

IMMIGRATION (AMENDMENT) ACT, 2017

No. 6



of 2017

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Amendment of section 11 of Cap. 25:02
3. Amendment of section 28 of Cap. 25:02

An Act to amend the Immigration Act.

Date of Assent: 26.04.2017

Date of Commencement: On Notice

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Immigration (Amendment) Act, 2017, and shall come into operation on such a date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

2. Section 11 of the Act is amended by inserting immediately after subsection (4) the following new subsections —

Amendment of section 11 of Cap. 25:02

“(5) The Minister may establish, on an *ad hoc* basis, such immigrants sector-specific selection boards (hereinafter referred to as “sector-specific board”) as he or she considers necessary, for the purpose of performing the following functions —

- (a) to issue permits in accordance with the provisions of this Act; and
- (b) to perform such other functions as maybe conferred on it by regulations made under this Act.

(6) A sector-specific board shall consist of the following as the Minister may determine —

- (a) such number of members of the Board set out in subsection (2) (a) to (g); and
- (b) such other number of suitably qualified persons who are not members of the Board.

(7) The Minister shall appoint the chairperson of a sector-specific board from amongst the members of the Board set out in subsection (6) (a).

(8) The members of a sector-specific board shall hold office for such time as the Minister may direct.

(9) The meetings of a sector-specific board shall be held as and when necessary, and shall be convened in accordance with the directions of the chairperson of the sector-specific board.

Amendment
of section 28
of Cap. 25:02

(10) There shall preside at a meeting of the sector-specific board, the chairperson or in the absence of the chairperson, such member of the sector-specific board as the board may elect to preside over that meeting.

(11) At a meeting of a sector-specific board, a quorum shall be formed if at least half the members of the board are present.

(12) The provisions of sections 12, 13, 15, 16 and 17 shall apply with necessary modifications to a sector-specific board.”.

3. Section 28 of the Immigration Act is amended by inserting immediately after subsection (2), the following new subsections —

“(2A) Notwithstanding subsections (1) and (2), the Minister may confer the status of permanent residence on a non-citizen who has resided lawfully in Botswana for a period of less than five years where the Minister is satisfied that the non-citizen —

- (a) has established a significant business in Botswana;
- (b) intends to establish a significant business in Botswana; or
- (c) intends to make a significant investment in an existing business in Botswana.

(2B) The status of permanent residence conferred by the Minister to a non-citizen under subsection (2A) may be granted to the non-citizen’s spouse and minor children.”.

PASSED by the National Assembly this 6th day of April, 2017.

BARBARA N. DITHAPO,
Clerk of the National Assembly.