

## **PROCLAMATION NO. 354/2002**

### **Immigration Proclamation**

**WHEREAS**, it has become necessary to promulgate a comprehensive immigration law which is compatible with the prevailing current situations;

**NOW, THEREFORE**, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

#### **PART ONE**

#### **GENERAL**

##### **1. Short Title**

This Proclamation may be cited as the “Immigration Proclamation No. 354/2003”

##### **2. Definitions**

In this Proclamation unless the context requires otherwise:

- 1/ “foreigner” means any person who is not an Ethiopian national;
- 2/ “authority” means the Security, Immigration and Refugee Affairs Authority;
- 3/ “ministry” means the Ministry of Foreign Affairs;
- 4/ “travel document” means any passport or other travel document, issued by the Ministry or the Authority or by a foreign state or international or

regional organized by the Government of Ethiopia, bearing the identity and nationality of the holder;

- 5/ “minor” means a person who has not attained the age of majority as determined under the Civil Code of Ethiopia.

## **PART TWO**

### **ENTRY IN ETHIOPIA**

#### **3. Requirements**

- 1/ Any foreigner who wants to enter Ethiopia shall possess:
- (a) a valid travel document;
  - (b) a valid entry visa or permanent residence permit or an identity card issued by the Ministry if he is covered by Article 14(1) of this Proclamation; and
  - (c) health certificate, as may be necessary.
- 2/ A foreigner holding a tourist or transit visa shall, in addition to those specified under Sub-Article (1) of this Article, possess:
- (a) a ticket valid for travel from Ethiopia to another country; and
  - (b) unless otherwise permitted, a valid visa and health certificate which will enable him to enter the country destination;
- 3/ A foreigner who is a minor and wants to enter Ethiopia:

- (a) notwithstanding Sub-Article 1(a) and (b) of this Article, may enter Ethiopia if registered in the travel document of the person who accompanies him;
- (b) if he is traveling alone, he shall have a person who shall assume responsibility for him in Ethiopia.

#### **4. Non-Requirement of Entry Visa**

No entry visa may be required to enter Ethiopia where such exemption is provided in any other law or a treaty to which Ethiopia is a party.

#### **5. Denial and Cancellation of Entry Visa**

An entry visa may be denied or canceled if the applicant or the holder:

- 1/ has no visible means of support or is likely to become a public burden;
- 2/ is found to be a notorious criminal;
- 3/ has been declared to be a drug addict;
- 4/ has been suspected of suffering from a dangerous contagious disease;
- 5/ has been found to be a threat to national security;
- 6/ has furnished false information; or
- 7/ has violated the provisions of this Proclamation or Regulations issued hereunder.

**PART THREE**  
**DEPARTURE FROM ETHIOPIA**

**6. Requirements**

A person departing from Ethiopia shall possess:

- 1/ a valid travel document;
- 2/ unless otherwise permitted, an entry visa which will enable him to enter the country of destination; and
- 3/ a health certificate, as may be necessary.

**6. Persons prohibited from Departing from Ethiopia**

Any person may only be prohibited from departing from Ethiopia by an order of a court given in accordance with the law.

**PART FOUR**  
**DEPORTATION OF FOREIGNERS FROM ETHIOPIA**

**8. Deportation**

- 1/ The Authority may issue a deportation order against a foreigner on any one of the grounds specified under Article 5 of this Proclamation.
- 2/ The execution of a deportation order issued pursuant to Sub-Article (1) of this Article shall also include the family members of the deportee other than those having Ethiopian nationality.

- 3/ The Authority may detain the foreigner against whom the deportation order is issued until he leaves the country.
- 4/ The order of deportation shall specify the reason for the deportation of the foreigner, the date of departure and the port of exit.
- 5/ The Authority may, at any time, revoke the deportation order issued against the foreigner.
- 6/ The foreigner against whom the deportation order is issued shall be deported to his country of origin or to any other country if such other country is willing to receive him.
- 7/ The provisions of Sub-Articles (3), (4) and (6) of this Article shall be applicable with respect to a foreigner against whom a deportation court order is issued in accordance with the Penal Code.

## **9. Petition Against Deportation Order**

- 1/ A foreigner who is aggrieved by a deportation order issued by the Authority may submit a petition against the order to the Grievance Hearing Committee, composed of representatives of the Ministry, the Ministry of Justice and the Authority, within three working days from the date of receipt of the deportation order.
- 2/ The Committee shall review the petition and submit its recommendation to the Authority. The decision of the Authority shall be final.
- 3/ The rules of procedures of the Committee shall be prescribed by the Authority.

## **10. Traveling Expenses**

- 1/ A foreigner against whom a deportation order is issued shall cover his traveling expenses.
- 2/ If the deportee is not willing to cover his expenses in accordance with Sub-Article (1) of this Article, the expenses may be chargeable to his property, accordance to law if any.

### **PART FIVE**

### **TRAVEL DOCUMENTS AND VISAS**

## **11. Types and Issuance of Travel Documents**

- 1/ Travel documents to be issued in accordance with this Proclamation and Regulations issued hereunder shall be the following:
  - (a) diplomatic passport;
  - (b) service passport;
  - (c) ordinary passport;
  - (d) laissez-passer;
  - (e) emergency travel document;
  - (f) refugee travel document;
  - (g) other travel documents to be prescribed, as may be necessary, by Regulations to be issued hereunder.
- 2/ The travel documents specified under Sub-Articles 1 (a) and (b) of this Article shall be issued by the Ministry.

- 3/ The travel documents specified under Sub-Articles 1 (c)-(g) of this Article shall be issued by the Authority.
- 4/ The conditions of issuance of travel documents shall be prescribed by Regulations to be issued under this Proclamation.

## **12. Types and Issuance of visas**

- 1/ Visas to be issued in accordance with this Proclamation and Regulations issued hereunder shall be the following:
  - (a) diplomatic visa;
  - (b) special visa;
  - (c) business visa;
  - (d) immigrant visa;
  - (e) tourist visa;
  - (f) transit visa;
  - (g) student visa;
  - (h) exit visa;
  - (i) re-intry visa;
  - (j) other visas to be prescribed by Regulations to be issued under this Proclamation.
- 2/ The visas specified under Sub-Articles 1 (a) and (b) of this Article shall be issued by the Ministry.
- 3/ The visas specified under Sub-Articles 1 (c) - (j) of this Article shall be issued by the Authority.
- 4/ The conditions of issuance of visas shall be prescribed by Regulations to be issued under this Proclamation.

**PART SIX**  
**REGISTRATION OF FOREIGNERS AND**  
**RESIDENCE PERMIT**

**13. Registration**

- 1/ The following persons shall be required to register with the Authority:
  - (a) all foreigners residing in Ethiopia;
  - (b) any foreigner who enters Ethiopia with an immigrant visa, within thirty days of the date of his arrival;
  - (c) any foreigner who enters Ethiopia with a business or student visa and intends to stay for more than ninety days, within thirty days of the date of his arrival;
  - (d) without prejudice to Article 14 of this Proclamation, any foreigner who enters Ethiopia without a visa pursuant to Article 4 of this Proclamation and intends to stay for more than ninety days, within thirty days from the date of his arrival.
  
- 2/ The conditions of registration shall be prescribed by Regulations to be issued under this Proclamation.

**14. Foreigners not Required to Register**

- 1/ The following foreigners may not be required to register:
  - a) diplomats and international civil servants and members of their families residing in Ethiopia;



- b) a foreigner who is recognized as a refugee by the Government of Ethiopia and the United Nations High Commission for Refugees;
  - c) foreigners exempted from registration and residence permit in accordance with other laws or treaties to which Ethiopia is a party.
- 2/ A foreigner exempted from registration pursuant to this Article shall obtain an identity card issued by the appropriate authority within thirty days from the date of his arrival.

## **15. Issuance of Residence Permit**

- 1/ A foreigner who is registered in accordance with Article 13 of this Proclamation shall be required to obtain a temporary or permanent residence permit, as the case may be.
- 2/ Minor children shall be entered in the residence permits of their parents.
- 3/ The conditions of issuance of residence permit shall be prescribed by Regulations to be issued under this Proclamation.

## **PART SEVEN**

### **MISCELLANEOUS PROVISIONS**

## **16. Immigration Officers**

- 1/ There shall be appointed, by the Authority, Immigration officers who shall be responsible for controlling entries into and departures from Ethiopia.
- 2/ An Immigration Officer appointed in accordance with Sub-Article

(1) of this Article shall have the power to:

- a) board any conveyance carrying passengers who are entering into or departing from Ethiopia;
- b) inspect travel documents, visas and other documents prescribed herein or in Regulations issued hereunder;
- c) detain for investigation;
  - i. any person who is attempting to enter or depart from Ethiopia; or
  - ii. any foreigner residing in Ethiopia; in violation of the requirements hereof or of any Regulations issued hereunder.

3/ Any person detained by an Immigration Officer pursuant to the provisions of Sub-Article 2 (c) of this Article shall be brought to the competent court without delay in accordance with the law.

## **17. Obligations of Carriers**

- 1/ A carrier who carries a foreigner coming to Ethiopia shall ensure that such foreigner has fulfilled the requirements provided for in Article 3 of this Proclamation and has disembarked at one of the ports of entry designated by Regulations issued under this Proclamation.
- 2/ The person who is in charge of any conveyance arriving from or leaving for any place outside Ethiopia shall be required to furnish to the concerned Immigration Officer a list of the names of all persons on board.

- 3/ Without prejudice to Sub-Article 1 (a) and (2) of Article 20 of this Proclamation, a carrier who has violated the provisions of Sub-Article (1) of this Article shall be obliged to return the foreigner at his own expense.

## **18. Information Required from Hotels and lodging houses**

Hotel and lodging houses which rent rooms to foreigners on daily basis or otherwise shall have the obligation to require all foreigners to furnish the necessary information and submit same to the concerned body, as prescribed in Regulations issued hereunder.

## **19. Fees**

- 1/ Without prejudice to Sub-Articles (2) and (3) of this Article, fees to be paid for travel documents, visas, registration, residence permits and other services shall be determined by Regulations to be issued under this Proclamation.
- 2/ No fees shall be paid for diplomatic and service passports and visas.
- 3/ Exemption from payment of fees may be granted in accordance with the law or treaties.

## **20. Penalty**

- 1/ Unless higher penalties are provided for in the Penal Code:
  - (a) any person who enters or leaves Ethiopia in violation of the provisions of Article 3 or 6 of this Proclamation or who is an accomplice in the commission of such offence is punishable with imprisonment not exceeding three years or a fine not exceeding ten thousand Birr or both;

(b) without prejudice to the provisions of Article 14 of this Proclamation, any foreigner who lives in Ethiopia without having a valid residence permit or any person who assists such foreigner to stay or live in Ethiopia knowing that the foreigner is required to have a residence permit is punishable with imprisonment not exceeding three years or a fine not exceeding ten thousand Birr or both;

(c) any person who is found guilty of other offences by violating the provisions of this Proclamation and Regulations issued hereunder is punishable with imprisonment not exceeding one year or a fine not exceeding five thousand Birr or both.

2/ If the person found guilty of committing the offence provided for in Sub Article 1 (a),(b) or (c) of this Article is a legal person, the maximum punishment of fine shall be raised by four times.

## **21. Issuance of Regulations**

The Council of Ministers may issue Regulations for the proper implementation of this Proclamation.

## **22. Repeal**

The Issuance of Travel Documents and Visas and Registration of Foreigners in Ethiopia Proclamation No. 271/1969 is hereby repealed.

## **23 Transitory Provision**

No Ethiopian may, within one year from the effective date of this Proclamation, depart from Ethiopia unless he is in possession of a valid exit visa in addition to those specified under Article 6 of this Proclamation.

## **24. Effective Date**

This Proclamation shall come into force as of the 3<sup>rd</sup> day of July, 2003.

**Done at Addis Ababa, this 3<sup>rd</sup> day of July, 2003.**

**GIRMA WOLD EGIORGIS**

**PRESIDENT OF THE FEDERAL  
DEMOCRATIC REPUBLIC OF ETHIOPIA**