acceptance among the contemporary theories.

Transnationalism is a theory that explains the interconnectivity between people and places across boundaries for social and economic relevance.¹⁵ Transnationalism involves the spread and extension of economic, social and political processes in between and beyond the sovereign jurisdictional boundaries of nation-states across boundaries. In other words, it involves increasing functional integration across boundaries. Contemporary international relations and activities in the international systems are increasingly influenced and governed by non-state actors (i.e. individuals and international organisations). Transnationalism as an economic process involves the global reorganisation of the production process, in which various stages of the production process can occur in various countries, typically with the aim of minimising costs. This concept of transnationalism is commonly referred to as globalisation. It was spurred in the latter half of the 20th century by the development of the internet and wireless communication as well as the reduction in global transportation costs.¹⁶ Transnationalism is considered as capitalist approach, and its proponents believe that it seeks to facilitate the flow of people, ideas, and goods among different regions which is considered as migration. It is argued that it has increasing relevance with the rapid growth of capitalist globalisation.

Many consider the rise of new economics and livelihood as a coincidence with the third trend in migration studies, that is, the “transnational turn” in the study of the settlement and integration of

migrant communities in receiving countries.¹⁷ Due to transnationalism, there has been increasing possibilities for migrants and their families to live transnationally and to adopt transnational identities.¹⁸ Transnational turn in the study of migrant communities shows that there is the need to see international migration as an integral part of transnational livelihood strategies pursued by households and other social groups. Return visits and return migration, remittances, transnational business activities as well as investments and civil society involvement in origin countries are all expressions of the transnational character of migrants' life.

The theory of Transnationalism in migration is not one without criticisms. The theory has been criticised on the grounds that its unit of analysis has focused essentially on individual and their support networks and ignored the role of communities and governments as instigating or causal factors for the diffusion of economic, social and political processes across boundaries.¹⁹ This means that the theory makes an individual level analysis of globalisation at the expense of state influence in facilitating the phenomena. From this perspective, the theory emphasises how migration by individuals results in the transfer of social, economic and political processes, without taking into account how the state can also induce such processes or how the states inhibit or encourages migrations by individuals who intend to ensure the transfer of social, economic and political processes. However, there are other theories of migration which has focused on conditions pertaining to a state to instigate migration rather than individuals to ensure transfer of social, political, cultural and economic processes across boundaries. Paramount among these theories include the Push-Pull model,

The Push-Pull model of migration of migration argues that people migrate to achieve various reasons which fall under four areas namely; environmental, economic, cultural and socio-

political. A proponent of this theory argues that each of such reasons is triggered by a push or a pull factor. Any of such factors that force the individual to move voluntarily is considered as a push factor.²⁰ However, push factors may include conflict, drought, famine or extreme religious activity.²¹ Several other factors including race and discrimination, political intolerance, poor living standard and economic situations could push a person to move to other countries.

The human capital theory of migration is based on the concept of labour-flow model, which posits that migration is a response to spatial differences in the returns to labour supply. The model implies that the main reason why people migrate is to maximise utility by choosing the location which offers the highest net income.²² Hence, users of the model implicitly assume that utility maximisation is achieved through the maximisation of income.

Most of these studies also focus on the successes and failures of migrants to their places of origin. Success is measured or analysed regarding those who thrive or achieve progress in their destinations and therefore decide to return to their place of origin to help develop the region or to come and settle permanently. Failure, on the other hand, is analysed about migrants who could not make significant achievements or progress in their destinations, and are therefore forced to return to their origin or rejected and sacked by dwellers of the destinations.²³

About the above, another approach for analysing migration focuses on the impacts migrants create at their destination. It mostly analysed or examined that success migrants create significant or positive impacts while failure migrants create insignificant or no or negative impacts at the place of destination.²⁴ In studies analysing migration, it is mostly deduced that migrants may or may not contribute significantly to the development. This is evident in their ability to contribute

strong capital base and expert knowledge and skills including modern technology and innovation, which most often engineer transformation and progress when fully utilised.²⁵

Notwithstanding the above criticisms levelled against the theory, it is very useful for explaining the topic under study. Transnationalism has significant implications for the way we conceptualise immigration. Traditionally, immigration was perceived as a process engendered by the overpopulation or poverty levels in a country without taking into cognisance the economic needs and foreign policy direction or focus of a receiving country. Even though overpopulation and poverty continue to mount pressures to instigate international migrations, in the contemporary international system, governments' foreign policies, as well as the economic demands of a country, have instigated and facilitated sizeable international migration flows as compared to population and poverty crisis.

More so, most people who migrate from the Global South to the Global North in the contemporary international system are not the poorest of the poor in the south but usually professional and wealthy people who go and search for greener pastures. Furthermore, most people also move to the global south to come and invest in the region. Also, there are countries with high levels of job creation that continue to witness emigration on a large scale. Also, regional, continental and international bodies have frameworks and policies that have to encourage cross-national migration rather than endogenic factors in a country. The global political economy has also favoured international migration regarding regions and countries where people receive higher wages and salaries and better standards of living as compared to other regions and countries where these are lagging. All these factors show that the nature of immigration to a region or a country is not only or always dependent of the endogenous factors of the region of

origins such as population and poverty, but also policies and laws as it pertains to the destination. It is in this vein that this study will utilise the theory of transnationalism to examine how the Ghana Immigration Law 2000 (Act 573) facilitates or constrains migration to Ghana, with regards to the hiring and maintenance of foreign nationals to work in Ghana.

In addition, though several criticisms have been raised against the theory of Transnationalism, it plays an important role in achieving the study objective because policymakers look beyond national borders in policy implementation. Also, the impact of national policies affects migrants and other countries whether directly or indirectly. The theories further give an insight into how other countries have implemented and succeeded in migration policies. This serves as a guide to recommend feasible policies in the case of Ghana.

1.9 Literature Review

Some scholarly works have been done in recent times on the topic under study. However, most of these works have ignored the influence or effect of a state's immigration policies or laws in facilitating or constraining migration to that country. It is in this vein that some of these works will be reviewed to indicate how they contribute significantly to the topic under study, and also identify research gaps which this study attempts to fill.

Kabwe-Segatti in his work, "Migration in post-apartheid South Africa: Challenges and questions to policymakers," asserts that the role of international migration in development is often regarded within a narrow context debating on the potential of migration for development in both host and country of origin. Post-apartheid immigration issues were analyzed in terms including risk factors push and pull systems as well migrant floods. However, it takes more than the above to

understand the immigration situation as of now. South African institutions being able to reform and manage increasing flows of migration is a different but important dimension.²⁶

Kabwe-segatti asserts that the restriction placed on permanent residence led to an explosion in temporary entries from about 400000 a year in 1988 to almost 700000 in 1992.²⁷ This she says benefitted immigrants the more. Also in the 1990's an increasing number of white collars and professionals from Africa and Asia and due to the exorbitant fees charged for residence permits were unable to access the permanent residence status, they took on jobs abandoned by the white majority in a way that their work permits could allow. She noted differences that have taken place since 1994 in immigration policy-making. The most important of them all is the transformation of immigration into an issue relating to the public. In conclusion, Kabwe-Segatti asserts that the major hindrances to a modern South African immigration policy lie in transforming the ANC's vision of what role migration should play in the country's development.²⁸

According to Ratha, Mohapatra and Silwa in their book, Outlook for Remittance Flow, explain that migration broadly means the voluntary or involuntary permanent or semi-permanent change of geographical location, which could be internal or external over a period of time, usually one year. They established that remittances have become one of the major sources of financing in developing countries, and remittance are usually generated through international migration. They estimated that migrants from developing countries sent over \$315 billion to their origin countries in 2009, three times the size of official development assistance.²⁹ They indicate how evidence

from Latin America, Africa, South Asia and other regions suggests that remittances from migrant indirectly stimulate economic activity in origin regions.³⁰

For instance, the dramatic increase in remittances was responsible for one third to one half of the overall reduction in headcount poverty rate in Nepal from 42 percent in 1995-96 to 31 percent in 2003-04.³¹ Remittances have been found to have an income stabilizing effect at both the macroeconomic level.³² According Ratha, Mohapatra and Silwa, international migration induces the transfer of economic processes across borders when immigrants gain good employment opportunities at the destination. Consequently, this employed foreign nationals or immigrants at the destination stimulate the flow of remittances across borders.

Thomas Antwi Boasiako in his work, "Understanding migration motivations in West Africa: the case of Nigerians in Ghana", explains that contemporary studies on international migration has mostly focused on intra-continental migration, especially from other continents to Europe.³³ Antwi Boasiako, however, explains that enough scholarly evidence abound to explain intra-Africa migration. He points out that motivation for such intra-Africa migration is often analyzed by the push-pull economic model. However, Antwi Boasiako's study in analyzing the motives behind Nigerians migration to Ghana presents pull factors which do not follow the conventional push-pull model or approach. Rather findings from his study suggest that the presence of Nigerians in Ghana is motivated by multiple factors which are historical, political, cultural and economically induced. Towards this end, Antwi Boasiako argues that Nigerians migration to Ghana is not going to reduce or subside in the near future.³⁴ He however suggests that, Ghana's immigration policies towards the increasing influx of Nigerians to the country should not be

directed towards driving Nigerians out or preventing them from entering Ghana, but should rather be oriented towards ensuring mutual benefits for both Ghana and Nigeria. This is because any strict immigration policies to drive out Nigerians or prevent them from entering Ghana may have dire consequences in the bilateral relations between the two states and the general economic development and security of the West African sub-region.

Adetula in his work “West African labour migrants and national security in Nigeria” analyzes the role of immigration policies in influencing the rate of immigration and the extent to which foreign nationals could reside and be employed in a state, from the Nigerian perspective.³⁵ Adetula points out that there was a great decline in the reception of immigrants or African foreign national in many West Africa countries in the 1980s due to the great economic recession. Most immigrants who migrated to other West African countries during this period were from the Sahelian region with poor infrastructure, high poverty levels and illiteracy rates, as well as low levels of industrial and economic production.³⁶ Nigeria and Cameroon were the main receiving states of immigrants at the time.

As a result, Nigeria adopted the Immigration Act of 1963 and the Nigerian Enterprises Promotion Decree of 1972 To expel an estimated 1.3 million immigrants in 1983, including 700,000 Ghanaians, and also prevent further immigration by other Foreign African nationals into the country.³⁷ This was because there was too much pressure on the economy of Nigeria as a result of majority of the aliens were being in the private sector which deprived the nationals of employment avenues. It is in this vein that the Nigerian government adopted the Immigration Act of 1963 and the Nigerian Enterprises Promotion Decree of 1972 anti-immigration measures

to control the influx of immigrants to Nigeria, since “the vast majority were in violation of section 8 (1) of the 1963 Immigration Act which prohibits private sector employment of non-Nigerians unless with the written consent of the director of immigration.”³⁸ Adetula therefore concludes that to enhance better understanding of immigration policies in West Africa, it would be expedient to analyze the policies on both source and destination countries.³⁹

Not much work has been done on Ghana’s Immigration laws and regulations relating to the employment of foreign nationals. Although quite a number of literature exists for other parts of the world, there seems to be a deficit in the case of Ghanaian Immigration laws. In “Migration in West Africa,” Aderanti Adepoju gave an overview of key immigration trends in West Africa. He states that West Africa has experienced a variety of migrations with Ivory Coast and Ghana being the traditional countries of immigration.⁴⁰ On policy responses to observed migration configuration, the attainment of independence between the late 1950’s and early 1960’s led to the new governments’ anxiety to mark their own territories as sovereign states and hence the enactment of immigration laws and regulations to govern conditions of entry, residence and employment of non-nationals, with the aim of reducing the flow of immigrants and limit entry to authorized immigrants upon admittance based on their special skill.⁴¹ The prominent regulations including the Immigration Act (1963), Immigration (Amendment) Act (1973) and Immigration Manuals and Regulations (1972) in such enforcements.

The Immigrant Quota System in Nigeria and the issue of work permits in Sierra Leone elaborate mechanisms of visa and passport regulations, customs controls and the need for foreign nationals to obtain work permit brought in a period of restrictions on intra-regional free movement of persons across West Africa.⁴² These regulations are aimed at reserving available employment

opportunities for nationals. The most obvious policy responses to undocumented immigration include regulations governing the issue of passport and visa, laws requiring foreign workers to obtain authorization for work permits and later residence permits.

Adepoju calls on policy makers to appreciate the fact that human mobility is a desired component of the development process and that many countries were built with migrant labour. Hence migration must be made to work for migrants, origins and destination countries including societies and families⁴³. He further put forward that there is an absence of migration policy but legislations and stated challenges including policy deficit, inadequate institutional capacity for effective management of immigration, absence of reliable data to guide policy formulation for effective management and limited coordination among MDAs dealing with immigration issues. On the way forward, Adepoju insists that an improvement in Migration governance in terms of policy formulation and better coordination should be done and capacity should be built of MDAs working on migration-related issues and also accelerate growth to regulate labour immigration.

Ortega & Peri in their work, “The effect of income and immigration policies on international migration” analyzes the determinants of international migration by focusing on the effect of income and immigration policies in instigating or motivating international migration.⁴⁴ They compiled a new dataset on annual bilateral migration flows covering 15 OECD destination countries and 120 sending countries for the period 1980–2006. The dataset also contained data on “time-varying immigration policies that regulate the entry of immigrants in our destination countries over this period.”⁴⁵ Also, they employed “an empirical model of migration choice across multiple destinations that allows for unobserved individual heterogeneity and derive a structural estimating equation.”⁴⁶ Findings from their study revealed favourable per capital

income at destination influences international migration flows by twice as witnessed within the European Union (EU) migration, which encourages or allows for high degree of labor mobility within the EU. Their study also revealed that strict immigration policies by a state reduce rapidly and significantly the rate of immigration into that state.

Czaika & De Haas in their study, “The effectiveness of immigration policies” explain how effective immigration policies have been over the past decade.⁴⁷ To them most immigration policies have not been effective since efforts by states to restrict immigration has yielded little results. This to them is due to structural factors such as political conflicts and natural disasters which necessitates humanitarian assistance and also disparity in wealth of the global labour market. Czaika & De Haas explains that governments have therefore adopted legal tools and frameworks to regulate the number of people moving into their countries, however, these frameworks are sometimes made ineffective due to the above-explained global structural factors. Czaika & De Haas conclude that the fact that some immigration policies become ineffective do not mean they are failed policies. This is because a policy becomes a failed one, only if it achieves no impact or effect at all or goes a wrong direction from the intended purpose. However, immigration policies have influence on migration outcomes, thereby would be unjustified to consider an immigration policy as a failed one. An immigration policy could be effective or ineffective based on global structural systems or factors.

Hollifield, James, Philip Martin, and Pia Orrenius. In “Controlling immigration: A global perspective,” establishes that some wealthy nation such as America was founded by immigrants and their descendants. The United States has been hospitable to new entrants, though the immigration formulas developed over the years have become complex.⁴⁸ The quest for

employment has been the greatest motivation for prospective immigrants to the US, and at the same time, an important feature of the immigration laws has been to protect the American worker. The employability of a job applicant about immigration laws depend on his legal status either as a citizen or as an alien ⁴⁹, since the laws of immigration are inapplicable to citizens or nationals of the US though it applies to all aliens whether documented or undocumented.

In conclusion, Hollifield, Martin, and Orrenius identify that there are problems of immigration that must be confronted by aliens who seek employment in other states. Also, there's recent experience to show that the difficulties and delays in the immigration process will be delayed and therefore, those who seek to deal with it should have considerable knowledge on the processes since a mistake could have dire consequences.⁵⁰ These problems can be surmounted with careful planning.

The above scholarly works contribute essentially to the topic under study. This is because they provide insight into the concept of migration and international migration, particularly immigration, the challenges of immigration, as well as some immigration policies and laws enforced in some countries across the globe. This can help explain the extent to which immigration laws are enacted in Ghana.

However, these works have a common gap by failing to identify how immigration laws and policies promote or otherwise hinder the hiring and maintenance of foreign nationals to work in that country. This common gap in the above scholarly works is what this study seeks to fill by relying on the theory of Transnationalism to analyze the effects (benefits and challenges) of the Ghana Immigration Law 2000 (Act 573), with regards to the hiring and maintenance of foreign nationals to work in Ghana.

1.10 Sources of Data and Methodology

This study will rely on data from both primary and secondary sources. The secondary sources will include data from books and published journal articles as well as some news sites such as The Ghana Immigration website and ECOWAS Early Warning Network (ECOWARN) website, where relevant data could be obtained on the topic, to know the emerging issues of international migration in West Africa which affects Ghana, as well as some Immigration Laws Ghana since independence.

Also, primary data will be obtained through unstructured interviews from some key personalities from the Ghana Immigration Service, as well as employers and employees of some companies in the oil industry in Ghana. These high-ranking personalities are selected for interview because they are key representatives of governments and the oil industry in Ghana. They are therefore selected for interview to provide more detailed analyses about the reality pertaining to the benefits or otherwise constraints of the Ghana Immigration Law 2000 (Act 573) with regards to the hiring and maintenance of foreign nationals to work in Ghana, outside most rhetoric and speculations making waves in the media.

Information obtained from the interviews are meshed with data obtained from literature review in order to provide a more holistic and in-depth analysis of the topic. This is because the topic under study is a recent and on-going phenomenon and will require most recent data for better analysis and recommendations. Data from the sources indicated are analyzed through the theory of Transnationalism to provide a better insight into the benefits and challenges of the Ghana Immigration Law 2000 (Act 573) with regards to the hiring and maintenance of foreign nationals to work in Ghana, and use to make recommendations based on the findings of the study.

In the case of methodology, the study relies purely on qualitative research method for data collection and analysis. The analysis will be based on an exploratory and descriptive design to provide information where limited information exists, to show gaps in existing literature and to finally provide recommendations based on findings from the study for future studies and tackling future international migration challenges in the country.

Exploratory design will be employed due to the flexibility or non-rigid nature of qualitative research method. The method connotes exploring other avenues of obtaining data without any strict restrictions and applications as in the case of quantitative research method. Exploratory design most often relies on secondary research such as reviewing available literature or data and also conducting in-depth interviews, case studies, pilot studies etc.⁵¹ This design helps in formulating a more precise problem statement and developing a good hypothesis.⁵² The exploratory design also helps in investigating a social phenomenon without explicit expectations.⁵³ This is because, the design will aid me in investigating and making a holistic analysis about data obtained from sources indicated earlier without any prejudices or personal idiosyncrasies. The descriptive design will be used to establish facts and relationships; by describing into details the main benefits and challenges posed by the enforcement of the Ghana Immigration Law 2000 (Act 573) with regards to the hiring and maintenance of foreign nationals to work in Ghana. The above reasons justify my motivation for the selection of this design as the methods for data collection and analysis since it best suits the topic under study.

1.11 Definition of Key terms

Migration

Migration or immigration can be defined as a form of relocation diffusion (the spread of ideas, innovations, behaviors, from one place to another) involving permanent move to a new location.⁵⁴ It is the movement of people from one location to another and widely associated with change of permanent place of residence. Reasons of Migration are inter-regional and intraregional disparities at macro level and fundamentally lack of employment opportunities resulting low standard of living conditions among different socio-economic groups at micro level.⁵⁵

Residence

Residence as used in this context is considered as the act or fact of living or regularly staying at or in some place for the discharge of a duty or the enjoyment of a benefit. In this regard, foreign nationals staying in Ghana and engaging themselves in any business is considered as resident in Ghana.

Foreign personnel

A foreigner is considered as any person who is not qualified by Ghana's constitution to be called a Ghanaian.

Employment

Employment is a relationship between two parties, usually based on an employment contract where work is paid for, where one party, which may be a corporation, for profit, not for profit organization, co-operate or other entity hire the services of an employee.⁵⁶

1.12 Limitations

There was difficulty in getting respondents to interview to provide relevant data on the topic under study. Also, there was the challenge of financial constraints and moving to and fro to interview respondents. The limited time of one year allotted for the conduct of this study with great significance to National Security and National was also a challenge to the effective conduct of the study. This limited time did not allow for impact assessment of the topic over different periods of time to know the changing trends or dynamics.

1.13 Arrangements of Chapters

Having the objectives of the topic in mind, this work will be divided into the following four main chapters.

Chapter One consists of research design of the study.

Chapter Two covers an overview of some Ghana's Immigration Policies since Independence.

Chapter Three contains the analysis of the effects (benefits and challenges) of the Ghana Immigration Law 2000 (Act 573), with regards to the hiring and maintenance of foreign nationals to work in Ghana.

Chapter 4 which is the final chapter covers Summary of findings, Conclusion and Recommendations based on findings of the study.

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CHAPTER TWO

OVERVIEW OF GHANA'S IMMIGRATION POLICIES

2.1 Introduction

The current immigration Law in Ghana, which is the Ghana Immigration Law 2000 (Act 573) is not the first ever or only immigration law Ghana had had since independence in 1957. In view of this, the Chapter is devoted to reviewing previous immigration laws of the country before the Immigration Law 2000 (Act 573). For the better understanding of the overview, this chapter is divided into seven (7) broad categories which include the global overview of the shift from open immigration policies to restricted immigration, reconceptualization of international migration phenomena, overview of migration and development, overview of challenges of international migration, an overview of ECOWAS Protocol on Free Movement Of Persons, Rights Of Residence And Establishment, overview of some previous Ghana's migration laws with regards to employment and residence prior to Immigration Law (Act 573) and finally, an overview of Ghana's Immigration Act, 2000, (ACT 573).

2.2 Global overview of the shift from open immigration policies to restricted immigration policies.

Open immigration policy was used as a tool to encourage free mobility of labour to impact on rapid economic growth and development.¹ Before the start of World War I in 1914, there were almost no border restrictions to the movement of labor in all the continents. During the war, the

crossing of borders by foreigners was regarded as a threat to security and hence passports and visas were introduced in Europe.² This was done to ensure that foreigners do not enter to disturb the safety of the various countries. However, during 1950s, Europe started experiencing a rapid economic growth after the World War so labour mobility was again encouraged.³ It is believed that more than eight million work permits were issued to foreigners in Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany (the original six members of the EEC). Workers were recruited through bilateral agreements from outside of Europe as well. Nonetheless, the oil crisis that started in 1973 put an end to the open-doors policy regarding migrant workers, who were welcomed when the economy needed them.⁴ The migrants were expected to leave during hard period of the oil crises. Most of the guest workers had come to stay. Moreover, many of these migrants had invited their families to join them in the destination countries, making family ties that reduced the ability of the host countries to throw them out. This shows that from a global perspective, open migration policies are mostly to attract labour force when their services are needed but in the period of rising unemployment, and security attacks, labor mobility becomes a threat to the host nation resulting in xenophobia attacks as was experienced in South Africa and other countries.

In the case of Ghana, a shift to immigration act and policies is a reflection of the global trend. Historical evidence indicates that our borders had remained open until the 19th centuries. This gave chances for the Europeans nations to colonize Ghana and raided Ghana of its rich resources both human resource and natural resources.⁵ Currently, Ghana has a high record of rising unemployment especially graduates. Therefore, allowing open migration policies will further make unemployment a bigger problem to deal with.⁶ Putting up restrictive policies like the European countries protects Ghana from economic crises.

2.3 The Reconceptualization of International Migration Phenomena

Iammarino & Marinelli defines migration broadly to mean the voluntary or involuntary permanent or semi-permanent change of geographical location, which could be internal or external over a period of time, usually one year.⁷ They establish that not all spatial mobility could be considered as migration such as the continual movements of nomads and migratory workers, for whom there is no long-term residence, and temporary moves like those to the mountains for the summer.⁸ However, Castles defines the term migration as crossing or movement over administrative or political region over a period of time.⁹ To Castle, there are two types of migrations which are internal and external migration and migrants could include economic migrants, refugees or displaced persons. He defines internal migration as the “movement from one area (a province, district or municipality) to another within one country whilst international migration is a territorial relocation of people between nation-states.”¹⁰

Castles supported the views of Iammarino & Marinelli as he stresses that not all territorial relocation could be considered as migration. These include first, a territorial movement which involves no change in social membership ties and is insignificant for the society and individual between the point of origin and the destination such as tourism, and second, a relocation where individuals or groups are seen as passive rather than active agents of the society, such as relocation of refugees from a war-torn area to a safe haven for some temporary time. The movement of people across

The migration of people across borders have been given different scholarly descriptions or categorization to include immigrants and emigrants, as well as legal and illegal migrants. However, due to value judgement attached to some of the above descriptions (i.e. the humanitarian consequences of international migration), contemporary literature

conceptualization of movement of across borders have categorized international migrants into regular and irregular migrants. Regular migrants connote people who willing leave one country to another. However, irregular migrants are those who cross one border to another due to humanitarian reasons such as natural disasters, wars, economic crisis, among others. It is in this vein that Castles distinguishes some forms of migration according to the motives and legal status of migrants. According to motives we could have economic, refugees or family union migrants whilst legal status migrants include controlled emigration/immigration migrants or free emigration/immigration migrants.¹¹

Castles also propounds some categorization of international migrants which includes the following:

- “Temporary labour migrants (also known as guest workers or overseas contract workers): people who migrate for a limited period of time in order to take up employment and send money home.
- Highly skilled and business migrants: people with qualifications as managers, executives, professionals, technicians or similar, who move within the internal labour markets of transnational corporations and international organisations, or who seek employment through international labour markets for scarce skills. Many countries welcome such migrants and have special 'skilled and business migration' programmes to encourage them to come.
- Irregular migrants (or undocumented / illegal migrants): people who enter a country, usually in search of employment, without the necessary documents and permits.

- Forced migration: in a broader sense, this includes not only refugees and asylum seekers but also people forced to move due to external factors, such as environmental catastrophes or development projects. This form of migration has similar characteristics to displacement.
- Family members (or family reunion / family reunification migrants): people sharing family ties joining people who have already entered an immigration country under one of the above-mentioned categories. Many countries recognize in principle the right to family reunion for legal migrants. Other countries, especially those with contract labour systems, deny the right to family reunion.
- Return migrants: people who return to their countries of origin after a period in another country.”¹²

The UN Convention on the Rights of Migrants defines a migrant worker as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”¹³ The definition implies a migrant should move based on free-will and not coercion or compelled migration. Unlike Castles, the Commission stresses that refugees and displaced persons do not qualify as migrants since there must be an element of choice for one to be considered a migrant. To further throw more light on who qualifies to be a migrant, Gabriela Rodríguez Pizarro, The Special Rapporteur of the Commission on Human Rights suggests the following as constituting the terminology of a migrant;¹⁴

“(a) Persons who are outside the territory of the State of which they are nationals or citizens, are not subject to its legal protection and are in the territory of another State;

(b) Persons who do not enjoy the general legal recognition of rights which is inherent in the granting by the host State of the status of refugee, naturalized person or of similar status;

(c) Persons who do not enjoy either general legal protection of their fundamental rights by virtue of diplomatic agreements, visas or other agreements.”

2.4 An Overview of Migration and Development

By the utilization of the Impact Approach in analyzing Migration, it is mostly discovered that positively selected migrants make both social and economic impacts in their places of origin or destinations.

2.4.1 Remittances and Higher Revenue Base of Positively Selected Migrants Reduce the Depth and Severity of Poverty

Remittances and the revenue accumulation of returned migrants is usually examined as the most relevant link between migration and development.¹⁵ According Ratha et al, it is estimated that migrants from developing countries sent over \$315 billion to their origin countries in 2009, three times the size of official development assistance.¹⁶ Remittances have become one of the major sources of financing in developing countries. This has higher propensity of poverty reduction in places of origin. A cross-country study carried by Adams reveals that out of 71 developing countries, “there was a 10 percent increase in per capita official international remittances will lead to 3.5 percent decline in the share of people living in poverty.”¹⁷ Study from Latin America, Africa, South Asia and other regions suggests that, remittances from migrant indirectly stimulate economic activity in origin regions.¹⁸ The dramatic increase in remittances was responsible for one third to one half of the overall reduction in headcount poverty rate in Nepal from 42 percent in 1995-96 to 31 percent in 2003-04.¹⁹

Remittances have been found to have an income stabilizing effect at both the macroeconomic level.²⁰

2.4.2 Migrants ensure Technology and knowledge transfer to increase growth

Most migrants move for better opportunities. As result migrants bring along with them sophisticated advanced skills and innovation, including some technological devices and methods which helps accelerate growth in origin zones. Sometimes migrants organize networks and workshops that stimulate flows of knowledge and lead to collaborative ventures and ideas for growth and development. For instance, The South African Network of Skills Abroad (SANSA) is one example of an active network with more than 2000 members.²¹ Also, access to information through the diaspora and the skills learned by migrants can improve technology, management and institutions in the origin regions for setting up an international business.²²

2.4.3 Improvement in labour market conditions

The cardinal reason for the migration for most people, particularly investors, is to improve labour market conditions pertaining in destination.²³ Therefore, efforts geared towards improving such situation will be seen as an incentive for fewer skilled and semi-skilled labour to contribute their quota towards development. Therefore, most migrants who have achieved great success try as much of possible to improve the labour market conditions existing at a place. This include putting in place measures and mechanisms such as improving formal education, vocational, technical and professional trainings. This will allow for the human resource base of destination to become competitive for the national and global business environment. Consequently, it will lead to economic boost, sustainable development and prevent brain-drain.²⁴ The prevention of brain drain of highly skilled professionals can be particularly important in the education and health sectors and in other sectors of the economy that face severe shortages of workers.²⁵

2.4.4 Migrants accelerate productivity

With attempts and efforts in preventing and curtailing the incidence of brain drain in places of origin or destination, migrants contribute significantly in boosting the average productivity of the places of either the origin or destination, leading to a more advanced economy and development than before.²⁶ It is asserted that migrants sometimes facilitate productivity, development and wages than foreign assistance.²⁷ Naturally, such tendencies by migrants to initiate development can play a decisive role in the of skilled nationals and, simultaneously, hence enhanced sustained growth.

2.4.5 Migrants contribute to human capital formation

Research evidence confirms the fact that revenues brought by migrants are most often channeled into education and health; rather on the daily consumption and luxury.²⁸ Furthermore, it is observed that there is an increase health knowledge in addition to the direct revenue base which has led to lower rates of infant mortality and higher birth weights among family members of returned migrants in Mexico.²⁹ It is established that visiting and returning migrants may also bring back health-improving practices such as drinking safe water and better sanitation.³⁰ All these culminate in the overall human capital formation so that there will be readily available labour force who could tap into the opportunities available at places of origin to initiate and accelerate development.

2.4.6 Migrants increase the rate of employment and livelihood

Researches have been carried out to show that migrants increase the rate of employment and livelihood in places of origin (returned migrants) or destinations (investors).^{31 32} Considerable data and evidence exist to show that the impact of returned migrants in places of origin leads to poverty reduction and increased employment rate which have higher propensity of improving livelihood. For instance, In the state of Kerala, India, efforts of returned migrants had led to a reduced in the unemployment rate by 2.2 percentage points.³³ Also, it is established that “Filipino and Indonesian returned migrants earn four to five times more than what they earn at home.”³⁴ Freemantle also points out that “nearly one-fifth (18.4 per cent) of UK based South Africans earn more than £750 a week and that they enjoy the sixth highest employment rate compared to other nationalities.”³⁵ In contrast to the views of the above scholars, Vearey et al reveal that “in South Africa, migrants are more likely to be without an income and more likely to rely on informal, survivalist livelihood strategies, as well as more likely to experience food insecurity.”³⁶ This shows that the impact of migrants on income and employment is context specific, and not generally applicable.

2.5 Challenges of International Migration

When people leave their home country, the country loses young, vibrant men and active members of the population thereby creating an imbalance in the population structure. In addition, the country loses talents and skills as well as creating division in families. There is a high incidence of copying wrong attitude and culture from the foreign countries and influencing it on the youth upon return home. There is a likelihood of racism and discrimination against immigrants. Also, crossing borders and seas involve grave risks, with many migrants not able to

complete safe journeys. In most instances, especially in the case of Ghana, there has been exploitation of migrants by unscrupulous recruiters or employers victimizing people and robbing them for financial gains. Some studies argue that migration increases the risk for family breakdown, fragmentation of social networks and psychosocial stress.

Migration has often resulted in security and development challenges in the destination.³⁷ Most countries all over the world including Ghana, in one way or the other, have to suffer from migrants using unapproved routes. For instance, the Fulani group, which is known to be a group of migrants from Burkina Faso but resident in Ghana disturb farmers by using their cattle to destroy crops. Also, the rise of cybercrime is attributed to migrants from Nigeria residing in Ghana. In addition, the spread of illegal mining popularly known in as ‘galamsey’ is caused by Chinese migrants residing in Ghana. In view of the above listed challenges, some Ghanaians complain bitterly about how migrants are able to disobey the laws of the nation and creating disorder. Some people believe that the overwhelming increase in unemployment in Ghana traces its source from migration.

Migrants are able to engage in petit trades create competition for citizens putting some people into a jobless situation. It has been argued that such problems relating to migration is due to little or poor enforcement of immigration laws by respective officials. Others believe that the poor enforcement is due to the fact that some officials are corrupt and so do not apply the regulations as supposed to be. Nonetheless, having good migration policies with adequate enforcement could help in removing all the barriers of migration and help increase the benefits of migration in Ghana.

2.6 An Overview of ECOWAS Protocol on Free Movement of Persons, Rights of Residence and Establishment.

The ECOWAS treaty signed by 16 states on May 28, 1975, established ECOWAS.³⁸ The aims of ECOWAS are; to promote cooperation and development in all fields of economic activity, particularly in the field of industry, transport, telecommunication, energy, agriculture, natural resources, commerce, monetary and financial question in social and cultural matters for the purposes of raising the living standards of its people, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent.³⁹

To attain these monetary and economic aims there is the need for unrestricted movement, settlement and work of community citizens across borders of member states. Article 27(2) of the Treaty urges members to do away with entry visas and residence permit requirements from community citizens as well as allowing them to work and establish within their territories.

In May 1979, four years after the promulgation of the treaty, states adopted a Protocol relating to the Free Movement of Persons, Residence and Establishment. It stipulated among other things the right of community citizens to enter, reside and establish economic activities in the territory of member states and outlined a three-phased approach to achieve the “complete freedom of movement” envisaged by the treaty.⁴⁰ The Rights of Residence and Establishment are yet to be successfully implemented due to due to numerous challenges some of which are incompatible national laws with the protocol, capacity challenges of national institutions, multiple memberships to sub-groupings-like the UEMOA and WAMI-and ignorance of the protocol on the part of both the public and implementing agencies.⁴¹ Indeed, the incompatibility of some

Ghanaian nationals with the protocol is undermining her efforts and commitment to her regional integration agenda which is key in her foreign policy. The contribution of this research to the extant situation is, to examine the challenge of incompatibility of Ghana's national laws with the protocol on the rights of residence and establishment and the way forward to the successful implementation of the protocol in Ghana.

The recognition of the need for economic integration, including free movement of persons, goods, and services stimulated the enactment of the Protocol on the Free Movement of Persons and the Right of Residence and Establishment in 1979. The first phase of the Protocol guaranteed free entry of citizens from member states into each other's territory for ninety days without a visa. This provision was ratified by all members in 1980. The second phase of the Protocol, the Right of Residence, became effective in July 1986 and was subsequently ratified by all member states. With the coming into force of the Protocol, member states abolished visa and other entry requirements for ECOWAS citizens travelling within the member states. This implied that a citizen of an ECOWAS member state with valid travelling documents and an up-to-date international health certificate could stay in the territory of a member state for a period not exceeding 90 days without a visa. The Protocol notwithstanding, a member state has the right to deny entry to any ECOWAS traveler or immigrant considered a threat to national security.

This section is reviewed to ascertain how the sub-regional the Protocol on the Free Movement of Persons, and the Right of Residence and Establishment could influence the immigrations policies or laws of a state in the West African sub-region. Unfortunately, there are no provisions made by the previous immigration policies or laws of Ghana prior to the Immigration Act 2000 (Act 573).

2.7 An Overview of some previous Ghana's migration laws prior Act 573, with regards to employment and residence

2.7.1 The Aliens' Act of 1963 (Act 160)

The Alien's Act, 1963 was enacted to separate the immigration duties from that of the police force. Prior to Ghana's independence, the Immigration was known as the Immigration and Passport Unit which operated under the Colonial Police Force.⁴² However, the government of the Convention People's Party established the Immigration Service so deal strictly with international migration issues outside the remit of the Police Force. Notwithstanding separation of powers between the Police and the Immigration Service, the former continued to carry out its function of deportation. It is in this vein that the Alien's Act of 1963 (Act 160) was adopted to deal immigration. Paramount among its objectives was to address issues of Entry into Ghana, Residence and Employment of Aliens in Ghana, Deportation, Seamen and Aircraftmen.⁴³

The 1963 Act (Act 160) was specifically dealt with Entry into Ghana, without consideration to exits, and this was a major weakness of the Act. This is because the entry and exist of goods and people into a country as considered critical for affecting either the national security or national development of the country. However, the Act made no provision for the screening of people leaving the country. This could endanger both the national and human security of the country since criminals and smugglers within Ghana could flee out without any proper circumspection or notice by Government's security agencies.

In addition to the above, the Act did not cover 'motor vehicles' which are possible means some foreigners enter the country. It rather focused predominantly on sea-going vessels and aircraft

that arrived at the ports. This is perilous to the national security of the state, since criminals are more likely to enter the country by road.

The Act also gave a grace period of seven days to a foreigner to appear before an immigration officer after entering through points or routes where no immigration officers were assigned. This grace period was just too long since criminals could enter the country through illegal means and perpetuate their wicked intentions and leave, even before the seven days will elapse for such a person to appear before an immigration officer.

Article 2(a)(1) of the Alien's Act (Act 160), provides as follows;

‘A person other than a citizen of Ghana shall not enter Ghana except by one of the recognized or normal places of entry into Ghana.’ This provision made no provision for the possibility of Ghanaians who could be criminals to enter the country through unapproved routes, therefore no law exists to prosecute or deter such offenders in their unlawful acts.

2.7.2 The Ghana Business Promotion Act of 1970

The Ghanaian Business (Promotion) Act, 1970,²⁴ affects non- African businessmen, mainly Lebanese, Syrian, or Indian medium-scale entrepreneurs in the commercial, transport, and other enterprises.⁴⁴ In essence, this Act (unless any person or enterprise is exempted under from the Act's operation) shall be subjected to: (i) forcibly transfers small and medium-scale retail and wholesale trade to Ghanaians, while forbidding prospective establishment of alien retail or wholesale trading enterprises or expansion of existing ones without government permission, and (ii) reserves a hodge-podge of other labor-intensive, simple-technology enterprises to Ghanaians.⁴⁵ The Minister of Finance estimated the Act would affect about six hundred alien businesses (mainly Lebanese, Syrian and Indian) with a total capital investment approximating

0.5 million and with at least four thousand employees. By early 1971, the majority of alien-owned stores subject to the Act's August 1970 deadline had been taken over by Ghanaians but for larger, mostly wholesale, businesses. For example, a company in Ghana may take advantage Capital Investment Act's³² numerous fiscal incentives as an "approved project" only if it establishes administrative and technical training programs for Ghanaians, while the 1970 Business (Promotion) Act stipulates in Section 16(1) "every alien who operates any enterprise shall institute a training scheme for Ghanaians . . . (emphasis added). The value of these mandatory training schemes turns upon the vigor with which the respective governments implement them."⁴⁶

The major challenge to this Act was that most people including employers and employees were sincerely not aware of the provisions of the Act. Also there was poor enforcement on the part of government institutions and agencies.

2.7.3 The Right of Residence (Supplementary Protocol, A/Sp.1/7/86)

This protocol was signed in 1986 and ratified in 1989 by Member States. The Right of Residence was defined as "the right to a citizen who is a national of one Member State to reside in a Member State other than his state of origin and which issues him with a residence card or permit that may not allow him to hold employment."⁴⁷ This phrase calls for Member States to grant to community citizens who are nationals of other Member States, the right of residence in its territory for the purposes of seeking and carrying out income earning employment.⁴⁸ This right includes the right to apply and travel for jobs freely in the Member State territory in order to take up employment in accordance with the legislation and administrative provisions governing employment of national workers. This shows to a large extent the procedure one could pass through to obtain a residential permit in Ghana. However, for Ghana immigrants come to the

country before they are granted such permit unlike some advanced countries where one has to obtain the residential permit before moving to the country.

2.7.4 The Investment Act of 1994

The Ghana investment Act of 1994 was specifically to encourage foreign investment. With this Act, foreign investors were not subjected to differential treatments on taxes, prices, or access to foreign exchange, imports and credits. In addition to this, institutional steps were taken to remove a number of legal and administrative impediments to foreign investors. The minimum required equity for foreign investors is US \$ 10,000 (in joint ventures) or US \$ 50,000 (for enterprise wholly-owned by a non- Ghanaian).⁴⁹ Trading companies either wholly or partly owned by non-Ghanaians also require a minimum foreign equity of US \$ 30,000 and the firm must employ at least 10 Ghanaians.⁵⁰

The challenge with this policy is that it was difficult monitoring foreigners under Ghana Investment Promotion Council (GIPC) quota allocation. With this system, a fixed quota be given a company which is running into difficulty. The major challenge to this system was that, after a company has exhausted its quota allocation given by GIPC, that company again applies to the Ministry of Interior for Work Permit for other expatriates employed by the same. This development made the Ghana Investment System unable to effectively monitor the number of expatriates in a particular company at any given time.

The major contributing fact to this challenge was the issue of ignorance. Most people including employers and employees were sincerely not aware of the provisions of the Act. On the other, sanctions which were imposed as deterrents on those who knew about the Act but deliberately violated them, were not severe enough to cause others to adhere to the provisions of the Act.

The above shortfalls of the previous Immigration laws of the country, especially the Aliens' Act of 1963 (Act 160) necessitated the amendments of the laws to be able to tackle contemporary challenges of international migration such as terrorism, transnational diseases or bioterrorism, cyber frauds, as well as accelerate economic development by attracting investors into the country. This led to the enactment and adoption of the Ghana Immigration Act 2000 (Act 573) to address the entire immigration issues of Ghana.

2.8 An overview of Ghana's Immigration Act, 2000, (ACT 573)

On attainment of Independence in 1957, the fast expanding economy of Ghana together with its role as a pioneer in the liberation struggle of Africa led to the country being flooded with foreign businessmen, tourists and African aliens, therefore to control this flow a Cabinet Decision in 1960 moved the Immigration Unit to the Interior Ministry as a separate department. An alien is a resident of one country who was born in or owes allegiance to another country and has not acquired citizenship by naturalization in the country of residence. In 1963, the Aliens Act 1963, Act 160 was enacted to give backing to Immigration operations. The passage of the Immigration Act 2000, Act 573 expanded the function and roles of the service to include indefinite residence and right of abode permits⁵¹.

The Ghana Immigration Act, 2000 (Act 573) has changed and transformed the country's immigration laws that existed under the old law, Aliens Act, 1963 (Act 160). Enactments that were repealed included 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). Act 573 was passed into law to update the country's laws on immigration in line with current development policies. The passage of the Act expanded the roles of the Service to include giving Indefinite Residence and Right of Abode facilities to foreigners. The Act is to provide amendments relating to immigration; to provide for the admission, residence, employment and removal of foreign nationals and to provide for related matters.

The Act is in five parts: Part 1 of the Act is on Entry and Departure and has twelve (12) sections namely Disembarkation, Appearance Before Immigration Officer on Entering Ghana, Illegal Place of Entry and Border-Resident, Conditions for Entry into Ghana, Re-entry Visa, Power to Make Enquiries, Power to Detain a Person for Further Examination, Prohibited Immigrant, Embarkation, Appearance Before Immigration Officer of Person Leaving Ghana, Illegal Exit, Conditions of Departure.

Part II deals with Residence and Employment of Foreign Nationals in Ghana. This part is divided into twenty-two sections namely Residence Permits, Indefinite Residence Status, Indefinite Residence Status Generally, Indefinite Residence Status for Foreign Spouses, Right of Abode, Consequences of Indefinite Residence Status and Right of Abode Status, High Court may Revoke the Right of Abode Status, Expiration and Revocation of Permit or Other Authorization, Removal of Illegal Immigrants, Authority of Immigration Officer to Arrest and Prosecute, Renewal of Permits, Employment of Foreign Nationals, Establishment of Immigrant Quota Committee, Composition of the Committee, Functions of the Committee, Work permit and Immigrant Quota, Other Bodies Dealing with Immigrant Quotas, Change or Cessation of

Employment, Annual Returns, Renewal of Quotas and Work Permits and Employers Guarantee, Registration of Foreign Nationals in Ghana.

Part III looks at Deportation with seven (7) sections namely Person Liable to Deportation, Deportation Order, Effect of Deportation Order, Power to Arrest, Power to Record Identification, Supervision Order and Expenses of Deportation.

Part IV deals with Exemption, Detention and Petition with six (6) sections namely Exemption of Crew Entering Ghana, Liability of Master or Other Person for Detention Expenses, Power to Search Vessel or Aircraft, Offence in Ghanaian Territorial Zone, Submission of Petitions and Petition not to Act as Stay of Action.

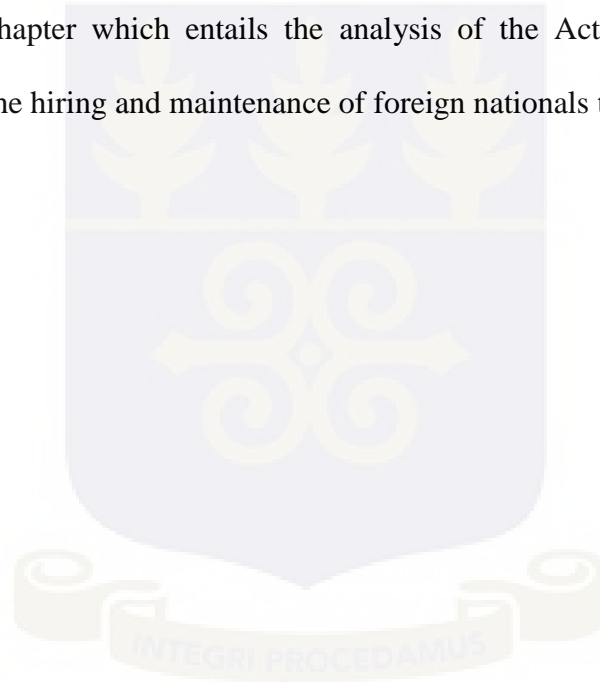
Part V labelled Miscellaneous Provisions and Expenses has ten (10) sections Refugees, Prohibited Areas, Returns to the Minister, Residual Powers, Offences, Burden of Proof, Carrier Liability, Regulations and Interpretation and Repeals or Savings.

2.9 Conclusion

This Chapter presents an overview of some previous Ghana's migration laws with regards to employment and residence prior to Immigration Law (Act 573). The chapter was divided into seven (7) broad categories which including the reconceptualization of international migration phenomena, overview of migration and International Relations, overview of migration and development, challenges of international migration, an overview of ECOWAS Protocol on Free Movement of Persons, Rights of Residence and Establishment and finally overview of some

previous Ghana's migration laws with regards to employment and residence prior to Immigration Law (Act 573).

It has been argued that there has been too much bureaucracy associated with the previous immigrations laws of the country which stifles how fast foreigners especially investors could obtain their working and residential permits to facilitate economic development in the country. Therefore, the new law which is Act 573 is a way of fast tracking immigration as way of making Ghana an investment destination. Details of the Ghana Immigration Act 2000 (Act 573) will be discussed in the next chapter which entails the analysis of the Act with regards to how it facilitates or constrains the hiring and maintenance of foreign nationals to work in Ghana.



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CHAPTER THREE

ANALYSIS OF THE EFFECTS OF GHANA'S IMMIGRATION ACT 573 ON THE EMPLOYMENT AND RESIDENCE OF FOREIGN PERSONNEL IN THE OIL INDUSTRY IN GHANA

3.1 Introduction

This chapter focuses on the effects of Ghana's Immigration Act 573 on the employment and residence of foreign personnel in the oil industry in Ghana. It examines the provisions for residence and employment for foreign nationals, residence permits and right of abode as enshrined in Act 573. It also presents an overview of the Petroleum Commission in Ghana, analysis of employers and employee's level of knowledge and perception about Ghana's Immigration Act 573, the effects of Ghana's Immigration Act 573 on the employment and residence of foreign personnel in the oil industry in Ghana, requirements and processes of acquiring work permit in the oil industry and finally the major challenges faced by the Ghana Immigration Service in enforcing Immigration Act 573.

3.2 Residence and Employment of Foreign Nationals in Ghana

For the purpose of this study the sections listed under Part II of the Immigration Act 2000, (Act 573) are critical to achieving the aim of this study with regards to which foreign nationals qualifies for residence permits, the right of abode, the consequences that come as a result of having residence status, revocation, renewal and expiration of permits and employment of foreign nationals including work permit, its renewal and registration of foreign nationals. Part II of the Act titled 'Residence and Employment of Foreign Nationals in Ghana' spells out in

section 24 that subject to the Act, “a person shall not employ any foreign national in Ghana except in accordance with a permit granted by the Immigration Quota Committee established under section 25 of the same Act.”¹ A new concept is introduced in the Act which is ‘Indefinite Residence Status and the Right of Abode’ which may be conferred on foreign nationals.² Section 18(1) of the Act provides among other benefits that a person with indefinite residence status or a person with the right of abode status is entitled to work in Ghana either as self-employed or as an employee without a work permit.

Section 16 of the Immigration Regulations, 2001 which aids in the implementation of Act 537, talks about employment of foreign nationals’ states in subsection (1) that an employer who wishes to apply for work permit for a person employed by that employer shall submit an application the Director, who upon investigation shall submit a report to the Immigration Quota Committee for consideration and approval.³ The Quota Committee consists of the following members; the Deputy Minister acting as the Chairman, The Director of Immigration or his representative not below the position of a Deputy Director and representatives of the Ministries of Interior, Employment and Social Welfare, Trade and Industry, The Registrar-General’s Department, Ghana Investment Promotion Centre, Bank of Ghana, Statistical Service and Ghana Employers Association.

3.3 Requirements for Residence Permits

Under Section 13 of the Immigration Act 573, “a person may be issued with a residence permit upon application to the Director in the prescribed manner after the person has been lawfully admitted entry into Ghana.” The Residence permit granted does not exceed a period of more than eight years and in the first instance the permit does not go beyond four years. Section 14, 15 and

16 gives details on indefinite residence status. Under Section 9 of the Immigration Regulation, 2001 which aids in the implementation of Act 537, the Director of Immigration may grant a residence to a foreign national who intends to remain in Ghana for a substantial period. The residence permit issued in the first instance is for a period not exceeding four years and may be extended.

3.4 Ghana Immigration Service Personnel and their Views on the Requirements for Work Permit

The study revealed that not all staff of Ghana Immigration Service are aware of the exact role of the immigration service with issues related to work permit. Basic issues including sanctions to defaulters, procedures of payment of fines in terms of illegalities were not much known among some staff members of the service. There is an indication of inadequate training of staff members of the service as their perception concerning work permit for expatriates was incorrect. It was however identified that the top staff officials were much informed about issues concerning work permit as enshrined in the Immigration Act of Ghana.

The situation of inadequate knowledge about the work permit for expatriates has led to some challenges that have affected the work of the Ghana Immigration service. There has been inappropriate track keeping of the work of expatriates by the immigration services as well as proper taxation on them. Due to the lack of information among staff members of the service, loopholes are capitalized by expatriates and taxes are evaded. This situation also paves way for undercover criminal activities as the identities of expatriates might not be known and documented. This study therefore identified gaps in the perception and knowledge of work permit of expatriates among the staff members of the Ghana Immigration Service.

3.5 Requirements for Right of Abode

This right under Immigration Law is that a person with the right of abode “shall be free to live and to come in and go into and from the country without let or hindrance”. This is detailed in Section 17(1) of the Immigration Act 2000, Act 573, which states that the Minister may on an application and with the approval of the President grant the status of right of abode to some specified persons including a Ghanaian by birth, adoption, registration or naturalization within the meaning of the Citizenship Act and a person of African descent in the Diaspora.⁴ In Section 13 of the Immigration Regulations, 2001, which aids in the implementation of Act 537, a foreigner who wishes to be considered for grant of right of abode shall submit an application in person to the Minister through the Director.

3.6 Overview of the Ghana Petroleum Commission

The Ghana Petroleum Commission was set up in July, 2011 by an Act of Parliament (i.e. Act 821) as the sole regulator of all activities at the upstream end of the oil industry. The passage of this Act 821 was necessitated by the discovery of oil in commercial quantity in Ghana in 2007 and subsequent production in 2010. The major activities of the Ghana Petroleum Commission include a) Exploration: the search for the oil, b) Appraisal: assessing the economic viability of the discovery, c) Development and preparation for the extraction of the oil, d) Production: extraction of the oil for distribution downstream. These are very technical areas and Ghana lacked the technical knowhow to effectively and efficiently manage operations in the country with regards to the four major areas identified.⁵ In addition, Ghana was fragile in its status as a small country that has discovered oil in large commercial quantities. Therefore, to be successful in the oil industry in the country, foreigners (Expatriates) came into the picture, predominantly

the U.S. In view of this, the Ghana Petroleum Commission as part of its major activities was mandated to facilitate work permits for foreign Expatriates or workers who showed interest to work in the oil industry in Ghana.⁶ The Commission does this by issuing an advisory letter to the Ghana Immigration Service for the issuance of the working permit. Before issuing an advisory letter, the Commission undergo some scrutiny process to investigate the expatriates.

The scrutiny process includes assessing whether the expatriates have the sole intention in working in oil industry in Ghana and no other sector of the economy. The expatriates must be ready to transfer the skill they have to the local Ghanaian in the environment where they will operate. The expatriates should also have a well-developed succession plan or planning process which will help the Ghanaian successor to learn from him and take over operations in future.

In relation to the above, Chief Superintendent Sulema revealed through a personal interview that,

“when an Immigration officer finds an expatriate working in the oil industry without a permit, an expatriate employed by a company in the oil industry is liable to a fine of Gh¢5,000.00 and the company also pays additional Gh¢5,000.00. An Immigration Inspectorate/Investigative unit therefore goes out to ensure compliance. The Investigate unit also investigate the gravity of the crime (i.e. illegal employment committed) before imposing fine. For example, some companies might not adhere to the rules regarding hiring of Expatriates from inception, making the gravity greater.”⁷

Sanctions for illegal permit of expatriates is usually given to two main categories of offenders. First, those who take permit for a different company and are later found working in another company. For example, taking permit for Nestle Ghana, but found working for Goil. The second

category is those who deliberately do not acquire working permit, and are therefore fined or repatriated, some even taken to court.⁸

3.7 Employers Opinion on Act 573

Most of the employers in the oil industry who participated in the study noted that the concept of requiring work permit for foreign nationals to work in Ghana is good. Nonetheless, they were of the opinion that the process of acquiring the permit is too long and difficult to follow. According to them the process and document requirements was demanding and sometimes not clearly established. Furthermore, they indicated that the duration for acquiring work permit was rather too long. The GIS and the Act has no stipulated time for processing thus some of the employers noted that sometimes they had to wait for about a year for the signing and receipt of the work permit. This has implication for the duration of acquiring the resident permit although generally the resident permit is readily granted not less than two weeks after the receipt of the work permit.

The delays and lack of clarity on the document requirements partly accounts for the numerous report of employers' non-compliance to the Ghana Immigration Law 2000 (Act 573) in the hiring and maintenance of foreign nationals. In various ways, the employers' previous experience and reported challenges influenced their decision to either request for a work permit or not. Increasing most of them tilted towards not going through the process if given the chance. Those with positive perception saw the permit as a necessity and for that matter could lead to compliance and vice versa. With regards to employer's views about the Ghana Immigration Act especially concerning work permit for expatriates, Dr. Frempong (Executive member of the Ghana Petroleum Commission) stated that, "Employers perceive that the whole idea about work

permit for foreign nationals is good to implement and for that matter, every expatriate needs a work permit.”⁹

An employer engaging the service of a foreign national in Ghana must present evidence to satisfy the Ghana Immigration Service that attempts have first been made to recruit a Ghanaian to the position in later years. This evidence may be in the form of a newspaper advertisement or any other mode of advertisement. Oil and gas service companies are also mandated to incorporate the dictates of the ‘local content’ regulations applicable to their sector in recruiting foreign labour to undertake work activities in the sector. Companies in the oil and gas sector are required to submit local content plans for approval from the Petroleum Commission prior to registration to undertake petroleum activities. It is further required that the local content plan should contain a sub-plan on employment and training of the Ghanaian workforce. Preference must also be given to Ghanaian companies in the acquisition of goods and services. Resident and non-resident taxpayers. An individual who is not a citizen of Ghana is resident for tax purposes in any particular year if he or she resides in Ghana for a period exceeding 183 days in a 12-month period that commences or ends during the year of assessment. Non-residents are liable for tax on income earned or derived in Ghana. They are not liable for tax on income brought into Ghana or received from a source outside Ghana. Tax relief would be available where Ghana has a tax treaty with the other country.

3.8 Employees' Opinion about the Act 573

Some employees asserted the following which depicts their level of knowledge on the processes involved in obtaining work permits. It is noted that the employees are not really involved in process rather the companies apply on their behalf. Mr. Anderson of Tullow asserted that “I am not really knowledgeable when it comes to the processes of attaining work permit for employees”.¹⁰ Also Mr. Oneil of BOST remarked that “the company human resource manager has the full disclosure of the steps involved in obtaining work permit for workers.”¹¹

These assertions suggest that some foreign employees in the oil industry have little idea about the processes, and requirements needed to obtain a work permit. This is so because, from the responses obtained from the employers, employees do not apply for work permit by themselves but through the employer acting as intermediary. They however do not have much control during acquisition of work permit as it is a negotiation between the employers, petroleum commission and immigration service.

3.9 Effects Ghana's Immigration Act 573 on the Employment and Residence of Foreign Personnel in the Oil Industry

The oil industry is one of the sectors of the economy; therefore, the Immigration Act 573 ensures that there is thorough background check of foreigners who wish to invest in the sector. The background check help to investigate the ‘criminal status’ of applicants before granting them the permission or ability to make any investment in the oil industry of the country. This background check is done with assistance by the Criminal Investigative Department of the Ghana Police Service. The essence of the background check ensures that work permit is not provided to

unwarranted Expatriates to work in the oil industry, who may later cause or pose security threats and risks to the nation and the citizens in the country. However, as noted by Laud Afrifa, Deputy Controller General of Ghana Immigration Service,

“The background checks sometimes delay the processing of the application of the Expatriates. This is due to the sensitive nature of the sector (oil industry) where these Expatriates are supposed to be granted work permit. Therefore, thorough investigation is carried out in order not to plunge the nation into a state of instability.”¹²

Therefore, Part II of the Immigration Act 573 which deals with Residence and Employment of Foreign Nationals allows the Ghana Immigration Service the opportunity to grant legal permission to expatriates who wish to reside in Ghana and be employed in the oil industry, after carrying out thorough background checks on them. Without the background checks, it will be highly difficult to grant permit to such Expatriates, hence any Expatriate who reside or are being employed in the oil industry in the country without permit, are considered illegal and as such liable to sanctions as enshrined in the laws of the country.

3.9.1 Protection of the Rights and Privileges of Expatriates in the Oil Industry

The Immigration Act 573 does not only grant expatriates the opportunity to reside in the country and also work in the oil industry. It also, guarantees the protection of the rights and privileges of such Expatriates who are granted permit to work in the oil industry. As already established, the oil industry is one of the most sensitive sectors of the country. As a result, it is possible local citizens could out attacks on Expatriates who reside in the country and work in the oil industry when they feel they are denied benefits to oil revenues or access to oil products in the country. It

is therefore behooves on the government to ensure protection of the rights and privileges of Expatriates it permit to reside in the country and be employed in the oil industry.

The Right of Abode as codified under the Immigration Act, 2000 (Act 573) requires the government employs all its arsenal and capacity to protect Expatriates in the oil industry, since attacks on them could foment unhealthy bilateral relations between Ghana and other states home state of the foreign national. When the protection of the rights and privileges of Expatriates in the oil industry are ensured, it could motivate other to come and reside in the country and invest in the sector. In essence, though international migration forms an integral part of transnational livelihood strategies pursued by households and other social groups, International Law also requires that the rights and privileges of foreigners in a country are being protected and ensured by the government of the host country.

3.9.2 Improvement in residence and work permits for expatriates through Quota System

Today, Ghana has the Immigration Act, 2000 (Act 573) with rules device 1691 as its implementing regulations of 2001. Act 573 is to solve present troubles in migration which has been in operations for over a decade. With the inflow of immigrants into Ghana, there is a need for an Immigration policy or law or institutional framework which will aid in properly in addressing modern-day problems relating to migration. The phase 3 of the L.I. 1691 makes provision for remote places national much like the Chinese to achieve visas in advance than coming into Ghana.

Ghana's diplomatic missions in remote places issues visas on behalf of Ghana Immigration provider for folks who desires to visit Ghana to invest in major sectors of the economy. These visas issued abroad sometimes posed challenges to the GIS to effectively monitor status and

activities of foreign nationals in the country. A popular instance is where an applicant requests for a three-month visa, the visa is genuinely endorsed for 3 months but rules allows for an initial maximum of a 60-day stay in Ghana. However, an extension of a month may be granted through Ghana Immigration for a rate after the initial 60 days or much less elapses. Most overseas nationals count that, the three-month endorsement in their visas gives them an automated 90-day live which ultimately put them into an irregular migrant role collectively with the Chinese.

With regards to the above, Act 537 provides for Immigrant Quota or Work Permit to any foreign country nationals who wishes to work in Ghana. Application in this regard is channeled through request to the Director of Immigration, he/she conducts an investigation and put up a file to the Immigration Quota Committee (IQC) of the Ministry of Interior for attention in accordance with the investment prison recommendations of Ghana. The Director then deliver the holder of labor permit and house permit that which ensure the legitimacy of a foreign national to reside and work in the country, with particular reference to the oil industry.

Also, the Ghana Investment Promotion Centre (GIPC) additionally grants Automatic and Replacement Quotas regarding expatriate employment and the Free zones. In Ghana, the Investment Act of 1994 encourages remote places investment. The minimum required fairness for overseas investor is US \$ 10,000 in joint challenge or US \$ 50,000 for a wholly owned enterprise via a foreigner. Companies or organizations either absolutely or in element owned through a foreigner, additionally require a minimum remote places equity of US \$ 300,000 and the company is obliged to employ at least ten Ghanaians, which is also evident in the oil industry.

3.9.3 Monitoring and Evaluation of Expatriates in the Oil Industry

The Immigration Act, 2000 (Act 573) requires that employers of foreign nationals should inform the Immigration Service within seven days after the commencement or termination of work an employee. In a similar vein, corporate bodies that have employed foreign nationals must submit annual returns to the Immigrant Quota Committee. Failure to do so, attract sanctions.

3.9.4 Ensuring Compliance of Immigration Laws

The Immigration Act, 2000 (Act 573) ensures strict compliance by Expatriates in the oil industry with the immigration laws of the country. This is achieved through constant visits to sites where foreign nationals are presents, to inspect their immigration status in the country. The is the main reason for the establishment of the Enforcement Unit of the Ghana Immigration Service. Act 573 has mandated the Enforcement to carry out its tasks through inspections of the various firms in the oil industry, thereby making it difficult to question their legality or legitimacy.

Sanctions enshrined in the Act such as Removal of Illegal Migrants, through Power of Arrest and Court Action, Deportation Orders and Expenses of Deportation induce most foreign nationals who wish to or are working in the oil industry to comply with the immigration laws of Ghana. In relation to the theory of Transnationalism, Ghana through its immigration policies and laws induce processes which inhibit or otherwise encourages migrations by foreign nationals who intend to ensure the transfer of social and economic processes into the oil industry of Ghana.

3.9.5 Identification and Sanctions to Foreign National Defaulters of ACT 537 in the oil industry in Ghana

Transnationalism which involves the transfer of social, economic and political process across territorial boundaries, had made it possible and imperative for international migration to take place across the globe with its dire humanitarian consequences. Immigrants or Expatriates sometimes obtain residence and work permits but carry out their own clandestine agenda when they reach the host nation. For instance, as indicated through a personal interview with Superintendent George Anan (Second in Command of Intelligence of the GIS), he revealed that,

“In 2010, three Chinese were jailed after been found responsible for conspiracy and human trafficking of ten Chinese women being used for intercourse trade. The culprits acquired tickets and distinctive touring files for the sufferer and through deceit, lured them to Ghana to artwork in an eating place which in no way existed.”¹³

Similar revelation was made through a personal interview with Superintendent Vivian Addo (Second in Command of Work Permit) who indicated that,

“A Chinese national named James Xu Jin was arrested for misleading the officials of the Ghana Investment Promotion Centre (GIPC) and GIS officials in 2013, by managing to secure documentation to stay in Ghana to run his prostitution industrial corporation, rather investing in the oil industry as initially planned.”¹⁴

The above arrest situations were made possible through the provisions of the Immigration Act 573, which ensures effective monitoring and evaluation of the status of foreign nationals in the oil industry even after being granted residence and work permit. This is achieved to regular impromptu visits to oil companies. This to a large extent, helps to protect both the National Security and Human Security in the country, to ensure that the stay or investments or business activities of foreign nationals do not pose any security threats or risks to the country.

3.10 Challenge Associated with Act 573 on the Employment and Residence of Foreign Personnel in the Oil Industry

In an interview with Dr. Paul Frempong of the Petroleum Commission, Information gathered from the survey revealed that “the industry is challenged with the problem of getting work permit for non-technical staff.”¹⁵ This is because the law prioritizes the services of Ghanaians to fill such positions before foreign nationals are considered.

Another challenge as revealed by Millicent Jake Daniels (in charge of securing permit for TULLOW GH and MODEC) through a personal interview is that, “the process takes too long and it is regarded as cumbersome as it involves too many complex processes especially the templates designed for succession plan.”¹⁶ She regards both the renewal and new application process as equally cumbersome. Therefore, it sometimes takes several days before obtaining residence and working permits for foreign nationals. Consequently, most people ignore the process to secure the permits to work in the country to become legally recognized by the laws of the country.

In addition, economic cost of obtaining residence and work permit for Foreign nationals to work in the oil industry in Ghana is sometimes a bit expensive which discourages some employers in the oil industry in Ghana to comply. As noted by Dr. Rosaline Ackam of Business Development,

“The oil industry also claims that fluctuation of the dollar makes the fees quite expensive in securing or obtaining residence and work permit for foreign nationals. In addition, the industry sees it as a problem during work permits renewal as applicants are made to submit every document all over again.”¹⁷

The above indicated challenges have made it difficult for most foreign nationals to comply with Act 573 to be qualified to reside and work in the oil industry in Ghana.

Another challenge as identified by respondents was the hectic process employers undergo to obtain residence and work permit for their employees. Basically, the above elaborated point shows that apart from the law posing a challenge to acquiring work permit, the procedure involved also creates challenges, making the process very hectic and difficult to comply with as reported by some of the respondents. As indicated by Dr. Paul Frempong through a personal interview, “*Over 90% of foreign nationals believed that the process of obtaining and securing residence and work permit in Ghana is very stressful.*”¹⁸ The stressful nature coupled with currency fluctuation having effect on the fee charges for applying for permit culminate in the collectively effect of the low level of compliance by most foreign national being employed in the oil industry in Ghana.

3.11 Requirements and Processes of Acquiring Work Permit in the Oil Industry in Ghana

According to a sample of Ghanaian employees who were in charge of immigration services on behalf of the various oil industries, in order to get work permit for expatriates, the following documents must be submitted on their behalf: cover letter, police report, Quota approved by PC, Company code, Tax Clearance certificate, Medical report, copy of applicant's passport, CV and Certificate.

The Ghana Investment Promotion Centre (GIPC) Act established the GIPC beneath the Office of the President, and it is accountable for promoting funding in all sectors of the economic system. Thus, entities with foreign participation should sign in with the GIPC and satisfy the provisions of the Act. Sector-particular legal guidelines further modify banking, non-banking financial establishments, coverage, fishing, securities, telecommunications, electricity and actual property. The GIPC Act provides the following in appreciate of the minimal capital requirement of non-Ghanaians in any agency: first off, in a joint organization with a Ghanaian companion, the minimal capital requirement is \$2 00,000 or its equal in capital items, secondly, in a completely overseas-owned business enterprise, the minimal capital requirement is \$500,000 or its equal in capital goods and sooner or later, within the case of a trading business enterprise no matter whether or not it is entirely or partially owned by a non-Ghanaian, the minimum capital requirement is \$1 million and the corporation will be required to employ at the least 20 professional Ghanaians. Some advantages result for business entities that register with the GIPC. These encompass immigrant quotas and different investment ensures.

Also, Ghana's investment legal guidelines guard investors towards expropriation and nationalization. Thus, an individual who owns the capital of an agency shall now not be pressured by law to give up that hobby within the capital to any other man or woman. Moreover,

concerning disputes, where the investor and the authorities fail through dialogue to reach an amicable settlement, the aggrieved celebration has the choice to submit the dispute to arbitration. Ghana does not have a professional migrant policy; but, corporations are allowed to recruit skilled migrants with specialized capabilities not effectively available on the Ghanaian market. Skilled migrants are issued paintings allows, typically valid for 3 to 4 years, and these specialized competencies are predicted to be imparted to the Ghanaian workforce all through this era. According to Mrs. Millicent Jake Daniels (in charge of securing permit for TULLOW GH and MODEC) through a personal interview, it was stated that,

“in order to secure work permit for staff, a cover letter is drafted with immigration requirement for processing. This passes through petroleum Commission. If the Commission is ok, with the requirement, then the document is forwarded to Ghana Immigration Headquarters. After the immigration service has studied the document, they call for payment by the company requesting for permit on behalf of their staff to make payment on the condition that they are satisfied with the requirement”¹⁹

She also stated that,

“Applicants are made to make payment for resident permit before approval is granted for work permit. After the permit is endorsed, the document is sent back to petroleum commission and applicants finally pick it up from petroleum commission.”²⁰

The HR officer is responsible for acquiring work permit for all foreign staffs in the oil sector.

The processes of acquiring work permit is done upon arrival of staff. In some companies, it takes

about three months to get work permit processed for their staff while others said it takes them about six months for staff to receive the permit upon application. A fee of \$ 1, 000 USD is paid by foreigners who originate outside West Africa and \$ 5,00 USD is paid by those from West Africa. Such costs are handled by the company. Some of the permits especially, rotators permit last for a very short period which may be three months. When applying for renewal of work permit, Mrs. Daniels confirms that it follows the same process as applying for a new work permit.

3.12 Enforcement Challenges of ACT 573

A major challenge o enforcement of Act 573 as noted by the Personnel of the Ghana Immigration Service is the conflict between the implementation of ACT 573 and the ECOWAS Protocol on Free Movement of Person, Goods & Services. Ghana became a signatory to the ECOWAS Protocol on Free Movement of Person, Goods & Services when it came to effect in 1979. With this, there was further adoption of the Protocol of the Right of Entry, Residence and Residence which has three (3) phases. Phase I focuses on Right of Entry which deals with the abolition of visa requirements and entry permits for ECOWAS community members who wish to enter another member state.²¹ Phase II of the Protocols deals with Rights of Residence which aims at abolition of any form of discrimination based on nationality, among member states as regards employment, remuneration and other conditions of work.²² Phase III deals with the Right of Establishment which implies Freedom of Establishment of businesses by nationals of one member state in the territory of another member state without any restrictions or intimidation.²³

With regards to the above, except for ECOWAS citizens who are granted three month's (90 days) visitors permit, all other foreign nationals visiting Ghana unless otherwise stated by the

immigration officer are entitled to 60 days visitor's permit. As a result, there is recognition by the GIS in allowing the use of ECOWAS Travel documents and sometimes ID Cards to enter the country at the expense of prescribed forms and passports. However, most ECOWAS citizens after the 90 days fail to renew their permits which is very difficult to be monitored by the GIS.

Also, the ECOWAS Protocol on Free Movement of Person, Goods & Services requires that citizens of a Community state who use approved routes to enter another member state should be permitted without harassment without any harassment.²⁴ However, some citizens of Community states used unapproved routes to enter Ghana under the auspices of the ECOWAS Protocol on Free Movement of Person, Goods & Services to carry out their own clandestine agenda sometimes detrimental to the security of Ghana. However, the GIS finds difficulty to monitor such ECOWAS citizens who enter the country through unapproved routes, especially border towns. The above situations make it very difficult for the effective implementation for Acts 573.

3.12.1 Difficulty in Monitoring Immigration Quotas

The second identified challenge associated with enforcement is the difficulty of monitoring Immigration Quotas. Act 573 ensures provision of Immigrant Quota or Work Permit to any foreign national who wishes to be employed or work in this country. Prospective applicant must apply through the Director of the Immigration, who upon investigations, shall submit a report to the Immigration Quota Committee of the Ministry of Interior, for consideration and approval. Also, the Investment Act of 1994 encourages foreign investment and as such foreigners who are willing to invest in the country are granted residence and employment permits under the Ghana Investment Promotion Council quota allocation.

The major challenge with the implementation of Immigrant Quota or Work Permit is that, often than not, the Director is informed only after the Ministry of Interior has issued the Work Permit. This therefore incapacitate the effective discharge of functions or duties by the Director of Immigration as expected. Also, the GIS is now faced with the difficulty of monitoring foreigners under the Ghana Investment Promotion Council (GIPC) quota allocation. This is because, after a company has exhausted its quota allocation given them by GIPC, that a company re-applies to the Ministry of Interior for Work Permit for other expatriates employed by the same company. This makes it very difficult for the GIS to effectively monitor the number of expatriates in a particular company at any given time, hence difficulty in effectively implementing Act 573.

3.12.2 Difficulty in carrying out background checks

The implementation of the ECOWAS Protocol on Free Movement of Persons, Goods & Services and as well as the Protocol of the Right of Entry, Residence and Residence, makes it practically impossible to get ample time do any meaningful background investigations on the ‘criminal status’ of the immigrants from any ECOWAS member state. This makes it difficult in the implementation of Act 573 and could sometime create security risks or threats to the country.

3.12.3 Security Risks /Threats against Immigration Personnel

Most immigration staffs unless top management are usually unarmed. This makes it easy for them to compromise in events of life threatening situations where they are attacked by immigrants for preventing them from entering especially through unapproved routes. Sometimes the security threats immigration officers are confronted with caused them to be susceptible to corrupt acts just to save their lives. For example, some officers could be bribed to allow the passage of immigrants into the country, especially when they are threatened of losing their lives

if they do not allow such passage. Therefore, the security risks or threats which confront Immigration personnel poses a challenge to the effective implementation of Act 573.

3.12.4 Lack of Knowledge of Act 573

Most immigration personnel, as well as foreign employers and citizens of Ghana are ignorant about the provisions, objectives and aims of the Ghana Immigration Act 2000 (Act 573) especially with regards to the procedures for obtaining and securing residence and work permits for foreign nationals in Ghana. This makes very difficult and practically impossible to ensure compliance by ignorant foreign nationals and citizens. There is also a challenge of ensuring effective enforcement by ignorant immigration personnel of the law.

3.12.5 Insufficient Logistics and Financial constraints of the GIS

The Enforcement Unit of the Ghana Immigration Service was established to ensure enforcement to the Law. However, the unit is handicapped in its operations due to insufficient logistics such as vehicles to carry out regular visits to companies belonging to foreigners or where foreigners are employed to investigate their immigration or residence and work permit status. As a result, since follow-ups on holder of immigrants' quota are not routinely made due to insufficient logistics, the Ghanaians who need to benefit from the expertise of the foreign nationals in most cases are also ignored. The Right of Abode and Indefinite Stay Policies under Act 573 brings to bear a new administration function which comes with additional operational cost. However, the GIS is faced with financial constraints to be able to effectively carry out the mandates of the new administrations, hence difficulty in the effective implementation of Act 573.

3.13 Conclusion

Transnationalism had made it imperative and possible for the transfer of social, political and economic processes by people across borders. However, the extent to which foreigners are transnationalized in a country largely depend on the policies and laws existing in the recipient country. Ghana since independence had had immigration policies which had regulated international migrations to the country. These immigration policies and laws have undergone amendments to be able to cope with changing trends in challenges and problems created by international migration. The adoption of the Ghana Immigration Act 2000 (Act 573) has influenced the extent to which foreign nationals can stay or reside in Ghana and work, especially with regards to employment in the oil industry.

As a result of the above, this chapter focused essentially on analysing the effects of Ghana's Immigration Act 573 on the employment and residence of foreign personnel in the oil industry in Ghana. The chapter began with the overview of the Ghana's Immigration Act 573. Subsequent sections presented analysis of the Petroleum Commission, employers and employee's level of knowledge and perception about Ghana's Immigration Act 573, the effects of Ghana's Immigration Act 573 on the employment and residence of foreign personnel in the oil industry in Ghana, requirements and processes of acquiring work permit in the oil industry and finally the major challenges faced by the Ghana Immigration Service in enforcing Immigration Act 573.

ENDNOTES

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- ⁴ Ghana Immigration Service: Right of Abode. Retrieved from www.ghanatrade.gov.gh/images/products/laws/GHANA%20Immigration%20SERVICE%20RIGHT%20ABODE.pdf Accessed on 3rd July, 2017.
- ⁵ Gyimah-Boadi, E., & Prempeh, H. K. (2012). Oil, politics, and Ghana's democracy. *Journal of Democracy*, 23(3), 94-108.
- ⁶ Kosiński, D., Polus, A., & Tycholiz, W. (2013). Resource curse or resource disease? Oil in Ghana. *African Affairs*, 112(449), 583-601.
- ⁷ Interview with Chief Superintendent Musa Sulema, Head of Enforcement Unit, Ghana Immigration Service at the Ghana Immigration Service Head Quarters on July, 3, 2017 at 12:00pm.
- ⁸ Ibid
- ⁹ Interview with Dr. Paul Fempong of Petroleum Commission at Office of Commission at Office on July 17, 2017 at 2:00pm
- ¹⁰ Interview with Mr. Anderson, employee of Tullow Ghana, at Tullow Ghana Office on July, 18, 2017 at 12:00pm.
- ¹¹ Interview with Mr. Oneil, employee of BOST, at BOST Office on July, 17, 2017 at 3:00pm.
- ¹² Interview with Laud Afrifa, Deputy Controller General of Immigration, Ghana Immigration Service at the Ghana Immigration Service Headquarters on July, 10, 2017 at 3:00pm
- ¹³ Interview with Superintendent George Anan (Second in Command of Intelligence of the GIS), at the Ghana Immigration Service Headquarters on July, 12, 2017 at 3:00pm
- ¹⁴ Interview with Superintendent Vivian Addo (Second in Command of Work Permit), at the Ghana Immigration Service Headquarters on July, 17, 2017 at 3:00pm
- ¹⁵ Interview with Dr. Paul Fempong of Petroleum Commission at Office of Commission at Office. Op Cit.
- ¹⁶ Interview with Millicent Jake Daniels (in charge of securing permit for TULLOW GH and MODEC), at Tullow Ghana Office on July, 18, 2017 at 3:00pm.
- ¹⁷ Interview with Dr. Rosaline Ackam of Business Development on July, 3, 2017 at 12:00 noon at his office.
- ¹⁸ Interview with Dr. Paul Fempong of Petroleum Commission at Office of Commission at Office. Op Cit.
- ¹⁹ Interview with Millicent Jake Daniels (in charge of securing permit for TULLOW GH and MODEC), Op Cit.
- ²⁰ Ibid
- ²¹ Agyei, J., & Clotey, E. (2007). Operationalizing ECOWAS protocol on free movement of people among the member states: Issues of convergence, divergence and prospects for sub-regional integration. International Migration Institute, University of Oxford. <http://www.imi.ox.ac.uk/publications/operationalizing-ecowas-protocol>.
- ²² Ibid
- ²³ Ibid
- ²⁴ Adepoju, A., Boulton, A., & Levin, M. (2010). Promoting integration through mobility: Free movement under ECOWAS. *Refugee Survey Quarterly*, 29(3), 120-144.



CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

4.1 Introduction

The study was carried out within the framework of Transnationalism with the hypothesis that, “The implementation of the Ghana Immigration Act 2000 (Act 573) has significant effect on the residence and employment and of foreign nationals in the oil industry in Ghana” The theory of Transnationalism was selected amidst other theories because it is particularly strong in explaining the interconnectivity between people and places across boundaries for social and economic relevance. The global political economy has also favoured international migration in terms of regions and countries where people receive higher wages and salaries and better standards of living as compared to other regions and countries where these are lagging. All these factors show that the nature of immigration to a region or a country is not only or always dependent on the endogenous factors of the region of origin such as population and poverty, but also policies and laws as it pertains to the destination. It is in this vein that this study will utilize the theory of transnationalism to examine how the Ghana Immigration Law 2000 (Act 573) facilitates or constrains migration to Ghana, with regards to the hiring and maintenance of foreign nationals to work in Ghana.

Notwithstanding several immigration laws and policies which have been enacted and enforced in Ghana since independence, the scope of this particular study focused primarily on the effects of Ghana’s immigration Act 573 on the employment and residence of foreign personnel. Greater emphasis will be placed on examining the section of Act 573 that facilitates or constrains the

hiring and maintenance of foreign nationals to work in Ghana, with special attention to some oil companies in the country. The objectives of the study were to examine the laws regulating the hiring and maintenance of foreign nationals in Ghana, to assess the section of Act 573 that facilitates or constrains the hiring and maintenance of foreign nationals to work in Ghana, to examine the challenges faced by the Ghana Immigration Service in enforcing Act 573 with respect to hiring and maintaining of foreign nationals in Ghana. And finally make plausible recommendations on how Ghana Immigration Service could effectively enforce Act 573 with respect to hiring and maintaining of foreign nationals in Ghana.

4.2 Summary of Research Findings

The following findings were derived from the study based on the analysis of data gathered from secondary and primary sources;

- ❖ The study revealed that the ever-increasing interest of the Government in encouraging foreign investors led to the institution of various Acts that made it easier for foreigners to setup businesses in the country. Example of such Acts was The Ghana Business Promotion Act of 1970, the Investment Act of 1994 and the creation of Act 573 in 2000 which introduced quotas and introduced the work and resident permits for foreign nationals. Subsequently in 2011 the government enacted Act 821 to create the Ghana Petroleum Commission which also provided the sector with the capacity to high foreign nationals to address the shortfall of skilled professionals to work especially in the upstream sector of the Ghanaian economy. These initiatives that subsequently draw on

Act 573 have made significant difference in the regulation of the employment and residence of foreign nationals in various sectors of the economy.

- ❖ The study revealed that the Act 573 ensures monitoring and evaluation of Expatriates in the oil industry. The Immigration Act, 2000 (Act 573) requires that employers of foreign nationals are expected to inform the Immigration Service within seven days after the commencement or termination of work an employee.
- ❖ The study revealed that the Ghana Immigration Service ensures compliance of immigration laws by Expatriates in the oil industry. The Immigration Act, 2000 (Act 573) ensures strict compliance by Expatriates in the oil industry with the immigration laws of the country. This is achieved through constant visits to sites where foreign nationals are presents, to inspect their immigration status in the country.
- ❖ While Act 573 has streamlined the process of obtaining a work permit, the study revealed that some employers and employees encounter challenges such as long duration of the application process and the excessive document requirement. The employers revealed that such bureaucratic challenges were a disincentive towards the adherence of the Act by employers and employees.
- ❖ Finally, The study also revealed some major challenges faced by the Ghana Immigration Service in enforcing Immigration Act 2000 (Act 573). These includes conflict between the implementation of ACT 573 and the ECOWAS Protocol on Free Movement of Person, Goods & Services, difficulty in monitoring immigration quotas, difficulty in carrying out background checks, security risks /threats against immigration personnel, ignorance of Act 573, insufficient logistics and financial constraints of the GIS, and the challenge of effectively monitoring of refugees in Ghana.

4.3 Conclusions

The following are the conclusions drawn from findings made in this study in relation to the specific objectives of the study;

- ❖ It is conclusive that knowledge and perception about the Ghana Immigration Act is not adequate. This was identified among the employers as they were not well informed about the Act. It is conclusive that attention was not paid to the Act among employers and business owners in the country who employ the services of expatriates. It is noted however that issues concerning expatriates and work were left to the legal officers of companies.
- ❖ The study also concludes that the section of Act 573 which covers the hiring and maintenance of foreign nationals to be employed in Ghana was well enshrined, but due to the lack of knowledge of the Act and its implications among employers, there is a poor implementation. The staff members of the Ghana Immigration Service who are not well engrossed with the interpretation and implementation of the Act make it difficult for the implementation of the tenets surrounding the hiring and maintenance of foreign nationals in the country.
- ❖ The comparatively welcoming nature of the Ghanaian economy and security presented to foreigners has made the country an eye catcher for investors, however, the poor implementation of the Immigration Act by the Ghana Immigration Service has led to infiltration by some expatriates who seek to make gains without the proper taxation and permits. It is noted that there are poor record keeping and monitoring of the influx of foreigners into the country. The Immigration Service in enforcing Act 573 has therefore not lived up to its expectation as it has not fully covered issues related to hiring and maintaining of foreign nationals in Ghana.

- ❖ The study concludes based on findings that “the implementation of the Ghana Immigration Act 2000 (Act 573) has a significant effect on the residence and employment and of foreign nationals in the oil industry in Ghana” has been positively proven. This is because the Ghana Immigration Act 2000 (Act 573) has influenced the extent to which foreign nationals can stay or reside in Ghana and work, especially with regards to employment in the oil industry.

4.4 Recommendations

Based on the findings from the study and suggestions made by respondents during interviews, the following recommendations are made;

- ❖ After more than a decade and half of implementing Act 573, it is strongly recommended that it is reviewed to address some of the noted implementation challenges as well as to address the changing nature of the economic structure, transnationals and foreign personnel participation in the Ghanaian economy.
- ❖ The study recommends that proposed review among others should address the conflict noted in the current Act and the ECOWAS protocol on movements of persons across the sub-region as well legalized the process of rotational permit that has been introduced by GIS to address the needs of employers who hire foreign nationals for short durations below the current 30 days requirement.
- ❖ GIS and government of Ghana should ensure the training of officers of the GIS to equip them with the skills and knowledge for an improvement in the implementation of the Act. There should be a standard of training for officials at each level to build the capacity and increase their knowledge of the Act 573 in particular.

- ❖ The GIS should have officials in all the districts in the country to enhance proper monitoring and enforcement of the Act and other provisions regulating the hiring and maintenance of foreign nationals.
- ❖ Constant public education on the activities of the GIS is a strong recommendation in this study. The implementation of the GIS policies cannot be complete without the contribution of the general public. The general public should be well informed to partake actively in the implementation of the Immigration Act by drawing the attention of the GIS officials on any immigrant activities in the country.



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Interviews

Interview with Dr. Paul Fempong of Petroleum Commission at Office of Commission at Office on July 17, 2017 at 2:00pm.

Interview with Mr. Anderson, employee of Tullow Ghana, at Tullow Ghana Office on July, 18, 2017 at 12:00pm.

Interview with Chief Superintendent Musa Sulema, Head of Enforcement Unit, Ghana Immigration Service at the Ghana Immigration Service Head Quarters on July, 3, 2017 at 12:00pm.

Interview with Mr. Oneil, employee of BOST, at BOST Office on July, 17, 2017 at 3:00pm.

Interview with Laud Afrifa, Deputy Controller General of Immigration, Ghana Immigration Service at the Ghana Immigration Service Headquarters on July, 10, 2017 at 3:00pm.

Interview with Superintendent George Anan (Second in Command of Intelligence of the GIS), at the Ghana Immigration Service Headquarters on July, 12, 2017 at 3:00pm.

Interview with Superintendent Vivian Addo (Second in Command of Work Permit), at the Ghana Immigration Service Headquarters on July, 17, 2017 at 3:00pm.

Interview with Millicent Jake Daniels (in charge of securing permit for TULLOW GH and MODEC), at Tullow Ghana Office on July, 18, 2017 at 3:00pm.

Interview with Dr. Rosaline Ackam of Business Development on July, 3, 2017 at 12:00 noon at his office.

Appendix

INTERVIEW GUIDE

TOPIC: The Effects of Ghana's Immigration Act 573 on the Employment and Residence of Foreign Personnel.

The purpose of these questions is to obtain your opinion and views about the Effects of Ghana's Immigration Act 573 on the Employment and Residence of Foreign Personnel in the oil industry. This is solely for an academic research as a further requirement for a Post-graduate MA degree certification. Responses to the following questions will be treated with high confidentiality and solely for the purpose of the research.

Questions for Employers in the oil industry in Ghana

1. What is your position or rank in your organization and how is your work schedule?
2. What is your knowledge and perception about Ghana's Immigration Laws, particularly Ghana's Immigration Law 2000 (Act 573)?
3. Are you responsible for employees to be issued with work permit?
4. Do your employees applying for working permit make their request when they are in the country or outside the country?
5. How long does it take to get the work permit processed?
6. What are some of the challenges you encounter in getting work permit for your employees?
7. In your view how challenging is the work permit renewal process in Ghana?
8. What are some of the concerns you can raise concerning the issuance of work permit application by Ghana Immigration Service?
9. Is it costly acquiring work permit in Ghana?
10. What is the implication of the cost of acquiring work permits on your employees? Or How do your employees view the cost of acquiring work permit?

11. What the positive and negative effects of the Ghana's Immigration Law 2000 (Act 573) on the employment and residence of foreign personnel in the oil industry?
12. Are you aware of the sanctions for illegal employment of foreign nationals in Ghana? Are your employees aware of the sanctions for violating employment laws for expatriates?
13. What do you consider as the major limitations of the Ghana's Immigration Law 2000 (Act 573) in hindering foreign nationals from coming to invest in the oil industry of Ghana?
14. What do you recommend as a way for addressing the challenge in Q13?

Questions for Employees in the Oil Industry in Ghana

1. What is your position or rank in your organization and how is your work schedule?
2. What is your knowledge and perception about Ghana's Immigration Laws, particularly Ghana's Immigration Law 2000 (Act 573)?
3. Have you ever been given work permit by your employers?
4. Do you know the processes involve in acquiring work permit for foreign nationals in Ghana?
5. Do you know the documents required for obtaining work permit for foreign nationals in Ghana?
6. How challenging in obtaining residence and work permit for foreign nationals in Ghana?
7. How challenging is it to renew the work permit for foreign nationals in Ghana?

Questions for Personnel of the Ghana Immigration Service (Enforcement Unit)

1. What is your position or rank in your organization and how is your work schedule?
2. What is your knowledge and perception about Ghana's Immigration Laws, particularly Ghana's Immigration Law 2000 (Act 573)?

3. What are the sanctions to culprits and organization which violates the Ghana's Immigration Law 2000 (Act 573)?
4. What procedures do companies undertake when it comes to Payment of fines for Illegal employment of foreign nationals in the oil industry?
5. Has the Ghana's Immigration Law 2000 (Act 573) achieved its mandates and core objectives so far?
6. What do think are the limitations of the Ghana's Immigration Law 2000 (Act 573)?
7. Does the Ghana's Immigration Law 2000 (Act 573) require any amendments to be able to effectively tackle contemporary international migration challenges?
8. What are the institutional challenges faced by GIS in effectively enforcing the Ghana's Immigration Law 2000 (Act 573)?
9. What would you recommend as the way forward for addressing illegal residence and employment of foreign nationals in Ghana?
10. What recommendation would you also give in the enforcement of the Ghana's Immigration Law 2000 (Act 573) to be able to effectively tackle contemporary international migration challenges?

Thank you so much for your time and co-operation. I hope this information will provide a useful and reliable source of data to help me carry out my research successfully. I am highly grateful for your contribution.