

Zambia

Immigration and Deportation Act, 2010

Immigration and Deportation (General) Regulations, 2011

Statutory Instrument 129 of 2011

Legislation as at 31 December 2011

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Immigration and Deportation (General) Regulations, 2011

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Zambia

Immigration and Deportation Act, 2010

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Statutory Instrument 129 of 2011

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IN EXERCISE of the powers contained in section fifty-nine of the Immigration and Deportation Act, 2010, the following Regulations are hereby made:

Part I – Preliminary

1. Title

These Regulations may be cited as the Immigration and Deportation (General) Regulations, 2011.

2. Interpretation

In these Regulations, unless the context otherwise requires—

"**admission**" has the meaning assigned to it in the Act;

"**border**" has the meaning assigned to it in the Act;

[Act No. 18 of 2010]

"**child**" has the meaning assigned to it in the Act;

[Act No. 18 of 2010]

"**citizen**" has the meaning assigned to it in the Act;

[Act No. 18 of 2010]

"**COMESA**" means the Common Market for Eastern and Southern Africa;

[Act No. 18 of 2010]

"**Department**" means the Immigration Department in the Ministry responsible for home affairs;

"**deportation**" has the meaning assigned to it in the Act;

[Act No. 18 of 2010]

"**Director-General**" means the Director-General of Immigration;

[Act No. 18 of 2010]

"**educational institution**" has the meaning assigned to it in the Act;

[Act No. 18 of 2010]

"**employer**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**established resident**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**exempted person**" means a person or class or description of persons exempted by the Minister under the Act from the requirement to obtain an entry permit or pass, or to report entry into, or departure from, Zambia;

[Act [No. 18 of 2010](#)]

"**foreigner**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**holder**" in relation to a permit, pass or passport, means the person to, or in respect of, whom the permit, pass or passport has been lawfully granted or issued and any other person to, or in respect of, whom the same applies in addition to the holder, and in a like manner as to the holder, whether by reason of the relevant terms or by reason of any duly authorised endorsement or extension thereof;

"**illegal immigrant**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**immigration officer**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**port of entry**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**precincts**" in relation to an airport, port or border means the part of the airport, port or border at which customs and immigration formalities are conducted;

"**prohibited immigrant**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**residence permit**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**SADC**" means the Southern African Development Community;

"**study permit**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**spouse**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**temporary permit**" has the meaning assigned to it in the Act;

[Act [No. 18 of 2010](#)]

"**temporary residence permit**" has the meaning assigned to it in the Act; and

[Act [No. 18 of 2010](#)]

"**visiting permit**" means a permit issued pursuant to subsection (2) of section twenty-five of the Act.

[Act [No. 18 of 2010](#)]

Part II – Entry into, and departure from, Zambia

3. Ports of entry

The designated ports of entry are as set out in the First Schedule.

4. Report on entry

A person shall, immediately on arrival in Zambia, report the person's arrival personally to the nearest immigration officer, complete an Entry Declaration in Form I set out in the Second Schedule and deliver the Form and the person's passport personally to the immigration officer.

5. Prohibition of leaving port of entry without authorisation

- (1) A person who arrives in Zambia by ship, aircraft, train, vehicle or other conveyance shall not leave the precincts of the airport, port or border unless authorised by an immigration officer.
- (2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

6. Notice to appear before immigration officer

A notice to appear before an immigration officer shall be in Form II set out in the Second Schedule.

7. Departure declaration

A departure declaration shall be in Form III set out in the Second Schedule.

Part III – Immigration permits

8. Application for residence permit

- (1) An application for a residence permit for a person aged sixteen and above shall be made in Form IV set out in the Second Schedule.
- (2) An application for a residence permit for a person between the ages of seven and fifteen, inclusive, shall be made in Form V set out in the Second Schedule.
- (3) The Director-General shall—
 - (a) where an application for a residence permit meets the requirements of the Act and these Regulations, approve the application and issue the residence permit; or
[Act No. 18 of 2010]
 - (b) where an application for a residence permit does not meet the requirements of the Act or these Regulations, reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule, within seven days of the Director-General's decision.
[Act No. 18 of 2010]
- (4) A residence permit shall be in Form VII set out in the Second Schedule.

9. Notification of change of address

A holder of a residence permit shall notify the nearest immigration office of the holder's change of address in Form VIII set out in the Second Schedule.

10. Application to change temporary residence status, etc.

- (1) An application to change—
 - (a) a foreigner's temporary residence status to another temporary residence permit or to a residence permit;
 - (b) the conditions attached to the temporary residence permit held by a foreigner; or
 - (c) the conditions attaching to both the status of a foreigner or a temporary residence permit issued in respect of the foreigner;shall be in Form IX set out in the Second Schedule.
- (2) The Director-General shall—
 - (a) where an application meets the requirements of the Act and these Regulations—
 - (i) approve the application and inform the applicant of the approval in Form X set out in the Second Schedule; and
 - (ii) endorse the change on the temporary residence permit or where the foreigner's status is changed from a temporary residence permit to another temporary residence permit or a residence permit, cancel the first temporary residence permit and issue the applicant with the relevant permit; and
 - (b) where the application does not meet the requirements of the Act or these Regulations, reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule, within seven days of the Director-General's decision.

[Act [No. 18 of 2010](#)]

11. Application to extend validity of temporary residence permit

- (1) An application to extend the validity of a temporary residence permit shall be made in Form XI set out in the Second Schedule.
- (2) The Director-General shall—
 - (a) where an application under sub-regulation (1) meets the requirements of the Act and these Regulations, approve the application and endorse the extension on the temporary residence permit; or
 - (b) where the application does not meet the requirements of the Act and these Regulations—
 - (i) reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule; and
 - (ii) endorse the rejection on the temporary residence permit.

[Act [No. 18 of 2010](#)]

12. Application for diplomatic permit

An application for a diplomatic permit shall be made in Form XII set out in the Second Schedule.

13. Diplomatic permit

A diplomatic permit shall be in Form XIII set out in the Second Schedule.

14. Application for spouse permit

An application for a spouse permit shall be made in Form XIV set out in the Second Schedule.

15. Spouse permit

A spouse permit shall be in Form XV set out in the Second Schedule.

16. Notification of change of marital status

Where the marital status of a spouse changes, the spouse shall inform the Director-General in Form VIII set out in the Second Schedule, within thirty days of such change.

17. Application for visiting visa

An application for a visiting visa shall be made in Form XVI set out in the Second Schedule.

18. Visiting visa

The Director-General shall—

- (a) where an application under regulation [17](#) meets the requirements of the Act and these Regulations, approve the application and issue the applicant with a visiting visa in Form XVII set out in the Second Schedule; and

[Act [No. 18 of 2010](#)]

- (b) where the application does not meet the requirements of the Act and these Regulations, reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule.

[Act [No. 18 of 2010](#)]

19. Application for visiting permit

An application for a visiting permit shall be made in Form XVIII set out in the Second Schedule.

20. Visiting permit

The Director-General shall—

- (a) where an application under regulation [19](#) meets the requirements of the Act and these Regulations, approve the application and issue the applicant with a visiting permit in Form XIX set out in the Second Schedule; and

[Act [No. 18 of 2010](#)]

- (b) where the application does not meet the requirements of the Act and these Regulations, reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule.

[Act [No. 18 of 2010](#)]

21. Application to extend period of validity of visiting visa or visiting permit

- (1) An application to extend the period of validity of a visiting visa or a visiting permit shall be made in Form XI set out in the Second Schedule.

- (2) The Director-General shall—
- (a) where the application under sub-regulation (1) meets the requirements of the Act and these Regulations, approve the application and endorse the extension on the visiting visa or permit; and
[Act No.18 of 2010]
 - (b) where the application does not meet the requirements of the Act and these Regulations—
 - (i) reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule; and
 - (ii) endorse the rejection on the visiting visa or permit.
[Act No.18 of 2010]

22. Application for study permit

An application for a study permit shall be made in Form XX set out in the Second Schedule.

23. Study permit

The Director-General shall—

- (a) where an application under regulation 22 meets the requirements of the Act and these Regulations, approve the application and issue the applicant with a study permit in Form XXI set out in the Second Schedule; and
[Act No.18 of 2010]
- (b) where the application does not meet the requirements of the Act and these Regulations, reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule.
[Act No.18 of 2010]

24. Expiry of study permit

A study permit shall cease to be valid if the holder thereof—

- (a) fails, within a period of thirty days from the date of its issue or from the date of the holder's entry into Zambia, whichever is the later, to enter, as a student, the educational institution in respect of which the study permit was issued; or
- (b) having entered an educational institution as a student, at any time thereafter, leaves prior to completing the course of study or ceases to be retained as a student in the educational institution;

with effect from the expiration of the period of thirty days or the date on which the holder leaves or ceases to be a student in the educational institution, as the case may be.

25. Prohibition of admission to educational institution without study permit

- (1) A person in charge of an educational institution shall not allow a person who is required to obtain a study permit to attend the educational institution without possession of a study permit.
- (2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

26. Temporary permit

A temporary permit shall be in Form XXII set out in the Second Schedule.

27. Application for employment permit

An application for an employment permit shall be made in Form XXIII set out in the Second Schedule.

28. Employment permit

The Director-General shall—

- (a) where an application under regulation [27](#) meets the requirements of the Act and these Regulations, approve the application and issue the applicant with an employment permit in Form XXIV set out in the Second Schedule; and

[Act [No. 18 of 2010](#)]

- (b) where the application does not meet the requirements of the Act and these Regulations, reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule.

[Act [No. 18 of 2010](#)]

29. Application for temporary employment permit

An application for a temporary employment permit shall be in Form XXV set out in the Second Schedule.

30. Temporary employment permit

The Director-General shall—

- (a) where an application under regulation [29](#) meets the requirements of the Act and these Regulations, approve the application and issue the applicant with a temporary employment permit in Form XXVI set out in the Second Schedule; and

[Act [No. 18 of 2010](#)]

- (b) where the application does not meet.

[Act [No. 18 of 2010](#)]

31. Application for investor's permit

An application for an investor's permit shall be made in Form XXVII set out in the Second Schedule.

32. Investor's permit

The Director-General shall—

- (a) where an application under regulation [31](#) meets the requirements of the Act and these Regulations, approve the application and issue the applicant with an investor's permit in Form XXVIII set out in the Second Schedule; and

[Act [No. 18 of 2010](#)]

- (b) where the application meets the requirements of the Act and these Regulations, reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule.

[Act [No. 18 of 2010](#)]

33. Application for cross border permit

An application for a cross border permit shall be made in Form XXIX set out in the Second Schedule.

34. Cross border permit

The Director-General shall—

- (a) where an application under regulation 33 meets the requirements of the Act and these Regulations, approve the application and issue the applicant with a cross border permit in Form XXX set out in the Second Schedule; and

[Act No. 18 of 2010]

- (b) where the application does not meet the requirements of the Act and these Regulations, reject the application and inform the applicant of the rejection in Form VI set out in the Second Schedule.

[Act No. 18 of 2010]

35. Asylum seeker's permit

An asylum seeker's permit shall be in Form XXXI set out in the First Schedule.

36. Border pass

A border pass shall be in Form XXXII set out in the Second Schedule.

37. Transit visa or permit

A transit visa or permit shall be in Form XXXIII set out in the Second Schedule.

38. Application to vary conditions or validity of permit

- (1) An application to vary the conditions of a permit or visa issued under these Regulations or the period of validity of a permit or visa shall be made in Form IX set out in the Second Schedule.

- (2) The Director-General shall—

- (a) where the application under sub-regulation (1) meets the requirements of the Act and these Regulations, approve the application and endorse the variation on the permit or visa; and

[Act No. 18 of 2010]

- (b) where the application referred to in sub-regulation (1) does not meet the requirements of the Act and these Regulations—

- (i) reject the application and inform the applicant of the rejection in Form V set out in the Second Schedule; and

- (ii) endorse the rejection on the permit or visa.

[Act No. 18 of 2010]

39. Notice of intention to revoke permit

The Director-General shall notify a permit holder of the Director-General's intention to revoke a permit issued under these Regulations in Form XXXIV set out in the Second Schedule.

40. Revocation of permit

A notice of revocation of a permit issued under these Regulations shall be in Form XXXV set out in the Second Schedule.

41. Appeals

An appeal against a decision, other than a decision relating to a deportation or removal, shall be made in Form XXXVI set out in the Second Schedule.

Part IV – Prohibited and illegal immigrants**42. Exemption from application of Second Schedule**

- (1) A certificate of exemption from any or all of the classes of prohibited immigrants set out in the Second Schedule to the Act shall be in Form XXXVII set out in the Second Schedule.
- (2) A rejection of a representation to exempt a person from any or all of the classes of prohibited immigrants set out in the Second Schedule to the Act shall be in Form XXXVIII set out in the Second Schedule.

[Act [No. 18 of 2010](#)]

43. Notice to prohibited immigrant to leave Zambia

A notice to a prohibited immigrant to leave Zambia shall be in Form XXXIX set out in the Second Schedule.

44. Warrant of detention of suspected prohibited immigrant

A warrant of detention of a suspected prohibited immigrant shall be in Form XL set out in the Second Schedule.

45. Warrant of deportation

A warrant of deportation shall be in Form XLI set out in the Second Schedule.

46. Warrant of distress

- (1) A Magistrate may, on being satisfied that an illegal immigrant has failed to meet any expenses incurred by the Department in connection with the detention, maintenance, medical treatment or removal from Zambia of the illegal immigrant and on application being made in that behalf by an immigration officer, issue a warrant for the levy of the amount by distress to defray any expenses incurred.
- (2) A warrant of distress shall be in Form XLII set out in the Second Schedule.

Part V – General provisions**47. Report of inspection**

A report of an inspection undertaken pursuant to paragraph (b) of section six of the Act shall be in Form XLIII set out in the Second Schedule.

[Act [No. 18 of 2010](#)]

48. Search warrant

A search warrant shall be in Form XLIV set out in the Second Schedule.

49. Application for court order to search bankers' books

An application for a court order to search a bank account, share account, expense account or safe deposit of any person, which an immigration officer has reasonable grounds to believe has evidence connected with a contravention of the Act or these Regulations shall be in Form XLV set out in the Second Schedule.

[Act [No. 18 of 2010](#)]

50. Notice of seizure

A notice of seizure shall be in Form XLVI set out in the Second Schedule.

51. Colours of permits

The colours set out in the Third Schedule shall be the prescribed colours for the permits specified therein.

52. Fees

The fees set out in the Fourth Schedule shall be the prescribed fees for the matters specified therein.

53. Revocation of S.I. No. 343 of 1965 and S.I. No. 34 of 1994

The Immigration and Deportation Regulations, 1965, and the Immigration and Deportation (Fees) Regulations, 1994, are hereby revoked.

First Schedule (Regulation 3)**Ports of entry**

Location	Hours of operation
Airports	
Chingola	As required
Chipata	As required
Kalabo	As required
Kasama	As required
Livingstone	24 hours
Lusaka	24 hours
Mansa	As required
Mbala	As required
Mfuwe	0600 - 1800 hours
Mongu	As required
Ndola	24 hours
Kitwe	As required
Sesheke	As required
Solwezi	As required
Zambezi	As required
Ports	

Mpulungu	As required
Railway Stations	
Livingstone	As required
Ndola	As required
Kapiri Mposhi	As required
Kasama	As required
Nakonde	As required
Border Controls	
Chanida	06:00 - 20:00 hours
Chavuma	06:00 - 20:00 hours
Chembe	06:00 - 20:00 hours
Chipungu	06:00 - 20:00 hours
Chirundu	06:00 - 20:00 hours
Jimbe Bridge	06:00 - 18:00 hours
Kaputa	06:00 - 20:00 hours
Kariba	06:00 - 20:00 hours
Kasbiba	06:00 - 20:00 hours
Kasumbalesa	06:00 - 20:00 hours
Katima Mulilo	06:00 - 20:00 hours
Kazembe	06:00 - 20:00 hours
Kamapanda	06:00 - 18:00 hours

Kazungula	06:00 - 18:00 hours
Kipushi	06:00 - 18:00 hours
Kilwa Island	06:00 - 18:00 hours
Luangwa	06:00 - 18:00 hours
Lukwesa	06:00 - 20:00 hours
Lukulu	06:00 - 18:00 hours
Lundazi	06:00 - 18:00 hours
Lusuntha	06:00 - 18:00 hours
Lumi	06:00 - 18:00 hours
Manda	06:00 - 20:00 hours
Mokambo	06:00 - 20:00 hours
Mulekatembo	06:00 - 18:00 hours
Muyombe	06:00 - 18:00 hours
Mwandi	06:00 - 18:00 hours
Mwase	06:00 - 18:00hours
Mwami	24:00 hours
Muweji	06:00 - 18:00 hours
Mwense	06:00 - 18:00 hours
Nchelenge	06:00 - 20:00 hours
Kanyala	06:00 - 18:00 hours
Sakania	06:00 - 20:00 hours

Sinazongwe	06:00 - 18:00 hours
Sinda Misale	06:00 - 18:00 hours
Nsumbu	06:00 - 18:00 hours
Tshinsenda	06:00 - 18:00 hours
Nakonde	06:00 - 18:00hours
Namafulo	06:00 - 20:00 hours
Victoria Falls	06:00 - 20:00 hours
Zombe	06:00 - 18:00 hours
Internal Controls	
Chadiza	The hours observed by the offices of the Provincial and District Administrations at these Stations
Chingola	
Chipata	
Chibombo	
Choma	
Kabompo	
Kabwe	
Isoka	
Imusho	
Itezhi-Itezhi	
Kapiri-Mposhi	
Kitwe	

Livingstone
Luanshya
Lusaka
Mbala
Mpika
Mporokoso
Mufulira
Mumbwa
Mwinilunga
Ndola
Luangwa
Lusuntha
Serenje
Shangombo
Sikongo
Senanga

**Second Schedule (Regulations 4, 6, 7, 9(1), 9(2), 10(1),
10(2), 11, 12, 13, 14, 15, 16(1), 16(2), 17, 20, 21 and 22)**

Forms

[Editorial note: The forms have not been reproduced]

Third Schedule (Regulation 51)**Colours for permits**

Permit	Colour
1. Transit Permit	Light Brown
2. Temporary Permit	Red
3. Temporary Employment Permit	Light Green
4. Employment Permit	Brown
5. Investors Permit	Grey
6. Study Permit	Black
7. Residence Permit	Green
8. Spouse Permit	Light Blue
9. Cross Border	Orange
10. Visiting Permit	Middle Blue
11. Asylum Seekers Permit	Blue from visiting permit
12. Diplomatic Permit	Purple

Fourth Schedule (Regulation 52)**Prescribed fees****A. Individuals**

Permit	Fee Units
1. Residence Permit	
(a) Issuance	22,222
(b) Duplicate	22,222
(c) Variation by-	
(i) inclusion of child	5,556
(ii) addition of a new business name	16,667
(iii) change of occupation	16,667
2. Diplomatic permit	
(a) Issuance	Gratis
(b) Renewal	Gratis
(c) Duplicate	Gratis
3. Spouse Permit	
(a) Issuance	2,778
(b) Renewal	5,556
(c) Duplicate	2,778
4. Visiting Visa	

(a) Single Entry	USD50 or the Kwacha equivalent
(b) Double Entry	USD80 or the Kwacha equivalent
(c) Multiple Entry	USD80 or the Kwacha equivalent
(d) Day Tripper	USD20 or the Kwacha equivalent
5. Visiting permit	
(a) Issuance	5,556
(b) Renewal	8,333
(c) Duplicate	5,556
6. Study Permit	
(a) Issuance	8,333
(b) Renewal	11,111
(c) Duplicate	8,333
7. Temporary Permit	
(a) Issuance	22,222
(b) Renewal	19,444
(c) Duplicate	16,667
8. Employment Permit	
(a) Issuance	16,667
(b) Renewal	19,444
(c) Duplicate	16,667
(d) Variation by-	

(i) change of occupation	8,333
(ii) addition of names of spouse or child	2,778
(iii) change of employer	8,333
(iv) change of nationality/name	8,333
9. Temporary Employment Permit	
(a) Issuance	16,667
(b) Renewal	19,444
(c) Duplicate	16,667

B. Non-governmental organisations and other non-profit making organisations

		Fee Units
1.	Residence Permit	
	(a) Issuance	8,333
	(b) Renewal	13,889
	(c) Duplicate	8,333
2.	Employment Permit	
	(a) Issuance	5,556
	(b) Renewal	8,333
	(c) Replacement	5,556
	(d) Variation by-	
	(i) change of occupation	1,389
	(ii) addition of names of spouse or child	1,389
	(iii) change of employer	1,389

C. Governmental and quasi government organisations

		Fee Units
1.	Residence Permit	
	(a) Issuance	8,333
	(b) Duplicate	8,333
	(c) Variation by-	
	(i) change of occupation or employer	5,556
	(ii) change of nationality or name	2,778
	(iii) inclusion of child	2,778
2.	Employment Permit	
	(a) Issuance	5,556
	(b) Renewal	3,333
	(c) Duplicate	5,556
	(d) Variation by-	
	(i) change of occupation	2,778
	(ii) change of employer	2,778
	(iii) addition of names of spouse or child	2,778

K.M. Sakeni

Minister of Home Affairs