

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 2022;

“identification number”, in relation to a non-citizen, means the identification number allocated to him by the immigration officer under the Immigration Act 2022;

“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 2022.

Amended by [\[Act No. 9 of 2015\]](#); [\[Act No. 11 of 2018\]](#); [\[Act No. 14 of 2022\]](#)

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 2022;

(b) a holder of a residence permit issued in accordance with section 8(1)(d)(i), (e)(i) and (f)(i) of the Immigration Act 2022;

(c) a non-citizen who is issued with a permanent residence permit under the Immigration Act 2022;

(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 the Immigration Act 2022, his spouse and any person as approved by the immigration officer to work exclusively for the family unit,

Amended by [\[Act No. 38 of 2001\]](#); [\[Act No. 20 of 2002\]](#); [\[Act No. 21 of 2006\]](#); [\[Act No. 17 of 2007\]](#); [\[Act No. 26 of 2012\]](#); [\[Act No. 9 of 2015\]](#); [\[Act No. 11 of 2017\]](#); [\[Act No. 7 of 2020\]](#); [\[Act No. 15 of 2021\]](#); [\[Act No. 14 of 2022\]](#)

4. Work permits

(1) An application for a permit or for the renewal of a permit shall be made to the Minister, through NELS.

(2) (a) An application under subsection (1) shall be made in accordance with the guidelines issued by the Ministry.

(b) The guidelines referred to in paragraph (a) shall be available for consultation at the Ministry and shall be posted on the website of the Ministry.

(3) The Minister may, in his absolute discretion, grant or reject an application made under subsection (1).

(4) (a) Where an application is complete, the applicant shall pay such processing fee as the Ministry may determine.

(b) For the purpose of paragraph (a), an application is complete where all the relevant information and documents are submitted, including the payment of the processing fee.

(5) An application made under subsection (1) shall be deemed to have been granted if the application is not determined within 30 working days from the date of the complete application, unless the applicant has received, during that period, a notification from the Ministry that the application is still under consideration.

(6) Where the Minister grants an application made under subsection (1), the applicant shall, within 30 days of the decision of the Minister, pay such fee as the Ministry may determine, failing which the application shall lapse.

(7) On payment of the fee under subsection (6), the Minister shall immediately issue the permit or renewed permit subject to such conditions as may be specified in the permit.

(8) (a) This section shall not apply –

(i) to the holder of an occupation permit issued under the Immigration Act 2022;

(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.

(9) Every permit issued or renewed by the Minister –

(a) may be varied or cancelled; and

(b) shall be subject to the condition that the holder of the permit shall not remain, or seek to remain, in Mauritius where the permit is no longer valid, unless another permit is issued in relation to him.

(10) Notwithstanding any other enactment, a non-citizen who contravenes the condition specified in subsection (9)(b) shall be a prohibited immigrant for the purposes of the Immigration Act 2022.

(11) In this section –

“NELS” means the National Electronic Licensing System referred to in section 27A of the Economic Development Board Act;

(12) (a) Subject to paragraph (b), this section, insofar as it relates to an application for a permit, shall come into operation on 1 October 2023.

(b) This section, insofar as it relates to an application for the renewal of a permit, shall come into operation on 31 January 2024 and any application for the renewal of a permit made prior to 31 January 2024 shall be dealt in accordance with the repealed section 4(2)(aa) to (ac).

Amended by [\[Act No. 20 of 2002\]](#); [\[Act No. 29 of 2004\]](#); [\[Act No. 21 of 2006\]](#); [\[Act No. 18 of 2008\]](#); [\[Act No. 26 of 2012\]](#); [\[Act No. 10 of 2017\]](#); [\[Act No. 11 of 2017\]](#); [\[Act No. 11 of 2018\]](#); [\[Act No. 14 of 2019\]](#); [\[Act No. 15 of 2021\]](#); [\[Act No. 14 of 2022\]](#); [\[Act No. 12 of 2023\]](#)

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 - NON-CITIZENS (EMPLOYMENT RESTRICTION) REGULATIONS

SEE – [\[Schedule 1 of Act 15/1970\]](#)