

**REPORT ON THE HIRING OF FOREIGNERS IN
MOZAMBIQUE
- REGULATORY REGIMES AND PRACTICES -**

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Prepared by

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TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER I – HIRING FOREIGN NATIONALS IN MOZAMBIQUE.....	2
1. BRIEF HISTORICAL BACKGROUND FOR HIRING OF FOREIGN NATIONALS IN MOZAMBIQUE.....	2
2. GENERAL FRAMEWORK FOR HIRING FOREIGN NATIONALS IN MOZAMBIQUE	5
2.1 SHORT-TERM PERMIT	6
2.2 QUOTA SYSTEM	7
2.3 INVESTMENT PROJECTS	8
2.4 WORK AUTHORIZATION.....	9
2.5 NUMBER OF APPROVALS.....	10
3. SPECIAL REGIMES	11
3.1 SPECIAL ECONOMIC ZONES / INDUSTRIAL FREE ZONES.....	11
3.2 PETROLEUM AND MINING SECTOR.....	12
3.3 ROVUMA BASIN.....	14
4. HIRING FOREIGN NATIONALS FOR THE MOZAMBIKAN PUBLIC SERVICE.....	15
CHAPTER II – IMPLEMENTATION OF THE QUOTA REGIME IN MOZAMBIQUE AND IN COMPARATIVE LAW.....	18
1. OBJECTIVE OF THE QUOTA REGIME.....	18
2. ADVANTAGES AND CONSTRAINTS OF THE QUOTA REGIME	19
2.1 ADVANTAGE OF QUOTA REGIME	19
2.2 CONSTRAINTS IN IMPLEMENTATION OF THE QUOTA REGIME	19
3. CASE EXAMPLES OF APPROVALS IN OUT OF QUOTA	21
4. COMPARATIVE LAW – HIRING FOREIGN EMPLOYEES IN OTHER COUNTRIES.....	22
4.1 SOUTH AFRICA	22
4.2 ANGOLA	23
4.3 TANZANIA	24
4.4 VIETNAM.....	26
4.5 BRAZIL.....	27
4.6 SUMMARY OF COUNTRY COMPARISON.....	29
CHAPTER III – FOREIGN INVESTORS’ PERSPECTIVE.....	31
CHAPTER IV – CONCLUSION AND RECOMMENDATIONS	33
1. MEDIUM-TERM: 1 TO 3 YEARS	33
2. LONG-TERM: BEYOND 3 YEARS.....	34

APPENDICES

Appendix A: Summary of Foreigners Employment Regime

Appendix B: Comparison of Foreigners Employment Quota with Other Countries

Appendix C: Investors' Reference for Hiring Foreigners in Mozambique

INTRODUCTION

To regulate the mechanisms of hiring foreign labour is a matter of importance for the Government of Mozambique. The laws and regulations in this respect have been enacted with the aim of protecting the national workforce, ensuring the availability of jobs for them without forgetting the special challenges posed by the Country's development, which requires levels of technical and professional skills and qualifications which are either nonexistent or insufficient.

Historically, the main instrument used by the Mozambican Government to achieve the objective above and balance, was the hiring of foreign employees through the quota mechanism, which is still in use at present.

In the present context, it is fundamental that the regime of hiring foreign labour allows for certain flexibility but at the same time does not compromise the structural principle of protecting the local labour force.

Thus, this report will describe the historical context of the hiring of foreign nationals legal and regulatory framework and its *raison d'être*. By assessing its advantages and constraints and comparing it with the foreign labour contracting regimes of other countries with which Mozambique shares cultural, political, geographical or linguistic ties, this report will attempt to identify the criteria that enable the hiring of more foreign employees than those normally permitted by the normal quota

It is intended that the results presented in the following chapters allow both the employers and government officials to achieve the maximum advantages of the hiring of foreign employees satisfying all interests at stake.

CHAPTER I – HIRING FOREIGN NATIONALS IN MOZAMBIQUE

1. BRIEF HISTORICAL BACKGROUND FOR HIRING OF FOREIGN NATIONALS IN MOZAMBIQUE

Mozambique became independent from the Portuguese political and *colonial* domain on June 25th 1975. After this remarkable event, it became necessary to regulate the hiring of foreign employees and adopt specific policies for the protection of the local employment.

It is worth noting that during the early *post-independence* period, Mozambique had to find the means to build a society where Mozambicans were granted the rights denied to them before independence. This was a priority and a vision of the first Head of State after the independence, former president Samora Moises Machel. Underpinning his whole political programme was a *communist* ideology, by which Mozambique had to be a strong and an industrialized economy in Africa to prosper and where the population were to be granted with all the necessary conditions to prosper¹. Also, countries like Russia and China helped Mozambique by way of granting credit facilities to construct schools, hospitals and other investments to boost the economy.

Thus, considering the above, the labour market in Mozambique had to be regulated to accommodate all the changes the country had gone through. This was initiated by the provisions of Article 54(c) of the Constitution of the People's Republic of Mozambique² (“CRPM/75”), Decree-Law no. 1/76³, and Decree-Law no. 17/75⁴.

Article 1 (1) of Decree-Law no. 1/76 dated January 6th, established that the admission of foreign nationals to the service of national or foreign employers, exercising its activity

¹ Article 2(2) of the Constitution of the People's Republic of Mozambique of 1975 stated that the power belongs to the workers and peasants united and directed by the political party FRELIMO, and is exercised by the organs of popular power. Likewise, Article 6 of said Constitution complemented such idea by stating that The People's Republic of Mozambique, taking agriculture as its base and industry as a driving and decisive factor, directs its economic policy towards the elimination of underdevelopment and the creation of conditions for raising the standard of living of the working people.

² Dated June 20th 1975, and with amendments introduced by Law no. 11/78 of August 15th, Law no. 1/84 dated April 27th, and Law no. 4/84 dated July 26th; the latter of which establishes that the Council of Ministers has the specific competence to enact decree-laws, by delegation and within the scope of the competence assigned by the Popular Assembly.

³ The Regulation of the Employment Regime for Hiring Foreign Nationals in Mozambique, dated January 6th.

⁴ Dated October 9th, 1975.

in national territory, was to be made with the permission of the Minister of Labour or of the entities to which he delegated this power. While Decree-Law no. 17/75 dated October 9th, defined the conditions for hiring foreign employees to provide services to the State.

In accordance with the provisions of this latter Decree-Law, the hiring of foreign nationals should: (i) be performed through the execution of service agreements signed by the Ministers responsible for each area of activity; and (ii) impose a regime of exclusive occupation prohibiting foreign nationals from exercising any other form of private activity or acceptance of remunerations other than those established in the legislation in force at the time for the exclusive occupation regime. Failure to comply with this obligation would give rise to the immediate termination of the contract and application of a fine of \$10,000 (ten thousand) *escudos*⁵.

In 1985, 10 (ten) years after the proclamation of independence, the first Labour Law of Mozambique⁶ was enacted, establishing that the rights and obligations of employees granted thereunder should guarantee and stimulate their participation in the management of the national economy. This Labour Law applied to both State-owned companies and the private sector, as well as to social organizations and their respective national and foreign resident employees who worked in Mozambique. However, Decree-Law no. 1/76⁷ continued to apply to the hiring of foreign nationals.

Considering the social, political and economic changes Mozambique had undergone after the independence, and during that period, it was necessary to adjust the legal framework in force at the time. Thus, on November 2nd, 1990, the Constitution of the Republic of Mozambique (CRM/90) was approved, repealing the CRPM/75. The new Labour Law⁸ followed suit on July 20th, 1998. It is worth noting that although two Labour Laws were enacted after independence, neither Law provided a regime for

⁵ The official currency of Mozambique, the Metical, was only introduced in the market on 16th June 1980 – after the historical *massacre of Mueda*.

⁶ Approved by Law no. 8/85 dated 14th December.

⁷ Dated January 6th 1976.

⁸ Law no. 8/98, dated 20th July.

hiring foreign nationals. Rather, it was Decree-Law no. 1/76⁹ that founded the regime for hiring foreign nationals.

On November 16th, 2004, a new Constitution (CRM/2004) was approved, and CRM/90 was repealed, as well as all the other laws that stated provisions contrary to the new regulation. To adjust the legislation – in all fields but specifically regarding the labour market – a new Labour Law¹⁰ was enacted, and contrary to the previous Labour Laws, it included provisions for hiring foreign nationals.

In 2008, the Regulation on the Mechanisms and Procedures for Hiring Foreign Nationals was approved¹¹. The procedure for such hiring was based on a *quota* system. Thus, companies were allowed to employ foreign nationals upon satisfying the following *quota-requirements*:

- ✓ In companies with more than 100 (hundred) employees, **5% (five) percent** of them could be foreign nationals¹²;
- ✓ In medium-sized companies, with 11 (eleven) to 100 (hundred) employees, **8% (eight) percent** of them could be foreign nationals; and
- ✓ In small companies, of up to 10 (ten) employees, **10% (ten) percent** of the employees could be foreign nationals¹³.

A special regime regulates the hiring of foreign nationals in specific sectors of the economy such as Petroleum and Mining¹⁴. Concurrently, the legal framework of the requirements regarding the hiring of citizens of foreign nationality to render services in the Mozambican Public Service was approved¹⁵.

⁹ Regulation of the Employment Regime for Hiring Foreign Nationals in Mozambique, dated January 6th.

¹⁰ Law no. 23/2007, dated August 1st (hitherto in force).

¹¹ Approved by Decree no. 55/2008, dated December 30th.

¹² It is accepted by the labour authorities that large-sized companies will always benefit from the maximum quota allowed for the medium-sized companies (i.e., a minimum of 8 foreign workers), until the limit of the number of foreign workers on such large size companies reaches 5% of the quota. In effective terms, this means that large-sized companies will only be subject to the 5% quota of foreign workers when the number of local employees exceeds 160; meaning that, in the interval between 101 and 160 local employees, large-size companies will always be allowed a fixed number of 8 foreign workers.

¹³ So long as the quota requirement was duly met the company was also obliged to give notice of such hiring to the Minister that supervises the labour field 15 (fifteen) days prior the admission of the foreign national worker.

¹⁴ Decree no. 63/2011, dated December 7th.

¹⁵ Decree-Law no. 2/2011, dated October 19th repealing Decree-Law no. 17/75, dated October 19th.

After 8 (eight) years from the approval of the Regulation on Mechanisms and Procedures for Hiring Citizens of Foreign Nationality¹⁶, a new Regulation of Mechanisms and Procedure for Hiring Foreign Nationals¹⁷ was approved and thus repealing the former decree.

At this stage, and given the successive approvals and repeals of regulations on the hiring of foreign nationals, it is deemed necessary to reference the regulations which are currently in force and which served as the basis for the preparation of this report:

- (i) Constitution of the Republic of Mozambique (CRM/2004);
- (ii) Law no. 23/2007, dated August 1st – “*Labour Law*”;
- (iii) Law no. 3/93, dated June 24th – “*Law on Investment*”;
- (iv) Decree no. 37/2016, dated August 31st – “*Regulation on the mechanisms and procedures for hiring foreign nationals*”;
- (v) Decree no. 63/2011, dated October 7th – “*Regulation for hiring foreign nationals in the Petroleum and Mining Sectors*”;
- (vi) Decree no. 43/2009, dated August 21st – “*Regulation on the Investment Law*”;
- (vii) Decree-Law no. 2/2011, dated October 19th – “*Regulation for hiring foreign nationals to render services in the Mozambican Public Service*”;
- (viii) Decree no. 75/99, dated October 12th – “*Regulation for hiring foreign nationals in the industrial Free Zones*”;
- (ix) Decree-Law no. 2/2014, dated December 2nd – “*Special contractual and legal provisions specifically applicable to the Liquefied Natural Gas Project in Areas 1 and 4 of the Rovuma Basin*”.

2. GENERAL FRAMEWORK FOR HIRING FOREIGN NATIONALS IN MOZAMBIQUE

The hiring of foreign labour in Mozambique can be accomplished through different legal regimes which vary according to the justification presented for the need for hiring.

¹⁶ Decree no. 55/2008, dated December 30th.

¹⁷ Approved by Decree no. 37/2016, dated August 31st.

Under the Legal Regime¹⁸ applicable to the hiring of foreign labour force in force, there are 4 (four) legal mechanisms to consider for the establishment of an employment relationship with foreign employees, namely:

- ✓ Hiring under the Short-Term Regime;
- ✓ Hiring under the Quota Regime;
- ✓ Hiring under the Investment Project Regime (which is separate from Quota Regime); and
- ✓ Hiring under the Work Authorization Regime.

In addition to the foreign labour contracting mechanisms mentioned in the previous paragraph, the following special contracting regimes, which apply to certain regions or certain sectors of activity, must also be taken into account:

- ✓ Contracting regime applicable to Special Economic Zones and Industrial Free Zones¹⁹;
- ✓ Contracting regime applicable to the Petroleum and Mining sectors²⁰; and
- ✓ Contracting regime applicable to the Liquefied Natural Gas Project in Areas 1 and 4 of the Rovuma Basin ²¹.

Accordingly, the legal regime established in Decree no. 37/2016 applies to the hiring of foreign labour, except the workforce hired to operate in the Rovuma Basin Gas Projects, in the Economic Zones, in the Industrial Free Zones and in the petroleum and mining sectors, which are subject to a specific regime, as explained above.

2.1 SHORT-TERM PERMIT

The Short-Term Employment Contract allows the foreign worker to work in Mozambique for a maximum period of 90 (ninety) consecutive or non-consecutive days per year.

This regime can only be used when it is intended that the foreign worker provide services in Mozambique that are timely, unforeseeable and require a high level of

¹⁸ *Ibid.*

¹⁹ Decree no. 43/2009 of August 21st (Regulation of the Investment Law).

²⁰ Decree no. 63/2011 of December 7.

²¹ Decree-Law no. 2/2014 of December 2nd.

scientific knowledge or specialized professional technicians. Otherwise the contracting will not be considered in accordance with the Law.

The Mozambican employer may also use this regime to hire a foreign worker bound by a contract with the foreign employer or head office based abroad. Considering their characteristics and requirements, this regime can be used for training local employees of foreign companies and to follow up on more complex aspects of the organization's operations, which require qualifications and skills unavailable in Mozambique due to the absence or a deficiency.

Regarding formalities, the employer must notify the labour authorities of the hiring of the foreign employee in the short-term regime, before their entering the country. The entry of the worker into the national territory to provide said labour activity should occur after the verification of the compliance of the contract with the Law, which should take place within 5 (five) business days²².

It should be noted that hiring under this regime does not affect the legal quota to which the company is entitled, under the provisions of the Law.

2.2 QUOTA SYSTEM

The application of the right to hire a certain number of foreign employees depends on the total number of employees within the company. The greater the number of workers in the company, the greater the number of foreign employees permitted.

This contracting regime is not subject to authorization by the Ministry of Labour. However, the employer must inform the Ministry of the hiring of the foreign worker up to 15 (fifteen) days following their entrance in the country, alongside proof that the permitted quota has not been exceeded.

As mentioned, companies employing more than 100 (one hundred) workers, classified by the Law as a large company is allotted a quota of 5% (five percent) of the total

²² Article 7(1) of Decree no. 37/2016 dated August 31st.

number of employees for the purpose of hiring foreign employees. Medium-sized companies, which employ between 11 (eleven) and 100 (one hundred) workers, are permitted a quota of 8% (eight percent) of the total payroll. Meanwhile small enterprises, which employ up to 10 (ten) workers, are allowed 10% (ten percent) of the total number of employees to hire foreign employees. Companies with fewer than 10 (ten) employees can hire at least 1 (one) foreign worker.

2.3 INVESTMENT PROJECTS

In regards to investment projects which have been approved by the Government, there is a possibility of being granted a quota larger than the one legally established for hiring foreign employees in the aforementioned projects²³.

The Regulation of the Investment Law²⁴ lists the investment projects that must be authorized by the Government, and who may therefore benefit from a higher quota than they would have been entitled to, through the application of the general quota regime.

Thus, investment projects to be approved by the Government are as follows:

- ✓ Investment Projects whose value exceeds MZN 13,500,000,000 (thirteen billion, five hundred million Meticais);
- ✓ Investment Projects that require a land extension with an area exceeding 10,000 ha (ten thousand Hectares);
- ✓ Investment Projects requiring forestry concessions with an area exceeding 100,000 ha (one hundred thousand Hectares); and
- ✓ Investment projects with foreseeable political, social, economic, financial or environmental implications and the determination shall be analyzed on a case-by-case basis by the Government itself.

This special regime can grant benefits to investors such as: protection of property rights; expatriation of funds; tax benefits; and access to credit from foreign investors in the same conditions applicable to nationals (Mozambican entities).

²³ Article 12 dated Decree no. 37/2016 dated August 31st.

²⁴ Article 12 (d) Decree no. 43/2009 dated August 21st, as amended by Decree no. 48/2013 dated September 13th.

Foreign investors who intend to invest in Mozambique – provided that their investment projects are within the scope of this regime – may liaise with the Agency for Investment and Export Promotion (hereinafter the “APIEX”), a public institution with the purpose of assisting²⁵ foreign investors. The APIEX guides the investors throughout the process of approval of their investment projects and acts as an intermediary between the foreign investor and Mozambican public entities which might be required to approve any interim act, *i.e.* an environmental license.

As for formalities, due primarily to the strict foreign exchange (“FX”) policy enforced in Mozambique, investors are obliged to register²⁶ their projects at the Central Bank of Mozambique (“*Banco de Moçambique*” hereinafter “CBM”) as well as to register each financial transaction made under the investment project, including the financial fluxes that enter into Mozambique.

Thus, any investment project that falls under the situation above must be submitted to the Government for approval purposes and may, in turn, benefit from a quota higher than the general regime for the hiring of foreigners.

2.4 WORK AUTHORIZATION

The hiring of foreign employees under the work authorization regime²⁷ is dependent on the submission of an application addressed to the Minister who oversees the industry, justifying the need to hire more foreign employees than allotted by the quota system. Provided that (i) the need to hire foreign employees outside the legally allowed quota is duly substantiated; (ii) the academic or professional qualifications necessary for the intended function held by the intended foreign worker have been certified; and (iii) it has been verified that there are no nationals or there is insufficient number to perform this function and other legal requirements are fulfilled, the foreign worker is hired.

²⁵ Article 4 (2) dated Investment Law Regulation.

²⁶ Article 22 of Investment Projects Law.

²⁷ Article 16 of Decree no. 37/2016 dated August 31st.

The hiring of foreign employees for specialized technical assistance is also subject to authorization, particularly for work in foreign non-governmental organizations, scientific research work, teaching and other areas.

The hiring of a foreign worker through this regime does not affect the quota applicable to the company, as it is considered as hiring out of quota.

2.5 NUMBER OF APPROVALS

This section includes statistics from the last 5 (five) years in the employment of foreign nationals in the quota framework²⁸, short-term permit, investment projects and authorization.

Table 1 Number of Approval by Each Regime (2012-2017)

Year	Number of Approval by Each Regime				Total Approval	Rejected	Total Submission (approval+reject)
	1) Short-term Permit	2) Quota	3) Investment Projects	4) Authorization			
2012	3,313	9,395	1,525	257	14,490	29	14,519
2013	4,776	11,094	3,095	417	19,382	125	19,507
2014	4,987	10,045	4,008	451	19,491	0	19,491
2015	6,329	8,936	2,624	936	18,825	245	19,070
2016	6,190	8,162	1,157	614	16,123	68	16,191
2017 (1st Semester)	2,516	4,697	554	378	8,145	7	8,152
Total	28,111	52,329	12,963	3,053	96,456	474	96,930

Source: Ministry of Labour

The table above reflects the reality of Mozambique regarding the employment of foreign citizens in the different contracting arrangements provided for by law. In 2012, the number of cases submitted to the labour authorities was 14,519 and approved with 14,490 with only 29 applications rejected. As for total of 5 and half years, from 2012 to the first semester of 2017, 96,930 applications were submitted and 96,456 were approved with 474 rejected, revealing that 99.5% were approved with only 0.5% rejected.

²⁸ Information provided by the Ministry of Labour, Employment and Social Security. With regards to the grounds for refusing applications for work permits, it was not possible to obtain information therefrom.

Although the breakdown of those rejected cases by each regime is not available, the record of number of application and approval, indicated by the statistical data above, demonstrates that the hiring of foreigners is attainable and not very difficult.

3. SPECIAL REGIMES

3.1 SPECIAL ECONOMIC ZONES / INDUSTRIAL FREE ZONES

In accordance with the Investment Law²⁹, Special Economic Zones (SEZ) and Industrial Free Zones (IFZ) comprise geographically delimited areas or units of areas of industrial activity, in which goods that are produced therein for export are exempt from all customs fees and are granted a special and more favorable tax, labour and foreign exchange regimes.

Moreover, in order to hire foreign nationals to work in the SEZ/IFZ certain requirements shall be met, namely:

- ✓ A work permit³⁰ shall be required for the foreign national who is to be hired;
- ✓ The hiring only takes place if foreign nationals possess the unique professional qualifications that are needed for the project and if such qualifications are not found in national workforce; and
- ✓ The number of such foreign employees hired shall not exceed a maximum of 15% (fifteen per cent) of the total number of employees³¹ for such zones.

Also, foreign employees are allowed to start working before the authorization has been granted by the labour administration, but the employer shall submit an application to obtain the authorization up to 45 (forty-five) days after the date on which the foreign national started working.

It is worth noting that the contracts entered into with foreign nationals shall have a maximum duration of 7 (seven) years from the date of commencement of the activity,

²⁹ Article 1 (x) of Law no. 3/93, dated June 24th.

³⁰ The work permit is issued once the Minister that oversees the labour sector approves the hiring of the foreign employee.

³¹ Positions of management and board members are not included in this percentage.

after which the employer may be authorized to maintain 3 (three) permanent jobs with foreign nationals, upon authorization to be granted by the competent authority.

Also, in cases where foreign nationals are hired for the SEZ/IFZs, the employer shall comply with the formalities and response time according to the provisions of the general quota system regime.

With regards to the companies that implement projects in the IFTZs, a limit of 15% (fifteen per cent) of the total number of employees of the said companies is established for hiring foreign nationals, regardless of the size of the companies.

3.2 PETROLEUM AND MINING SECTOR

Regarding the Petroleum and Mining sector, hiring of foreign employees is subject to the same 3 (three) regimes indicated above, without prejudice to some particularities established by Decree no. 63/2011 dated December 7th, as follows:

a) Short term work contracts:

Contract length

-In accordance with Article 5 (1) of Decree no. 37/2016, short term employment contracts are those that do not exceed 90 (ninety) days per year, consecutive or in intervals, when executed by foreign employees.

-In accordance with Article 12 (1) of Decree no. 63/2011, short term employment contracts are those that do not exceed 180 (one hundred and eighty) days per year, consecutive or in intervals, when executed by foreign citizens.

Submission of the communication

-In accordance with Article 6 (1) of Decree no. 37/2016, prior to the entrance of the foreign employee in the national territory, the employer or its representative should submit at the entity which oversees the labour sector in the province in which the foreign employee shall undertake his activity, a notification indicating (i) the denomination and address of the employer, (ii) identification details of the foreign worker and the activity to be carried out, and (iii) the period between the beginning and end of the activity of the foreign employee.

-In accordance with Article 12 (1) of Decree no. 63/2011, within 15 (fifteen days) after the entrance of the foreign employee in the national territory, the employer or its representative should submit at the entity which oversees the area in the province where

the foreign citizen shall undertake his activity, a notification indicating (i) the identification details of the foreign employee, and (ii) the period of time in which the foreign employee will be carrying out the activity.

Length of clearance

-In accordance with Article 7 (1) of Decree no. 37/2016, the compliance of the communication shall be verified and communicated within 5 (five) business days.

-In accordance with Article 12 (4) coupled with Article 7 of Decree no. 63/2011, the conformity of the communication shall be verified at the time of its submission, whereby the respective certificate is immediately issued and handed over to the bearer of the notification.

Payable fee

-In accordance with Article 6 (2)(c) of Decree no. 37/2016, the requirement should be accompanied by a proof of payment at a fee of 1 (one) minimum salary in force in the sector of activities the company.

-In accordance with Article 19 (2) of Decree no. 63/2011, employment in the short-term regime is subjected to a fee corresponding to 10 (ten) minimum salaries in force in the extraction of minerals industry.

b) Quota system:

Determination of the quota

-According to Article 9 (2) of Decree no. 37/2016, to determine the quota, it is taken into consideration the number of Mozambican employees effectively contracted and part of the nominal list³² of the company.

-Pursuant to Article 5 (3) of Decree no. 63/2011 to determine the quota, the number of workers to be considered corresponds to the average number of workers employed in the previous calendar year. The Article 5 (4) states that in the first year of activity the number of workers to be considered is the one of the first day of activity.

Period to have a clearance

-In accordance with Article 11 (nº 1) of Decree no. 37/2016, the compliance of the verification shall be verified and communicated within 5 (five) workdays.

³² List of the employees hired with their relevant data for the current calendar year.

-In accordance with Article 7 of Decree No. 63/2011, the conformity of the communication shall be verified at the time it is presented, by immediately issuing the respective certificate, to be delivered to the bearer of the communication.

Payable fee

-According to Article 10 (1) (g) of Decree no. 37/2016, the requirement should be accompanied by a proof of payment at a fee of 5(five) minimum salaries in force in the sector of activities the company.

-Pursuant to Article 6 (1) (e) of Decree no. 63/2011, the employment of foreign employees under the quota regime is subjected to a fee corresponding to 3 (three) minimum salaries in force in the extraction of minerals industry.

c) Work authorization regime

In this hiring regime, no particular difference can be detected in both Decrees, with the exception of the documents that must be attached to the application (the same applies to the regimes above mentioned).

3.3 ROVUMA BASIN

As for hiring foreign employees in the Rovuma Basin Project, the Law provides that employers must always prioritize the recruitment of a national workforce with appropriate qualifications at all levels of their organization, including positions of technical and managerial complexity³³, without prejudice to being able to contract foreign employees to operate in this industry³⁴.

The investment projects approved by the Government are considered as the main regime for hiring foreign employees in Rovuma Basin. However, it is also allowed to hire foreign employees by the short-term regime for a maximum period of 180 days per year

³³ According to Article 19 of this Decree, the Concessionaires and Special Purpose Entities shall submit before the National Institute of Employment and Vocational Training (INEFP) 60 (sixty) days before the end of each calendar year, a training plan for Consultation and coordination with the National Petroleum Institute to allow a gradual increase in the percentage of Mozambican citizens working in any Rovuma Basin Enterprise at all levels of their organization and an effective training program of Mozambican employees, whether on national or foreign territory, at each stage and level of operations, taking into account security requirements and the need to maintain reasonable standards of efficiency in the conduct of operations.

³⁴ With respect to the hiring of foreign nationals, the workforce plan relating to any Rovuma Basin Enterprise shall not provide for the contracting of such workplaces for work positions of lesser technical complexity and for those which do not require any technical qualification.

for any kind of work even if it is not unpredictable, as it occurs with application of the general regime, established for the other industries.

As a rule, the hiring of foreign nationals in this sector is done by submitting the workforce plan to the National Institute of Employment and Vocational Training within 60 (sixty) days before the end of each calendar year by the Concessionaires and Specific Purpose Entities.

The workforce plan should not provide for the hiring of foreign nationals for work positions of less technical complexity and for jobs which do not require any technical expertise. In cases where foreign employees are to be hired *outside* the quota established in the duly approved workforce plan, the hiring in question shall be carried out under the work authorization regime, upon submission of an application to the Minister overseeing the industry. A response to the application should be delivered within 7 (seven) business days from the date of the submission.

Thus, the hiring regimes applicable for foreign employees in Rovuma Basin are: (i) Investment Project Approved by the Government; (ii) short-term and (iii) work authorization. With regards to the requirements for the hiring of foreign citizens for the Rovuma Basin project, the requirements are the same (please refer to *Chapter I (2.)* above).

As for the renewal of contracts, the Law establishes that the employers have the choice to renew one or more times employment contracts for a fixed or uncertain term during the construction phase of each Rovuma Basin Development.

4. HIRING FOREIGN NATIONALS FOR THE MOZAMBIKAN PUBLIC SERVICE

The hiring of foreign employees to render services for the public service is accomplished through the use of a fixed-term service contract³⁵, for a period of up to 5

³⁵ The execution of these contracts is the responsibility of the heads of the central, provincial and institutional entities with administrative and financial autonomy, and the costs are borne by the respective salary fund, registered in the State Budget, donations, own revenues or consigned from those institutions.

(five) years, renewable once for an equal period following the performance and the necessity of the service.³⁶ Regardless of such renewal, the contract entered into with the foreign employee may never be converted into a contract for an indefinite period, nor at any given time may the foreign national be granted the status of a civil worker of the State.

These contracts are subject to the prior supervision of the Administrative Court, and they have precedence over other proceedings, under the terms established in specific legislation³⁷.

The hiring of foreign employees for the Mozambican Public Service is done by way of a public tender solely when there is a lack or insufficiency of national staff with the required professional qualifications and experience, save where there is an urgent need for service declared by a member of the Government, in which case the said contracting may discharge the public tender proceeding³⁸.

Such contracts are entered into under an exclusive regime of functions, thus the foreign employee is prohibited from exercising any form of private activity or accepting any remuneration other than those established by prevailing legislation, except in cases of teaching and research activities in the State institutions, upon prior authorization of the contracting party.

In case of non-compliance with the provisions of the paragraph above, the foreign citizen may be held liable. Such disciplinary accountability may result in the application of the following sanctions:

- ✓ A fine ranging from 5 (five) to 10 (ten) salaries of the foreign employee's salary (graduated according to the gravity of the offence committed and/or recidivism), or

³⁶ Exceptionally, due to an imperative and justified need for service, which is analyzed on a case-by-case basis, the contract may be extended for an additional period not exceeding 5(five) years.

³⁷ Please refer to Article 60 in conjunction with Article (1)(c), both of Law no. 14/2014, dated August 14th (Concerning the organization, operation and process of the Inspection Section of Revenues and Public Expenditures, as well as of the Administrative Court, provincial administrative courts and Maputo City).

³⁸ Mozambique has the right of preference, where, as a rule, national citizens have priority over foreign citizens, and the contracting of the latter is dependent on proof (by public tender) of the lack of national frameworks to meet what is required.

- ✓ Immediate termination of employment contract.

CHAPTER II – IMPLEMENTATION OF THE QUOTA REGIME IN MOZAMBIQUE AND IN COMPARATIVE LAW

1. OBJECTIVE OF THE QUOTA REGIME

It is believed that the main objective of the *quota regime* is the protection of the national employee's interests, that is, firstly to prioritize the national labour force, to the detriment of foreign labour.

Notwithstanding, this regime is set to benefit the Country in several significant ways, such as:

- ✓ Ensuring the creation of more jobs for national employees – Mozambican Law provides that employers shall give preference to national employees over foreign nationals, save where special qualifications or professional skills are found only with the latter;
- ✓ Bringing qualified know-how from other countries – clear examples of this are found in the fields of oil/gas exploration, energy supply and infrastructure development, which have been great contributors to Mozambique's economy and culturally as Mozambicans are afforded the chance to familiarize themselves with events outside their daily spectrum;
- ✓ Increasing the level of expertise and professional skills of national workforce – Mozambican Law encourages employers to create conditions for the integration of qualified national employees in jobs that require technical expertise and in jobs of management and administration;
- ✓ Limiting the duration of the employment contracts with foreign nationals – Mozambican Law establishes that employment contracts with foreign employees shall not exceed 2 (two) years, and even after several renewals they can never be converted into a contract for an indefinite period, and its main objective is to limit the stay of foreign employees in the national territory;
- ✓ Controlling immigration of foreign nationals – citizens of foreign nationality who wish to work in national territory must obtain work visas, and this visa must be requested before entering the national territory, otherwise the work permit will not be granted.

2. ADVANTAGES AND CONSTRAINTS OF THE QUOTA REGIME

The advantages and constraints of the quota regime shall be highlighted, based on the explanation on the objectives of the said regime.

2.1 ADVANTAGE OF QUOTA REGIME

Regarding the advantages of the quota regime, it is important to note that its implementation allows:

- ✓ The employer to have 15 days grace period, following the entry of the foreign employee, to the country, to notify of the Labour Authorities;
- ✓ Expedition of the process of hiring a foreign national as it depends on the number of employees in the company, and mere communication to the competent authority; and

No need to apply for work authorization in cases of hiring in the context of investment projects approved by the Government, only being necessary the notification for hiring foreign employees.

2.2 CONSTRAINTS IN IMPLEMENTATION OF THE QUOTA REGIME

2.2.1 Failure to comply with the obligation to notify

With regards to the response of the conformity of the notification, there is a 5 (five) day period for this purpose³⁹.

This obligation also extends to contractors in investment projects, who in turn must also wait for the response of the Ministry of Labour within 5 (five) working days⁴⁰.

Failure of compliance with the legal provisions is verified on a daily basis by the labour authorities, which may take more than 30 (thirty) calendar days to issue a decision; favourable or not.

It is concluded that the above constraints may lead to the discouragement of foreign investment, which will lead to a loss of interest *versus* opportunity, which may retard not only the development of the country but also frustrate the expectations of entrepreneurs wishing to invest in Mozambique.

³⁹ Article 11, Decree no. 37/2016.

⁴⁰ *Ibid.*

2.2.2 *Nominal ratio requirement*

The submission of the nominal ratio – list of the employees hired with their relevant data – for the current calendar year⁴¹ is one of the formalities to be observed in the communication to be filed before the supervisory entity.

This requirement constitutes a barrier in terms that a newly incorporated company sometimes does not yet have hired workers or is still in the process of hiring.

Consequently, to newly incorporated companies this nominal relation requirement can be considered as a hurdle to the start of the company, caused by the procedures that the organization of the nominal relation represents, from recruitment, internal organization and survey of the nominal relation.

2.2.3 *Delay in the issue of the certificate of conformity of Communication*⁴²

The conformity of the work notice (Communication) must be verified and communicated within 5 (five) days, with the respective certificate to be delivered to the bearer of the communication⁴³.

In practice, but rarely, the work reports (certificates of conformity of Communication) are issued within the legally established deadlines, but on average it takes between 7 (seven) to 15 (fifteen) days. Therefore:

- ✓ This Law has a low enforcement rate;
- ✓ When it comes to renewing the work contract, until the issuance of the communication certificate, the employee's work is interrupted;

⁴¹ Article 10 (e) of Decree no. 37/2016.

⁴² Note that in cases of hiring of foreign employees under the Quota Regime and Short-Term, regime a certificate of conformity of Communication shall be issued by the labour services. However, when applying for hiring of foreign employees under the Work Authorization Regime, the Ministry that oversees the sector of Labour shall issue a work permit.

⁴³ Article 11 of Decree no. 37/2016.

3. CASE EXAMPLES OF APPROVALS IN OUT OF QUOTA

The following table indicates cases of each regime for attaining additional or out of quota for foreigner employment, based on actual cases. These cases illustrate reality in obtaining work permits with convincing justifications.

Table 2: Example of Cases for Out of Quota Approval

Case A: Hiring Regime: Short-Term Permit	
Company profile	The line of business: Insurance Service Employment Size: Categorized as “Small Company” ⁴⁴ , with 3 employees (one of whom is foreign).
The justification for employing additional foreigner	The reason why the Company B is hiring additional foreign employee is to <u>provide training and implement new work procedures</u> adopted by the Company's head office.
Result	Granted with one foreigner work permit for <u>90 days</u>
Date applied and approved	Application submitted: January 24, 2018 Approval: February 5, 2018 (less than two weeks)
Case B: Hiring Regime: Work authorization	
Company profile	The line of business: Aviation and Tourism Service Employment Size: Categorized as “Small Company”, with five employees (one of whom is a foreigner).
The justification for employing an additional foreigner	To work as station manager and to provide training to the hired national employees in the company, an application for work authorization was submitted for hiring another foreign citizen.
Result	Granted with one foreigner’s work authorization for <u>two years</u>
Date applied and approved	Application submitted: June 16, 2017 Approval: September 26, 2017 (three months and ten days)
Case C: Hiring Regime: Investment Project	
Company profile	Sector of Business: Energy (Power plant construction and operation) Employment size: Categorized as “Large Company” ⁴⁵ , plans to employ a total of 1,400 employees during the construction phase, and 350 after operation phase.
The justification for employing additional foreigners	Applied for this regime under the total value condition (exceeding MZN 13.5 billion), and the project requires highly skilled technical expertise not available locally.
Result	Construction phase: Quota of 30% (420 foreign employees allowed) Operation phase: Quota of 20% (70) for Years 1- 10, 15% (52) for Years 11- 15, and 10% (35) for Years 16 on wards
Date applied and approved	Approved in 2016

⁴⁴ Small Company: less than 10 employees

⁴⁵ Large Company: more than 100 employees

4. COMPARATIVE LAW – HIRING FOREIGN EMPLOYEES IN OTHER COUNTRIES

In this section, by way of a comparative law methodology, the regime for hiring foreign employees in some SADC⁴⁶ countries, as well as in Vietnam and Brazil shall be analyzed.

4.1 SOUTH AFRICA

In order to analyze the regime for hiring foreign employees in the Republic of South Africa, the following Laws have been relied upon:

- ✓ Act 66 of 1995 – Labour Relations Act;
- ✓ Act 13 of 2002 – Immigration Act; and
- ✓ Act 4 of 2014 – Employment Services Act.

The foreign employment system regime in the Republic of South Africa is supervised by the Department of Home Affairs which is the entity responsible for granting work permits to foreign employees by way of (i) a notice published in the Government Gazette annually, and (ii) a notice published in the Government Bulletin⁴⁷. South Africa implements the Critical Skills Work Visa which is the result of the merger of the former Exceptional Skills and Quota Work visas. The latter was issued in line with the Quota List of 2009, which had skills categories, requirements, and the quota of skills targeted in South Africa. The Critical Skills work visa is issued by the critical skills list, on the condition that the number of work permits issued for that category does not exceed the quota specified in the notice.

Notwithstanding, in certain cases and upon meeting certain requirements, a work permit may be issued to a foreign national, as long as the employer submits:⁴⁸

- ✓ Evidence that a foreign national workforce is needed due to expertise and professional skills not found in the national workforce;

⁴⁶ SADC is the abbreviation for the Southern African Development Community, an intergovernmental organization created in 1992 whose main aim is to encourage cooperation and socio-economic integration of such countries, as well as foster cooperation in policy and security matters in Southern African countries: Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Swaziland, Tanzania, Zambia, Zimbabwe and Seychelles.

⁴⁷ Please refer to Article 19 (1) of Act 13 of 2002, Immigration Act.

⁴⁸ Please refer to Article 19 (2) of Act 13 of 2002, Immigration Act.

- ✓ A certification from a chartered accountant that the terms and conditions under which the foreigner is to be employed, including salary and benefits, are not inferior to those prevailing in the relevant market segment for citizens and residents, taking into account applicable collective agreements and other applicable standards, as recorded by the Department of Labour, if any, provided that:
 - (a) A copy of such certification shall be accompanied to a prescribed office of the Department of Labour; and
 - (b) Such certification shall lapse if objected to for a good cause by such office of the Department of Labour within 15 (fifteen) calendar days of its receipt;
- ✓ A certified document from a chartered accountant of the job description and that the position exists and is intended to be performed by a foreigner.

4.2 ANGOLA

In the Republic of Angola, the process of hiring foreign employees is done in two ways: hiring resident foreign employees and contracting non-resident foreign employees. In both cases, the hiring process is subject to the same requirements applicable for hiring employees.

4.2.1 Hiring resident foreign employees

In order to hire a resident foreign employee, the following requirements need to be met, such as⁴⁹:

- ✓ Foreign employees shall be of legal age, under the Angolan law;
- ✓ Foreign employees shall possess a good level of professional qualifications or proven scientific technique recognized by the employer;
- ✓ Foreign employees must prove their physical and psychological conditions as certified by a doctor from the competent department of the Ministry of Health;

⁴⁹ Article 4 of Law no. 6/86 dated March 24th (repealing Decree No. 22/78 dated 21 February).

- ✓ Foreign employees shall not have a criminal record, evidenced by a document issued by the competent departments of the Ministry of Justice of the People's Republic of Angola;
- ✓ Foreign employees shall not have renounced their Angolan nationality; and
- ✓ Foreign employees shall not have benefited from a scholarship or training at the expense of the People's Republic of Angola.

4.2.2 *Employment of foreign employees*

With regards to the requirements for hiring foreign employees, the following are required⁵⁰:

- ✓ Foreign employees shall have scientific or technical qualification proven by the employer;
- ✓ Foreign employees shall have physical and mental fitness certified by a medical certificate passed in the country in which the hiring took place;
- ✓ Foreign employees shall not have a criminal record, proven by a document issued in the country of residence; and
- ✓ Foreign employees shall not have acquired Angolan nationality.

The Angolan Law allows companies to hire a workforce comprised of up to 30% (thirty percent) of foreign employees; whereas 70% (seventy percent) shall be Angolan national employees and resident foreign employees.

4.3 *TANZANIA*

In the United Republic of Tanzania, any employer wishing to hire a foreign citizen must apply to the Labour Commissioner for a work permit, and a foreign employee who intends to perform any work, whether for payment or not, shall apply for a work permit before the Commissioner of Labour⁵¹.

⁵⁰ Article 4 of Presidential Decree no. 43/17 dated March 6th 2017 (repealing Decree no. 5/95 dated April 7th and Decree no. 6/01 dated January 19th).

⁵¹ Article 5 (1) (b), *ex vi* Article 7 (1) (b) of Bulletin no. 22 (Volume 2) dated May 22nd 2015.

Under the Law that implements the Contracting of Foreign Employees, 2015, there are five categories of work permits, namely⁵²:

- ✓ Class A which shall be issued to a foreign investor who is a self-employed;
- ✓ Class B which shall be issued to a foreigner who is in possession of a prescribed profession;
- ✓ Class C which shall be issued to a foreigner who is in possession of such other profession;
- ✓ Class D which shall be issued to a foreigner employed or engaged in a registered religious and charitable; and
- ✓ Class E which shall be issued to refugees.

Applications and fees for payment of work permits depend on the class in which the foreign employee is to be employed.

If a work permit is issued to a foreign employee and the worker subsequently applies for another work permit, the worker must apply to cancel the previous work permit.

The Commissioner of Labour should, when examining applications for work permits, consider existing regional agreements on the free movement of labour and any other bilateral agreements to which Tanzania is a signatory.

Regarding the hiring of foreign employees in the civil service, applications for employment must be submitted to the Labour Commissioner by the Permanent Secretary and should be accompanied by recommendations for each national who wishes to work in the public service.

The duration of the work permit depends on the Commissioner of Labour who may issue a work permit for a shorter period if the applicant so requests, or considering the duration recommended by the professional bodies in an accreditation or approval certificate, issue the applicant a certificate of registration for a period not exceeding 5 (five) years.

⁵² Article 13, *Ibid.*

Finally, considering the hiring system described above, it can be concluded that in Tanzania there is no quota implemented for hiring foreign employees.

4.4 VIETNAM

The employer (excluding contractors) is responsible for identifying the number of foreign employees required after verifying the lack of qualified employees for the positions on a national level⁵³. To this end, the employer must inform any one of the following via electric information portal⁵⁴ for its approval: the Chairman of the local People's Committee where it is proposed that the foreign employees will work ("Provincial People's Committee"); Ministry of Labour, War Invalids and Social Affairs; Department of Labour, War Invalids and Social Affairs; or where applicable, the Management Board of industrial zone, export processing zone, economic zone and hi-tech zone.⁵⁵

When the employer is a contractor, before recruiting foreign employees, the employer must declare the number, qualifications, competence and experience of the foreign employees to be hired, while simultaneously sending a request to recruit national citizens for the same positions to the Chairman of the Provincial People's Committee where such contractor will perform the contract.⁵⁶

Foreign citizens who intend to work in Vietnam shall fully meet all of the following requirements⁵⁷:

- ✓ Have the full legal capacity to enter into civil acts;
- ✓ Have professional qualifications, skills and expertise which are suitable to the work applied for;
- ✓ Have no criminal records and shall not be subject to investigation for a criminal offence in any jurisdiction; and

⁵³ Article 4 of Decree No. 11/2016/ND-CP.

⁵⁴ Article 6.1 of Circular 23/2017/TT-BLDTBXH, which requires the employer to submit the demand to use foreign worker via the electronic information portal within 20 days prior to the planned date of employment of the foreign worker.

⁵⁵ Article 4 of Decree 11/2016/ND-CP and Article 4 of Circular 40/2016/TT-BLDTBXH; Article 2.3 of Circular 23/2017/TT-BLDTBXH.

⁵⁶ Article 5.1 of Decree 11/2016/ND-CP.

⁵⁷ Article 169 of the Vietnam Labour Code of 2012.

- ✓ Obtain a work permit granted by the competent authority of Vietnam, except for cases which do not require a work permit.⁵⁸

The hiring of foreign employees for domestic companies, agencies, organizations, and individuals shall only be for positions such as managers, executive directors, specialists and technicians where nationals are not yet able to satisfy production and business requirements⁵⁹. The work permit granted must not exceed 2 (two) years⁶⁰.

Under the current regulations, no quota system is being implemented in Vietnam for the employment of foreign employees.

4.5 BRAZIL

Hiring foreign nationals to work in Brazil is implemented under the provisions of the Consolidation of Labour Laws (CLT)⁶¹. It is important to note that the CLT has undergone several changes from the time of its approval to the present time, with the most recent changes introduced in 2017.

Brazil has a very protectionist labour system, since the legislation imposes limits⁶² on access to work by foreign nationals. Much like in Mozambique, Brazilian Law gives preference to nationals over foreign nationals. To this end, the law imposes, as a general rule, proportionality in the hiring of foreign employees so employers are obliged to maintain a proportion of at least 2/3 (two thirds) of Brazilian employees in their staff.

Regardless of proportionality, a foreign employee is not allowed to earn a salary higher than the salary earned by the Brazilian employee who performs an analogous function, as determined by the Ministry of Labour and Employment (MTE), except in the following cases:

⁵⁸ Article 172 of the Vietnam Labour Code of 2012.

⁵⁹ Article 170 of the Vietnam Labour Code of 2012.

⁶⁰ Article 173 of the Vietnam Labour Code of 2012.

⁶¹ Decree-Law No. 5,452, dated May 1st, 1943.

⁶² The limits regarding proportionality in the hiring of foreigners in the representation in the salary sheets of the employer are not applicable to Portuguese, nor to foreign citizens who, having resided in Brazil for more than 10 (ten) years, have a Brazilian spouse or child, in those cases where the exercise of professions is reserved exclusively for Brazilian citizens or for Brazilians in general.

- ✓ Where the Brazilian employee has fewer than 2 (two) years of service at the company while the foreign employee has more than 2 (two) years of service; and
- ✓ Upon the approval of the MTE.

4.5.1 Requirements for hiring foreign employees

With regards to the legal requirements for hiring foreign employees, it is worth noting that the company has to justify the hiring of a foreign employee as opposed to a national employee to the MTE. In order to comply with the requirements, the foreign employees must:

- ✓ Obtain a work permit⁶³; and
- ✓ Obtain a work visa.

The authorization to hire a foreign employee shall be requested by the company from the MTE, through the General Immigration Coordination. The application is submitted online and the company sends the required documents (including the justification for hiring the foreign employees) by the Post Office accompanied by a letter of request and the application forms from the company and the applicant, and the required documents.

The authorization is granted within a 45 (forty-five) day period. Once such application is granted, the MTE informs the Ministry of Foreign Affairs that the visa was issued in the country of origin of the foreign citizen to be hired.

4.5.2 Work Visa

Any foreign employee who intends to work in Brazil must obtain a temporary or permanent work visa, depending on the activity that the foreign employee will perform in Brazil.

For a foreign employee to be granted a work visa, a work permit issued by the MTE is required beforehand.

⁶³ The authorization to hire foreign citizens must be obtained from the Ministry of Labour and Employment, the Ministry of Justice, the Federal Police and the Federal Revenue Secretariat.

It is important to note the specific visa requirements, which depend on the purpose for which they are applied, *i.e.*, the requirements not only vary from the type of visa, but also on the purpose for which the visa is requested. Another important aspect is that not all temporary visas can be converted into permanent visas, such as visas granted in the following circumstances: (i) for the provision of technical assistance and/or technology transfer services, and (ii) for the authorization of students to work in Brazil during the academic vacation period.

4.6 SUMMARY OF COUNTRY COMPARISON

In order to ensure more work for its nationals, all of the six countries in the comparison table (see Appendix B) indicates measures to regulate the employment of foreigner workers in their respective jurisdictions. These measures range from strict to moderate, and the number of requirements to obtain the necessary approval or permit to work, heavy to light.

Quota regime countries

From the comparison table, Mozambique, Brazil and Angola (3 out of 6) currently implement a quota on the number of foreign employees. Brazil requires employers to maintain at least 2/3 of Brazilians in their staff, and in addition, a foreign employee is not allowed to earn a salary higher than the salary earned by the Brazilian employee who performs an analogous function.

In March 2017, Angola introduced changes on the professional activities of foreign employees. Although the new regulations maintained the general quota for foreign employees (which must not exceed 30% of all employees) found in the previous regulations, the exceptional cases wherein the quota may be exceeded were eliminated in the new regulations, thus, becoming more restrictive.

Non-quota regime countries

Some countries have either no quota or eliminated the use of quota in controlling the number of foreign employees, such as Vietnam in 2008. Vietnam implemented a quota regime, from 07 October 2003 until 11 April 2008, wherein in general, the number of foreign employees was not allowed to exceed 3% of the existing number of employees in the company, and such number was not to exceed fifty (50).⁶⁴ This quota regime was abolished from 12 April 2008 and no quota regime has been established since then in Vietnam.⁶⁵

In 2014, South Africa implemented the Critical Skills Work visa which is issued by the critical skills list. This system merged the former Exceptional Skills visa (for certain skills and qualifications deemed exceptional) and Quota Work (based on the Quota List of 2009 which had skills categories, requirements, and the quota of skills targeted) visa⁶⁶.

Tanzania implements work permit requirements for five categories of foreigners (self-employed, a prescribed profession, other professions, registered religion and charity, and refugees). There is no quota imposed, and the requirements are not as numerous as the ones imposed in other countries (such as South Africa).

⁶⁴ Article 3.1, Decree No. 105/2003/ND-CP.

⁶⁵ This was abolished under Decree No. 34/2008/ND-CP.

⁶⁶ The Critical Skills Visa is not a Hiring of foreign employees. It has replaced the quota work permit and the Exceptional or Extra-ordinary skills work permits. This visa falls in the temporary residency visa stream and allows foreign nationals to legally live and work in South Africa for a period of up to five years. Visas are granted based on the applicant being able to prove that they hold the experience and qualifications needed in that specific field of occupation as listed on the Critical Skills List of more than 200 occupations for which this skills shortage exists. The applicant will not need a job offer on application and may apply for this visa without a job offer. Under this visa the holder must secure employment in his specific field, for which this visa was granted, within 12 months. Once the foreign employee enters the South African territory, he is hired as if he were South African Employee, only having to present his/her Critical Skills Visa and proof that they are registered with a professional body in South Africa and must be recognized by SAQA.

CHAPTER III – FOREIGN INVESTORS’ PERSPECTIVE

Based on the interviews conducted by the Project Team for the Project for Enhancing Capacity of Investment Promotion and Facilitation in the Republic of Mozambique and previous studies on the framework for hiring foreign employees in Mozambique, among the regimes implemented, it is the quota regime which is most challenging for foreign investors. First, the quota regime appears to be more restrictive depending on the sector, size of the company, and the stage of its development. While very large firms often do not fully use the quota of foreign employees allocated to them, some very technical companies, which require highly skilled professionals (and not many unskilled workers), struggle to remain within their quota as they face difficulty in finding skills locally.

The quota regime also seems to be more limiting in the initial years of the company’s establishment, as more foreigners are needed at this stage to establish the company and to provide training to the local staff.⁶⁷ Foreign investors are likely to be more comfortable having trusted and tested employees in key managerial positions during the first few years of operation of their business which are the critical period in ensuring the longevity of the business.⁶⁸ In addition, the quota regime also restricts companies which have already met their quota of foreign employees from inviting sufficient foreign technical or scientific staff with particular expertise to train the national staff to upgrade their skills.

As different industries, sectors and business operations, and types of business establishments (e.g., branch/representative offices, shareholding or limited liability companies) have diverse requirements for technical expertise, and different quantities of labour supply, the quota regime does not seem to respond to the needs and labour requirements of foreign investors and does not take into consideration the availability of local staff in each industry or sector.⁶⁹ For example, a representative office of an offshore company faces difficulties in employing support staff from its home company to assist the representative due to the rigid quota system.

⁶⁷ United States Agency for International Development, EFFECTS OF THE EMPLOYMENT OF FOREIGNERS ON JOB OPPORTUNITIES FOR MOZAMBICAN CITIZENS (August 2013), page 24, available at <http://www.speed-program.com/wp-content/uploads/2013/08/2013-SPEED-Report-008-Impact-of-Foreign-Employment-Draft-EN.pdf> (accessed on 12 January 2018).

⁶⁸ United Nations Conference on Trade and Development, INVESTMENT POLICY REVIEW: MOZAMBIQUE (2012), pages 46-47.

⁶⁹ Supra note 67, page 24.

Second, foreign investors are concerned about the constraints in the implementation of the quota system, such as bureaucracy, inflexibility, delays and costs which have negative impact on their business, such as delaying the start of operations of start-up companies, or delaying the planned activities of the company, or postponing the work of the foreign national.⁷⁰ Foreign investors have also experienced inconsistencies in the application of the quota between the CPI (now APIEX) and the Ministry of Labour. For example, even if the CPI (now APIEX) has approved a certain number of foreign employees, the Ministry of Labour may require investors to hire nationals first up to approved numbers before approving the employment of foreigners,⁷¹ and the CPI (now APIEX) had also experienced difficulty in securing amended employment quotas from the Ministry of Labour.⁷²

It is worthwhile to note elsewhere; there is now a shift to eliminate the use of quota in controlling the number of foreign employees in other countries. As discussed in the previous chapter, Vietnam abolished its quota system from 12 April 2008 and no quota system has been established since then.⁷³ In 2014, South Africa implemented the Critical Skills Work visa which is issued in accordance with the critical skills list. The critical skills list requires written confirmation from the relevant professional organization confirming the skills or qualifications of the applicant, among other documents to be submitted. Mozambique may refer to the experience of Vietnam and South Africa in studying the quota system which it is currently implementing.

⁷⁰ United States Agency for International Development, EFFECTS OF THE EMPLOYMENT OF FOREIGNERS ON JOB OPPORTUNITIES FOR MOZAMBICAN CITIZENS (August 2013), available at <http://www.speed-program.com/wp-content/uploads/2013/08/2013-SPEED-Report-008-Impact-of-Foreign-Employment-Draft-EN.pdf> (accessed on 12 January 2018); United States Agency for International Development, REPORT ON EXTRALEGAL BARRIERS TO THE EMPLOYMENT OF FOREIGNERS IN MOZAMBIQUE (16 October 2015), available at <http://www.speed-program.com/wp-content/uploads/2015/11/2015-SPEED-Report-021-Extralegal-Barriers-to-Foreign-Employment-in-Mozambique-EN.pdf> (accessed on 13 March 2018).

⁷¹ Interview with Ssunge Consultores, Lda. on 30 May 2016.

⁷² Interview with Couto Graca Advogados, 24 March 2016.

⁷³ This was abolished under Decree No. 34/2008/ND-CP.

CHAPTER IV – CONCLUSION AND RECOMMENDATIONS

As it is the quota regime (among the regimes on the employment of foreign nationals in Mozambique) which presents several challenges for foreign investors in its design and its implementation, most of the recommendations below relate to the quota regime. Other options which may be able to effectively and efficiently address and balance the protection of the Mozambican employees with the need for foreign direct investment should be studied and considered, such as adjusting or revising the quota regime yearly, or basing the quota regime on other factors such as skills which are seriously lacking in Mozambique or depending on the sector/industry (instead of the size of the company), or as another option, by totally abolishing the quota regime, similar to what Vietnam and South Africa have implemented recently.

With these in mind, the following initiatives are recommended:

1. MEDIUM-TERM: 1 TO 3 YEARS

- For APIEX and the Ministry of Labour to: (a) prepare information materials on the current employment regimes of foreign employees and procedures in multi languages (Portuguese and English), (b) widely disseminate them in print and online, and (c) regularly update the materials
- For the Ministry of Labour to conduct a nationwide survey of skills, occupation, years of experience and education (among others) of available local employees per industry/sector and a comprehensive survey of labour market needs and demands of enterprises, including identifying existing labour shortages per skill, occupation, sector and geographical areas (among others)
- For the Ministry of Labour to establish a nationwide electronic and online database to be used in identifying and monitoring labour shortages per skill, occupation, sector and geographical areas, among others, in a regular manner
- For the Ministry of Labour and the National Immigration Office to establish a system for and regularly monitor the employment of foreign employees (such as the numbers, sector, skills, duration of stay) and to the extent possible, collect and gather data on undocumented employment of foreign employees on a regular basis

- For APIEX and the Ministry of Labour to identify gaps in, and propose measures and action plans for, the effective, efficient and transparent implementation of the regime on the hiring of foreign employees (for example, identify the cause of delays in the issuance of the work authorization approval or verification/confirmation of “notice” in the quota regime) by conducting surveys or consultations and workshops of the relevant government officials, foreign investors and other stakeholders (such as law firms and consulting firms), and for the investors to cooperate with such efforts by providing the necessary information
- For APIEX to strengthen capacity of its function in facilitating the foreign national employment requirements of foreign investors, and coordinate with Ministry of Labour in responding the investors’ requirement by establishing focal point officer(s) with sufficient knowledge in regulatory regime and procedure for hiring foreign nationals under investment projects approved.
- For the National Government to consider providing incentives, in terms of extra quota provision, to companies which have strictly and successfully implemented its in-house training program for local employees or contribution to national vocational training, and Gradual Replacement Plan

2. LONG-TERM: BEYOND 3 YEARS

- For the National Government to maintain the protection of the national labour market, and for the National Immigration Office to strictly control the influx of unskilled foreign employees
- For the Ministry of Labour to consider reviewing the current quota regime based on the above surveys and database, including possible alternatives to quota regime (such as quota regime not based on the size of the company but on the sector, skills or occupation, and/or for quota to be adjusted annually, depending on the requirements)
- For the Ministry of Labour to review, based on the above surveys and database, the training requirements for companies, and consider adjusting the training requirements based on the sector, skills or occupation which is lacking or insufficient in number, or location of the company

- For the National Government to strengthen and allocate adequate resources to vocational training in developing industries which high potential in Mozambique, such as energy, infrastructure and agro-based industries
- For the National Government, particularly the Ministry of Labour, to request technical or financial assistance from the appropriate international development or aid organizations and partner foreign countries for the recommendations specified in this report, such as conducting surveys, establishing an electronic or online database, or vocational training in developing industries
- For the Ministry of Labour to prepare the draft(s) of amendment of the relevant laws and regulations, if necessary, based on the results of the review and assessment of the current quota regime, conduct public consultation on the draft of amendment of relevant laws and regulations, and submit the final draft to the National Assembly.

REPORT ON THE HIRING OF FOREIGNERS IN MOZAMBIQUE
- REGULATORY REGIME AND PRACTICE -

APPENDICES

Appendix A Summary of Foreigners Employment Regime

**Appendix B Comparison of Foreigners Employment Quota with
Other Countries**

**Appendix C Investors' Reference for Hiring Foreigners in
Mozambique**

Summary of Foreigners Employment Regimes

Regime	Short-Term Permit	Quota	Investment Project (Extra Quota)	Authorization
Purpose	To hire foreign employees with high level scientific knowledge and special professionals	To provide right to hire certain number of foreign employees by size of total employment	To provide a concrete quota of foreign employees necessary to the implementation of a certain project. the number may be higher or lower than what is normally allowed under the quota regime	To hire foreign employees with academic or professional qualification
Eligibility	To verify the qualification and proof of non-availability in Mozambique	5% for more than 100 8% between 11 and 100 10% for 10 employees and below	Investment value exceeds MZN 13.5billion Investment project use exceeding 10,000 ha Forestry project exceeding 100,000ha Investment projects with political, social, economic, financial and environment consideration	To verify the qualification and proof of non-availability in Mozambique
Duration	Maximum 90 days (180 days for mining sector and for Rovuma Basin)	Maximum 2 years	Maximum 2 years	Maximum 2 Years
Procedure for Application	To notify Ministry of Labour, prior to entering the country	To notify Ministry of Labour within 15 days after entering the country	Prior, apply to APIEX to help to get the approval of the investment project from the relevant authority in the sector in which it will be implemented and then, notify Ministry of Labour within 15 days after entering	To apply for authorization

			the country of any hired employee, under the quota allowed for the concrete investment	
Authorization	Not subject for authorization	Not subject for authorization	Not subject for authorization	Ministry of Labor
Legal Reference	Article 5 to 7 and 20 to 21 of Decree number 37/2016 dated August 31 st	Article 8 to 11 and 20 to 21 of Decree number 37/2016 dated August 31 st	Article 12 (d) of Decree no. 43/2009, amended by Decree no. 48/2013 Article 12 and 20 to 21 of Decree no. 37/2016 dated August 31 st	Article 16 to 19 and 20 to 21 of Decree no. 37/2016 of August 31

Note: Besides these regimes, there are special regimes applied for LNG Project in Rovuma Basin, Mining and Petroleum sector and designated regions under SEZ/IFZ.

Comparison of Foreigners Employment Quota with Other Countries

Country	Basic Principle	Foreigners Employment Quota	Level of National Employment Protection	Other Remarks
Mozambique	<ul style="list-style-type: none"> • Ensure more jobs for nationals; • Introduce qualified know-how from foreign jurisdictions; • Limit duration for foreign workers. 	5%: large companies (NoE*>100) 8%: medium companies (NoE>10 and up to 100) 10%: small companies (NoE up to 10)	High	Hiring foreign employees can be performed under other legal regimes, namely under (i) investment projects approved by the Government; (ii) short-term and (iii) authorization, which can add to the quota.
Tanzania	<ul style="list-style-type: none"> • Ensure more jobs for nationals; • Limit duration for foreign employees. 	No quota regime.	Normal	Primacy in the hiring of foreign employees who belong to countries with free movement of labour agreements and bilateral agreements with Tanzania.
Angola	<ul style="list-style-type: none"> • Ensure more jobs for nationals; • Limit duration for foreign employees. 	30% for foreign nationals	High	The hiring of a foreign employees is more flexible insofar as the foreign employees may commence working before obtaining the work permit.
South Africa	<ul style="list-style-type: none"> • Ensure more jobs for nationals; • Limit duration for foreign employees. 	No quota regime	High	There is flexibility in the process of hiring foreign employees.

Brazil	<ul style="list-style-type: none"> • Ensure more jobs for nationals; • Overvaluation of the national workforce, through the obligation to set the same or lower wages for foreigners. 	1/3 (33.33%)	High	The rule of proportionality in the hiring of foreign employees does not apply to Portuguese citizens and foreign employees who have resided in Brazil for more than 10 years, have married Brazilian citizens, or have Brazilian children.
Vietnam	<ul style="list-style-type: none"> • Ensure more jobs for nationals; • Limit duration for foreign employees. 	No quota	Normal	There is flexibility in the process of hiring foreign employees.

*NoE: Number of Employees

“Investors’ Reference” for Hiring Foreigners in Mozambique

1. Quota Regime (under general Quota/ Quota for Investment Projects)

(a) Sectors not applied by the application of the general quota

The special regime is applied for the following sectors (which are covered by separate regulations):

- (a) Liquefied Natural Gas Project in Areas 1 and 4 of Romuva Basin,¹
- (b) Special Economic Zones and Industrial Free Zones,² and
- (c) Petroleum and Mining sectors.

(b) How to determine the Quota

It is based on the payroll for the calendar year detailing the nationalities of the employees.³ For the purpose of determining the applicable quota based on the total workforce, only Mozambican nationals are included in the “total workforce” and foreign nationals currently on the payroll are excluded.

(c) Rounding up not allowed

In calculating the number of foreign nationals under the quota regime, rounding up of numbers is not allowed.⁴

(d) Sending of “notice” to labour authorities

The employer must send a “notice” to the relevant labour authority within 15 days from the date of the foreign employee’s entry in Mozambique.⁵ The “notice” must be submitted together with the following documents:⁶

- (i) Two copies of the standard “notice” form (attached as **ANNEX I**), communicating the hiring of the foreign employee and the degree of fulfilment of the quota;
- (ii) Three copies of the employment contract;

¹ Decree Law no. 2/2014 dated 2 December.

² Decree no. 43/2009 dated 21 August (Regulation of the Investment Law).

³ Article 1(e), Decree no. 37/2016 dated 31 August.

⁴ Article 8(3), Decree no. 37/2016 dated 31 August.

⁵ Article 8(1), Decree no. 37/2016 dated 31 August.

⁶ Article 10, Decree no. 37/2016 dated 31 August.

- (iii) Certificate of academic qualifications or technical skills, together with the corresponding certificate of equivalence issued by the education authority regarding the level achieved overseas or document proving his/her work experience;
- (iv) Tax Clearance Certificate issued by the Tax authority proving that the employer has no debt to the State, valid for 30 days from the date of issue;
- (v) Payroll for the calendar year, detailing the nationalities of the employees;
- (vi) Certified copy of passport or Residence Identification Document for foreign nationals (DIRE); and
- (vii) Proof of payment of a fee corresponding to five minimum salaries in force in the sector of activity of the company.
- (viii) For investment projects approved by the Government, the notice must be accompanied by a copy of the investment project approved by the Government that specifies the number of foreign nationals to be employed.⁷

(e) Start of work

The foreign employee may only start work after the employer has received the verification/conformity of “notice” (also known as “work permit”) from the labor authority. Under the law, this is issued within 5 business days from receipt of notice from the employer.⁸

(f) Effect of termination of employment of Mozambican nationals

An employer which terminates the employment contracts of Mozambican nationals is not required to terminate the employment of foreign employees as long as the work permit is valid. The number of national employment will be affected on occasion of renewal of foreigners’ work permit in such a number as to comply with the quota.⁹

2. Work Authorization (or Out-of-Quota) Regime

The Work Authorization (or Out-of-Quota) may be used when the employer already filled their quota.

(a) Conditions under the Work Authorization Regime

- (i) The foreign employee must have the required academic or professional qualifications;
- (ii) There are no national employees with similar qualifications, or they are insufficient in number; and

⁷ Article 14, Decree no. 37/2016 dated 31 August.

⁸ Article 11(1), Decree no. 37/2016 dated 31 August.

⁹ Article 27(5), Decree no. 37/2016 dated 31 August.

- (iii) Proof that the provisions of Decree 37/2016 dated 31 August (otherwise known as the “Regulation governing the Mechanisms and Procedures for Employment of Foreign Nationals”) have been complied with.

Proof of such compliance includes, for example, CV, diploma, academic degree certificate, training certificate, etc.

(b) Application for Work Authorization

For employment of foreign employees in excess of the quota (under general quota or quota for investment projects approved by the Government), an application must be submitted by the employer to the relevant labour authority.¹⁰ It is subject to approval by the relevant labour authority (Minister of Labour).

(c) Application Requirements

An application for authorization for hiring of foreign employee (using the standard application form (attached as ANNEX II) must contain the following:¹¹

- (i) Name, office address and field of activity of the applicant (employer);
- (ii) Identification of the representative of the employer;
- (iii) Identification of the foreign employee for whom the authorization is requested, his/her category, duties or position to be held or functions to be performed;
- (iv) Motivation letter/grounds for hiring; and
- (v) The following shall be attached to the application:
 - (A) Three copies of the employment contract;
 - (B) Academic qualification or technical skills certificate of the foreign employee to be employed together with the certificate of equivalence issued by the education authority regarding qualifications acquired overseas or and document proving professional experience;
 - (C) Tax Clearance Certificate issued by the Tax authority proving that the employer has no debt to the State, valid for 30 days from the date of issue;
 - (D) Statement from the trade union representative or sectoral trade union reflecting the need, or otherwise, of the application for employment of a foreign national;
 - (E) Certified copy of trading license or related document of the employer;
 - (F) Updated Payroll of staff members for the calendar year, with details of the

¹⁰ Article 17(1), Decree no. 37/2016 dated 31 August.

¹¹ Article 18, Decree no. 37/2016 dated 31 August.

- nationality of employees; and
- (G) Proof of payment of a fee equivalent of ten minimum salaries in force in the sector of activity of the company.

(d) Timeframe for approval of application

The application must be processed by the relevant labour authority within 15 days from its receipt of the application.¹² The approval is also known as “out-of-quota work permit¹³”.

(e) Start of work

Foreign nationals are not allowed to start work prior to receiving approval of application for work authorization (or out of quota¹⁴).

12 Article 17(2), Decree no. 37/2016 dated 31 August.

13 Note that these applications are submitted to the Labour department of the province/city in which the employees will carry out their activity for verification purposes and sent to the Minister for approval. The timeframe for the approval of work authorization might not take the legal period of 15 days, due to the fact that Minister analyzes the application case-by-case. Therefore, a possible delay or situation where the 15 days indicated by law is exceeded, may occur.

14 Cases of renewal of employment contracts of foreign employees in the work authorization regime, its recommended to start the application process 6 months prior to the termination of the contract.

2. Hypothetical Cases

- 1) We plan to establish a company engaged in the information technology (IT) Solution business in Maputo. Due to the very technical aspect of the business, our offshore parent company plans to send two of its foreign employees to Mozambique**

A small company is allowed to employ 1 foreign employee. For another foreign employee outside of the general quota, the company has to apply through the work authorization (out of quota) regime. The company has to submit proofs that:

- (a) The foreign national has the required academic or professional qualifications;
- (b) There are no nationals with similar qualifications, or they are insufficient in number; and
- (c) The provisions of Decree No.37/2016 of 31 August (otherwise known as the “Regulation governing the Mechanisms and Procedures for Employment of Foreign Nationals”) have been complied with.

- 2) Our company currently has the following workforce: one general manager (foreigner); five managers (foreigners) and 120 workers (Mozambican nationals). What is our quota of foreign employees?**

Since the total workforce is 100 workers (excluding the foreigners), the quota of you company is 6. You have already reached the allowed quota of 6 foreign nationals

- 3) Our company has several subsidiaries around Mozambique. In case one of our subsidiaries has not yet reached the quota of foreign national workers, can the balance or unused number be used by another subsidiary which has already reached their quota?**

No. The quota refers to the total workforce in each subsidiary. The unused quota is not transferrable. The subsidiary which has already reached the quota may apply for employment of the foreign employee under the work authorization (out-of-quota) regime.

- 4) Our newly-established company will start its operations next year for the first year we will hire only one foreign employee who will serve as the manager of our company. Is this allowed?**

Yes. A company is allowed at least one foreign employee even if the total number of national employees is less than 10.

- 5) Our manufacturing company is in its first year of operations with 15 employees who are Mozambican nationals but we plan to increase their number during the second year to 40. Can we hire 4 foreign employees during our first year?**

No. The quota is based on the number of employees at the start of its operations. For the first year, it is only allowed to employ 1 foreign national.

- 6) Our company has reached the quota on foreign nationals, but we need to hire foreign technical experts to conduct emergency repair of machineries. Are we still allowed to hire foreign employees for short-term work even though we have reached our quota?**

Yes, foreign nationals may be employed under the short-term work regime, provided that the period of employment shall not be longer than 90 days within a year, whether consecutive or not, and the purpose is for performing timely and unforeseen work requiring highly scientific know-how or specialized skills. Foreign nationals employed under the short-term work regime are not included in the quota.

- 7) Our company plans to implement quarterly 1-week training of all employees in Mozambique, comprising of 21 employees (20 Mozambican nationals, 1 foreign national), to be conducted by two (2) training managers of our offshore parent company who are foreigners. We will pay the training manager fees for his/her services.**

- (a) Is our company allowed to have such an arrangement with the two (2) training managers? If yes, which is the appropriate regime for such arrangement?**

Your company is allowed to engage the services of two training managers who are foreigners under the short-term work regime provided that the period of their work will not exceed 90 days within a year, whether consecutive or not. The company has to prove that the work requires highly scientific know-how or specialized skills.¹⁵

- (b) When should we notify the labor authorities, before or after the arrival of the training managers in Mozambique?**

Your company should notify the labor authorities before the entry of the training managers in Mozambique, as they are only allowed to enter the country after verification by the labor authority.¹⁶

- 8) For the investment project approved by the Government, our company has already reached the quota approved by the Government. May we still apply for employment of a foreign employee in excess of such quota? If yes, what is the procedure and timeframe for approval of the application?**

Yes. For employment of foreign employees in excess of the quota (under the investment project approved by the Government), an application must be submitted by the employer to the relevant labor authority in the province where the foreign employee will conduct his/her work.¹⁷ The procedure and timeframe for approval of the application are the same as the application for work authorization (or extra quota) under the general quota.

¹⁵ Article 5(1) and article 5(3), Decree no. 37/2016 dated 31 August.

¹⁶ Article 7(1), Decree No. 37/2016 dated 31 August.

¹⁷ Article 17(1), Decree No. 37/2016 dated 31 August.

9) Our office has several locations/branches in Mozambique. Can we temporarily transfer one of our foreign employees for one month to another location/branch which has already reached its quota of foreign employee?

Yes. The employer may temporarily transfer the foreign national worker to another workplace if dictated by exceptional circumstances related to administrative or production organization. The employer should notify the labor authority in the province where the foreign employee is conducting his/her work.¹⁸ Since the transfer is only temporary, such foreign employee is not counted in the quota of the destination location/branch

¹⁸ Article 24(4), Decree no. 37/2016 dated 31 August.

Annex I: Standard “Notice” Application Form for Quota Regime

Modelo a ser usado pelas
empresas no âmbito das quotas

Senhor Ministro do Trabalho,

Excelência;

**Assunto: Comunicação de contratação de trabalhador estrangeiro no
âmbito da quota**

Nos termos das disposições do n.º do artigo 31 e com n.º 1 do artigo 34, ambos da Lei n.º 23/2007, de 1 de Agosto, a empresa sita na representada pelo(a) Sr(a)....., de nacionalidade....., comunica à V.Excia a admissão do(a) Sr(a)..... de nacionalidade....., portador do passaporte n.º emitido aos..... para exercer as funções de..... por um período de..... meses, a partir de...../...../200....., até/...../20..... É do grupo das empresas, com um total de trabalhadores dos quais..... são(é) estrangeiro(s). No âmbito da quota, tem direito a%, o que corresponde a estrangeiro(s). Com a presente admissão passa a ter..... estrangeiro(s) para um máximo de....., da quota. A empresa junta os seguintes documentos:

- 1. Dois exemplares da carta comunicando a admissão do cidadão estrangeiro e o grau da realização da quota;
- 2. Relação nominal de trabalhadores relativa ao ano civil anterior;
- 3. Certidão de quitação passada pelo INSS;
- 4. Certidão de quitação passada pelo Ministério das Finanças;
- 5. Cópia autenticada do passaporte ou DIRE, do cidadão estrangeiro a admitir;
- 6. Talão de depósito comprovativo do pagamento da taxa;
- 7. Três cópias do contrato de trabalho;
- 8. Projecto de investimento

....., aos de de 200.....

Annex II: Standard Application Form for Work Authorization Regime

Modelo a ser usado pelas
empresas que tenham
esgotado a quota

Senhor Ministro do Trabalho

Excelência

Assunto: Autorização de Trabalho,

A empresa.....,
Sita na....., representada
neste acto pelo(a) Sr(a)....., de
nacionalidade....., solicita autorização de contratação a favor do(a)
Sr(a).....de
nacionalidade....., portador(a) de passaporte nº
....., emitido em/...../....., que irá exercer a função de
....., por um período de....., meses, tendo
em conta que a empresa empregatrabalhadores nacionais e estrangeiro(s), pelo facto de ter
esgotado a quota, a que tem direito, vem pela presente solicitar a V Ex.ª **autorização de trabalho** ao abrigo
do artigo 33 da Lei nº 23/2007, de 1 de Agosto. A empresa junta os seguintes documentos:

- 1. Três exemplares do contrato de trabalho;
- 2. Certificado de habilitações literárias;
- 3. Certificado de equivalência das habilitações literárias, emitido pelo Ministério da Educação e cultura;
- 4. Certificado de habilitações técnico-profissionais e documento comprovativo da experiência profissional;
- 5. Certidão de quitação passada pelo Ministério das Finanças
- 6. Certidão de quitação passada pelo INSS;
- 7. Parecer do delegado sindical, comité sindical ou sindicato do ramo;
- 8. Talão de depósito comprovativo do pagamento da taxa.

Fundamentação:

Pede Deferimento

....., aos..... de de 200.....

O Representante da empresa