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**THE IMMIGRATION CONTROL ACT, 2026**

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SCHEDULES

GOVERNMENT OF ZAMBIA

**ACT**

**No. 3 of 2026**

Date of Assent: 31st March, 2026

**An Act to continue the existence of the Immigration Department and re-define its functions; provide for the appointment of immigration border guards and provide for their functions; regulate the entry of persons into, and departure of persons from, the Republic; regulate the remaining of immigrants within the Republic; repeal and replace the Immigration and Deportation Act, Cap. 123 and provide for matters connected with, or incidental to, the foregoing.**

**[8th April, 2026**

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Immigration Control Act, 2026 and shall come into operation on the date that the Minister may, by Statutory Instrument, appoint.

Short title and Commencement

2. (1) In this Act, unless the context otherwise requires—

Interpretation

“accommodation establishment” has the meaning assigned to the words in the Tourism and Hospitality Act;

Cap. 155

“admission” means the entry of a person into the Republic after examination by an immigration officer at a port of entry;

“asylum seeker” has the meaning assigned to the words in the Refugees Act;

Cap. 120

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	<p>“asylum seeker’s permit” means a permit issued under section 23;</p> <p>“authorised officer” includes an—</p> <ul style="list-style-type: none"> <li>(a) immigration officer;</li> <li>(b) immigration border guard; and</li> <li>(c) officer of the Defence Force, national security service and an investigative authority appointed as an authorised officer under this Act, in writing, by the Director-General;</li> </ul>
Act No. 8 of 2025	<p>“border” has the meaning assigned to the word in the Border Management and Trade Facilitation Act, 2025;</p>
Act No. 8 of 2025	<p>“border control” has the meaning assigned to the words in the Border Management and Trade Facilitation Act, 2025;</p> <p>“border pass” means a border pass issued under section 31;</p> <p>“business visitor” means a person coming to the Republic to conduct business during the person’s stay in the Republic and includes—</p> <ul style="list-style-type: none"> <li>(a) a foreign employee, who is paid by an employer abroad, who comes to the Republic to work for a period not exceeding thirty days;</li> <li>(b) a person who comes to the Republic to advise on the development of any matters relating to business;</li> <li>(c) a person who comes to the Republic to set up a business;</li> <li>(d) foreign employees engaged in voluntary work in the Republic without pay; or</li> <li>(e) a person who provides any service consisting of advice, training or learning by observation or in a classroom;</li> </ul> <p>“certificate of registration” means a certificate of registration issued under section 42;</p>
Cap. 1	<p>“child” has the meaning assigned to the word in the Constitution;</p>
Cap. 1	<p>“citizen” has the meaning assigned to the word in the Constitution;</p> <p>“commercial driver” means a truck driver or international transit driver;</p>

- “Commissioner for Refugees” means a person appointed as Commissioner of Refugees in accordance with the Refugees Act; Cap. 120
- “contract of employment” has the meaning assigned to the words in the Employment Code Act; Cap. 268
- “correctional centre” has the meaning assigned to the words in the Zambia Correctional Service Act, 2021; Act No. 37 of 2021
- “court” has the meaning assigned to the word in the Constitution; Cap.1
- “Department” means the Immigration Department continued under section 3;
- “dependant” means a—
- (a) child whose parents are holding an investor’s permit or an employment permit;
  - (b) spouse of a person holding an investor’s permit or an employment permit;
  - (c) person aged sixty five years or above and is a parent of a person holding an investor’s permit or an employment permit holder;
  - (d) parent of a person issued with a permit under this Act and who due to a physical or mental incapacity, solely depends on a holder of a permit;
  - (e) child, of a person holding a study permit, who is below the age of seven; or
  - (f) child of a residence permit holder, who is below the age of seven;
- “deportation” means detaining or removing a prohibited immigrant from the Republic, by the order of the Minister, and “deport” shall be construed accordingly;
- “diplomatic permit” means a permit issued under section 20;
- “Director-General” means a person appointed as Director General under section 5;
- “distance education” has the meaning assigned to the words in the Education Act; Cap.134

- Cap. 124 “dual citizen” has the meaning assigned to the words in the Citizenship of Zambia Act;
- Cap. 134 “educational institution” has the meaning assigned to the words in the Education Act;
- Cap. 268 “employer” has the meaning assigned to the word in the Employment Code Act;
- “employment permit” means a permit issued under section 16;
- “established resident” means a person issued with a certificate of status between 1965 and 1997 conferring on that person permanent residence to enter, re-enter and remain in the Republic;
- “foreign country” means a country other than the Republic;
- “foreigner” means a person who is not a citizen;
- Cap. 136 “higher education institution” has the meaning assigned to the words in the Higher Education Act;
- “illegal immigrant” means a foreigner specified in the Third Schedule;
- “immediate family” means a husband or wife of a citizen, permit holder, a person issued with visiting days or business days in the Republic or any other person regulated under this Act and includes a person whose parent is a citizen, permit holder, a person issued with visiting days or business days in the Republic or any other person regulated under this Act;
- “immigration attaché” means an immigration officer who is attached to the Ministry responsible for foreign affairs and is assigned to a diplomatic mission in a foreign country;
- “immigration border guard” means a person appointed as an immigration border guard under section 6;
- “immigration consultant” means a person, other than a legal practitioner, who is registered to offer immigration consultancy services under this Act;
- “immigration holding facility” means an immigration holding facility designated by the Minister under section 64;

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- “immigration officer” means a person appointed as an immigration officer under section 5;
- “investor” has the meaning assigned to the word in the Investment Trade and Business Development Act, 2022; Act No. 18 of 2022
- “investor’s permit” means a permit issued under section 17;
- “legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioners Act; Cap. 30
- “officer-in-charge” has the meaning assigned to the words in the Zambia Correctional Service Act, 2021; Act No. 37 of 2021
- “ordinary visitor” means a visitor, including a tourist and a person visiting friends and relatives in the Republic, other than a business visitor;
- “passport” has the meaning assigned to the word in the Passport Act; Cap.129
- “person” has the meaning assigned to the word in the Constitution; Cap. 1
- “port of entry” means a place designated as port of entry by the Minister where a person has to report before entry into, sojourning in, remaining within, or departing from the Republic;
- “prison” has the meaning assigned to the word in the Zambia Correctional Service Act, 2021; Act No. 37 of 2021
- “prohibited immigrant” means a foreigner specified in the Second Schedule;
- “refugee” has the meaning assigned to the word in the Refugees Act; Cap. 120
- “refugee settlement” has the meaning assigned to the words in the Refugees Act; Cap. 120
- “repealed Act” means the Immigration and Deportation Act; Cap. 123
- “residence permit” means a permit issued under section 15;
- “smuggling” has the meaning assigned to the word in the Anti-Human Trafficking Act; Cap. 131
- “spouse” means a husband or wife, whose marriage was solemnised under the Marriage Act, the laws of a foreign country and meets the requirements of a legal and valid marriage in the Republic or under the Zambian customary law; Cap. 50

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- “spouse permit” means a permit issued under section 18;
- “status” means the classification of a person’s presence in the Republic;
- “study permit” means a permit issued under section 21;
- “temporary employment permit” means a permit issued under section 28;
- “temporary permit” means a permit issued under section 33;
- Cap. 131 “traffic” has the meaning assigned to the word in the Anti-Human Trafficking Act;
- “transit permit” means a permit issued under section 29;
- Cap. 129 “travel document” has the meaning assigned to the words in the Passport Act;
- “visa” means authority to enter the Republic which is confirmed on examination by an immigration officer at the port of entry;
- “visiting permit” means a permit issued under section 26;
- “vulnerable migrant” includes—
- (a) an asylum seeker;
  - (b) a victim of human trafficking;
  - (c) a child within the Republic who is not accompanied by a parent or guardian; or
  - (d) a person within the Republic who is in need of protection;
- “work” means a task or activity—
- (a) carried out within specific working hours or at an undertaking specified by the employer with, or without, remuneration;
  - (b) which is of a particular duration and has a certain permanency with, or without, remuneration;
  - (c) that requires the employee’s availability;
  - (d) which requires the provision of tools, material and machinery by the employer; or
  - (e) that is remunerated and constitutes the employee’s sole or principal source of income;

“Zambia Police Service Commission” means the Zambia Police Service Commission established under the Constitution; and Cap. 1

“Zambia Qualifications Authority” means the Zambia Qualifications Authority continued in existence under the Zambia Qualifications Act, 2024. Act No. 8 of 2024

PART II

THE IMMIGRATION DEPARTMENT

3. (1) The Immigration Department established under the repealed Act is continued as if established under this Act. Continuation of Immigration Department

(2) The Department is responsible for the administration of this Act under the general direction of the Permanent Secretary in the ministry responsible for home affairs.

4. (1) The functions of the Department are to— Functions of Department

- (a) control all borders in the Republic, in collaboration with other border control agencies;
- (b) regulate the migration of persons at all ports of entry within the Republic;
- (c) issue visas and permits to foreigners who qualify;
- (d) regulate foreigners within the Republic;
- (e) collaborate with relevant institutions in the prosecution of an offence under this Act;
- (f) remove illegal immigrants from the Republic;
- (g) deport prohibited immigrants from the Republic;
- (h) regulate immigration consultants;
- (i) collaborate with relevant institutions within and outside the Republic to combat illegal migration;
- (j) co-operate and coordinate with appropriate regional or international bodies in the prevention of transnational organised crimes;
- (k) promote and coordinate policies for the regulation of entry of persons in the Republic;
- (l) maintain information systems on immigration activities;

- (m) collaborate with relevant institutions on matters relating to vulnerable migrants;
- (n) monitor compliance with the provisions of this Act;
- (o) establish a code of ethics for immigration officers and immigration border guards;
- (p) promote awareness on matters relating to this Act;
- (q) promote a human rights based approach in relation to immigration control; and
- (r) advise the Minister on matters relating to migration.

Director-General,  
Deputy Director-General,  
immigration officers and other staff

5. (1) The Zambia Police Service Commission shall appoint as a public officer, a Director-General who is responsible for the performance of the functions of the Department.

(2) A person qualifies for appointment as Director-General if that person—

- (a) is a citizen;
- (b) holds a grade twelve certificate or its equivalent;
- (c) holds a bachelor's degree or an equivalent qualification which is recognised and validated by the Zambia Qualifications Authority;
- (d) holds a basic immigration certificate issued by the Department; and
- (e) has at least ten years relevant experience in matters relating to this Act, with five years at management level.

(3) The Zambia Police Service Commission shall appoint as a public officer, a Deputy Director-General of the Department.

(4) A person qualifies for appointment as Deputy Director-General if that person—

- (a) is a citizen;
- (b) holds a grade twelve certificate or its equivalent;
- (c) holds a bachelor's degree or equivalent qualification which is recognised and validated by the Zambia Qualifications Authority;
- (d) holds a basic immigration certificate issued by the Department; and
- (e) has at least ten years experience in matters relating to this Act, with five years at management level.

(5) The Zambia Police Service Commission shall appoint as public officers, suitably qualified persons as immigration officers and other staff of the Department that may be necessary for the performance of the functions under this Act.

(6) The Department shall have officers in missions abroad, in a public body or statutory body in order to promptly and effectively exercise the functions of the Department.

(7) An officer in a mission abroad shall serve as an immigration attaché for a term of three years and may be re-appointed for a further and final term of three years.

6. (1) The Zambia Police Service Commission shall appoint as public officers, suitably qualified persons as immigration border guards.

Immigration border guards

(2) The functions of immigration border guards are to—

(a) guard borders, immigration installations and facilities within the Republic;

(b) undertake patrols along the borders in order to prevent illegal border crossing;

(c) detect and apprehend suspected illegal immigrants or prohibited immigrants; and

(d) perform any other functions as may be prescribed.

7. The Director-General may, by direction in writing and on conditions that the Director-General considers necessary, delegate to the Deputy Director-General or an immigration officer any of the Director-General's functions under this Act.

Delegation of functions by Director-General

### PART III

#### ENTRY INTO AND DEPARTURE FROM THE REPUBLIC

8. (1) Subject to other provisions of this Act, a person shall not enter the Republic other than at a port of entry.

Entry and remaining in Republic

(2) Subject to this section, a person who is not a citizen shall not enter the Republic unless that person is authorised in accordance with this Act.

(3) Subject to this section, the presence in the Republic of a person who is not a citizen is unlawful, unless that person is authorised under this Act.

(4) A person who contravenes this section commits an offence and is liable, on conviction, to a fine of not less than ten thousand penalty units but not exceeding two hundred thousand penalty units.

Application  
for visa

**9.** (1) A person who requires a visa to enter the Republic shall apply for a visa to the Director-General in a prescribed manner and form on payment of a prescribed fee.

(2) Despite subsection (1), the Director-General may issue a visa gratuitously as may be prescribed.

(3) The Director-General shall, within thirty days of receipt of a complete application referred to under subsection (1), grant or reject the application.

(4) The Director-General shall, where the Director-General rejects an application, inform the applicant in writing, stating the reasons for the rejection.

(5) The Director-General shall, where the applicant meets the prescribed requirements, grant a visa to the applicant in a prescribed form.

(6) The Director-General may, withdraw a visa granted under subsection (5) and declare the visa void where the Director-General has reasonable grounds to believe that the—

(a) holder of the visa obtained the visa through fraud, misrepresentation or concealment of a material fact; or

(b) withdraw is necessary in the public interest.

(7) This section shall not apply to countries that the Minister may, by statutory instrument, exempt.

Duty to  
appear  
before  
immigration  
officer on  
arrival in  
Republic

**10.** (1) A person who arrives in the Republic and intends to enter the Republic at a port of entry or at any place other than a designated port of entry, or leave the precincts of the airport, shall appear before an immigration officer.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction to a fine of not less than ten thousand penalty units but not exceeding two hundred thousand penalty units.

Examination  
of entrant

**11.** (1) An immigration officer shall examine a person appearing in accordance with section 10 before the immigration officer to ascertain that person's—

- (a) identity;
- (b) reasons for entering the Republic;
- (c) reasons for intention to remain in the Republic; and
- (d) status under this Act.

(2) An immigration officer shall for the purposes of subsection (1) require a person referred to in that subsection—

- (a) to make a declaration as to the person's intention to enter and remain in the Republic in a prescribed form;
- (b) in writing or orally, to answer any question that the immigration officer may put to that person to the satisfaction of the immigration officer; and
- (c) to produce documentary or other evidence in support of the reasons for entering or remaining in the Republic.

(3) An immigration officer shall not authorise a person who fails to comply with subsection (2) to enter into the Republic.

**12.** (1) A person who intends to leave the Republic shall leave the Republic through a port of entry.

Departure  
from  
Republic

(2) Despite subsection (1), the Minister may, in consultation with the Director-General authorise a person, in writing, to leave the Republic at a place other than a designated port of entry.

(3) A person who intends to leave the Republic in accordance with subsections (1) and (2), shall appear before an immigration officer and—

- (a) produce a valid passport, travel document, permit or document showing the status of the person;
- (b) surrender a permit which is invalid or no longer in use, if any;
- (c) make a declaration as to the person's intention to depart from the Republic in a prescribed form; and
- (d) in writing or orally, answer any question that the immigration officer may put to that person relating to that person's identity or reasons for departure.

(4) An immigration officer shall, where a person referred to under subsections (1) and (2) is an unaccompanied child or accompanied by a person who is not the parent or legal guardian of

the child, require in writing, the consent of the parent, guardian of the child or ministry responsible for child welfare and development in the Republic.

Duties and liabilities of carriers

**13.** (1) A master of a ship, captain of an aircraft, guard of a train or a person in-charge of a vehicle or any other mode of transportation arriving in the Republic or leaving the Republic shall, on request by an immigration officer, furnish the immigration officer with a list of names of persons in the ship, aircraft, train or vehicle or any other mode of transportation and any other details relating to the identity of those persons.

(2) The list of names referred to under subsection (1) shall be signed by the master of a ship, captain of an aircraft, guard of a train or a person in-charge of a vehicle or any other mode of transportation or any other person authorised by the owner of a ship, aircraft, train, vehicle or any other mode of transportation.

(3) A master of a ship, captain of an aircraft, guard of a train or a person in-charge of a vehicle or any other mode of transportation which is about to depart from the Republic, shall, if required by an immigration officer and on payment of the relevant travelling costs, carry in that person's ship, aircraft, train, vehicle or any other mode of transportation, a person in respect of whom an order for deportation has been made or an illegal immigrant that is to be removed from the Republic.

(4) An owner of, agent for, a ship, aircraft, train, vehicle or any other mode of transportation or master of, a ship, captain of an aircraft, guard of a train or a person in-charge of a vehicle or any other mode of transportation, which is about to depart from the Republic and on which an illegal immigrant or prohibited immigrant was conveyed into the Republic shall—

(a) if required by an immigration officer, carry in that person's ship, aircraft, train, vehicle or any other mode of transportation the illegal immigrant or prohibited immigrant and ensure that the illegal immigrant or prohibited immigrant is removed from the Republic; or

(b) be jointly and severally liable to pay to the Government all expenses incurred by the Government in respect of the transport, maintenance and removal of that illegal immigrant or prohibited immigrant, and the amount of such expenses shall be a civil debt recoverable summarily at the suit of the State.

(5) A prohibited immigrant or illegal immigrant who is in the custody of the master of a ship, captain of an aircraft, guard of a train or person in-charge of a vehicle or any other mode of transportation under this section shall be considered to be in lawful custody while that person is in the Republic.

PART IV  
IMMIGRATION PERMITS

**14.** This Part shall not apply to—

- (a) a citizen;
- (b) a holder of a dual citizenship;
- (c) a child of a citizen; and
- (d) an established resident.

Non-  
application  
of Part

**15.** (1) A foreigner specified in the First Schedule, who intends to reside in the Republic shall, apply to the Director-General for a residence permit in the prescribed manner and form on payment of a prescribed fee.

Residence  
permit

(2) Despite subsection (1) the Minister may, in consultation with the Director-General, issue a residence permit to a foreigner in a prescribed form.

(3) The Director-General shall, prior to issuing a residence permit be satisfied that the applicant—

- (a) has been in the Republic on an employment permit for a continuous period of ten years;
- (b) is a holder of an investor's permit for a continuous period of at least three years;
- (c) is an investor with an investment threshold specified in the Investment, Trade and Business Development Act, 2022;
- (d) is a holder of a spouse permit for a continuous period of not less than five years;
- (e) is a child of an established resident or a person holding a valid residence permit, as may be prescribed;
- (f) is a person who is above the age of eighteen whose parents hold a residence permit and is still dependant on the parents due to illness or any other special circumstances;
- (g) is a person whose parent is a citizen;

Act No. 18  
of 2022



**16.** (1) An employer who intends to employ a foreigner to work in the Republic may, while the foreigner is outside the Republic, apply to the Director-General for an employment permit in a prescribed manner and form on payment of a prescribed fee.

Employment  
permit

(2) Despite subsection (1), an employer who intends to employ a foreigner who is lawfully within the Republic may, with the approval of the Director-General, apply for an employment permit in a prescribed manner and form on payment of a prescribed fee.

(3) The Director-General shall, within thirty days of receipt of an application referred to in subsections (1) or (2), approve or reject the application.

(4) The Director-General shall, where the Director-General rejects an application under subsection (3) inform the applicant, in writing, stating the reasons for the rejection.

(5) The Director-General shall, where the applicant referred to under subsections (1) or (2) meets the prescribed requirements and in consultation with the ministry responsible for labour, issue the applicant with an employment permit in a prescribed form.

**17.** (1) A foreigner who intends to establish or invest, or who has established or invested, in a business in the Republic may apply to the Director-General for an investor's permit in the prescribed manner and form on payment of a prescribed fee.

Investor's  
permit

(2) The Director-General shall, within sixty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where an applicant satisfies the prescribed requirements, issue the applicant with an investor's permit in a prescribed form.

(5) A spouse of the holder of an investor's permit or a person whose parent is a holder of an investor's permit and who intends to be employed in the investor's business may apply to the Director-General for an employment permit in accordance with section 16.

Spouse  
permit

**18.** (1) A foreigner who is a spouse of a citizen, an established resident or a holder of a residence permit who intends to reside in the Republic may apply to the Director-General for a spouse permit in a prescribed manner and form on payment of a prescribed fee.

(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where an applicant satisfies the prescribed requirements, issue the applicant with a spouse permit in a prescribed form.

(5) A spouse permit shall cease to be valid—

(a) if the holder is absent from the Republic for a period exceeding twelve months;

(b) if the holder is absent from the Republic for a period of six months without the approval of the Director-General;

(c) if the holder is divorced from a citizen, an established resident or a resident permit holder; or

(d) on the death of a citizen, an established resident or a resident permit holder to whom the holder of a spouse permit was married.

(6) Despite subsection (5)(c) and (d), a spouse of a deceased citizen, an established resident or a holder of a residence permit who intends to continue residing in the Republic may apply to the Director-General for an appropriate permit under this Act.

(7) The Director-General may, in consultation with the Minister, issue a residence permit in a prescribed manner and form, to a person who has held a spouse permit for more than four years, where the spouse permit ceases to be valid on account of death of a citizen.

(8) A holder of a spouse permit issued under this section, who intends to be employed in the Republic, shall apply for a separate employment permit in accordance with section 16.

Dependant  
permit

**19.** (1) A dependant who intends to reside in the Republic may apply to the Director-General for a dependant permit in a prescribed manner and form on payment of a prescribed fee.

(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where an applicant satisfies the prescribed requirements, issue the applicant with a dependant permit in a prescribed form.

(5) A holder of a dependant permit shall, where a person on whom that person is dependant dies, notify the Director-General of the death, in writing, and the Director-General shall revoke the dependant permit.

**20.** (1) The following persons shall apply to the Director-General for a diplomatic permit in a prescribed manner and form: Diplomatic permit

(a) an ambassador, a career diplomat or consular officer of a foreign government recognised by the Republic, or representative of an international organisation which is accepted by the Minister responsible for foreign affairs;

(b) on a basis of reciprocity, officials or employees of a foreign government or international organisation specified in paragraph (a);

(c) other prescribed foreigners who are dignitaries of a foreign country; or

(d) a member of the immediate family and attendants, servants and personal employees of the persons referred to in paragraphs (a) and (b).

(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where an applicant satisfies the prescribed requirements, approve the application and issue the applicant with a diplomatic permit in a prescribed form.

(5) A holder of a diplomatic permit referred to in subsection (1) shall not engage in work or business, unless the holder of that diplomatic permit is from a country which on the basis of reciprocity, combines a diplomatic permit with a separately issued employment permit.

(6) Where a person ceases to be a person to whom subsection (1) applies, that person's presence in the Republic shall, unless authorised under the Act, be unlawful, after the expiration of such reasonable period following that cessation as an immigration officer may allow for the departure from the Republic.

Study  
permit

**21.** (1) A foreigner who has been accepted to study in the Republic on a full time basis at an educational institution or higher education institution shall apply to the Director-General for a study permit in a prescribed manner and form on payment of a prescribed fee.

(2) Despite subsection (1), a foreigner who has been accepted to study in the Republic on a part-time basis or distance education at an educational institution or higher education institution shall apply to the Director-General for a temporary study permit in a prescribed manner and form on payment of a prescribed fee.

(3) An applicant referred to in subsections (1) or (2) who intends to enter the Republic with a child below the age of seven years shall notify the Director-General in the application for inclusion of that child on the study permit.

(4) The Director-General shall, within thirty days of receipt of an application under subsection (1) or (2), approve or reject the application.

(5) The Director-General shall, where the Director-General rejects an application under subsection (4), inform the applicant in a prescribed form, stating the reasons for the rejection.

(6) The Director-General shall, where an applicant referred to under subsections (1) or (2) satisfies the prescribed requirements, issue the applicant with a study permit or a temporary study permit, as the case may be, in a prescribed form.

(7) The Director-General shall, where the Director-General issues a study permit in accordance with subsection (6), endorse, where applicable, the name of the child of the applicant referred to under subsection (3).

(8) A holder of a study permit who intends to study at an educational institution or higher education institution other than the one for which the study permit was issued, shall apply to the Director-General for variation of the educational institution or higher education institution in a prescribed manner and form on payment of a prescribed fee.

(9) An educational institution or higher education institution shall, where a holder of a study permit is expelled from an educational institution or higher education institution, notify the Director-General, in writing.

(10) The Director-General shall on receipt of the notification under subsection (9), cancel the study permit.

**22.** (1) A foreigner who is a citizen of a member state of a regional grouping to which the Republic is a party or who is a citizen of country which borders with the Republic, who intends to enter the Republic, for the purposes of cross-border trading, may apply to the Director-General for a cross-border permit in a prescribed manner and form on payment of a prescribed fee.

Cross-border  
permit

(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where an applicant satisfies the prescribed requirements, issue the applicant with a cross-border permit in a prescribed form.

(5) A cross-border permit issued under this Act shall be valid for a period of six months and may on application by the holder, be renewed for a further and final period of six months.

**23.** (1) The Director-General may issue an asylum seeker's permit in a prescribed manner and form to a foreigner seeking refuge or asylum in the Republic in accordance with the Refugees Act.

Asylum  
seeker's  
permit  
Cap.120

(2) Despite the provisions of any other written law, a holder of an asylum seeker's permit shall, where the holder of the permit does not report to the Commissioner for Refugees or a refugee settlement in accordance with the Refugees Act, within thirty days of the issue of the permit, become an illegal immigrant.

Cap.120

(3) Subject to the Refugees Act, a refugee commits an offence if the refugee is found in a place other than a refugee settlement without—

Cap.120

(a) a movement pass issued in accordance with the Refugees Act; or

Cap.120

(b) an appropriate permit issued under this Act.

Refugee self-employment permit

**24.** (1) A refugee who has established a business in the Republic may apply to the Director-General for a self-employment permit in a prescribed manner and form on payment of a prescribed fee.

(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where the applicant satisfies the prescribed requirements, issue the applicant with a self-employment permit in a prescribed form.

Visiting days or business days

**25.** (1) An immigration officer may, where a person arrives in the Republic as an ordinary visitor or business visitor, issue that person with a prescribed number of visiting days or business days, as the case may be, by endorsing the days in that person's passport.

(2) An ordinary visitor or business visitor referred to under subsection (1) shall leave the Republic on the expiration of the visiting days or business days, as the case may be, unless issued with an appropriate permit.

Visiting permit

**26.** (1) An ordinary visitor referred to under section 25 who intends to continue their visit in the Republic shall, before the expiry of the visiting days issued under that section, apply to the Director-General for a visiting permit in a prescribed manner and form on payment of a prescribed fee.

(2) An applicant referred to in subsection (1) who intends to enter the Republic with a child below the age of seven years shall notify the Director-General in the application for inclusion of that child on the visiting permit.

(3) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(4) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(5) The Director-General shall, where the applicant satisfies the prescribed requirements, issue the applicant with a visiting permit in a prescribed form.

(6) The Director-General shall, where the Director-General issues a visiting permit in accordance with subsection (5), endorse, where applicable, the name of the child of the applicant referred to under subsection (2).

**27.** (1) A business visitor referred to under section 25 who intends to conduct business in the Republic for a period not exceeding six months may apply to the Director-General for a business permit in a prescribed manner and form on payment of a prescribed fee.

Business  
permit

(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where the applicant satisfies the prescribed requirements, issue the applicant with a business permit in a prescribed form.

(5) A business permit issued under this Act shall be valid for a period of three months and may on application by the holder, be renewed for a further and final period of three months.

**28.** (1) An employer of a business visitor who exhausts the business days issued in accordance with section 25 shall, where the business visitor intends to remain in the Republic for a period not exceeding six months for purposes of employment, apply to the Director-General for a temporary employment permit in a prescribed manner and form on payment of a prescribed fee.

Temporary  
employment  
permit

(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where the applicant satisfies the prescribed requirements, issue the applicant with a business employment permit in a prescribed form.

(5) A temporary employment permit issued under this Act shall be valid for a period of three months and may on application by the holder, be renewed for a further and final period of three months.

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Transit permit	<p><b>29.</b> (1) A foreign commercial driver driving a foreign registered vehicle in transit, who exhausts the business days issued to the driver in accordance with section 25 before the end of the year, shall apply to the Director-General for a transit permit in a prescribed manner and form on payment of a prescribed fee.</p> <p>(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.</p> <p>(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.</p> <p>(4) The Director-General shall, where the applicant satisfies the prescribed requirements, issue the applicant with a transit permit in a prescribed form.</p> <p>(5) A transit permit issued under this section shall be valid for a period of one year.</p>
Transit days	<p><b>30.</b> An immigration officer may, issue a prescribed number of transit days to a foreigner in transit who arrives in the Republic at a port of entry by endorsing the days in that person's passport or travel document.</p>
Border pass	<p><b>31.</b> An immigration officer may, in a prescribed manner and form and on payment of a prescribed fee, issue a border pass to a citizen who resides at a border area for the purpose of visiting a neighbouring country.</p>
Seasonal employment permit	<p><b>32.</b> (1) A citizen of a neighbouring country who intends to work in the Republic in the agricultural sector for a period not exceeding six months shall apply to the Director-General for a seasonal employment permit in a prescribed manner and form on payment of a prescribed fee.</p> <p>(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.</p> <p>(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.</p> <p>(4) The Director-General shall, where the applicant satisfies the prescribed requirements, issue the applicant with a seasonal employment permit in a prescribed form.</p>

(5) A seasonal employment permit issued under this section shall be valid for a period of six months.

**33.** (1) A prohibited immigrant, illegal immigrant or any other person who does not hold any permit issued under this Act may, with the prior approval of the Director-General, apply to the Director-General for a temporary permit in a prescribed manner and form on payment of a prescribed fee.

Temporary  
permit

(2) An application referred to in subsection (1) shall be accompanied by a prescribed sum of money as deposit for the purpose of securing the applicant's compliance with the conditions specified in the permit.

(3) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(4) The Director-General shall, where the Director-General rejects an application, inform the applicant in a prescribed form, stating the reasons for the rejection.

(5) The Director-General shall, where the applicant satisfies the prescribed requirements, issue the applicant with a temporary permit in a prescribed form.

(6) A deposit referred to under subsection (2), shall where the persons referred to under subsection (1) fail to comply with the conditions of a temporary permit, be used for purposes of deporting or removing that person from the Republic or be forfeited to the State.

**34.** A holder of a permit issued under this Act may at any time during the validity of the permit apply to the Director-General for a variation of the terms and conditions of a permit or particulars relating to the permit in a prescribed manner and form and on payment of a prescribed fee.

Variation of  
permit

**35.** A permit issued under this Act for which a validity period is not provided for under this Act, shall be valid for a period set out in the permit.

Validity of  
permits

**36.** (1) A holder of a permit issued under this Act shall not engage in—

Prohibition  
from engaging  
in activity  
not specified  
on permit

(a) any activity, business, trade, employment, profession, study or any other thing not specified on the permit; and

(b) an activity under paragraph (a) in an area that is not specified in the permit, without the prior approval of the Director-General.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than sixty thousand penalty units but not exceeding two hundred thousand penalty units or to imprisonment to a term not exceeding two years, or to both.

Renewal of permit

**37.** (1) A holder of a permit issued under this Act who intends to renew that permit may, within thirty days before the expiry of the permit, apply to the Director-General for renewal of the permit in a prescribed manner and form on payment of a prescribed fee.

(2) The Director-General shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where the applicant satisfies the requirements under this Act, issue the applicant with a renewed permit in a prescribed form.

(5) This section does not apply to a residence permit.

Duplicate permit

**38.** (1) A holder of a permit whose permit is lost, destroyed or defaced shall, apply to the Director-General for a duplicate permit in a prescribed manner and form on payment of a prescribed fee.

(2) The Director-General may, within fourteen days of receipt of an application under subsection (1), issue the applicant with a duplicate permit.

Revocation of permit

**39.** (1) Subject to the other provisions of this Act and any other written law, the Director-General may revoke a permit if the holder—

(a) contravenes a provision of this Act;

(b) obtained the permit through fraud, misrepresentation or concealment of a material fact;

(c) has failed to comply with a term and condition of a permit;

(d) has become or is likely to become a charge on the Republic in consequence of failure to support oneself and that person's dependants; or

(e) is likely to be a danger to peace and good order in the Republic.

(2) The Director-General shall before revoking a permit in accordance with subsection (1), notify the holder of the permit in a prescribed form, of the Director-General's intention to revoke the permit and shall—

(a) give reasons for the intended revocation; and

(b) require the holder of the permit to show cause, within a period of not more than seventy-two hours, why the permit should not be revoked.

(3) The Director-General shall not revoke a permit under this section if the holder shows cause to the satisfaction of the Director-General within the period referred to in subsection (2)(b) why the permit should not be revoked.

(4) The Director-General shall in a prescribed form revoke the permit if the holder, having been notified in accordance with subsection (2), does not show cause within the period referred to in subsection (2)(b) to the satisfaction of the Director-General why the permit should not be revoked.

(5) A holder of a permit that is revoked shall within seventy-two hours of being notified of the revocation, surrender the permit to the Director-General.

(6) A person who contravenes subsection (5) commits an offence.

(7) A permit, other than a temporary permit, issued under this Act shall cease to be valid, where a foreigner becomes an illegal immigrant or prohibited immigrant.

PART V

REGISTRATION OF IMMIGRATION CONSULTANTS

**40.** (1) Subject to section 41, a person, other than a legal practitioner, shall not offer immigration consultancy services, unless that person is registered as an immigration consultant under this Act.

Prohibition of offering immigration consultant services without registration

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine of not less than sixty thousand penalty units but not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Invitation to offer immigration consultancy services

**41.** (1) The Department may, at times that the Department may determine, invite applications from persons who intend to offer immigration consultancy services in the Republic.

(2) The invitation referred to under subsection (1) shall be by way of a notice published in a newspaper of general circulation in the Republic and any other electronic media that the Director-General may determine.

(3) A person is eligible to apply as an immigration consultant if that person—

(a) is a citizen;

(b) is not an employee of the Department; and

(c) meets any other requirements as may be prescribed.

Application for registration as immigration consultant

**42.** (1) Subject to section 41, a person who intends to be registered as an immigration consultant shall apply to the Director-General for registration in a prescribed manner and form on payment of a prescribed fee.

(2) The Director-General shall, within sixty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall before approving an application under subsection (2), invite the applicant—

(a) to take an aptitude test; and

(b) where the applicant passes the aptitude test under paragraph (a), to take an interview.

(4) Subsection (3) shall not apply where the applicant is a former immigration officer.

(5) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(6) The Director-General shall, approve an application under subsection (2), and issue the applicant with a certificate of registration in a prescribed form, where, in the case of an—

(a) applicant referred to under subsection (3), the applicant passes the aptitude test and interview referred to under that section and meets the requirements under section 41(3); or

(b) applicant who is a former immigration officer, the applicant meets the requirements under section 41(3).

**43.** A certificate of registration issued under this Part shall be valid for a period of one year.

Validity of certificate of registration

**44.** (1) A holder of a certificate of registration who intends to renew the certificate of registration may, within thirty days before the expiry of the certificate of registration, apply to the Director-General for renewal of the certificate of registration in a prescribed manner and form on payment of a prescribed fee.

Renewal of certificate of registration

(2) The Director-General shall, within sixty days of receipt of an application under subsection (1), approve or reject the application.

(3) The Director-General shall, where the Director-General rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(4) The Director-General shall, where the Director-General approves the application, renew the applicant's certificate of registration.

**45.** A holder of a certificate of registration may, at any time, during the validity of the certificate of registration apply to the Director-General for variation of the particulars relating to the certificate of registration in a prescribed manner and form on payment of a prescribed fee.

Variation of particulars on certificate of registration

**46.** (1) A person whose certificate of registration is lost, destroyed or defaced shall apply to the Director-General for a duplicate certificate of registration in a prescribed manner and form on payment of a prescribed fee.

Duplicate certificate of registration

(2) The Director-General may, on receipt of an application under subsection (1), issue the applicant with a duplicate certificate of registration.

Suspension  
or  
cancellation  
of certificate  
of registration

47. (1) Subject to the other provisions of this Act, the Director-General may suspend or cancel a certificate of registration if the holder—

- (a) does not comply with the terms and conditions of the certificate of registration;
- (b) obtained the certificate of registration through fraud, misrepresentation or concealment of a material fact;
- (c) is convicted of an offence involving fraud, dishonesty or forgery under this Act; or
- (d) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(2) The Director-General shall, before suspending or cancelling a certificate of registration in accordance with subsection (1), notify the holder of the certificate of registration in a prescribed form of the Director-General's intention to suspend or cancel the certificate of registration and shall—

- (a) give reasons for the intended suspension or cancellation; and
- (b) require the holder of the certificate of registration to show cause, within a period of not more than fourteen days, why the certificate of registration should not be suspended or cancelled.

(3) The Director-General shall not suspend or cancel a certificate of registration under this section if the holder takes remedial measures to the satisfaction of the Director-General within the period referred to in subsection (2)(b).

(4) The Director-General shall in a prescribed form suspend or cancel a certificate of registration if the holder, having been notified in accordance with subsection (2), does not—

- (a) show cause to the satisfaction of the Director-General why the certificate of registration should not be suspended or cancelled; or
- (b) take remedial measures to the satisfaction of the Director-General within the period specified in subsection (2)(b).

(5) A holder of a certificate of registration that is cancelled shall, within fourteen days of being notified of the cancellation, surrender the certificate of registration to the Director-General.

(6) A person who contravenes subsection (5) commits an offence and is liable, on conviction, to a fine of not less than sixty thousand penalty units but not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

48. (1) The Department shall keep and maintain a register of registered immigration consultants which shall contain information as may be prescribed.

Register of  
immigration  
consultants

(2) The register shall be kept at the offices of the Department and shall be open for inspection by members of the public during normal office hours on payment of a fee that the Director-General may determine.

(3) The Director-General may, on an application by a person, issue to the person a certified extract from the register or a copy of a certificate of registration issued in accordance with this Act on payment of a fee that the Director-General may determine.

(4) Subject to this Act, a copy of the last printed register shall be *prima facie* evidence in legal proceedings of what is contained in the register.

## PART VI

### PROHIBITED IMMIGRANTS, ILLEGAL IMMIGRANTS AND FOREIGNERS WHO ARE LIKELY TO BE A DANGER TO PEACE IN THE REPUBLIC

49. (1) Subject to section 33, a prohibited immigrant and an illegal immigrant shall not qualify for a visa or a permit issued under this Act or be admitted into the Republic.

Prohibition of  
prohibited  
immigrant  
and illegal  
immigrant  
from entry  
into Republic

(2) Despite subsection (1), the—

(a) Minister may, in a prescribed manner, exempt a prohibited immigrant from the provisions of subsection (1); or

(b) Director-General may, exempt an illegal immigrant from the provisions of subsection (1), where the Director-General is satisfied that the ground of classification for an illegal immigrant no longer exists, as prescribed.

(3) The Director-General shall, where a prohibited immigrant or illegal immigrant enters the Republic in contravention of subsection (1), arrest without warrant, and detain that prohibited immigrant or illegal immigrant and in the case of—

- (a) a prohibited immigrant, deport that prohibited immigrant from the Republic in accordance with this Act: or
- (b) an illegal immigrant, remove that illegal immigrant from the Republic in accordance with this Act, subject to section 52.

(4) Despite subsection 3(b), an illegal immigrant shall be removed where the illegal immigrant—

- (a) having been required to leave the Republic, fails to do so within the specified period; or
- (b) fails to comply with any term and condition specified in a temporary permit issued to that illegal immigrant.

(5) Despite subsection (3), the Director-General shall not deport a prohibited immigrant or remove an illegal immigrant from the Republic where the prohibited immigrant or illegal immigrant has a pending case before the court until the case is determined by the court.

(6) Subsection (5) shall not apply to a prohibited immigrant who is a threat to national security or public order.

(7) A prohibited immigrant or an illegal immigrant detained in accordance with subsection (3) shall not be held in detention for a period exceeding—

- (a) thirty days without a warrant of a court; and
- (b) ninety days with a warrant of a court.

(8) A prohibited immigrant or an illegal immigrant who returns to the Republic in contravention of this section, commits an offence and is liable, on conviction, in the case of—

- (a) a prohibited immigrant, to imprisonment for a term not exceeding three years; and
- (b) an illegal immigrant—
  - (i) for a first offence, to a fine of not less than twenty thousand penalty units but not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both; or
  - (ii) for a second or subsequent offence, to a fine of not less than six thousand penalty units but not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

**50.** (1) The Director-General shall, where the Director-General has reasonable grounds to believe that a person is a prohibited immigrant or illegal immigrant, detain that person for a period not exceeding fourteen days.

Detention of suspected prohibited immigrant or illegal immigrant

(2) The detention referred to under subsection (1) shall be made on the authority of a prescribed detention warrant issued by the Director-General.

**51.** (1) The Minister may, in consultation with the Director-General, in writing, issue a deportation order, in a prescribed form, for the purposes of deportation of a prohibited immigrant from the Republic.

Deportation of prohibited immigrant

(2) A prohibited immigrant may prior to deportation in accordance with the order referred to under subsection (1), be detained in a prison or correctional centre, immigration holdin facility or in police custody until that prohibited immigrant is deported from the Republic.

(3) A prohibited immigrant to whom a deportation under subsection (1) relates, shall be deported to a country—

(a) of origin of that prohibited immigrant; or

(b) to which that prohibited immigrant consents to be deported and where a competent authority in that country consents to receive the prohibited immigrant.

(4) The Minister may, in consultation with the Director-General, vary or revoke a deportation order made under subsection (1).

(5) A deportation order made under this section shall remain valid unless revoked in accordance with subsection (4).

(6) The Minister may, where the prohibited immigrant is convicted to a custodial sentence under this Act or any other written law, deport that person before the expiration of the sentence and the sentence shall terminate at the time of deportation, except where the prohibited immigrant is a person to whom section 33 of the Penal Code Act applies, in which case the Transfer of Convicted Persons Act, shall apply.

Cap. 87  
Cap. 100

(7) A prohibited immigrant who is deported from the Republic in accordance with this section may, whilst outside the Republic apply to the Minister for an exemption order in a prescribed manner and form.

**52.** (1) The Minister may, order the deportation of a foreigner from the Republic in a prescribed manner, where an immigration officer has reasonable grounds to believe that the foreigner's presence or conduct in the Republic is likely to be a danger to peace and good order.

Deportation or removal of foreigner from the Republic

Cap. 87

(2) Subject to section 33 of the Penal Code Act, the Minister may, in writing, order the deportation of a foreigner who is convicted to a custodial sentence under this Act or any other written law, at the expiration of the sentence.

(3) Despite subsection (2), the Director-General shall not deport a foreigner from the Republic where the foreigner has a pending case before court until the case is determined by the court.

(4) Subsection (3) shall not apply to a foreigner who is a threat to national security or public order.

(5) An immigration officer may, without warrant, arrest, detain and deport or remove from the Republic a person whom, within seven days of that person appearing before an immigration officer in accordance with the Act, the immigration officer reasonably believes to be a prohibited immigrant and who is not a holder of a valid temporary permit.

(6) An immigration officer may, for the purposes of establishing whether a foreigner is liable to be deported or removed from the Republic under this section—

- (a) ascertain the foreigner's identity, citizenship or country of origin;
- (b) require the foreigner to answer, in writing or orally, any questions that the immigration officer may put to the foreigner; and
- (c) require the foreigner to produce a passport or travel document and any other relevant documents in that foreigner's possession.

(8) An immigration officer shall, before deporting or removing a foreigner in accordance with subsection (5), take or cause to be taken in the immigration officer's presence, the biometrics and any other measurements of the foreigner.

Notice to  
leave  
Republic

**53.** (1) An immigration officer shall, with the approval of the Director-General, by notice served in person, require an illegal immigrant who is subject to removal under section 52 or a foreigner whose presence or conduct in the Republic is likely to be a danger to peace, to leave the Republic.

(2) A notice referred to under subsection (1) shall state the—

- (a) period within a person referred to under subsection (1) is required to leave the Republic;
- (b) route a person referred to under subsection (1) is required to use in leaving the Republic; and
- (c) class set out in the Third Schedule to which the person belongs.

(3) An illegal immigrant or a foreigner whose presence or conduct in the Republic is likely to be a danger to national security, peace and good order, who is required to leave the Republic in accordance with subsection (1), shall leave the Republic within the period specified in the notice.

(4) The Director-General may, if a person on whom a notice is required to be served in person cannot be found, publish the notice in the *Gazette*.

(5) A notice published in the *Gazette* in accordance with subsection (4) shall be deemed to have been duly and properly served on the date following the day of the publication.

(6) A person who contravenes subsection (3), commits an offence and is liable, on conviction, to a fine of not less than sixty thousand penalty units but exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

**54.** (1) The officer-in-charge of a prison or correctional centre shall, where an order is made for the detention, deportation, removal of a prohibited immigrant or illegal immigrant, or release of a detained prohibited immigrant or illegal immigrant from a prison or correctional centre, in a prescribed manner and form, hand over the prohibited immigrant or illegal immigrant to an immigration officer.

Order of  
detention,  
deportation,  
removal or  
release from  
prison or  
correctional  
centre

(2) An immigration officer shall, before the deportation or removal of a prohibited immigrant or illegal immigrant, take or cause to be taken in the immigration officer's presence, the biometrics and any other measurements of a prohibited immigrant or illegal immigrant.

**55.** For purposes of this Part, "removal" means the removal of an illegal immigrant, by an immigration officer, from the Republic, on the order of the Director-General but does not include deportation and "remove" shall be construed accordingly.

Interpretation

PART VII

OBLIGATIONS RELATING TO EMPLOYERS, EDUCATION INSTITUTIONS,  
HIGHER EDUCATION INSTITUTIONS AND ACCOMMODATION  
ESTABLISHMENTS

Obligations  
of employer

56. (1) A person shall not employ—

- (a) an illegal immigrant or a prohibited immigrant;
- (b) a foreigner whose status does not authorise that foreigner to be employed in the Republic; or
- (c) a foreigner, on terms and conditions that are inconsistent with the foreigner’s permit.

(2) An employer of a foreigner shall report to the Director-General—

- (a) the termination of a contract of employment of the foreigner within thirty days of the termination; and
- (b) the foreigner’s failure to comply with the terms and conditions of the permit within thirty days of such failure.

(3) An employer shall, where a contract of employment of a holder of an employment permit is terminated, be responsible for the repatriation of the former foreign employee and any other costs associated with the repatriation of that former foreign employee.

(4) An employer who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine of not less than sixty thousand penalty units but not exceeding two hundred thousand penalty units.

Obligations  
of  
educational  
institution  
and higher  
education  
institution

57. (1) An educational institution or higher education institution shall not provide training to—

- (a) an illegal immigrant or prohibited immigrant;
- (b) a foreigner whose status does not authorise the foreigner to receive training from that educational institution or higher education institution; or
- (c) a foreigner in a manner that is inconsistent with the terms and conditions of the foreigner’s permit.

(2) An educational institution or higher education institution which contravenes subsection (1), commits an offence and is liable, on conviction, to a fine of not less than sixty thousand penalty units but not exceeding five hundred thousand penalty units.

**58.** (1) A person who operates an accommodation establishment shall, for the purposes of identifying the status of customers, keep a record of customers which contains the status of each customer.

Obligations of operator of accommodation establishment

(2) A person referred to under subsection (1) shall, on request by an immigration officer, submit a copy of the record of customers to an immigration officer.

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine of not less than sixty thousand penalty units but not exceeding five hundred thousand penalty units.

#### PART VIII ENFORCEMENT

**59.** (1) The Department shall issue an authorised officer with an identification card which shall be *prima facie* evidence of the appointment of the authorised officer.

Authorised officer

(2) An authorised officer shall in performing a function under this Act—

- (a) be in possession of the identification card referred to under subsection (1); and
- (b) show the identification card to any person who requests to see the identification card or is the subject of an inspection or investigation under this Act.

**60.** (1) An authorised officer may, for the purpose of enforcing the provisions of this Act, at any reasonable time, without prior notice and without a warrant—

Powers of authorised officer

- (a) enter, search and inspect any land, building or premises where an authorised officer has reasonable grounds to believe that an offence has been or is likely to be committed under this Act;
- (b) search any person on the land, building or premises where an authorised officer has reasonable grounds to believe that the person has possession of an article, document or record that has a bearing on an inspection or investigation, except that a person shall only be searched by a person of the same sex;
- (c) stop, enter and search any aircraft, train, vehicle, vessel or any other mode of transportation entering, within or leaving the Republic;

- (d) inspect employment records in workplaces where an authorised officer has reasonable grounds to believe that an illegal immigrant or prohibited immigrant is employed at that workplace or that the contract of employment of a foreigner is inconsistent with the terms and conditions of the foreigner's permit;
- (e) inspect an educational institution or a higher education institution where an authorised officer has reasonable grounds to believe that an illegal immigrant or prohibited immigrant is enrolled at the educational institution or higher education institution;
- (f) examine a foreigner's passport, permit or any other document of status issued under this Act;
- (g) demand the production of a permit, certificate of registration, visa, passport or any other travel document;
- (h) take extracts from, or make copies of, a foreigner's passport, travel document, visa or any other document of status issued under this Act that has a bearing on an inspection or investigation;
- (i) inspect, examine or take extracts from, or make copies of a certificate of registration issued under this Act; or
- (j) arrest an illegal immigrant or prohibited immigrant.

(2) An authorised officer shall, where that authorised officer has reasonable grounds to believe that a person has committed or is about to commit an offence under this Act, search, with a warrant, the bank account, share account, expense account or safe deposit of that person.

(3) An authorised officer who removes an article, document, record, book or any other thing from any premises under subsection (1), shall—

- (a) issue a receipt for the article, document, record, book or any other thing to the owner or person in control of the premises; and
- (b) return the article, document, record, book or any other document as soon as practicable after achieving the purpose for which it was removed.

(4) An authorised officer may arrest without a warrant, and detain a person, where the person contravenes a provision of this Act.

(5) An authorised officer shall furnish the Department with a written report and any other information relating to an inspection or investigation.

**61.** (1) An authorised officer may seize movable or immovable property where the authorised officer has reasonable grounds to believe that the movable or immovable property has been, or is likely to, be used in the commission of an offence under this Act.

Seizure of property

(2) An authorised officer shall, where an authorised officer seizes or detains property in accordance with subsection (1), issue the owner of the property or a person in charge of the property with a seizure notice in the prescribed manner and form.

(3) The court may in addition to any other penalty under this Act, make an order of forfeiture of the seized property in accordance with the Forfeiture of Proceeds of Crime Act.

Cap.103

**62.** (1) The Department may, for purposes of enforcing the provisions of this Act, provide an immigration officer and immigration border guard with a firearm.

Power to use firearm

(2) A firearm referred to under subsection (1) shall as far as possible, be used to disable a person—

- (a) escaping or attempting to escape lawful custody;
- (b) who, by force, rescues or attempts to rescue another person from lawful custody; or
- (c) who, by force, prevents or attempts to prevent the lawful arrest of the person or of another person.

(3) Despite subsection (2), an immigration officer or immigration border guard shall not use a firearm unless—

- (a) in the case of subsection (2)(a), the immigration officer or immigration border guard—
  - (i) has reasonable grounds to believe that the immigration officer or immigration border guard cannot prevent the escape or attempted escape of a person from lawful custody; and
  - (ii) gives a warning to the person escaping or attempting to escape from lawful custody that the immigration officer or immigration border

guard is about to use the firearm against that person, and that person does not heed the warning; or

(b) in the case of subsection (2)(b) and (c), the immigration officer or immigration border guard has reasonable grounds to believe that the person or any other person is in danger of grievous bodily harm and that the immigration officer or immigration border guard cannot otherwise effect the arrest or prevent the rescue.

(3) An immigration officer or immigration border guard shall not use a firearm in accordance with this section, where the immigration officer or immigration border guard is in the presence of a superior officer, unless on the order of the superior officer.

PART IX

GENERAL PROVISIONS

Immigration Integrity Committee

**63.** Subject to the provisions of any other written law, the Department shall establish an Immigration Integrity Committee which shall be responsible for preventing, deterring, detecting and exposing any instance of corruption, abuse of power, xenophobia and dereliction of duty by a person employed in the Department.

Designation of immigration holding facility

**64.** (1) The Minister may, by notice in the *Gazette*, designate a building, enclosure or place, or any part of a building enclosure or place, as an immigration holding facility.

(2) An immigration holding facility referred to under subsection (1) shall be under the supervision of an immigration officer.

(3) The management of an immigration holding facility shall be as prescribed.

Notice to appear before immigration officer

**65.** (1) An immigration officer may, for purposes of establishing a person's status under this Act, in a prescribed manner and form, require a person to appear before an immigration officer.

(2) A person who fails to appear before an immigration officer in accordance with subsection (1), commits an offence and is liable, on conviction, to a fine of not less than sixty thousand penalty units but not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Proof of status

**66.** A person shall, in any proceedings under this Act or on request by an immigration officer, bear the burden of proving that person's status under this Act.

- |   |  |
|---|--|
| <p><b>67.</b> In any legal proceedings a record, permit, certificate of registration or notice purporting to have been issued by the Director-General under this Act, shall on production in such proceedings be <i>prima facie</i> evidence of the facts stated therein.</p>   | Evidence   |
| <p><b>68.</b> (1) Subject to the Anti Human Trafficking Act, an immigration officer may, arrest without a warrant and detain a person suspected to be involved in the trafficking or smuggling of persons and cause that person to be prosecuted by an appropriate authority.</p> <p>(2) The detention referred to under subsection (1) shall be made on the authority of a prescribed detention warrant issued by the Director-General.</p> <p>(3) The Anti-Human Trafficking Act shall apply to foreigners who are victims of human trafficking.</p>  | Trafficking and smuggling in persons<br>Cap.131                              |
| <p><b>69.</b> (1) A person shall not aid, abet, assist, enable or in any manner help a—</p> <p style="padding-left: 40px;">(a) prohibited immigrant or an illegal immigrant; or</p> <p style="padding-left: 40px;">(b) foreigner in respect of any matter, conduct or transaction which violates the foreigner’s status.</p> <p>(2) A person aids, abets, assists, enables or helps a foreigner in accordance with subsection (1)(b) if that person—</p> <p style="padding-left: 40px;">(a) issues the foreigner, or obtains on the foreigner’s behalf, a licence or any other authorisation for the foreigner to conduct a business or carry on a profession or occupation;</p> <p style="padding-left: 40px;">(b) enters into an agreement with the foreigner for the conduct of a business or carry on of a profession or occupation;</p> <p style="padding-left: 40px;">(c) conducts a business or carry on a profession or occupation in cooperation with the foreigner;</p> <p style="padding-left: 40px;">(d) assists, enables or in any manner helps the foreigner to conduct a business or carry on a profession or occupation;</p> <p style="padding-left: 40px;">(e) harbours the foreigner, including providing accommodation services to the foreigner; or</p> | Cap.131<br><br>Aiding and abetting prohibited immigrant or illegal immigrant |

(f) lets, sells or in any manner makes available immovable property in the Republic to the foreigner.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not less than two hundred thousand penalty units but not exceeding five hundred thousand penalty units or to imprisonment for a term of not less than two years but not exceeding five years, or to both.

Immigration  
bond and bail  
Cap. 88

**70.** (1) A person arrested and charged with an offence under this Act, may be admitted to bail in accordance with the Criminal Procedure Code Act.

(2) Despite subsection (1), a foreigner who unlawfully returns to the Republic after being deported from the Republic, shall not be admitted to bail.

(3) The Director-General shall, where a foreigner is admitted to bail in accordance with subsection (1), issue the foreigner with an appropriate permit pending the hearing and determination of that foreigner's case before a court.

(4) The Director-General may, where a person commits an offence under this Act, release that person on bond issued under the Criminal Procedure Code Act.

Cap. 88

General  
offences

**71.** (1) A person commits an offence if that person—

- (a) fails or refuses to reveal that person's identity, citizenship or country of origin to an authorised officer;
- (b) fails or refuses to answer questions put to that person by an authorised officer;
- (c) conceals information from an authorised officer;
- (d) remains in the Republic without authorisation issued under this Act;
- (e) remains in the Republic after the expiry of days issued under this Act or the expiry or revocation of that person's permit;
- (f) wilfully gives an authorised officer false or misleading information in answer to an inquiry made by an authorised officer;
- (g) makes a false statement to an authorised officer;
- (h) forges or alters a permit, certificate of registration, travel document, passport, visa or any document issued under this Act;

- (i) is found in possession of a forged immigration stamp or seal, or an endorsement of a forged stamp in that person's passport or travel document;
- (j) attempts to use or uses a passport or travel document, other than the one on which that person's entry was cleared, except where a person has dual citizenship;
- (k) impersonates or holds out oneself as an authorised officer or is in possession of immigration articles without authority;
- (l) obstructs an authorised officer in the performance of the functions of the authorised officer under this Act;
- (m) is found in possession of more than one passport or travel document, except where a person has dual citizenship;
- (n) engages in employment, trade, work, business, study or any other occupation without a permit; or
- (o) assists or facilitates a foreigner to enter or remain in the Republic in contravention of this Act.

(2) A person convicted of an offence under subsection (1), is liable to a fine of not less than sixty thousand penalty units but not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

**72.** A person who commits an offence under this Act, for which a penalty is not specified is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

General  
penalty

**73.** Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner, that director, manager, shareholder or partner of the body corporate or unincorporate body commits an offence and is liable, on conviction, to the penalty specified for that offence.

Offence by  
principal  
officer,  
shareholder  
or partner of  
body  
corporate or  
unincorporate  
body

**74.** (1) An immigration officer may, where a person commits an offence or admits to the commission of an offence under this Act for which the penalty does not exceed two hundred thousand penalty units, summarily demand the payment of a fine of not less than sixty thousand penalty units but not exceeding one hundred thousand penalty units.

Summary  
imposition of  
penalty

(2) The admission of an offence under subsection (1) shall be in a prescribed form.

(3) An immigration officer shall, where an immigration officer demands the payment of a fine in accordance with subsection (1), inform the person against whom the demand is made of the right to admit or dispute the liability.

(4) A person from whom the payment of a fine has been demanded under subsection (1), may elect to admit liability and pay the fine or dispute the liability.

(5) The payment of a fine under this section shall operate as a bar to any further criminal proceedings against the person making the payment in respect of the offence committed.

## Appeal

**75.** (1) A person aggrieved with a decision of an immigration officer may, within seventy-two hours of receipt of the decision, appeal to the Director-General.

(2) A person aggrieved with a decision of the Director-General may, within seven days of receipt of the decision, appeal to the Minister.

(3) The Minister shall, within thirty days of receipt of an appeal under subsection (2), determine the appeal and inform the appellant, in writing, of the decision.

(4) A person aggrieved with a decision of the Minister may, within seventy-two hours of receipt of the decision, appeal to the High Court.

(5) Subsection (4) shall not apply to a deportation order.

## Guidelines

**76.** (1) The Department may issue guidelines that are necessary for the better carrying out of the provisions of this Act.

(2) The Department shall publish the guidelines issued under this Act in a daily newspaper of general circulation in the Republic and in the *Gazette*, and the guidelines shall take effect on the date of publication.

(3) The guidelines issued by the Department under this Act shall bind the persons regulated under this Act.

## Regulations

**77.** (1) The Minister may, on the recommendation of the Department, by Statutory Instrument, make regulations for the better carrying out of the provisions of this Act.

(2) Despite the generality of subsection (1), regulations made under subsection (1) may provide for—

- (a) the manner and form for applications and the fees payable;
- (b) forms of notices, declarations, orders, visas, permits, certificate of registration and other documents of status issued under this Act;
- (c) conditions of permits, certificate of registration and other documents of status issued under this Act;
- (d) particulars to be entered on a register of immigration consultants;
- (e) the code of ethics for immigration consultants;
- (f) requirements to be met for the issuance of permits and any other document under this Act;
- (g) requirements for release on immigration bonds;
- (h) the conditions on which illegal immigrants or prohibited immigrants may be authorised to transit through the Republic while being conveyed to a place outside the Republic;
- (i) the places at which immigration controls shall be situated and the hours during which the controls shall operate;
- (j) the manner of referring vulnerable migrants to relevant institutions; and
- (k) management of armory and fire arms.

**78.** (1) The Immigration and Deportation Act is repealed.

(2) Despite subsection (1), the Fourth Schedule applies to savings and transitional provisions.

Repeal of  
Cap.123 and  
savings and  
transitional  
provisions

FIRST SCHEDULE

(Section 15(1))

CLASSES OF PERSONS WHO MAY BE ISSUED WITH RESIDENCE  
PERMITS

**Class A**

A foreigner who intends for gain to engage in trade, business, profession, employment or other occupation—

- (a) for which the foreigner is qualified by virtue of the foreigner's academic or professional qualifications or skill;
- (b) in which the number of persons in the Republic who are engaged or available for the activity are not sufficient to meet the requirements of the inhabitants of the Republic; or
- (c) which is likely to be of benefit to the inhabitants of the Republic.

**Class B**

A foreigner—

- (a) who has sufficient financial resources in the foreigner's own right and at the foreigner's disposition for use in the Republic; or
- (b) whose presence in the Republic is likely to be of benefit to the inhabitants of the Republic.

SECOND SCHEDULE

(Section 2)

CLASSES OF PROHIBITED IMMIGRANTS

**Class A**

A foreigner who under any written law, has been—

- (a) deported from the Republic;
- (b) required to leave the Republic; or
- (c) prohibited from entering into or remaining within the Republic.

**Class B**

A foreigner who is reasonably suspected of—

- (a) human trafficking;
- (b) smuggling of persons;
- (c) drug trafficking; or
- (d) being addicted to any drugs.

**Class C**

A foreigner—

- (a) who engaged, or is reasonably suspected of engaging, in activities prejudicial to the integrity or sovereignty of the Republic or of a foreign country;
- (b) against whom there are reasonable grounds for believing is likely to engage in a subversive activity of a kind directed against the Republic or detrimental to the security of the Republic or foreign country;
- (c) who is declared a suspected international terrorist under the Anti- Terrorism and Non-Proliferation Act,  
or
- (d) whose presence in the Republic is likely to be prejudicial to the interests of defence, public safety, public order, public morality or public health.

Cap. 128

**Class D**

A foreigner who—

- (a) before entering the Republic, was convicted of an offence and sentenced to a term of imprisonment outside the Republic; and
- (b) is convicted of an offence and sentenced to a term of imprisonment in the Republic.

THIRD SCHEDULE  
(Sections 2 and 53(2)(c))

CLASSES OF ILLEGAL IMMIGRANTS

**Class A**

A foreigner who fails to appear before an immigration officer on entering the Republic or departing from the Republic as required under sections 10 and 12.

**Class B**

A foreigner who—

- (a) has an invalid permit or whose permit has been revoked;
- (b) remain in the Republic with an invalid permit;
- (c) makes a false representation or conceals information from an immigration officer which is relevant to that person's entry into or presence within the Republic; or
- (d) contravenes a provision of this Act or any other written law.

**Class C**

A foreigner whose passport has expired.

**Class D**

A foreigner who goes beyond a prescribed border area in the Republic using a border pass.

**Class E**

A foreigner who—

- (a) is or is likely to become a charge on the State;
- (b) is identified as an undesirable person by the Minister or by the Minister after consultation with the Director-General;
- (c) has been judicially declared incompetent;
- (d) is an insolvent;
- (e) is a fugitive from justice; or
- (f) has been convicted of an offence in the Republic with the option of a fine.

**Class F**

A foreigner who is infected with or is a carrier of a prescribed disease and who is capable or likely to become capable of infecting or transmitting that disease to any other person.

**Class G**

A foreigner who—

- (a) engages in prostitution;
- (b) lives on the earnings of prostitutes; or
- (c) is reasonably suspected as coming to the Republic for prostitution or any other immoral purposes.

## FOURTH SCHEDULE

## (Section 78(2))

## SAVINGS AND TRANSITIONAL PROVISIONS

1. In this Schedule “former Department” means the Immigration Department established under the repealed Act. Interpretation  
Cap.123
2. (1) A person who, before the commencement of this Act, was an employee of the former Department, shall continue to be an employee of the Department, as if employed under this Act. Staff of  
department
- (2) The Department of the persons referred to in subparagraph (1) shall be treated as continuous Department.
- (3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the former Department before the commencement of this Act.
3. (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against the Department by virtue of this Act and without further assurance, all assets, rights and obligations which immediately before the commencement of this Act were the assets, rights, liabilities and obligations of the former Department. Transfer of  
assets and  
liabilities
- (2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel Department, to which the former Department was a party immediately before the commencement of this Act whether or not of such a nature, that right, liabilities and obligations could be assigned, shall, unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this paragraph, have effect as if—
- (a) the Department had been party to it;
- (b) for any reference to the former Department there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Department; or
- (c) for any reference to any employee of the former Department, not being a party to it and beneficially interested, there were substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to such employee of the Department that the Department shall designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the former Department are deemed to be transferred to the Department in respect of which transfer a written law provides for registration, the Department shall make an application in writing to the appropriate registration authority for registration of the transfer.

(4) The registration authority, referred to in subparagraph (3), shall make such entries in the appropriate register as shall give effect to the transfer and, where applicable, issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.

Permits and certificates

4. (1) A permit, certificate of registration or any other document issued under the repealed Act shall continue to be valid until expiry or revocation or cancellation as if the permit or certificate of registration was issued under this Act.

(2) An application for a permit or certificate of registration pending under the repealed Act, shall, on commencement of this Act, be issued in accordance with this Act.

Legal proceedings

5. (1) Any legal proceedings or applications of the former Department pending in court immediately before the commencement of this Act by or against the former Department may be continued by or against the Department.

(2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the former Department, may be instituted by or against the Department.

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