

EMPLOYMENT OF NON CITIZENS ACT  
(Cap. 47:02)

EMPLOYMENT OF NON CITIZENS (AMENDMENT) REGULATIONS, 2004  
(Published on 4th June, 2004)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of regulation 2 of Cap. 47:02 (Sub. Leg.)
3. Amendment of regulation 4 of the Regulations
4. Amendment of the Regulations
5. Insertion of Regulation 5A
6. Amendment of regulation 6 of the Regulations
7. Amendment of regulation 8 of the Regulations
8. Insertion of Regulation 12
9. Amendment of the Schedule to the Regulations

IN EXERCISE of the powers conferred on the Minister of Labour and Home Affairs by section 22 of the Employment of Non-Citizens Act, the following Regulations are hereby made —

Citation

1. These Regulations may be cited as the Employment of Non-Citizens (Amendment) Regulations, 2004.

Amendment  
of  
regulation 2  
of Cap.  
47:02 (Sub.  
Leg.)

2. The Employment of Non Citizens Regulations (hereinafter referred to as “the Regulations”) are hereby amended by substituting, for Regulation 2 thereof, the following new regulation —

“2. (1) An application for the issue or renewal of a work permit shall be in Form 1 as set out in the Schedule.

(2) An application under subregulation (1) shall be made in duplicate and shall be delivered to the Authorised Officer who shall submit it to the Commissioner of Labour for presentation to the Regional Immigrants Selection Board.

(3) An application for the issue or renewal of a work permit, for any person who is not self- employed, shall be accompanied by a fee of —

(a) P600, in the case of an application for a work permit; and  
(b) P300, in the case of an application for renewal of a work permit.

(4) An application for the issue or renewal of a work permit, for any person who is self- employed, shall be accompanied by a fee of —

(a) P1000, in the case of an application for a work permit; and  
(b) P500, in the case of an application for renewal of a work permit.”.

Amendment  
of  
regulation 4  
of the  
Regulations

3. Regulation 4 of the Regulations is amended in the words immediately preceding paragraph (a) by inserting, immediately after the words “shall be”, the words “accompanied by a fee of P150, and shall be”.

- 4.** The Regulations are amended by substituting, for regulation 5 thereof, the following new regulation —
- Amendment of the Regulations
- “Appeals to National Immigrants Selection Board
- 5.** An appeal to the National Immigrants Selection Board by any person aggrieved by a decision of the Regional Immigrants Selection Board —
- (a) rejecting his application for a work permit or a renewal of a work permit;
- (b) as to any condition attached to his work permit; or
- (c) varying a condition or a refusal to vary a condition attached to his work permit;
- may be made on payment of a fee of P200.”
- 5.** The Regulations are amended by inserting, immediately after regulation 5 thereof, the following new regulation —
- Insertion of Regulation 5A
- “Appeals to Minister
- 5A.** An appeal to the Minister by any person aggrieved by a decision of the National Immigrants Selection Board —
- (a) rejecting his application for a work permit or renewal of a work permit;
- (b) as to any condition attached to his work permit; or
- (c) varying a condition or a refusal to vary a condition attached to his work permit;
- may be made on payment of a fee of P200.”
- 6.** Regulation 6 of the Regulations is amended by inserting, immediately after the words “in the Schedule” which appear therein, the words “and shall be accompanied by a fee of P500”.
- Amendment of regulation 6 of the Regulations
- 7.** Regulation 8 of the Regulations is amended by substituting, for the words “P10” which appear therein, the words “P100”.
- Amendment of regulation 8 of the Regulations
- 8.** The Regulations are amended by inserting, immediately after Regulation 11 thereof, the following new regulation —
- Insertion of Regulation 12
- “Application for exemption by Commissioner
- 12.** An application for exemption by the Commissioner of Labour in terms of section 23 of the Act shall be in Form 10 as set out in the Schedule and shall be accompanied by a fee of P100.”
- 9.** The Regulations are amended by inserting, immediately after Form 9 which appears in the Schedule thereto, the following new Form —
- Amendment of the Schedule to the Regulations



REPUBLIC OF BOTSWANA

LABOUR DEPARTMENT

**APPLICATION FOR EXEMPTION BY COMMISSIONER OF LABOUR**

I hereby apply for an exemption by the Commissioner of Labour on my behalf/on behalf of my prospective employee in terms of section 23 of the Employment of Non-Citizens Act (Cap. 47:02), to meet the demand of an emergency in my Company/Establishment.

1. Nature of Emergency .....
- .....
- .....
- .....
2. Full Name of Applicant .....
- Occupation .....
3. Job Requirements .....
- .....

Please attach supporting documents (e.g. certificates, C.V., references, licenses, company registration certificates, bank statements as is appropriate.

4. Nationality ..... Nationality of Passport .....
- Passport No. .... Date of Expiry .....
5. Address in Botswana .....
- Telephone No. ....
6. Name and Address of Company that Employs Him/Her
- .....
- .....
- .....

7. What products/Services does Company Provide

.....  
.....

8. Do you have the Chief Immigration Officer's Authority/Waiver to await the outcome of your application for a resident permit in Botswana? Yes/No If yes attach a Certified Copy \*

Signature..... Capacity .....

Date .....

**FOR OFFICE USE ONLY**

Approved/Rejected by: Name ..... Signature .....

Reason(s) for Rejection/Approval.....

.....  
.....

N.B: To be completed in duplicate. Include two identical passport size photos (of the applicant taken at the time of this application)

\* To be completed by those who intend to apply for a resident permit.

MADE this 19th day of May, 2004.

**M. PHETO,**  
*Acting Minister for Labour and  
Home Affairs.*

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