

**DECISION A/DEC. 2/5/90 ESTABLISHING A RESIDENCE CARD
IN ECOWAS MEMBER STATES**

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Mindful of Article 5 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

Mindful of Article 27 of the ECOWAS Treaty relating to freedom of movement and residence within the Community;

Mindful of Protocol A/P. 1/5/79 dated 29 May, 1979, on Free Movement of Persons, Right of Residence and Establishment signed in Dakar on 29 May, 1979;

Mindful of Protocol A/P. 3/5/82 dated 29 May, 1982, establishing a Code of Citizenship for the Community;

Mindful of Supplementary Protocol A/SP 1/7/85 dated 6 July, 1985, establishing a Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, Right of Residence and Establishment;

Mindful of Article 9 of Supplementary Protocol A/SP. 1/7/86 dated 1 July, 1986, on the implementation of the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, Right of Residence and Establishment;

Considering that more than seven (7) States have ratified and put into force Supplementary Protocol A/SP 1/7/86 dated 1 July, 1986, on the Implementation of the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, Right of Residence and Establishment;

Convinced that the aim of harmonious development of activities in the Community makes it necessary to introduce a single Residence Card for the Community;

DECIDES

PART 1

FORM AND CONTENT OF THE RESIDENCE CARD

Article 1

There is hereby established by this Decision, a "Residence Card" in ECOWAS Member States.

Article 2

1. The Residence Card referred to in Article 1 above shall have the following format: 12 cm x 10 cm with a hard light blue cover on which shall be printed the ECOWAS Emblem.
2. The model Residence Card as well as the Residence Card application form, shall be as annexed to this Decision.

PART II
CONDITIONS GOVERNING ISSUANCE AND RENEWAL
OF RESIDENCE CARD

Article 3

1. ECOWAS Citizens who are nationals of Member States desiring to reside in the territory of another Member State shall obtain a Residence Card from the competent authorities of the host Member State.

Article 4

1. An applicant for an ECOWAS Residence Card shall deposit with the Department of Immigration of the host country, an application therefore and provide the following documents;
 - the application form as contained in Article 2 of this Decision duly completed by the applicant;
 - a copy of the applicant's police record, or any other document in lieu thereof issued within the last three months, where relevant;
 - 2 (two) 4 cm x 4 cm passport sized photographs taken full face;
 - valid passport or identity card;
 - recent medical certificate showing that the applicant does not suffer from any contagious or epidemic disease or any other disease that would render him unfit to carry out his chosen profession;
 - a repatriation guarantee or a letter of guarantee from the employer;
 - an employment contract stamped by the competent Department of the host country;
 - proof of registration in an educational institution in the case of students and course participants;
 - proof of registration in the Register of trade names and business enterprises in the case of traders and for the liberal professions, proof of membership of the relevant professional body or any other certificate as proof of educational qualification.
2. The applicant must be prepared to be finger-printed.
3. He shall be issued with a receipt certifying that his application and the necessary documents have been submitted, and serving as proof of his temporary stay.

Article 5

The competent authorities in the host Member State may, in processing applications for a Residence Card request the migrant worker to present the following additional documents in

respect of his family:

1. The travel document with which his family entered the territory of the host country;
2. Proof of family relationship issued by the competent authority of the State of origin or last country of domicile.

Article 6

1. The Residence Card is not transferable.
2. The Residence Card shall be acceptable as visiting and residence permit and must be produced on demand by the competent authorities of the host State.

Article 7

The processing of an application for a Residence Card may not delay the immediate execution of employment contracts concluded by the applicant.

Article 8

1. Migrant workers shall be allowed to reside in host Member States and take up employment;
2. A migrant worker may not be considered as being in an irregular situation as a result of loss of employment or cessation of his economic activity which occurs before the expiration of his work permit or any similar document.
3. Loss of employment shall not constitute a reason for withdrawal of the Residence Card.

Article 9

1. The holder shall immediately report the loss, theft or destruction of his Residence Card to the competent administrative authority in his-area of domicile.
2. The original report shall be sent, along with a passport photograph, to the competent department in the host country which shall issue a duplicate copy.
3. The word "duplicate" shall be printed in capitals, on the duplicate copy.

Article 10

1. Applications for Residence Cards shall attract stamp duties in accordance with the stamp and Registration Code of the host country.
2. Issuance of the Card shall not be subject to any other form of taxation.

PART III

ISSUING AUTHORITY

Article 11

1. Residence Cards shall be issued and renewed by the Department responsible for immigration matters in the host State, and shall be deposited within the month preceding their expiration.
2. Application for renewal of Residence Cards shall be subject to the same conditions governing their issuance and shall be submitted one month prior to the expiration of the Cards.

Article 12

The holder of a Residence Card shall present it for signature by the Immigration Department each time he changes his residence within the territory of the host Member State.

PART IV

VALIDITY

Article 13

1. The validity of a Residence Card shall be three (3) years. It may be renewed for successive periods of three (3) years.
2. The holder of a Residence Card shall leave the territory of the host Member State at the expiration of the Residence Card, unless he has applied for its renewal one month prior to its expiration.

PART V

SANCTIONS

Article 14

A Residence Card may be withdrawn from a Community citizen only by the issuing authority, where the holder is sentenced by a Court of Law in an ECOWAS Member State to a term of imprisonment for a felonious offence or misdemeanour.

Article 15

An application for a Residence Card may be rejected at the discretion of the issuing authority. A person whose application has been rejected must, upon being so informed, leave the host Member country within the stipulated period.

Article 16

Any attempt at obtaining a Residence Card through fraudulent means shall be liable to punitive sanctions prescribed by the criminal law of each ECOWAS Member State.

Article 17

The following offence shall also be liable to prosecution as prescribed by the criminal law of each Member State, without prejudice to any relevant administrative sanctions;

- (i) Transfer, even temporarily, of a Residence Card or use of a borrowed or stolen Card.
- (ii) Counterfeiting, forgery, or alteration of a Residence Card and use of such document.

PART VI
FINAL PROVISIONS

Article 18

With the exception of political rights, nationals of ECOWAS Member States shall enjoy the same rights and liberties as nationals of the host country, particularly those contained in the Universal Declaration of Human Rights.

Article 19

The rights and liberties referred to above do not in any way affect the sovereign right of a Member State to expel nationals of another Member State whose situation is irregular as unacceptable migrants. Such expulsion shall be conducted in accordance with conditions stipulated in the relevant texts in force within the Community.

Article 20

Member States shall take all necessary statutory and administrative measures to ensure prompt implementation of this Decision and shall transmit all relevant acts to the Executive Secretariat which shall inform the other Member States.

Article 21

This Decision shall enter into force upon signature and shall be published in the Official Journal of the Community and the National Gazette of each Member State.

DONE AT BANJUL, THIS 30TH DAY OF MAY, 1990

H.E. CAPTAIN BLAISE COMPAORE
CHAIRMAN
FOR THE AUTHORITY