

NON-CITIZENS (EMPLOYMENT RESTRICTION) ACT

Act 15/1970

Formerly – “Employment (Non-Citizens Restriction) Act” [\[Act No. 15 of 1970\]](#)

Proclaimed by [\[Proclamation No. 9 of 1973\]](#) w. e. f 17th May 1973

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1. Short title

This Act may be cited as the **Non-Citizens (Employment Restriction) Act**.

2. Interpretation

In this Act -

“authorised person” means any person specified in section 5;

“Chief Executive Officer” means the Chief Executive Officer of the Economic Development Board;

“Economic Development Board” means the Economic Development Board established under the Economic Development Board Act 2017;

“immigration officer” has the same meaning as in section 2 of the Immigration Act;

“identification number”, in relation to a non-citizen, means the identification number allocated to him by the immigration officer in accordance with section 9D(1)(a)(ii) or (2) of the Immigration Act;

“Minister” means the Minister to whom responsibility for the subject of employment is assigned;

“non-citizen” means any person other than a citizen of Mauritius;

“permit” means -

- (a) in relation to a person who is or is about to be employed by another, a permit in writing issued under this Act by the Minister to and in the name of that person and specifying the name of the employer;
- (b) in relation to any other person, a permit in writing issued under this Act by the Minister authorising that person to engage in an occupation;

“public sector agency” has the same meaning as in the Business Registration Act;

“resident” has the same meaning as in section 5 of the Immigration Act.

Amended by [\[Act No. 9 of 2015\]](#); [\[Act No. 11 of 2018\]](#)

3. Restriction on employment of non-citizens

- (1) Subject to this Act, a non-citizen shall not -
 - (a) engage in any occupation in Mauritius for reward or profit; or

(b) be employed in Mauritius,

unless there is in force, in relation to him, a valid permit and he so engages in the occupation or is so employed in accordance with the conditions which may be specified in the permit.

(2) -

(3) Subject to this Act, no person shall have in his employment in Mauritius a non-citizen without there being in force a valid permit in relation to that employment.

(4) Subject to this Act -

(a) any non-citizen who engages in any occupation in Mauritius or is employed in Mauritius in contravention of subsection (1); and

(b) any person who has in his employment in Mauritius a non-citizen in contravention of subsection (3),

shall commit an offence and shall, on conviction, be liable to a fine of not less than 100,000 rupees but not more than 500,000 rupees and to imprisonment for a term not exceeding 5 years.

(4A) A Court which convicts a person for an offence under subsection (4)(b) may, in addition to any penalty imposed by it, order the convicted person to pay –

(a) the costs of repatriation of the non-citizen; and

(b) any costs associated with the maintenance of the non-citizen pending his repatriation.

(5) A non-citizen who –

(a) is a resident; and

(b) was engaged in any occupation or was employed in Mauritius on 17 May 1973,

may, notwithstanding subsection (1), engage in any occupation for reward or profit or be employed without a permit as long as he is resident in Mauritius.

(6) Notwithstanding subsections (1) and (2) –

(a) a holder of an occupation permit issued under the Immigration Act;

(b) a holder of a residence permit issued under section 5(1)(g) and (ga) of the Immigration Act;

(c) a non-citizen who has been granted a permanent residence permit under section 5A of the Immigration Act;

(d) a member of the Mauritian Diaspora under the Mauritian Diaspora Scheme prescribed under the Economic Development Board Act 2017, may engage in any occupation for reward or profit, or be employed, without a permit issued under this Act during the period covered by the occupation permit, permanent residence permit or residence permit or during the period he is a member of the Mauritian Diaspora Scheme, as the case may be; or

(e) the holder of a Family Occupation Permit issued under section 9CA of the Immigration Act, his spouse and any person as approved by the immigration officer to work exclusively for the family unit,

Amended by [\[Act No. 38 of 2001\]](#); [\[Act No. 20 of 2002\]](#); [\[Act No. 21 of 2006\]](#); [\[Act No. 17 of 2007\]](#); [\[Act No. 26 of 2012\]](#); [\[Act No. 9 of 2015\]](#); [\[Act No. 11 of 2017\]](#); [\[Act No. 7 of 2020\]](#); [\[Act No. 15 of 2021\]](#)

4. Work permits

(1) An application for a permit shall be made in accordance with guidelines issued by the Ministry and shall be addressed to the Minister who may, in his absolute discretion, either grant or refuse it.

(1A) The guidelines referred to in subsection (1) shall be available for consultation at the Ministry and shall be posted on the website of the Ministry.

(1B) **Repealed by [\[Act No. 15 of 2021\]](#)**

(1C) (a) The Ministry shall, not later than 4 working days after the date of receipt of an application made under subsection (1), request the applicant to submit any additional information that may be required to determine the application.

(b) Where the application is complete, the applicant shall pay such processing fee as the Ministry may approve.

(c) The Ministry shall, not later than 3 working days after the effective date of the application, forward the application to the Passport and Immigration Office, or such other public sector agency as may be required, which shall provide its clearance within 5 working days, failing which the clearance shall be deemed to have been obtained.

(2) (a) Where the Minister grants an application for a permit, he shall issue the permit within 15 working days of the effective date of the application for the permit and subject to such conditions as may be specified in the permit.

(aa) An application for the renewal of a permit shall be made to the Minister at least 15 working days before the date of expiry of the permit and in accordance with the guidelines referred to in subsection (1).

(ab) Where the Minister grants an application for the renewal of a permit, he shall renew the permit within 15 working days of the effective date of the application for the renewal of the permit and subject to such terms and conditions as may be specified in the permit.

- (ac) Notwithstanding subparagraph (ab), where the Minister is unable to renew a permit within 15 working days of the effective date of the application, he may, until the permit is renewed, issue a provisional permit subject to such conditions he may impose.

(b) Repealed by [\[Act No. 14 of 2019\]](#)

- (3) (a) This section shall not apply -
- (i) to the holder of an occupation permit issued under the Immigration Act;
 - (ii) to a non-citizen coming to serve in Government to service the public sector within the SERVICE TO MAURITIUS PROGRAMME for a period not exceeding 3 years and who is registered with the Economic Development Board under the Economic Development Board Act 2017; or
 - (iii) to a victim of trafficking, a presumed victim of trafficking or a non-citizen in a stranded situation, to whom the Minister may grant, at his discretion, a special permit subject to such conditions and for such duration as he may consider appropriate.

- (b) In paragraph (a)(iii) –

“stranded situation” includes a situation arising as a consequence of closure of a factory or enterprise or ill-treatment by an employer, leading to a sudden loss of means of subsistence, income or lodging;

“victim of trafficking” has the same meaning as in the Combating of Trafficking in Persons Act.

(4) A permit shall be in such form as may be approved by the Minister and different forms may be approved in respect of different classes of persons or as the circumstances require.

(5) The Minister may, in writing, vary or cancel a permit.

(6) In this section –

“effective date”, in relation to an application, means the date by which payment of processing fee is effected.

Amended by [\[Act No. 20 of 2002\]](#); [\[Act No. 29 of 2004\]](#); [\[Act No. 21 of 2006\]](#); [\[Act No. 18 of 2008\]](#); [\[Act No. 26 of 2012\]](#); [\[Act No. 10 of 2017\]](#); [\[Act No. 11 of 2017\]](#); [\[Act No. 11 of 2018\]](#); [\[Act No. 14 of 2019\]](#); [\[Act No. 15 of 2021\]](#)

4A. Use of identification number

(1) Every work permit issued under section 4 shall contain the identification number of the non-citizen.

(2) Notwithstanding any other enactment, every holder of a work permit

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(a) who is not required to be registered under the Business Registration Act shall, in respect of every transaction he makes in relation to his activities with a public sector agency, use and indicate on any document, whether electronically or otherwise, his identification number;

(b) who is required to be registered under the Business Registration Act shall, in respect of every transaction he makes –

(i) in relation to his business activities, use his business registration number in accordance with the Business Registration Act;

(ii) in relation to any other activity with any public sector agency, use and indicate on any document, whether electronically or otherwise, his identification number.

(3) No public sector agency shall issue, whether electronically or otherwise, a document in respect of any transaction referred to in subsection (2)(a) or (b)(ii), unless the document contains the identification number of the person.

(4) Every public sector agency shall use and indicate in its records, whether electronically or otherwise, the identification number of every non-citizen with whom a transaction is carried out pursuant to subsection (2)(a) or (b)(ii) and in respect of whom a record is required to be kept.

(5) (a) The identification number allocated to a non-citizen referred to in subsection (2)(a) or (b)(ii) shall be the unique identification number of that person.

(b) The unique identification number of a non-citizen shall be the non-citizen's official identification number whenever reference is made to him.

(c) Any number of identification, other than the identification number, which is used by a public sector agency –

(i) shall be used by that public sector agency solely for internal purposes; and

(ii) shall not appear on any document issued to any person.

(6) Any person who fails to comply with subsection (2)(a) or (b)(ii) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees.

(7) Any public sector agency which contravenes subsection (3), (4) or (5) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees.

4B. Electronic register of work permits

The Ministry shall keep and maintain an electronic register of work permits referred to in section 4.

4C. Sharing of information

(1) For facilitation purposes, the Ministry shall, through its electronic register, share with another public sector agency information relating to a non-citizen, his name and address, place of work, duration of permit and his date of arrival in, and date of departure from, Mauritius.

(2) No public sector agency shall disclose any information obtained pursuant to subsection (1) to a third party.

Amended by [\[Act No. 9 of 2015\]](#)

5. Authorised persons

(1) The immigration officer, any other police officer or any public officer authorised in writing by the Minister may take such steps as may be required to secure compliance with this Act.

(2) Where an authorised officer, other than a police officer in uniform, exercises any of his powers under this Act he shall, if so required, produce a certificate of his authority so to act.

Amended by [\[Act No. 9 of 2015\]](#)

6. Production of permits

- (1) Every permit shall be kept by the person to whom it is issued, and shall be produced to any authorised person on demand, or, within 3 days after the demand, at such police station as may be specified by the authorised officer at the time of the demand.
- (2) Any person who fails without reasonable excuse or refuses to produce a permit as required under subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees and to imprisonment for a term not exceeding 3 months.

7. Power to grant exemptions

The Minister may prescribe that any person or class of persons shall be exempt either unconditionally or subject to such conditions as may be prescribed from all or any of the provisions of this Act.

8. Offences and penalties

Any person who -

- (a) makes any statement which he knows to be false for the purpose of procuring for himself or for any other person the grant of a permit;
- (b) unlawfully uses or causes or permits to be so used any permit;
- (c) obstructs, hinders or opposes any authorised person in the execution of his duty under this Act;
- (d) contravenes any conditions imposed on him under section 7;
- (e) contravenes any regulation made under this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

Amended by [\[Act No. 5 of 1999\]](#)

9. Evidence

- (1) It shall be presumed upon the trial of any person for a contravention of section 3(1) that the accused is a non-citizen unless the contrary is proved.
- (2) It shall be presumed upon the trial of any person for a contravention of section 3 (3) that the person alleged to have been in employment in contravention of that subsection is a non-citizen unless the contrary is proved.
- (3) In any proceedings against a non-citizen under this Act, the proof that he satisfies the requirements of section 3 (5) (a) and (b) shall lie upon him.

10. Regulations

The Minister may make regulations generally for the purposes of this Act, and without prejudice to the generality of the foregoing, may make regulations -

- (a) for the establishment and maintenance of a register of persons to whom or in respect of whom permits have been issued;
- (b) for the issue to any person who is exempt from any of the provisions of this Act of a certificate stating the nature of the exemption;
- (c) for the issue, amendment, surrender, replacement or cancellation of permits and for the payment of fees by the persons applying for those permits;
- (d) for the making, with regard to any person to whom or in respect of whom a permit has been issued, of returns containing particulars of any change of circumstances affecting the accuracy of particulars furnished by that person.

SCHEDULE

1. These Regulations may be cited as **the Non-Citizens (Employment Restriction) Act**
2. In these Regulations, "the Act" means the Non-Citizens (Employment Restriction) Act, 1970.
3. Any non-citizen who-
 - (a) is, subject to regulation 4A, a member of a class described in item I of Part I of the Schedule;
 - (aa) is a member of a class described in item 2 of Part I of the Schedule; or
 - (b) is, subject to regulation 5, a member of a class described in Part 11 of the Appendix,shall be exempt from section 3(1) of the Act.

Amended by [\[GN No. 68 of 2019\]](#)

4. Any person who-
 - (a) has, subject to regulation 4A, in his employment any non-citizen who is a member of a class described in item I of Part I of the Schedule;
 - (aa) has in his employment any non-citizen who is a member of a class described in item 2 of Part I of the Schedule; or
 - (b) has, subject to regulation 5 and 6, in his employment any non-citizen who is a member of a class described in Part 11 of that Appendix,

shall be exempt from the provisions of section 3(3) of that employment.

Amended by [\[GN No. 50 of 2019\]](#); [\[GN No. 68 of 2019\]](#)

- 4A. The exemption granted under regulations 3(a) and 4(a) shall apply only in respect of those non-citizens who, prior to 8 March 2019, were exempted from the provisions of section 3(1) or (3), as the case may be, of the Act.

Added by [\[GN No. 68 of 2019\]](#)

5. The exemption granted under regulations 3(b) and 4 shall apply only in respect of that occupation or employment, as the case may be, as is directly referable to membership of the class of which the non citizens, in respect of whose occupation or employment exemption applies, is a member.
6. The exemption granted under regulation 4(b) shall, in relation to the persons referred to in items 9, 9A, and 10 of Part II of the Schedule, apply subject to those persons having been issued with a medical certificate by a registered medical practitioner in Mauritius.

Added by [\[GN No. 50 of 2019\]](#)

7. (1) Subject to paragraph (2), an employer who, with effect from or any time after 8 March 2019, has in his employment a non-citizen who is a member of a class described in item I of Part I of the Schedule may, for a period of 3 months after the coming into operation of these regulations, have the non-citizen in his employment without there being in force a permit in respect of the non-citizen.

(2) The employer of the non-citizen referred to in paragraph (1) who intends to continue to have the non-citizen in his employment shall, within a period of 3 months after the coming into operation of these regulations, apply and obtain a permit in respect of the non-citizen under the Non-Citizens (Employment Restriction) (Work Permit) Regulations 2017.

Amended by [\[GN No. 55 of 2019\]](#); [\[GN No. 68 of 2019\]](#)

APPENDIX
(Regulations 3 and 4)

PART I

1. Spouses of citizens of Mauritius and, until remarriage, the surviving spouses of citizens of Mauritius

Amended by [\[GN No. 3 of 2001\]](#); [\[GN No. 50 of 2019\]](#); [\[GN No. 68 of 2019\]](#)

2 Foreign students aged 16 or more who are working on a part-time basis for up to a maximum of 20 hours per week and who are studying for a course of a duration of at least one academic year, in —

- (a) private universities and other institutions offering post-secondary education in Mauritius, which are registered and accredited with the Tertiary Education Commission;
- (b) tertiary education institutions specified in the Schedule to the Tertiary Education Commission Act; or
- (c) technical and vocational institutions registered and accredited with the Mauritius Qualifications Authority.

Amended by [\[GN No. 190 of 2011\]](#); [\[GN No. 61 of 2013\]](#)

PART II

1. Heads of mission and members of the mission as defined in the Diplomatic Immunities and Privileges Act, 1968.

2. Consular officers and consular employees as defined in the Consular Relations Act, 1969, and all persons upon whom there have been conferred the like immunity from suit and legal process and the, like. inviolability of official -archives as are accorded to consular officers of a foreign sovereign power under that Act.
3. Persons in the employment in Mauritius of any of the following bodies-
 - (a) the British Council
 - (b) the United Kingdom Atomic Energy Authority
 - (e) the United States Peace Corps.
4. Persons employed in any Ministry or Department of the Government of Mauritius.
5. Persons employed with thee prior approval of the Government of Mauritius by the body incorporated or regulated directly by statute.
6. Persons in the employment in Mauritius of the United Nations Organization, any of its specialized agencies or of any other inter-governmental organization of which Mauritius is a member.
7. Persons employed by the University of Mauritius as academic staff.
8. Persons employed in Mauritius, or on any ship registered in Mauritius, in pursuance of any agreement or treaty entered into with the Government of Mauritius.
9. Persons employed on foreign registered ships when such ships are operating within Mauritius waters

Amended by [\[GN No. 4 of 2009\]](#); [\[GN No. 50 of 2019\]](#)

- 9A. Persons employed on board ships registered under the Merchant Shipping Act

Amended by [\[GN No. 211 of 1993\]](#); [\[GN No. 4 of 2009\]](#); [\[GN No. 50 of 2019\]](#)

10. Persons employed on a foreign or locally registered fishing boat, or fishing vessel, in Mauritius

Amended by [\[GN No. 4 of 2009\]](#); [\[GN No. 50 of 2019\]](#)

11. Persons employed by the owners or operators of aircraft (being aircraft operated on a scheduled international air service and calling Mauritius) to perform duties on such aircraft during the flight thereof.

12. Directors, inspectors and auditors of any company, association, organization or body (incorporated or established where elsewhere) which either-

- (a) operates in Mauritius; or

- (b) controls any company, association, organization or body (incorporated or established whether in Mauritius or elsewhere) which operates in Mauritius,

but so that exemption in respect of any such person by virtue of this class shall cease after the expiration of ninety days spent in Mauritius by that person, whether continuously or not, in any calendar year.

Amended by [\[GN No. 115 of 1996\]](#)

13. Writers (including journalists), broadcasters, sculptors painters (excluding industrial painters) and film shooting crews; but so that exemption in respect of any such persons by virtue of this class shall cease after the expiration of ninety days spent in Mauritius by that person, whether continuously not, in any one calendar year.

Amended by [\[GN No. 115 of 1996\]](#); [\[GN No. 4 of 2009\]](#)

- 13A. Models and professional entertainers including theatre, motion picture, radio or television artistes, and musicians, but so that the exemption in respect of any such person by virtue of this class is for the purposes of public shows, or public broadcast,

and shall cease after the expiration of ninety days spent in Mauritius by that person, whether continuously or not, in anyone calendar year.

Added by [\[GN No. 4 of 2009\]](#)

14. Persons who visit Mauritius, on behalf of a principal abroad, in connection with the appointing of, or for the purpose of having business consultations with, a local business agent or a local distributor, but so that exemption in respect of any such person by virtue of this shall cease after the expiration of ninety days spent in Mauritius by that person, whether continuously or not, in any one calendar year.

Amended by [\[GN No. 115 of 1996\]](#)

15. Persons who visit Mauritius to inspect the plant, machinery or equipment of any factory or other industrial works, or to give technical advice on the operation of any local undertaking, business or enterprise of whatever kind, but so that exemption in respect of any such person by virtue of this class shall cease after the expiration of ninety days spent in Mauritius by that person whether continuously or not in one calendar year.

Amended by [\[GN No. 115 of 1996\]](#)

16. Persons who visit Mauritius for the purpose of taking up employment in the Information, Communication and Technology or Business Process Outsourcing (ICT/BPO) sector, for a maximum period of 90 days spent in Mauritius by those persons, whether continuously or not in any one calendar year.

Added by [\[GN No. 104 of 2017\]](#)