

ANNEX IV

**THE EAST AFRICAN COMMUNITY
COMMON MARKET (RIGHT OF
RESIDENCE) REGULATIONS**

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MARKET (RIGHT OF RESIDENCE)
REGULATIONS**

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THE EAST AFRICAN COMMUNITY COMMON MARKET (RIGHT OF RESIDENCE) REGULATIONS

REGULATION 1

Citation

These Regulations may be cited as the East African Community Common Market (Right of Residence) Regulations.

REGULATION 2

Purpose of Regulations

The purpose of these Regulations is to implement the provisions of Article 14 of the Protocol and to ensure that there is uniformity among the Partner States in the implementation of the Article and that to the extent possible, the process is transparent, accountable, fair, predictable and consistent with the provisions of the Protocol.

REGULATION 3

Interpretation

“**competent authority**” means an office designated by a Partner State to carry out the functions required by these Regulations;

“**dependant pass**” means a pass issued by a competent authority of a host Partner State to a spouse, child or dependant of a worker or a self-employed person permitting the holder to reside in the territory of the host Partner State on the basis of the work permit issued to the worker or self-employed person.

REGULATION 4

Scope of Application

These Regulations shall apply to the citizens of a Partner State who move to, reside and exit another Partner State as workers, self employed persons and the spouses, children and dependants of the workers and self employed persons.

REGULATION 5

Basis for Residence

1. A citizen to whom these Regulations apply may reside in the territory of the host Partner State on the basis of the work permit, residence permit or dependant’s pass issued to that person by the competent authority of the host Partner State.

2. A citizen who resides in a host Partner State where it is mandatory to obtain an alien identification document in addition to a work permit, shall apply and be issued with the alien identification document.
3. The delay in the issuance of a residence permit or alien identification document shall not prejudice the right of the holder of a work permit or dependant's pass to reside in the host Partner State.

REGULATION 6

Procedure for Application for Residence Permit

1. A worker or self employed person who intends to reside in the territory of a host Partner State shall apply to a competent authority for a residence permit within thirty days from the date of entry into the territory of the host Partner State.
2. The Partner States shall issue a residence permit to a worker or self employed person, on the basis of the work permit of the worker or of the self employed person.
3. The application for a residence permit shall be supported by:
 - (a) a valid common standard travel document or a national identity card where a Partner State has agreed to use the national identity card as a travel document;
 - (b) a copy of the work permit of the worker or of the self employed person; and
 - (c) any other documents the immigration office may require.
4. The competent authority shall, within thirty days of application for a residence permit, issue a residence permit.

5. The residence permit issued under paragraph 4 of this regulation shall be issued in accordance with the harmonized classification of residence permits, forms, fees and procedures as may be approved by the Council.

REGULATION 7

Duration of Residence

1. The duration of a residence permit of a worker or a self employed person shall be equivalent to the duration of the work permit and shall not exceed the duration of the validity of the common standard travel document.
2. The duration of the residence of a spouse, child or dependant of a worker or a self-employed person shall be equivalent to the duration of the dependant pass and shall not exceed the duration of the validity of the common standard travel document of the spouse, child or dependant of the worker or a self-employed person.
3. A worker or a self employed person whose residence permit is due to expire shall, at least thirty days before the expiry of the residence permit, apply to the competent authority of the Partner State for a renewal of the residence permit.
4. A worker or a self employed person who does not apply for renewal of residence permit shall lose the right to reside in the territory of that Partner State after the expiry of the residence permit.
5. The competent authority shall renew the residence permit where the applicant provides justification for a longer period of stay.
6. The renewal of a residence permit shall be subject to the renewal of the work permit.

REGULATION 8

Procedure for Acquiring Dependant Pass

1. A worker or self employed person who intends to reside with his or her spouse, child or dependant in the territory of another Partner State shall apply to the competent authority for a dependant pass of the spouse, child or dependant within a period of thirty days from the date of entry of the spouse, child or dependant into the territory of the host Partner State.
2. The Partner States shall issue a dependant pass to the spouse, child or dependant of a worker or self employed person, on the basis of the work permit or residence permit of the worker or of the self employed person.
3. The application for a dependant pass shall be supported by :
 - (a) a valid common standard travel document or a national identity card;
 - (b) a copy of the work permit or residence permit held by the worker or the self employed person;
 - (c) a document issued by the competent authority proving his or her relationship with the worker or the self employed person;
and
 - (d) any other document the competent authority may require.
4. The competent authority shall within thirty days of application for a dependant pass, issue a dependant pass.

5. The dependant pass issued under paragraph 4 of this regulation shall be issued in accordance with the harmonised classification, fees and procedures for issuance of a dependant pass.

REGULATION 9

Denial of Residence Permit

1. A competent authority may reject an application for a residence permit.
2. Where the competent authority rejects an application for a residence permit, the competent authority shall in writing notify the applicant, stating the reasons for the rejection.
3. An applicant notified under paragraph 2 of this regulation may appeal against the decision of the competent authority in accordance with the national laws of the host Partner State.
4. Where the competent authority rejects an application for a residence permit or where an appeal is rejected, the competent authority shall give the applicant and his or her spouse, child or dependant, reasonable time to leave the territory of the host Partner State.

REGULATION 10

Cancellation of Dependant Pass

1. A competent authority may cancel a dependant pass of a spouse, child or dependant of a worker or self employed person where:
 - (a) the work permit of the worker or self employed person has been cancelled;

- (b) the spouse ceases to be a spouse of the worker or self employed person as a result of a divorce or nullification of the marriage;
 - (c) the worker or the self employed person leaves the territory of a host Partner State in circumstances which raise reasonable presumption that his or her absence will be permanent;
 - (d) the spouse, child or dependant engages in employment or business; or
 - (e) the worker or the self employed person dies.
2. Where a dependant pass is cancelled under paragraph 1 of this regulation, the spouse, child or dependant shall within thirty days of the cancellation:
- (a) regularise his or her status; or
 - (b) leave the territory of the host Partner State.

REGULATION 11

Expulsion of a Resident

1. A competent authority may expel a worker or a self employed person, and their spouse, child and dependant from the host Partner State:
- (a) on grounds of public policy, public security and public health; or
 - (b) where a condition of the residence permit is not fulfilled or is breached.
2. Where the competent authority expels a worker or a self employed person, the competent authority shall give the worker or self employed

person and his or her spouse, child or dependant, reasonable time to leave the territory of the host Partner State.

REGULATION 12

Deportation

Where a worker or self employed person and the spouse, child and dependant to whom paragraph 4 of regulation 9 or paragraph 2 of regulation 10 applies, does not leave within the time given by the competent authority, the competent authority shall deport the worker or self employed person and the spouse, child and dependant of the worker or self employed person.