

# Legal 500

## Country Comparative Guides 2024

**Ghana**

**Corporate Immigration**

**Contributor**



**Globetrotters Legal  
Africa**

**Paa Kwesi Hagan**

Managing Partner | [paakwesi@gtlegalafrica.com](mailto:paakwesi@gtlegalafrica.com)

This country-specific Q&A provides an overview of corporate immigration laws and regulations applicable in Ghana.

For a full list of jurisdictional Q&As visit [legal500.com/guides](https://legal500.com/guides)

## Ghana: Corporate Immigration

### 1. What are the relevant government entities relating to immigration in your jurisdiction?

The main government entities are the Ministry of Foreign Affairs and Regional Integration, Ministry of Interior, Ghana Immigration Services and Ghana Investment Promotion Centre

### 2. What are the options available for sponsor-based employment in your jurisdiction and timelines involved in securing a work permit?

- a. Six-month short-term work permit;
- b. Long-term work permit (issued usually for a year to 5 years)
- c. Automatic Immigrant Quota issued under the Ghana Investment Promotion Centre (GIPC) regime

### 3. What are the primary options available for unsponsored work and investment in your jurisdiction?

There are no categories for unsponsored work as all work permit categories require a sponsor in Ghana. For investments, the GIPC sets thresholds of equity requirements based on the type or nature of the company. For fully foreign-owned entities, there is a requirement for the foreign owner to contribute a minimum of USD 500,000 as equity in the company. For a joint venture entity with a Ghanaian, the foreign owner must contribute a minimum of USD 200,000. A company set up to do trading activities requires the foreign owner to contribute a minimum of USD 1 million. The equity may be in cash through the Ghana banking system, capital goods, or a combination. A mandatory registration with the GIPC will guarantee benefits, including automatic immigrant quotas tied to the equity thresholds stated above.

### 4. What are the requirements for becoming a sponsor of employment-based migrants and what are the role and reporting duties of sponsors?

To be able to sponsor work permits, the entity must be incorporated in Ghana or registered as a branch in Ghana.

In addition, the company must register with other relevant agencies including the tax authorities, social security and any sector specific requirements. There may be sector specific reporting requirements which the entities must comply with. For instance, companies operating in the oil and gas sector must register with the Regulator of the sector (Petroleum Commission of Ghana) and be issued with a license to operate in the upstream petroleum sector. They are required to report on their activities including commitment to local content in procurement of goods and services and training of Ghanaians.

### 5. Are applications filed electronically, or paper base? Is a physical visa/work permit document issued or is an electronic approval issued?

Most applications are paper based requiring physical visits to authorities. In very few instances, there may be electronic submission of documents which is then followed with manual submissions to the authorities.

### 6. Is an in-person attendance/interview required as part of the visa/work permit application process? Is an individual required to enrol their biometrics (digital photo, fingerprint scan) as part of the visa/work permit process?

Generally, no personal attendance is required for the work authorization process. However, the authorities reserve the right to request the applicant to attend an interview where necessary during the residence permit stage of the process, but this is very rare. Biometrics are required when obtaining a non-citizens ID card and mandatory medical which are requirements to obtain a residence permit. Fingerprints and biometrics may also be required when obtaining an entry visa from a Ghanaian consulate abroad.

### 7. What persons qualify as dependants? Can dependants work based on their dependant visa status? Are there any restrictions?

Ghana Immigration law defines a dependent to include a spouse and a child. A spouse has been interpreted to mean a spouse of the opposite sex, and children below 18 would be considered dependent children. With the

inclusive definition of a dependent, it may be extended to include dependent parents or children above 18 who are solely dependent on a main applicant. Sufficient justification must be made for such inclusion.

#### **8. What is the general time frame and processes for obtaining permanent residence and citizenship for sponsored and unsponsored business-related immigration?**

Processing time is 6 months to 2 years after submission of all required documentation.

#### **9. What productive type activities can a business visitor undertake and for how long?**

Generally, a business visitor may undertake business meetings, trade shows, conferences, trainings, settling an estate, auditing. There is no specific timeframe published for undertaking these activities but the expectation is that it would be undertaken within 30 days or 60 days depending on the duration granted for stay at the port of entry. Under some circumstances, a business visitor may request for an in-country extension with reasons.

#### **10. Can remote work be carried out from your country?**

Currently, our work permit regime does not cover remote working especially for entities that do not have a physical presence in Ghana. However, where it relates to an existing company or a sponsor in Ghana, undertaking the activity in Ghana would require a work permit irrespective of whether it's being undertaken remotely or physically in an office.

#### **11. Are there any productive work / revenue generating activities that can be carried out as a visitor and without the need for a work permit? If so, what activities and for how long?**

Urgent repair or maintenance work on oil rigs requiring urgent mobilization may currently be undertaken on a business visa. An immediate deployment to fix an equipment for up to 10 days may be considered under this exception but the urgency of a situation is a question of fact and must be clarified before proceeding to undertake same on a business visa. In addition, notification to the authorities would be required in such circumstances.

#### **12. Is there a remote work or nomad visa category in your jurisdiction? If not, how likely is it that this will be implemented in future?**

Ghana does not have a remote working or nomad visa category and we are unaware that it is currently under consideration by the authorities.

#### **13. How easy is it to switch visa categories/jobs/employer from within country? And/or if made redundant, can the individual regularise their stay in another capacity and what is the timeframe allowable?**

Generally, a work permit is issued in respect of a particular employer and the employee is restricted from working for a different employer. This notwithstanding, in practice, where an assignee intends to change jobs a new work permit must be procured by the new company and the previous cancelled before they may undertake the new assignment. Working from a 3<sup>rd</sup> party site on behalf of an employer may not constitute change of employment in such circumstances. An individual may seek a temporary extension of their visitor's visa should they be made redundant and lose their status. However, this status does not allow one to work but only reside during the period granted.

#### **14. What common issues or concerns may arise for employers under business immigration in your jurisdiction?**

There is an annual reporting requirement to be made to the Immigration Authorities of foreigners in the employment of an entity. Failure to do these may lead to sanctions. In addition, employers must make sure that statutory contributions to be made on behalf of employees (including foreign employees) must be made in accordance with the law. Corporate statutory registrations must also be maintained at all times as it may lead to rejections of applications where sector registrations have expired.

#### **15. Is there a fast track process / certification that business can obtain to expedite visa / permit processing?**

There are fast track options available at the various Ghanaian consulates abroad to obtain visitors visas but there are no fast-track option for in-country work permit processing currently.

## 16. What are the recent trends, both political and social that have impacted your jurisdiction with regard to immigration policy and law?

There have been minimal changes to Ghana's law and policy in recent times, except for the talk about introducing electronic visas at the consulates in the near future.

## 17. Are there any new and / or anticipated changes impacting immigration law and / or policy in your jurisdiction?

Electronic visas may soon be introduced in the issuance of entry visas from Ghanaian consulates abroad.

## 18. How do you see technology developing and evolving to support immigration process in the future?

This is a possibility in the future.

## 19. What are the Right to Work requirements in your jurisdiction?

Our laws do not specifically impose an obligation on Employers to conduct Right to Work checks but generally the following below would have to be ascertained and considered by an employer in Ghana.

The Employer sponsor's corporate existence must be valid. The company must be duly incorporated under the laws of Ghana or registered as a branch or External company. The company must have complied with all other statutory obligations, including registration with the revenue authorities and pension authority in accordance with law.

To undertake employment in Ghana, an individual foreign employee must possess a valid work and residence permit sponsored by the employer. They must also possess a valid employment contract setting out terms and any other relevant documentation. While in Ghana, they must comply with all rules pertaining to the grant of their permit and the laws of Ghana.

## 20. What are the types of civil and criminal penalties employers may face for non-compliance with immigration rules i.e. employing

## an individual who does not have the Right to Work?

For illegal employment, the Ghana Immigration service will level a penalty of GH 5000. However, there may be stiffer penalties for non-compliance generally set by regulators of various sectors (for instance for breaches of local content law in the Petroleum Sector)

## 21. Are there labour market testing requirements in your jurisdiction and if so, what do they involve?

Generally, work permits are available for roles that are not readily available in Ghana.

The process would generally involve advertising for the position and going through a recruitment.

Labour market testing is stricter in some sectors than others. The strictest versions are seen in the oil and gas sector where the regulators require advertisements in specific newspapers, full recruitment to be completed and evidence provided, the Regulator reserves the right to be part of the process. Where no competent Ghanaian is available there is the need to recruit a Ghanaian understudy for the expatriate before a work permit application may be submitted for a foreigner.

## 22. Are there quota requirements, restrictions or a cap on the numbers of foreign nationals hired per company in your jurisdiction?

Generally, no, but where an entity is claiming automatic immigration quota benefits, they may be restricted to the number equivalent to the threshold based on their equity contribution. See answer to point 3 above.

## 23. Are there any exit procedures in your jurisdiction, if an individual is departing permanently?

Yes, the work permit of the departing employee must be cancelled and the authorities notified of the cessation of employment. The employee must then be repatriated.

## 24. Are there any requirements for medical certificates or vaccinations for your jurisdiction?

Medical examinations must be completed at a dedicated facility/Clinic at the Ghana Immigration Service

Headquarters. However, no covid tests are required at the airport when travelling.

**25. Are there any language requirements for your jurisdiction?**

No.

**26. What are the government costs associated with a typical employment based visa?**

Fees for work and residence permits is estimated at USD 1000

**27. Is a local contract of employment required in order to obtain a work based visa or work permit? Are there salary or other thresholds to be met?**

No, but in practice, an assignee may work on a foreign contract provided the local assignment is covered in such a contract or amended to reference the local assignment.

**28. What are the maximum periods of stay for**

**individuals on an employment based visa / work permit?**

There is no published maximum stay, but it depends on various considerations. In the oil and gas sector, localization commitments may determine the duration an individual may remain in Ghana under employment. In cases where companies have committed to the sector regulator to localize a position in 5 years, it is expected that a foreigner occupying such a position would depart for the role to be assumed by the Ghanaian.

**29. Does your jurisdiction allow dual nationality?**

Yes.

**30. What are the most positive aspects of your immigration system compared to the rest of the world?**

Adjudication times are quicker than in many jurisdictions, and the authorities, including the Ghana Investment Promotion Centre (set up under the office of the Presidency), are willing to assist companies with peculiar needs.

---

## Contributors

**Paa Kwesi Hagan**  
Managing Partner

[paakwesi@gtlegalafrica.com](mailto:paakwesi@gtlegalafrica.com)

