

[Chap1503]CHAPTER 15:03

IMMIGRATION

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19 of 1995

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An Act to regulate the entry of persons into Malawi, to prohibit the entry into Malawi of undesirable persons, to make provision for the deportation from Malawi of undesirable persons and to provide for matters incidental to the foregoing

[1ST JANUARY 1964]

PRELIMINARY

[Ch1503s1]1. Short title

This Act may be cited as the Immigration Act.

[Ch1503s2]2. Interpretation

In this Act, unless inconsistent with the context—

“Chief Immigration Officer” means any person appointed as a Chief Immigration Officer in terms of section 3;

“dependent relative”, in relation to any person, means his child, step-child, adopted child, grandchild, father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew, niece, greatnephew, or greatniece, or any such relative of his spouse, who by reason of infirmity of mind or body, is wholly dependent upon such person, and is living with such person;

“Deputy Chief Immigration Officer” means any person appointed as a Deputy Chief Immigration Officer in terms of section 4;

“immigration officer” means any person appointed as an immigration officer in terms of section 3 and includes a Chief Immigration Officer and Deputy Chief Immigration Officer;

“magistrate” means a Resident Magistrate or a magistrate of the first or second grade;

“magistrate’s Court” means a court of a Resident Magistrate or a court of a magistrate of the first or second grade;

“police officer” means a member of the Malawi Police Force established under the Police Act; Cap. 13:01

“police force” means the Malawi Police Force established under the Police Act; Cap. 13:01

“prison” means a prison established under the Prisons Act. Cap. 9:02

[Ch1503s3]3. Appointment of immigration officers

24 of 1972, 30 of 1991, 12 of 1992, 19 of 1992, 19 of 1995(1) The Minister may appoint any person in the public service of Malawi to be a Chief Immigration Officer, Deputy Chief Immigration Officer or an immigration officer, by whatever suitable title designated, for the purposes of this Act.

(2) The Minister may confer all or any of the powers and impose all or any of the duties of an immigration officer upon any person in the public service of Malawi or upon any police officer.

(3) Any immigration officer shall, in the discharge of his functions, the exercise of his powers or the performance of his duties under this Act, be subject to the general or special directions of the Minister.

PART I

IMMIGRATION GENERALLY

[Ch1503s3A]3A. Disciplinary regulations

27 of 1990The Minister may make regulations for the disciplinary control of immigration officers and such regulations may be made to apply generally, or may make separate provisions for different ranks of immigration officers.

[Ch1503s4]4. Prohibited immigrants

(1) Subject to this Act, the following persons shall be prohibited immigrants and their entry into or presence within Malawi shall be unlawful—

(a) any person deemed by the Minister on economic grounds, or on account of standard or habits of life, to be an undesirable inhabitant or to be unsuited to the requirements of Malawi;

(b) any person who is unable, by reason of deficient education, to read and write any one of any class of language as may be prescribed by the Minister by regulation to the satisfaction of an immigration officer;

(c) any person who at the time of his entry is likely to become a public charge by reason of infirmity of mind or body, or because he is not in possession, for his own use, of sufficient means to support himself and such of his dependants as he brings or has brought with him into Malawi;

(d) any idiot or epileptic, or any person who is insane or mentally deficient, or any person who is deaf and dumb, or deaf and blind, or dumb and blind, or otherwise physically afflicted, unless in any such case he or a person accompanying him or some other person gives security to the satisfaction of the Minister for his permanent support in Malawi, or for his removal therefrom whenever required by the Minister;

(e) any person who is infected, afflicted with or suffering from a prescribed disease, unless he is in possession of a permit issued by the Minister, or any person authorized by the Minister, to enter and remain in Malawi issued upon prescribed conditions and complies with such conditions;

(f) any person who, not having received a free pardon, has been convicted of any offence prescribed by the Minister as an offence for the purposes of this section;

(g) any prostitute or homosexual, or any person, male or female, who lives or has lived on or knowingly receives or has received any part of the earnings of prostitution or homosexuality, or has procured men or women for immoral purposes;

(h) any person who, from information received through any official or diplomatic channels, is deemed by the Minister to be an undesirable inhabitant of or visitor to Malawi;

(i) any person who, after the date of commencement of this Act, has been deported from or ordered to leave Malawi; or

(j) the wife and the children under the age of eighteen years and any other dependants of a prohibited immigrant.

(2) This section shall not apply to any person who is a citizen of Malawi.

(3) If an immigration officer is of the opinion that any person who has entered Malawi, including any person who entered Malawi before the date of commencement of this Act, and

who is not a citizen of Malawi, has become or is likely to become a public charge by reason of infirmity of mind or body, or because he is not in possession, for his own use, of sufficient means to support himself and such of his dependants as he has brought into Malawi, including dependants brought into Malawi by him before the date of commencement of this Act, the Chief Immigration Officer may apply to the Minister for a declaration that such person is a prohibited immigrant.

(4) Before making any application in terms of subsection (3), the Chief Immigration Officer shall notify the person concerned of his intention to do so, and shall enquire of him as to whether or not he has any representation which he wishes to make to the Minister. Any such representations shall be reduced to writing and signed by the person concerned. The Chief Immigration Officer shall then make application to the Minister for a declaration and shall forward with the application any such representations as may have been made. On such application the Minister may declare the person concerned to be a prohibited immigrant and the decision of the Minister shall be final and conclusive and not subject to appeal to any Court.

(5) Whenever the Minister exercises any power conferred upon him by this section, he shall cause written notice of that fact to be transmitted to the Chief Immigration Officer who shall notify the immigration officer and the person concerned.

[Ch1503s5]5. Production of identity documents

Any person entering Malawi who fails on demand by an immigration officer to produce to him an unexpired passport or other valid document of identity of a class recognized by the Minister—

(a) which was issued to him on behalf of the Government of Malawi or of any other Government recognized by the Government of Malawi; and

(b) which contains a personal description of him, the name of the country in which he was born and the date of his birth and containing such other information as the Minister may from time to time require by regulation. The Minister may by regulation require different information from different classes of persons; and

(c) which, except when a visa is dispensed with in pursuance of an arrangement to which the Government of Malawi is a party, bears the visa or endorsement of a person authorized by the Government of Malawi to place visas or such endorsements upon passports or such other documents,

shall be a prohibited immigrant unless he is proved to be a citizen of Malawi.

[Ch1503s6]6. Exemptions by Minister

(1) Notwithstanding anything to the contrary contained in this Act, the Minister may in his discretion and on such terms as may be prescribed by him—

(a) exempt any person, or any class of person, from section 4 (1) (a), (b), (c), (d) or (f) or any two or more of the said paragraphs; or

(b) direct an immigration officer to issue a temporary permit to any such person as is described in the aforesaid paragraphs.

(2) If any person exempted by the Minister from all or any of the provisions specified in subsection (1) (a) fails to comply with the prescribed conditions of his exemption, the Minister may withdraw such exemption and thereafter section 8 shall apply in relation to such person.

[Ch1503s7]7. Prohibition of entry of prohibited immigrant

Subject to this Act, no prohibited immigrant shall be allowed to enter or remain in Malawi and any immigration officer may cause any prohibited immigrant entering or found within Malawi to be removed therefrom.

[Ch1503s8]8. Appeals

(1) Whenever leave to enter Malawi is withheld by an immigration officer, or whenever any person is detained, restricted or arrested as a prohibited immigrant, notice of that fact and the grounds of refusal, detention, restriction or arrest shall be given by the immigration officer in writing to such person.

(2) Every person to whom such notice has been given may appeal to the nearest magistrate's court, and such appeal shall be heard by the magistrate presiding at such court. Notice of any such appeal shall be filed not later than three days after such notice has been given.

(3) Pending the hearing of any appeal, no warrant shall be issued for the removal of any person as a prohibited immigrant, but if any appeal is dismissed the magistrate shall forthwith issue a warrant for the removal of the prohibited immigrant.

(4) A magistrate's court may, of its own motion, and shall, at the request of the appellant or of an immigration officer, reserve for the decision of a judge of the High Court any question of law which arises upon an appeal heard before such magistrate's court, and shall state such question in the form of a case stated for the opinion of such Court by transmitting such case stated to the registrar thereof. For the purposes of this subsection a question of law includes a question as to whether or not a person is a citizen of Malawi or is a person deemed to belong to Malawi.

(5) The case stated in the manner described in subsection (4) may be heard by and argued before a judge of the High Court at any convenient time, and such judge may call for further information to be supplied by the magistrate if he deems such information necessary, and may give such answer on such case, supplemented by such information, if any, and may make such order as to the cost of the proceedings as he may think fit.

[Ch1503s9]9. Jurisdiction of courts

(1) Notwithstanding section 8 and subject to this section, no appeal shall lie against a decision made by the Minister under section 4 (1) (a) or (h) or section 4 (4) unless such appeal is directed solely to the identity of the person affected by the decision.

(2) Any person affected by a decision made under section 4 (1) (h) may, within twenty-four hours of being served with the notice referred to in section 9 (1) make representations in writing addressed to the Minister against such decision, who may confirm or reverse that decision.

(3) No person referred to in subsection (2) shall be given any information or have the right to demand any information as to the grounds for any decision referred to therein or for the

confirmation of any such decision if the Minister certifies it is not in the public interest to give such information.

(4) A certificate issued by the Minister under subsection (3) shall be conclusive.

(5) No person shall have the right to be heard before or after a decision is made under section 4 (1) (a) and no person affected by any such decision shall have the right to be furnished with any information as to the grounds for such decision.

(6) No information on which a decision under section 4 was made shall be required to be disclosed in any court if the Minister certifies that its disclosure is not in the public interest, and the adequacy of the grounds for any decision under section 4 (1) (a) or (h) or section 4 (4) shall not be questioned in any court.

[Ch1503s10]10. Removal of prohibited immigrants

(1) If notice of appeal is not filed against the orders of an immigration officer within three days from the day that such orders shall have been given, and if any prohibited immigrant refuses to obey the directions of an immigration officer to leave Malawi, section 15 shall apply in relation to the prohibited immigrant.

(2) Where a prohibited immigrant has been ordered to leave Malawi and is removed therefrom the following provisions shall have effect—

(a) the prohibited immigrant shall pay all the costs and expenses (if any) of, or occasioned by, his removal;

(b) where a person wishing to enter Malawi is, on arrival, refused entry because he is a prohibited immigrant or for any other reason, the airline, shipping company, transport company or other carrier, conveyor or transporter by which such person was carried, conveyed or transported to Malawi shall as soon as may be, on the direction of an immigration officer to that effect, carry, convey or transport such person out of Malawi, at the expense of such airline, shipping company, or other carrier, conveyor or transporter.

[Ch1503s11]11. Place of entry by prohibited immigrant

No prohibited immigrant who is permitted by or under this Act to enter or re-enter Malawi shall enter or re-enter Malawi at any port of entry other than that through which his entry or re-entry has been authorized by an immigration officer.

[Ch1503s12]12. Persons who are not prohibited immigrants

The following persons or classes of persons shall not be prohibited immigrants for the purpose of this Act—

(a) any member of any regular naval, military or air forces while on duty in the service of the Government of Malawi; or

(b) any person duly accredited to the Republic of Malawi by or under the authority of the Government of any sovereign state, or any person employed in the legation chancellery or office of any such first mentioned person, or the wife or infant child of any such first mentioned person or of any such persons employed, provided that the name of any such person is included in the list compiled by the Minister under the Immunities and Privileges Act; or Cap. 16:01

(c) any person, other than a person described in section 4 (1) (d), (e), (f), (g) or (h) who enters Malawi—

(i) under any convention with the Government of a neighbouring territory or state; or

(ii) in accordance with any scheme of recruitment and repatriation approved by the Minister,

and who complies with such conditions as may be fixed by the Minister.

[Ch1503s13]13. Persons required to appear before immigration officer

(1) Any person who wishes to enter Malawi shall, on arrival at the border or, if travelling by air, on arrival at an airport within Malawi, present himself immediately to the nearest immigration officer, or if it is impracticable so to present himself immediately on arrival by reason of the distance of the nearest immigration officer from the border or airport, as the case may be, such person shall present himself to the nearest immigration officer within twenty-four hours of such arrival.

(2) The immigration officer may require every such person—

(a) to make and sign a declaration in the prescribed form; and

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

(c) to submit to any examination or test to which he may lawfully be subjected under this Act; and

(d) if he is suspected of being infected or afflicted with any physical infirmity which under this Act would render him a prohibited immigrant, to submit to examination by a Government medical officer or such other medical practitioner as may be designated by the Minister.

(3) Any person found in Malawi who is suspected of being a prohibited immigrant or to have entered Malawi in contravention of this Act may be required to appear before an immigration officer and to submit to an examination as is described in subsection (2).

[Ch1503s14]14. Detention of suspected prohibited immigrant

(1) Any person suspected of being 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 enquiries as to such person's identity or antecedents.

(2) Such person may during such period be detained in the nearest convenient prison or gaol unless he or such sureties as may be approved by the Chief Immigration Officer enter into a recognizance for an amount so approved and deposits such sum, if any, as may be fixed by the Chief Immigration Officer to satisfy any judgment which may be given on the recognizance.

The conditions of the recognizance shall be that such person shall appear within such period and before such person as may be prescribed in the recognizance and shall report himself to an immigration officer at such times as may be fixed in the recognizance, and the recognizance may contain such other conditions, in relation to such appearance and reporting, as the Chief Immigration Officer deems fit to impose.

(3) Upon breach of any conditions of the recognizance any court of competent jurisdiction may, upon application by the Minister, give judgment against such person or his sureties in accordance with the recognizance, and such person may be arrested and detained in the nearest convenient prison or gaol until such enquiries have been completed or, if he is found to be a prohibited immigrant, until he is removed from Malawi.

[Ch1503s15]15. Detention of prohibited immigrant pending deportation

(1) Any prohibited immigrant who has been ordered to leave Malawi may be detained in the nearest convenient prison or such other place of custody as may be authorized by the Minister as a place of custody for the purposes of this section pending the completion of arrangements for his removal from Malawi.

(2) The officer in charge of any prison or such other place of custody as may be authorized by the Minister as a place of custody for the purposes of this section shall receive into custody any prohibited immigrant or suspected prohibited immigrant when required in writing by an immigration officer so to do.

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

[Ch1503s16]16. Prohibited immigrant subject to the Act despite entry into Malawi

No person shall be exempt from this Act or be allowed to remain in Malawi—

(a) by reason only that he had not been informed that he could not enter or remain in Malawi; or

(b) by reason only that he had been allowed to enter or remain in Malawi through oversight, misrepresentation, or a contravention of this Act; or

(c) owing to the fact that it had not then been discovered that he was a prohibited immigrant or not a citizen of Malawi.

[Ch1503s17]17. Temporary permits

(1) An immigration officer may issue a temporary permit to any prohibited immigrant, other than a prohibited immigrant as described in section 4 (1) (a) or (h), and shall, if so directed by the Minister, issue a temporary permit to any prohibited immigrant authorizing him to enter Malawi for temporary residence therein or to travel through Malawi upon such conditions as may be prescribed by the Minister.

(2) The Chief Immigration Officer may cancel a temporary permit—

(a) if the holder thereof fails to comply with any of the prescribed conditions under which the permit was issued; or

(b) if in his opinion the object of entry into Malawi as declared by the holder thereof when the permit was issued has been completed or is not being or can no longer be pursued; or

(c) if, in his opinion, the holder thereof has become, or is likely to become, a charge upon the public funds, and shall, if he does cancel the permit, notify the holder thereof accordingly.

(3) Upon notification of cancellation of a temporary permit the holder of such permit shall no longer be authorized to remain in Malawi and the Chief Immigration Officer shall cause

that person to be removed therefrom, and any deposit made as a condition of issue of the permit may be confiscated by the Chief Immigration Officer.

[Ch1503s18]18. Powers of search, etc.

For the purpose of exercising his powers and carrying out his duties under this Act, an immigration officer may—

(a) without a search warrant, enter upon and search any aircraft, ship, train, or vehicle in Malawi;

(b) question, within the scope of his functions under this Act, any person who desires to enter or leave Malawi or who he believes is a prohibited immigrant;

(c) require the captain, or other officer in charge, of an aircraft, the master of a ship, the guard or conductor of a train, or the person in charge of a vehicle arriving from any place outside Malawi to furnish a list of all persons in the aircraft, ship, train, or vehicle, as the case may be, together with such other information as may be prescribed, and the person concerned shall comply with such requirements.

[Ch1503s19]19. Evidence

(1) The burden of proving that a person is a citizen of Malawi or that he has not entered or remained in Malawi in contravention of this Act shall lie upon such person.

(2) A certificate or written statement under the hand of an immigration officer shall, in any proceedings under this Act or in any criminal proceedings in respect of a contravention of this Act be prima facie evidence of the facts stated therein, and it shall not be necessary to tender oral evidence of such facts, unless the court before which the proceedings are held so directs; in which event an adjournment shall be allowed sufficient to enable the officer whose oral evidence is required to attend.

(3) Any order, warrant, permit, certificate or other document which may be issued under this Act shall be valid and effectual if signed by an immigration officer or any officer in the public service authorized by the Minister by notice published in the Gazette so to do, and, when so signed, shall be accepted for all purposes as having been issued in accordance with this Act.

[Ch1503s20]20. Certificates of identity

The Chief Immigration Officer may issue a certificate of identity to any person who is lawfully resident in Malawi and who, desiring to proceed thereout with the intention of returning thereto, is for any reason apprehensive that he will be unable to prove on his return that he is not a prohibited immigrant.

PART II

RESIDENCE AND OTHER PERMITS

[Ch1503s21]21. Restrictions on immigration

21 of 1987(1) Notwithstanding anything contained in Part I and subject to the exemptions provided in subsection (2), and to the powers to exempt conferred by section 23, no person shall enter, be or remain in Malawi unless he is in possession of a current permanent residence permit, or a current temporary residence permit, a current business residence permit or a current temporary employment permit.

21 of 1987(2) Subsection (1) shall not apply to a person who—

- (a) is in possession of a valid visitor's permit issued to him under section 26;
- (b) is in possession of a valid student's permit issued to him under section 31;
- (c) is such a person as is described in section 12 (a), (b) or (c);
- (d) passes through Malawi in direct transit to a destination outside Malawi if the

period of transit does not exceed seven days; and

(e) on the date of commencement of this Act is the holder of a valid temporary permit or other authority, issued under any law in force at that time, but the exemption by the section conferred shall subsist only during the period of the validity of such permit or other authority.

(3) Any person who contravenes subsection (1) may, whether he is prosecuted for such contravention or not, be treated as a prohibited immigrant.

(4) Any person who is convicted of a contravention of subsection (1) and is not treated as a prohibited immigrant shall leave Malawi within fourteen days of the conviction or, if he undergoes imprisonment in respect of such contravention, within fourteen days of his release. Any person who by failing to leave Malawi fails to comply with this subsection shall, if such failure be due to his own neglect, omission, refusal or default, be liable to further prosecution for contravention of subsection (1).

[Ch1503s22]22. Permanent residence permit.

(1) An application for a permanent residence permit shall be made to the Minister in such form as the Minister may prescribe.

(2) The Minister shall consider and deliberate upon every application made to him and may take into consideration any additional information relating to an applicant as he may have obtained from any other source, and shall take into account the reputed reliability of such source.

(3) The Minister may, in his discretion, issue a permanent residence permit to any person who has applied therefor and who is in the opinion of the Minister a desirable immigrant.

(4) A permanent residence permit may be issued to a person who is already within Malawi.

(5) A permanent residence permit shall be issued in such form as the Minister may prescribe.

(6) A permanent residence permit shall cease to be valid if the person to whom it was issued has remained outside Malawi for a continuous period of twelve months or more since the date of issue of such permanent residence permit.

[Ch1503s23]23. Exemptions from section 21 (1)

21 of 1987(1) The Minister may, by order, exempt any person, subject to such conditions as in his discretion he may deem fit to impose, from all or any of the provisions of section 21 (1).

(2) Any order made under this section may be proved in any court by the production of a copy of such order certified under the hand of the Minister, and the court shall take judicial notice of such signature.

[Ch1503s24]24. Temporary residence permit

(1) An immigration officer may, on the application of a person who has complied with all the prescribed requirements, issue to such person a temporary residence permit which shall be subject to such conditions as the Minister may prescribe and shall be valid for such period as may be stated therein but which shall not in any event exceed six months.

(2) A person to whom a temporary residence permit is issued in terms of subsection (1) and who is accompanied by his wife and any of his children under the age of eighteen years, may be issued with a single permit in respect of himself, his wife and such children.

(3) A person who is refused a temporary residence permit by an immigration officer shall have the right of appeal to the Minister, and the Minister in his discretion may issue or refuse such permit, and the Minister's decision in such circumstances shall be final and conclusive.

(4) The Minister may extend by renewal the period of validity of a temporary residence permit, or vary or amend the conditions relating to such permit:

Provided that any extension of a temporary residence permit authorized under the terms of this subsection shall not extend the validity of such permit beyond a period of twelve months from the date of its original issue.

(5) Except with the permission of the Minister, an immigration officer shall not issue a temporary residence permit to any person who is a prohibited immigrant, or to any person who fails to produce to him an unexpired passport or other document of identity which complies with section 5.

(6) In circumstances which the Minister may deem appropriate a temporary residence permit may be issued to a person who is already in Malawi.

[Ch1503s24A]24A. Business residence permit

21 of 1987(1) The Chief Immigration Officer or such other immigration officer as may be authorized by him in that behalf, if he is so authorized generally or specially by the Minister, may, on the application of a person who wishes to reside in Malawi for the purpose or carrying on a business, practising a profession or engaging in an occupation, for gain, profit or reward, as a self-employed person or a partner or a proprietor of that business, professional practice or occupation, issue to that person a business residence permit authorizing him, together with his wife and children under the age of eighteen years and dependant relatives, and subject to such conditions as may be prescribed, to reside in Malawi, within such area as the Minister may specify, for the purpose of carrying on, practising or engaging in such business, profession or occupation.

(2) A business residence permit shall—

(a) be valid for a period of five years from the date of issue and thereafter may, on the application of the holder, be renewed from time to time for successive periods of five years;

(b) be in such form as may be prescribed;

(c) be subject to payment by the applicant of the fee prescribed to be payable for the issue or renewal of such permit; and

(d) be subject to such other conditions as may be prescribed.

(3) The Minister may, without assigning any reason, refuse to issue to any person a business residence permit or to renew the business residence permit issued to any person.

(4) Where the Minister refuses to issue or renew a business permit in respect of a person who is resident in Malawi then, unless that person is otherwise entitled under this Act to reside in Malawi, he shall not be entitled to remain in Malawi for a period longer than six months after such refusal or the expiry of his permit.

(5) A holder of a business residence permit shall not, during the validity of his permit be eligible for a temporary residence permit.

[Ch1503s25]25. Temporary employment permit

13 of 1974(1) The Chief Immigration Officer or such other immigration officer as may be authorized by him in that behalf, may, if he is so authorized generally or specially by the Minister, issue on the application of a person who wishes to reside within an area of Malawi specified by the Minister, for the purpose of engaging in an occupation specified by the Minister, a temporary employment permit authorizing him, together with his wife and children under the age of eighteen years and dependent relatives, and subject to such conditions as may be prescribed, to reside within that area for the purpose of engaging in that occupation for a period of not less than six months or more than two years.

(2) The Minister may, from time to time, upon application, renew a temporary employment permit issued under subsection (1) for a similar period or similar periods if he is satisfied that the holder of the permit is still engaged in the employment for which the permit was issued at the date of expiry of such permit.

(3) The Chief Immigration Officer may cancel a temporary employment permit (whether renewed or not) if the holder thereof—

- (a) engages in an occupation other than the occupation specified in such permit;
 - (b) whilst engaging in the occupation specified in such permit changes employment without the prior permission of the Chief Immigration Officer;
 - (c) without the prior permission of the Chief Immigration Officer resides in Malawi elsewhere than within the area specified in such permit; or
- 9 of 1970 (d) ceases to be engaged or employed in the occupation specified in the permit.

[Ch1503s26]26. Visitor's permit

(1) An immigration officer may, on the application of a person who wishes to enter Malawi as a bona fide tourist or visitor, issue to such a person a visitor's permit which shall be in such form and subject to such conditions as the Minister may prescribe and which shall be valid for a period not exceeding three months.

(2) Section 25 shall, with the necessary adaptations or modifications, apply to the issue, extension and amendment of a visitor's permit.

[Ch1503s27]27. Permit holders not exempted from provisions of other Parts

21 of 1987 Neither a permanent residence permit, a temporary residence permit, a business residence permit nor a temporary employment permit shall exempt the holder thereof from compliance with any other provisions of this Act or with any regulations made hereunder. [Ch1503s28]28. Cancellation of permit

21 of 1987(1) The Minister may cancel a permanent residence permit in any of the following circumstances—

(a) if the application for the permit contained any information which is false in any material particular;

(b) if the holder of the permit, or his agent, furnished any information in connexion with the application for the permit which is false in any material particular;

(c) if, without the permission of the Minister, the holder of the permit engages in Malawi in any occupation other than the occupation stated in his permit;

(d) if the holder of the permit does not take up his residence in Malawi within six months of the date of issue of the permit;

(e) if the holder of the permit absents himself from Malawi for a longer continuous period than six months before becoming a person deemed to belong to Malawi, and shall cancel any such permit if the holder thereof becomes a prohibited immigrant.

(2) The Minister shall state to the holder thereof the reasons for the cancellation of any permanent residence permit.

21 of 1987(3) The Minister may at any time cancel a temporary residence permit or a business residence permit.

(4) If a permit is cancelled in terms of this section, the Minister shall cause written notice of such cancellation to be served on the holder of the permit, and shall state in such notice the date upon which such permit shall become void and shall be surrendered.

[Ch1503s29]29. Production of document

21 of 1987(1) A police officer or an immigration officer may demand from any person whom he suspects on reasonable grounds of living or being in Malawi illegally the production of his permanent residence permit, temporary residence permit, business residence permit or temporary employment permit.

21 of 1987(2) If such person falls to produce any such permit or to satisfy such officer that he is not required to be in possession of any such permit in terms of this Part, such officer may arrest such person without warrant.

(3) Any person arrested under subsection (2) may, without prejudice to any prosecution under this Act, be detained pending the making of enquiries as to his national status and identity, and while so detained shall be deemed to be in legal custody.

21 of 1987(4) If any person to whom a permanent residence permit, a temporary residence permit, a business residence permit or a temporary employment permit has been issued fails or neglects to produce such permit within seventy-two hours of such officer demanding its production, he shall be guilty of an offence.

[Ch1503s30]30. Presumptions

21 of 1987 In any proceedings for an offence under this Part against a person alleged in the charge to be a person who requires to be in possession of a permanent residence permit, a temporary residence permit, a business residence permit or a temporary employment permit, that person shall be deemed not to be in possession of such permit unless he proves the contrary.

[Ch1503s31]31. Permit to attend educational institutions

(1) The Chief Immigration Officer may issue to any person who by reason of this Part cannot lawfully enter or remain in Malawi, a temporary permit (in this section referred to as a "student's permit") authorizing him, upon prescribed conditions, to enter and reside in Malawi for the purpose of attending any educational institution approved by the Minister.

(2) Section 17 (2) shall, mutatis mutandis, apply in relation to a student's permit issued in terms of subsection (1).

(3) Upon notification of the cancellation of a student's permit, section 18 (3) shall apply to the person concerned, and any deposit made as a condition of issue of the permit may be confiscated.

[Ch1503s32]32. Power to delegate

(1) The Minister may from time to time, by order in writing, delegate to any public officer all or any of the functions conferred upon him under this Part.

(2) Any person to whom any function is delegated under subsection (1) shall exercise such function subject—

- (a) to such conditions as the Minister may impose;
- (b) to such general or special directions as may be given by the Minister; and
- (c) to any regulations made in that behalf by the Minister.

PART III

GENERAL

[Ch1503s33]33. Re-entry of prohibited immigrant

(1) If any person after being restricted from entering or having been removed from or ordered to leave Malawi, if found within Malawi, he may be arrested without warrant and shall be liable—

- (a) to imprisonment with hard labour for three months; and
- (b) to be removed at any time from Malawi by warrant issued by the Chief

Immigration Officer.

(2) If a person has been sentenced to imprisonment for a contravention of subsection (1), he may be removed from Malawi before the expiration of his sentence and upon removal the said sentence shall terminate.

(3) The serving of any such sentence or the removal of any prohibited immigrant from Malawi shall not relieve the prohibited immigrant from the operation of this Act and if he returns to Malawi after any such removal he shall be subject to subsection (1).

[Ch1503s34]34. Misuse of documents

21 of 1987 Any person who—

(a) is in unlawful possession of or makes use of any permanent residence permit, temporary residence permit, business residence permit, temporary employment permit, student's permit, passport or other document of identity belonging to another; or

(b) delivers his permanent residence permit, temporary residence permit, temporary employment permit, student's permit, passport or other document of identity to any other person for use by such other person,

shall be liable to a fine of K500 or to imprisonment for twelve months.

[Ch1503s35]35. Forgery of documents

21 of 1987If any person forges or unlawfully alters any permanent residence permit, temporary residence permit, business residence permit, temporary employment permit, student's permit, passport or other document of identity, he shall be liable to imprisonment for five years.

[Ch1503s36]36. Aiding and abetting unlawful entry

(1) Any person who—

(a) aids or abets any person whose entry into or presence within Malawi is contrary to this Act to enter or remain within Malawi; or

(b) aids or abets any person who has been ordered to be removed from Malawi in terms of this Act to evade the order; or

(c) harbours any person who has been ordered to be removed from Malawi in terms of this Act,

shall, whether or not the person so aided, abetted or harboured as aforesaid is under the age of seven years, be liable to a fine of K500 or to imprisonment for twelve months.

(2) Any person who commits any fraudulent act or makes any false representation by conduct, statement or otherwise for the purpose of facilitating or assisting the entry of himself or any other person into Malawi, contrary to this Act, shall be liable to the penalties prescribed in subsection (1).

[Ch1503s37]37. Other offences

Any person who—

(a) for the purposes of entering Malawi or of remaining therein in contravention of this Act or any other law or of assisting any other person so to enter or remain, whether or not such person is under the age of seven years—

(i) makes a false statement verbally or in writing or in any declaration on a prescribed form;

(ii) forges any permit, certificate or document, other than any document mentioned in section 35, or who uses any such permit, certificate or document knowing it to be forged;

(iii) utters or uses any permit, certificate or document, other than any document mentioned in section 35, which has not been issued by any lawful authority, or which he is not entitled to use;

(b) fails to comply with or contravenes the conditions under which any permit, certificate or other document has been issued to him under this Act;

(c) hinders or obstructs any police or immigration officer in the execution of his duties under this Act;

(d) contravenes or fails to comply with any provisions of this Act for the contravention whereof or failure to comply wherewith no penalty is specially provided, shall be guilty of an offence and liable to a fine of K500 or to imprisonment for twelve months.

[Ch1503s38]38. Saving

Every permit, warrant, direction, certificate, notice or other document and every order of deportation and every security that was issued, made, granted or given under any law in force prior to the date of commencement of this Act, and was valid immediately prior to that date, shall be given effect as if issued, made, granted or given under this Act:

Provided that any permit issued by a former Government that granted permanent residence to a person who is not a citizen of Malawi or a Commonwealth citizen, shall cease to be valid on the 6th July, 1967, but may, on application by the holder, be replaced by a permanent residence permit issued under this Act.

[Ch1503s39]39. Deportation

(1) The Minister may, if he thinks fit, in any such case as is mentioned in subsection (2), make an order (in this Act referred to as a "deportation order") requiring any person (not being a citizen of Malawi) to leave and to remain thereafter out of Malawi.

(2) A deportation order may be made in the case of a person not being a citizen of Malawi in the following circumstances, that is to say—

(a) if any court certifies to the Minister that that person has been convicted either by that court, or by an inferior court from which the case of that person has been referred for sentence or brought by way of appeal, of any offence for which the court has power to impose a sentence of imprisonment and that the court recommends that a deportation order be made in the case of that person; or

(b) if the Minister is satisfied that it is in the interests of defence, public safety, public order, public morality or public health to make a deportation order against that person.

(3) Where any case in which a court has made a recommendation for deportation is brought by way of appeal against conviction or sentence before any higher court and that court certifies to the Minister that it does not concur in the recommendation, that recommendation shall be of no effect, but without prejudice to the power of the Minister to make a deportation order under subsection (2) (b).

[Ch1503s40]40. Regulations

(1) The Minister may make regulations for any matter which may be prescribed and generally for the better carrying out of the objects and purposes of this Act.

(2) Without derogation from the generality of the foregoing, such regulations may prescribe—

(a) the powers and duties of an immigration officer;

(b) the steps to be taken to prevent the entrance of prohibited immigrants into Malawi;

(c) the ports of entry and the times, places and conduct of the enquiry or examination, medical or otherwise, of persons entering or desiring to enter Malawi or who, being found in Malawi, are suspected of being prohibited immigrants;

(d) the procedure for and the manner of detention of prohibited immigrants and unlawful residents pending their removal from Malawi, and the procedure for and the manner of such removal;

(e) further certificates and permits which may be issued for the purposes of this Act and—

(i) the circumstances under which it may be cancelled or withdrawn;

(ii) the fees payable therefor;

(f) the conditions under which prohibited immigrants may be allowed to pass through Malawi while journeying or being conveyed to a place outside Malawi;

(g) the form of warrants, permits, certificates or other documents issued or used or of declarations to be made or of the records to be kept for the purposes of this Act and the particulars to be inserted in any such document or declaration;

(h) the procedure for the deportation of persons in respect of whom a deportation order has been made, and the manner of detention of such persons pending their removal from Malawi, and the procedure for and the manner of such removal.

(3) Any such regulations may prescribe penalties for a contravention thereof or failure to comply therewith not exceeding a fine of K200 or, in default of payment, imprisonment for a period not exceeding twelve months or such imprisonment without the option of a fine.

[Ch1503s41]41. Delegation of powers

The Chief Immigration Officer may, subject to the prior approval of the Minister in each case, delegate in writing to the Deputy Chief Immigration Officer any or all of the powers conferred upon the Chief Immigration Officer by this Act.

[Ch1503s42]42. Repatriation of alien women

(1) Where any woman who is not a citizen of Malawi becomes married to or cohabits with a man in Malawi, and such marriage or cohabitation comes to an end, it shall be the duty of the man concerned, and any other person responsible for bringing such woman into Malawi, to repatriate the woman to the country from which she was brought.

(2) In any case in which a man shall fail to repatriate a woman in accordance with subsection (1), such man may be ordered by an immigration officer, or by any other person authorized by the Minister, to repatriate the woman within such period as may be specified by such immigration officer or other authorized person.

(3) Any person who has been ordered to repatriate a woman under subsection (2) and who has failed to do so within the time specified in the order shall be liable to a fine of K40 and to imprisonment for three months.

(4) Any person convicted under subsection (3) may be required, in addition to any other penalty, to pay to the Government such expenses as may be incurred by the Government in

repatriating the woman concerned, and any such sum shall be a civil debt recoverable in the Courts.

(5) An immigration officer may, as a condition of entry, require a deposit from any person bringing an alien woman into Malawi against the possible cost of repatriating her to her place of origin.

[Ch1503s43]43. Person absent from Malawi for two years to report return

23 of 1986(1) Where any person, whether or not he is a citizen of Malawi or a student, returns to Malawi after having been absent therefrom for a continuous period of two years or more, he shall report the fact of his absence and his return to an immigration officer, or to the District Commissioner or Chief of the area in which he normally resides or intends to reside.

(2) It shall be the duty of every Chief, Sub-Chief and Village Headman or, in the absence of the Village Headman the person performing the duties of the Village Headman, to report within 24 hours to the District Commissioner or, in the case of a Sub-Chief, Village Headman or acting Village Headman, to the Chief, having jurisdiction in his area, the name of every person residing or taking up residence in his area, who to his knowledge, or who he has reason to believe, has returned to Malawi after an absence of two years or more.

(3) Any Chief or other person who fails to comply with the requirements of subsection (1) or subsection (2) shall be liable to a fine of K40 and to imprisonment for three months.

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PART I

PRELIMINARY

1. Citation

These Regulations may be cited as the Immigration Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Form” means the appropriate form prescribed by these Regulations and set out in the First Schedule. First Schedule

“Visa” means an endorsement or entry in a passport or other travel document made by an immigration officer or any official of the Government authorized to do so to indicate that the bearer thereof has been granted permission to enter or re-enter the country concerned. G.N. 61/1991

PART II

IMMIGRATION PROCEDURE

3. Visas

(1) In pursuance of the arrangements made in accordance with section 5 (c) of the Act, visas are dispensed with in respect of the persons or classes of persons set out in the Second Schedule. G.N. 148/1987, 61/1991, 46/1997, 33/2000, Second Schedule

(2) Any person, not being a national of Malawi, may, upon entry into Malawi and depending on the nature of his business, be given any one of the following visas—

(a) tourist visa enabling the holder thereof to enter Malawi for purposes of visit, residence or business;

(b) transit visa enabling the holder thereof to enter Malawi for purposes of transiting through to another country and to stay in Malawi for a period not exceeding seven days;

(c) official visa, issued to a person holding an official or service passport, enabling the holder thereof to enter Malawi for purpose of carrying out or conducting official business in Malawi;

(d) courtesy visa, issued to a person visiting Malawi following an invitation by the Government, but who is not entitled to a diplomatic visa, enabling him to enter Malawi for purposes of paying courtesy calls; and

(e) diplomatic visa, issued to a person holding a diplomatic passport, enabling the holder thereof to enter Malawi either on official or diplomatic mission.

(3) Any person being a national of any country other than a country specified in the Second Schedule, may, on application and depending on the nature of his business and the circumstances of his visit be issued with a single entry visa enabling him to stay in Malawi for a period not exceeding three months or a multiple entry visa enabling him to enter Malawi several times provided that such entries are made within the period of and not exceeding twelve months. Second Schedule

(4) The fees payable on issue of visas, other than official, courtesy and diplomatic visas, shall be as follows— G.N. 29/1999, 6/2008

Type of Visa	Place of issue	Fee
Transit visa	Malawi	US\$50 00
Transit visa	Malawi Mission	US\$70 00
Single entry visa	Malawi	US\$70 00
Single entry visa	Malawi Mission	US\$100 00
Multiple entry visa up to six months	Malawi	US\$150 00
Multiple entry visa up to six months	Malawi Mission	US\$220 00

Multiple entry visa up to twelve months	Malawi	US\$250 00
Multiple entry visa up to twelve months	Malawi Mission	US\$300 00

(5) Application for a visa to enter a commonwealth country for which Malawi is the visa issuing Authority shall be in Form No. 28. G.N. 29/1999

4. Examinations or tests required

(1) Any examination or test required by an immigration officer under section 13 of the Act may be conducted on any train, vessel, aircraft, vehicle or other conveyance or at any other place which such officer considers to be convenient for the purpose, and if necessary, affords sufficient privacy. G.N. 148/1987

(2) The immigration officer requiring such an examination or test may, in his discretion, determine the sequence in which persons wishing to enter or re-enter Malawi shall be so examined or tested.

(3) Every person who has entered Malawi and who desires to remain in Malawi for a longer period than that stated by him at the time of his arrival in Malawi shall report in person to an immigration officer and shall submit to such examinations and tests in accordance with section 13 of the Act, as may be required notwithstanding that he is already within Malawi.

(4) On completion of any examination or test required under section 13 of the Act, the immigration officer may make an appropriate endorsement on the person's passport or other document of identity.

5. Medical Examinations

(1) A medical practitioner shall, where necessary and required, be present at any examination or test required under section 13 of the Act and shall indicate to an immigration officer any person who ought, in his opinion, to be medically examined. An immigration officer may require a medical practitioner to make a medical examination of any such person, and of any other person entering or found within Malawi who is required to submit to such medical examinations. G.N. 148/1987

(2) The medical examination of any such person entering or found within Malawi shall take place at such place as may be convenient and as soon as possible after the arrival or discovery of such person, and a report as to the result of such examination shall be rendered to the immigration officer and shall, if such person is found to be a prohibited immigrant, accompany that officer's record of proceedings furnished to the Chief Immigration Officer.

6. Declarations by persons wishing to enter Malawi

(1) The declarations which any person wishing to enter Malawi may be required to make and sign under section 13 (2) (a) of the Act shall be in Form No. 1 and shall be written in English. G.N. 148/1987

(2) An immigration officer may require such person to make and sign such declaration in his presence, and shall satisfy himself that such person understands the declaration.

(3) If such person is unable to read or write or to understand the declaration, the immigration officer may question him, if necessary through an interpreter, and shall himself fill

in the declaration or cause it to be filled in and shall thereupon require such person to attach his signature.

(4) On receipt of any such declaration an immigration officer may make an appropriate endorsement on the passport or other document of identity of the person concerned.

7. Evidence by persons wishing to enter Malawi

In order to satisfy an immigration officer that he is not a prohibited immigrant under section 4 (1) (c) of the Act a person may be required to produce evidence of any or all of the following— G.N. 148/1987

- (a) that he is on a temporary visit to Malawi for a stated period;
- (b) that he is permanently resident elsewhere and intends to return thereto;
- (c) that he will be re-admitted into his country of domicile, or country of last permanent residence at the expiration of his visit to Malawi;
- (d) that he has in his possession for his own use such sum of money as is sufficient to support himself and his dependants whilst in Malawi, or that he has such sum of money immediately available in Malawi, or that he has friends or relatives in Malawi able and willing to support him and his dependants.

8. Security

(1) An immigration officer may, when he deems it necessary, require security to be furnished in respect of any person or his dependants who enter Malawi. G.N. 168/1983

(2) Such security shall be in the form of a cash deposit or a guarantee or a general security covenant acceptable to the immigration officer concerned and shall be in such sum, being not more than K2,000 in respect of each person or dependant as such immigration officer may determine. G.N. 168/1983

(3) A guarantee given under subregulation (2) shall be in Form No. 2 and shall be—

- (a) given by the employer or by such other person as may be approved by the Chief Immigration Officer;
- (b) supported by an undertaking by a bank, or some other body approved by the Chief Immigration Officer that the sum specified will be paid to the Government of Malawi on demand at any time during the period for which the guarantee is given; and
- (c) given for a period not exceeding seven years calculated from the date of entry into Malawi of the person for whom the guarantee is given or, if such person is already within Malawi, for a period of seven years calculated from the date upon which the guarantee is given:

Provided that the Chief Immigration Officer may in exceptional circumstances dispense with the undertaking mentioned in paragraph (b).

(4) Where any employer enters or intends to enter into a contract for employment within Malawi of a person in respect of whom, together with that person's dependants, the Chief Immigration Officer deems it necessary to require security, the Chief Immigration Officer may in lieu of a deposit or guarantee in respect of such employee and his dependants, if any, permit the employer to enter into a covenant to provide a general security in respect of all such employees and their dependants, if any. Every such general security covenant shall be in Form No. 3.

(5) It shall be a condition of any security furnished under this regulation that the sum deposited or guaranteed, as the case may be, may be applied by the Government of Malawi to meet any expenditure which may be incurred in connexion with the care, treatment or maintenance in, or the repatriation or deportation from, Malawi of the person concerned and additionally or alternatively any of his dependants in respect of whom the security is furnished.

(6) Security shall only be refunded or released upon—

(a) the principal's leaving Malawi; or

(b) the satisfaction of the Chief Immigration Officer that such security is no longer necessary for the purposes of this regulation.

9. Requirements for married women and children

(1) In the case of an application by a married woman or in respect of a child to enter Malawi, an immigration officer may require the production of a duly authenticated copy of the marriage certificate or birth certificate as the case may be.

(2) If no such copy of the marriage certificate or birth certificate can be produced, the immigration officer may require—

(a) the production of an official certificate under the hand of a person acceptable to the immigration officer stating that, to his personal knowledge, the woman was married to a stated man on a date or in circumstances stated, or that the child was born on a date and at a place set out and of parents named in such certificate, as the case may be; or

(b) the production of a certificate under the hand of a person acceptable to the immigration officer stating that he has taken sworn testimony or other evidence as to the circumstances and date of and the parties to the marriage, or the date of birth and parentage of the child, as the case may be, and that such testimony and evidence is attached to the certificate together with any conclusions of such person in respect thereof.

(3) An immigration officer may require any certificate mentioned in this regulation to be supplemented by satisfactory evidence as to the identity of the person or persons referred to in the certificate and may, in any case of doubt, require such further evidence as may be necessary to satisfy him that the wife or child who is the subject of the application is the wife or child referred to in the certificate and is not a prohibited immigrant under the Act.

10. Order to report

(1) Where a person wishing to enter Malawi, or who has entered Malawi, cannot satisfy an immigration officer that he is not a prohibited immigrant, or that he is lawfully entitled to enter or be in Malawi, an immigration officer may for the purpose of making inquiries into such person's identity or antecedents, or to enable such person to comply with any requirements of the immigration officer, serve on such person a notice in writing valid for such period as may be specified in the notice.

(2) Such notice shall be in Form No. 4, shall require such person to report to an immigration officer at such place and at such time, or at such intervals as may be specified in the notice, and to comply with such other conditions or restrictions as may be specified therein.

(3) Such notice shall not, save only for the purpose of, and to the extent necessary for complying with the terms and conditions thereof, and for the period of the validity thereof, be deemed to be a permit or authority to enter or remain in Malawi, and shall be surrendered to an immigration officer when required or when the person concerned leaves Malawi.

PART III

PROHIBITED IMMIGRANTS

11. Prescribed diseases

The following diseases shall be the diseases prescribed for the purposes of section 4 (1) (e) of the Act— G.N. 148/1987

- (a) tuberculosis;
- (b) trachoma;
- (c) favus;
- (d) framboesia or yaws;
- (e) syphilis or gonorrhoea;
- (f) scabies; and
- (g) leprosy.

12. Prescribed offences

The offences set out in the Third Schedule shall be the offences prescribed for the purposes of section 4 (1) (f). G.N. 148/1987

13. Photographs, fingerprints, etc.

Any person who is—

- (a) or is suspected of being a prohibited immigrant: or
- (b) detained under the Act in any prison, gaol, lock-up or detention cell in Malawi shall, on demand made by the gaoler, officer in charge of the prison or other place of detention, a police officer or an immigration officer, submit to having his photograph and his fingerprints or palm-print impressions taken by such officer or by any person appointed for the purpose.

14. Warrants of detention and removal

(1) A warrant of detention issued under sections 14 and 16 of the Act shall be in Form No. 5, and a warrant of removal from Malawi shall be in Form No. 6. G.N. 148/1987

(2) Upon receipt of a warrant of detention issued by an immigration officer, the gaoler or officer in charge of the prison or other place of detention to whom the warrant is addressed shall accept custody of the person against whom the warrant is issued.

(3) No such person shall be so detained in custody for any longer period than is necessary for the purposes of any prescribed inquiry or for the completion by an immigration officer of arrangements for the removal of such person from Malawi at the first reasonable opportunity.

(4) The production of a warrant of removal issued by a magistrate or by the Chief Immigration Officer shall be sufficient authority to the gaoler or officer in charge of the prison or other place of detention to whom the warrant is addressed to deliver the person named therein to

the proper escort appointed to bring such person to any place for the purpose of removal under such warrant.

(5) The duplicate copy of a warrant of removal shall be endorsed with the name and rank, if any, of the person executing it, the number of the aircraft, vessel, train or vehicle used for the purpose and the time and date on which it departed from Malawi. The copy of the warrant shall then be returned to the magistrate or to the Chief Immigration Officer, as the case may be, who issued it.

15. Action after criminal proceedings

If a prohibited immigrant or a person suspected of being a prohibited immigrant is arrested upon a criminal charge he shall be handed over to the custody of an immigration officer at the conclusion of the criminal proceedings or at the expiration of any sentence of imprisonment imposed upon him, as the case may be, and may thereafter be detained or dealt with under and subject to the Act.

16. Records concerning prohibited immigrants

An immigration officer shall, in the case of every person who is or is suspected of being a prohibited immigrant under the Act, make a full record of his inquiry or examination and shall forthwith transmit the record to the Chief Immigration Officer, together with all documents relating thereto. The Chief Immigration Officer may thereupon make such further inquiry or examination as he deems necessary.

PART IV

APPEALS

17. Preliminary appeal procedure

(1) The notice which an immigration officer shall give under section 8 (1) of the Act shall be in Form No. 7. G.N. 148/1987

(2) An immigration officer shall, after notifying a person that he has been declared to be a prohibited immigrant, inform him, verbally or in writing, of his right of appeal to a magistrate's court and supply to such person, should he wish to appeal, a notice of appeal in Form No. 8.

(3) If the person declared to be a prohibited immigrant is under detention when he completes his notice of appeal, he may, within the time provided for appeals under section 8 (2) of the Act, deliver his notice of appeal and a copy thereof to the gaoler or officer in charge of the prison, or other place of detention, charged with his custody, who shall thereupon endorse such notice and copy with the date of receipt and arrange for their delivery with all possible despatch respectively to the court of the magistrate having jurisdiction in the matter and to the immigration officer concerned. G.N. 148/1987

(4) An immigration officer to whom a copy of the notice of appeal has been handed or delivered shall forthwith send such copy to the Chief Immigration Officer.

18. Procedure where no court sitting locally

If there is no court which ordinarily sits or is sitting or about to sit at his station, an immigration officer shall communicate with the Chief Immigration Officer by telegraph, and

shall inform the appellant that if he desires to be present at the hearing of the appeal he will, if under detention, be taken under escort to the place where the court is to sit.

PART V

REMOVAL OF PROHIBITED IMMIGRANT

19. Removal of prohibited immigrant

(1) An immigration officer may order a prohibited immigrant who has not appealed or made representations under section 8 or section 9 of the Act, or whose appeal or representations have been rejected, to leave Malawi forthwith and, if such prohibited immigrant fails or refuses to obey such order an immigration officer may, if authorized by a warrant issued by a magistrate under section 8 (3), or in any other case by the Chief Immigration Officer, take such steps and use such force as he considers necessary to remove such prohibited immigrant from Malawi.

G.N. 148/1987

(2) Where the conditions specified in section 10 (2) (b) of the Act apply, an immigration officer may serve the airline, shipping company, transport company or other carrier, conveyor or transporter concerned with a notice in Form No. 9 directing it to remove the prohibited immigrant from Malawi.

PART VI

PERMITS AND CERTIFICATES OF IDENTITY

20. Permit relating to prescribed diseases

(1) A permit issued under section 4 (1) (e) of the Act in respect of a prescribed disease shall be in Form No. 10 and shall be issued by the Chief Immigration Officer. G.N 148/1987

(2) The following conditions may be imposed in any such permit—

(a) the place of residence and every change of residence of the holder of the permit and his manner of transport shall be subject to the approval of the Chief Immigration Officer;

(b) the holder of the permit shall not at any time use or occupy any bedroom or other sleeping accommodation used by any other person;

(c) the holder of the permit shall observe and carry out such directions as to residence, disposal of sputum, disinfection and generally as to the prevention of the spread of infection as may be given by the medical officer of health of the local authority in whose area he resides, or, where there is no such medical officer of health, by the nearest Government medical officer;

(d) the holder of the permit, as soon as possible after it has been issued, shall report in person to the medical officer of health of the local authority in whose area he resides or, where there is no such medical officer of health, to the nearest Government medical officer and shall notify him his residential address and any change of such address; and

(e) the holder of the permit shall present himself at such time and place as may be required for medical examination by a Government medical officer or other medical practitioner and shall defray the cost of such examination.

21. Temporary permit

(1) A temporary permit issued under section 17 (1) of the Act shall be in Form No. 11.
G.N 148/1987

(2) No such temporary permit shall be issued, renewed or extended—

(a) for a total period exceeding thirty days without the approval of the Chief Immigration Officer; or

(b) for a total period exceeding twelve months without the approval of the Minister.

(3) The following conditions shall be imposed upon any person to whom such a temporary permit is issued—

(a) the holder of the permit shall give his address in Malawi to an immigration officer and shall immediately notify an immigration officer of any change of address;

(b) the holder of the permit shall report to such officer at such place and at such time or at such intervals as may be specified in the permit and shall keep such officer duly advised of his whereabouts;

(c) the holder of the permit shall leave Malawi within the period specified in the permit and without expense to the Government and shall surrender the permit to an immigration officer before leaving Malawi;

(d) the holder of the permit shall give to the Chief Immigration Officer or to the immigration officer at the nearest port of entry or departure at least twenty-four hours' notice (excluding Sundays and public holidays) of the date of his intended departure from Malawi;

(e) the holder of the permit shall obtain the proper endorsement by an immigration officer on such permit of any renewal or extension of the permit;

(f) the permit shall be invalidated and the security found by the holder shall be forfeited to the Government if any false declaration or false representation has been made by the person to whom the permit is issued or by any other person on his behalf;

(g) the holder of the permit shall not engage in any work, occupation or activity which is not necessary for or incidental to the purpose for which he was permitted to enter Malawi unless he has first obtained the permission of the Chief Immigration Officer;

(h) the holder of the permit shall at any time on demand by an immigration officer forthwith surrender the permit to such officer;

(i) the holder of the permit shall enter and leave Malawi through such ports of entry and departure as may be specified in the permit;

(j) the holder of the permit shall travel by such route, such mode of conveyance and at such time as may be specified in the permit;

(k) the holder of the permit shall visit only such areas of Malawi as may be specified in the permit; and

(l) the holder of the permit while in Malawi shall not engage in such activities as may be specified in the permit.

22. Certificate of identity

(1) Application for a certificate of identity under section 20 of the Act shall be made in Form No. 12 and shall be supported by documentary evidence as to the identity of the applicant and as to the fact that he is lawfully resident in Malawi. G.N 148/1987

(2) A certificate of identity shall be issued in Form No. 13 and signed by the Chief Immigration Officer and shall be subject to the following conditions—

(a) on the return to Malawi of the person to whom the certificate is issued the certificate shall be surrendered to an immigration officer; and

(b) the certificate shall be invalidated if it has been obtained by means of any false statement or declaration.

(3) Every certificate shall contain such particulars as may be necessary to identify the holder, together with a full face photograph of the holder, and, if it is considered necessary for the purpose of identification, his thumb-print impressions.

23. Permanent residence permit

(1) Application for a permanent residence permit shall be—

(a) made in duplicate in Form No. 14 in the English language;

(b) accompanied by—

(i) a medical certificate in Form No. 15;

(ii) a police certificate in Form No. 16 or, where this is not obtainable, a certificate of character in Form No. 17;

(iii) such other certificates or documents as are specified in Form No. 14; and

(c) submitted in the manner stated on Form No. 14.

(2) A permanent residence permit issued under section 22 of the Act shall be in Form No. 18. G.N 148/1987

(3) A permanent residence permit may be cancelled if the holder of the permit does not take up residence in Malawi within six months of the date of the issue of the permit.

24. Temporary residence permit

(1) Application for a temporary residence permit shall be made in Form No. 19. G.N 148/1987

(2) A temporary residence permit issued under section 24 of the Act shall be in Form No. 20, and the holder of such permit shall be subject to the following conditions—

(a) he shall give his address in Malawi to an immigration officer and notify any change of address to such an officer;

(b) he shall not, without the permission of the Chief Immigration Officer, commit any act or conduct himself in any manner which is inconsistent with or contrary to the purpose for which he was permitted to enter Malawi;

(c) he shall, without expense to the Government, leave Malawi on or before the date stated on the permit unless an extension of the validity of the permit has been endorsed thereon by an immigration officer; and

(d) he shall surrender the permit to an immigration officer immediately before leaving Malawi.

24A. Business residence permit

(1) An application for a business residence permit shall be made in Form No. 19A. G.N. 148/1987

(2) A business residence permit issued under section 24A of the Act shall be in Form No. 20A.

(3) The holder of a business residence permit shall, within a reasonable time, notify the Chief Immigration Officer of every change, occurring during the currency of his permit, in any material particulars stated in his application and where such change requires an endorsement on his permit, the appropriate fee specified in the Fourth Schedule shall be payable in respect of every endorsement made on the permit.

25. Temporary employment permit

(1) An application for a temporary employment permit shall be made in Form No. 21. G.N. 148/1987

(2) A temporary employment permit issued under section 25 of the Act shall be in Form No. 22, and the holder of such permit shall be subject to the following conditions—

(a) he shall not engage in any occupation other than the occupation specified in the permit;

(b) he shall not take up employment with any employer other than the employer, if any, who completed Part A of Form No. 21;

(c) he shall not reside in Malawi other than within the area of Malawi specified in the permit;

(d) he and all persons authorized to enter Malawi with him under the permit shall leave Malawi on or before the expiry of the period stated in the permit;

(e) he shall surrender the permit to an immigration officer before leaving Malawi; and

(f) he shall surrender the permit to the Chief Immigration Officer on ceasing to be engaged in the occupation specified in the permit. G.N. 73/1970

(3) A temporary employment permit may be renewed by the Minister upon application.

26. Visitor's permit

(1) A visitor's permit under section 26 of the Act shall be issued by an immigration officer by endorsing under the immigration entry stamp in the person's travel document the permit serial number together with the period of validity and shall be signed by such immigration officer. G.N 148/1987

(2) The holder of a visitor's permit shall be subject to the following conditions—

(a) he shall give his address in Malawi to an immigration officer;

(b) he shall not take up any employment, work, occupation or activity for gain for which, in the opinion of the Chief Immigration Officer, he would be required to be in possession of a temporary employment permit or a temporary residence permit; and

(c) he shall, without expense to the Government, leave Malawi on or before the date stated on the permit unless an extension of the validity of the permit has been endorsed thereunder by an immigration officer.

27. Student's permit

(1) An application for a student's permit shall be made in Form No. 23. G.N. 148/1987

(2) A student's permit issued under section 31 of the Act shall be in Form No. 24 and shall be subject to the following conditions—

(a) the permit shall remain valid for a period of one year from the date of issue;

(b) the validity of such permit may be extended by an endorsement of the permit by the Chief Immigration Officer for a further period or periods each not exceeding one year, on production of written evidence of the holder's admittance by an educational institution approved by the Minister for a further period of study; and

(c) the holder of such permit shall not engage in any gainful occupation except during a period of vacation permitted by such institution.

28. Loss or destruction of permit

If a permit or certificate issued under the Act or these Regulations is lost or destroyed, the Chief Immigration Officer may in his discretion issue a copy thereof, subject to payment by the permit or certificate holder of the appropriate replacement fee specified in the Fourth Schedule. G.N. 148/1987

29. Cancellation of permit and certificate

The Chief Immigration Officer may cancel any certificate or permit, other than a permanent residence permit or copy thereof, issued under the Act or these Regulations on being satisfied that the holder thereof has failed to comply with, or has committed a breach of, any of the conditions of such certificate of permit, or that it was obtained by a false declaration or by misrepresentation.

30. Holder of temporary permit ceasing to be prohibited immigrant

If the Chief Immigration Officer is satisfied that a person who is the holder of a temporary permit has ceased to be a prohibited immigrant under the Act, he may authorize the issue of an appropriate permit to such person in accordance with the Act:

Provided that if in any case the Minister has directed the issue of a temporary permit the Chief Immigration Officer shall not authorize the issue of any other permit without the approval of the Minister.

31. Exit declarations

A person leaving Malawi shall be required to complete the declaration in Form No. 25. G.N. 106/1970, 60/1972

PART VII

DEPORTATION

32. Deportation order

(1) A deportation order issued under section 39 of the Act shall be in Form No. 26, under the hand of the Minister, and shall direct the person to whom it is addressed to leave Malawi within such period after service of the order as may be specified therein. G.N. 148/1987

(2) The police officer or immigration officer detailed to enforce the order shall serve it by reading it over to the person who is the subject of the deportation order. The police officer or immigration officer shall leave the original order in the possession of the person to be deported but this action shall not constitute an essential part of the service of the order.

(3) Any person to whom a deportation order is addressed who fails to leave Malawi within such period after service of the order as may be specified therein may, whether or not he is prosecuted for an offence under the Act, be removed from Malawi by an immigration officer without any further warrant or authority. An immigration officer may take such steps and use such force as he considers necessary to remove such person from Malawi.

33. Deportation procedure

(1) The duplicate copy of a deportation order shall be endorsed with the name and rank of the police officer effecting the deportation, the number of the aircraft, vessel, train or vehicle used for the purpose and the time and date on which it departed from Malawi. The copy of the order shall then be returned to the Chief Immigration Officer who shall inform the Minister as soon as possible.

(2) If the name of the deportee is spelt on the passport or any other travel document in a way which is at variance with the deportation order, the particulars of any variation shall be given in full when the copy of the deportation order is returned to the Chief Immigration Officer.

(3) A deportee may be placed on board any train, aircraft, vessel or vehicle which is about to leave Malawi and the guard of the train or commander of the aircraft or vessel, or conductor or driver of the vehicle, shall, if so required by an immigration officer, take whatever steps may be necessary to prevent the deportee from landing from the train, aircraft, vessel or vehicle before it leaves Malawi and he may, for that purpose, detain a deportee in custody on board the train, aircraft, vessel or vehicle and use any force necessary to ensure his retention in custody.

PART VIII

GENERAL

34. Use of telegraph or wireless

Any order or warrant issued under the Act or these Regulations may be effected by telegraph or wireless, and a copy thereof, served and executed as required by the law relating to criminal procedures, shall be of force and effect as if the original had been so served or executed.

35. Fees

In respect of the issue of any permit or certificate prescribed under these Regulations the fees (if any) stated in the Fourth Schedule shall be payable: G.N. 25/1987

Provided that the Minister may by writing under his hand— G.N. 25/1987

(a) exempt any person or any class of persons from payment of any of the prescribed fees, and where the Minister grants such exemption he shall cause notice thereof to be published in the Gazette; or

(b) remit or reduce any of the prescribed fees in respect of any person or any class of persons.

36. Delegation of powers

The Chief Immigration Officer may delegate in writing to the Deputy Chief Immigration Officer any or all of the powers conferred upon the Chief Immigration Officer under these Regulations.

FIRST SCHEDULE G.N. 148/1987, 168/1983, 61/1991, 35/1998, 69/1998

LIST OF PRESCRIBED FORMS

FORM No. 1 Entry/Exit Card

FORM No. 2 Guarantee by Employer or Other Person

FORM No. 3 General Security Covenant

FORM No. 4 Provisional Restriction Notice

FORM No. 5 Warrant of Detention

FORM No. 6 Warrant for the Removal of a Person

FORM No. 7 Notice of Prohibited Immigrant

FORM No. 8 Notice of Appeal

FORM No. 9 Notice of Direction to a Carrier

FORM No. 10 Permit for Person Suffering from a Prescribed Disease to Enter Malawi

FORM No. 11 Temporary Permit

FORM No. 12 Application for Certificate of Identity

FORM No. 13 Certificate of Identity

FORM No. 14 Application for Permanent Residence Permit

FORM No. 15 Medical Certificate Required of an Applicant for a Permanent Residence Permit

FORM No. 16 Police Certificate Required of an Applicant for a Permanent Residence Permit

FORM No. 17 Certificate of Character Required of an Applicant for a Permanent Residence Permit (to be used when, under the Regulations of a Police Force, a Police Certificate on Form No. 16 may not be issued)

FORM No. 18 Permanent Residence Permit

FORM No. 19 Application for Temporary Residence Permit

FORM No. 19A Application for a Business Residence Permit G.N. 148/1987

FORM No. 20 Temporary Residence Permit

FORM No. 20A Business Residence Permit

FORM No. 21 Application for Temporary Employment Permit G.N. 148/1987

FORM No. 22 Temporary Employment Permit

FORM No. 23 Application for a Student's Permit

- FORM No. 24 Student's Permit
- FORM No. 25 Exit Card
- FORM No. 26 Deportation Order
- FORM No. 27 Application for a visa to enter Malawi G.N. 61/1991
- FORM No. 28 Application for a visa to enter an independent commonwealth country for which Malawi is the visa issuing Authority

FORM No. 1 (M.P. 259)
 REPUBLIC OF MALAWI
 IMMIGRATION ACT

SERIAL
 REGULATION 6
 ENTRY/EXIT CARD

1. (Please Print) Mr.
 Mrs.
 Miss

.....
 (Surname)

.....
 (Maiden names)

.....
 (First names)

2. Date of birth

Day Month

Year

3. Place of birth

4. Nationality

5. Occupation

.....

.....

6. (For visitors only) Reason for entry

.....

7. Last residential address

8. Address travelling to

Passport Number

Place and date of issue

I hereby declare that I have answered all the relevant questions correctly and truthfully.

.....
Signature of Traveller

FOR OFFICIAL USE

File ref.

Status (sec.)

Permit (type)

Expiry (date)

Passport endorsement Cancelled/not cancelled

Permit Attached/not attached

Visitor's security

V.P. serial number

Visa number Authority

Date Place of issue

Remarks

.....

Immigration Officer

M.P. 259

DATE STAMP

FORM No. 1

(Continuation) H.Q. SERIAL

REPUBLIC OF MALAWI

ENTRY DECLARATION (CONTINUATION FORM)

(To be completed in block capitals)

1. SURNAME OTHER NAMES

Mr./Mrs./Miss:

2. How many times have you visited Malawi in the last twelve months ? (Visitors only.)

3. Have you ever been convicted of a criminal offence? If so, give full details below—

Country	Offence	Sentence
---------	---------	----------

.....		
.....		
.....	
.....		
.....	
.....		

4. Have you ever been declared a Prohibited Immigrant or been deported from any country? If so, please give the reason and the country in which this happened and the date—

.....

.....

5. If you are travelling by road please state whether you are a passenger, the hirer or the owner of the vehicle in which you are travelling by placing a tick in the appropriate section—

PASSENGER	HIRER	OWNER
-----------	-------	-------

6. If you own or are hiring your vehicle please give the following particulars—

Make Type Model Registration No.

.....

DECLARATION:

7. I hereby declare that I have answered all the above questions correctly and truthfully.

Date

Signature of Traveller

FOR OFFICIAL USE

IM.

T/I.

C/R.

F/S—r/d.

Date

Responsible Officer

FORM No. 2 (POL. 182) reg. 8 (3)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(CAP. 15:03)

GUARANTEE BY EMPLOYER OR OTHER PERSON

I, (a) the undersigned, hereby undertake full responsibility in regard to (b) and I undertake to pay to the Government of Malawi all expenses (not exceeding) incurred or to be incurred by it in respect of or arising out of—

(1) the care, treatment or maintenance in Malawi of the said person and/or his dependants by the said Government and/or a Local Authority and/or other public body;

(2) the repatriation or deportation of the said person and/or his dependants from Malawi.

The Chief Immigration Officer shall in his sole discretion determine the time of payment by me of all the said expenses (either before or after they have actually been incurred) and the amount thereof (subject to the above limitation):

Provided that he shall not demand payment of the amount after seven years from the date of arrival of the said person in Malawi, or if the said person is already in Malawi, after two years from the date of this guarantee.

Dated at on this day of
19.....

Signature

Address

As WITNESSES:

1. Signature

Address

2. Signature

Address

NOTE— If the amount paid by the guarantor is in excess of the expenses actually incurred by the Government the difference will be refunded.

TO BE COMPLETED BY A BANK OFFICIAL

We, undertake to hold at the disposal of the Department of Immigration a sum not exceeding Kwacha (.....) which amount will be paid on demand should fail to comply with the terms of the Form of Undertaking given above.

The Bank's liability under this undertaking shall not exceed Kwacha (.....) and shall expire on the or upon payment being effected, whichever is the earlier.

Sub-Manager

Sub-Accountant

Witness: 1

Witness: 2

(Stamp according to value)

FORM No. 3 reg. 8 (4), G.N. 168/1983

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

GENERAL SECURITY COVENANT

WHEREAS WE, the said of (hereinafter referred to as the Employer) from time to time enter into contracts for the employment within Malawi of persons (hereinafter referred to as the employees) who require temporary residence permits, temporary employment permits or permanent residence permits:

AND WHEREAS the Chief Immigration Officer, as a condition precedent to the issue of any temporary residence permit, temporary employment permit or permanent residence permit, has required that we the said Employer shall give a general security in respect of all such employees and their wives, children and other dependants if any:

AND WHEREAS we, the said Employer desire to give such a general security in order to enable temporary residence permits, temporary employment permits or permanent residence permits to be issued.

168/1983 Now THESE PRESENTS WITNESS that in consideration of the issue from time to time of temporary residence permits, temporary employment permits or permanent residence permits to the said employees, their wives, children and other dependants, we, the said Employer do hereby Covenant with the Government of Malawi that we, the said Employer will on demand forthwith pay to the said Government any expenses incurred or likely to be incurred by the said Government in connexion with the care, treatment or maintenance in, of the repatriation or deportation from, Malawi of each such employee, his wife, children or other dependants, but in no case exceeding two thousand Kwacha in respect of each such employee, wife, child, or dependant.

IN WITNESS WHEREOF the said Employer has set his hand this day of, 19.....

Signed by the said Employer:

.....

in the presence of:

(Employer)

(Witness)

(Address of Witness)

N.B.—This document must be stamped in accordance with the Stamp Duties Act. Cap. 43:01, G.N. 168/1983

FORM No. 4 reg. 10 (2)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(CAP. 15:03)

PROVISIONAL RESTRICTION NOTICE

To: Take notice that your entry to Malawi is provisionally restricted in terms of section 14 of the Immigration Act, as read with regulation 10 (1) of the Immigration Regulations and you are required to report to the Immigration Department at: within days of the date hereof for the purpose of producing—

- (1) National Passport
- (2) Permanent Residence Permit
- (3) Temporary Residence Permit
- (4) Cash Deposit Guarantee
- (5) Evidence of Means
- (6) Evidence of Residential Status
- (7) Student’s Permit
- (8) Temporary Permit
- (9) Evidence of Employment
- (10) Temporary Employment Permit
- (11) Full address at destination
- (12) Visa.

DATE STAMP

.....

Immigration Officer

Acknowledged

.....

WARNING : If you fail to comply with the terms of this notice you are liable to be removed from Malawi.

Passport No.

.....

Vehicle No.

.....

Address in Malawi

.....

FORM No. 5 (POL. 191) reg. 14 (1)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(CAP. 15:03)

WARRANT OF DETENTION

(Issued under sections 15 and 16 of the Immigration Act)

The Gaoler (or officer in charge of prison or other place of detention).

By virtue of powers conferred on me under sections 15 and 16 of the Immigration Act, this is to authorize you to take into your custody

..... who—

(a) *is suspected of being a prohibited immigrant and who has failed to provide the necessary bond for his appearance within fourteen days; or

(b) *is a prohibited immigrant and has been ordered to leave Malawi.

Dated at this day of

....., 19

.....

Immigration Officer

FORM No. 6 (POL. 209) reg. 14

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(CAP. 15:03)

WARRANT FOR THE REMOVAL OF A PERSON

(Issued under sections 9 and 35 of the Immigration Act)

To

.....

Whereas

..... who—

(a) *having been declared to be a prohibited immigrant; or

(b) *having been the subject of an order to leave Malawi and having failed to comply with the terms of such order;

is liable to be removed from Malawi by warrant issued under the Act, you are hereby authorized to cause the said to be removed from Malawi under proper escort and subject to necessary detention as provided under the Act.

Dated at this day of

....., 19

.....
Magistrate or Chief Immigration Officer

I, hereby certify that in accordance with the instructions contained in Warrant for Removal of dated have escorted to the border of Malawi at on (date) at (time) and saw him cross the border into

Signed

No.

Rank

Name

Date

FORM No. 7 (M.P. 183) reg. 17 (1)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

NOTICE TO PROHIBITED IMMIGRANT

File No.

To

at

Take notice that permission to enter Malawi or to remain therein is refused to you on the ground that you are a Prohibited Immigrant by reason of the operation of—

*(a) paragraph () of subsection (1) of section 5 of the Immigration Act;

*(b) section 5 (3) of the Immigration Act;

*(c) section 6 of the Immigration Act;

*(d) section 23 of the Immigration Act in that you have *entered/ remained in Malawi in contravention of subsection

You are notified that, under the Act you may appeal to the nearest Magistrate's Court—

(a) on the grounds of identity, as provided in section 10 (1) of the Act if you have been alleged to be a Prohibited Immigrant by reason of operation of section 5 (1) (a) or (h) or section 5 (3) of the Act; or

(b) to determine whether or not you are a Prohibited Immigrant if you have been alleged to be a Prohibited Immigrant by reason of the operation of any other provision of the Act.

Such appeal must be noted within three days after this notice has been given and shall be made on Form No. 8 which may be obtained from any Immigration Officer.

You are hereby ordered to leave Malawi within days of the service of this Notice and Order on you unless you sooner appeal to a Magistrate, that is by (time) on (date)

Date

Place

.....
Immigration Officer

I hereby acknowledge receipt of the notice of which this is a copy, declaring me to be a Prohibited Immigrant to Malawi on the grounds stated therein.

Signature

Date

FORM No. 8 (POL. 184) reg. 17 (2)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(CAP. 15:03)

NOTICE OF APPEAL

The Magistrate,

I, hereby notify my intention to appeal on grounds set out below against the declaration of the Immigration Officer at that I am a Prohibited Immigrant within the meaning of the Immigration Act, as notified to me in Immigration Form No. 7, dated

.....
GROUNDS OF APPEAL

.....
.....
.....
.....

Date..... 19.....

Signature

.....
Place

NOTE— If the person declared to be a Prohibited Immigrant is under detention when he completes his notice of appeal, he may deliver his notice of appeal and a copy thereof to the officer in charge of the prison, gaoler or person charged with his custody, who shall thereupon endorse such notice and copy with the date of receipt and arrange for their delivery with all possible despatch respectively to the Court of the Magistrate having jurisdiction in the matter and to the Immigration Officer concerned.

FORM No. 9 reg. 19 (2)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(CAP. 15:03)

Original to "Carrier"

Immigration Officer

Duplicate to Immigration H.Q., Blantyre P.O. Box

Triplicate retained by Office of issue *

Date

To:

**The Manager, Air Malawi

.....

**The Station Master, Malawi Railways

.....

**The Conductor, Bus No. United

Transport (Malawi) Ltd.

**The Driver, Car No. Lorry No. (Name of Firm or Company).

NOTICE OF DIRECTION TO A CARRIER

(Issued under section 11 (2) (b) of the Immigration Act)

Dear Sir,

This is to advise you that† conveyed to the border of Malawi at* on (date) in**A ircraft, Train, Bus, Lorry, Car No. does not comply with the Immigration requirements because¶

..... and you are hereby directed to convey the said†

..... prohibited immigrants, out of Malawi at no cost to the Government of Malawi.

Yours faithfully,

Signed Immigration Officer

..... Rank

..... Immigration Date Stamp

FORM No. 10 (POL. 187) reg. 20(1)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(CAP. 15:03)

PERMIT FOR PERSON SUFFERING FROM A PRESCRIBED DISEASE TO ENTER MALAWI

(Issued under section 5 (1) (e) of the Immigration Act)

Permission is hereby granted to who is suffering from to enter and remain in Malawi, subject to the conditions mentioned below.

.....

Chief Immigration Officer

CONDITIONS

I agree to accept this permit on the abovementioned conditions.

.....

Immigrant

Witness Date

FORM No. 11 (POL. 185) reg. 21 (1)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(CAP. 15:03)

TEMPORARY PERMIT

(Issued under section 18 of the Immigration Act)

File No.

Serial No.

Sum deposited £ (..... pounds)

Deposited by

Receipt No. (Sum to be refunded on production of this permit when leaving Malawi, and on fulfilment of the other conditions imposed hereunder).

It shall be a condition of any security furnished that it may be applied to meet any expenditure which may be incurred in connection with the care, treatment or maintenance in or repatriation or deportation from Malawi of the person to whom the permit is issued and additionally or alternatively any of his dependants mentioned or included in such permit.

The deposit shall only be refunded upon the due carrying out of the conditions by the person to whom the permit is issued and his leaving Malawi within the period for which the permit was issued, or upon the cancellation of the conditions by an Immigration Officer.

Subject to the conditions stated hereunder, the holder, of is permitted to enter Malawi at for the purpose of
.....
.....

(DATE STAMP)

Immigration Officer

CONDITIONS

This permit is issued subject to the following conditions and requirements and to the Immigration Act, and the regulations thereunder:—

(1) The holder of this permit registers his address as—

(a) Postal address

.....

(b) Residential address

.....
and shall immediately notify an Immigration Officer of any change of address.

(2) The holder of this permit shall report to the at at intervals of and shall keep that Officer duly advised of his whereabouts.

(3) The holder of this permit shall leave Malawi within from the date hereof, that is to say, on or before the day of, 19....., without expense to the Government and shall surrender this permit to an Immigration Officer before leaving Malawi.

(4) The holder of this permit shall give to the Chief Immigration Officer or the Immigration Officer at the nearest port of entry and departure at least twenty-four hours' notice (excluding Sundays and public holidays) of his intended departure from Malawi.

(5) The holder of this permit shall obtain the proper endorsement hereunder of any extension of the validity of this permit from a duly authorized Immigration Officer.

(6) This permit shall be invalidated and the security found by the holder shall be forfeited to the Government if any false declaration or false representation has been made by the person to whom the permit is issued or by any other person on his behalf.

(7) The holder of this permit shall not engage in any work, occupation or activity which is not necessary for or incidental to the purpose for which he was permitted to enter Malawi unless he has first obtained the permission of the Chief Immigration Officer.

(8) The holder of this permit shall at any time on demand by an Immigration Officer forthwith surrender the permit to such officer.

(9) The holder of this permit shall enter and leave Malawi through such ports of entry and departure as may be specified in the permit.

(10) The holder of this permit shall travel by such route, such mode of conveyance and at such times as may be specified in the permit.

(11) The holder of this permit shall visit only such areas of Malawi as may be specified in the permit.

(12) The holder of this permit while in Malawi shall not engage in such activities as may be specified in the permit.

I/WE, agree to the above conditions, and I/we clearly understand that any breach of such will involve the forfeiture of the above deposit and will render the holder liable to be further dealt with according to law.

Signature of Holder

Signature of Depositor

Right thumb-print of holder (if required)

As WITNESS:

.....
Place

EXTENSIONS AND REPORTS

.....
.....
.....
.....
.....
.....
.....

DATE STAMP

FORM No. 12 (M.P. 188) reg. 22(1)
GOVERNMENT OF MALAWI
IMMIGRATION ACT
(CAP. 15:03)
APPLICATION FOR CERTIFICATE OF IDENTITY

Serial No.
File No.

If any question is not applicable or if any reply thereto is in the negative this should in each case be clearly stated.

1. Name of applicant in full

.....

2. Address of applicant

.....

.....

3. Date of applicant's birth

.....

4. Place and country of applicant's birth

.....

5. Date and place of applicant's first entry into Malawi

.....

6. Applicant's occupation or other means of subsistence

.....

7. Has applicant ever been refused permission to enter or been expelled from Malawi?

.....

8. State whether applicant is or has been married. If married, give full name and address of wife/husband

.....

.....

.....

.....

9. Period for which certificate required

.....

10. Passport No. Issued at on expiring

.....

11. Identification marks. Height Colour of eyes Colour of hair

12. Record of previous foreign exchange for travelling expenses:—

Date Amount Issued £ Date Amount Issued £

.....

I, having been duly cautioned, hereby solemnly and sincerely declare that I fully understand the above questions, and that I have answered them truthfully.

Signature or mark of applicant

I hereby certify that I acted as Interpreter for the purpose of this application.

Signature

Address

.....

Thumb impressions
where required

LEFT RIGHT Declared before me at

this day of 19.....

.....

Immigration Officer

Title, number and date of document, if any, on the authority of which the applicant is legally in Malawi

.....
.....
FORM No. 13 (POL. 189) reg. 22 (2)
GOVERNMENT OF MALAWI
IMMIGRATION ACT
(Cap. 15:03)

Not valid as a receipt. An official receipt should be obtained for all monies paid to Government.

CERTIFICATE OF IDENTITY
(Issued under section 21 of the Immigration Act)

Serial No.
File No.
G.R. No.

It is certified that having appeared before for the purpose of supplying the means of identification which are now specified herein, and having intimated that he/she is about to absent himself/herself from Malawi for a period of on a visit to this document is issued to the said and, subject to the conditions enumerated below and to the verification of the marks of identification, will be accepted by the examining Immigration Officer without further evidence as proof of the identity of the said on his/her return.

.....
Chief Immigration Officer

Date

Place

CONDITIONS UNDER WHICH THIS CERTIFICATE IS ISSUED

1. On return to Malawi of the person to whom this certificate is issued, the certificate shall be surrendered to the Immigration Officer.
2. This certificate shall be invalidated if it has been obtained by means of any false statement or declaration.

Identification (a) height (b) build
(c) any distinguishing physical characteristics

.....
Record of previous exchange for travelling purposes:—

Date amount issued £

Date amount issued £

Photograph of Holder
Holder if required

Right Thumb-print of

.....
Signature of Holder

Embossed Stamp

FORM No. 14 (POL. 192) reg. 23, G.N. 35/1998, 69/1998
GOVERNMENT OF MALAWI
IMMIGRATION ACT
(Cap. 15:03)

File No.

Serial No.

APPLICATION FOR A PERMANENT RESIDENCE PERMIT

NOTES AND INSTRUCTIONS. Please read carefully as incomplete applications cannot be considered by the Minister. All questions must be answered in full.

This form must be declared before a Magistrate, Commissioner for Oaths or Notary Public and forwarded to the Chief Immigration Officer, P.O. Box 331, Blantyre, Malawi.

The official before whom the form is declared is referred to throughout these notes and instructions as the “attesting officer”.

1. This form is to be completed **IN DUPLICATE** in English and all documents annexed to it, where not originally issued in the English language, must be accompanied by an accurate certified English translation. Except where otherwise specified, only one copy of each of the annexed documents is required.

2. One form may be used for a husband, wife and children under the age of 18 years. Every other person must submit a separate application.

3.—(1) The undermentioned documents must be attached to this application—

(a) three identical copies of a recent full-faced photograph of each person included in the application, made on thin paper, size 1½ x 2½ in., on which the features are clearly and correctly depicted. One copy for each person must be certified on the back by the attesting officer to be a true likeness of the person concerned;

(b) one copy of the birth certificate of the applicant certified by the attesting officer to be a true copy of an original seen by him, or a sworn statement by the applicant giving date and place of birth and names and nationality of parents;

(c) one copy of marriage certificate certified by the attesting officer to be a true copy of an original seen by him, or a sworn statement by the applicant giving date and place of marriage;

(d) one medical certificate on the prescribed form (Form No. 15) for each person;

(e) police certificates on the prescribed form (Form No. 16) covering a minimum period of the last five years if over 16 years of age; or, where a police certificate is not issued, a certificate of character on Form No. 17;

(f) proof of financial circumstances if over 18 years of age;

(g) documentary evidence in English of qualifications and experience in the proposed self-employment. This should be in the form of copies of diplomas, certificates or testimonials certified by the attesting officer to be true copies of the original seen by him or a sworn statement by the applicant of his educational qualifications and occupational history. G.N. 35/1998

(2) The original documents should not be submitted but copies certified and translated into English, as required above, are essential. These copies will not be returned.

4. If an applicant considers himself to be stateless, a statement in English giving full particulars of the reasons for loss of nationality must be attached to his application.

5. With reference to the answer to question 15 within, and not 3 (f) above, the applicant should supply a statement from a bank or similar organization as to his financial status.

6. A Permanent Residence Permit may be cancelled if the holder of the permit does not take up residence in Malawi within six months of the date of issue of the permit.

7. Permanent Residence Permits are issued subject, inter alia, to the conditions that the holder— G.N. 35/1998, 69/1998

(a) shall comply with the Immigration Act;

(b) may engage in paid employment, including self employment.

8. A Permanent Residence Permit ceases to be valid if the holder is absent from Malawi for more than 12 months.

9. If the application is successful, the duplicate copy, suitably endorsed by the Chief Immigration Officer, will be sent to you and should be produced by you with your passport to the Immigration Officer on arrival in Malawi. The actual permit will be endorsed in your passport and those of your dependants, if any, on receipt of the appropriate fee after your arrival in Malawi. G.N. 35/1998

1. Surname (block letters)

.....
Other names (block letters)

2. Present address in full (block letters) (The result of the application will be sent to this address)

.....
3. Date of birth 4. Sex

.....
5. Town and country of birth

.....
6. Present nationality: Self Wife

.....
7. Race (e.g. African, Asian, European, etc.) Self Wife

.....
8. Countries of residence during past 10 years giving dates of residence in each country

.....
9. Specify any physical or mental disabilities of yourself or any dependant

.....
10. (a) Number of years at school, college or university and standard of education reached

.....
(b) Place and country where highest standard of education was reached

.....
11. (a) Present occupation G.N.
35/1998, 69/1998

(b) Occupation to be followed in Malawi (answer must be definite)

.....
(c) Qualifications and experience in this occupation

.....
(d) If to be employed, employer's name and address

.....

(e) Salary and wages offered

.....
(f) If to be self-employed, give particulars of intended business on separate sheet

12. (a) Married, single, widowed or divorced

.....
(b) If legally separated or divorced submit a copy of the court order in question certified as being correct by an official of the court which made it.

13. If you are a wife applying for a Permanent Residence Permit for yourself, state—

(a) Your husband's full name

.....
(b) Your husband's occupation

.....
(c) Your husband's nationality

.....
(d) Your husband's passport number

.....
Date of issue Place of issue

(e) Your husband's present address

.....
14. (a) Full name of wife

.....
(b) Wife's maiden name

.....
(c) Town, country and date of birth

.....
(d) Is wife applying for entry to Malawi?

.....
(e) Particulars of all children under the age of 18 years by any marriage.

Name Race Nationality Sex Town, country, date of birth Whether applying for entry to Malawi (Yes or No)

1	.....	.....	.....	.....	.....	.....
2	.....	.....	.....	.....	.....	.....
3	.....	.....	.....	.....	.....	.....
4	.....	.....	.....	.....	.....	.....

(f) Particulars of other dependants who wish to emigrate to Malawi. Separate application must be submitted by each such dependant and should accompany this application.

(g) Particulars of relations (if any) already resident in Malawi.

Name	Date of birth	Sex	Relationship to Applicant
1
2
3
4

Full Name Malawi	Address in Malawi	Relationship to Applicant	Approximate date entered
1
2
3
4

Name	Date of birth	Sex	Relationship to Applicant
1
2
3
4

15. Financial circumstances supported by documentary proof.
- (a) Sterling value of money immediately available on arrival in Malawi
- (b) Other assets, their value and extent to which they will be available in Malawi

(Signed)

Declared before me at this day of, 20
.....

.....
Signature, Qualification and stamp of Attesting Officer

FOR USE OF IMMIGRATION AUTHORITY ONLY

**TO: THE IMMIGRATION OFFICER,
PORT OF ENTRY,
MALAWI**

The applicant named on this form and whose photograph is attached has been granted a Permanent Residence Permit for Malawi under authority dated
.....

This form is to be retained by the Immigration Officer to whom it is presented and forwarded to the Chief Immigration Officer with the Immigration Declaration Forms of all those included in this application.

The applicant is to be instructed to call at the office of the Chief Immigration Officer with his passport and the passports of his dependants or to forward them by registered post with the fee of £5 so that the actual permits may be endorsed in them. There are no fees for dependants.

Signed.....
Chief Immigration Officer

**THIS AUTHORITY TO ENTER
MALAWI WILL EXPIRE SIX
MONTHS FROM THE DATE
STAMP SHOWN ABOVE.**

Entered Malawi on Port of entry
G.R. No. for permit fee Date

PHOTOGRAPH OF APPLICANT AND DEPENDANTS

FORM No. 15 (M.P. 193) reg. 23(1) (b) (i)
GOVERNMENT OF MALAWI
IMMIGRATION ACT

(Cap. 15:03)

MEDICAL CERTIFICATE REQUIRED OF AN APPLICANT FOR A PERMANENT RESIDENCE PERMIT

Place

Date

I hereby certify that I have examined and find him/her to be mentally and physically sound and that he/she is not affected with tuberculosis in any form or with any disease except as set out below and that he/she is not suffering from favus, leprosy, framboesia or yaws, trachoma, syphilis, gonorrhoea or scabies.

.....
.....
.....

(Signed)

(Qualification of certifying Medical Officer)

NOTE:

Mentally unsound persons include—

- (a) Idiots
- (b) Epileptics
- (c) Insane persons
- (d) Mentally deficient persons.

FORM No. 16 (POL. 199) reg. 23(1)(b)(ii)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

POLICE CERTIFICATE REQUIRED OF AN APPLICANT FOR A PERMANENT RESIDENCE PERMIT

Place Date

TO WHOM IT MAY CONCERN

This is to certify that from enquiries made (Name) who has resided within the jurisdiction of this Police Force from (date) to (date) has not been convicted of any crime or misdemeanour.

(Signed)

Official Stamp and Designation of Police Officer

This certificate must be completed by a Police Headquarters or Office of a district in which the applicant resides or has resided for a period of years and franked with office stamp, date of issue and country.

FORM No. 17 (POL. 210) reg. 23(1)(b)(ii)

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

CERTIFICATE OF CHARACTER REQUIRED OF AN APPLICANT FOR A PERMANENT RESIDENCE PERMIT

(To be used when, under the regulations of a police force, a police certificate on Form No. 16 may not be used)

Place Date

To the Chief Immigration Officer of Malawi—

THIS IS TO CERTIFY that I have personally known whose address is for a period of years, and that during this time he/she has not, to the best of my belief, been convicted of any crime or misdemeanour.

I recommend him/her to be person of good character to whom a Permanent Residence Permit might properly be issued.

Address Signed Qualification

To be signed by a Minister of Religion, Magistrate, Medical or Legal Practitioner, Senior Civil Servant or Bank Official.

FORM No. 18 reg. 23 (2), G.N. 35/1998, 69/1998

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

Ref Date

PERMANENT RESIDENCE PERMIT

The bearer is authorized to enter Malawi for the purpose of taking up paid employment and to reside in Malawi subject to compliance with the Immigration Act.

Chief Immigration Officer

This permit will cease to be valid if the holder remains outside Malawi continuously for more than 12 months.

Fee K G.R. No

Authority of

FORM No. 19 (M.P. 194A) reg. 24

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

APPLICATION FOR TEMPORARY RESIDENCE PERMIT

(NOTE: A Temporary Residence Permit is valid for not more than 6 months and the fee is K2)

For Official Use

Serial No.

File No.

G.R. No.

1. Name of Applicant in full

.....

2. Nationality

.....

3. Date of Birth

.....

4. Place of Birth

.....

5. Passport Number

.....

Date of Issue

.....

Place of Issue

.....

Date of Expiry

.....

6. The reason for your visit to Malawi

.....

7. Permanent address outside Malawi

.....

8. Intended Address during temporary residence in Malawi

.....

9. Address to which permit is to be sent

.....

10. Who will pay fee of K2?

.....

11. *Intended Port of entry

.....

12. *Port by which entry was made

.....

13. *Date of intended entry

.....

14. *Date entered

.....
15. I will be admitted to (country) after my visit to Malawi
because—

- * I have a National Passport of that country.
- * I have been granted a Visa for that country.

Date
Place

Signed

FORM No. 19A G.N. 148/1987

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

APPLICATION FOR A BUSINESS RESIDENCE PERMIT

(Under section 24A of the Immigration Act)

NOTE:

1. A business residence permit is valid for a period of 5 years and is renewable for successive periods of 5 years. The fee both upon issue and renewal is K500.

2. This form is for an application both for issue and for renewal of a business residence permit and the application must be submitted in duplicate to the Chief Immigration Officer, P.O. Box 331, Blantyre, Malawi. Two passport-size photographs of the applicant must accompany the application.

3. Every change, occurring during the currency of a business residence permit, in any material particulars stated in this application must be notified to the Chief Immigration Officer within a reasonable time of its occurrence. A fee of K50 is payable in respect of every resulting endorsement made on the permit.

For Official Use

Serial No.

File No.

G.R. No.

1. Name of applicant (in full)

.....

.....

.....

2. Nationality

.....

3. Date of Birth

4. Place of Birth

5. Passport details—
Number

Place of Issue

Date of Issue

Date of Expiry

6. Address—

(a) Present or intended postal address in Malawi

(b) Present or intended residential address in Malawi

* (c) Address outside Malawi at which you now, or did last, reside

* 7. Arrival details—

(a) (i) Intended date of arrival

(ii) Intended place of entry

(b) (i) Date arrived

(ii) Place of entry

* 8. Particulars of wife and children (if any)—

Wife: Name
Nationality

Children: Name Date of birth

1.
.....
.....

2.
.....
.....

3.
.....
.....

4.
.....
.....

5.
.....
.....

6.
.....
.....

* 9. Particulars of dependent relatives accompanying, or living with, the Applicant—

	Name	Country
	of birth	Date
	of birth	Relationship
	with the applicant	
1.

2.

3.

4.

.....
.....
.....
.....
.....

10. Have you ever been convicted of a criminal (other than a motoring) offence.?

Yes [] No [] (tick whichever applies).

If yes, give details

.....
.....
.....
.....
.....
.....

11. Description of business, etc. Describe the business, profession or occupation in respect of which you are making this application — (If more than one different type of business, profession or occupation, give separate details in respect of each, attaching separate sheet(s) as necessary as follows)—

(a) (i) Business name

.....

(ii) Location of principal place or branches, if any—

Principal place

.....

Branches

1.

.....

2.

.....

3.

.....

(b) Is the business a partnership ?

Yes [] No [] (tick whichever applies). If yes, state particulars of other partners as follows—

	Name	Address	Nationality	Type and number of immigration permit held (if any)
1.
2.
3.
4.

(c) Is the business a company ?

Yes [] No [] (tick whichever applies). If yes, state particulars of other shareholders—

	Name	Address	Nationality	Type and number of immigration permit held (if any)
1.
2.
3.
4.

(d) Are you self-employed ?

Yes [] No [] (tick whichever applies).

[NOTE: In support of the above particulars you are required to attach a copy of the Certificate of Incorporation under the Companies Act, (Cap. 46:03) or a copy of the Certificate of Registration under the Business Names Registration Act (Cap. 46:02)].

12. Employment particulars:

State number of persons employed or estimated to be employed—

Total number—

(a) of Malawi nationals

(b) of foreign nationals, with particulars as follows—

	Name	Position held or nature of duties	Type and number of immigration permit held
1.
2.
3.
4.
5.
6.

(continue on separate sheet as necessary)

13. Financial details:

(a) Give details of financial means (supported by bank statement(s) and a letter from the manager of your bank) immediately available in Malawi or on arrival in Malawi:

.....

.

.....

.

.....

.

.....

.

.....

.

.....

.

.....

.

.....

.

[NOTE: In the case of applicants who have been operating their businesses, etc., for more than one year, the above financial details should relate to a period of not less than three months.]

(b) Give details of other assets, their value and extent to which they are or will be available for your use or at your disposal in Malawi:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

DECLARATION

I (full names of the applicant),

.....

.....

.....

hereby declare that the information furnished in this Application is true and correct and that I clearly understand that if I have stated in it anything which I know to be false or which I believe not to be true, the permit, if issued may be cancelled.

Date

Signature of Applicant

or

Right thumbprint
(if required)

FORM No. 20 (POL. 194) reg. 24(2)
GOVERNMENT OF MALAWI
IMMIGRATION ACT
(Cap. 15:03)

Not valid as a receipt. An official receipt should be obtained for all moneys paid to Government.

TEMPORARY RESIDENCE PERMIT

Particulars of Passport:	For Official Use
No.	Serial No.
Place of Issue	File No.
Date of Issue	G.R. No.
Date of Expiry	

This permit is granted to of nationality, to enter Malawi for the purpose of and is subject to section 24 of the Immigration Act, and to the following conditions, namely that the holder of this permit—

- (a) registers his address in Malawi as follows:
 - (i) Postal Address
 - (ii) Residential Address

and shall notify any change of address to an immigration officer;

(b) shall not, without the permission of the Chief Immigration Officer, commit any act or conduct himself in any manner which is inconsistent with or contrary to the purpose for which he was permitted to enter;

(c) shall, without expense to the Government, depart from Malawi on or before (date) or such later date as duly authorized immigration officer may have endorsed on this permit for the purpose of renewing the period of its validity; and

(d) SHALL, IMMEDIATELY BEFORE SO DEPARTING SURRENDER THIS PERMIT TO AN IMMIGRATION OFFICER.

Place

Date

Immigration Officer

WARNING

Under section 37 of the Immigration Act the holder of a Temporary Residence Permit who fails to comply with or contravenes the conditions under which the permit is issued shall be liable to a fine of K500 or to imprisonment for twelve months.

FORM No. 20A reg 24A, G.N. 148/1987

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

HOLDER'S PHOTOGRAPH

Not valid as a receipt. An official receipt should be obtained for all moneys paid to Government.

BUSINESS RESIDENCE PERMIT

(Issued under section 24A of the Immigration Act)

For Official Use

Serial No.

File No.

G.R. No.

Amount

Subject to the provisions of the Immigration Act and to the Immigration Regulations, the holder (name in full)

Passport No. issued at

on expiring on

Nationality

Accompanied by—

Wife (state name):

.....

Children (state names):

1.

2.

3.

4.

5.

6.

Dependant relatives (state names):

1.
2.
3.
4.
5.

is permitted to enter Malawi and to reside in Malawi for the purpose of engaging in the business, professional practice or occupation specified below for a period of FIVE YEARS from to

Nature of business, profession or occupation:

1.
2.
3.

RENEWALS

Renewed for a further period of 5 years from—

1. to

Official Stamp

Signature

Chief Immigration Officer

Fee paid K

G.R. No.

2. to

Official Stamp

Signature

Chief Immigration Officer

Fee paid K

G.R. No.

3. to

Official Stamp

Signature

Chief Immigration Officer

Fee paid K

G.R. No.

FORM No. 21 reg. 25 (1), G.N. 94/1982

GOVERNMENT OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

APPLICATION FOR TEMPORARY EMPLOYMENT PERMIT

(for issue under section 25 of the Immigration Act)

(PART A to be completed by an employer on behalf of an employee, PART B to be completed by the employee; BOTH PARTS to be completed by the applicant if he is self-employed).

(NOTE: A Temporary Employment Permit is valid for at least 6 months and not more than 2 years in the first instance. The fee on issue is K100. Return this application in duplicate to the Deputy Chief Immigration Officer, P.O. Box 331, Blantyre, Malawi. Two passport-size photographs must accompany the application.) For Official Use

Serial No.

File No.

G.R. No.

PART A

PARTICULARS TO BE SUPPLIED BY THE EMPLOYER OR BY THE APPLICANT IF HE IS SELF-EMPLOYED

1. Name of Employer

.....

2. Address of Employer

.....

3. Nature of Employer's Business

.....

4. Period of which Permit is required

.....

5. Give a summary of the Job Description of the employment being offered, including particulars of the responsibility to be undertaken by the Applicant

.....

.....

.....

6. (a) State the title of the post in Malawi for which the Applicant is being considered

.....

.....

(b) Give details of previous experience which you consider qualifies the Applicant for the post

.....

.....

(c) State the title of any post in Malawi held by the Applicant when first appointed

.....
.....

(d) State the title of the post presently held by the Applicant

.....
.....

7. Attach to this Application a curriculum vitae of the Applicant, including details of his education and professional qualifications together with photocopies of all relevant certificates, etc.

8. (In the case of a married female Applicant only) Give details of your husband's present employment in Malawi and the reference number of his current Temporary Employment Permit

9. Has the vacancy for the post to be filled by the Applicant been advertised in Malawi ?
YES/NO

(a) If YES—

(i) Give details of the placement, with dates, of all advertisements for the vacancy, and attach copies or photocopies thereof (if applicable)

.....
.....

(ii) Attach a copy of every application received from a Malawian in response to your advertisement(s);

(b) If NO, please explain why it was considered unnecessary to advertise the vacancy

.....
.....

10. Give details of the Applicant's previous/current Temporary Employment Permit—

(a) Date of issue of first Permit held

.....

(b) Dates of issue of every subsequent Renewal

.....

11. Salary details (as applicable)—

(a) Annual, salary of Applicant on first appointment by you

.....

(b) Present annual salary of Applicant

.....

(c) Annual salary proposed to be paid to the Applicant if a Temporary Employment Permit is issued

.....

(d) Give details of all "fringe benefits" offered with the post (e.g. car, housing, passages, education allowances, etc.)

.....

12. Is it intended that the applicant shall have a Malawian understudy? YES/NO

(a) If YES—

(i) Attach details of the understudy (i.e. name, age, qualifications experience, etc.);

(ii) When is it anticipated that the understudy will be in a position to fill the post?

(b) If NO, state your proposals (if any) for the future localization of the post

13. Give any other relevant information in support of this application

Date Signature

Official Capacity

PART B

PARTICULARS OF THE PROPOSED EMPLOYEE OR THE APPLICANT IF HE IS SELF-EMPLOYED

14. Name of Applicant (in full)

.....

15. Nationality

.....

16. Date and Place of birth

.....

17. Passport details—

Number

Date and Place of Issue

Date of expiry

18. Particulars of wife and children (if any) accompanying the applicant (including the nationality of wife and the date of birth of each child)

.....

.....

.....

19. (a) Present or intended postal address in Malawi

.....

.....

.....

(b) Present or intended residential address in Malawi

* 20. Intended Date of Arrival in Malawi

Place of Entry

.....

* 21. Date arrived Place of Entry

22. Have you ever been convicted of a criminal (other than a motoring) offence?

YES/NO.

If YES, give details

.....
.....
.....
.....

23. Address outside Malawi at which you now, or did last, reside

.....
.....

CONDITIONS UNDER WHICH A TEMPORARY EMPLOYMENT PERMIT WILL BE ISSUED

The permit, if issued, will be subject to the following conditions and to the provisions of the Immigration Act and the Immigration Regulations—

1. The holder of the Permit shall not engage in an occupation other than the occupation specified in the Permit without the permission of the Chief Immigration Officer.

2. The holder of the Permit shall not take up employment with any employer other than the employer, if any, who completed PART A of this Form.

3. The holder of the Permit shall not reside in Malawi other than within the area of Malawi specified in the Permit.

4. The holder of the Permit and all persons authorized to enter Malawi with him under the Permit shall leave Malawi on or before the expiry of the period stated in the Permit.

5. The holder of the Permit shall surrender the Permit to an Immigration Officer before leaving Malawi.

6. The Chief Immigration Officer may cancel a Temporary Employment Permit, whether renewed or not, if the holder of the Permit—

(a) engages in any occupation other than the occupation specified in the Permit;

(b) whilst engaged in the occupation specified in the Permit, changes his employment without the prior permission of the Chief Immigration Officer;

(c) without the prior permission of the Chief Immigration Officer, resides in Malawi elsewhere than within the area of Malawi specified in the Permit;

(d) ceases to be engaged in the occupation specified in the Permit.

7. Persons requiring visas must acquire them before entering Malawi.

8. The holder may, before the expiry date, apply for renewal of the Permit.

DECLARATION

I, (full names of Applicant)

agree to the foregoing conditions and I clearly understand that any breach of those conditions may result in my removal from Malawi.

Right thumbprint
(if required)
.....
Signature of Employee or Self-Employed Applicant
FOR OFFICIAL USE

FORM No. 22 (POL. 197) reg. 25 (2)
GOVERNMENT OF MALAWI
IMMIGRATION ACT
(Cap. 15:03)

Not valid as a receipt. An official receipt should be obtained for all moneys paid to the Government.

TEMPORARY EMPLOYMENT PERMIT
(Issued under section 25 of the Immigration Act)

For Official Use
Serial No.
File No.
G.R. No.

Subject to the conditions stated hereunder the holder,
Passport, Registration or Identification Certificate No.
issued at on expiring on
Nationality Accompanied by
Wife
Children
is permitted to enter Malawi and to reside

..... (state area) for the purpose of engaging in the occupation of with (state employer, if applicable) for a period of from to

Date Stamp
Chief Immigration Officer

CONDITIONS

This permit is issued subject to the following conditions and to the Immigration Act and Regulations—

1. The holder of this permit shall not engage in an occupation other than the occupation specified in the permit.
2. The holder shall not take up employment with an employer other than the employer, if any, who completed part A of the application form for this permit.
3. The holder of this permit shall not reside in Malawi other than within the area of Malawi specified in the permit.
4. The holder of this permit and all persons authorized to enter Malawi with him under the permit shall leave Malawi on or before the expiry of the period stated in the permit.
5. The holder of this permit shall surrender the permit to an immigration officer before leaving Malawi.
6. The Chief Immigration Officer may cancel a Temporary Employment Permit whether renewed or not if the holder of the permit—
 - (a) engages in an occupation other than the occupation specified in the permit;
 - (b) while engaged in the occupation specified in this permit changes his employment without the prior permission of the Chief Immigration Officer;
 - (c) resides in Malawi elsewhere than within the area specified in the permit; and
 - (d) ceases to be engaged in the occupation specified in the permit.
7. Persons requiring visas must acquire them before entering Malawi.
8. The holder may apply for a renewal of this permit before its expiry date.

EXTENSIONS

9. If the holder wishes to extend this permit beyond the expiry date, application by letter should be made before the permit expires. This permit, together with the holder's passport, and the appropriate fee of K2 for each year of extension must be enclosed. Extensions will not normally be made for more than 2 years at a time.

G.R. No. for K Permit extended to
.....

DATE STAMP

.....
for Deputy Chief Immigration Officer

G.R. No. for K Permit extended to
.....

DATE STAMP

.....
for Deputy Chief Immigration Officer

G.R. No. for K Permit extended to
.....

DATE STAMP

.....
for Deputy Chief Immigration Officer

FORM No. 23 (M.P. 195A) reg. 27
GOVERNMENT OF MALAWI
IMMIGRATION ACT
(Cap. 15:03)
APPLICATION FOR A STUDENT'S PERMIT

For Official Use

Serial No.

File No.

1. Full Name of Holder
2. Nationality
3. Place of Birth
4. Date of Birth

- 5. Permanent Address outside Malawi
- 6. Intended Address in Malawi
- 7. Type of Travel document (whether Passport, Certificate of Identity, etc.)

.....

8. PARTICULARS OF TRAVEL DOCUMENT—

- No.
- Place of Issue
- Date of Issue
- Date of Expiry

Signature of Applicant

TO BE COMPLETED BY THE PRINCIPAL OF THE EDUCATION INSTITUTION

I certify that has been given a place in
 (Education Institution) and that his/her admission in no
 way contravenes the requirements of the Ministry of Education. The course of study is
 and is expected to last from to

Date Signature of Principal

Official Stamp of the Education Institution

CONDITIONS

The permit, if issued, will be subject to the following conditions and to the Immigration Act and Regulations made thereunder—

- (1) The permit shall remain valid for a period of one year from the date of issue.
- (2) The validity of the permit may be extended by an endorsement of the permit by the Deputy Chief Immigration Officer for a further period or periods, each not exceeding one year, on production of written evidence of the holder's admittance for a further period of study at the education institution mentioned above.
- (3) The holder of the permit shall not engage in any gainful occupation except during a period of vacation permitted by such institution.

In addition to the permit, the holder must produce to the examining immigration officer, on arrival in Malawi, a valid passport or certificate of identity which bears a photograph of the holder and confers right of re-entry to the country which issued the passport or certificate. Where

a visa for Malawi is required, it must be obtained before arrival in Malawi and be placed in the passport or certificate of identity.

The Chief Immigration Officer may cancel a Student's Permit—

- (a) if the holder thereof fails to comply with any of the prescribed conditions under which the permit was issued;
 - (b) if in his opinion the object of entry into Malawi, as declared by the holder thereof when the permit was issued, has been completed or is not being or can no longer be pursued;
 - (c) if in his opinion the holder thereof has become or is likely to become a charge upon the public,
- and shall, if he does cancel the permit, notify the holder thereof accordingly.

FORM No. 24 (POL. 195) reg. 27 (2)
GOVERNMENT OF MALAWI
IMMIGRATION ACT
(Cap. 15:03)
STUDENT'S PERMIT
(Issued under section 31 of the Immigration Act)

For Official Use
Serial No.
File No.

Subject to the conditions stated hereunder, the holder of this permit is authorized to enter and reside in Malawi for the purpose of attending

.....
..... as a student.

Name of Holder
Nationality
Place of Birth Date of Birth
Home Address

.....
Course of Study

CONDITIONS

This permit is issued subject to the following conditions and to the Immigration Act and Regulations made thereunder—

- (1) This permit shall remain valid for a period of one year from the date of issue.

(2) The validity of this permit may be extended by an endorsement of the permit by an immigration officer for a further period or periods, each not exceeding one year, on production of written evidence of the holder's admittance for a further period of study at the education institution mentioned above.

(3) The holder of this permit will not engage in any gainful occupation except during a period of vacation permitted by such institution.

NOTE:

(1) In addition to this permit, the holder must produce to the examining Immigration Officer, on arrival in Malawi a valid passport, bearing a visa, where required. (2) The Chief Immigration Officer may cancel a Student's Permit—

(a) if the holder thereof fails to comply with any of the prescribed conditions under which the permit was issued;

(b) if in his opinion the object of entry into Malawi, as declared by the holder thereof when the permit was issued, has been completed or is not being or can no longer be pursued;

(c) if in his opinion the holder thereof has become or is likely to become a public charge,

and shall, if he does cancel the permit, notify the holder thereof accordingly.

.....

Chief Immigration Officer

Date

Place of Issue

EXTENSIONS

FORM No. 25 (M.P. 219 New)

REPUBLIC OF MALAWI

IMMIGRATION ACT

Regulation 31

For Official Use Only

EXIT CARD

1. (Please Print) Mr.

(surname)

Mrs.

Miss

(first names)

2. Passport Number

3. Place and date of issue

4. Place and date of birth

5. Enter number of persons travelling on your passport (including self) in appropriate age group box(es):

Age: 15 or younger 16–24 25–34 35–49 50 or

older

Male:

Female:

6.

7. Nationally

Occupation

8. Address travelling to

9. Last address in Malawi

For visitors only (Non residents):

10. Country of residence

11. Main reason for visit (Please tick ONE box):

Holiday/

vacation

Work/

business

Visit friends/

relatives

12. What type of accommodation did you use in Malawi:

Hotel/Inn/Lodge

Private House

Rest House

Caravan/

Camping

None

13. Number of nights spent in Malawi

14. Were you on a prepaid holiday?

Yes

No

15. Approximate expenditure in Malawi of all persons included on this card. Exclude amounts for prepaid holidays..... (Please state currency in which you are reporting expenditure)

I hereby declare that I have answered all the relevant questions correctly and truthfully

.....

Signature

FOR OFFICIAL USE

File ref.

Status (sec.)

Permit (type)

Expiry (date)

Passport endorsement Cancelled/not cancelled

Permit Attached/not attached
V.P Serial number
Number of persons

.....
Immigration Officer
M.P. 219 New

DATE STAMP

FORM No. 26 reg. 32
GOVERNMENT OF MALAWI
IMMIGRATION ACT
(Cap. 15:03)
DEPORTATION ORDER

To
of
.....

WHEREAS I,,
Minister responsible for public security, acting in accordance with the powers conferred upon me
by section 41 of the Immigration Act, am satisfied that it is in the interests of defence, public
safety, public order, public morality or public health that you, the said

.....
..... be deported from Malawi:

Now THEREFORE I, order you to leave Malawi within
..... days after the service of this order on
you.

..... day of, 19

.....
Minister
FORM No. 27 reg 3 (6), G.N. 61/1991
Serial

REPUBLIC OF MALAWI
IMMIGRATION ACT
(Cap. 15:03)
APPLICATION FORM FOR A VISA TO ENTER MALAWI

(To be completed in block letters)

SINGLE/MULTIPLE/TRANSIT VISA (delete as necessary)

Name (in full)

Married or Single (if married woman give maiden name)

Address in the country of application

.....

Address in country of domicile (if different from above)

.....

Date and Place of Birth

Sex Profession

Passport Number Date of issue

Place of issue Valid until

Nationality (if stateless show original visa in addition to the application)

.....

.....

.....

Date of arrival in country of application

From

Final destination and

Address to which applicant is proceeding

.....

Reasons in full for proposed visit (Satisfactory evidence will be required for the object and purpose of the journey. Employees of firms or persons acting on behalf of firms must produce certificates from their employers as to the nature of the business for which they are travelling)

.....

.....

.....

.....

Duration of proposed visit

Proposed means of travel

Leaving on

Onward passage booked for

Means at applicant's disposal (evidence may be required)

.....

Dates of previous visits to

In what capacity

Previous address(es) in

PARTICULARS OF MINOR CHILDREN who will accompany the applicant and who are included in the applicant's passport.

Name	Place of birth	Date of birth
.....
.....
.....
.....

SUPPLEMENTARY INFORMATION

Name and Address of Sponsor
.....
.....
.....

I declare that the above particulars given by me are true in substance and fact.

Date:
Signature of Applicant

THIS SPACE TO BE LEFT BLANK FOR OFFICIAL USE

Endorsement: Prepared by:
Onward visa: Fee paid:
Ref. No. Receipt No.
Date:

FORM No. 28 reg. 3 (7)

Serial

REPUBLIC OF MALAWI

IMMIGRATION ACT

(Cap. 15:03)

APPLICATION FOR A VISA TO ENTER AN INDEPENDENT COMMONWEALTH COUNTRY FOR WHICH MALAWI IS THE VISA ISSUING AUTHORITY

(To be completed in block letters)

1. Name (in full):
2. Country for which visa is required:

3. Type of visa required:
4. Nationality of applicant:
5. Age, place and date of birth and whether married or single:
-
6. If married woman give maiden name:
7. Address in Malawi and expected date of first arrival (in full):
.....
8. Address in country of domicile if other than Malawi (in full):
.....
9. Occupation:
10. Destination and address to which applicant is proceeding:
.....
-
11. Proposed length of stay, or whether travelling in transit without break of journey:
.....

12. Reasons in full for wishing to travel to the country which visa is applied for and means of travelling to the country. (Sufficient evidence will be required as to the object of the proposed journey. Employees of firms or person acting on behalf of firms must produce certificates from their employers as to the nature of business on which they are proceeding abroad. Bankers reference may be required.)

.....

13. Date of departure:

14. Particulars of passport or other travel document which should be submitted with this application.

Number: Place of Issue:

Date of issue: Date of Expiry:

I DECLARE that the above particulars given by me are true in substance and in fact.

Date:

.....
 Signature of Applicant

Application should be made to the Department of Immigration, P.O. Box 331, Blantyre, Malawi.

AT LEAST FOURTEEN DAYS' NOTICE should be given for each application.

NOTE: Any visa granted on this application will be subject to compliance with the Immigration Regulations of the Independent Commonwealth Country concerned.

SECOND SCHEDULE reg. 3, G.N. 61/1991, 5/2010

VISA ARRANGEMENTS

Visas for entry into Malawi are required by nationals of all countries except the following—

Visas for entry into Malawi are required by nationals of all countries except the following—

(1) Nationals of—

Antigua and Barbuda Mozambique
Australia Nauru
Bahamas Netherlands
Barbados New Zealand
Belize Papua New Guinea
Botswana Portugal
Brunei Samoa (Western)
Cyprus Seychelles
Dominica Sierra Leone
Fiji Singapore
Finland South Africa
Gambia Solomon Island
Ghana Sri Lanka
Grenada St. Kitts and Nevis
Guyana St. Lucia
Israel St. Vincent and the Grenadines
Ireland Swaziland
Jamaica Ireland
Kenya Tonga
Kiribati Trinidad and Tobago
Lesotho Tuvalu
Madagascar Uganda
Malaysia Tanzania
Maldives Island Zambia
Malta Zimbabwe
Mauritius

(2) Holders of United Nations (UN) Laissez-Passer whilst on official UN business;

(3) Holders of African Union (AU) Laissez-Passer whilst on official AU business;

(4) Holders of Common Market for Eastern and Southern Africa (COMESA) Laissez-Passer whilst on official COMESA business;

(5) Holders of Southern Africa Development Community (SADC) Laissez-Passer whilst on official SADC business; and

(6) Holders of African Development Bank (ADB) Laissez-Passer whilst on official ADB business.

Visa is required for persons who desire to enter Malawi for a period exceeding three months for citizens of:

Belgium The Netherlands
CanadaNorway
Denmark San Marino
France Spain
Finland Sweden
IcelandPortugal
Italy United Kingdom
Luxembourg United States

THIRD SCHEDULE reg. 12, G.N. 5/2010

PRESCRIBED OFFENCES

- (i) Murder, manslaughter or culpable homicide.
- (ii) Any offence against company law or any law relating to bankruptcy or insolvency.
- (iii) Selling, bartering, giving or otherwise supplying intoxicating liquor to any person not lawfully permitted to obtain or be in possession thereof.
- (iv) Selling, bartering, giving or otherwise supplying firearms to any person not lawfully permitted to obtain or be in possession thereof.
- (v) Dealing in, or being in possession of, unwrought precious metals or rough or uncut precious stones in contravention of any law.
- (vi) Any offence relating to dangerous drugs or narcotics.
- (vii) Piracy.
- (viii) Perjury or subornation of perjury or conspiring to defeat the course of justice.
- (ix) Bribery.
- (x) Rape.
- (xi) Procuring, or trafficking in, women or young persons for immoral purposes.
- (xii) Incest, sodomy, bestiality, indecent assault or any unnatural offence.
- (xiii) Contravention of any law forbidding carnal knowledge of, or indecent or immoral acts with, a girl under a specified age or with an imbecile or idiot.
- (xiv) Performing abortion.
- (xv) Indecent exposure or public indecency.
- (xvi) Arson or fire raising.

- (xvii) Maliciously or wilfully wounding or inflicting grievous bodily harm.
- (xviii) Stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud.
- (xix) Counterfeiting coin or currency, or uttering coins or currency knowing the same to be counterfeit.
- (xx) Burglary or house-breaking or any similar offence.
- (xxi) Robbery, robbery with violence or extortion.
- (xxii) Revolt against the authority of the master of a ship or commander of an aircraft.
- (xxiii) Contravention of the Hijacking Act (Cap. 7:03), or of any other law which makes punishable any offence similar in nature to any offence made punishable under that Act.
- (xxiv) Any offence against section 179 of the Penal Code.
- (xxv) Any offence against section 180 (g) of the Penal Code.
- (xxvi) Attempt or conspiracy to commit any offence specified in this Schedule, or being an accessory after the fact to the commission of such an offence.
- (xxvii) Any offence against the Immigration Act or any law relating to residence of foreigners in Malawi.
- (xxviii) Any offence against Citizenship law or any law relating to nationality.
- (xxix) Any offence against section 327 of the Penal Code.

FOURTH SCHEDULE reg. 35, G.N. 148/1987, 1/1994, 46/1997, 29/1999, 33/2000, 6/2008

Matter for which fee is payable	Fees
1. On the issuance of a Permanent Resident Permit—	
(a) in the case of a wife of a Malawi national	K30,000 00
(b) in all other cases	K300,000 00
(c) non-refundable application fee	K10,000 00
2. On the issuance and on each renewal of Temporary Employment Permit—	
(a) in the case of non-governmental organizations	K60,000 00
(b) in the case of religious organizations	K30,000 00
(c) in all other cases	K120,000 00
(d) non-refundable application fee	K10,000 00
3. On the extension for each year or part thereof of a Temporary Employment Permit—	
(a) in the case of non-governmental organizations	K30,000 00
(b) in the case of religious organizations	K15,000 00
(c) in all other cases	K60,000 00
(d) non-refundable application fee	K10,000 00
4. On the issuance of a Temporary Residence Permit	K30,000 00

5. (a) On the issuance and on each renewal of a Business Residence Permit

 K500,000 00
- (b) non-refundable application fee K10,000 00
6. For every endorsement made on Business Residence Permit, Permanent Residence Permit, or Temporary Employment Permit subsequent to issue or renewal

 K15,000 00
7. For a replacement copy of any Immigration permit or certificate ... K20,000 00
8. On the issuance of a Temporary Permit K30,000 00
9. On the issuance of a Student Permit K10,000 00
10. On extension of a Visitor's Permit after the initial thirty days K5,000 00
11. On the issuance of Malawi citizenship—
- (a) in the case of wives of Malawi citizens K30,000 00
 - (b) in the case of minors K200,000 00
 - (c) in the case of restoration of Malawi citizenship K200,000 00
 - (d) in the case of renunciation of citizenship K10,000 00
 - (e) in all other cases K500,000 00
 - (f) non-refundable application fee K10,000 00
12. On the issuance of Certification letters K10,000 00

EXEMPTION FROM FEES

deemed to be under regulation 35 of the Immigration Regulations

[made under regulation 54 of the Immigration Regulations G.N. 287/1963 (now revoked)]

It has been directed that the fees set out in the Schedule, prescribed under the Immigration Regulations, shall not be payable by—

- (a) persons appointed to serve in Malawi by the British Leprosy Relief Association;
- (b) persons appointed to serve in Malawi by the University of Malawi; and
- (c) persons appointed to serve in Malawi by the Malawi Polytechnic Joint Board of

Governors.

SCHEDULE

Fee for the issue of a Temporary Residence Permit.

Fee for the issue of a Temporary Employment Permit.

Fee for the issue of a Permanent Residence Permit

IMMIGRATION (DISCIPLINARY) REGULATIONS

under s. 3A

G.N. 42/1991

1. Citation

These Regulations may be cited as the Immigration (Disciplinary) Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“disciplinary offence” means an act of disciplinary misconduct specified in regulation 3;

“Senior Immigration Officer” means any immigration officer above the rank of Assistant Immigration Officer.

3. Disciplinary offences

(1) An immigration officer shall be guilty of a disciplinary offence and liable to punishment under these Regulations if he does any of the following acts, that is to say, if he—

- (a) is in any way disrespectful to his senior officer in rank;
- (b) disobeys any order lawfully given to him by his senior officer in rank;
- (c) is drunk;
- (d) drinks intoxicating liquor whilst on duty;
- (e) sleeps while on duty;
- (f) idles or gossips or leaves or absents himself from duties of his post without the express or implied authority of his senior officer;
- (g) smokes in a public place whilst on duty;
- (h) removes his armband or duty badge whilst on duty;
- (i) allows to escape any deportee who is committed to his charge or whom it is his duty to keep or guard;
- (j) uses unwarrantable personal violence to or ill-treats any person in his custody or otherwise committed to his charge;
- (k) is unable to carry out his duties because of cowardice;
- (l) uses any weapon without orders from his senior officer in rank or without any reasonable cause;
- (m) without proper cause, fails to appear or appears late at any parade;
- (n) reports for duty or for parade dirty or untidy in his person, clothing, or accoutrements;
- (o) pawns, sells, loses by neglect, makes away with, wilfully damages or fails to report any damage to any of the articles of arms, ammunition, clothing, accoutrements or necessaries supplied to him, or any medal or decoration granted to him for service or for good conduct, or any property of the Government or any exhibit or any lost, stolen, or unclaimed property committed to his charge;
- (p) without the knowledge and permission of the Chief Immigration Officer, accepts directly or indirectly any gratuity, present, or reward from any member of the public;
- (q) is slovenly inattentive, uncivil or quarrelsome;
- (r) bullies any officer junior in rank;
- (s) forces a sentry to do or omit to do anything contrary to these Regulations;
- (t) neglects his duties;
- (u) discloses or conveys any information concerning any investigation or other immigration or departmental matter to any unauthorized person;

- (v) malingers or feigns sickness, or conceals any venereal or contagious disease or neglects or fails to report the fact if he is suffering from any such disease;
- (w) leaves, without permission or valid excuse, any immigration lines, camp or quarters;
- (x) makes or signs any report or statement in any official record or document knowing or having reasonable grounds to believe that such a report or statement is false;
- (y) makes a false accusation against any other immigration officer knowing that such accusation is false;
- (z) makes any frivolous or vexatious complaint, or makes a complaint in a disrespectful manner;
- (aa) makes or joins in making any anonymous complaint to a senior officer;
- (bb) engages, without authority, in any employment or other occupation than his immigration duties;
- (cc) being a member of a committee appointed under subregulation 3, fails to conduct an inquiry into an alleged disciplinary offence in accordance with that regulation; and
- (dd) otherwise conducts himself in a manner which in the opinion of the Minister, is prejudicial to the good order and discipline of the Immigration Department.

(2) Where an immigration officer is suspected to having committed a disciplinary offence under these regulations, any immigration officer, senior to that officer may direct that an inquiry into the alleged offence be conducted by any other immigration officer.

(3) An immigration officer who is directed to conduct an inquiry pursuant to subregulation (2) shall, without delay, conduct the inquiry and report his findings to the officer who directed the inquiry and when he is satisfied that a disciplinary offence has been committed he shall, in his report, make a recommendation as to the appropriate punishment to be given to the offending officer.

4. Power of arrest and remand

(1) Any immigration officer who commits a disciplinary offence may be arrested without warrant by an officer senior to him.

(2) An immigration officer effecting an arrest under this regulation shall forthwith bring the accused before the officer-in-charge of the immigration station or before any other competent immigration officer who shall cause the case to be heard without undue delay and may order the remand of the accused in custody for so long as may reasonably be necessary.

5. Inquiry and awarding of punishments

(1) A Senior Immigration Officer may inquire into the truth of any charge under regulation 3 against any immigration officer of or below the rank of Assistant Immigration Officer, and if he finds the accused guilty of the charge he shall convict him and may impose on him any one or more of the following punishments—

(a) in the case of any Assistant Immigration Officer or Senior Immigration Assistant—

- (i) reprimand;

- (ii) severe reprimand;
- (iii) fine not exceeding seven days' pay;

Provided that any such punishment awarded shall be subject to confirmation by the Chief Immigration Officer;

(b) in the case of any immigration officer below the rank of Senior Immigration Assistant—

- (i) reprimand;
- (ii) severe reprimand;
- (iii) fine not exceeding seven days' pay;
- (iv) reduction in rank or grade;'
- (v) dismissal:

Provided that any punishment under subparagraph (iii), (iv) or (v) shall be subject to confirmation by the Chief Immigration Officer.

(2) An officer-in-charge of immigration, not being a Senior Immigration Officer, may inquire into the truth of any charge under regulation 3 against any immigration officer below the rank of Senior Immigration Assistant, and if he finds the accused person guilty of the charge, he shall convict him and may impose on him any one or more of the following punishments—

- (a) reprimand;
- (b) severe reprimand;
- (c) fine not exceeding seven days' pay;
- (d) dismissal:

Provided that any such punishment awarded shall be subject to confirmation by the Chief Immigration Officer.

(3) The Chief Immigration Officer may vary or remit any punishment imposed on any Immigration Officer under this regulation whether such punishment requires his confirmation or not:

Provided that no punishment shall be increased or any punishment added unless the accused has been given a further opportunity of being heard, nor shall the punishment so varied exceed the maximum punishment or punishments which the officer hearing the case might have imposed under this regulation.

(4) Notwithstanding the powers conferred by subregulations (1) and (2) of this regulation, a Senior Immigration Officer or Officer-in-Charge of immigration, not being a Senior Immigration Officer, may deal summarily with any disciplinary offence and shall have power to reprimand any officer below the rank of Senior Immigration Assistant:

Provided such proceedings and the result thereof shall not be entered in the offender's personal record.

6. Appeals to the Chief Immigration Officer

(1) Any immigration officer who has been tried under these regulations and convicted of any disciplinary offence, if he deems himself aggrieved either in respect of such conviction or of the punishment imposed upon him (not being a punishment which the Chief Immigration Officer

has confirmed, or imposed under regulation 5 (3)), may appeal to the Chief Immigration Officer within seven days from the date of such conviction or the imposition of such punishment.

(2) Upon receiving any appeal, the Chief Immigration Officer shall have power to—

(a) return the proceedings for the taking of further evidence;

(b) whether further evidence is taken or not, quash the proceedings and rehear the case himself de novo under regulation 7 or order the case to be heard de novo by some other officer under regulation 5;

(c) reverse or vary any finding; and

(d) revoke, vary or add any punishment.

(3) In exercising his powers under subregulation (2) (d), the Chief Immigration Officer may impose any punishment or punishments which he might have imposed under regulation 7 if he had tried the case himself:

Provided that no punishment shall be increased or any punishment added on appeal unless the accused is first given a further opportunity of being heard.

7. Special powers of Chief Immigration Officer

The Chief Immigration Officer may inquire into the truth of any charge under regulation 3 against any immigration officer of or below the rank of Assistant Immigration Officer, and if he finds the accused guilty he shall convict him and may impose any one or more of the following punishments—

(a) in the case of any Assistant Immigration Officer—

(i) reprimand;

(ii) severe reprimand;

(iii) fine not exceeding half a month's pay;

(b) in the case of any Senior Immigration Assistant—

(i) reprimand;

(ii) severe reprimand;

(iii) fine not exceeding half a month's pay;

(iv) stoppage of increment;

(v) reduction in rank or grade; or

(vi) dismissal;

(c) in the case of any immigration officer below the rank of Senior Immigration Assistant—

(i) reprimand;

(ii) severe reprimand;

(iii) fine not exceeding half a month's pay;

(iv) reduction in rank or grade; or

(v) dismissal.

8. Suspended punishment

(1) Where any immigration officer empowered to inquire into a disciplinary offence awards any punishment to any immigration officer in respect of any offence, the officer

awarding such punishment may order that such punishment be suspended for a period not exceeding six months and if during such period of suspension the offender commits no further disciplinary offence, the officer awarding such punishment may remit it.

(2) Where any punishment has been suspended under subregulation (1) and the offender is found guilty during the period of suspension of any further disciplinary offence the suspended punishment shall forthwith be carried into effect.

9. Power to summon witnesses

(1) Every immigration officer empowered to inquire into a disciplinary offence may summon and examine witnesses on oath or affirmation and require the production of relevant documents in any matter he is inquiring into and may adjourn any such inquiry, from time to time, as he may deem fit.

(2) Any person summoned as a witness under subregulation (1) who fails to attend at the time and place mentioned in the summons, or having attended, refuses to answer all questions that may be lawfully put to him, except questions which may incriminate him, shall be liable to a fine of K50 and to imprisonment for three months.

10. Appeal to Minister

Any immigration officer who is dismissed from the Department, or is sentenced under regulation 5 to a fine exceeding four days' pay or any Senior Immigration Assistant who is reduced in rank may within seven days after the decision of the Chief Immigration Officer has been communicated to him appeal to the Minister, whose decision shall be final.

11. Procedure in cases of grave or repeated offences

(1) In every case where it shall appear to the officer investigating any charge of a disciplinary offence that such offence, by reason of its gravity, or by reason of previous disciplinary offences by the immigration officer charged, or for any other reason, could not be adequately punished by the imposition of any of the punishments prescribed in regulations 5 and 6, such investigating officer shall defer imposing any punishment and shall report the proceedings to the Chief Immigration Officer, who may return the report for further inquiry as he may deem necessary, rehear the case, or, by order in writing require the immigration officer charged to be taken before a magistrate to be dealt with under subregulation (2).

(2) Where an immigration officer is taken before a magistrate under subregulation (1) the presiding magistrate may impose against the offending officer a fine of three months' pay and imprisonment for six months:

Provided that no proceedings shall be taken against any immigration officer under this regulation in respect of any disciplinary offence which he has already been punished.

(3) Any order purporting to be an order of the Chief Immigration Officer made under subregulation (1) shall be accepted by any court as prima facie evidence of the lawful making thereof, and no proof of the signature of the Chief Immigration Officer on any such order shall be required unless the court has reason to doubt the genuineness of such signature.

12. Power of interdiction

(1) The Chief Immigration Officer may at any time in the interests of discipline interdict from duty any immigration officer of or below the rank of Senior Immigration Officer who is charged with a disciplinary offence.

(2) Any immigration officer so interdicted shall receive a proportion of his pay not being less than half as the Chief Immigration Officer shall direct.

(3) If the accused is not dismissed from the Department he shall receive for the period of his interdiction—

(a) in the case of acquittal, his full pay;

(b) in any other case, such proportion of his pay as the Chief Immigration Officer thinks fit.

(4) An immigration officer shall not by reason of being interdicted from office cease to be an immigration officer. During the term of such interdiction the powers, functions and privileges vested in him as an immigration officer shall be in abeyance but he shall continue to be subject to the same responsibilities, discipline and penalties, and to the same authorities, as if he had not been interdicted.

13. Dismissal of Immigration Officers below the rank of Senior Immigration Assistant

(1) The Chief Immigration Officer may dismiss from service any immigration officer of or below the rank of Senior Immigration Assistant convicted of a criminal offence by a court of competent jurisdiction.

(2) Any immigration officer dismissed under this regulation may within seven days of the notification of his dismissal appeal to the Minister.

14. Fines to be recovered from salary

(1) All fines imposed on any immigration officer in respect of offences under these Regulations shall be recovered by stoppage of the offender's salary due at the time of committing such offence and thereafter accruing due.

(2) The amount of any stoppage in respect of any fine or for any other cause authorized by these Regulations shall be in the discretion of the officer by whom the fine was imposed or of the officer-in-charge of immigration in the place where the person concerned is stationed, but shall in no case exceed one third of the monthly salary of the offender; and whenever more than one order of stoppage is in force against the same person so much only of his salary shall be stopped as shall leave him a residue of at least two-thirds of his monthly salary.

(3) Where more than one order of stoppage is made upon the same person, the orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

15. Damage to, or loss of equipment, etc.

If any immigration officer of, or below the rank of Assistant Immigration Officer pawns, sells, loses by neglect, makes away with or wilfully damages any arms, ammunition, accoutrements, clothing or appointment supplied to him or any Government property or any exhibit or any lost, stolen or unclaimed property committed to his charge, he may, in addition to

or in lieu of any other punishment, be ordered to make good the amount of such loss or damage, and such amount may be recovered by stoppage from his salary.

16. Salary not accrue during absence without leave or imprisonment

No salary shall accrue to any immigration officer in respect of any day during which he is absent from duty without leave or is undergoing any sentence of imprisonment: Provided that in any case the Chief Immigration Officer may in his discretion authorize the payment of such proportion of salary, not being more than one-half, as he may think fit.

17. Model of complaint by Immigration Officers

If any immigration officer thinks himself wronged in any matter by an immigration officer of lower rank than the officer-in-charge of immigration in the place where he is stationed, he may complain thereof to the officer-in-charge of immigration, and if he thinks himself wronged by such officer-in-charge of immigration, or any officer of the same or higher rank, not being the Chief Immigration Officer either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the Chief Immigration Officer; and if he thinks himself wronged by the Chief Immigration Officer either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the Minister. The officer-in-charge of immigration or the Chief Immigration Officer, as the case may be, upon any complaint being so made shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint, take such steps as may be necessary for giving such redress to the complainant in respect of the matter complained of, as the case requires.

18. Prohibition against immigration officer being a member of trade union

(1) It shall not be lawful for any immigration officer to become a member of—

(a) any trade union or any body or association affiliated to a trade union;

(b) any body or association, the object of which or one of the objects of which is to control or influence the salaries, pensions or conditions of service other than any immigration association constituted and regulated under these Regulations or any body or association which the Chief Immigration Officer may in his discretion permit any immigration officer to join.

(2) Any immigration officer who contravenes this regulation shall be liable to dismissal from service and to forfeit all rights to any pension or gratuity.

(3) If any question arises as to whether any body is a trade union or an association to which this section applies, the question shall be decided by the Attorney General whose decision shall be final and conclusive.