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## Immigration Act, 1982

Act 17 of 1982

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# Immigration Act, 1982

## Contents

Part I – Preliminary .....	1
1. Short title and commencement .....	1
2. Interpretation .....	1
Part II – Prohibited immigrants .....	2
3. Prohibited immigrants .....	2
Part III – Entry and removal of immigrants .....	2
4. Prohibition on entry without permit or pass .....	2
5. Issue, variation and cancellation of entry permits .....	3
6. Invalidation of entry permits .....	4
7. Permits, etc., void for fraud, etc. ....	4
8. Power to remove persons unlawfully in Swaziland .....	4
9. Advisory Committee .....	5
10. Duties and liabilities of carriers .....	5
Part IV – Administration offences and legal proceedings .....	6
11. Immigration officers .....	6
12. Powers of immigration officers .....	6
13. Power of arrest and search of persons .....	6
14. Offences .....	7
15. Evidence .....	8
16. Burden of proof .....	9
17. Institution and conduct of criminal proceedings .....	9
Part V – Regulations .....	9
18. Regulations .....	9
Part VI – Transitional provisions and repeal .....	10
19. Temporary validity of permits issued under repealed law .....	10
20. Notice by Minister to apply for permits .....	10
21. Issue of permits and passes after notice .....	11
22. Transitional provisions regarding re-entry .....	11
23. Repeal of Act No. 32 of 1964 and Act 2 No. 62 of 1961 .....	11
Schedule (Section 5) .....	11

# eSwatini

## Immigration Act, 1982

Act 17 of 1982

Commenced on 1 March 1987 by [Immigration Act, 1982: Commencement](#)

*[This is the version of this document at 1 December 1998.]*

**An Act to consolidate the law in relation to immigration and to introduce new provisions relating thereto.**

### Part I – Preliminary

#### 1. Short title and commencement

This Act may be cited as the Immigration Act, 1982 and shall come into operation on such date as the Minister may by notice in the *Gazette*, appoint.

#### 2. Interpretation

In this Act, except where the context otherwise requires:—

**"Chief Immigration Officer"** means the person appointed in the public Service to be the Chief Immigration Officer and includes any person appointed in writing by the Chief Immigration Officer to act on his behalf;

**"child"** includes a child adopted under any law but does not include:

- (a) a married woman; or
- (b) a person who has attained the age of eighteen years;

**"document"** includes a passport, certificate of identity, travel document or any other document required for any purpose under this Act;

**"employer"** means any person, undertaking, contractor, corporation, company or body of persons who employs or wishes to employ any other person who is required to obtain or be in possession of an entry permit before being employed in Swaziland;

**"entry permit"** means an entry permit issued under [section 5](#) of this Act, or a provisional entry permit issued under [section 21](#) of this Act, and, where the context so requires, includes a residence permit or temporary residence permit issued under the repealed law;

**"immigration officer"** means any person appointed to that office pursuant to [section 11](#) of this Act and includes the Chief Immigration Officer;

**"localisation division"** means that part of the Office of the Minister designated as the localisation division by an administrative instruction of the Minister;

**"medical practitioner"** has the meaning ascribed thereto by the Medical and Dental Practitioners Act, 1970;

**"Minister"** means the Minister responsible for immigration;

**"pass"** means a pass to enter and remain temporarily in, or to re-enter, Swaziland, issued under regulations made under this Act, and includes any class or description of pass which may be so prescribed;

**"passport"** means a passport issued to a person by or on behalf of the government of the State of which he is a subject, or a valid passport or other valid travel document or document of identity issued to a person

by an authority recognized by the Government of Swaziland, such passport or document being completed and having endorsed thereon all particulars and endorsements and visas required from time to time by the government or authority issuing the passport or document or by the Government of Swaziland or by any written law;

"**prohibited immigrant**" has the meaning ascribed thereto in [section 3](#) of this Act;

"**the repealed law**" means a law repealed by [section 23](#) of this Act.

## Part II – Prohibited immigrants

### 3. Prohibited immigrants

- (1) In this Act, a prohibited immigrant means a person who is not a citizen of Swaziland and who is—
  - (a) incapable of supporting himself and his dependants (if any) in Swaziland;
  - (b) a person who refuses to submit to examination by a medical practitioner after being required to do so under [section 12\(1\)\(d\)](#) of this Act;
  - (c) a person who, not having received a free pardon, has been convicted in any country, including Swaziland, of murder or of any offence for which a sentence of imprisonment has been passed for any term and who, by reason of such conviction, is considered by the Minister to be an undesirable immigrant;
  - (d) a person or a member of a class of persons who, in consequence of information received from any government or from any other source considered by the Minister to be reliable, is considered by the Minister to be an undesirable immigrant or whose presence in Swaziland is declared by the Minister to be contrary to the national interests;
  - (e) a person who, upon entering or seeking to enter Swaziland, fails to produce a valid passport to an immigration officer on demand or within such time as that officer may allow;
  - (f) a person who was, immediately before the commencement of this Act, a prohibited immigrant within the meaning of the repealed law;
  - (g) a person whose presence in or entry into Swaziland is unlawful under any written law other than this Act;
  - (h) a person in respect of whom there is in force an order made or deemed to be made under [section 8](#) of this Act directing that such person shall be removed from and remain out of Swaziland;
  - (i) a dependant of any of the persons mentioned in the foregoing paragraphs of this subsection.
- (2) The Chief Immigration Officer may, with the approval of the Minister, issue a prohibited immigrant's pass to a prohibited immigrant, permitting him to enter and remain temporarily in Swaziland for such period and subject to such conditions as may be specified in that pass.

## Part III – Entry and removal of immigrants

### 4. Prohibition on entry without permit or pass

- (1) Subject to this section, no person other than a citizen of Swaziland, shall enter Swaziland unless he is in possession of a valid entry permit or a valid pass.
- (2) Subject to this section, the presence in Swaziland of any person who is not a citizen of Swaziland shall, unless otherwise authorized under this Act, be unlawful, unless that person is in possession of a valid entry permit or a valid pass.

- (3) This section shall not apply to—
- (a) the accredited representative to Swaziland of the Government of any Commonwealth country, and the wife and any child of such representative;
  - (b) the accredited envoy to Swaziland of a foreign sovereign State, and the wife and any child of such envoy;
  - (c) a person whose name appears in a list published under section 5 of the Diplomatic Privileges Act, 1968 in connection with a public international organisation referred to in section 9 of that Act and the wife and any child of any such person;
  - (d) the accredited diplomatic or consular staff of the persons referred to in paragraphs (a) and (b) of this subsection, and the wives and any children of any such accredited diplomatic or consular staff;
  - (e) the official staff of the persons referred to in paragraphs (a) and (b) of this subsection, and the wives and any children of any such official staff;
  - (f) the domestic staff of the persons referred to in paragraphs (a), (b) and (c) of this subsection, and the wives and any children of any such domestic staff;
  - (g) any person in the employ of the Swaziland Government and his wife and dependants under the age of twenty one years;
  - (h) any person, or class or description of persons, exempted by the Minister from the provisions of this section by notice in the *Gazette*.
- (4) Where any person ceases to be a person to whom subsection (3) of this section refers, then, after the expiration of such reasonable period following that cessation as the Chief Immigration Officer may in his discretion allow for the departure of that person from Swaziland, his presence in Swaziland shall, unless otherwise authorized under this Act, be unlawful.
- (5) For the purpose of this section, "domestic staff" means any person employed in or about a private dwelling house occupied by a person referred to in paragraphs (a), (b) and (c) of subsection (3).

## 5. Issue, variation and cancellation of entry permits

- (1) There shall be the classes of entry permits specified in the Schedule to this Act, and the Minister may, by notice in the *Gazette*, amend the Schedule.
- (2) Where a person, other than a prohibited immigrant has made application in the prescribed manner for an entry permit of a particular class, and has satisfied an immigration officer that he or the person whom he wishes to employ, as the case may be, belongs to that class and that the conditions specified in the said Schedule in relation to that class are fulfilled, the immigration officer may, in his discretion, issue an entry permit of that class to that person.
- (3) Any person who has applied for an entry permit of any class other than I or J and who is aggrieved by a decision refusing him such an entry permit may, in the manner and within the time prescribed, appeal against that decision to the Minister, whose decision shall be final and shall not be questioned in any court.
- (4) Before making a decision under subsection (3), the Minister shall seek the advice of the Committee established under [section 9](#) but shall not be bound by any advice given to him by the Committee.
- (5) The Chief Immigration Officer may vary the terms and conditions of any entry permit issued under this Act and may with the written consent of the Minister cancel such permit.

## 6. Invalidation of entry permits

- (1) Where an entry permit, other than an entry permit of class I or J has been issued to a person, and that person, without having obtained the written approval of an immigration officer—
  - (a) has failed to engage, within fourteen days of the date of issue of the entry permit or such other period as may be specified on the permit, or of that person's entry into Swaziland, whichever is the later, in the employment, occupation, trade, business or profession in respect of which that entry permit was issued; or
  - (b) has ceased to engage in the said employment, occupation, trade, business or profession; or
  - (c) has engaged in any employment, occupation, trade, business or profession, whether or not for remuneration or profit, other than the said employment, occupation, trade, business or profession,

that entry permit shall thereupon cease to be valid and the presence of that person in Swaziland shall, unless otherwise authorized under this Act, be unlawful.

- (2) Where an entry permit of class I or J has been issued to a person, and that person, without having obtained the written approval of the Chief Immigration Officer, engages in any employment, occupation, trade, business or profession whether or not for remuneration or profit, that entry permit shall thereupon cease to be valid and the presence of that person in Swaziland shall, unless otherwise authorized under this Act, be unlawful.

## 7. Permits, etc., void for fraud, etc.

Any entry permit, pass, certificate or other authority, whether issued under this Act or under the repealed law, which has been obtained by or was issued in consequence of fraud or misrepresentation, or the concealment or non-disclosure, whether intentional or inadvertent, of any material fact or circumstance, shall be and be deemed always to have been void and of no effect.

## 8. Power to remove persons unlawfully in Swaziland

- (1) The Minister may by order in writing direct that any person whose presence in Swaziland was, immediately before the making of that order, unlawful under this Act, shall be removed from and remain out of Swaziland either indefinitely or for such period as may be specified in the order.
- (2) Before making an order under subsection (1) the Minister shall seek the advice of the Committee established under [section 9](#) but shall not be bound by any advice given to him by the Committee.
- (3) A person to whom an order made under this section relates shall—
  - (a) be removed to the place from whence he came, or with the approval of the Minister, to a place in the country to which he belongs, or to any place to which he consents to be removed if the Government of that place consents to receive him;
  - (b) if the Minister so directs, be kept in custody until his departure from Swaziland, and while so kept shall be deemed to be in lawful custody.
- (4) Subject to this section, an order made under this section shall be carried out in such manner as the Minister may direct.
- (5) Any order made or directions given under this section may at any time be varied or revoked by the Minister by further order in writing.
- (6) Any order made before the commencement of this Act under the repealed law directing that a person be removed or deported from Swaziland and remain out of Swaziland, whether indefinitely or for a specified period, shall for all the purposes of this Act (including the exercise of the Minister's powers under subsections (3), (4) and (5) of this section) be deemed to be an order made under this section. and shall be enforced accordingly.

- (7) An order made or deemed to have been made under this section shall, for so long as it provides that the person to whom it relates shall remain out of Swaziland, continue to have effect as an order for the removal from Swaziland of that person whenever he is found in Swaziland and may be enforced accordingly:

Provided that nothing in this subsection shall prevent the prosecution for an offence under this Act or any other written law of any person who returns to Swaziland in contravention of such an order.

- (8) Where a person is charged with the offence or unlawfully entering Swaziland or being unlawfully present in Swaziland, and the court is informed that an application to the Minister for an order under this section has been made or is about to be made, the court may order that such person be detained in prison or in police custody for a period not exceeding fourteen days, pending a decision by the Minister.

## 9. Advisory Committee

- (1) The Prime Minister shall, in consultation with the Minister, establish an Immigration Advisory Committee (hereinafter referred to as the Committee) which shall consist of such members as he may appoint on such terms and conditions, including the payment of such fees and allowances, as he may determine.
- (2) The Committee shall consider and advise the Minister upon any matter affecting Immigration referred to it by the Minister.
- (3) The Committee shall regulate its own procedure.

## 10. Duties and liabilities of carriers

- (1) The captain of an aircraft, the guard of a train or the person in charge of a vehicle arriving from or leaving for any place outside Swaziland, or the owner of or agent for such aircraft, train or vehicle, shall, if so required by an immigration officer, furnish a list in duplicate, signed by himself or by some person authorized to sign it on his behalf, of the names of all persons in the aircraft, train or vehicle, and such other information as may be prescribed.
- (2) The captain of an aircraft or the guard of a train about to call at any place outside Swaziland, shall, if so required by an immigration officer, take into his custody any person in respect of whom an order has been made under [section 8](#) of this Act, or any person to whom [section 13\(2\)](#) of this Act applies, and, on due payment, afford that person a passage to that place and proper accommodation and maintenance during that passage.
- (3) Where any person who is conveyed to Swaziland in an aircraft is refused permission to enter Swaziland on the ground that he is a prohibited immigrant—
- (a) the captain of the aircraft shall, if so required by an immigration officer, take that person into his custody and secure that he is removed from Swaziland;
- (b) the captain, the owner and the agent in Swaziland of the aircraft, shall be jointly and severally liable to pay to the Government all expenses incurred by the Government in respect of the transport and maintenance of that person and his removal from Swaziland, and the amount of such expenses shall be a civil debt recoverable by the Government.
- (4) Any person who is taken into custody of the captain of an aircraft or the guard of a train pursuant to this section shall be deemed to be in lawful custody while he is in Swaziland.

## Part IV – Administration offences and legal proceedings

### 11. Immigration officers

- (1) There shall be a Chief Immigration Officer and such number of immigration officers as may be necessary for the purpose of this Act.
- (2) In the performance of their functions under this Act, the Chief Immigration Officer and immigration officers shall act in accordance with such instructions as may be given by the Minister.
- (3) The Chief Immigration Officer may delegate to an immigration officer in writing, any or all of the powers conferred upon him by this Act.
- (4) Every immigration officer shall be given a certificate of identity signed by the Chief Immigration Officer, and shall, if so required by any person, produce the certificate as proof of his identity.

### 12. Powers of immigration officers

- (1) For the purposes of any of his functions under this Act, the Chief Immigration Officer and any immigration officer shall have power—
  - (a) to board, enter, and search any aircraft, train or vehicle in Swaziland;
  - (b) to require any person seeking to enter Swaziland to answer any question or to produce any document in his possession for the purpose of ascertaining whether that person is or is not a citizen of Swaziland and, in the case of any person who is not a citizen of Swaziland, for the purpose of determining whether that person should be permitted to enter Swaziland under this Act;
  - (c) to require any person seeking to enter or leave Swaziland to produce to him a valid passport and any form of declaration that may be prescribed;
  - (d) to require any person seeking to enter Swaziland to submit to examination by a medical practitioner.
- (2) An immigration officer investigating any offence or suspected offence under this Act shall have all the powers and immunities conferred by law on a police officer for the purpose of such investigation.

### 13. Power of arrest and search of persons

- (1) Any immigration officer or police officer who has reasonable cause to suspect that a person has committed an offence under this Act, or is unlawfully present in Swaziland, may, if it appears to him to be necessary to do so in order to ensure that the purposes of this Act shall not be defeated, arrest that person without warrant; and sections 23 and 30 of the Criminal Procedure and Evidence Act, 1938, shall apply to any such arrest as if the reference in the said [section 23](#) to a peace officer included a reference to an immigration officer.
- (2) Any person other than a citizen of Swaziland or a person in possession of an entry permit or pass who having been deported from any country, enters Swaziland on his way to his final destination, may be arrested without warrant by any immigration officer or police officer and may be detained in police custody for as long as is necessary for arrangements to be made for his departure from Swaziland, and shall be deemed to be in lawful custody while so detained.
- (3) Any person who is detained under this Act shall, upon entering Swaziland and on demand made by an immigration officer, police officer or prison officer, submit to having his photograph and his finger prints or palm prints taken by such officer or by any other person appointed for that purpose.



- (4) A person who is not a citizen of Swaziland shall, on being required to do so by an immigration officer or a police officer:—
- (a) declare whether or not he is carrying or conveying any written matter;
  - (b) produce to the officer any documents which he is carrying or conveying;
- and an immigration officer or police officer may search any such person, and any baggage belonging to him under his control, in order to ascertain whether that person is carrying or conveying any documents, and may examine, and may detain for such time as he thinks proper for the purpose of examination, any documents produced to him or found on such a search.
- (c) An Immigration Officer or Police Officer, who detains any document or any written matter under this subsection, shall issue a receipt therefor.
- (5) An immigration officer may by summons in writing require any person other than a citizen of Swaziland to attend at his office and to furnish to that officer such information, documents and other particulars as are necessary for the purposes of determining whether that person should be permitted to remain in Swaziland.
- (6) Except where the informant or complainant gives permission to the contrary, an immigration officer shall treat as confidential the source of any information or complaint concerning a breach of the provisions of this Act or any other law, even where such information or complaint is the reason for an inspection, visit or enquiry by the immigration officer.

#### 14. Offences

- (1) Any person who—
- (a) makes, whether within or outside Swaziland, any false declaration or statement, which he knows or has reasonable cause to believe to be false or misleading, for the purpose of obtaining or assisting another person to obtain any entry permit, pass, written authority, consent or approval under this Act; or
  - (b) knowingly gives false information to any immigration officer seeking information material to the exercise of any of his powers under this Act; or
  - (c) alters or wilfully defaces any entry permit, pass, written authority, consent or approval, or any entry or endorsement in any passport, issued, granted or made under this Act or under the repealed law; or
  - (d) knowingly uses or has in his possession any forged passport, entry permit, pass, written authority, consent or approval, or any passport, entry permit, pass, written authority, consent or approval which has been altered or issued without lawful authority, or any passport or similar document in which any entry visa, or endorsement has been forged, or altered or issued without lawful authority; or
  - (e) unlawfully gives, sells or parts with the possession of any passport, entry permit, pass, written authority, consent or approval intending or knowing or having reasonable cause to believe that it may be used by any other person; or
  - (f) uses as a passport, entry permit, pass, written authority, consent or approval issued to him, any entry permit, pass, written authority, consent or approval issued to another person; or
  - (g) having left or been removed from Swaziland in consequence of an order made or deemed to have been made under [section 8](#) of this Act, is found in Swaziland while that order is still in force; or
  - (h) being a prohibited immigrant and not having a valid prohibited immigrant's pass, enters or remains in Swaziland or fails to comply with an order of an immigration officer to leave Swaziland; or

- (i) harbours any person whom he knows or has reasonable cause to believe to be a person who has committed an offence under paragraph (g) or paragraph (h) of this subsection; or
- (j) corruptly or improperly issues or gives an entry permit, pass, document, authority, consent or approval to any other person,

shall be guilty of an offence and liable to a fine not exceeding one thousand Emalangeni or to imprisonment for a term not exceeding one year or both such fine and imprisonment.

(2) Any person who—

- (a) wilfully obstructs or impedes any immigration officer or police officer in the exercise of any of his powers under this Act; or
- (b) refuses or neglects to answer any questions, to furnish any information, to produce any document, to attend at any place or to submit to medical examination, when required to do so under this Act; or
- (c) unlawfully enters or is unlawfully present in Swaziland in contravention of this Act; or
- (d) harbours any person whom he knows or has reasonable cause to believe to be a person who has committed an offence under paragraph (c) of this subsection; or
- (e) fails to comply with any term or condition imposed by an entry permit or pass, being a term or condition which he is required to comply with; or
- (f) not being a citizen of Swaziland engages in any employment, occupation, trade, business or profession, whether or not for profit or reward, without being authorised to do so by an entry permit, or exempted from this provision by regulations made under this Act; or
- (g) employs any person (whether or not for reward) whom he knows or has reasonable cause to believe is committing an offence under paragraph (f) of this subsection by engaging in that employment,

shall be guilty of an offence and liable to a fine not exceeding five hundred emalangeni or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment:

Provided that no person shall be guilty of an offence under paragraph (b) of this subsection for refusing or neglecting to answer a question, furnish any information or produce any document which tends to incriminate him.

- (3) Any reference in subsections (1) and (2) of this section to an entry permit, pass, written authority, consent or approval includes a reference to any such document issued under the repealed law.
- (4) For the purposes of paragraphs (f) and (g) of subsection (2) of this section, a person who performs for the benefit of or at the request of another person any work or service of a kind which is commonly performed by a person in employment, shall be deemed to engage in employment, and that other person shall be deemed to employ that person.

## 15. Evidence

- (1) In any legal proceedings under or for any of the purposes of this Act, a certificate purporting to be signed by a Minister, official, or duly accredited representative in Swaziland, of the government of any country shall be admissible without further proof as evidence of any of the following matters stated therein, namely:
  - (a) the birth, and the date and place of birth, and the parentage, of any person stated in such certificate to have been born in such country;
  - (b) the death or marriage, and the date, place and circumstances of the death or marriage, and the parentage, of any person stated in such certificate to have died or been married in such country;

- (c) the relationship by blood, marriage or adoption of any such person as aforesaid to any other person;
  - (d) the true or the reputed name or names of any such person as aforesaid, or of either of the parents, or of the husband, wife or child of any other relative by blood, marriage or adoption of any such person;
  - (e) the adoption of any child stated in such certificate to have been adopted in such country, and the date, place and circumstances of any such adoption, and the true or the reputed name or names of any child so adopted and of either of his natural or adoptive parents.
- (2) In any prosecution for an offence under this Act, a person shall be deemed to know the contents of any declaration or statement which he has signed or marked, whether or not he has read that declaration or statement, if he knows the nature of the document.
- (3) A copy of an order purporting to be signed by the Minister and to be made for any of the purposes of [section 8](#) of this Act, or purporting to be signed by an immigration officer and to be made for any of the purposes of [section 8\(5\)](#) of this Act, shall be *prima facie* evidence of the matters contained therein.

## 16. Burden of proof

Whenever in any legal proceedings under or for any of the purposes of this Act any one or more of the following questions is in issue, namely—

- (a) whether or not a person is a citizen of Swaziland;
- (b) whether or not a person is one of the persons mentioned in [section 4\(3\)](#) of this Act;
- (c) whether or not there has been issued or granted to any person any passport, certificate, entry permit, pass, authority, approval or consent, whether under this Act or under the repealed law;
- (d) whether or not any person was at any time entitled to any such issue or grant as is referred to in paragraph (c) of this section,

the burden of proof shall lie on the person contending that such person is a citizen of Swaziland, or one of the persons mentioned in [section 4\(3\)](#), or a person to whom such an issue or grant was made, or a person who was entitled to such an issue or grant, as the case may be.

## 17. Institution and conduct of criminal proceedings

A prosecution for an offence under this Act may, without prejudice to the power of any other person in that behalf, be instituted or conducted by any immigration officer.

# Part V – Regulations

## 18. Regulations

- (1) The Minister may make regulations prescribing anything that may be prescribed under this Act, and generally for facilitating the implementation of this Act, including in particular, but without prejudice to the generality of the foregoing:
  - (a) prescribing the places and times at or between which persons may enter or depart from Swaziland;
  - (b) providing for the issue, periods of validity, terms and conditions of issue and cancellation of entry permits;
  - (c) providing for classes of passes, and for the issue, periods of validity, terms and conditions of issue and cancellation thereof;

- (d) providing for passes in respect of wives and children to be endorsed on entry permits;
  - (e) prescribing the making of deposits or giving of security by persons issued with entry permits or passes, and the circumstances in which deposits and securities may be forfeited;
  - (f) prescribing the information to be furnished and the returns to be made by employers with respect to the persons employed or to be employed by them, including in particular information as to the citizenship, nationality description of employment, remuneration, experience and qualifications of such persons, and as to training schemes;
  - (g) providing for the exemption from any of the provisions of this Act of any person or class of persons, and for the period of validity, terms and conditions and termination of any such exemption.
- (2) Without prejudice to any specific power conferred by this Act, regulations made under this Act may —
- (a) prescribe the particulars, information, proof or evidence to be furnished as to any question or matter arising under this Act, including any question or matter relevant to the issue or cancellation of any entry permit or pass or the forfeiture of any deposit or security;
  - (b) prescribe, in respect of any action required or permitted to be taken under this Act, the place, time and manner of taking that action, the procedure to be followed, the fees to be paid and the forms to be used;
  - (c) prescribe penalties for any offence thereunder not exceeding a fine of one thousand emalangeni or imprisonment for a term not exceeding one year or to both such fine and imprisonment.
- (3) Regulations made under this Act may make different provisions with respect to different cases or classes of case and for different purposes of this Act.

## Part VI – Transitional provisions and repeal

### 19. Temporary validity of permits issued under repealed law

- (1) Subject to [section 20](#) of this Act, any residence permit, temporary residence permit or other permit granted or issued, or deemed to have been granted or issued, under the repealed law shall have effect according to its terms as if it has been issued under this Act in pursuance of a power conferred by this Act, and the provisions of this Act relating to entry into and presence in Swaziland, and to engaging in Swaziland in any employment, occupation, trade, business or profession, shall be read and construed accordingly.
- (2) For the purpose of this section, a person who immediately before the commencement of this Act would have been entitled upon application under the repealed law to be granted a residence permit, shall be deemed to have been granted under the repealed law immediately before the commencement of this Act, a residence permit of the appropriate period of validity.

### 20. Notice by Minister to apply for permits

- (1) The Minister may at any time by notice in the *Gazette* require any employed person or class of employed persons whose presence in Swaziland would, but for [section 19\(1\)](#) of this Act, be unlawful, to apply to an immigration officer in the prescribed manner for an entry permit.
- (2) For the purposes of any notice under this section, a class of employed persons may be described as the persons employed by a specified employer or as the persons engaged in a specified occupation, profession, trade or business, who are, or who are deemed to be, the holders of a residence permit or temporary residence permit of any specified class or description.

- (3) After the expiration of a period of not less than three months to be specified by the Minister in a notice to be published under this section, [section 19](#) of this Act shall cease to have effect in relation to any person to whom that notice relates, and any permit granted or issued, or deemed to have been granted or issued, to that person under the repealed law shall cease to have effect.

## **21. Issue of permits and passes after notice**

- (1) Upon application being made by any person to whom a notice under [section 20\(1\)](#) of this Act applies, in the manner and within the time specified in that notice, an immigration officer may in his discretion issue to that person an entry permit of the appropriate class a provisional entry permit of that class or a pass.
- (2) A provisional entry permit of any class shall, for so long as it remains in force, have the same effect for the purposes of this Act as an entry permit of the same class.
- (3) A provisional entry permit shall remain in force for the period of time specified therein, but if no period is specified it shall remain in force until it is revoked by an immigration officer and shall continue in force thereafter for three months after the date on which notice of its revocation is served on the person to whom the permit was issued, or is published in the *Gazette*, whichever date is the earlier, and shall then expire.

## **22. Transitional provisions regarding re-entry**

Notwithstanding [section 20](#) or [section 23](#) of this Act, any person other than a prohibited immigrant, who would have been entitled to re-enter Swaziland by virtue of a residence permit or a temporary residence permit issued under the repealed law and who is subject to a notice issued by the Minister under [section 20](#), shall, at any time within the period of six months following the publication of such notice, be entitled to enter Swaziland and remain in Swaziland for a period of ninety days, or such longer period as may be authorized in a pass to that effect issued to him under this Act:

Provided that this section shall not apply to a person who has not at any time been resident in Swaziland since the 6th September 1968.

## **23. Repeal of Act No. 32 of 1964 and Act 2 No. 62 of 1961**

The Immigration Act 1964 and the Deportation Act, 1961 are hereby repealed.

### **Schedule (Section 5)**

#### **Classes of entry permits**

##### **Class A:**

A person who is offered specific employment by a specific employer, who is qualified to undertake that employment, and whose engagement in that employment will be of benefit to Swaziland.

##### **Class B:**

A person, being the holder of a dependant's pass, who is offered specific employment by a specific employer, whose engagement in that employment will be of benefit to Swaziland.

##### **Class C:**

A person who is a member of a missionary society approved by the Government of Swaziland and whose presence in Swaziland will be of benefit to Swaziland.

**Class D:**

A person who intends to engage, whether alone or in partnership, in the business or agriculture or animal husbandry in Swaziland, and who—

- (a) has acquired, or has received all permissions that may be necessary in order to acquire, an interest in land of sufficient size and suitability of the purpose; and
- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that business will be of benefit to Swaziland.

**Class E:**

A person who intends to engage, whether alone or in partnership, in prospecting for minerals or mining in Swaziland, and who—

- (a) has obtained, or is assured of obtaining, any prospecting or mining right or licence that may be necessary for the purpose; and
- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose and whose engagement in that prospecting or mining will be of benefit to Swaziland.

**Class F:**

A person who intends to engage, whether alone or in partnership in a specific trade, business, or profession (other than a prescribed profession) in Swaziland, and who—

- (a) has obtained, or is assured of obtaining, any licence, registration or other authority or permission that may be necessary for the purpose; and
- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose and whose engagement in that trade, business or profession will be to the benefit of Swaziland.

**Class G:**

A person who intends to engage, whether alone or in partnership, in a specific manufacture in Swaziland, and—

- (a) has obtained, or is assured of obtaining, any licence, registration or other authority or permission that may be necessary for the purpose; and
- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose engagement in that manufacture will be of benefit to Swaziland.

**Class H:**

A member of a prescribed profession who intends to practise that profession, whether alone or in partnership, in Swaziland, and who —

- (a) possesses the prescribed qualifications; and
- (b) has in his own right and at his full and free disposition sufficient capital and other resources for the purpose, and whose practice of that profession will be of benefit to Swaziland.

**Class I:**

A person who—

- (a) is not less than twenty-one years of age; and

- (b) has in his own right and at his full and free disposition an assured annual income of not less than the prescribed amount, being an income that is assured, and that is derived from sources other than any such employment, occupation, trade, business or profession as is referred to in the description of any of the classes specified in this Schedule, and being an income that either—
  - (i) is derived from sources outside, and will be remitted to Swaziland; or
  - (ii) is derived from property situated or a pension or annuity payable from sources in Swaziland; or
  - (iii) will be derived from a sufficient investment capital to produce such assured income that will be brought into and invested in Swaziland; and
- (c) undertakes not to accept paid employment of any kind should he be granted an entry permit of this class, and whose presence in Swaziland will be of benefit to Swaziland.

### **Class J:**

A person who—

- (a) is not in employment, whether paid or unpaid, and who under the repealed Acts was issued with a Residence Permit, or who would, on application, have been entitled to the issue, of such permit; or
- (b) has been a resident of Swaziland for a continuous period of ten years; and—
  - (i) has Khontaed according to Swazi Laws and Custom; and
  - (ii) proves, to the satisfaction of the Chief Immigration Officer that he has applied for and has not been refused full Swazi Citizen status.