

POSSIBLE SOLUTIONS TO LIMIT THE IMPACT OF COVID-19 ON MOBILITY & IMMIGRATION IN AFRICA



1 <https://reliefweb.int/report/world/dtm-covid-19-global-mobility-restriction-overview-19-march-2020>

2 <https://www.csis.org/analysis/five-ways-covid-19-changing-global-migration>

INTRODUCTION

On March 11, 2020 the World Health Organization (“WHO”) declared the novel virus, Coronavirus (“COVID-19”) a global pandemic. The impact of COVID-19 is that the entire world has come to an unexpected halt. As of April 14, 2020 the global number of COVID-19 cases reported by the World Health Organization reached 2, 029, 974 (Two Million, Twenty-Nine Thousand, Nine Hundred and Seventy-Four) cases and as a result of the global catastrophe, many countries have imposed travel restrictions and closure of borders as a measure to curb the spread of the virus.

According to the UN Migration Agency¹ at least over 174 countries, have implemented social distancing orders, closure of schools, restrictions on public gatherings, border closures, travel restrictions and also heightened screening at port of entries. In fact, the United States of America has (with a few exemptions) placed, via an Executive Order signed by President Donald trump, a sixty (60) day restriction on the issuance of residency cards which allows entry to people outside the country seeking lawful permanent residency.

The impact of the closure of borders has affected the driving force of a globalized economy, as “Migrant Labour” is an essential element of the global economy.

Furthermore, the outbreak has affected the validity of work permits, visas and applications, as documents procured for work applications that are timebound are likely to expire before use due to the movement restrictions and closure of borders.

As it stands, it is difficult to discern when the world will recover from this pandemic and return to its normal migration activities.

COVID-19, is likely to have lasting migration implications even long after the global economy bounces back. Indeed, it is envisaged that this would leave migrants and temporary expatriate workers with “irregular migration” pathways such as using smugglers, traffickers and other illicit groups² which may not be beneficial to them. Therefore, since the international labour market is highly dependent on mobility of labour, the essence of this article is to provide possible solutions to ease the impact of reduced migration in Africa countries and to generally reduce the challenges occasioned by the COVID-19.

Apart from the current laid down procedures to limit the spread of Covid-19, including social distancing, restrictions on public gatherings, etc. around the world, we envisage that the following measures would also curtail the further spread and aid ease of migration across Africa:

1. Providing COVID-19 medical tests at the port of entry,
2. Obtaining adequate information on passengers upon arrival into the country to track travel history, and
3. Providing directive on isolation of passengers until certified by the health agency to be fit to work and live in the country.

POSSIBLE SOLUTIONS

The below, provide possible solutions to ease the impact of Covid-19 on immigration activities and the processing of such application and relevant documentation in Africa countries.

A. Creation of Opportunities For Local Employees

Due to the shortage of foreign workers as a result of the pandemic, companies



3 <http://www.bloomfield-law.com/our-works/summary-of-the-nigerian-visa-policy-2020/>

4 <https://t.co/XI2GDGOLXS>

Many African governments would strengthen their local content regulations in a bid to compel companies to empower and create opportunities for local hires in the country. The government would require local companies to train its employees especially local employees that were understudying the expatriates.

Recently, the Nigerian government in its quest to enhance the local content policy, drafted the "National Content Development and Enforcement Bill" (The "Bill") which is before the legislative body for consideration, and when passed will become the applicable local content law and replace the current law in Nigeria. The essence of this bill is to broaden the coverage of local content requirements and establish a regime that extends its powers to the ICT, Power, Solid Materials and Construction sectors.

This bill will also enable preferences to Nigerian operators and investors in the grant of oil blocks, licenses, permits and projects, contracts. Furthermore, foreign companies and projects with budgets over USD 1,000,000 are required to have a certain percentage of Nigerian workers which will be determined by the Board set up under the law. This, therefore, buttresses the need to have Nigerians occupying their junior and immediate ranks as well as a successive plan for the Nigerian employees to take over positions previously occupied by foreign nationals at the end of their tenure in Nigeria. Further, the Bill emphasizes the need for ownership of equipment by Nigerian subsidiaries. The bill further imposes penalties for failure to comply with the directives.

This Bill, once passed and if effectively enforced, will boost the Nigerian economy and create job opportunities for its citizens in various sectors and not necessarily the oil and gas sector. We encourage other African countries to enact similar development policies.

Furthermore, the drastic fall in oil prices has raised concerns for many African countries. It is not in dispute that the extractive industry is the backbone to the economy of many African countries, the fall in prices would lead to budget deficits which may only be rectified through diversification of the economy.

It is however pertinent that innovative and practical measures are taken into consideration to improve other industries such as (Agriculture, Manufacturing and services, Solid Materials, Textile, Construction etc.) This will help reduce the deficit and stabilize the economies.

Due to the imposition of travel bans, importations have been reduced, countries are now forced to rely on locally produced food, necessary goods and services, which has now saddled leaders with the responsibility to look into these areas and improve the sectors enhance and advocate for local products. It is will enable a boost of countries economy internally during and after this pandemic period and also create Job opportunities locally.

B. Online Visa Applications

Governments should enact policies to enable online visa applications as opposed to physical submission at the embassies.

In Nigeria, the [New Visa Policy 2020](#)³ has recently made provision for electronic visa ('E- visa') as a channel for visa application. .

The electronic visa allows submission of copies of the visa application documents through an electronic means (either through a portal or by email)

The visa approval is adjudicated and a visa approval is issued and sent to the applicant by email.

The visa is issued to the applicant at the port of entry. The e-visa process would greatly limit the exposure that would arise through physical submission.

C. Introduction of Multiple Entry Visa on Temporary Applications

In many African countries, multiple entry visas only apply to long term applications and are not available for temporary term applications. The grant of a multiple Entry visa on temporary applications as opposed to single entry visas, will grant the foreigners exit and entry permits in the country within its temporary period of stay which may span six (6) months. This will help save cost for foreigners who will be required to travel to the country on a temporary basis and still be allowed to make emergency travels in and out of the country without having to be borne with the expense of renewals. This will also save costs for the local company who requires the expertise of the foreigner as the local company is saddled most times with the foreigner's expenses.

D. Waiver / Extension Policies on validity of documents:

Governments should enact regulations for waiver of validity periods of documents procured to enable foreigners close out on pending work permit applications once the pandemic is over and return to its normal activities. The Nigerian government issued a notice on the blanket extension of work permits, residence permits and visitor's visa of foreigners affected by the impositions of travel ban and closure of borders at no cost until the travel ban/lockdown is lifted and operations at the Ministry and Nigerian Immigration Services resumes fully⁴. Foreigners that fail to apply for renewal of permits or fails to leave the country after the travel restrictions are lifted will be required to pay the prescribed fees.

This directive issued by the Minister of Interior does not affect applications which expired before the closure of borders and implementation of the lockdown.

[The Government of South Africa](#) has also implemented certain concessions to enable foreigners whose permits, visas, document validity that expired or will expire during the window period of mid-February - April 30th , 2020 will be allowed apply for a renewal once the restrictions are lifted, and for foreigners who are still resident in South Africa and have submitted their renewal applications will be allowed to continue residing and working in the country without any issues.

Furthermore, foreigners under temporary residence visas who are affected by the restrictions imposed due to the COVID – 19 outbreaks will be allowed to re-apply for such visa and upon such application, a visa will be granted until July 31, 2020. A foreigner with a special case scenario not covered above can apply to the Ministry of Home Affairs in South Africa for a waiver which upon proper consideration may or may not be granted.



These various directives and implementations are a step in the right direction and is advisable for African countries, who are yet to implement waiver/extension policies do so to aid ease of migration once the international travel ban is lifted.

- E. **Mandatory COVID-19 Medical Report** To avoid the fourteen (14) days quarantine period, Ministry of Foreign/ Home Affairs in African countries will be required to amend its travel policies to provide for an option for migrants to submit at the port of entry, the original copy of a recently completed medical report, which will show that the migrant had tested negative to coronavirus in order to gain entrance freely into the country.

In the absence of the medical report, the migrant will be required to undergo a fourteen (14) days mandatory quarantine period. This position has been replicated in visa and travel policy of certain countries. Thus, migrants who are required to make urgent travel to certain countries may be delayed by the compulsory mandatory quarantine policy if an alternative is not provided. In Nigeria and many African countries, the mandatory quarantine period is fourteen (14) days for foreigners who travel from high risk countries, while in South Africa the mandatory quarantine policy is twenty-one (21) days.

CONCLUSION

While Nigeria, South Africa and Uganda have announced lockdown extensions for at least two (2) weeks, as cases continue to rise, Ghana is the first to lift movement restrictions among a dozen countries in Africa that have imposed such strict measures to contain the spread of the virus.

This is as a result of the increased number of tests carried out on citizens in the country. President Nana Akufo-Addo of Ghana lifted a three-week lockdown in the two largest cities of the country. The cities of Accra and Kumasi have re-opened and residents have returned to work. However, citizens have been instructed to wear masks when going outside and to continue adhering to social distancing measures in public places.

It is no longer news that Coronavirus ("COVID-19") has proven to have detrimental effects on global mobility and the economy as a whole. The continued spread of the virus will likely have a long-lasting impact on immigration and international travel as well as the introduction of travel bans and quarantines which will potentially disrupt both travel and mobility in under-developed African countries. Therefore, it is pertinent that adequate policies are implemented to enable ease of movement once borders re-open.

For more information on this Article, please contact



Kunle Obebe
Partner
kunleobebe@bloomfield-law.com



Olamide Soetan
Executive Associate
olamide.soetan@bloomfield-law.com



Kelvina Ifejika
Associate
Kelvina.ifejika@bloomfield-law.com



Peace Lotechukwu
Associate
peace.lotechukwu@bloomfield-law.com

or your usual contact at Bloomfield LP.



© 2020 All rights reserved www.bloomfield-law.com

DISCLAIMER

This is a publication of Bloomfield LP and is for general information only. It should not be construed as legal advice under any circumstance and Bloomfield LP shall bear no liability for any reliance on this publication. For further information about the Firm, its practice areas, publications and details of seminars/events, please visit: www.bloomfield-law.com.

