

CONTENTS

Council of Ministers Regulation No. 114/2004
“Immigration Council of Ministers Regulations Page 2918

COUNCIL OF MINISTERS REGULATIONS NO. 114/2004 COUNCIL OF MINISTERS REGULATIONS ON IMMIGRATION

This Regulation are issued by the Council of Ministers pursuant to Article 5 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 4/1995 and Article 21 of the Immigration proclamation No. 354/2004

PART ONE GENERAL

1. Short title

This Regulation may be cited as the “Immigration Council of Ministers Regulation No. 114/2004”.

2. Definitions

In this Regulation, unless the context otherwise requires:

- 1) “Member of a Family” means the spouse of , or a child or any other person who is dependent on, a person;
- 2) “Domicile” means the residence of a person as defined under Article 183 of the Civil Code of Ethiopia;
- 3) “Authority” means the Security, Immigration and Refugee Affairs Authority;
- 4) “Ministry” means the Ministry of Foreign Affairs;
- 5) “Proclamation” means the Immigration proclamation No. 354/2003

PART TWO

Issuance of Travel Documents

3. *Diplomatic Passport*

- 1) Diplomatic passports shall be issued to:
 - (a) ambassadors, diplomatic agents, attaches and consular representatives who are assigned in the Ethiopian Embassies, Permanent Missions and Consular Posts abroad and to their spouses;
 - (b) Ethiopian government envoys holding such ranks as may be specified by directives of the Ministry and who travel abroad to participate in conferences or meetings or for other government business;
 - (c) government officials holding such ranks as may be specified by directives of the Ministry and who travel abroad for various purposes;
 - (d) Ethiopian employees of international and regional organizations with the rank of diplomatic status and their spouses; and
 - (e) distinguished dignitaries specified as such by directives of the Ministry.
- 2) Any application to be submitted to the Ministry, for the issuance of a diplomatic passport, by the concerned government office or the applicant himself, shall specify the grounds that qualify the applicant for the grant of such passport.

4. *Service Passport*

- 1) Service passports shall be issued to:
 - (a) Ethiopians assigned, as staff members, in Ethiopian Embassies, and Permanent Missions and Consular Posts abroad;
 - (b) Ethiopians, other than those specified under Article 3 of these Regulations, who travel abroad for government business;
 - (c) the family members of persons holding diplomatic passports pursuant to sub-article 1 (a) of Article 3 of these Regulations;
 - (d) Ethiopians who are employees of international or regional organizations with international civil servant's status and their spouses.
- 2) Any application to be submitted to the Ministry, for the issuance of service passport, by the concerned government office or the applicant himself, shall specify the grounds that qualify the applicant for the grant of such passport.

5. *Ordinary Passport*

Ordinary passport shall be issued to any Ethiopian upon request.

6. *Hajj and Umrah Passport*

Hajj and Umrah passport may, where necessary, be issued to Hajj and Umrah pilgrims.

7. *Alien Passport*

An alien passport shall be issued to a resident foreigner who is unable to obtain his national travel document or who is stateless.

8. *Laissez-Passer*

Laissez-passer shall be issued to an Ethiopian who is not holding a passport and is returning from abroad.

9. *Emergency Travel Document*

- 1) An emergency travel document shall be issued to a foreigner who is unable to obtain his national travel document or who is stateless and is departing from Ethiopia.
- 2) An emergency travel document shall be issued for exit only.

10. *Refugee Travel Document*

- 1) Refugee travel documents shall be issued to persons recognized as refugees in Ethiopia.
- 2) A refugee travel document may be issued either for exit only or for re-entry.

11. *Validity of Travel Documents*

- 1) The validity of travel documents shall be as follows:
 - (a) diplomatic passport..... 5 years;
 - (b) service passport 5 years
 - (c) ordinary passport 5 years
 - (d) Hajj and Umrah passport..... 1 year
 - (e) Alien passport 1 year
 - (f) laissez-passer up to 6 months
 - (g) emergency travel document ... up to 3 months
 - (h) refugee travel document 1 year
- 2) A request for the replacement of any travel document may be submitted where the document is lost or damaged or where its validity period expires.

12. *Preparation of Travel Documents*

- 1) The Authority shall be responsible for the determination of the form and content of all travel documents and for their production; provided, however, that it shall conduct prior consultation with the Ministry with regard to diplomatic and service passports.
- 2) Notwithstanding the power of the Ministry to issue diplomatic and service passports, the passport to be issued to each applicant shall be prepared by the Authority.

PART THREE
ISSUANCE OF VISAS

13. *General*

Prior to the issuance of any visa in accordance with this Regulation, the non-existence of conditions warranting refusal thereof as provided for in Article 5 of the proclamation should be ascertained.

14. *Diplomatic Visa*

1. Diplomatic visas shall be issued to the following foreigners:
 - (a) ambassadors, diplomatic agents, attaches and consular representatives who are assigned in foreign embassies, permanent missions and consular posts in Ethiopia and to their spouses;
 - (b) officials having diplomatic status of international organizations;
 - (c) foreign government officials coming to Ethiopia for official duties.

- 2) Diplomatic visa shall be issued pursuant to sub-article (1) of this Article only where a diplomatic note from the department of foreign affairs, embassy or consular posts of the requesting state or from the concerned international or regional organization has been presented.

15. Service Visa

- 1) Service visas shall be issued to the following foreigners:
 - (a) permanent employees of foreign embassies, permanent missions and consular posts in Ethiopia who are holding service passports and to members of their families;
 - (b) international civil servants assigned in international or regional organizations having their seats in Ethiopia and to members of their families;
 - (c) foreigners holding service passports and coming to or transiting through Ethiopia for government business;
 - (d) the family members of persons issued with diplomatic visas pursuant to Article 14 (1) (a) and (b) of these Regulations.
- 2) Service visa shall be issued in accordance with sub-article (1) of this Article only where a diplomatic note from the department of foreign affairs, embassy or consular post of the requesting state or from the concerned international or regional organization has been presented.

16. Business visa

- 1) Business visa shall be issued to foreigners who are coming to Ethiopia:
 - (a) for investment activities;
 - (b) without prejudice to the provisions of the relevant law concerning work permits, for employment in any activity;
 - (c) for various activities to be carried out in accordance with an agreement entered into with a foreign government, an international or regional organization or non-governmental organization;
 - (d) for humanitarian service without remuneration;
 - (e) for participation in symposia, exhibitions, workshops and similar activities to be held in Ethiopia or for giving a training;
 - (f) for study and research;
 - (g) for mass media activities.
- 2) Business visa may be issued for single or multiple entry.

17. Immigrant Visa

Immigrant visas shall be issued to the following:

- 1) Foreigners who have been adopted by Ethiopians or who have valid marriages with Ethiopians and are coming to reside in Ethiopia, and to members of their families;
- 2) Family members of foreigners holding permanent resident permits in Ethiopia;
- 3) Foreigners coming to reside in Ethiopia without either being engaged in any gainful activities or becoming public burden, and to members of their families.

18. Tourist Visa

- 1) Tourist visas shall be issued to foreigners who are coming to visit Ethiopia.
- 2) Prior to the issuance of a tourist visa, it has to be ascertained that the requirements specified under Article 3(2) of the proclamation have been met.
- 3) A tourist visa may be issued for single or multiple entry.
- 4) Any foreigner who has entered Ethiopia by a tourist visa may not be allowed to work in Ethiopia.

19. Transit Visa

- 1) Transit visa shall be issued to a foreigner who is traveling to another country across Ethiopia.
- 2) Prior to the issuance of a transit visa, it has to be ascertained that the requirements specified under Article 3(2) of the proclamation have been met.
- 3) A transit visa may be issued for either single or double transit.

20. Student Visa

- 1) Student visa shall be issued to a foreigner who is coming to Ethiopia for education or training.
- 2) Prior to the issuance of a student visa the applicant shall be required to produce evidence showing:
 - (a) his admission to an educational or training institution in Ethiopia; and
 - (b) the financial means to cover his educational and accommodation expenses.

21. Validity of Visas

- 1) Validity periods of diplomatic and service visas shall be determined in accordance with directives to be issued by the Ministry.
- 2) Validity periods of other visas shall be determined in accordance with directives to be issued by the Authority.

PART FOUR**APPLICATION FOR TRAVEL
DOCUMENTS AND VISAS****22. Application for Travel Documents**

- 1) Applications for the issuance of diplomatic and service passports shall be submitted to the Ministry. The Ministry shall, upon examining the application and authorizing the issuance of the passport, transmit to the Authority the information required for the preparation of the passport pursuant to Article 12 of this Regulation.
- 2) Applications for the issuance of laissez-passer shall be submitted to Ethiopian Embassies and Consular Posts abroad.
- 3) Without prejudice to the provisions of Article 24 of this Regulation, applications for the issuance of other travel documents shall be submitted to the Authority.
- 4) An application for a travel document shall be made by filling in a form issued for such purpose and shall be accompanied with an identity card issued by the appropriate organ.
- 5) The applicant shall, in addition to those required under Sub-Article (4) of this Article, furnish his photograph and finger print.

23. Application for Visas

- 1) Applications for diplomatic and service visas shall be submitted to the Ministry or to Ethiopian Embassies or Consular Posts abroad.
- 2) Applications for other visas shall be submitted to the Authority or to Ethiopian Embassies or Consular Posts abroad.
- 3) An application for a visa shall be made by filling in a form issued for such purpose and shall be accompanied with a valid travel document and a valid health certificate as may be necessary.

24. Issuance of Travel Documents and Visas by Ethiopian Embassies and Consular Posts Abroad

- 1) Ethiopian Embassies and Consular Posts abroad shall:
 - (a) issue laissez-passer in accordance with Article 8 of this Regulation;
 - (b) receive and, upon ascertaining their completeness, transmit to the Authority applications for the issuance of travel documents other than laissez-passer and diplomatic and service passports; and issue to the applicants the travel documents prepared by the Authority.
- 2) Ethiopian Embassies and Consular Posts abroad shall issue visas in accordance with the provisions of this Regulation and directives issued by the Ministry and the Authority pursuant to Article 38 hereof.
- 3) Notwithstanding the provisions of Sub-Article (2) of this Article, Ethiopian Embassies and Consular Posts shall have to obtain the consent of the Authority prior to the issuance of an immigrant visa or a student visa.

25. Issuance of Visa at Ports of Entry

Conditions justifying the issuance of visas at ports of entry shall be specified by directives to be issued by the Authority and the Ministry pursuant to Article 38 of this Regulation.

PART FIVE**REGISTRATION OF FOREIGNERS
AND RESIDANCE PERMIT****26. Registration**

- 1) An application for registration in accordance with Article 13 of the Proclamation shall be made by filling in a form issued for such purpose and the applicant shall have the obligation to attach the following and to answer truthfully to questions presented to him:
 - (a) a valid travel document when relevant;
 - (b) an evidence showing his reasons for residing or staying for more than ninety days in Ethiopia;
 - (c) other information and documents that may be required in accordance with directives issued by the Authority.
- 2) The applicant shall, in addition to those required under Sub-Article (1) of this Article, furnish his photograph.

27. Residence Permit

- 1) Any foreigner who has been registered in accordance with Article 26 of this Regulation shall, upon payment of the fee chargeable under this Regulation, be issued with either a permanent or temporary residence permit, as the case may be, in accordance with Article 28 or 29 of this Regulation.
- 2) Any foreigner who has been issued with a residence permit shall have the obligation to notify the Authority of the occurrence of any change in the information furnished at the time of registration, particularly a change in his name, nationality, occupation, marital status or address of work place or residence, within thirty days from the date of such occurrence.
- 3) Any foreigner shall have the obligation to present his residence permit or the identity card referred to in Article 14(2) of the Proclamation or his travel document with which he entered Ethiopia whenever required by the appropriate authorities.

28. Permanent Residence Permit

- 1) A permanent residence permit shall be issued to a foreigner who has entered Ethiopia by an immigrant visa as provided for in Sub-Article (1) or (2) of Article 17 of this Regulation.
- 2) Without prejudice to Sub-Article (1) of this Article, permanent residence permit may be issued to any foreigner who has:
 - (a) established his domicile in Ethiopia and lived in Ethiopia for at least three years preceding the submission of his application;
 - (b) sufficient and lawful source of income to maintain himself and his family; and
 - (c) good character.
- 3) Notwithstanding the provisions of Sub-Article (2) of this Article, a permanent residence permit may be issued to a foreigner who is married to an Ethiopian national if there is a lapse of at least one year since the conclusion of the marriage.
- 4) A foreigner engaged in investment or humanitarian activities in Ethiopia or who has made or is expected to make outstanding contributions in the interest of Ethiopia may be issued with a permanent residence permit irrespective of the waiting period provided for in Sub-Article 2(a) of this Article.
- 5) A foreigner who has obtained a permanent residence permit shall be issued with a work or an investment permit in accordance with the appropriate laws.

29. Temporary Residence Permit

- 1) A temporary residence permit shall be issued to any foreigner who has been registered in accordance with Article 26 of this Regulation and who is not entitled to a permanent residence permit.
- 2) A temporary residence permit shall be valid for a period not exceeding one year from the date of issuance and shall be replaced by a new one where it becomes necessary to stay longer.

30. *Revocation of Residence Permit*

- 1) A residence permit may be revoked where it is found to have been obtained by presenting false evidence.
- 2) A permanent residence permit may also be revoked on the following ground:
 - (a) where the holder of the permit left Ethiopia and stayed abroad for a consecutive period of more than one year; or
 - (b) where the permit is found to have been obtained on the basis of a marriage of convenience.

31. *Return of Residence Permit*

Any foreigner who is holder of a residence permit shall have the obligation to return it to the Authority if he is leaving Ethiopia for good.

PART SIX***FEES PAYABLE FOR VARIOUS SERVICES*****32. *Fee Rates***

- 1) Fees to be paid for travel documents shall be as prescribed in Schedule One of this Regulation.
- 2) Fees to be paid for visa services shall be as prescribed in Schedule Two of this Regulation.
- 3) Fees to be paid for residence permit and identification cards shall be as prescribed in Schedule Three of this Regulation.
- 4) The full amount of the regular fee shall be paid to replace a travel document when it is damaged or has expired; provided, however, that the replacement fee shall be raised by 20% if it is lost.
- 5) The full amount of the regular fee shall be paid for making corrections in a travel document, residence permit or an identification card; provided, however, that no payment shall be required where the cause of the mistake could be attributable to the Authority.
- 6) Notwithstanding Article 32 of the Council of Ministers Financial Regulations No. 17/1997, payment of fees under this Article may be collected against receipt issued by the Authority; provided, however, that the proceeds thereof shall be deposited in accordance with Article 35 of said Regulations.

33. *Exemptions*

- 1) Fees payable under Article 32 of this Regulation shall not be applicable to persons who are exempted from payment in accordance with the law or treaties.
- 2) An Ethiopian returning from abroad and applying for a laissez-passer under Article 8 of this Regulation shall be exempted from payment of fees thereof where he is unable to afford it.
3. A person applying for an emergency travel document under Article 9 of this Regulation shall be exempted from payment of fees thereof where he is unable to afford it.

PART SEVEN
*PORTS OF ENTRY AND EXIT AND
 IMMIGRATION CONTROL*

34. *Ports of Entry and Exit*

- 1) The following shall be Ethiopian Ports of entry and exit:
 - (a) by air: Addis Ababa and Diredawa;
 - (b) by land: Moyale, Dewole, Galafi, Metemma, Humera, Omorate, Togochale and Dolo Odo.
- 2) The Authority may designate other ports or close the existing ones where necessary.

35. *Control at Ports of Entry and Exit*

An Immigration Officer appointed under Article 16 of the Proclamation shall, at ports of entry and exit, control persons entering into or departing from Ethiopia to ensure that they have fulfilled the requirements specified under Articles 3 or 6 of the Proclamation or, where they are exempted from such requirements, that they are holding the appropriate identification cards.

36. *Control at Hotels and Lodging Houses*

- 1) Any non-resident foreigner who intends to lodge at any hotel or any lodging house shall have the obligation to present his valid travel document and be registered in a form prescribed by the Authority.
- 2) Where a hotel or a lodging house provides accommodation to a non-resident foreigner, it shall have the obligation to report to the Authority, the organ delegated by the Authority or the nearest police station, within 24 hours.
- 3) Where an institution provides accommodation to a non-resident foreigner in its own guest house, it shall have the obligation to report and present the travel document of the foreigner to the Authority, the organ delegated by the Authority or the nearest police station, within 24 hours.

PART EIGHT
 MISCELLANEOUS PROVISIONS

37. *Keeping of Records*

Information to be gathered from applicants in connection with the issuance of travel documents and visas and the registration of foreigners under the provisions of this Regulation may be taken and filed with the use of electronic devices.

38. *Power to Issue Directives*

- 1) The Ministry and the Authority may issue directives for the implementation of this Regulation within the bounds of their respective jurisdiction.
- 2) All directives issued for the implementation of this Proclamation shall be publicized prior to their enforcement.

39. *Repeal*

The Issuance of Travel Documents and Visas Regulations No. 395/1971 (as amended) and the Visa and Residence Permit Fees and Ports of Entry Regulations No. 394/1971 (as amended) are hereby repealed.

40. *Transitory Provisions*

Conditions of registration and issuance of residence permit applicable to members of foreign committees resided in Ethiopia for long periods prior to the coming into force of this Regulation and who could not meet the requirements provided for under Articles 26 to 29 of this Regulation shall be prescribed by directives to be issued by the Authority.

41. *Effective Date*

This Regulation shall enter into force on the 11th day of September 2004.

Done at Addis Ababa, this 20th day of October, 2004.

MELES ZENAWI
PRIME MINISTER OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA