Botswana

Ministry of Labour and Home Affairs ceases to issue unqualified emergency work permits

Executive summary
As a result of the abuse of the Emergency Work Permits (EWP) regime, Botswana’s Ministry of Labour has introduced stringent new requirements for the application of EWPs. Unqualified EWPs will no longer be issued without proof of an emergency being provided as justification for the permit. The word “emergency” is defined by the ministry in a recent release as “a sudden, unexpected, or an impending situation that may cause injury, loss of life, damage to property and/or interference with the normal activities of a person or firm and which, therefore, requires immediate attention and remedial action”.

Background
The simultaneous application process for a Botswana work and residence permit can take up to three months. However, an emergency work permit that typically requires 21 to 30 working days to be issued. The application for the permit requires, among other items, a letter from the employer stating the nature of the work and the emergency.

The change has been brought about due to the abuse of this permit category by companies in Botswana, who have been using the EWP as an interim bridging permit enabling their expats to work in the country whilst awaiting the outcome of a work and residence permit application. The ministry has clarified that this scenario does not constitute a genuine emergency, and therefore renders the sponsoring company as ineligible for an EWP. The historic abuse of this permit category has caused a backlog in processing genuine applications for both EWPS and long term work permits and has led to the ministry setting more stringent requirements, such as providing proof of the emergency beyond reasonable doubt and the new requirement for companies to obtain letters of support from the relevant Ministry which the company falls under before the application can be processed.

Next steps
It is recommended that employers review any immigration planning involving the use of EWPs, as these permit applications may be rejected or delayed by the ministry. Employers should submit the necessary documentation for obtaining a work permit at least six months before any move or the expiry of an existing work permit in order to avoid a gap in work authorisation due to lengthy government processing timeframes.
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