

**DISTRIBUTED BY VERITAS TRUST**

***Veritas makes every effort to ensure the provision of reliable information, but cannot take legal responsibility for information supplied.***

**SI 195/1998**

**Immigration Regulations, 1998**

**[CAP. 4:02**

*[As amended by Immigration (Amendment) Regulations, 2005 (No.1) - SI 126 of 2005 - with effect from 17 June 2005.]*

**PART I  
PRELIMINARY**

*Section*

- 1. Title.**
- 2. Interpretation.**

**PART II  
ENTRY INTO ZIMBABWE**

- 3. Ports of entry.**
- 4. Declaration by persons seeking to enter Zimbabwe.**
- 5. Order in which persons entering Zimbabwe to be dealt with.**
- 6. Persons entering Zimbabwe by train.**
- 7. Radiologist's certificate.**
- 8. Evidence by person seeking to enter Zimbabwe.**
- 9. Conditions for visitors.**
- 10. Employment of visitors prohibited.**
- 11. Security.**
- 12. Requirements for married women and children.**
- 13. Medical examination.**

**PART III  
IMMIGRATION SELECTION AND PERMITS GENERALLY**

- 14. Intending immigrants.**
- 15. Application for a residence permit.**
- 16. Issue of residence permit.**
- 17. Conditions of residence permit.**
- 18. Invalidity of residence permit.**
- 19. Refusal to issue residence permit.**
- 20. Cancellation of residence permit.**
- 21. Persons wishing to enter Zimbabwe for purpose of engaging temporarily in employment.**
- 22. Temporary employment permit.**
- 23. Conditions of issue of temporary employment permit.**
- 24. Cancellation of temporary employment permit.**
- 25. Issue of temporary permit.**
- 26. Deposit in relation to temporary permit.**
- 27. Conditions of temporary permit.**
- 28. Cancellation of temporary permit.**
- 29. Persons deemed to be holders of temporary permit.**
- 30. Former residents deemed to be holders of residence permit.**
- 31. Issue of student permit.**
- 32. Conditions of student's permit.**
- 33. Cancellation of student's permit.**
- 34. Issue of scholar's permit.**
- 35. Conditions and renewal of scholar's permit.**
- 36. Cancellation of scholar's permit.**
- 37. Alien's permit.**
- 38. Fee for travel documents.**
- 39. Permit relating to prescribed diseases.**
- 40. Loss or destruction of permits or other documents.**
- 41. Holder of temporary permit ceasing to be prohibited person.**
- 42. Visitor's entry certificate.**
- 43. Admission to Zimbabwe of persons required to produce evidence to Immigration Officer.**

## **PART IV PROHIBITED PERSONS**

44. Prescribed diseases.
45. Admission of suspected prohibited person to Zimbabwe.
46. Warrant of detention.
47. Removal of passport of prohibited person or suspected prohibited person.
48. Detention after criminal proceedings.
49. Appeals by prohibited persons.
50. Temporary permits for appellants.
51. Procedure where no court sitting locally.
52. Particulars of hearing to be notified.
53. Hearing of appeal.
54. Witnesses.
55. Procedure at hearing of appeal.
56. Examination of witnesses.
57. Decision of Magistrate.
58. Transmission of special case to Supreme Court.
59. Procedure after hearing.

## **PART V DEPARTURE FROM ZIMBABWE**

60. Ports of exit.
61. Order in which persons departing from Zimbabwe to be dealt with.
62. Persons departing from Zimbabwe by train.
63. Permit exempting person from section 25 of the Act.
64. Statistics to be kept by Minister of persons departing from Zimbabwe.

**FIRST SCHEDULE: Ports of entry and departure.**

**SECOND SCHEDULE: Repeals.**

**THIRD SCHEDULE: Fees**

IT IS hereby notified that the Minister of Home Affairs has, in terms of section 41 of the Immigration Act [*Chapter 4:02*], made the following regulations—

## **PART I PRELIMINARY**

### **1 Title**

These regulations may be cited as the Immigration Regulations, 1998.

### **2 Interpretation**

(1) In these regulations—

“**alien permit**” means an alien permit issued in terms of section 37;

“**fee**” means the appropriate fee specified in the Third Schedule;

“**form**” —

(a) means the forms prescribed by subsection (2); and

(b) includes the equivalent form prescribed in or used under the repealed regulations until stocks thereof are exhausted;

“**occupation**” means any—

(a) work or other activity for gain; or

(b) regular work, not for gain but in the interests of any business undertaking operating in Zimbabwe;

“**parent**” means any person who has lawful custody of a child;

“**repealed regulations**” means the regulations specified in the Second Schedule;

“**residence permit**” means a residence permit issued or continued in force in terms of section 16;

“**resident**” means any person who is lawfully within Zimbabwe otherwise than for the purpose of—

(a) journeying through Zimbabwe in direct transit from one country to another; or

(b) making a temporary visit;

**“returning resident”** means a former resident returning to Zimbabwe who has not lost his domicile in Zimbabwe;

**“scholar’s permit”** means a scholar’s permit issued in terms of section 32;

**“school”** means an educational institution providing full-time education for children and recognised as a school by the Chief Immigration Officer;

**“visitor”** means an alien making a temporary visit to Zimbabwe, who is not authorised to be in Zimbabwe except in terms of a visitor’s entry certificate or a notice issued in terms of section 9 or section 45;

**“visitor’s entry certificate”** means a certificate endorsed in terms of section 33 of the Act.

(2) The form referred to in paragraph (a) of the definition of “form” in subsection (1) shall be the appropriate form obtainable from the office of the Department of Immigration Control, First Floor, Linquenda House, Nelson Mandela Avenue, Harare, or the office of any Immigration Officer and such form may be inspected at any such office free of charge.

## **PART II ENTRY INTO ZIMBABWE**

### **3 Ports of entry**

The places specified in the First Schedule shall be ports of entry.

### **4 Declaration by persons seeking to enter Zimbabwe**

(1) The form I.F. 1 shall be the declaration for the purposes of paragraph (b) of subsection (3) of section 12 of the Act and shall, subject to subsection (3), be completed in English and in the declarant’s own handwriting.

(2) An Immigration Officer may require a person who is required to make and sign the declaration referred to in subsection (1)—

(a) to do so in his presence; and

(b) to give him such supplementary information, either verbally or in the form of a written statement, as he may deem necessary in the circumstances of any particular case.

(3) If a person referred to in subsection (1) is unable to complete the declaration in terms of that subsection, an Immigration Officer may question him, if necessary through an interpreter, and may himself complete the declaration or cause it to be completed and shall thereupon require such person to sign it.

### **5 Order in which persons entering Zimbabwe to be dealt with**

An Immigration Officer exercising his functions in terms of section 12 of the Act may determine the sequence in which he will examine persons wishing to enter Zimbabwe and, for that purpose, may give directions to such persons.

### **6 Persons entering Zimbabwe by train**

(1) An Immigration Officer may exercise his functions in terms of section 12 of the Act on any train entering Zimbabwe.

(2) Any person who enters Zimbabwe by train and is dealt with by an Immigration Officer in terms of subsection (1) shall not be required to comply with subsection (1) of section 12 of the Act.

### **7 Radiologist’s certificate**

(1) A person referred to in subsection (2) shall produce to an Immigration Officer a certificate in English signed by a radiologist showing that—

(a) he has submitted to a radiological examination of his chest and that at the time of such examination he was free from active pulmonary tuberculosis; and

(b) such examination was made not more than six months before the date on which such certificate is produced to the Immigration Officer.

(2) Subsection (1) shall apply to any person who enters Zimbabwe, other than—

(a) a citizen of Zimbabwe; or

(b) a returning resident; or

(c) a person who is described in paragraph (e) of subsection (1) of section 15 of the Act; or

(d) a *bona fide* visitor to Zimbabwe; or

(e) a person who is under the age of three years; or

- (f) a person who is in possession of a permit to enter Zimbabwe issued under paragraph (e) of subsection (1) of section 14 of the Act and which relates to pulmonary tuberculosis; or
- (g) a person or a member of a class of persons exempted from the requirements of subsection (1) by the Chief Immigration Officer.

## 8 Evidence by person seeking to enter Zimbabwe

- (1) A person referred to in subsection (2) shall produce to an Immigration Officer evidence that—
    - (a) he is on a temporary visit to Zimbabwe for a stated period, including evidence, if the Immigration Officer so requires, that—
      - (i) he is permanently resident elsewhere and intends to return thereto; and
      - (ii) he possesses sufficient means available in Zimbabwe for his maintenance and the maintenance of any of his dependants who accompany him for the period of the visit and to meet the cost of transport from Zimbabwe to his country of permanent residence at the end of the visit; and
      - (iii) he will be readmitted to his country of domicile or country of last permanent residence at the expiration of his visit to Zimbabwe;
    - or
    - (b) any other evidence which is acceptable to the Immigration Officer;
- in order to satisfy the Immigration Officer that he is not a prohibited person in terms of paragraph (c) of subsection (1) of section 14 of the Act.
- (2) Subsection (1) shall apply to any person who enters Zimbabwe, other than—
    - (a) a citizen of Zimbabwe; or
    - (b) a returning resident; or
    - (c) a person who is described in paragraph (e) of subsection (2) of section 15 of the Act; or
    - (d) a person who is not a returning resident but who is the holder of a valid permit which authorises him to enter Zimbabwe.

## 9 Conditions for visitors

(1) An Immigration Officer may, by notice in form No. I.F. 3 given to the person concerned, require any person who has entered Zimbabwe as a visitor or in transit to another country to report to an Immigration Officer at such place and at such time or at such intervals as may be specified in such notice.

(2) Any person to whom written notice has been given in terms of subsection (1) shall report as required therein and shall surrender the written notice to an Immigration Officer on his departure from Zimbabwe.

(3) Any person who has entered Zimbabwe as a visitor or in transit to another country and who desires to remain in Zimbabwe for any reason for a longer period than that stated by him at the time of his arrival in Zimbabwe shall report in person to an Immigration Officer and shall, notwithstanding that he is already within Zimbabwe, submit to any inquiry, examination or test referred to in subsection (3) of section 12 of the Act by the Immigration Officer.

(4) No visitor shall engage in any employment unless he has been issued with a permit authorising such employment.

(5) No visitor shall remain in Zimbabwe for longer than—

- (a) six months unless he has obtained the permission of the Chief Immigration Officer; or
- (b) 12 months unless he complies with section 14.

(6) A fee in respect of a single entry, a double entry or multiple entries into Zimbabwe shall be payable in respect of an application for a visitor's entry certificate referred to in section 31 of the Act.

(7) An urgent fee in respect of a single entry, a double entry or multiple entries into Zimbabwe shall be payable in respect of an application for a visitor's entry certificate referred to in section 31 of the Act.

## 10 Employment of visitors prohibited

(1) No person shall employ a visitor to carry on any occupation unless the visitor has been issued with a permit authorising such employment:

Provided that, in any prosecution for a contravention of this subsection, it shall be a defence if the accused proves that he took such steps as were reasonable in the circumstances to ascertain whether or not the employee concerned was a visitor, and employed him in the *bona fide* and reasonable belief that he was not a visitor.

(2) No principal or head of an educational institution referred to in section 31 shall enrol or cause or permit a visitor to be enrolled at his educational institution:

Provided that in any prosecution for contravention of this subsection it shall be a defence if the accused proves that he took such steps as were reasonable in the circumstances to ascertain whether or not the person enrolled was a visitor and that he enrolled him in the *bona fide* and reasonable belief that he was not a visitor.

(3) An Immigration Officer may require any person whom he reasonably believes to be an employer to complete a return in form No. I.F. 3A, and any person so required shall comply with such requirement, and shall transmit the completed return to the Immigration Officer concerned within the period specified in the said form.

(4) No person who is required to complete a return in terms of subsection (2) shall make in such return any statement which he knows to be false, or does not know or reasonably believe to be true.

## **11 Security**

(1) Notwithstanding any provisions of these regulations whenever he deems it necessary, the Chief Immigration Officer may require a guarantee or other security to be furnished in respect of any person or his dependants who are permitted to enter Zimbabwe.

(2) A guarantee furnished under the subsection (1) shall be in form No. I.F. 4 and shall be—

- (a) given by the employer of the person concerned or by such other person as may be approved by the Chief Immigration Officer; and
- (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 Chief Immigration Officer on demand at any time during the period for which the guarantee is given; and
- (c) given for a period not exceeding two years calculated from the date of entry into Zimbabwe of the person for whom the guarantee is given or, if such person is already within Zimbabwe for a period of two years calculated from the date upon which the guarantee is given:

Provided that—

- (i) the Chief Immigration Officer may dispense with the undertaking mentioned in paragraph (b);
- (ii) the Chief Immigration Officer may from time to time require a further guarantee to be furnished for a period not exceeding two years calculated from the date of expiry of the previous guarantee.

(3) It shall be a condition of any security furnished in terms of subsection (1) that such security may be applied by the Chief Immigration Officer to meet any expenditure which might have been incurred by the State in connection with the care, treatment or maintenance in, or the repatriation or removal from, Zimbabwe of the person concerned and any dependent of his and the balance, if any, shall be paid to the person who furnished the security.

## **12 Requirements for married women and children**

(1) Where a person claims a right to enter or remain in Zimbabwe by virtue of—

- (a) being married to a citizen of Zimbabwe; or
- (b) being a child of a citizen of Zimbabwe;

an immigration officer may require the production of a duly authenticated copy of a marriage certificate or birth certificate, as the case may be.

(2) If no copy of a certificate referred to in subsection (1) can be produced, the Immigration Officer may require—

- (a) the production of a certificate under the hand of a person competent to give the same stating that to his personal knowledge the parties were married 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 competent to give the same stating that he has taken sworn testimony or other evidence as to the circumstances and date of 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 such person's finding thereon.

(3) An Immigration Officer may require any certificate mentioned in this section to be supplemented by satisfactory evidence as to the identity of the person or persons referred to in the certificate or as to the lawful custody of any child and may, in case of doubt, require such further evidence as may be necessary to satisfy him that the spouse or child who is the subject of the application is the spouse or child referred to in the certificate and is not a prohibited person or is in the lawful custody of the person referred to in the application, as the case may be.

## **13 Medical examination**

(1) An Immigration Officer who is conducting an inquiry, examination, test or investigation in terms of the Act may, if he considers it necessary or desirable in order to ascertain whether the person concerned is a prohibited person, require the person in respect of whom such inquiry, examination, test or investigation is being conducted to submit to a medical examination by a Government medical officer or medical practitioner registered in terms of the Medical, Dental and Allied Professional Act [Chapter 27:08].

(2) The medical examination of any person referred to in subsection (1) who enters Zimbabwe shall take place 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.

### **PART III**

#### **IMMIGRATION SELECTION AND PERMITS GENERALLY**

#### **14 Intending immigrants**

No alien shall enter Zimbabwe for the purpose of residing therein for a period exceeding 12 months or remain in Zimbabwe for a period exceeding 12 months unless he is in possession of a valid permit authorising him to enter or remain in Zimbabwe:

Provided that this section shall not apply to a person referred to in paragraph (e), (f) or (i) of subsection (2) of section 15, or in subsection (2) of section 29 of the Act.

#### **15 Application for a residence permit**

(1) An application for a residence permit shall be made to the Chief Immigration Officer in form No. I.F. 5.

(2) An applicant for a residence permit shall satisfy the Chief Immigration Officer that he is of good character and is not a prohibited person.

(3) A fee shall be payable in respect of an application for a residence permit or an application for the renewal of a residence permit.

#### **16 Issue of residence permit**

(1) Subject to this section and to sections 15, 17 and 19, the Chief Immigration Officer may issue a residence permit to any person who—

- (a) is the spouse or a minor child of a resident; or
- (b) is the mother, father, grandparent or other dependent of a resident, where the resident is able to maintain such person and undertakes to do so; or
- (c) possesses substantial financial means and is prepared to invest substantially in Zimbabwe without engaging in any occupation; or
- (d) holds a temporary employment permit and—
  - (i) has been resident in Zimbabwe for a continuous period of not less than five years; or
  - (ii) where he applies for a residence permit within six months before the date of expiry of his temporary employment permit, will on the date of such expiry, have been resident in Zimbabwe for a continuous period of five years.

(2) Without the consent of the Minister, the Chief Immigration Officer shall not issue a residence permit in terms of subsection (1) to a person who is within Zimbabwe unless such a person is the holder of a temporary employment permit or of a residence permit that is being renewed.

(3) A residence permit shall be in form No. I.F. 6.

(4) Where application for a residence permit has been made by a person wishing to engage in an occupation in Zimbabwe, the Chief Immigration Officer may issue such person with a temporary employment permit in terms of section 22.

#### **17 Conditions of residence permit**

(1) A residence permit may be issued for an indefinite period or for such definite period as may be specified in the permit:

Provided that a residence permit may not be issued for an indefinite period unless the person to whom it has been issued—

- (a) has been resident in Zimbabwe for not less than five years; or
- (b) will have been resident in Zimbabwe for not less than five years on the date of expiry of the permit currently held by him, where he applies for the residence permit within six months before such date of expiry; or
- (c) has transferred US\$1,000,000 or more into Zimbabwe for purposes of an investment project approved by the Zimbabwe Investment Centre established by section 3 of the Zimbabwe Investment Centre Act [*Chapter 24:16*]; or
- (d) has invested US\$300,000 or more and will have been resident in Zimbabwe for not less than three years on the date of expiry of the residence permit currently held by him, where he applies for such residence permit six months before such date of expiry; or
- (e) has invested US\$100,000 or more in capital equipment in a joint venture with a *bona fide* Zimbabwean partner and is a professional or technical person who will have been resident in

Zimbabwe for not less than three years on the date of expiry of the residence permit currently held by him, where he applies for such residence permit six months before such date of expiry.

(2) A residence permit shall be subject to such conditions as the Chief Immigration Officer may fix and specify in the permit.

(3) A fee shall be payable in respect of an application for a residence permit or an application for the renewal of a residence permit.

(4) The Chief Immigration Officer may, on the written application of the holder of a residence permit, amend any condition of such permit.

## **18 Invalidity of residence permit**

(1) A residence permit shall cease to be valid if the holder of the permit—

(a) fails to enter Zimbabwe within six months of the date on which the permit was issued or such later date as the Chief Immigration Officer may endorse thereon; or

(b) being a person who has acquired a domicile in Zimbabwe, is thereafter deemed to have lost that domicile in terms of subsection (4) of section 3 of the Act; or

(c) being a person who has not acquired a domicile in Zimbabwe—

(i) voluntarily departs from and resides outside Zimbabwe with the intention of making his home outside Zimbabwe; or

(ii) voluntarily departs from or is absent from Zimbabwe for a period of six months or such longer period as the Chief Immigration Officer may, on application in writing, fix in his case;

or

(d) becomes a prohibited person.

(2) If a residence permit ceases in terms of subsection (1) to be valid, the holder of the permit and all persons authorised to enter Zimbabwe with him in terms of the permit shall, unless authorised in terms of the Act or these regulations to remain therein, leave Zimbabwe.

## **19 Refusal to issue residence permit**

(1) The Minister may direct that a residence permit shall not be issued by the Chief Immigration Officer to any particular person or to a member of a class of persons.

(2) The Chief Immigration Officer—

(a) shall, if the applicant is a person or a member of a class of persons in respect of whom the Minister has given a direction in terms of subsection (1), refuse to issue a residence permit to the applicant;

(b) may, if the applicant is not a person referred to in paragraph (a), for any reason refuse to issue a residence permit to the applicant.

(3) Any person whose application for a residence permit has been refused in terms of paragraph (b) of subsection (2) may, if he is able to produce fresh evidence relating to the application or to show that the circumstances affecting his case have changed, within 14 days of being notified of such refusal, make representations to the Chief Immigration Officer and the Chief Immigration Officer shall, subject to subsection (2), reconsider the application.

(4) No person whose application for a residence permit has been refused—

(a) in terms of paragraph (a) of subsection (2) shall be entitled to be given any information or reasons for the direction of the Minister referred to in that paragraph; or

(b) in terms of paragraph (b) of subsection (2) shall be entitled to be given any information or reasons as the grounds for such refusal.

(5) Notwithstanding any provisions of these regulations, the Minister may in any particular case direct that a residence permit shall be issued to any person and the Chief Immigration Officer shall comply with such direction.

## **20 Cancellation of residence permit**

(1) The Chief Immigration Officer may, and shall, if directed to do so by the Minister, without prior notice to the person concerned, cancel a residence permit if—

(a) it was obtained on any information which is incorrect in any material particular; or

(b) the holder of the permit or his agent has furnished any information in connection with the application for the permit which is incorrect in any material particular; or

(c) the holder of the permit fails to comply with any of the conditions under which the permit was issued.

(2) If a residence permit is cancelled in terms of subsection (1)—

(a) the Chief Immigration Officer shall cause written notice of the cancellation to be served on the holder of the permit and shall state in such notice provisions of these regulations in terms of which it was cancelled and the date from which the cancellation shall take effect; and

- (b) the holder of the permit and all persons authorised in terms of such permit to enter or to remain in Zimbabwe with him shall, unless authorised in terms of the Act or these regulations to remain therein, leave Zimbabwe on or before the date referred to in paragraph (a) or such later date as the Chief Immigration Officer may, by notice in writing to the person concerned, fix.

## **21 Persons wishing to enter Zimbabwe for purpose of engaging temporarily in employment**

- (1) No—
  - (a) employee whose employer, whether or not he is a person resident or carrying on business in Zimbabwe, wishes to introduce the employee into Zimbabwe for the purpose of engaging in an occupation; or
  - (b) person who wishes to engage in an occupation in Zimbabwe;
- shall enter Zimbabwe for the purpose of engaging in that occupation unless he is in possession of a valid employment permit or other authority in terms of the Act to do so:

Provided that this section shall not apply to a person referred to in paragraph (a), (e), (f) or (i) of subsection (2) of section 15, or in subsection (2) of section 29, of the Act.

(2) A temporary employment permit shall cease to be valid if the holder of the permit is required to leave Zimbabwe in terms of subsection (3).

(3) The holder of a temporary permit, and all persons authorised in terms of paragraph (b) of subsection 24 to enter Zimbabwe with him, shall, unless authorised in terms of the Act or these regulations to remain therein, leave Zimbabwe if such holder, without the prior authorisation of the Chief Immigration Officer—

- (a) fails to take up employment with, or ceases to be employed by, the employer;
- (b) fails to engage, or ceases to be engaged, in the occupation specified in the permit.

(4) A person who has entered Zimbabwe as a visitor and has engaged in any occupation in Zimbabwe shall, unless authorised in terms of this Act or these regulations to remain therein, forthwith leave Zimbabwe.

## **22 Temporary employment permit**

- (1) The Chief Immigration Officer may, on the application—
  - (a) in form No. I.F. 7 of a person, whether or not he is a resident or carrying on business in Zimbabwe, who wishes to introduce as an employee into Zimbabwe a person for the purpose of engaging in an occupation; or
  - (b) of a person who wishes to engage in an occupation in Zimbabwe;
- issue an employment permit in form No. I.F. 8.
- (2) A temporary employment permit—
  - (a) shall authorise the person in respect of whom it is issued, subject to the conditions specified in section 23, to enter or remain in Zimbabwe for the period, not exceeding five years, specified therein;
  - (b) may authorise the spouse and children of the person in respect of whom it is issued, to enter or remain in Zimbabwe for such period, not exceeding five years, as may be specified therein.
- (3) A temporary employment permit may be issued, with the consent of the Minister, to a person who is in Zimbabwe.
- (4) The Chief Immigration Officer may from time to time extend a temporary employment permit for any period which, together with the period or periods for which it has been in force, does not exceed five years.
- (5) A person whose temporary employment permit expires and is not renewed in terms of subsection (4) shall, unless authorised in terms of the Act or these regulations to remain therein, forthwith leave Zimbabwe.
- (6) A fee shall be payable in respect of an application for a temporary employment permit and an application for the renewal of a temporary employment permit.

## **23 Conditions of issue of temporary employment permit**

- (1) A temporary employment permit shall be subject to the following conditions—
- (a) that, except where the Chief Immigration Officer has authorised otherwise, the holder of such permit shall engage in the occupation specified in the permit and shall not engage in any other occupation; and
- (b) that, except where the Chief Immigration Officer has authorised otherwise, the holder of such permit shall enter and remain in the service of the employer, if any, specified in the permit; and
- (c) that the holder of such permit and all persons authorised under paragraph (b) of subsection (2) of section 22 to enter Zimbabwe with him shall leave Zimbabwe on or before the expiry of the period stated in the permit; and
- (d) that the holder of such permit shall surrender it to an Immigration Officer before leaving Zimbabwe; and



(e) such other conditions as the Chief Immigration Officer may fix.

(2) The Chief Immigration Officer may, on the written application of the holder of a temporary employment permit, and subject to such conditions as he may deem fit to impose, authorise the holder of the permit to do one or more of the following—

- (a) to cease to engage in the occupation specified in the permit;
- (b) to engage in a different occupation from that so specified;
- (c) to leave the service of the employer so specified;
- (d) to enter the service of an employer not so specified.

## **24 Cancellation of temporary employment permit**

(1) The Chief Immigration Officer may, and shall, if directed to do so by the Minister, without prior notice to the person concerned, cancel a temporary employment permit, if—

- (a) it was obtained on any information which is incorrect in any material particular; or
- (b) the holder of the permit or his employer has furnished any information in connection with the application for the permit which is incorrect in any material particular; or
- (c) the holder of the permit fails to comply with any of the conditions under which the permit was issued, or any condition imposed in terms of subsection (2) of section 23.

(2) If a temporary employment permit is cancelled in terms of subsection (1)—

- (a) the Chief Immigration Officer shall cause written notice of the cancellation to be served on the holder of the permit and shall state in such notice the date from which the cancellation shall take effect; and
- (b) the holder of the permit 'and all persons authorised in terms of paragraph (b) of subsection (2) of section 22 to enter or remain in Zimbabwe with him shall, unless authorised in terms of the Act or these regulations to remain therein, leave Zimbabwe on or before the date referred to in paragraph (a) or such later date as the Chief Immigration Officer may, by notice in writing to the person concerned, fix.

## **25 Issue of temporary permit**

(1) Subject to section 50, an Immigration Officer may issue a temporary permit in form No. I.F. 9 to any prohibited person:

Provided that a temporary permit shall not be issued for a period exceeding 30 days without the approval of the Chief Immigration Officer.

(2) A fee shall be payable in respect of an application for a temporary permit.

## **26 Deposit in relation to temporary permit**

(1) A person to whom a temporary permit is issued may be required to deposit such sum as the Chief Immigration Officer may determine as security for the due carrying out of the conditions of the permit.

(2) It shall be a condition of any security furnished in terms of subsection (1) that such security may be applied by the Chief Immigration Officer to meet any expenditure which might have been incurred by the State in connection with the care, treatment or maintenance in, or the repatriation or removal from, Zimbabwe of the person concerned and any dependant of his and the balance, if any, shall be paid to the person who furnished the security.

(3) Any security furnished in terms of subsection (1) shall only be refunded upon—

- (a) the due carrying out of the conditions by the person to whom the temporary permit is issued and upon his leaving Zimbabwe within the period for which the permit was issued; or
- (b) upon the cancellation of the conditions by an Immigration Officer:

Provided that the Chief Immigration Officer may retain any security until he is satisfied that the person referred to in subsection (1) will be admitted to a country or territory outside Zimbabwe.

## **27 Conditions of temporary permit**

A temporary permit shall be subject to the following conditions—

- (a) that the holder of the permit shall notify an Immigration Officer of his address in Zimbabwe and shall immediately notify an Immigration Officer in writing of any change of such address; and
- (b) that 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; and
- (c) that the holder of the permit shall leave Zimbabwe within the period specified in the permit and without expense to the State and shall surrender the permit to an Immigration Officer upon leaving Zimbabwe; and
- (d) that the holder of the permit shall give to the Chief Immigration Officer or to the Immigration Officer at the nearest port of entry at least 24 hours' notice, Saturdays, Sundays and public holidays excluded, of his intended departure from Zimbabwe; and

- (e) that 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; and
- (f) such other conditions as may be fixed.

## **28 Cancellation of temporary permit**

(1) The Chief Immigration Officer may, and shall, if directed to do so by the Minister, without prior notice to the person concerned, for any reason which he or the Minister, as the case may be, deems sufficient, including the breach of any conditions of the permit, cancel a temporary permit.

(2) If a temporary permit is cancelled in terms of subsection (1)—

- (a) the Chief Immigration Officer shall cause written notice of the cancellation to be served on the holder of the permit and shall state in such notice the provision of these regulations in terms of which it was cancelled and the date from which the cancellation shall take effect; and
- (b) the holder of the permit and all persons authorised in terms of the permit to enter or remain in Zimbabwe with him shall, unless authorised in terms of the Act or these regulations to remain therein, leave Zimbabwe on or before the date referred to in paragraph (a) or such later date as the Chief Immigration Officer may, by notice in writing to the person concerned, fix.

## **29 Persons deemed to be holders of temporary permit**

(1) The Minister may, by notice published in the *Gazette*, deem a person or members of any class of persons to be the holders of temporary permits for the purposes of the Act and these regulations authorising them to enter and remain in Zimbabwe on such conditions as may be specified in that notice.

(2) The Minister may, by notice published in the *Gazette*, withdraw any declaration in terms of subsection (1).

## **30 Former residents deemed to be holders of residence permit**

(1) Any alien who was formerly resident in Zimbabwe may, within seven years of departing from Zimbabwe permanently, apply in form No. I.F. 10 to the Chief Immigration Officer, for approval in terms of subsection (2).

(2) Subject to section 19 as applied by subsection (3) of this section, the Chief Immigration Officer may in his discretion, in form No. I.F. 11, approve the resumption of residence in Zimbabwe by an applicant in terms of subsection (1) and any spouse or child under the age of 18 years of such applicant who were formerly resident in Zimbabwe.

(3) Any person whose residence in Zimbabwe is approved in terms of subsection (2) shall be deemed for the purposes of the Act and these regulations to be the holder of a residence permit and sections 11, 17, 18, 19 and 20 shall apply, *mutatis mutandis*, in respect of such approval.

(4) A fee shall be payable in respect of an application for resumption of residence.

## **31 Issue of student permit**

(1) The Chief Immigration Officer may issue to any person who under the Act or these regulations cannot lawfully enter or remain in Zimbabwe a student's permit in form No. I.F. 12 authorising him, subject to the conditions specified in section 32, to enter and reside in Zimbabwe for the purpose of attending any educational institution, other than a school, approved by the Chief Immigration Officer.

(2) A fee shall be payable in respect of an application for a student's permit.

## **32 Conditions of student's permit**

A student's permit shall be subject to the following conditions—

- (a) that the permit shall remain valid for the period not exceeding one year, specified therein; and
- (b) that the validity of the permit may be extended by endorsement of the permit by an Immigration Officer for a further period or periods each not exceeding one year, on production of written evidence by the holder of acceptance by the educational institution concerned for a further period of study; and
- (c) that the holder of the permit shall not engage in any occupation except as directed by the educational institution concerned; and
- (d) such other conditions as the Chief Immigration Officer may fix.

### **33 Cancellation of student's permit**

(1) The Chief Immigration Officer may, and shall, if directed by to do so by the Minister, without prior notice to the person concerned, for any reason which he or the Minister, as the case may be, deems sufficient, including the breach of any condition of the permit cancel a student's permit.

(2) If a student's permit is cancelled in terms of subsection (1)—

- (a) the Chief Immigration Officer shall cause a written notice of the cancellation to be served on the holder of the permit and shall state in such notice the date from which the cancellation shall take effect; and
- (b) the holder of the permit and all persons authorised in terms of the permit to enter or remain in Zimbabwe with him shall, unless authorised in terms of the Act or these regulations to remain therein, leave Zimbabwe on or before the date referred to in paragraph (a) or such later date as the Chief Immigration Officer may, by notice in writing to the person concerned, fix; and
- (c) any deposit made as a condition of issue of the permit may be applied by the Chief Immigration Officer to meet any expenditure which may be or has been incurred by the State in connection with the maintenance in, or the repatriation or removal from Zimbabwe of the person concerned or any dependent of his and the balance, if any, shall be paid to the person concerned.

### **34 Issue of scholar's permit**

(1) An Immigration Officer may issue to any person who, under the Act or these regulations, cannot lawfully enter or remain in Zimbabwe a scholar's permit in form No. I.F. 13 authorising him, subject to the conditions specified in section 35, to enter and reside in Zimbabwe for the purpose of attending any school approved by the Chief Immigration Officer.

(2) A fee shall be payable in respect of an application for a scholars permit.

### **35 Conditions and renewal of scholar's permit**

(1) A scholar's permit shall be subject to the following conditions—

- (a) that the permit shall remain valid for the period of one school term from the date of issue; and
- (b) that the validity of the permit may be extended in terms of subsection (2); and
- (c) that the holder of the permit shall not engage in any occupation except during school holidays; and
- (d) such other conditions as the Chief Immigration Officer may fix.

(2) At the end of each school term, the holder of a scholar's permit shall obtain from the head of the school concerned a scholar's departure and re-entry certificate in form No. I.F. 14 and if the head or an Immigration Officer certifies that the holder of the scholar's permit intends to return to the school the following term, the scholar's permit shall be deemed to be renewed.

### **36 Cancellation of scholar's permit**

(1) The Chief Immigration Officer may, and shall, if directed to do so by the Minister, without prior notice to the person concerned, for any reason which he or the Minister, as the case may be, deems sufficient, including the breach of any condition of the permit, cancel a scholar's permit.

(2) If a scholar's permit is cancelled in terms of subsection (1)—

- (a) the Chief Immigration Officer shall cause a written notice of the cancellation to be served on the holder of the permit and shall state in such notice the date from which the cancellation is to take effect; and
- (b) the holder of the permit shall, unless authorised in terms of the Act or these regulations to remain therein, leave Zimbabwe on or before the date referred to in paragraph (a) or such later date as the Chief Immigration Officer may, by notice in writing to the person concerned, fix; and
- (c) any deposit made as a condition of issue of the permit may be applied by the Chief Immigration Officer to meet any expenditure which may be or has been incurred by the State in connection with the maintenance in, or the repatriation or removal from, Zimbabwe of the person concerned or any dependant of his and the balance, if any, shall be paid to the person concerned.

### **37 Alien's permit**

(1) An Immigration Officer may in his discretion endorse or refuse to endorse the passport relating to an alien who—

- (a) enters or has entered Zimbabwe and is not domiciled therein; and
- (b) is proved to the satisfaction of an Immigration Officer or, in the event of an appeal to a Magistrates' Court, to the satisfaction of the Magistrate, to be the spouse or child of a citizen of Zimbabwe.

(2) An alien's permit issued in terms of subsection (1) shall authorise the person concerned, subject to the Act and these regulations, to enter and remain or to remain, as the case may be, in Zimbabwe.

(3) The Chief Immigration Officer may, for any reason which he considers sufficient, including the breach of any condition of the permit, cancel an alien's permit issued in terms of subsection (1).

(4) The Chief Immigration Officer shall not be obliged to give reasons for the cancellation of a permit in terms of subsection (3).

(5) Where an alien's permit is cancelled in terms of subsection (3)—

(a) the Chief Immigration Officer shall cause written notice of the cancellation to be served on the holder of the permit and shall state in the notice the date from which the cancellation shall take effect;

(b) the holder of the permit shall, unless authorised in terms of the Act or these regulations to remain in Zimbabwe, leave Zimbabwe on or before the date referred to in paragraph (a) or on such later date as the Chief Immigration Officer may fix by notice in writing to the person concerned.

(6) A fee shall be payable in respect of an application for an alien's permit.

### **38 Fee for travel documents**

A fee shall be payable respectively in respect of an application for a permit referred to in paragraph (b) of subsection (2) of section 26 of the Act and an application for the renewal of the same.

### **39 Permit relating to prescribed diseases**

(1) A permit referred to in paragraph (e) of subsection (1) of section 14 of the Act shall be in form No. I.E. 16 and shall be issued by the Chief Immigration Officer.

(2) The following conditions may be imposed upon any person to whom a permit referred to in subsection (1) is issued—

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

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

(c) that 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 in writing of his residential address in Zimbabwe and shall immediately notify such officer in writing of any change of such address;

(d) that 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 or such other medical officer as may be designated for the purpose by the Secretary of the Ministry responsible for health;

(e) that 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 at his own expense by a registered medical practitioner.

### **40 Loss or destruction of permits or other documents**

If any permit or other document issued under the Act or these regulations is lost or destroyed, the Chief Immigration Officer may, on the payment of a fee, issue a copy thereof.

### **41 Holder of temporary permit ceasing to be prohibited person**

If the Chief Immigration Officer is satisfied that a person who is the holder of a temporary permit has ceased to be a prohibited person in terms of the Act, he may authorise the person to remain in Zimbabwe subject to the Act.

### **42 Visitor's entry certificate**

(1) A visitor's entry certificate shall be in form No. I.F. 17.

(2) A visitor's entry certificate shall be subject to the following conditions—

(a) that the holder of the certificate shall give his address in Zimbabwe to an Immigration Officer and notify in writing any change of address to such officer; and

(b) that the holder of the certificate 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 admitted to Zimbabwe; and

(c) that the holder of such certificate shall not engage in any occupation unless he has previously obtained a permit authorising him so to do;

- (d) that the holder of the certificate shall, without expense to the State, leave Zimbabwe on or before the date stated in the certificate unless an extension of the validity of the certificate has been endorsed thereon by an Immigration Officer authorised for the purpose by the Chief Immigration Officer;
- (e) that the certificate shall cease to be valid once the holder of the certificate has made exit from Zimbabwe.
- (f) that a fee shall be payable in respect of an application for the extension of the validity of a visitors entry certificate—
  - (i) for an initial extension of the certificate three months after it was issued;
  - (ii) for the further extension of the certificate six months after it was issued:Provided that an additional fee shall be payable for the extension of the validity of a certificate that has already expired.
- (3) The Chief Immigration Officer may, and shall, if directed to do so by the Minister, without prior notice to the person concerned, for any reason which he or the Minister, as the case may be, deems sufficient, including the breach of any condition of the certificate, cancel a visitor's entry certificate.
- (4) If a visitor's entry certificate is cancelled in terms of subsection (3)—
  - (a) the Immigration Officer shall cause written notice of the cancellation to be served on the holder of the permit and shall state in such notice the date from which the cancellation shall take effect; and
  - (b) the holder of the certificate and all persons authorised in terms of such certificate to enter Zimbabwe with shall, unless authorised in terms of the Act or these regulations to remain therein, leave Zimbabwe on or before the date referred to in paragraph (a) or such later date as the Immigration Officer may, by notice in writing to the person concerned, fix; and
  - (c) any notice given in terms of subsection (1) of section 10 in respect of the holder of the certificate shall be deemed to have been cancelled.

#### **43 Admission to Zimbabwe of persons required to produce evidence to Immigration Officer**

(1) Where an Immigration Officer requires, in terms of the Act or these regulations, evidence of any fact relating to a person entering Zimbabwe, he may, by issuing to such person, or, in the case of a child, to his parent, a provisional restriction notice in form No. I.F. 18, admit such person to Zimbabwe, subject to such conditions as may be specified in the notice.

(2) Subsections (2) to (4) of section 43 shall apply, *mutatis mutandis*, in respect of any notice issued in terms of subsection (1).

### **PART IV PROHIBITED PERSONS**

#### **44 Prescribed diseases**

The following shall be the diseases for the purposes of paragraph (e) of subsection (1) of section 14 of the Act—

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

#### **45 Admission of suspected prohibited person to Zimbabwe**

- (1) If an Immigration Officer—
  - (a) suspects on reasonable grounds that a person who enters or is in Zimbabwe is a prohibited person; or
  - (b) believes on reasonable grounds that a person who enters Zimbabwe may be deemed or declared by the Minister to be a prohibited person in terms of paragraph (a), subparagraph (iii) of paragraph (f) or paragraph (h) of subsection (1) of section 14 of the Act;he may, pending the completion of inquiries or the decision of the Minister, as the case may be, by issuing the person concerned with a provisional restriction notice in form No. I.F. 18, admit that person to Zimbabwe, or permit that person to remain in Zimbabwe, as the case may be, subject to such conditions as may be specified in the notice.
- (2) Subject to the Act or these regulations, an Immigration Officer may, from time to time, extend the period of validity of a notice issued in terms of subsection (1)—
  - (a) where such extension may enable the person to whom the notice has been issued to comply with any conditions thereof; or

- (b) notwithstanding the fact that the person to whom the notice has been issued is required to leave Zimbabwe as the result of being unable to comply with any condition thereof, to enable such person to complete arrangements to leave Zimbabwe.
- (3) The Chief Immigration Officer may, and shall, if directed to do so by the Minister, without prior notice to the alien concerned, for any reason which he or the Minister, as the case may be, deems sufficient, including the breach of any condition of the notice, cancel a notice issued to an alien in terms of subsection (1).
- (4) If a notice is cancelled in terms of subsection (3)—
- (a) an Immigration Officer shall cause written notification of the cancellation to be served on the holder of the notice, and shall state in such notification the date from which the cancellation shall take effect; and
- (b) the holder of the notice and all persons authorised to enter or remain in Zimbabwe with him, shall, unless authorised in terms of the Act or these regulations to remain therein, leave Zimbabwe on or before the date referred to in paragraph (a) or such later date as the Immigration Officer may, by notification in writing to the person concerned, fix.

#### **46 Warrant of detention**

A warrant of detention requiring a person to be detained as referred to in section 10 of the Act shall be in form No. I.F. 19.

#### **47 Removal of passport of prohibited person or suspected prohibited person**

An Immigration Officer may seize any passport of a person whom he knows or suspects on reasonable grounds to be a prohibited person and may retain possession of such passport until he is satisfied that it is no longer necessary or expedient to do so.

#### **48 Detention after criminal proceedings**

If a prohibited person who has arrived in Zimbabwe or a person who is being detained in terms of subsection (1) of section 8 of the Act 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 shall thereafter be detained under and subject in all respects to this Act and these regulations.

#### **49 Appeals by prohibited persons**

(1) The notice in terms of paragraph (a) of subsection (3) of section 8 of the Act shall be in form No. I.F. 20.

(2) An Immigration Officer may, after having given notice in form No. I.F. 20 to a person, supply that person with a notice of appeal in form No. I.F. 21.

(3) Subject to subsections (5) and (6), if the person referred to in subsection (1) wishes to appeal in terms of subsection (1) of section 21 of the Act, he shall, within the time allowed in terms of subsection (2) of that section, file a notice of appeal which complies with subsection (4) in the Magistrates' Court having jurisdiction in the matter and deliver a copy of such notice to the Immigration Officer concerned.

(4) A notice of appeal filed in terms of subsection (3) shall set out clearly and specifically and in numbered sequence the grounds on which the appeal is based.

(5) If the person referred to in subsection (1) is in detention when he completes his notice of appeal, he may, in lieu of the procedure set out in subsection (3) but within the time referred to therein, deliver his notice of appeal and a copy thereof to the officer in charge of the prison or other person in whose custody he is who shall thereupon endorse such notice and copy with the date of receipt and arrange for their delivery with all possible dispatch to the Magistrates' Court having jurisdiction in the matter and to the Immigration Officer concerned, respectively.

(6) A person who, in terms of subsection (1) of section 21 of the Act, is entitled to appeal but, in terms of the proviso to subsection (5) of section 8 of the Act, is not entitled to enter or remain in Zimbabwe for the purpose of noting or prosecuting his appeal may—

- (a) within the time allowed in terms of subsection (2) of section 21 of the Act, deliver his notice of appeal and a copy thereof to the Immigration Officer concerned, who shall thereupon endorse such notice and copy with the date of receipt and arrange for the delivery of the notice with all possible dispatch to the Magistrates' Court having jurisdiction in the matter;
- (b) be represented at the hearing of his appeal by a legal practitioner.

(7) Where the notice of appeal has been given by an appellant in person before he is legally represented, any legal practitioner subsequently engaged to represent him may at any time, not later than 48 hours before the hearing of the appeal, file an additional notice of appeal in the Magistrates' Court having jurisdiction in the matter amending, altering or supplementing the original notice and a copy of any such additional notice shall at the same time be delivered to the Immigration Officer concerned.

(8) An Immigration Officer to whom a copy of the notice of appeal has been delivered, duly completed, in terms of subsection (3), (5), (6) or (7), shall forthwith send such copy to the Chief Immigration Officer.

## **50 Temporary permits for appellants**

If an appellant has been released from detention in terms of subsection (2) of section 9 of the Act, an Immigration Officer shall issue him with a temporary permit in form No. I.F. 9 on such conditions as he deems fit.

## **51 Procedure where no court sitting locally**

If there is no court which ordinarily sits or is sitting or about to sit in the vicinity of his station, an Immigration Officer shall communicate with the Chief Immigration Officer and shall inform the appellant, unless, by virtue of the proviso to subsection (5) of section 8 of the Act, the appellant is not entitled to enter or remain in Zimbabwe for the purpose of his appeal, that if he desires to be present at the hearing of his appeal he will, if under detention, be taken under escort to the place where the court is to sit or, if released under temporary permit, he may proceed to such place.

## **52 Particulars of hearing to be notified**

When a notice of appeal has been filed or delivered to his court in terms of Section 48, a Magistrate of the court having jurisdiction in the matter shall arrange for the applicant and the Immigration Officer concerned to be notified of the time and place of the hearing of the appeal and such Immigration Officer shall arrange for the applicant, if he is in custody, to be present at the hearing of the appeal, if the appellant so desires.

## **53 Hearing of appeal**

(1) The respondent in an appeal shall be the Chief Immigration Officer and the parties to an appeal may be represented by a legal practitioner or, in the case of the Chief Immigration Officer, by an Immigration Officer or a person referred to in section 11 of the Criminal Procedure and Evidence Act [Chapter 9:07].

(2) At the conclusion of the appeal the Magistrate shall endorse on the notice of appeal in terms of section 48 his decision in regard to that appeal unless a question of law has been reserved for the decision of the Supreme Court in terms of subsection (3) of section 21 of the Act.

## **54 Witnesses**

(1) The Magistrate or an Immigration Officer may summon any witness by causing to be served upon such witness a subpoena in form No. I.F. 22.

(2) A subpoena referred to in subsection (1) shall be served by a police officer or by an Immigration Officer or by any person whose duty it is to serve process in criminal cases in Magistrates' Courts.

(3) Any person who, without reasonable excuse, fails to appear at any time and place stated within the subpoena referred to in subsection (1) or to produce such documents as he is required to produce by any such subpoena shall be guilty of an offence and shall be dealt with as if he had been subpoenaed to give evidence or to produce documents in accordance with the law relating to criminal procedure.

(4) Any person appearing before a Magistrate at the hearing of an appeal who, without reasonable excuse, refuses to be sworn or, having been sworn, refuses to answer any lawful question put to him shall be guilty of an offence.

## **55 Procedure at hearing of appeal**

(1) At the hearing of an appeal—

- (a) there shall be placed before the Magistrate a statement by an Immigration Officer of the grounds upon which the appellant is, or has been deemed or declared to be, as the case may be, a prohibited person; and
- (b) the Magistrate shall inform the appellant or his legal representative of such grounds; and
- (c) the evidence of the appellant, which may be given on affidavit if the appellant is not present by virtue of the proviso to subsection (5) of section 8 of the Act, may then be given and the appellant or, if he is legally represented, his legal representative may call and examine such witnesses as he may desire; and
- (d) an Immigration Officer may, then give evidence or produce a certificate, statement or document referred to in section 40 of the Act and he or his legal representative, if any, may call and examine such witnesses as he may desire; and

- (e) the Magistrate may then call and examine such witnesses as he may deem necessary or desirable for the determination of the appeal.

## **56 Examination of witnesses**

- (1) The Magistrate may put to any witness such questions as he may consider relevant to the issue.
- (2) The appellant and the Immigration Officer or their legal representatives, as the case may be, shall be entitled—
- (a) to cross-examine witnesses called by the other party to the proceedings or by the Magistrate; and
- (b) to re-examine their own witnesses after they have been cross-examined.

## **57 Decision of Magistrate**

Subject to section 58, the Magistrate shall—

- (a) in the case of an appeal directed solely to matters referred to in paragraph (a) or (b) of subsection (1) of section 22 of the Act, determine the matter and dismiss or allow the appeal accordingly;
- (b) in the case of any other appeal—
- (i) having regard, *inter alia*, to the appropriate provision of the Act specified in form No. I.F. 20 which was given to the appellant; and
- (ii) determine whether or not the appellant is a prohibited person or has been refused leave to enter Zimbabwe, as the case may be; and
- (iii) either dismiss or allow the appeal accordingly.

## **58 Transmission of special case to Supreme Court**

- (1) Where the Magistrate reserves a question of law for the Supreme Court in terms of subsection (3) of section 21 of the Act—
- (a) he shall adjourn the hearing pending the decision of the Supreme Court; and
- (b) he shall transmit to the Registrar of the Supreme Court a statement of any finding and his reasons thereof and the statement of the question of law; and
- (c) during the adjournment the appellant shall remain in detention in term of the Act, unless he is released under a temporary permit issued in terms of section 49.
- (2) Where a hearing has been adjourned in terms of subsection (1), the Magistrate shall, on receipt of the opinion of the Supreme Court, continue the hearing and either dismiss or allow the appeal accordingly.

## **59 Procedure after hearing**

- (1) If the appeal is dismissed, the appellant shall remain in the custody of the Immigration Officer who shall forthwith take such action as may be required for his removal from Zimbabwe or for his temporary or conditional residence within Zimbabwe in terms of the Act.
- (2) If the appeal is allowed, the appellant shall be discharged from custody and relieved from the conditions of any temporary permit issued in terms of section 50.
- (3) If the appellant is not present at the appeal by virtue of the proviso to subsection (5) of section 8 of the Act, the Chief Immigration Officer shall arrange for the appellant to be notified of the result of the appeal.

# **PART V**

## **DEPARTURE FROM ZIMBABWE**

## **60 Ports of exit**

The places specified in the First Schedule shall be ports of exit.

## **61 Order in which persons departing from Zimbabwe to be dealt with**

An Immigration Officer exercising his functions in terms of section 25 of the Act may determine the sequence in which he will examine persons wishing to depart from Zimbabwe and may, for that purpose give directions to such persons.



## **62 Persons departing from Zimbabwe by train**

(1) An Immigration Officer may exercise his functions in terms of section 25 of the Act and in terms of section 63 on any train departing from Zimbabwe.

(2) Any person who departs from Zimbabwe by train and is dealt with by an Immigration Officer in terms of subsection (1) shall not be required to comply with subsection (1) of section 25 of the Act.

## **63 Permit exempting person from section 25 of the Act**

A permit referred to in subsection (3) of section 25 of the Act shall be in form No. IF. 23.

## **64 Statistics to be kept by Minister of persons departing from Zimbabwe**

(1) The Minister shall cause statistics to be kept of the following matters relating to persons departing from Zimbabwe—

(a) the number of such persons who—

- (i) are journeying through Zimbabwe in direct transit from one country to another, other than in direct transit by air; and
- (ii) are departing from Zimbabwe after making a temporary visit; and
- (iii) being residents, are departing from Zimbabwe for a period of less than 12 months; and
- (iv) being residents, are departing from Zimbabwe permanently or for a period of 12 months or more;

and

(b) if such persons are—

(i) departing from Zimbabwe after making a temporary visit there—

- A. their country of permanent residence; and
- B. the period of their visit to Zimbabwe; and
- C. the approximate amount of money spent by them whilst in Zimbabwe;

(ii) residents departing from Zimbabwe permanently or for a period of 12 months or more—

- A. their occupation; and
- B. their sex and age; and
- C. their last permanent residential address in Zimbabwe;

(iii) residents departing from Zimbabwe for a period of less than 12 months, their country of destination.

(2) In order to enable statistics to be kept in regard to the matters referred to in subsection (1), every person departing from Zimbabwe, other than a person in direct transit by air, shall complete an exit card in form No. I.F. 25 and deliver it to an Immigration Officer.

## **FIRST SCHEDULE (*Sections 3 and 60*)**

### **PORTS OF ENTRY AND DEPARTURE**

#### **PART I**

##### **ENTRY OR DEPARTURE BY AIR**

1. Beitbridge Airport
2. Buffalo Range Airport
3. Bulawayo Airport
4. Charles Prince Airport
5. Harare Airport
6. Kariba Airport
7. Mutare Airport
8. Victoria Falls Airport

#### **PART II**

##### **ENTRY OR DEPARTURE BY RAIL**

1. Beitbridge
2. Mutare
3. Plumtree
4. Sango
5. Victoria Falls

**PART III**  
**ENTRY OR DEPARTURE BY ROAD**

- A. Border with Zambia—**
1. Chirundu Border Post
  2. Kanyemba Border Post
  3. Kariba Border Post
  4. Victoria Falls Border Post
- B. Border with Mozambique—**
1. Forbes Border Post
  2. Mount Silinda Border Post—
  3. Mukumbura Border Post
  4. Nyamapanda Border Post
  5. Sango Border Post
- C. Border with the Republic of South Africa—**
1. Beitbridge Border Post
- D. Border with Botswana—**
1. Kazungula Border Post
  2. Pandamatenga Border post
  3. Plumtree Border Post
  4. Maitengwe Border Post
  5. Mphoengs Border Post

**SECOND SCHEDULE (Section 2)**

**FEEs**

Section	Permit or application	Fee	
		US\$	Z\$
9(6)	Single entry	30	—
9(6)	Double entry	45	—
9(6)	Multiple entry	55	—
9(7)	Single entry ( <i>urgent</i> )	100	—
9(7)	Double entry ( <i>urgent</i> )	150	—
9(7)	Multiple entry ( <i>urgent</i> )	200	—
15 (3)	Application for a residence permit ( <i>non investor</i> )	300	—
15(3)	Application for the renewal of a residence permit ( <i>non investor</i> )	300	—
15(3)	Application for a residence permit ( <i>investor</i> )	500	—
15(3)	Application for the renewal of a residence permit ( <i>investor</i> )	500	—
17(3)	Residence permit issued for an indefinite period ( <i>non investor</i> )	500	—
17(3)	Residence permit issued for an indefinite period ( <i>investor</i> )	1,000	—
22(6)	Application for a temporary employment permit	500	—
22(6)	Application for the renewal of a temporary employment permit	500	—
25(2)	Application for a temporary permit	1,000	—
30(4)	Application for resumption of residence	500	—
31(2)	Issue of a student's permit	200	—
34(2)	Application for a scholar's permit	100	—
37	Application for an alien's permit	500	—
37	Application for renewal of an alien's permit	500	—
38	Application for a permit referred to in paragraph (b) of subsection (2) of section 26 of the Act	—	5,000
38	Application for the renewal of the permit referred to in paragraph (b) of subsection (2) of section 26 of the Act	—	5,000
40	Application for copy of lost or destroyed document	100	—
42(2)(f)(i)	Application for extension of a visitor's entry certificate ( <i>after 3 months</i> )	20	—
42(2)(f)(ii)	Application for extension of a visitor's entry certificate ( <i>after 6 months</i> )	100	—
42(2)(f) Proviso	Additional fee for application for extension of a visitor's entry certificate ( <i>after its expiry</i> )	50	—

\* \* \*