

## IMMIGRATION (AMENDMENT) ACT, 1980

No. 30



of 1980

### ARRANGEMENT OF SECTIONS

#### SECTION

1. Short title
2. Amendment of section 2 of Cap. 25:04
3. Amendment of section 19 of principal Act
4. Insertion of new section 19B in principal Act

#### An Act to amend the Immigration Act

*Date of Assent: 17.9.80.*

*Date of Commencement: 19.9.80.*

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Immigration (Amendment) Act, 1980. Short title
2. Section 2 of the Immigration Act (hereinafter referred to as "the principal Act") is amended by substituting for the definition of "residence permit" the following new definition —  
"residence permit" means a permit to reside in Botswana issued under section 19 or 19B;". Amendment  
of section  
2 of Cap. 25:04
3. Section 19 of the principal Act is amended —  
(a) in subsection (7) thereof, by substituting for the words "A residence permit", which appear therein, the words "A residence permit issued under this section"; Amendment  
of section  
19 of principal  
Act

- (b) in subsection (8) thereof, —
  - (i) by substituting for the words “a residence permit”, where they appear in paragraph (a) thereof, the words “a residence permit issued under this section”; and
  - (ii) by substituting for the words “a residence permit”, where they secondly appear therein, the words “such a residence permit”;
- (c) in subsection (10) thereof, by substituting for the words “a residence permit”, which appear therein, the words “a residence permit issued under this section”; and
- (d) in subsection (11) thereof, by substituting for the words “A residence permit”, which appear therein, the words “A residence permit issued under this section”.

Insertion of  
new section  
19B in  
principal Act

4. The principal Act is amended by inserting therein, immediately after section 19A thereof, the following new section —

“Power of  
Minister  
to issue  
residence  
permits

19B. (1) Notwithstanding the provisions of section 19, where the Minister is satisfied that by reason of any special circumstances which apply in the case of any person who has entered Botswana and is not a prohibited immigrant it is desirable for a residence permit to be issued to that person without an application therefor being considered and determined by the Board, he may, whether that person has or has not applied for a residence permit, issue a residence permit to that person.

(2) A residence permit issued under this section shall be issued in the prescribed form for such period, not exceeding 3 years, as the Minister shall determine and may be issued subject to such conditions as the Minister may determine, which conditions shall be specified in the permit.

(3) The Minister may, at any time, —

(a) by notice in writing given to a particular holder of a residence permit issued under this section; or

(b) by notice published in the Gazette applying to all such holders of any specified class,

vary the conditions for the time being attached to such a residence permit.

(4) The particular holder of a residence permit to whom notice in writing has been given under subsection (3) (a) shall forthwith transmit his permit to the Minister and the conditions therein specified shall be varied in accordance with the notice and the permit returned to the holder.

(5) The holder of a residence permit issued under this section who contravenes subsection (4) or who fails to comply with any condition for the time being attached to his permit shall be guilty of an offence and liable to the penalties prescribed by section 29 (2).

(6) The Minister may from time to time renew a residence permit issued under this section if the holder thereof has not become a citizen of Botswana.”.

PASSED by the National Assembly this 2nd day of September, 1980.

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