



**Federal Democratic Republic of Ethiopia
Agency for Refugees and Returnees Affairs**



Directive to Determine the Procedure for Refugees Right to Work

Directive No. 02/2019



**December 30, 2019
Addis Ababa**



Preamble

Ethiopia has a long history of welcoming refugees and is currently hosting a large number of refugees in various parts of the country.

Recognizing the global nature of the refugee issue and considering the ever increasing global problem of displaced persons and refugees as well as with a view to enabling refugees become partners in development recognizing them as assets than liabilities while also benefiting host communities, the government has adopted the new Refugees Proclamation No. 1110/2019 replacing the refugee law previously in place.

The Proclamation, drafted in a manner to effectively realize refugees right to work in conformity with the relevant laws of the country, also provides for the engagement of refugees in projects jointly designed by the government and the international community and the possibility for them to engage in fields of work permitted for foreign nationals upon obtaining the required work permit.

Therefore, this Directive, which aims at implementing the Proclamation and developed with the participation of key partner institutions, is drafted because, despite setting out new legal framework that give better treatment for refugees putting in place a mechanism whereby refugees enjoy the most favorable treatment accorded to foreign nationals pursuant to relevant laws, the Proclamation does not provide clear and detailed working procedures and legal framework for the engagement of refugees in wage earning employment, self-employment and joint projects even.



Part I

General Provisions

1. Purpose of the Directive

This Directive is issued as it is deemed necessary to put in place a detailed working procedure to properly implement Article 26 of the Refugees Proclamation providing for the right to work of refugees so as improve the living conditions and ensure the common economic benefits of refugees, asylum seekers and the local community.

2. Issuing Authority

This Directive is issued by the Agency for Refugees and Returnee Affairs to determine the conditions for the implementation of refugees right to work in accordance with the powers conferred upon it under Article 46 (2) of the Refugees Proclamation.

3. Short title

This Directive may be cited as “Directive to Determine the Procedures for Refugees Right to Work, Directive No. 02/2019”.

4. Definitions

In this Directive:

- 1) "Proclamation" means the Refugees Proclamation No. 1110/2019.
- 2) "Ministry" means the Ministry of Labor and Social Affairs of the Federal Democratic Republic of Ethiopia.
- 3) "Agency" means the Agency for Refugees and Returnee Affairs.
- 4) The terms "refugee", "recognized refugee", "asylum seeker" and "family" shall have the meanings given to them under the Proclamation.
- 5) “joint project” means an urban or rural development project designed with the support of the international community and the agreement of the Ethiopian government to economically benefit both recognized refugees and Ethiopian nationals.
- 6) “residence permit” means a permit issued by the Agency, subject to renewal every five years as necessary, to enable a recognized refugee to work in a given joint project



while being accorded with equal treatment as Ethiopian nationals engaged in the same project.

- 7) "wage earning employment" means the performance of professional or manual work by a refugee or an asylum seeker who is employed permanently or temporarily in consideration for wage.
- 8) "self-employment" means the engagement of recognized refugees or asylum seekers, individually or in group, in areas such as agriculture, industry, small and medium enterprises, handicraft and commerce upon obtaining the proper license from the relevant licensing bodies in accordance with applicable laws of the country.
- 9) "person" means a natural person or a legal person as defined by law.
- 10) Any reference to the masculine gender includes the feminine gender.

5. Principles

Services aimed at realizing the right to work of recognized refugees and asylum seekers shall:

- 1) be efficient, harmonized, transparent, fair, of the required quality, accessible and organized in a modern way; and
- 2) comply with the principles pertaining to the protection of refugees which are laid down in the Refugees Proclamation.

6. Scope of Application

This Directive shall apply to recognized refugees and asylum seekers and their employers as well as any other person who may come under the purview of the Directive in the course of its implementation.



Part II

Participation in Joint Projects

7. Conditions for Participation in a Joint Project

- 1) Any recognized refugee may be allowed to work in a joint project by obtaining a residence permit, without a need for a work permit, if he is selected to participate in the project having met the requirements set by the Agency and the project.
- 2) A refugee or asylum seeker who is legally married to an Ethiopian national or has one or more child in possession of Ethiopian nationality, and has been provided a letter by the Agency attesting to the facts, does not need a residence permit to participate in a joint project, as provided in sub-article 1 of this Article.

8. Conditions for Obtaining a Residence Permit

Any recognized refugee shall be issued a residence permit where:

- 1) he meets the conditions to be employed in a joint project by fulfilling the criteria set out by the project and is selected to participate in the project based on a procedure determined by the Agency;
- 2) the Agency determines that the refugee is not being investigated or charged in connection with breach of security or crime; and
- 3) he has lived in Ethiopia for three (3) years after being granted refugee status.

9. Benefits of a Residence Permit

- 1) A recognized refugee who has been granted a residence permit has the right to move from place to place without a pass permit and to work in a joint project in relation to which the residence permit was granted.
- 2) Notwithstanding the provisions of sub-article 1 of this Article, a person shall not have the right to work using residence permit obtained on account of his being a family member of a recognized refugee selected to participate in a joint project.

10. Obligations of Refugees Granted Residence Permits

Any recognized refugee who has been granted a residence permit shall have the obligations:



- 1) to use his residence permit only for the joint project in respect of which the permit is granted; and
- 2) not to engage in illegal activities and acts contrary to public morals and to comply with the laws of the country.

11. Procedures and Requirements for Residence Permit

- 1) A recognized refugee selected by the Agency to participate in a joint project may submit a request for a new residence permit for himself or his family members only by himself or through his legal representative.
- 2) Any recognized refugee seeking to obtain a new residence permit shall meet the following requirements:
 - a. A completed application for a residence permit;
 - b. A renewed identification paper issued by the Agency confirming his refugee status;
 - c. Four passport size photographs of the refugee;
 - d. Marriage certificate if the residence permit is being requested for the refugee's spouse;
 - e. Birth certificate if the residence permit is being requested for a minor child;
 - f. The Agency's certification to other family members; and
 - g. Employment contract or evidence of a valid business license or membership of a cooperative union where appropriate.

12. Procedure and Requirements for Renewal of Residence Permit

Any recognized refugee shall make an application for renewal of his residence permit or the residence permit of his family member by the Agency within two (2) months prior to the expiry of the residence permit. The application shall be made in person and consist of the following documents:

- 1) Application for renewal of the residence permit;
- 2) A renewed identification paper attesting to his refugee status;
- 3) Current residence permit;
- 4) Employment contract or evidence of a valid business license or membership of a cooperative union; and



- 5) Four passport size photographs taken within the last six months.

13. Replacement of Residence Permit

- 1) An application to replace a lost or damaged residence permit may only be made personally by the refugee who has obtained residence permit to work in a joint project.
- 2) A request for a replacement of a lost or damaged residence permit shall include the following particulars:
 - a. A written Application;
 - b. A letter from the competent police authority confirming the loss of the residence permit or evidence of report of the loss made to the Agency;
 - c. Remains of the damaged residence permit in case the residence permit is damaged or destroyed;
 - d. Renewed refugee identification paper;
 - e. Four passport size photographs taken within the last six months.
- 3) The lost residence permit shall be voided with its code number cited and, if damaged, remains of the same shall be submitted to the Agency.
- 4) In case a refugee who has been granted a replacement residence permit has found his lost residence permit or has identified its location, he shall immediately return it to the Agency or inform the Agency of its location.

14. Conditions for Cancellation of Residence Permit

A residence permit granted to a refugee may be revoked for the following reasons:

- 1) Where the refugee who is granted residence permit returns the permit on his own accord;
- 2) Where the refugee's employment is terminated;
- 3) Where the refugee has been absent from the work in respect of which the residence permit is granted for three months without a valid reason;
- 4) Where the refugee is found to have violated the obligations set out under Article 10 of this Directive;
- 5) If he has lost his refugee status;
- 6) If it is proven that the refugee has left the country for good;



- 7) If it is proven that the residence permit was obtained through false evidence, deception, fraud, or other illegal means;
- 8) If the residence permit is not renewed, without good reasons, within 3 months after its expiry;
- 9) Where the Agency determines that the continued possession of the residence permit by the refugee poses a threat to national interest and security.

15. Appeals on Complaints Regarding Residence Permit

Successive appeals may be made up to the Deputy Director-General in charge of the relevant Department for any complaints related to the granting, revocation, and renewal of residence permits. Anyone who is not satisfied by the decision of the Deputy Director-General may appeal to the Director-General. The decisions of the Director-General shall be final.

Part III

Wage Earning Employment

16. Necessary Conditions to Engage in Wage Earning Employment

- 1) A recognized refugee or asylum seeker may engage in wage earning employment upon obtaining a work permit from the competent government body.
- 2) Notwithstanding the provisions of sub-article (1) of this Article, a refugee who has been granted a residence permit to work in a joint project may be employed in the project without having to obtain a work permit.
- 3) Without prejudice to the provision of Article 26 (10) of the Refugees Proclamation, a refugee or asylum seeker who is legally married to an Ethiopian national or has one or more child in possession of Ethiopian nationality may be employed without having to obtain a work permit.
- 4) A refugee or asylum seeker shall be employed in accordance with sub-article 3 of this Article on the basis of the following procedure:
 - a. where his right to work ensues from marriage, the validity of the marriage and the registration of the marriage certificate shall be verified by the Agency;



- b. where his right to work ensues from his minor child, proof of the child's Ethiopian nationality shall be produced; or
- c. When the refugee obtains a letter from the Agency confirming that he can work without a work permit on the basis of a procedure set by the Agency.

17. Request for Work Permit by Employer

- 1) An employer seeking to employ a refugee or asylum seeker in areas that cannot be covered by Ethiopian nationals must, with the letter of support from the Agency, obtain a work permit from the Ministry or competent body authorized by the Ministry.
- 2) The work permit referred to under sub-article 1 may only be granted to employ the refugee or asylum seeker in the specific organization and to work in a position for which the work permit is requested.

18. Procedure for Issuance of Work Permit

- 1) Where a recognized refugee or asylum seeker requests a work permit for employment outside of a joint project, the Agency shall write a support letter to the Ministry confirming, on the basis of a determination by the competent sectoral government institution, that the work in respect of which work permit is requested may not be covered by Ethiopians.
- 2) Where an employer requests to employ a refugee or asylum seeker in accordance with Article 17, the Agency shall, up on making the necessary verification, write a support letter to the Ministry.
- 3) Any employer requesting or renewing a work permit on behalf of a refugee or asylum seeker:
 - a. shall provide the renewed identification paper issued by the Agency to the refugee or asylum seeker in lieu of a passport;
 - b. the recognized refugee or asylum seeker shall not be required to provide any visa or residence permit;
 - c. shall provide a letter of support from the Agency;
- 4) The employer shall report to the Agency any communications made to the Ministry regarding a refugee or asylum seeker it has employed.



Part IV

Self-Employment

19. Conditions Required for Self-employment

- 1) Any recognized refugee or asylum seeker may be self-employed, individually or in group, in areas open for foreign nationals upon obtaining the appropriate license from the relevant licensing bodies in accordance with applicable national laws.
- 2) Any recognized refugee may be able to engage in self-employment by obtaining residence permit in accordance with the provisions of sub-article 1 of this article:
 - a. To participate in a joint project approved by the Agency and under implementation;
 - b. Upon obtaining a residence permit from the Immigration, Nationality and Vital Events Agency;
 - c. Where the refugee or asylum seeker requests the Agency to engage in self-employment individually or in group;
 - d. The Agency writes a support letter to the relevant licensing body and,
 - e. Where the relevant licensing body grants the appropriate license to the refugee or asylum seeker.
- 3) Notwithstanding the provisions of sub-article 2 of this Article:
 - a. A refugee who has been granted a residence permit by the Agency may be self-employed in joint projects without having to obtain a work permit;
 - b. A refugee or asylum-seeker who is married to an Ethiopian national or has one or more child in possession of Ethiopian nationality may, pursuant to Article 26 (9) of the Refugees Proclamation, be self-employed in joint projects or fields of business limited to Ethiopian nationals without residence permit upon obtaining the required license from the relevant licensing body.
 - c. A refugee or asylum seeker may be engaged in self-employment in accordance with sub-article 3 (b) of this Article provided that he is issued with a letter by the Agency, on the basis of set procedures, confirming that he can be self-employed, without a residence permit, verifying the validity of the marriage and the registration of the marriage certificate where the right to self-employment ensues from



marriage, or the child's Ethiopian nationality where his right to self-employment ensues from his minor child.

- 4) Refugees or asylum seekers and Ethiopians shall participate in s related to agricultural and irrigation works on the basis of lease arrangements agreed upon between the Agency and the regional government where the project is to be implemented.

Part V

Miscellaneous Provisions

20. Persons with Specific Needs

The Agency shall provide special assistance to persons with disabilities, women, the elderly, and other persons seeking assistance when processing requests for employment in accordance with this Directive. The Agency shall include and thereby enforce particulars of this provision in the working manual to be issued pursuant to this Directive.

21. Confidentiality

Any employer or an entity that implements this Directive shall ensure confidentiality of any information obtained in connection with the employment of a refugee or asylum seeker and shall not collect, share or disclose such information about the refugee or asylum seeker without the knowledge of the Agency.

22. Monitoring and Supervision

The Agency shall ensure proper monitoring and supervision to ensure the implementation of the Refugees Proclamation and the regulations and directives thereto pertaining to the employment of refugees.

23. Service Charge

Recognized refugees or asylum seekers shall not be required to pay service charge in order to obtain a residence permit or work permit.



24. Role of Implementing Bodies

- 1) The Agency shall provide information to the Immigration, Nationality and Vital Events Agency, as necessary, as regards residence permits issued to refugees.
- 2) The Agency shall provide the required refugee registration papers and support letters to the relevant authorities in relation to refugees or asylum seekers applying for work in accordance with this Directive.
- 3) The Ministry or the competent authority shall notify the Agency whenever it grants a work permit to each refugee or asylum seeker.
- 4) The Agency shall work in collaboration with the United Nations High Commissioner for Refugees and other partner organizations in the implementation of the right to work of refugees and asylum seekers.

25. Effective Date

This directive shall come into force as of December 30, 2019.

DONE AT ADDIS ABABA, ON THIS 30TH DAY OF DECEMBER 2019.

AGENCY FOR REFUGEES AND RETURNEES AFFAIRS