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REPUBLIC OF ZAMBIA

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REPUBLIC OF ZAMBIA

THE IMMIGRATION AND DEPORTATION ACT

CHAPTER 123 OF THE LAWS OF ZAMBIA

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THE IMMIGRATION AND DEPORTATION ACT

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CHAPTER 123

IMMIGRATION AND DEPORTATION

An Act to regulate the entry into and the remaining within Zambia of immigrants and visitors; to provide for the removal from Zambia of criminals and other specified persons; and to make provision for matters incidental to the foregoing.

[21st February, 1967]29 of 1965

16 of 1967

20 of 1967

31 of 1972

Act No.

13 of 1994

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Immigration and Deportation Act.Short title

2. In this Act, unless the context otherwise requires—Interpretation

"Chief Immigration Officer" means the person appointed as Chief Immigration Officer in accordance with section four;

"citizen" means a citizen of Zambia;

"educational institution" means a prescribed institution or one of a prescribed class of institutions the primary function of which is to provide academic or other instruction;

"entry permit" means a permit issued under section fourteen;

"established resident" means, in relation to any date, a person who is not a citizen or a prohibited immigrant and who has been ordinarily and lawfully resident in Zambia or the former Protectorate of Northern Rhodesia or both for the period of four years immediately preceding that date:

Provided that no period during which a person—

(i) has been confined in a prison consequent on a sentence of imprisonment imposed by a court, which sentence has not on appeal or review been quashed or varied to a fine;

(ii) has been an inmate of a mental institution; or

(iii) has remained in Zambia or the former Protectorate of Northern Rhodesia or both as a visitor or in terms of a statutory permit allowing such person for a limited period only so to remain;

shall be counted for the purpose of this definition;

"immigration assistant" means a person appointed as an immigrant assistant in accordance with section four;

"immigration officer" means any person appointed as an immigration officer in accordance with section four and includes the Chief Immigration Officer and, in relation to the exercise of any power or the performance of any duty, any person on whom such power or duty has been conferred or imposed under that section;

"minor child" includes any child adopted under the Adoption Act and any other person under the age of twenty-one years whom the Minister has in writing declared to be a minor child for the purposes of this Act, but does not include a married woman;Cap. 54

"passport" means a passport or other travel document of identity-

(a) (i) issued by or on behalf of the Government of Zambia, the former Protectorate of Northern Rhodesia, the former Federation of Rhodesia and Nyasaland or any sovereign state recognised by the Government of Zambia or issued by the United Nations Organisation;

(ii) which contains a personal description of the holder, the name of the country in which he was born and the date of his birth;

(iii) to which is attached a photograph being a true likeness of the holder wherein his features are clearly and correctly depicted; and

(iv) which, except where a visa is dispensed with in pursuance of an arrangement to which the Government is a party, bears the visa or endorsement of a person authorised by the Government to that end; or

(b) of a type prescribed;

"prohibited immigrant" means a person described in section twenty-two as a prohibited immigrant in relation to Zambia;

"study permit" means a permit issued under section sixteen;

"subordinate court" means a court constituted under the Subordinate Courts Act;Cap. 28

"temporary permit" means a permit issued under section seventeen to a prohibited immigrant.

3. (1) Subject to subsection (2), Parts III, IV and V shall not apply to-Application

(a) any person duly accredited to Zambia by or under the authority of the government of any sovereign state;

(b) any person who under any written law is entitled to any diplomatic immunities and privileges by reason of his association with an organisation of which the Republic or the Government and one or more other states or the government or governments thereof are members;

(c) any member of the official staff or of the household of a person described in paragraph (a) or (b);

(d) any citizen or established resident;

(e) any wife or minor child of a person described in paragraph (a), (b), (c) or (d);

and such persons shall be entitled to enter and re-enter into and to remain within Zambia.

(2) Notwithstanding the provisions of subsection (1), Parts III, IV and V shall apply to any person-

(a) arriving in or departing from Zambia until he satisfies an immigration officer that he is a person to whom subsection (1) relates; or

(b) who is an established resident for the purpose of the exercise by the Minister of his powers under section twenty-two or twenty-six.

PART II APPOINTMENTS AND POWERSPART II

APPOINTMENTS AND POWERS

4. (1) There shall be appointed as public officers a Chief Immigration Officer and such immigration officers and immigration assistants as shall be necessary for the proper administration of this Act.Appointment of Chief Immigration Officer, etc.

(2) The Minister may by order confer all or any of the powers and impose all or any of the duties of an immigration officer under this Act upon any public officer or class of public officers.

5. (1) The Chief Immigration Officer may, in writing and subject to such restrictions, reservations, exceptions and conditions as he may think fit, delegate to an immigration officer all or any of the powers conferred upon him by or under this Act:Delegation of powers of Chief Immigration Officer

Provided that no such delegation shall prevent the exercise by the Chief Immigration Officer of any delegated power.

(2) The Chief Immigration Officer may at any time in writing revoke or vary his delegation under subsection (1) of all or any of the powers included within such delegation.

6. (1) An immigration assistant may without warrant arrest any person whom he reasonably suspects to be a prohibited immigrant or to have contravened or to be about to contravene any provision of this Act.Powers of arrest of immigration assistants

(2) Any person arrested by an immigration assistant shall forthwith be delivered to an immigration officer who may release him or proceed in accordance with the provisions of this Act as though such person had been arrested by the immigration officer.

7. For the purpose of discharging his functions under this Act, an immigration officer may-Powers of search, etc.

(a) without warrant stop, enter and search any aircraft, train, vehicle or vessel in Zambia;

(b) require the person in charge of any aircraft, train, vehicle or vessel arriving in Zambia to furnish a list of the names of all persons in the aircraft, train, vehicle or vessel, as the case may be, and such other prescribed information as it is within the power of such person to furnish.

8. (1) The person in charge of any aircraft, train, vehicle or vessel bringing into Zambia any person found, on appearing before an immigration officer in accordance with section nine, to be a prohibited immigrant and the owners, agents and charterers of such aircraft, train, vehicle or vessel shall, upon being required by an immigration officer to remove such prohibited immigrant from Zambia, be responsible for such removal as soon as practicable thereafter and in default thereof shall be jointly and severally liable to pay to the Government all expenses incurred by the Government in connection with the removal of such prohibited immigrant from Zambia. Liability of carriers, etc., introducing prohibited immigrants

(2) The amount of such expenses shall be recoverable in an action brought in the name of the Chief Immigration Officer.

PART III EXAMINATION OF PERSONS ENTERING AND LEAVING ZAMBIA AND OTHERS

EXAMINATION OF PERSONS ENTERING AND LEAVING ZAMBIA AND OTHERS

9. (1) Every person who arrives in Zambia by air-Entrants to appear before immigration officer

(a) at any prescribed airport and intends to leave the precincts of such airport shall forthwith appear before an immigration officer;

(b) at any place other than a prescribed airport shall forthwith proceed to and appear before the nearest immigration officer.

(2) Every person who enters Zambia by inland waters or overland shall forthwith proceed to and appear before the nearest immigration officer.

10. (1) An immigration officer may examine any person appearing before him in accordance with the provisions of section nine and any person whom he reasonably suspects to be a prohibited immigrant for the purpose of ascertaining in relation to such person-Examination of entrants and others

(a) his identity;

(b) the objects of his entry into Zambia;

(c) the nature of his claim to remain in Zambia; and

(d) whether he is a prohibited immigrant.

(2) For the purpose described in subsection (1), an immigration officer may require any person to whom that subsection relates-

(a) to produce his passport;

(b) to make such declaration as may be prescribed;

(c) to produce documentary or other evidence relative to his claim to enter or remain in Zambia; and

(d) in writing or otherwise to answer such questions as the immigration officer may put to him.

11. An immigration officer may by notice in writing require any person-

(a) not being the holder of a permit to remain in Zambia; or

(b) being the holder of a visiting permit issued under section fifteen;

to appear before an immigration officer at such place and within such time as may be specified in the notice. Certain visitors to reappear before immigration officer

12. (1) The Chief Immigration Officer may require in respect of any person entering Zambia, as a condition of his remaining therein, the deposit of a sum of money or the furnishing of such guarantee as the Chief Immigration Officer may accept in lieu of such deposit. Security may be required from entrants

(2) The Chief Immigration Officer shall specify-

(a) the sum of money not exceeding one thousand kwacha to be deposited or guaranteed; and

(b) the period not exceeding four years for which the deposit or guarantee is required.

(3) Any sum deposited or guaranteed in accordance with this section may be applied by the Chief Immigration Officer to meet any expenditure incurred by the Government within the specified period in connection with the care, treatment or maintenance within or the removal from Zambia of the person concerned.

13. (1) Every person departing from Zambia, except in direct transit through Zambia by air having not left the precincts of a prescribed airport, shall appear before an immigration officer. Examination of persons leaving Zambia

(2) The immigration officer may require such person-

(a) to produce his passport and any permit issued to him under this Act and to surrender any such permit which is no longer valid;

(b) to make and sign such declaration as may be prescribed;

(c) in writing or otherwise to answer such questions relating to his identity or departure as may be put to him by the immigration officer.

PART IV ISSUE, VARIATION AND REVOCATION OF PERMITS

ISSUE, VARIATION AND REVOCATION OF PERMITS

14. (1) On application being made in the prescribed manner, the Chief Immigration Officer may issue an entry permit to any person who he is satisfied-Entry permits

- (a) is not a prohibited immigrant;
- (b) has an adequate knowledge of any language commonly used by the indigenous inhabitants of Zambia which may be prescribed, or of English;
- (c) intends to remain in Zambia for a period in excess of three months; and
- (d) belongs to a class set out in the First Schedule.

(2) The Chief Immigration Officer shall issue an entry permit to any person in respect of whom the Minister directs that such permit be issued.

(3) The holder of an entry permit shall not for gain engage in any occupation other than an occupation specified in such permit.

(4) Subject to the provisions of this Act and regulations made thereunder, an entry permit shall authorise the holder-

(a) for gain to engage, by employment under an employer resident in Zambia or otherwise, in such occupation as may be specified therein; and

(b) until he becomes an established resident, to enter and re-enter into and to remain within Zambia.

(5) An entry permit shall cease to be valid if the holder-

(a) fails to enter Zambia within six months of the date of issue of the permit or such later date as the Chief Immigration Officer may endorse thereon;

(b) is absent from Zambia for a period in excess of six months without notifying the Chief Immigration Officer in writing that he proposes to return to Zambia; or

(c) is absent from Zambia for any period in excess of twelve months.

(As amended by No. 16 of 1967)

15. (1) On application being made in writing, an immigration officer may issue a visiting permit to any person-Visiting permits

(a) whose presence in Zambia is or is likely to become unlawful by virtue of his remaining therein for a period or periods totalling not less than three months in any period of twelve months;

(b) who save as provided by paragraph (a) is not a prohibited immigrant; and

(c) who is not the holder of any other permit to remain in Zambia.

(2) A visiting permit shall specify the period of its validity, being a period not exceeding three months from the date of issue of such permit but capable of extension for further successive periods not exceeding three months each to a maximum period of twelve months from such date of issue.

(3) Subject to the provisions of this Act and regulations made thereunder, a visiting permit shall authorise the holder to enter and re-enter into and to remain within Zambia until such permit expires.

16. (1) On application being made in the prescribed manner, the Chief Immigration Officer shall issue a study permit to any person who he is satisfied-Study permits

(a) is not a prohibited immigrant; and

(b) has been accepted for instruction by an educational institution in Zambia.

(2) A study permit shall specify the educational institution to which it relates and, subject to the provisions of this Act and regulations made thereunder, shall authorise the holder to study at that institution and to enter and re-enter into and to remain within Zambia while under instruction at that institution and for such period thereafter as would reasonably enable him to depart from Zambia.

17. (1) An immigration officer may issue a temporary permit to a prohibited immigrant. Temporary permits

(2) An immigration officer shall issue a temporary permit to any person in respect of whom the Minister directs that such permit be issued.

(3) An immigration officer may as a condition precedent to the issue of a temporary permit require a prohibited immigrant to deposit such sum, not being greater than a prescribed amount, as he or, in the case of a person to whom subsection (2) relates, the Minister may think fit for the purpose of securing compliance with the conditions specified in the permit and, if any such condition is not complied with, a subordinate court may, on application by an immigration officer and subject to any rules made under this Act, declare such sums to be forfeited.

(4) A temporary permit shall specify-

(a) such prescribed conditions for observance by the holder as the immigration officer thinks fit; and

(b) the period of its validity:

Provided that no period in excess of thirty days shall be specified without the approval of the Chief Immigration Officer or in any case in excess of two years.

(5) Subject to the provisions of this Act and regulations made thereunder and to the conditions therein specified, a temporary permit shall authorise the holder to enter and re-enter into and to remain in Zambia until such permit expires.

18. (1) On application being made in the prescribed manner, the Chief Immigration Officer shall issue an employment permit to any person outside

Zambia who he is satisfied-Employment permits

(a) is not a prohibited immigrant; and

(b) belongs to Class A of the First Schedule.

(2) The Chief Immigration Officer shall, if so directed by the Minister, issue an employment permit to any person within Zambia who would be eligible under subsection (1) for such a permit if he were outside Zambia.

(3) An employment permit shall specify-

(a) such conditions for observance by the holder, if any, as to the area within which the holder may engage in employment and the nature of the employment in which he may engage as the Chief Immigration Officer thinks fit; and

(b) the period of its validity.

(4) The period of validity of an employment permit in any case shall be such period from the date of its issue as the Chief Immigration Officer, having regard to all the circumstances of the case, thinks fit, and shall be capable of extension for a further period or periods to a maximum of five years from the date of its issue.

(5) Subject to the provisions of this Act and regulations made thereunder and to any conditions specified in an employment permit, such permit shall authorise the holder-

(a) to engage in paid employment under an employer resident in Zambia; and

(b) to enter and re-enter into and to remain within Zambia until such permit expires.

(No. 16 of 1967)

19. (1) Save under permit issued in accordance with the provisions of this Act authorising such employment, no person shall engage in paid employment under an employer resident in Zambia. Prohibition on employment, study, etc., without permit

(2) Save in accordance with an entry permit, no person shall for gain engage in any prescribed trade, business or other occupation.

(3) A person shall not commence any course of study at an educational institution unless he is the holder of a valid entry permit or study permit.

20. On application being made in the prescribed manner by the holder of a permit issued under this Act, and subject to the provisions of this Act and regulations made thereunder relating to such permit, the Chief Immigration Officer may vary the conditions and the period of validity, if any, specified in such permit. Variation of conditions of permits

21. (1) The Chief Immigration Officer may by notice in writing revoke any permit issued under this Act if he is satisfied that the holder-Revocation of permits

(a) has contravened any provision of this Act or regulations made thereunder or has failed to comply with any requirement made under this Act or such regulations;

(b) obtained such permit by means of any representation which was false in any material particular or by means of the concealment of any material information;

(c) has failed to observe any condition specified in such permit; or

(d) has become or is likely to become a charge on the Republic in consequence of his failure to support himself and such of his dependants as may be in Zambia.

(2) A notice revoking a permit issued under this Act shall be served in person on the holder of the permit and shall specify-

(a) the permit to be revoked;

(b) the date, not being less than three days after the service of such notice, on which the revocation shall take effect; and

(c) the ground on which the revocation is made;

and the permit shall cease to be valid on the specified date.

(3) Every permit, other than a temporary permit, issued under this Act to a prohibited immigrant shall be of no force and effect and shall be deemed never to have been so issued.

(4) Every permit, other than a temporary permit, issued under this Act to a person who thereafter becomes a prohibited immigrant shall cease to be of force and effect at such time as the holder became a prohibited immigrant.

PART V PROHIBITED IMMIGRANTS AND DEPORTATIONPART V

PROHIBITED IMMIGRANTS AND DEPORTATION

22. (1) Any person who belongs to a class set out in the Second Schedule shall be a prohibited immigrant in relation to Zambia.Prohibited immigrants

(2) Any person whose presence in Zambia is declared in writing by the Minister to be inimical to the public interest shall be a prohibited immigrant in relation to Zambia.

(3) Save as provided in section seventeen, the presence within Zambia of any prohibited immigrant shall be unlawful.

(4) An immigration officer may take or cause to be taken in his presence for the purposes of record and identification the measurements, photograph, finger and palm prints of any prohibited immigrant:

Provided that all records of such measurements, photograph, finger and palm prints shall be destroyed or handed over to a person who an immigration officer is satisfied has ceased to be a prohibited immigrant and who makes application in that behalf.

(5) Notwithstanding the provisions of subsection (1), the Minister may in the prescribed manner exempt any person from all or any of the classes set out in the Second Schedule and, unless and until such exemption is in like manner revoked, such person shall be deemed not to belong to such class or classes.

23. (1) Any immigration officer may or, if so directed by the Minister in the case of a person to whom subsection (2) of section twenty-two relates, shall by notice served in person on any prohibited immigrant require him to leave Zambia. Prohibited immigrants required to leave Zambia

(2) Any notice served in accordance with the provisions of subsection (1) shall specify in relation to the person on whom it is served-

(a) the class set out in the Second Schedule to which it is considered he belongs or that he is a person to whom subsection (2) of section twenty-two relates;

(b) the period within which he is required to leave Zambia; and

(c) the route by which he shall travel in leaving Zambia.

(3) The period within which a person shall be required to leave Zambia shall, except in the case of a person who within seven days of his appearing before an immigration officer in accordance with section nine has been served with a notice under this section, be not less than forty-eight hours and shall commence-

(a) in the case where such person does not make representations under this Act, from the time he is served with such notice requiring him to leave Zambia; or

(b) in the case where such person makes representations in accordance with this Act, from the time he is advised that his representations have been unsuccessful.

(As amended by No. 16 of 1967)

24. (1) Any person required by notice under section twenty-three to leave Zambia who on receipt of such notice has lawfully remained in Zambia longer than seven days may, within forty-eight hours of receiving such notice, deliver to any immigration officer, police officer or prison officer written representations to the Minister against such requirement and such representations shall be placed before the Minister without delay. Representations against requirement to leave Zambia

(2) If, after considering such representations, the Minister does not think fit to exercise his powers in relation to the issue of permits or the exemption of persons from the classes set out in the Second Schedule, the person who made such representations shall be notified that his representations have been unsuccessful.

25. (1) Any person in respect of whom there are reasonable grounds for suspecting that he is a prohibited immigrant may be detained by an immigration officer for such reasonable period, not exceeding fourteen days, as may be required for the purpose of making inquiries relating to such person. Suspected prohibited immigrants

(2) Any person whom an immigration officer reasonably suspects by virtue of any physical or mental condition to be a prohibited immigrant may be required by an immigration officer to submit to examination by a prescribed medical practitioner and for the purpose of such examination to answer such questions and undergo such tests as the medical practitioner may think fit.

(3) Any person whom an immigration officer reasonably suspects to be a prohibited immigrant belonging to Class C of the Second Schedule may be required by the immigration officer to submit to the taking of his measurements, photograph and his finger and palm prints:

Provided that all records of such measurements, photograph, finger and palm prints shall be destroyed or handed over to such person if he is found not to be a prohibited immigrant and makes application in that behalf.

26. (1) After receiving the particulars under section thirty-three of the Penal Code, in respect of a person who is not a citizen, the Minister (unless the term of imprisonment is set aside on appeal) shall, at the expiration of the sentence, pursuant to a warrant under his hand deport such person from Zambia. Deportation
Cap. 87

(2) Any person who in the opinion of the Minister is by his presence or his conduct likely to be a danger to peace and good order in Zambia may be deported from Zambia pursuant to a warrant under the hand of the Minister.

(3) Any prohibited immigrant who-

(a) having been required under section twenty-three to leave Zambia, fails to do so within the prescribed period; or

(b) fails to comply with any condition specified in a temporary permit issued to him;

may without warrant be arrested, detained and deported from Zambia by an immigration officer or police officer.

(4) An immigration officer may without warrant arrest, detain and deport from Zambia any person whom, within seven days of such person appearing before an immigration officer in accordance with section nine, he reasonably believes to be a prohibited immigrant-

(a) who is not the holder of a valid temporary permit;

(b) who has not been served with a notice under section twenty-three requiring him to leave Zambia; and

(c) with respect to whom the procedure provided in section twenty-three is inadequate to ensure the departure from Zambia of such person.

(5) Any warrant issued under this section shall be sufficient authority for-

(a) the detention of the person named therein pending completion of the arrangements for his deportation from Zambia at the first reasonable opportunity; and

(b) the removal from Zambia in custody or otherwise of such person.

(6) For the purpose of establishing in relation to a person liable to be deported under this section his identity, his citizenship and the country of his origin, an immigration officer may require such person-

(a) in writing or otherwise to answer such questions as the immigration officer may put to him; and

(b) to produce any passport and any other pertinent document in his possession.

(As amended by No. 16 of 1967 and No. 31 of 1972)

PART VI MISCELLANEOUSPART VI

MISCELLANEOUS

27. Any document purporting to be-

(a) a warrant, notice, permit, certificate or other document properly issued under this Act; or

(b) a certified true copy of any record kept by the Chief Immigration Officer;

shall, in any prosecution or other proceeding under or arising out of this Act, be prima facie evidence of the facts contained therein and shall be receivable in evidence without proof of the signature or the official character of the person appearing to have signed or certified the same: Evidence

Provided that the court before which the proceeding is brought may direct that oral evidence be brought relating to such facts, signature or official character.

28. In any proceedings under or for any of the purposes of this Act, the burden of proving with respect to any person-

(a) his status as a person to whom the provisions of section three relate; or

(b) that he is the holder of any permit issued under this Act or has been exempted under this Act from any provision thereof;

shall be upon such person. Burden of proof

29. (1) Any person having been required by notice under section twenty-three to leave Zambia within a specified period who wilfully remains in Zambia after the expiry of such period shall be guilty of an offence. Offences

(2) Any person entering into or departing from Zambia who is required by section nine or thirteen to appear before an immigration officer and who fails to comply with the provisions of either of these sections shall be guilty of an offence.

(3) Save under temporary permit, any person who belongs to Class C of the Second Schedule and who returns to Zambia shall be guilty of an offence.

(4) Any person who fails to comply with any lawful requirement made in

accordance with the provisions of section seven shall be guilty of an offence.

(5) Any person who assaults, resists or wilfully obstructs any immigration officer in the due execution of his duty or any person acting in aid of such officer shall be guilty of an offence.

(6) Any person who employs another knowing that that other is a person prohibited under subsection (1) of section nineteen from engaging in his employ shall be guilty of an offence.

(7) Any person who wilfully and with intent to conceal his identity, citizenship or country of origin-

(a) fails to comply with a lawful requirement made under subsection (6) of section twenty-six; or

(b) when required under subsection (6) of section twenty-six to answer questions put to him, makes any representations by words, writing or conduct of a matter of fact, which representation is false in fact;

shall be guilty of an offence.

(As amended by No. 16 of 1967)

30. Any person guilty of an offence under this Act shall be liable on conviction to imprisonment for a period of twelve months or to a fine of seven thousand five hundred penalty units, or to both.

(As amended by No. 13 of 1994)Penalty

31. The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision for-

(a) anything which is to be or which may be prescribed under this Act;

(b) the form of warrants, permits, notices, certificates or other documents to be used for the purposes of this Act;

(c) the fees to be paid for any permit or certificate issued under this Act;

(d) the issue of passes to any person departing from Zambia for the purposes of facilitating his re-entry into Zambia, and the fees to be paid for such passes; and

(e) the places at which immigration controls shall be situated and the hours during which such controls shall operate.Regulations

32. The Chief Justice may, by statutory instrument, make rules providing, with respect to applications for forfeiture made under section seventeen, for-

(a) the procedure and practice of subordinate courts, the forms to be used therein, the fees payable and the costs and charges to be allowed to legal practitioners practising therein;

(b) the proper and effectual exercise of jurisdiction by subordinate courts; and

(c) the procedure and practice relating to appeals from subordinate courts. Rules

33. The Chief Immigration Officer shall issue to any established resident who makes application therefor in the prescribed manner the prescribed certificate of status as an established resident. Certificates for established residents

34. Any written notice required under this Act to be served in person on any person may, if such person cannot be found, be published in the Gazette and shall be deemed to have been duly and properly served on the commencement of the day following the day of such publication. Service of notice

35. (1) Every person arrested or detained under the provisions of this Act shall be informed as soon as reasonably practicable in a language that he understands of the reason for his arrest or detention. Reasons to be given for arrests or detention

(2) Notwithstanding the provisions of subsection (1), no person shall be entitled to be informed as to the grounds on which the Minister has made any decision under section twenty-two or twenty-six relating to him.

36. (1) An immigration officer who detains any person under the provisions of section twenty-five or twenty-six may by warrant under his hand cause such person to be detained in a place described in subsection (2). Detention

(2) The public officer in charge of any place specially provided for the detention of persons for the purposes of this Act, any prison or any other place where facilities exist for the detention of persons, shall receive into his custody any person with respect to whom a warrant has been issued under section twenty-six or subsection (1) of this section.

(3) Any person detained under this Act and not serving a sentence of imprisonment shall be treated as a person awaiting trial.

PART VII REPEALS AND SAVINGS PART VII

REPEALS AND SAVINGS

37. (1) The Immigration Act, 1954 and the Deportation Act, 1954 and the regulations made under those Acts are hereby repealed. Repeals

(2) Notwithstanding the provisions of section fourteen of the Interpretation and General Provisions Act, any right or privilege acquired or accrued under section thirteen of the Immigration Act, 1954, or under section six of the Deportation Act, 1954, shall be deemed to have lapsed and ceased to have effect immediately upon the commencement of this Act.

(As amended by No. 20 of 1967) Cap. 2

38. (1) Every permit, warrant, direction, certificate, notice or other document and every order of deportation and every security which was valid immediately prior to the commencement of this Act and-Savings

(a) that was issued, made, granted or given under the laws repealed by this Act; or

(b) the effect of which was preserved under the laws repealed by this Act;

shall be given effect as if issued, made, granted or given under this Act.

(2) Any person who before the commencement of this Act was deported or removed from, required to leave or prohibited from entering into or remaining within the former Protectorate of Northern Rhodesia, or the former Federation of Rhodesia and Nyasaland, under any law of the said Protectorate or Federation in force at the time shall be deemed to have been deported or removed from, required to leave, or prohibited from entering into or remaining within, as the case may be, Zambia.

(3) Any person who-

(a) on or before the 31st December, 1963, entered the former Protectorate of Northern Rhodesia from the Colony of Southern Rhodesia or the former Protectorate of Nyasaland;

(b) at the time of that entry was lawfully resident without a permit in the former Federation of Rhodesia and Nyasaland; and

(c) was on the 1st January, 1964, ordinarily resident in Zambia;

shall be deemed to have been lawfully resident in Zambia on the 1st January, 1964, and not thereafter to have become a prohibited immigrant of Class E of the Second Schedule.

(As amended by No. 16 of 1967)

FIRST SCHEDULE

(Sections 14 and 18)

CLASSES OF PERSONS WHO MAY BE ISSUED WITH ENTRY PERMITS

Class A

Any person who intends for gain to engage in any trade, business, profession, employment or other occupation-

- (i) for which he is fitted by virtue of his academic or professional qualifications, standard of education, skill and financial resources;
- (ii) in which, having regard to the productivity and efficiency of the persons already engaged therein, there is not already a sufficient number of persons engaged or available in Zambia to meet the requirements of the inhabitants of Zambia; and
- (iii) which is likely to be of benefit to the inhabitants generally of Zambia.

Class B

Any person-

- (i) who has in his own right and at his full and free disposition for use in Zambia such financial resources as shall be sufficient to maintain him; and
- (ii) whose presence in Zambia is likely to be of benefit to the inhabitants generally of Zambia.

Class C

Any forebear, parent, wife, minor child or grandchild of a person who is dependent on that person if such person-

- (i) is the holder of a valid entry permit;
- (ii) is capable of maintaining such dependant; and
- (iii) undertakes such maintenance.

Class D

Any forebear, parent or grandchild of a person who is dependent on that person if such person-

- (i) is a citizen or established resident;
- (ii) is capable of maintaining such dependant; and
- (iii) undertakes such maintenance.

SECOND SCHEDULE

(Section 22)

CLASSES OF PROHIBITED IMMIGRANTS

Class A

Any person who is infected or inflicted with or is a carrier of a prescribed disease and who is capable or likely to become capable of infecting any other person with such disease or of transmitting to him such disease. Persons capable of transmitting a prescribed disease

Class B

Any prostitute or person who in Zambia has knowingly lived wholly or in part on the earnings of prostitution or has procured any other person for immoral purposes. Prostitutes, etc.

Class C

Any person who under any law in force at the time has been deported or removed from, required to leave, or prohibited from entering into or remaining within Zambia; Persons previously deported or barred from the country

Provided that a person with respect to whom an immigration officer is satisfied that the ground on which he was so dealt with no longer applies to him shall not belong to this Class.

Class D

Any person in Zambia with respect to whom a permit to remain in Zambia has been revoked or has expired. Persons whose permits to remain in Zambia become invalid

Class E

Any person, not being the holder of a valid permit to remain in Zambia, who-

(i) is likely to become a charge on the Republic in consequence of his inability to support himself and any of his dependants in Zambia and to provide for the removal of himself and such dependants from Zambia;

(ii) has contravened any provision of this Act or regulations made thereunder or has failed to comply with any lawful requirement made under this Act or such regulations;

(iii) remains in Zambia for a period or periods totalling not less than three months in any period of twelve months; or

(iv) has made any false representation to or concealed any information from an immigration officer which is relevant to his entry into or presence within Zambia.

Class F Visitors who are likely to be a charge on the Republic or who contravene

this Act, etc.

Any person appearing before an immigration officer on entering Zambia who is of the apparent age of sixteen years or more and who, on demand by the immigration officer, fails to establish that he is the holder of a valid passport. Persons entering without proper travel documents

Class G

Any person entering Zambia who is required under section 11 to appear before an immigration officer and who fails to comply with the provisions of that section. Persons who fail to report to an immigration officer on entering Zambia

Class H

Any person who-

(a) before entering Zambia has been sentenced elsewhere than in Zambia to a term of imprisonment following on his conviction of an offence; and

(b) in the opinion of the Chief Immigration Officer is not of good character.

Persons with previous convictions