

Legal Notice No. 34 of 1966.

THE IMMIGRATION LAW, 1963

THE IMMIGRATION (ADDITIONAL) REGULATIONS, 1966

In exercise of the powers vested in him by section 29 of the Immigration Law, 1963 (No. 31 of 1963) His Excellency Her Majesty's Commissioner hereby makes the following regulations —

Title.

1. These regulations may be cited as the Immigration (Additional) Regulations, 1966 and are to be read as one with the Immigration Regulations, 1965.

Immigrant May be Required to Deposit Security.

2. (1) Any person may as a condition precedent to the issue of a residence permit under section 21 of the Law, be required by the Immigrants Selection Board to deposit with the Chief Immigration Office a sum not exceeding R500 in respect of such residence permit so issued and any such deposit may, if necessary, be used for the purpose of defraying any expenses incurred by the Government of the Territory in connection with the maintenance or repatriation of the person in respect of whom the residence permit has been issued and his dependants, if any:

Provided that no person in respect of whom security has been given under regulation 3 shall be required to give security under this regulation.

(2) A deposit made under the provisions of sub-regulation (1) shall, unless the person in respect of whom the residence permit has been issued is ordered to leave, or is deported from, the Territory and the money so deposited is used for the purpose of maintaining or repatriating such person and his dependants, if any, be refunded to the depositor at such time and place as the Chief Immigration Officer shall order, if he is satisfied that —

- (a) the person in respect of whom the deposit was made and his dependants, if any, are leaving the Territory permanently ; or
- (b) the person in respect of whom the deposit was made is domiciled in the Territory in terms of section 3 of the Law.

(3) The Immigrants Selection Board may, in lieu of requiring a deposit under the provisions of sub-regulation (1), require an applicant for a residence permit or some other person in his behalf to give security with or without sureties in a sum not exceeding R500 by way of bond.

Employer May be Required to Deposit Security.

3. Where any employer from time to time enters into contracts for the employment within the Territory of persons from outside the Territory the Immigrants Selection Board may require such employer as a condition precedent to the issue to any such person of a residence permit to give a general security in respect of all such persons, such security not to exceed R500 in respect of each such employee and his dependants, if any.

Prescribed Forms.

4. (1) The security given in terms of regulation 2 (3) shall be in Form A as prescribed in the Schedule.

(2) The security given in terms of regulation 3 shall be in Form B as prescribed in the Schedule.

(3) The security given in terms of regulation 8(1)(c) of the Law shall be in Form C as prescribed in the Schedule.

SCHEDULE

Form 'A'

THE IMMIGRATION LAW, 1963

IMMIGRATION (ADDITIONAL) REGULATIONS, 1966

(Regulation 2 (3) and 4 (1))

SECURITY BOND

KNOW ALL MEN BY THESE PRESENTS that we

(1)* of
(hereinafter referred to as the immigrant) and

(2)† of
and

(3)† of
(hereinafter referred to as the sureties) are held and firmly bound unto the Bechuanaland Government in the sum of of good and lawful money to be paid to the said Bechuanaland Government; for which payment well and truly to be made we bind ourselves and each and every one of us jointly and severally for and in the whole, our heirs, executors and administrators and everyone of them firmly by these presents. And we the said sureties do hereby renounce all benefits arising out of the legal exceptions *ordinis seu excussionis et divisionis* with the full force and effect with which we acknowledge ourselves to be acquainted.

Dated this day of, 19.....

NOW THE ABOVE WRITTEN OBLIGATION is conditioned to be void if the said immigrant and the said sureties or any of them shall on demand pay forthwith to the Bechuanaland Government any

charges and expenses (including expenses of maintenance and repatriation of the immigrant and his dependants, if any, which within years from the date of these presents may be incurred by the Bechuanaland Government in respect of the immigrant and his dependants, if any.

In the presence of —

.....
Witness

.....
Address

.....
Occupation

*.....
Signature of Immigrant

†.....

†.....
Signature of Sureties

* Name of immigrant

† Name of surety

N.B. This form of bond is not suitable for signature by women sureties.

The surety is required to renounce the benefit of excussion to give Government the right to proceed against the surety immediately on failure by the immigrant; and to renounce the benefit of division so that each is liable for the whole debt.

Form 'B'

THE IMMIGRATION LAW, 1963
IMMIGRATION (ADDITIONAL) REGULATIONS, 1966
(regulation 2(3) and 4(2))

MEMORANDUM OF AGREEMENT
MADE AND ENTERED INTO BY AND BETWEEN THE
BECHUANALAND GOVERNMENT

Herein represented by in
has capacity as Chief Immigration Officer
and
of
(hereinafter referred to as the employer)

WHEREAS the said employer from time to time enters into contracts for the employment within Bechuanaland of persons from outside the said Territory (hereinafter referred to as the employees):

AND WHEREAS the Immigrants Selection Board, as a condition precedent to the issue to any of the employees of a residence permit to enter the said Territory, has required that the said employer shall give a general security in respect of all such employees:

AND WHEREAS the said employer desires to give such a general security in order to enable residence permits to be issued to the said employees —

NOW THESE PRESENTS WITNESS that in consideration of the issue from time to time to the employees of residence permits the said employer doth agree with the Chief Immigration Officer for the time being, and his successors in office, that the said employer will on demand forthwith pay to the said Chief Immigration Officer any charges and expenses which may be incurred by the Bechuanaland Government in respect of each of the employees (including expenses of repatriation of such employee and his dependants, if any) within five years after the date of issue to him of a residence permit but in no case exceeding R500 in respect of each such employee and his dependants, if any.

Dated this day of 19.....

In the presence of —

..... Witness Signature of Employer
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In the presence of —

..... Witness Signature of Employer
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Form 'C'

THE IMMIGRATION LAW, 1963

IMMIGRATION (ADDITIONAL) REGULATIONS, 1966

(section 8(1)(c) and regulation 4(3))

SECURITY BOND

KNOW ALL MEN BY THESE PRESENTS that we

(1)* of
(hereinafter referred to as the guarantor) and

(2)† of
and

(3)† of
(hereinafter referred to as the sureties) are held and firmly bound

unto the Bechuanaland Government in the sum of
of good and lawful money to be paid to the said Bechuanaland
Government, for which payment well and truly to be made we bind
ourselves and each and every one of us jointly and severally for
and in the whole, our heirs, executors and administrators and every
one of them firmly by these presents. And we the said sureties do
hereby renounce all benefits arising out of the legal exceptions
ordinis seu excussionis et divisionis with the full force and effect
with which we acknowledge ourselves to be acquainted.

Dated this day of 19.....

NOW THE CONDITION OF THIS OBLIGATION is such that
if the guarantor fails to give permanent support to
..... of (hereinafter
referred to as the dependant) in the Territory or fails to remove the
said dependant from the Territory if required to do so by Her
Majesty's Commissioner then the said guarantor and the said
sureties or any of them shall on demand pay forthwith the said
sum of to the Government of Bechuanaland.

In the presence of

.....
Witness

.....
Address

.....
Occupation

*.....
Signature of Guarantor

†.....

‡.....

* Name of applicant

† Name of Surety

‡ Name of dependant under section 8(1) (c).

N.B. This form of bond is not suitable for signature by women
sureties.

The surety is required to renounce the benefit of excussion
to give Government the right to proceed against the surety
immediately on failure by the guarantor; and to renounce the
benefit of division so that each is liable for the whole debt.

G. WINSTANLEY,
for Secretary to the Cabinet.

Cabinet Office,
GABERONES.
9th March, 1966.