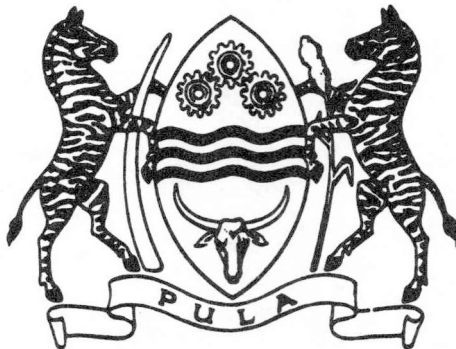


REPUBLIC OF BOTSWANA



GOVERNMENT GAZETTE

EXTRAORDINARY

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6th April, 1992

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Bill No. 13 of 1992

EMPLOYMENT OF NON-CITIZENS (AMENDMENT) BILL, 1992

(Published on 6th April, 1992)

MEMORANDUM

A draft of the above Bill, which it is proposed to present to the National Assembly, is set out below.

The purpose of the Bill is to reflect changes to the Immigration Act whereby the Immigrants Selection Board is replaced by Regional Immigrants Selection Boards and by a National Immigrants Selection Board. The amendments to the Act provide for applications for work permits to be processed firstly through the appropriate Regional Immigrants Selection Board, with an appeal to the National Immigrants Selection Board. A final appeal may be made to the Minister.

K.P. BALOPI,

Minister of Labour and Home Affairs.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 Cap. 47:02
3. Amendment of section 5
4. Amendment of section 6
5. Replacement of section 7
6. Amendment of sections 17 and 19
7. Amendment of section 23 (2)

A BILL

—entitled—

An Act to amend the Employment of Non-Citizens Act

Date of Assent:

Date of Commencement:

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Employment of Non-Citizens (Amendment) Act, 1992. Short title

2. Section 2 of the Employment of Non-Citizens Act, hereinafter referred to as "the Act", is amended by deleting the definition of "Board". Amendment of section 2
Cap. 47:02

3. Section 5 of the Act is amended by substituting for subsections (1), (2), (3) and (4) thereof the following new subsections — Amendment of section 5

"(1) An application for a work permit, or the renewal or the variation of a work permit, may be made by any person and shall be lodged, in such form and manner as the Minister may require, together with

the prescribed fee, with an authorized officer, who shall endorse his recommendation on the application form and transmit it to the appropriate Regional Immigrants Selection Board established in accordance with section 18 of the Immigration Act, and hereinafter in this Act referred to as "the Board".

(2) For the purpose of making his recommendation in accordance with subsection (1), the authorized officer may require any person to submit immediately to examination or to present himself to him, at such time and place as shall be specified, and at that time and place submit to examination.

(3) Any person who has been required to submit to examination under subsection (2) may be examined by the authorized officer in question, and shall answer truthfully, and to the best of his knowledge, every question put to him for the purpose of making the required recommendation.

(4) The Board shall consider every application put before it under subsection (1), and shall, as the case may be, either issue a work permit, renew the existing work permit, approve the variation of the work permit, wholly or in part, or reject the application, in which last case the authorized officer shall inform the applicant in writing of the Board's decision."

Amendment
of section 6

4. Section 6 of the Act is amended by deleting subsections (2), (3), (4), (5) and (6) thereof.

Replacement
of section 7

5. The Act is amended by substituting for section 7 thereof the following new section —

"Appeals
in con-
nexion
with
work
permits

7. (1) An applicant for a work permit, or the renewal or the variation of a work permit, who is aggrieved by a decision to reject his application or as to any term included in or condition attached to the work permit by the Board, may appeal against that decision or that term or condition to the National Immigrants Selection Board established under section 18 of the Immigration Act and hereinafter referred to as "the National Board".

(2) Every appeal under this section shall be lodged with the National Board, in such form and manner as may be prescribed or as the National Board may require, together with such fee as may be prescribed, not later than 30 days immediately after the day on which the decision complained of was communicated to the appellant.

(3) The National Board shall consider every appeal lodged with it in terms of subsection (1), and shall —

(a) in the case of a decision to reject an application, either dismiss the appeal or allow it, in which last case it shall forthwith issue a work permit or renew the existing work permit containing such terms and subject to such conditions specified in the permit, as the National Board may determine; or

(b) in the case of an appeal against a decision as to any term included in or any condition attached to a work permit, either dismiss the appeal or allow it, in which last case the National Board shall rescind the term or condition or amend it, and shall amend the work permit accordingly.

(4) Any person aggrieved by any decision of the National Board may appeal therefrom to the Minister, whose decision thereon shall be final.”.

6. Sections 17 and 19 of the Act are amended by substituting for the words “Commissioner of Labour” wherever they appear the words “authorized officer”. Amendment
of sections 17
and 19

7. Section 23 (2) of the Act is amended by deleting the comma and all the words after the word “writing”. Amendment
of
section 23 (2)