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Ministry of Internal Administration
51, Sir Ernest de Silva Mawatha
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To All Secretaries

Ministries Governor Central Bank
All the Chief Secretaries of Provinces
All the Government Agents/District Secretaries
All Heads of Departments
All Sri Lankan Heads of Diplomatic Missions Overseas

Issuance of Visas and Work Permits for Expatriates Working and
Seeking to Working Voluntary Social Service
Organizations/NGOs

Visas and work permits are being issued to expatriates working and seeking to work
in Voluntary Social Service Organizations/ NGOs registered under Voluntary Social
Service Organizations Act No. 31 of 1980

It has been observed that the number of foreign expatriates working in Voluntary
Social Service Organizations/ NGOs who come to help affected people has rapidly
increased over the last few years consequent to the natural disasters that occurred in
Sri Lanka and it has been observed that the procedures for the issuance of visas and
work permits to these expatriates has become a complicated matter.

While acknowledging the contribution made by NGO/INGO operating in
Sri Lanka towards reconstruction and rehabilitation activities during the disaster
periods, it is time to streamline the existing procedures for granting of visas to
expatriates attached to these NGO /INGO.

Attached guidelines are therefore to be implemented with immediate effect for the
smooth operation of immigration procedures. Strict compliance to these procedures
is expected from all parties concerned.

All addressees of this circular are requested to disseminate the contents in these guidelines as well as the set of application forms to the officials under their supervision.

Instructions appearing in the application form and information required, therein form a part of this circular.

Please note that the granting or rejection or termination of visas is at the sole discretion of the Controller General, Immigration and Emigration as per the Section 14 of the Immigrants and Emigrants Act No 20 of 1948 and Immigrants and Emigrants Regulations.

Dr.U.Vidanapathirana Secretary
Ministry of Internal Administration

Copies: Controller General, Department of Immigration & Emigration
Director, Secretariat for Non-Governmental Organizations

Guidelines on the Issuance of Visas and Work Permits for Expatriates working and seeking to working Voluntary Social Service Organizations/NGOs registered under Voluntary Social Service

Organizations Act No.31 of 1980 01.

Procedure for Issuance of Entry Visa

All Voluntary Social Service Organizations/ NGOs registered under the Voluntary Social Service Organizations Act No.31 of 1980 and wish to obtain Visas should submit their NGOO/INGO registration certificate and MOU signed with GOSL to the Department of Emigration & Emigration for the registration of the organization.

Visa will only be processed for the organizations fulfill the above requirement.

All foreign nationals who intend to work in NGO/INGO in Sri Lanka should apply for prior visa/entry visa following the procedure described below.

- a) The head of the organization should fill Part I in the attached Application Form on behalf of the applicant, and submit Part I un signed and the duly signed Part II to the Government Agent/District Secretary or to the Divisional Secretary, as the case maybe, for recommendation to the National Secretariat for Non-Governmental Organizations at least one month before the intended date of arrival in Sri Lanka.
- b) Upon receipt of written instructions from the Voluntary Organization, the principal applicant should fill Part I of the Application Form and Form "B" and submit to the Sri Lanka Diplomatic Mission in the respective country.
- c) In the case where the applicant himself/herself is the head of the organization, the recommendation in a) above should be made and action mentioned therein should be taken by the head of the administration of the relevant organization.

- d) Dependents applying for entry visa should submit separate applications for such entry visa. However, the main applicant should fill, sign and submit the forms of dependent applicants who are unable to fill and sign those. No visa will be issued to any dependent unless the principal applicant has made the request.
- e) The Government Agent/District Secretary or the Divisional Secretary should examine all the information on provided in the application form and make his/her recommendation in Part III of the application if he/she agrees
- f) The National Secretariat for Non-Governmental Organizations should examine all the information provided along with the recommendations of the Head of the organization, the Divisional Secretary or the Government Agent in the case of foreign funded NGOs, the recommendation of the Ministry of foreign Affairs and submit the application to the Controller General/Immigration and Emigration with the Secretariat recommendation in Part IV.
- g) After verification of information the Controller-General, Immigration and Emigration will forward Part VI along with Parts I and Part II of the application to the Sri Lanka Mission in the respective country informing whether he approves or refuse so issue entry visa to the applicant.
- h) Upon receipt of the application, the Sri Lanka Diplomatic Mission should scrutinize Part I of the application and the originals of any other certificates required for the issuance of entry visa. The Mission should also obtain the form signed by the applicant. The Mission also should keep setoff photo copies of the relevant certificates, certify them as true copies and send them immediately to the Director of the National Secretariat after issuing entry visa.

- i) Entry Visa should be granted only after verification of originals of relevant certificates of the applicant required for selection to the post in the relevant Voluntary Organization.
- j) Sri Lanka Diplomatic Mission will issue entry visas for expatriates and/or their dependents, in the country of application, with the approval of the Controller-General, Immigration and Emigration.
- k) The Sri Lanka Mission should immediately notify the Controller General/ Immigration and Emigration regarding the confirmation of such entry visa enabling Controller to grant landing permits.
- l) The controller will transmit the message of the Mission immediately to the Immigration Officer at the port [sea or air] for the confirmation of entry of the applicant in to the country. Controller should also inform the Director, National Secretariat for Non-Governmental Organizations of the confirmation of entry visas in order to update the database of the Secretariat.
- m) In a situation that the entry visa applicant is in a country where there is no Sri Lankan Diplomatic Mission, such expatriates and dependents should submit certified true copies of certificates to the visa recommending authorities in Sri Lanka one month before the date of intended arrival, for the Sri Lankan authorities to verify authenticity of the certificates from the certifying authority of the relevant country. It is the responsibility of the applicant to provide the contact details of the certifying authority along with such certified copies.

02. Procedure for applying Residence Visa

A Residence visa is a permit for non-Sri Lankans to obtain residence facilities to stay in Sri Lanka for the purposes of investment, employment etc. Foreign nationals who arrive on entry/prior visas described in Guideline 01 above should apply for residence visas as described below.

2.1 Residence visas are issued only to entry visa holders. Residence visa applications should be made within one month upon arrival at a Sri Lankan Port.

2.2 Applicant should complete Part I of the Application Form and submit the signed Part I with the recommendation of the Head of the organization to the Director, National Secretariat for Non-Governmental Organizations through District/Divisional Secretary. Director, National Secretariat for Non-Governmental

Organizations, in consultation with the Ministry of Foreign Affairs, may recommend the application to the Controller-General, Immigration and Emigration. The Controller will call the applicant for an interview before granting a residence visa. Applicant should also submit duly completed Form "A" along with two photographs, recently taken, to the Controller. (Form A can be obtained from the Department of Immigration and Emigration)

2.3 Applicant need not re-submit the certificates that have been already submitted to the Sri Lanka Mission in the respective country and recommending authorities, too but in entry visa. However, information other than those submitted for the issuance of entry visa should be submitted as required by the Director, National Secretariat for Non-Governmental Organizations under different circumstances.

03. Procedure for Recommendation of the Heads of NGOs for Residence Visas

3.1 The head of the Organization should make the recommendation in Part II of the Application Form in keeping with the instructions given in the Part II. Head of the NGO/voluntary organization should recommend visa application forms for the applicants who are required by the organization. When the applicant is the Head of the Organization, the Head of administration of the organization should recommend his/her application for a Residence visa.

- 3.2 The Head of the Organization should be satisfied that the applicant has fulfilled all the requirements required for the respective post (physical, mental, educational and practical experience etc as applicable).
- 3.3 The Head of the organization should be satisfied that the Residence visa applicant has not engaged in any unlawful or political activity. Unlawful activity means, the violation of any of the Laws of the country or the policies of the Government of Sri Lanka. It is emphasized that the Head of the organization should not recommend any applicant who has been involved or is assisting in acts of terrorism, or in narcotic offences, or in any organized criminal activities.
- 3.4 In the case of Residence Visas for dependents, the Head of the Organization should ensure that the expatriate's earnings from the organization or from his/her other personal income or personal income of dependents are adequate to meet the expenses of accompanying dependents/ family members of the expatriate in Sri Lanka.
- 3.5 Head of the Organization should ensure that the dependents/ family members are not provided with any work in the respective organization or in any other Voluntary Organization, public or Private establishment in Sri Lanka.
- 3.6 Head of the Organization should ensure that the expatriate requesting for recommendation of a residence visa or renewal has actually been engaged in the duties assigned to him.

3.7. The Head of the organizations hold ensure all other requirements referred to in this Circular in regard to the conduct of the expatriate in Sri Lanka habitant Will be satisfactory.

04. Recommendation of the Government Agent/District Secretary/
Divisional Secretary for Residence visas

4.1 Government Agent/ District Secretary, divisional Secretary should forward the recommendation on the request for residence visa considering the following.

- a) Government Agent/District Secretary, Divisional Secretaries should make preliminary recommendations for visa requests of NGOs functioning in the District/Division and are being monitored by the District Coordinating Committees chaired by the Government Agents/ District Secretaries. Divisional Secretary should make recommendations only if he/she is aware that the activities of the particular NGO and the expatriates have been functioning satisfactorily in the area as observed by the District Coordinating Committee.
- b) Government Agents/District Secretaries or Divisional Secretaries should recommend only the applications of the NGOs functioning within the boundaries of relevant administrative area. They should not recommend applications of NGOs or expatriates engaged outside the boundaries.
- c) All the Government Agents/ District Secretaries should ensure that the NGO requesting for new/extension of visa is a registered organization at the National Secretariat for Non-Governmental Organizations under the provisions of the Voluntary Social Service Organizations Act No. 31 of 1980.
- d) In terms of the definitions of the registration categories of NGOs, that are not registered in any of the Government Agent/District Secretaries' or Divisional Secretaries' offices are not empowered to recruit foreign expatriates and requests for such visa recommendations will not be considered by the visa recommending and issuing authorities. However, such organizations should obtain the approval of the National Secretariat to employ foreign expatriates before submitting the recommendation for visa.

- e) Government Agent/ District Secretary/ Divisional Secretary should ensure that the requesting NGO has performed duties in accordance with its mission and objectives and within the constitution of the organization.
- f) Government Agent/ District Secretary, Divisional Secretary should ensure that the NGO requesting a visa for an expatriate, has initially attempted to recruit locally and had been unable to find a suitable person locally due to unavailability of required manpower/expertise in the country. This condition should be applicable to the posts other than the posts of Chief/Deputy Chief of the organization. The concept here is that NGOs should recruit locally as far as possible and should only find expertise for the posts which cannot be filled locally due to unavailability of suitable candidates.

05. Recommendation of the National Secretariat for Non Governmental Organizations of the Ministry of Social Welfare for Residence Visas:

5.1 The National Secretariat for Non-Governmental Organizations should recommend the visa requests recommended by the Government Agent/District Secretary for consideration of the Ministry of Defense/Controller- General/ Immigration and Emigration in consideration of the following.

- a) The Secretariat should ensure that the recommendation of the Government Agent/District Secretary appears in the visa application.
- b) The Secretariat should ensure that the requesting organization has submitted the organization chart and the post of the expatriate in which the expatriate would be occupied. The duty list and the qualifications required for the post should be filled along with the bio-data of the expatriate. Before making any recommendation for any visa/work permit National Secretariat should consider the relevance of the post to the organization,
- c) relevance of required qualifications for the post and bio-data of the expatriate against required qualifications of the respective post. The Director, National Secretariat should obtain the concurrence of the respective line Ministries, if required, to assess such details as referred to here.
- d) Director, National Secretariat for Non-Governmental Organizations should ensure that the filling of a vacancy by an expatriate/extension of an existing visa is required by the organization to continue performing/enhancing the activities according to the monthly/quarterly reports of the DCCC.

- e) Before a recommendation is made, the Director, National Secretariat for Non-Governmental Organizations should ensure that the NGO has submitted all the information to the Secretariat, required by law

06 Issuance of Residence Visa

- a) Residence visas are issued by the Controller-General of Immigration and Emigration for the expatriates who are holding entry visas on the recommendation of the Director of National Secretariat for Non-Governmental Organizations subject to a minimum period of one year.
- b) Foreign nationals holding tourist visas are not recommended or considered for granting of Residence visas.
- c) Controller-General of Immigration and Emigration may carry out any investigation including security concerns in consultation with the Ministry of Defense/Intelligence agencies before granting entry or residence visas.
- d) Maximum period of visas for an expatriate to work in Sri Lanka is not more than three years.
- e) When the applicant is holding a Clearance Certificate/work permit issued by Ministry of Defense, visas will be granted for the validity period of the certificate.

07 Definitions

- a) Foreign nationals: [Non-Sri Lankan Nationals]: Foreigners working or seeking to work in any Voluntary Organizations as paid employees, paid or unpaid volunteers.
- b) Principal applicant: Work permit holder
- c) Controller: Controller General of Immigration and Emigration
- d) Government Agent/ District Secretary: The officer in charge of administration of any Administrative District appointed by the Cabinet of Ministers
- e) District: Administrative district referred to in the first schedule of the Constitution of the Democratic Socialist Republic of Sri Lanka.

- f) Director or the Registrar: Director/ Registrar in the National Secretariat for Non-Governmental Organizations in the Ministry of Social Services and Social Welfare.
- g) Sri Lankan Diplomatic Mission/Sri Lanka Mission: Embassy/High Commission and includes the Diplomatic/ Consular officials appointed by the Ministry of Foreign Affairs of Sri Lanka to foreign country to represent Sri Lanka. Overseas /foreign mission stands for any Mission of a foreign country appointed to attend to the activities of Sri Lanka.
- h) District Coordinating Committee: The committee attending to the coordination of activities of NGOs functioning in the respective administrative district and headed by the Government Agent/District Secretary.
- i) Voluntary Organizations or voluntary Service Organizations:
Voluntary Social Service Organizations registered in the National Secretariat in the Ministry of Social Services and Social Welfare.
- j) Form A: Application form for issuance/extension of Residence Visa to Sri Lanka under Immigrants and Emigrants Regulations
- k) Form B: Application form for entry/visit/gratis to Sri Lanka under Immigrants and Emigrants Regulations

Instructions to fill the Application Forms

- a) The applicant should read the instructions given below before completion of application.
- b) It is the responsibility of the expatriate to submit the application as appropriate, providing relevant information according to the instructions given in this Circular and obtain relevant visa.

1. Instructions to Entry visa applicants (Principal Applicant and Dependents)

- 1.1. Applicant should obtain Part I of the form from the respective Sri Lanka Mission, or from the Web Site of the National Secretariat or from Web Site of the Department of Immigration and Emigration or from the relevant Voluntary Organization.
- 1.2. Applicants for entry visa should fill Part I of the application form and submit to the Sri Lanka Diplomatic Mission in the country where the applicant submits the application for entry visas. This is applicable for all principal applicants and dependents. The principal applicant or any other applicant shall fill part one of the application form for dependents who are unable to fill. However, it is not necessary to submit separate applications for the persons below the age of 10 years and information given in the application form of the principal applicant will be adequate to issue entry/residence visa for them.
- 1.3. The applicant should submit all original certificates to the Sri Lanka diplomatic Mission in the country where the application is made for entry visa. Applicants may submit certified copies of originals if they have been certified by the Ministry of Foreign Affairs of the respective country.
- 1.4. It is the responsibility of the principal applicant to provide particulars of dependants and evidence to prove dependency. The evidence, as referred to **in section f)**, shall be the marriage certificate of spouse and birth certificates of children. However, other dependents in the family may also be accommodated and the certification from the Ministry of Foreign Affairs of the relevant country to the Sri Lanka Mission therein is adequate to prove dependency of such applicants. Evidence regarding dependents should be submitted directly to the Sri Lanka Mission, if the application is submitted at a later stage for entry visa to the principal applicant.
- 1.5. Visa requests of dependents submitted directly shall not be considered, if the principal applicant has not requested to accommodate such requests or not indicated in the Part of the application.

2. Instructions to Residence Visa Applicants

- 2.1. Residence visa will be issued only for entry visa and work permit holders already in Sri Lanka and therefore the applicants should submit the passport and the work permit to the recommending and granting authorities of visa. Principal applicant should ensure that the Head of the Organization submits the recommendation in duly completed Part I and Part II in the application form.

- 2.2. Residence visa holders who are presently in Sri Lanka should ensure the submission of relevant evidence with due recommendations to the **Director** / National Secretariat for Non-Governmental Organizations. However, the Head of Mission of a foreign registered organization or the staff in the Head office in Colombo are not required to submit the recommendation of the District Secretary / Government Agent or the Divisional Secretary, if such organization is operating their activities outside Colombo district.
- 2.3. Submission of any other visa, other than the entry visa recommended by the Secretariat will not be considered for recommendation/ issuance of Residence Visa.
- 2.4. If an expatriate, who is already in Sri Lanka, is unable to submit originals or certified true copies of certificates with the application form, such expatriate is hereby advised to submit original certificates or certified copies to the **Director** within three months from the date of recommendation of visa. An undertaking from the Head of the Organization or respective overseas mission in Sri Lanka, to confirm that he/she will produce relevant originals or certified copies, will be considered for issuance of visa for such expatriates, until the relevant certificates are submitted within a specified period. This sections shall be in force only up to six months from the date of issue of this circular.
- 2.5. The applicant should obtain the clearance certificate/ work permit and the residence visa within one month from the date of arrival and such new residence visa applicants are not required to submit the recommendation of the Government Agent or the Divisional Secretary. Delay of submission of application to the Controller General will be subject to a fine as stipulated in the Government gazette.
- 2.6. Visa holders who are already in Sri Lanka should submit the Security Clearance Certificate obtained from the Security Authorities of the country of residence to the **Director** within three months from the date of issue of this circular.
- 2.7. Residence visa holders shall inform the Secretariat the period of residence visa granted to the expatriate immediately after the grant.
- 2.8. Every visa applicant should submit a Security Clearance Report obtained from the Security Authorities of the respective country of residence of the applicant to the visa issuing authority and it should be attached to the application.
- 2.9. It is expected that the expatriates or dependents do not engage in any unlawful or political activity during the stay in Sri Lanka. In the case where such incident is reported (proved after an inquiry) the Controller General / Immigration and Emigration will take immediate action to cancel the visa of such expatriate and deport him/her with immediate effect. However the Attorney General, will initiate appropriate legal action with the assistance of the Police Department against such expatriate for violation of laws of the country in terms of the law before any decision is taken by the Controller to deport the expatriate.
- 2.10. Recommendations for issuance of entry/residence visas to the Controller General will be made only by the National Secretariat for Non-Governmental Organizations of the Ministry of Social Welfare. No visa shall be recommended by the Director/

National Secretariat for Non-Governmental Organizations unless the organization has been registered as a Voluntary Social Service Organization with the Secretariat and the

application is recommended by a Government Authority, subject to the condition that such organization has been registered under relevant law of the respective government authority.

3. Instructions to Dependents

- 3.1. Dependents are not allowed to engage in any waged employment, in the organization where the expatriate is employed or in any other establishment in Sri Lanka.
- 3.2. Visa period of family members and dependents shall not exceed the visa period of the expatriate.
- 3.3. Dependents are also subject to the provisions in the circular and the laws of Sri Lanka

4. Instructions to the Head of the Organization

- 4.1. Along with the originals of certificates, three copies of duly completed visa application forms should be submitted to the Government Agent by the organization.
- 4.2. In respect of an entry visa application, the head of the organization should fill in and submit Part I without the signature of the applicant with Part II to the District Secretary / Government Agent or Divisional Secretary. This is in addition to the instructions to the applicant to submit the application form signed by the applicant to the Sri Lanka Mission in the country of application
- 4.3. If the application is for entry visa of an expatriate in the head office in Colombo, the head of the organization or the head of the administration should submit the unsigned Part I of the application direct to the National Secretariat.
- 4.4. Head of the organization should inform the entry visa applicant of the recommendation made to the Controller in order to enable the applicant to submit his application direct to the Sri Lanka Mission in the respective country.
- 4.5. If the application is for residence visa, the head of the organization should submit this part along with the Part I signed by the applicant.
- 4.6. Visa request of a foreign expatriate of an organization registered after Tsunami 2004 will be considered in accordance with the organizational requirements in the project proposal and the organization structure submitted for registration purposes.
- 4.7. Any organization registered before 1/1/2005 should submit its annual action plan and the organizational information (structure) of the posts to be occupied by foreign expatriates, including the duties of the post and qualifications required to perform such duties.
- 4.8. Any change of positions mentioned in the annual action plan or in the three-year plan proposal submitted for registration purposes, is required to be approved by the Director of the National Secretariat before such application is made for a visa request and such

changes should be submitted to the Director of the NGO Secretariat for approval before implementation.

- 4.9. Application for visa should be submitted only after such post is advertised through hmedia in Sri Lanka and the organization has found that no suitable applicant had applied for the post locally. This requirement will not apply for the post of the head of an organization registered in a foreign country before registration in Sri Lanka.

5. Instructions to the Controller General/Immigration and Emigration:

- 5.1. Controller will forward unsigned Part I along with Part II and **this part** to the Head of the Mission of the country of origin of the applicant as referred to in No. 14 in Part I.
- 5.2. Controller will obtain the recommendations from other Heads of Missions of the countries where applicant was residing for more than one month during the last five years before issuance of residence visa to the applicant. Controller will forward copies of same to the Secretary to the **Ministry of Public Security for consideration of work permit.**
- 5.3. Controller will obtain the duly completed application from the Director before forwarding the Part I and Part II to the Head of Mission for issuance of entry visa or issuance of residence visa.
- 5.4. Controller will forward a copy of entry/ residence visa application to the Secretary to the Ministry of Public Security for security clearance, if necessary.
- 5.5. Controller will verify that the applicant has obtained the work permit from the Ministry of Public Security before issuing residence visa.
- 5.6. Controller will inform the Director the duration of residence visa granted to the applicant in order to update the information base at the Secretariat.

6. Instructions to the Sri Lankan Heads of Diplomatic Missions Overseas

- 6.1. Upon receipt of the Part I and Part II along with Part VII of the application from the Controller General/ Immigration and Emigration in regard to application for entry visa, the Head of the Sri Lanka Mission in the overseas country will scrutinize the entry visa request of the expatriate or the dependents. (Overseas country means the country of departure of the applicant as mentioned in question No. 14 of Part I).
- 6.2. The SL Mission in the overseas country will issue Part I of the application form to the applicant received from the Controller General.
- 6.3. Before issuing entry visa to the applicant, the Head of the SL Mission should verify authenticity of all original documents and keep copies certified by an officer in the Mission, or keep the set of copies in the mission if such certificates are the copies certified by the Ministry of Foreign Affairs of the respective country and send such certified copies immediately to the Director of the National Secretariat through the Ministry of Foreign Affairs of Sri Lanka.

- 6.4. Head of SL Mission of the country where applicant submits their quest for entry visa will obtain the recommendation from the Head of Mission of the country where the applicant is holding the citizenship, before issuing residence visa.
- 6.5. The Head of SL Mission will not issue entry visa if adverse reports in relation to security or other matters are received about the applicant or if relevant information referred to in the note to No 10 and in the note to No 11 are not duly submitted.
- 6.6. Upon receipt of relevant information and based on any verification information of the applicant in regard to his/her conduct, the Head of the SL Mission will issue entry visa for a maximum period of one month enabling him/her to obtain residence visa in Sri Lanka.
- 6.7. Relevant evidence of the applicant referred to in section (e) shall be as that is defined by the Ministry of Foreign Affairs, Ministry of Public Security, Controller General of Immigration and Emigration and Director of the National Secretariat from case by case and time to time.