

## IMMIGRATION (CONSOLIDATION) (AMENDMENT) ACT, 1975

No. 27



of 1975

### ARRANGEMENT OF SECTIONS

#### SECTION

1. Short title
2. Substitution of section 13 of Law 19 of 1966
3. Substitution of sections 20 and 21 of principal Act

#### **An Act to amend the Immigration (Consolidation) Law, 1966**

*Date of Assent:* 5.8.75

*Date of Commencement:* 15.8.75

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Immigration (Consolidation) (Amendment) Act, 1975. Short title

2. The Immigration (Consolidation) Law, 1966, (hereinafter referred to as "the principal Act"), is amended by substituting for section 13 thereof the new subsection following – Substitution of section 13 of Law 19 of 1966

“Exemption of prohibited immigrants

13. (1) Where any person is a prohibited immigrant under this Act, the President, in the case of a person declared by him to be a prohibited immigrant under section 8 (f), and the Minister in the case of any other person, may, in writing, direct that such person shall cease to be a prohibited immigrant for such period and subject to such conditions as may be specified.

(2) The President or the Minister, as the case may be, may, in writing, cancel any direction issued under subsection (1) and on such cancellation the person in respect of whom the direction was made shall be a prohibited immigrant.”.

Substitution  
of sections  
20 and 21 of  
principal Act

**3.** The principal Act is amended by substituting for sections 20 and 21 thereof, the new sections following —

Immigrants  
Advisory  
Board

20. (1) There is hereby established a board to be known as the Immigrants Advisory Board which shall consist of the Immigration Control Officer and not more than four other members appointed by the Minister.

(2) The Minister shall appoint one member to be chairman and the Immigration Control Officer shall be secretary.

(3) The members of the Board shall hold office for such period and be paid such remuneration and allowances as the Minister may determine.

(4) The function of the Board shall be to make recommendations to the Minister on applications for residence permits made pursuant to section 21.

(5) The Minister shall not be bound to accept the recommendations of the Board.

Residence  
permits

21. (1) Any person who wishes to obtain a residence permit may submit an application to the Board in the prescribed form and in the prescribed manner.

(2) The Board shall consider every application submitted to it and may call for and obtain such additional information relating to the applicant as it may deem necessary.

(3) The Board shall submit each application received by it to the Minister together with its recommendation thereon.

(4) Subject to the provisions of subsection (5), in making its recommendation the Board shall consider and state whether, in its opinion, —

(a) the applicant is of good character;

(b) (i) in the case of an applicant who proposes to take up employment or engage for reward in any business, profession or other occupation in Botswana, he has the qualifications, education, training and experience likely to render him efficient in that employment, business, profession or occupation and sufficient prospects of obtaining that employment or sufficient capital to engage in that business, profession or occupation, as the case may be; or

- (ii) in the case of any other applicant, he is in a position to support himself and any dependants in Botswana otherwise than by taking up employment or engaging for reward in any business, profession or other occupation; and
- (c) that it is in the interests of Botswana that a residence permit be issued to the applicant.
- (5) In the case of—
  - (a) the wife, or child under the age of 18 years, of the holder of a residence permit; or
  - (b) the aged parent or grandparent of such a holder who is able and has undertaken to maintain him,no consideration need be given and no opinion need be expressed by the Board in respect of the matters set out in subsection (4) (b).
- (6) A residence permit shall, subject to payment of the prescribed fee, be issued in the prescribed form for such period, not exceeding 3 years, and subject to such conditions as the Minister may determine.
- (7) The Minister may, at any time, by notice given in writing to any holder of a residence permit, or by notice published in the Gazette, applying to all such holders of any specified class, vary the conditions attached to any residence permit.
- (8) A residence permit may from time to time be renewed if the holder thereof has not become a citizen of Botswana and the provisions of this section shall have effect in relation to any such renewal as they have in relation to the issue of a permit.
- (9) The decision of the Minister on the issue or renewal of a residence permit shall be final and shall not be questioned in any court.
- (10) Any person to whom a residence permit has been issued who contravenes any of the conditions attached thereto shall be guilty of an offence and liable to the penalties prescribed in section 29 (2).”.

Passed by the National Assembly this 21st day of July, 1975.

I.P. GONTSE,  
*Clerk of the National Assembly.*