

REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON NATIONAL SECURITY AND FOREIGN AFFAIRS

ON THE

IMMIGRATION CONTROL BILL, N.A.B NO. 18 OF 2025

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

Published by the National Assembly of Zambia


FOREWORD

Honourable Madam Speaker, the Committee on National Security and Foreign Affairs has the honour to present its Report on the Immigration Control Bill, N.A.B No. 18 of 2025, for the Fifth Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Order 206(k) and 207(j) of the National Assembly of Zambia, Standing Orders, 2024.

The Committee held nine meetings to consider submissions from stakeholders. In order to acquaint itself with the ramifications of the Bill, the Committee sought both written and oral submissions from various stakeholders. The list of stakeholders is at Appendix II of the Report.

The Report is organised in three parts. Part I provides a background and summary of the provisions of the Bill. Part II presents the summary of submissions from stakeholders, while Part III highlights the Committee's observations and recommendations.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It further wishes to thank you, Madam Speaker, for affording it an opportunity to study and consider the Immigration Control Bill, N.A.B. No. 18 of 2025. The Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly during its deliberations.


Brig Gen Morgan Sitwala, DFS, Psc, MP (Rtd)
CHAIRPERSON

December, 2025
LUSAKA

LIST OF ACRONYMS

ZDA Zambia Development Agency
ZRA Zambia Revenue Authority

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1.0 COMPOSITION OF THE COMMITTEE

Brig General Morgan Sitwala, DFS, Psc, MP (Rtd) (Chairperson); Ms Sibongile Mwamba, MP (Vice Chairperson); Ms Chrizoster Halwiindi Phiri, MP; Mr Christopher Chibuye, MP; Mr Mubika Mubika, MP; Mr Derricky Chilundika, MP; Mr Yotam Mtayachalo, MP; Mr Cliff Mpundu, MP; Mr John Lusale Simbao, MP; and Mr Philimon Twasa, MP.

2.0 BACKGROUND

The Immigration Department, operating under the Ministry of Home Affairs and Internal Security has been a cornerstone of Zambia's national security and migration management since its establishment in 1965. With a strategic presence at forty-nine ports of entry and fifty-five internal controls, the Department facilitates and regulates the movement of persons entering and leaving the country, and controls the stay of immigrants and visitors in order to contribute to the maintenance of internal security and sustainable social-economic development. Additionally, its representation in fourteen Zambian missions abroad, strengthens international cooperation and streamlines consular services for citizens and foreign nationals alike.

Therefore, the Immigration Control Bill, N.A.B No. 18 of 2025, seeks to repeal and replace the *Immigration and Deportation Act, No. 18 of 2010*, which is deemed inadequate to handle modern migration challenges and trends in migration, thereby helping to combat illegal migration and transnational organised crimes. The dynamic nature of migration has also birthed a number of challenges, which include, among others, mixed migration flows, long porous border lines, human trafficking and smuggling. In addition, the Act does not provide for the appointment of immigration border guards, who are essential for enhancing border management and security. The Bill, therefore, seeks to regulate migration, combat illegal migration, enhance border management and security, as well as comply with regional and international best practices in migration. Further, the need for a new law is guided by the National Migration Policy launched in 2022, which emphasises mainstreaming migration into national development plans and improving coherent migration management.

The Bill, therefore, once enacted, will enhance border management and security, effective regulation of migration and combating of illegal migration through the introduction of robust enforcement mechanisms, which will invariably contribute to national security and development.

3.0 OBJECTS OF THE BILL

The objects of the Bill are to:

- (a) continue the existence of the Immigration Department and redefine its functions;
- (b) provide for the appointment of immigration border guards and provide for their functions;
- (c) regulate the entry of persons into, and departure of persons from the Republic;
- (d) regulate the remaining of immigrants within the Republic;
- (e) repeal and replace the *Immigration and Deportation Act, No. 18 of 2010*; and
- (f) provide for matters connected with, or incidental to, the foregoing.

4.0 SALIENT PROVISIONS OF THE BILL

The salient provisions of the Bill are set out hereunder.

PART I

Clauses 1 to 2 – Preliminary Provisions

Part I of the Bill provides for the citation of the Act once enacted, when operationalisation of the Act will commence and, interpretation of technical words used in the Bill to make the law easier to understand and apply.

PART II

Clauses 3 to 7 –The Immigration Department

Part II of the Bill provides for the continuation of the Immigration Department, its functions, sets out the appointment process, qualifications and tenure for the Director-General, Deputy Director-General, other immigration officers and other staff as well as appointments of immigration border guards. It also provides for delegations of functions by the Director-General to the Deputy Director- General or an immigration officer.

PART III

Clauses 8 to 13 – Entry into and Departure from the Republic

Part III provides a legal framework that seeks to regulate the entry into and exit from Zambia. It also provides a transparent visa application process with clear rules for approval and withdrawal. The Bill further seeks to mandate a person who arrives in the Republic and intends to enter at any port of entry to appear before immigration officers on arrival in the Republic. It also seeks to mandate an immigration officer to examine a person appearing in accordance with clause 10 before the immigration officer to ascertain that person's identity. Part III further seeks to regulate departures, and seeks to outline special rules for children, that embed protection against unlawful exit and identity fraud. Additionally, Part III seeks to place responsibilities on carriers such as airlines, ships and vehicles to ensure passenger documentation and compliance, thereby preventing the facilitation of illegal immigration.

PART IV

Clauses 14 to 39–Immigration Permits

Part IV of the Bill seeks to establish a framework for issuing, regulating, renewing, varying and revoking immigration permits for various categories of foreigners in Zambia, including those for residence, employment, study, investors, spouse, dependants, diplomatic, study, cross-border, asylum seekers and refugee self-employment. Other permit provisions are for the number of visiting days or business days, business, temporary employment, transit, border pass, seasonal employment, variation of permits and validity permits. This Part also seeks to provide for renewal and revocation of permits as well as allowing a holder of a permit whose permit is lost, destroyed or defaced to apply to the Director-General for a duplicate permit in a prescribed manner and form on payment of a prescribed fee. It further seeks to set out clear application

procedures, eligibility criterion and timelines to ensure non-citizens engage in activities lawfully and transparently.

PART V

Clauses 40 to 48 –Registration of Immigration Consultants

This Part seeks to provide for the prohibition of offering immigration consultant services without registration in Zambia. This Part seeks to professionalise the industry by ensuring that only qualified and authorised individuals provide immigration related services. It calls for invitation to offer immigration consultancy services and applications for registration as immigration consultants. It further provides guidance on the validity of certificates of registration, renewal and variation of particulars on certificates of registration. The Bill also prohibits unregistered consultants except lawyers from practicing and has provided penalties for violations.

This Part further outlines a transparent process for registration, certification, renewal and record-keeping. It also empowers the Director-General to suspend or revoke registrations for misconduct, with fair procedures for appeals and remedial actions. It further mandates the department to maintain a register of registered immigration consultants, which shall contain information as may be prescribed.

PART VI

Clauses 49 to 55 –Prohibited Immigrants, Illegal Immigrants and Foreigners likely to be a danger to Peace in the Republic

Part VI seeks to establish a legal framework stopping prohibited and illegal immigrants as well as foreigners deemed to be threats to peace and order in Zambia from entry into the Republic. This Part also seeks to empower the Director-General to arrest, detain up to fourteen days under warrant and deport these immigrants with procedures for issuing and suspending deportation orders. It further seeks to provide modalities for the Minister to order deportation of foreigners from the Republic as well as those related to the variation and revocation of deportation orders. The Part also provides for the detention of suspected prohibited immigrants or illegal immigrants.

PARTVII

Clauses 56 to 58 –Obligations Relating to Employers, Education Institutions, Higher Education Institutions and Accommodation Establishment

Part VII seeks to obligate employers, educational institutions and higher education institutions as well as operators of accommodation providers regarding immigration compliance. Employers are prohibited from hiring illegal immigrants or foreigners without proper work authorisation and must ensure employment terms aligns with permit conditions. This Part also mandates employers to report contract terminations or breaches within thirty days and cover repatriation costs for former foreign employees.

This Part further specifies the obligations applied to educational and higher education institutions, prohibiting them from providing training to illegal immigrants or foreigners whose

permits did not authorise study and ensures that they comply strictly with permit conditions. In addition, this Part also requires accommodation establishments to keep records showing the immigration status of their customers and ensure they are able to provide these records to immigration officers upon request. Violations of these provisions carry heavy penalties, including substantial fines. These obligations reduce the risk of illegal employment, prevent tax leakages, and strengthens compliance with both immigration and revenue laws.

PART VIII

Clauses 59 to 62 –Enforcement

This Part seeks to set out the powers and duties of authorised immigration officers, requiring them to carry official identity cards when performing their roles. It also grants them authority to enter and search premises, workplaces, educational institutions and any mode of transportation without prior notice or a warrant when immigration offenses are suspected. Officers are mandated to search individuals, verify passports and permits, demand relevant documents, and arrest illegal immigrants without a warrant. It further seeks to empower immigration officers to seize property and gives the immigration officer and border guards to use firearms within the confines of the law and when need arises.

PART IX

Clauses 63 to 78 –General Provisions

Part IX provides a range of measures aimed at strengthening immigration administration and enforcement by establishing an immigration integrity committee to combat corruption and misconduct and empowers the Minister to designate supervised immigration holding facilities. It requires individuals to appear before immigration officers for status verification, with offenses for non-compliance and places the burden of proof on the individual. It also authorises arrests and detentions of suspected traffickers or smugglers, criminalises aiding illegal immigrants and permit violators. It introduces summary fines, a clear appeal process and provisions for guidelines to ensure effective implementation.

SCHEDULES

The first schedule specifies the classes of persons who may be issued with residence permits. The second schedule provides classes of prohibited immigrants, while the third schedule outlines the classes of illegal immigrants. These provisions seek to guide immigration administration, enforcement actions, and policy formulation, while providing clarity to applicants, officials and the public on who will legally reside in the country. The fourth schedule seeks to provide transitional arrangements from the former Immigration Department to the new Department to be established under the proposed law. Transitional provisions will ensure continuity of operations and reduce administrative gaps that may otherwise affect border control and revenue protection.

5.0 SUMMARY OF SUBMISSIONS FROM STAKEHOLDERS

The stakeholders, in supporting the Bill, submitted that the proposed repeal of Zambia's *Immigration and Deportation Act No. 18 of 2010*, and replacement with the new legislation was meant to modernise immigration laws and practices. They were of the view that the new legislation will promote a human rights-based approach and culture in immigration controls, better harmonise the operations of border control agencies, and improve the overall regulatory framework for immigration in the country. Some of the merits of the Bill are outlined below.

5.1 Immigration Permits

The stakeholders, submitted that Part IV of the Bill, was seeking to provide for the administration of permits and through the Bill, a new regime of permits would be introduced. Specifically, clause 19 would introduce a dependant permit, which would cater for children and spouses of the holders of an investor's permit or employment permit. Clause 24 introduced refugee self-employment permit to cater for refugees who established businesses in Zambia. This permit aims at enabling the refugees to conduct their businesses lawfully and mitigate against the increased number of refugees who come into conflict with the law. Stakeholders noted that these clauses were progressive as they would enable foreigners who owned businesses such as grocery shops to apply for permits.

5.2 Seasonal Employment Permits

Stakeholders submitted that clause 32(1) sought to introduce a seasonal employment permit to cater for citizens of neighbouring countries who intend to work in the agricultural sector for a period not exceeding six months. According to the Bill, applications for a seasonal employment permits must be lodged in a prescribed manner upon payment of a prescribed fee. The need for Seasonal Employment Permits is to cover nationals of other countries that are hired from time to time as seasonal agricultural labour. The existing legislation does not provide for this category of workers. As such, these seasonal workers are regularly arrested and prosecuted for engaging in work without a permit. Stakeholders submitted that the introduction of the seasonal employment permit would address this issue by providing a legal framework, increase the non-tax revenue contribution to the Treasury and ultimately enhance compliance.

5.3 Registration of Immigration Consultants

The stakeholders informed the Committee that Part V of the Bill sought to introduce Immigration Consultants in a bid to address the previously unregulated environment. This state of affairs often led to exploitation or poor service provision. Stakeholders expressed satisfaction that in regulating the mushrooming immigration consultants, the Bill provided categories of individuals who should apply as immigration consultants and the requirements for one to be registered. They submitted that a vetted, qualified system of consultants reduced risks associated with fraudulent permit applications, illegal employment, and misrepresentation of business activity issues that often correlate with tax evasion and illicit trade.

5.4 Duties and Liabilities of Carriers

Stakeholders submitted that to enhance pre-arrival processing and strengthen coordinated border management, clause 13(1) should be amended to require the submission to be done either electronically or manually, using passenger manifest containing the names of all persons on board of any ship, aircraft, train or vehicle, together with any other prescribed information, prior to the arrival of such conveyance. The introduction of that obligation would facilitate real-time data sharing with customs and other relevant Government agencies, and would enhance the Immigration Department's ability to conduct effective risk profiling and undertake timely interventions before passengers arrive.

5.5 Designation of Immigration Holding Facility

Stakeholders submitted that victims of human trafficking and potential witnesses were sometimes kept in the same detention facilities with criminals due to the absence of holding facilities to accommodate them. This practice has for a long time been condemned and considered a violation of human rights as it had the potential of turning witnesses into hostile witnesses and a risk to their personal protection. Therefore, the Bill has addressed this matter through the introduction of holding facilities for migrants in line with best international practices in migration management.

5.6 Asylum Seekers and Refugees

The stakeholders commended the introduction of an asylum seeker's permit, which provides protection against refoulement. Clear safeguards must be established to guide the Director-General's discretion in granting such permits. They supported the introduction of a self-employment permit for refugees which aims at promoting socio-economic integration, reduced vulnerability to exploitation, and recognizes the refugees' potential to contribute to national development. They, however, stated that associated fees should be reasonable given the refugees' limited financial capacity.

5.7 Immigration Integrity Committee

Other stakeholders submitted that the establishment of an integrity committee as an entity to aid in the management of immigration services was a major institutional safeguard intended to combat corruption, xenophobia, abuse of office and misconduct. This provision would enhance public confidence and strengthened administrative accountability.

6.0 CONCERNS RAISED BY STAKEHOLDERS

Most stakeholders who appeared before the Committee were in support of the Bill. In doing so, they raised concerns outlined below.

6.1 Definition of a Child

Stakeholders observed with concern that clause 2 defined a dependant in relation to a child as one below the age of seven. This, in their view, was overly restrictive and failed to consider minors above seven years with disabilities or special needs, children requiring continuous parental care and children who may not qualify for alternative permits such as study permits. They contended that this limitation created a protection gap and may result in unnecessary family separation. Stakeholders were of the view that the definition of the dependant should be expanded to include minors above the age of seven who rely on parental care due to disability, medical conditions, or other verifiable vulnerabilities. Further, the age limit of a dependant should be in line with the international best practice in common law jurisdictions, which generally sets the dependant-child-age limit at eighteen years. This recommendation of increasing to the age of eighteen years at the age of eighteen years is consistent with the Constitution and Children's Code Act.

6.2 Harmonisation of the laws

Some stakeholders observed that clause 4(1)(a) provided that the Immigration Department would control all borders in the Republic in collaboration with other border-control agencies. They also observed that the Bill empowered the Minister of Home Affairs and Internal Security to designate ports of entry, while the *Customs and Excise (Amendment) Act No.19 of 2018*, also assigned this function to the Minister of Finance and National Planning. This conflicted with the Zambia Revenues Authority's statutory role as a lead agency under Section 13 of the

Customs and Excise (Amendment) Act, No 19 of 2018 and Sections 5 and 6 of the *Border Management and Trade Facilitation Act, No.8 of 2025*. Stakeholders recommended that these conflicting provisions be harmonised to ensure clear and consistent designation of ports to maintain coordinated and efficient border operations.

6.3 Emergency Visa Processing

Stakeholders observed with concern, that the Immigration Control Bill lacked a mechanism for visa emergency travels or digital fast-track processing.

6.4 Deportation Orders

Stakeholders observed that clause 75(5) excluded deportation orders from the list of appeals to the High Court, which raised constitutional concerns as it contradicted the right to a fair hearing and administrative review. They, therefore, recommended to delete clause 75(5) so as to restore the right of appeal to ensure that deportation orders were subjected to oversight and that individuals have access to a fair and just process.

6.5 Existence of the Immigration Department

Other stakeholders raised concern at the organ's continued existence as a Department of Immigration under the Ministry of Home Affairs, as it may pose operational challenges when responding to emerging immigration trends. They contended that the Department had undergone exponential growth numerically in its operations. For example, the 2022 new organisational structure resulted in the expansion of the staffing levels from less than 400 officers at inception, to an establishment of over 2400 with 104 stations across the country with its own budgetary Head 23. In addition, the *Immigration and Deportation Act, No. 18 of 2010*, provided for a Director General as head of the institution. According to Government Institutional framework, a Director General cannot head a Department. A department was supposed to be headed by a Director. In that regard, stakeholders were of the view that following the structural adjustments and in order to re-align the department with other security institutions, it was imperative that it be changed from a department to Zambia Immigration Service. The continued existence as a department would lead to ineffective execution of the institution's mandate, which had the potential to erode public confidence in law enforcement agencies and Government institutions.

6.6 Investor Permit

Stakeholders noted, with concern, that clause 15(3)(c) provided for the residence permit based on the investment threshold. They stated that, while promoting investment was commendable, reliance on the Zambia Development Agency (ZDA) certificates may be based on pledges rather than verified capital inflows. Without safeguards, individuals may obtain Residence Permits based on unfulfilled investment promises. In this regard, Stakeholders were of the view that eligibility threshold be tied to verifiable and traceable capital injections or a demonstrable economic activity to ensure that residency was granted based on actual traceable and verifiable investment.

6.7 Use of Word "may" in clauses 16 to 19 and 22, 24, and 27

Some stakeholders expressed concern over the wording of clauses 16 to 19 and clauses 22, 24, and 27. They were of the view that there is need to make it clear that it was a mandatory requirement for a foreigner to apply to the Director-General for all the permits. The wording seemed to suggest that it was optional to apply to the Director-General. They recommended, therefore, that the use of the word "may" should be changed to "shall".

6.8 The Qualifications for Appointment as Director-General

Other stakeholders were of the view that specific qualifications for the appointment of the Director-General should not be stipulated within the principal law. Instead, these details should be contained in the regulations, allowing for necessary adjustments as qualifications change over time. They stated that in line with the established international best practices, qualifications for appointments are typically detailed in subsidiary guidelines developed by the relevant institution, or were simply stated as being "prescribed" elsewhere.

6.9 Revocation of Permits

Stakeholders considered the 72-hour response period to show cause why a permit must not be revoked as unreasonable as it prejudiced permit holders' ability to obtain legal representation and supporting documentation. They were of the view that the notice period to be increased to at least seven days. Similarly, surrender of a revoked permit should occur within seven days to allow time for appeals.

6.10 Administrative Detention of Suspected Prohibited or Illegal Immigrant

Stakeholders submitted that clause 50 vested administrative detention powers of up to fourteen days in the Director-General. They submitted that while administrative detention of suspected prohibited or illegal immigrants was permissible only as a measure of last resort, the principle of habeas corpus required prompt judicial oversight.

7.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

After scrutinising the Immigration Control Bill, and taking into consideration the submissions from various stakeholders, the Committee supports the repeal and replacement of the *Immigration and Deportation Act, No.18 of 2010*. In doing so, the Committee makes the observations and recommendations set out hereunder.

7.1 Definition of a Child

The Committee observes with concern that clause 2 defines a dependant as a child below the age of seven and fails to consider minors who are above seven years, but with disabilities or special needs, children requiring continuous parental care and children who may not qualify for alternative permits such as study permits. This limitation creates a protection gap, which may result in unnecessary family separation.

The Committee, therefore, recommends that the definition of a child should be in line with the international practice in common law jurisdictions, which generally sets the dependant-child age limit at eighteen years, which is consistent with the Constitution and the Children's Code Act.

7.2 Harmonisation of the laws

The Committee observes that clause 4 (1)(a) provides that the Immigration Department shall control all borders in the Republic in collaboration with other border-control agencies. Additionally, the Bill empowers the Minister of Home Affairs and Internal Security to designate ports of entry, while the *Customs and Excise (Amendment) Act No.19 of 2018*, also assigns this function to the Minister of Finance and National Planning. This conflicts with the Zambia Revenues Authority's statutory role as a lead agency under Section 13 of the *Customs and Excise (Amendment) Act, No 19 of 2018* and Sections 5 and 6 of the *Border Management and Trade Facilitation Act, No.8 of 2025*. The Committee recommends that these conflicting provisions should be harmonised to ensure clear and consistent designation of ports, as well as well-coordinated and efficient border management.

7.3 Visa Digital Fast-Track Processing

The Committee observes that the Immigration Control Bill lacks a mechanism for visa emergency travel or digital fast-track processing. The Committee, therefore, recommends that clause 9 should be amended by introducing an urgent electronic visa application with a 48-hour processing limit, which should be supported by a streamlined online platform. It should also provide a controlled visa-on-arrival option for exceptional humanitarian or urgent-business circumstances. The Committee further recommends the retain of the 30-day limit for standard applications and embedded in there should be a clear withdrawal or voiding mechanism.

7.4 Appointments of Director-General, Deputy Director General and Other Officers

The Committee notes with concern that the Bill places immigration appointments of Director-General, Deputy Director General and other officers under the Zambia Police Service Commission clause 5 (2), (4), (5). The Committee agrees with stakeholders who feel that the provision makes the Immigration Department operate as if it is a policing unit rather than a administrative service. This structure is out of step with regional best practices in jurisdictions such as Uganda and Kenya that use autonomous immigration boards to provide independent oversight and professional appointments.

The Committee, therefore, recommends that Zambia should shift immigration appointments away from the Police Service Commission and place it under the Ministry of Home Affairs and Internal Security. The stronger option is to establish an autonomous Immigration Authority or Board, following the Uganda and Kenya model. This will modernise governance, enhance professionalism, improve accountability and avoid confusing immigration administration with policing, while still maintaining effective cooperation with law-enforcement agencies.

The Committee further recommends that the Department should be renamed as the Zambia Immigration Service and more officers should be recruited for it to effectively discharge its functions.

7.6 Investor Permit

The Committee notes with concern that clause 15(3)(c) provides for the issuance of residence permits according to the investment threshold. While promoting investment is commendable, reliance on the Zambia Development Agency (ZDA) certificates may be based on pledges rather than verified capital inflows. The Committee is of the view that without safeguards, individuals may obtain residency based on unfulfilled investment promises. In this regard, the Committee recommends that eligibility threshold should be tied to verifiable and traceable capital injections or a demonstrable economic activity to ensure that residency is granted based on actual traceable and verifiable investment.

7.7 Appointment of Director-General

The Committee notes that specific qualifications for the appointment of the Director-General have been stipulated in clause 5 (2) of the Bill. The Committee recommends that details of the qualifications should be contained in the regulations thereby allowing for necessary adjustments as qualifications change over time. This approach sits well with international best practices, where qualifications for appointees are typically detailed in subsidiary guidelines.

7.8 Use of word “may” in clauses 16 to 19 and clauses 22, 24 and 27

The Committee observes that the use of the word “may” in clauses 16 to 19 and clauses 22, 24, and 27, must be made clear so as to state that it is a mandatory requirement for a foreigner to apply to the Director-General for any such permits. The wording seems to suggest that it is optional to apply to the Director-General. The Committee, therefore, recommends that the use of the word “may” should be replaced with the word “shall” to make it mandatory for a foreigner to apply to the Director-General for any such permits.

7.9 Revocation of Permits

The Committee observes with concern that clause 39 (5) of the Bill provides for a 72-hour response period required for a foreigner to show cause why a permit must not be revoked is unreasonable as it prejudices permit holders' ability to obtain legal representation and supporting documentation. The Committee therefore, strongly recommends that the notice period should be increased to at least seven days. Additionally, surrender of a revoked permit should occur within seven days to allow time for appeals.

7.10 Deportation Orders

The Committee observes that clause 75(5) excludes deportation orders from the list of appeals to the High Court, which raises constitutional concerns as it contradicts the right to a fair hearing and administrative review. The Committee further, notes that the courts have criticised deportation procedures due to ambiguity regarding who receives the deportation order.

The Committee, therefore, recommends to restore the right of appeal to the High Court to ensure that deportation orders are subjected to oversight and that individuals have access to a fair and just process. In addition, the law should explicitly state that the deportation order is issued to the Director-General and specify what document if any must be issued to the deportee. The Committee therefore, recommends that clause 75(5) of the Bill be deleted.

7.11 Administrative Detention

The Committee observes that clause 50 empowers the Director-General to detain suspected illegal immigrants up to fourteen days. While administrative detention of suspected prohibited or illegal immigrants is permissible only as a measure of last resort, the principle of habeas corpus requires prompt judicial oversight. The Committee, therefore, recommends that suspected prohibited or illegal immigrants be brought before a competent court within 72 hours to determine the lawfulness of detention. In addition, detainees must be promptly informed of reasons for detention in a language they understand, and all detention procedures must be accessible, precise and foreseeable, especially for non-nationals unfamiliar with the legal system.

8.0 CONCLUSION

Migration has become a major global, regional and national concern due to its growing scope, scale, and complexity. If poorly managed, migration can create security and socio-economic challenges for countries of origin, transit and destination. Zambia faces unique migration challenges, including mixed migration flows, irregular migration, human trafficking, smuggling of persons, forced displacement and low utilisation of migration's development potential. Although the *Immigration and Deportation Act, No.18 of 2010*, has effectively guided migration management for over a decade, emerging challenges require new interventions that the already existing law does not adequately address. Therefore, effective management of Zambia's long and porous borders requires sufficient human resources, infrastructure and social amenities. One proposed solution is the establishment of border guards to patrol border areas and curb crimes such as human trafficking and migrant smuggling. This makes it necessary to align the current Act with legal instruments with regional, continental and global frameworks that influence the movement of persons and trade.

In view of the foregoing, the Committee supports the enactment of Immigration Control Bill, N.A.B No. 18 of 2025, into law.



Brig Gen Morgan Sitwala, DFS, Psc, MP (Rtd)
CHAIRPERSON

December, 2025
LUSAKA

APPENDIX I

LIST OF NATIONAL ASSEMBLY OFFICIALS

Mr Charles Haambote, Director, (Social Committees)
Mrs Chitalu K Mumba, Deputy Director (Social Committees)
Mr Chitalu R Mulenga, Senior Committee Clerk
Mr Fanwel M Chiwama, Committee Clerk
Ms Grace Mbewe, Administrative Assistant II
Mr Daniel Lupiya, Senior Committee Assistant
Mr Muyembi Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant

APPENDIX II

LIST OF WITNESSES

Alliance for Community Action
Association of Professional Immigration Consultants
Ant-Human Trafficking Department
Chapter One Foundation
Department of Immigration
Human Rights Commission
Legal Aid Board
Law Association of Zambia
Ministry of Justice
Ministry of Foreign Affairs and International Cooperation
Ministry of Home Affairs and Internal Security
Zambia Law Development Commission
Zambia Revenue Authority
Zambia Police Service