



GUIDELINES ON TEMPORARY WORK PERMIT (TWP) IN THE NIGERIAN OIL AND GAS INDUSTRY

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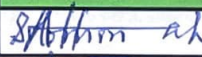
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1.0 INTRODUCTION

The Nigerian Oil and Gas Industry Content Development Act ("Act") was signed into law on 22nd April 2010, by His Excellency, President Goodluck Jonathan. The Act establishes procedures for the development and monitoring of Nigerian Content in the Oil and Gas Industry ("Industry"). It created the Nigerian Content Development & Monitoring Board ("NCDMB"), which is responsible for overseeing the implementation of the provisions of the Act, to ensure compliance by all operators, contractors, alliance partners and relevant stakeholders. Part of its role includes the administration, management and deployment of Expatriates in the Industry, as outlined in Section 33 of the Act.

2.0 DEFINITIONS

- Act - Nigerian Oil and Gas Industry Content Development Act
- Applicant Company - Company applying for TWP
- CDI - Capacity Development Initiative
- DPRS - Director of Planning, Research and Statistics
- ES - Executive Secretary
- Industry - Oil and Gas Industry
- NCDMB - Nigerian Content Development & Monitoring Board (The Board)
- NIS - Nigeria Immigration Services
- NMDPRA - Nigerian Midstream & Downstream Petroleum Regulatory Authority
- NNPC Ltd - Nigerian National Petroleum Company Limited
- NUPRC - Nigerian Upstream Petroleum Regulatory Commission
- TWP - Temporary Work Permit
- Understudy - A Nigerian Indigene deployed by an employer to work under an Expatriate to eventually succeed the expatriate.

3.0 SCOPE

This Guideline is intended to facilitate compliance with the relevant Sections of the Act dealing with and/or connected to issues of Expatriates on Temporary Work Permit, deployment of such Expatriates, and Technology Transfer. It shall apply to all operators (NNPC Ltd, International Oil Companies and indigenous operators), Service Companies, and all companies providing services and carrying out business in the industry.

Any stakeholder applying for TWP(s) in the industry; including companies providing service(s) or intending to provide service(s) in the industry shall receive the approval of the NCDMB before making such application for TWP to NIS.

4.0 OBJECTIVES

This Guideline is issued under the provisions of the Nigerian Oil and Gas Industry Content Development Act, 2010 ("Act") and for establishing a procedure for the administration and management of applications for Temporary Working Permits and deployment of same in the industry.

5.0 TEMPORARY WORK PERMIT APPLICATION PROCEDURE

Upon application for TWP, Applicants are to submit the following documentation:

- i. Application Letter to the Executive Secretary (should include scope of work, job description, positions applied and location)
- ii. NOGIC JQS uploads (The Company must be registered on the NOGIC-JQS portal and staff lists uploaded before it can make an application)
- iii. Job description for each position. It should be only for a specialized skill(s) currently not obtainable in-country.
- iv. A scanned copy of Biodata pages of the expatriates (International passports)
- v. A letter of invitation from the Applicant Company bearing all immigration responsibility.
- vi. A valid NUPRC/NMDPRA permit.
- vii. Signed contract document.
- viii. Knowledge Technology Transfer Plan.

6.0 CONSIDERATION OF APPLICATIONS BY NCDMB

All temporary work permit applications shall be made via the NOGIC-JQS portal, and supporting documents shall be uploaded on the NOGIC-JQS Portal. The Portal address is: portal.nogicjqs.gov.ng.

Upon receipt of the application and submissions, the Board shall decide on the TWP application submitted within 10 working days of confirming that the submission is in order. However, if it cannot determine an application within the specified time, it shall inform the applicant, explain the reasons for the delay, and provide a definite timeframe for a decision. The extension shall not exceed 5 days beyond the initial 10-day period.

CDIs might be requested to be carried out for TWP approvals at the Board's discretion.

7.0 DURATION OF THE TEMPORARY WORK PERMIT

The Temporary Work Permit (TWP) is valid for three months and cannot be renewed. Companies experiencing recurrent needs for the same positions that require TWPs should consider applying through the EQ (Expatriate Quota) application process.

8.0 COMMUNICATION WITH APPLICANT COMPANIES

Upon successful completion of the project work scope and expiration of the Temporary Work Permit (TWP) by NIS, the applicant shall notify the NCDMB of the expatriate's arrival details and the exit documents at the time of departure. These must be uploaded on the NOGIC-JQS Portal.

9.0 INTERFACE WITH NIGERIA IMMIGRATION SERVICES

NCDMB shall periodically meet with NIS to assess progress on industry compliance with TWP provisions.

10.0 COMPLIANCE MONITORING

NCDMB, following the provisions of Sections 59 and 62 of the Act, shall establish a mechanism for monitoring compliance with these Guidelines, which may include but is not limited to unscheduled visits to offices or job sites of the companies, as it deems necessary.

11.0 CONSEQUENCE OF NON-COMPLIANCE

- i. Pursuant to the provisions of Section 68 of the Act, any stakeholder in the industry; including companies providing service(s) or intending to provide service(s) would be deemed to have committed a breach if it employs or causes to employ any expatriate staff either on permanent or temporary position(s) in the oil and gas industry outside of the procedures specified in this guideline.
- ii. The Board would require immediate removal of such expatriate(s) and penalize the company in line with the provisions of the Act.

12.0 REVIEW

This Guideline takes effect upon the Board's approval and is subject to review every 2 years or as necessary.