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**GHANA IMMIGRATION SERVICE
HEADQUARTERS**

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DATE: 20TH AUGUST, 2017

For Immediate Release

PRESS RELEASE

**RE: ALLEGED HARASSMENT OF AN INDIAN NATIONAL, MR. ASHOK KUMAR
SIVARAM BY THE GHANA IMMIGRATION SERVICE (GIS)**

The Ghana Immigration Service has taken notice of news reports alleging harassment of the above named Indian national, Mr. Ashok Kumar Sivaram by the Service.

The facts of the case which are currently pending before the High Court are as follows:

1. Mr. Ashok Kumar Sivaram was deported from Ghana on 1st June, 2017 for security reasons.
2. Following the deportation, his lawyer Mr. Gary Nimako filed an application on notice for judicial review in the nature of certiorari on behalf of Mr. Ashok's Kumar Sivaram, for the Court to quash the Deportation Order which the Court granted on the 31st July, 2017.

3. The two respondents being Honourable Ambrose Dery, Minister for the interior and Mr. Kwame Takyi, the Comptroller-General of the Ghana Immigration Service (GIS) being represented by the Attorney-General's Department filed Notice of Appeal and a Stay of Execution against the Court's decision on 1st August, 2017 and 4th August, 2017 respectively.
4. On the 3rd of August, 2017, Mr. Ashok Sivaram attempted to enter the country illegally without an entry visa and this is in breach of section 4 of the Immigration Act, 2000, Act 573 which provides for the condition of entry into Ghana, as follows:

“Condition for Entry – 4(1) a person other than a citizen of Ghana entering Ghana must show that: (a) he is in possession of a valid passport and valid visa; (b) he is exempted from obtaining a visa to enter Ghana; (d) **he has applied and been granted an Emergency Entry Visa permit**; (e) that he is a person admitted to diplomatic status by Government of Ghana”.

Upon proof of any of these conditions satisfactorily, the Immigration officer MAY permit such a foreign national to enter Ghana for a specified period (condition). In this particular instance, Mr. Ashok Kumar, (subject/applicant) failed to satisfy any of these conditions.

It is instructive to note that per section 4(1)(d) of the ACT, Mr. Ashok was required to either have acquired a valid Ghana visa from where he embarked from or applied in advance of his journey for an Emergency Entry visa (EV) and **been granted the visa before entering the country.** This Mr. Ashok and his lawyer failed to do.

Hence, in compliance with the responsibility legally imposed on the Ghana Immigration Service (GIS) by the Immigration Act 2000, ACT 573, Mr. Ashok was detained by the Immigration Officers at the Kotoka International Airport and was being processed for removal from Ghana solely on the basis of his breach. It was at that point that the GIS was served with an ex-parte motion for habeas corpus to prevent us from returning him on the flight.

5. Being law abiding, the GIS accordingly complied and produced Mr. Ashok to the Court on Friday, 4th August, 2017.
6. Upon the ex parte motion, the Court ordered the release of Mr. Ashok from Immigration custody but directed us to maintain his passport and also made the following order regarding Mr. Ashok "... he **SHALL** appear with his Counsel before any designated officer on Tuesday, August 08, 2017. If at the time there is no ground for his continues reporting to Immigration his passport should be released to him and he be allowed to **APPLY** for regularization of his stay. **He**

SHALL then be examined as any other individual, applying for status in the country”.

7. In a proactive manner and having regard to the Court's orders, the Comptroller-General of Immigration, Mr. Kwame Asuah Takyi after persistent unsuccessful attempts to reach Mr. Nimako, Lawyer for Mr. Ashok on phone, wrote to him on the 14th of August, 2017 inviting him to present his client to the Immigration Service in compliance of the Court order **to be examined as any other individual applying for status in the country”.**
8. After serving this letter on him on the 14th of August, 2017, Mr. Nimako surprisingly on 15th August, 2017 without fulfilling the court order rather went ahead and served on us that is, the Hon. Minister for the Interior and the Comptroller-General of Immigration (being the Respondents) a motion on Notice, for mandamus to compel the Minister and the Comptroller-General of Immigration to restore the applicant (Mr. Ashok's) residence and work permit. This application for mandamus which was served on us on 15th August, 2017 is to be moved by Mr. Gary Nimako, Lawyer for Ashok on 21st August, 2017, is being handled by the Attorney-General's Department on behalf of the Respondents.

9. It is to be noted that Mr. Nimako representing his client, wrote a letter to the Service applying for a Visa-On-Arrival, which we rejected because the application run contrary to the Immigration Act 573 and the Immigration Regulations 2001, 1691.
10. The correct procedure was for Mr. Nimako to have applied for the Entry Visa on behalf of his client and for the application to be granted before the client (Mr. Ashok Sivaram) entered the country. This process is captured by Regulation 4(1) of Immigration Regulations, 2001, LI 1691.
11. Regulation 4(1)(d) provides the conditions and requirements upon which an application for Emergency Visa is granted to a foreign national who intends to enter the country legally.
12. Mr. Gary Nimako and his client breached the legal requirement.
13. Once again, in another unorthodox fashion, on the same day 15th August, 2017 while he had filed an application in Court for the prerogative writ of mandamus to compel us to restore his client's work and residence permits, a motion which is yet to be heard by the Court on 21st August, 2017, Mr. Nimako submitted a petition to His Excellency, the President alleging the Immigration constant harassment and abuse of power by the Minister of the Interior, Mr.

Kwame Takyi (Comptroller-General) and Mr. Laud Affrifah the Deputy Comptroller General in charge of operation against client.

14. It is instructive to note that prior to Mr. Ashok's deportation for security reasons, neither Honourable Minister for the Interior, Mr. Ambrose Dery nor the GIS had any knowledge of the suit between Sachin Nambeer and Ashok Kumar Sivaram (the Indian national) regarding the business matters which is of subject litigation in Court.
15. The Immigration Service and the Minister of the Interior have no interests in the ongoing feud between Mr Ashok Kumar and his business associates. There is no ill motive in the handling of the legality of Mr Kumar's stay in the country.
16. Mr. Ashok Kumar Sivaram is subject to the provisions of the Immigration Act 2000, Act 573.

SIGNED

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