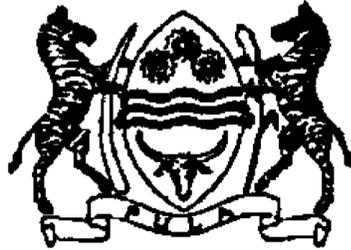


IMMIGRATION (AMENDMENT) ACT, 1991

No. 12



of 1991

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2
3. Replacement of section 18
4. Amendment of section 19
5. Amendment of section 20
6. Amendment of section 21
7. Amendment of section 23
8. Amendment of Schedule

An Act to amend the Immigration Act

Date of Assent: 11th October, 1991.

Date of Commencement: 25th October, 1991.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Immigration (Amendment) Act, 1991. Short title
2. Section 2 of the Immigration Act, hereinafter referred to as "the Act", is hereby amended by deleting the definition of "Board". Amendment
of section 2
Cap. 25:02
3. The Act is amended by substituting for section 18 thereof the following new section — Replacement
of section 18

18. (1) There are hereby established a board to be known as the National Immigrants Selection Board, based in Gaborone, and boards to be known as Regional Immigrants Selection Boards, based in such places or areas of Botswana as is necessary or convenient.

(2) The provisions of the Schedule shall have effect in respect of the constitution of the boards referred to in subsection (1), the places or areas in which or for which they are established, and other matters in connexion with the operation of such boards.

(3) The Minister may, by order published in the Gazette, amend any of the provisions of the Schedule."
4. (1) Section 19 (1) of the Act is amended by substituting for the words "the Board" the words "the appropriate Regional Immigrants Selection Board", hereinafter referred to as "the Board",". Amendment
of section 19

Amendment
of section 20

(2) Section 19 (7) of the Act is amended by substituting for the words "three years" the words "five years".

5. Section 20 of the Act is amended by —

(a) substituting for the word "Minister" wherever it appears in subsections (1), (2), (3) and paragraphs (a), (b) and (c) of subsection (4) the words "National Immigrants Selection Board" in each case;

(b) substituting for all the words appearing before paragraph (a) in subsection (4) the words "The National Immigrants Selection Board shall consider every appeal lodged with it under this section and shall —"; and

(c) adding at the end thereof the following new subsection —

"(5) Any person aggrieved by a decision of the National Immigrants Selection Board in dismissing his appeal to it, or in respect of any variation or alteration in the conditions of a residence permit issued to him, may appeal against that decision to the Minister, whose decision thereon shall be final."

Amendment
of section 21

6. Section 21 (2) of the Act is amended by substituting for the words "three years" the words "five years".

Amendment
of section 23

7. Section 23 of the Act is amended by adding at the end thereof the following new subsection —

"(3) (a) Where the Minister is satisfied that a person has resided lawfully in Botswana for at least ten years under the terms and conditions of a residence permit, that he is of good character, and has made significant contributions of benefit to Botswana, he may, in writing, confer on such person the status of permanent resident, exempting him from the requirement of applying for or obtaining a resident permit.

(b) The conferment of such status of permanent resident may be made subject to such terms and conditions as the Minister considers necessary or desirable, and any failure by the person concerned to comply with such terms and conditions shall be an offence liable to the penalties prescribed in section 32 (2).

(c) The conferment of such status of permanent resident may be withdrawn by the Minister, in writing, without giving any reason therefor."

Amendment
of Schedule

8. The Schedule to the Act is amended —

(a) by substituting for the heading thereof the following new heading —

"*National Immigrants Selection Board*"; and

(b) by adding at the end thereof the following new heading and paragraphs —

"*Regional Immigrants Selection Boards*"

1. There shall be a Regional Immigrants Selection Board in each of the following towns, cities or townships, for the purposes of section 19 of the Act —

Gaborone	Francistown
Lobatse	Selebi-Phikwe.

2. Each Regional Immigrants Selection Board shall consist of the following persons —

- (a) the District Commissioner or District Officer for the place in which it is situated, who shall be chairman of the Board;
 - (b) the police officer in command of the police district in which it is situated, who shall be the deputy chairman of the Board;
 - (c) the representative of the Chief Immigration Officer in charge of the region, who shall be the secretary of the Board;
 - (d) the representative of the Commissioner of Labour in charge of the region;
 - (e) the town clerk or the council secretary, as appropriate, of the place where the Board is situated or his representative;
 - (f) a representative of the Ministry of Commerce and Industry nominated by the Minister;
 - (g) two persons appointed by the Minister from members of the public in the area served by the Board.
3. The chairman or the deputy chairman shall, when presiding at meetings of the Board, have an original and a casting vote.
4. A majority of the members of the Board, which majority shall include the chairman or the deputy chairman and the representative of the Chief Immigration Officer, shall form a quorum of the Board.
5. The Minister may appoint such other public officers as may be necessary to assist the Board to carry out its functions under the Act.
6. Subject to the provisions of the Act, and any directions of the Minister, the Board may regulate its own procedure.”.

PASSED by the National Assembly this 20th day of September, 1991.

C.G. MOKOBI,
Clerk of the National Assembly.