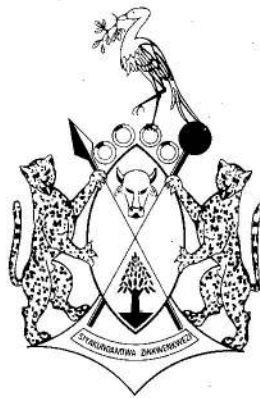


**IRIPHABLIKI  
YECISKEI**

**REPUBLIC OF  
CISKEI**

**IGAZETHI  
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**DEPARTMENT OF INTERNAL AFFAIRS AND LAND TENURE**

**GOVERNMENT NOTICE No. 63 OF 1988**

**IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS  
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY  
PUBLISHED FOR GENERAL INFORMATION:-**

**IMMIGRATION, EMIGRATION AND ALIENS ACT, 1988**

**ACT No. 9 OF 1988**

# IMMIGRATION, EMIGRATION AND ALIENS ACT, 1988

## ACT

To consolidate and amend the laws relating to the entry into, departure from and transit through Ciskei of persons, the residence or temporary sojourn of aliens in Ciskei, the registration of aliens and the removal from Ciskei of undesirable and certain other persons and to provide for incidental matters.

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# IMMIGRATION, EMIGRATION AND ALIENS ACT, 1988

(English text signed by the President. Assented to on 21 July 1988).

*BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:-*

## CHAPTER 1

### INTERPRETATION

**1. Definitions.** - In this Act, unless the content otherwise indicates -

**"alien"** means any person who is not a citizen of Ciskei in terms of any provision of the Ciskeian Citizenship Act, 1984 (Act 38 of 1984);

**"alien registration certificate"** means a certificate issued under section 39(4) or 48;

**"chief registration officer"** means the chief registration officer of aliens appointed under section 38(1);

**"Ciskei"** means the Republic of Ciskei;

**"citizen of Ciskei by birth, descent or registration"** means any person who became or becomes a citizen of Ciskei by virtue of any provision of section 2, 3, 4, 5 or 6, as the case may be, of the Ciskeian Citizenship Act, 1984;

**"conveyance"** includes any aircraft, train or other means of transport and any ship, vessel or boat used in navigation, irrespective of the means or manner of its propulsion;

**"department"** means the department of the Minister;

**"designated country"** means a country mentioned in Schedule 1;

**"diplomatic agent"** means a diplomatic agent as defined in section 1 of the Diplomatic Privileges Act, 1951 (Act 71 of 1951);

**"Director-General"** means the Director-General of the department and includes his deputy;

**"Minister"** means the Minister of Internal Affairs and Land Tenure;

**"occupier"** in relation to any premises includes -

(a) the person in actual occupation of those premises;

(b) the person legally entitled to occupy those premises;

(c) the person having the charge or management of those premises; and

(d) the agent of any such person who is absent from Ciskei or whose whereabouts is unknown;

**"owner,"** in relation to a conveyance, includes any charterer thereof and any agent in Ciskei of the owner or charterer;

**"passenger,"** for the purposes of section 20, includes a stowaway;

**"passport"** means any passport, tourist passport or other travel or identity document issued -

(a) by or under the authority of the Government of Ciskei;

(b) by or under the authority of the Government of any country or territory recognized by the Government of Ciskei to a person who is a national of the country or territory concerned and not also a citizen of Ciskei;

(c) by any international organization recognised by the Government of Ciskei to a person who is not a citizen of Ciskei; or

(d) in accordance with an agreement between the Government of Ciskei and the government of a designated country;

**"passport control officer"** means any passport control officer appointed under section 3;

**"police official"** means any member of the Ciskeian Police;

**"port of entry" or "port"** means -

(a) any place on the coast;

(b) any railway station or place within Ciskei at or near any border thereof, or

(c) any port or aerodrome, or

(d) any place appointed as a port of entry in terms of any agreement between the Government of Ciskei and the government of a designated country,

where a passport control officer is stationed;

**"premises"** includes any conveyance and any tent, caravan, mobile home or other like habitation;

**"prescribed"** means prescribed by regulation;

**"registration officer"** means a registration officer of aliens appointed under section 38(2) and includes an assistant registration officer of aliens;

**"regulation"** means any regulation made or in force under this Act;

**"reside"** means to reside permanently or temporarily: Provided that an alien who lodges on the same premises for a period of not less than fourteen days shall be deemed to reside on such premises and that an alien who remains in Ciskei for a period of not less than fourteen days, whether or not he lodges on the same premises, shall be deemed to reside in Ciskei;

**"this Act"** includes any order, direction or regulation issued or made or deemed to have been issued or made under this Act;

**"wife"**, in relation to an alien under whose personal law more than one marriage validly exists, means any woman between whom and such an alien there exists a union recognized as a marriage under the personal law of that alien and **"child"** means a child under the age of sixteen years who is the offspring of the said alien and the wife as herein defined, or the child of the said alien and a deceased woman who, if she had been alive, could have been recognized as the wife herein defined, and shall further include a stepchild and an adopted child and, in relation to the mother, an extra-marital child.

## CHAPTER 2

### 2. Application. - Application of certain provisions of this Act -

(1) The provisions of this Act relating to entry into, sojourn in and departure from Ciskei shall apply in respect of a citizen of a designated country only in so far as they are not inconsistent with the provisions of an agreement entered into between Ciskei and the designated country concerning entry into, sojourn in and departure from Ciskei by citizens of that country.

(2) The President may by proclamation in the *Gazette* designate any country, the territory of which formerly formed part of the Republic of South Africa, as a country to which provisions of subsection (1) apply and by such proclamation amend Schedule 1 accordingly.

## CHAPTER 3

### CONTROL OF ENTRY INTO AND DEPARTURE FROM CISKEI

#### *Part 1: Passport Control: Appointment, powers and duties of officers*

### 3. Appointment of passport control officers. - The Minister may -

(a) appoint as a passport control officer any officer or employee in the public service or any member of a class or category of officers or employees in the public service; and

(b) confer upon or assign to any category of passport control officers such powers or duties as to the carrying out of provisions of this Act as he may deem necessary.

### 4. Powers of passport control officers in relation to conveyance and persons thereon. - A passport control officer may -

(a) if he deems it fit, board any conveyance which is entering or has entered Ciskei;

(b) for the achievement of the aims and objects of this Act -

(i) prohibit or regulate any communication with, or landing from, any conveyance with relation to which or on which such passport control officer is proceeding with the examination of persons or which has or is suspected of having on board any prohibited person, and take such steps to carry out any such prohibition or regulation as the Minister may approve.

(ii) request any official in charge of a port to order the person in charge of any conveyance to position such conveyance at such place as such official may direct.

### 5. Passport control officer may take certain steps in respect of certain persons. - A passport control officer may require any person referred to in section 11 or any person who in the opinion of such officer is not entitled to be in Ciskei -

a) to make and sign a declaration in a form made available by the Director-General;

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(b) to produce documentary or other evidence relative to his claim that his entry into and presence in Ciskei is not unlawful;

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

(d) if such person is suspected to be afflicted with any disease or physical or mental infirmity which under this Act would render him a prohibited person, to submit to an examination by a medical practitioner designated by the Minister.

**6. Certain persons to be permitted to enter Ciskei.** - A passport control officer shall permit any person who he is satisfied is not, or who obviously is not, a prohibited person in respect of Ciskei, forthwith to land and enter or remain in Ciskei and endorse such permission in or on such passport or other document of identity as is referred to in section 10 and which is available.

**7. Certain persons to be declared prohibited persons in respect of Ciskei.** - If any person fails to comply with the provisions of section 10 or 11 or, having complied with such provisions, fails to satisfy the passport control officer that he is not a prohibited person in respect of Ciskei, such passport officer shall -

(a) declare such person to be a prohibited person in respect of Ciskei and shall not permit him to land and enter or remain in Ciskei; and

(b) notify such person in writing that he may appeal to the Minister.

**8. Certain officials may require production of certain documents and may take certain steps.** - Any police official or any person or member of a class of persons authorized thereto in writing by the Minister may require any person, whom he on reasonable grounds suspects not to be entitled to be in Ciskei, to produce to him proof that he is entitled to be in Ciskei and if the person so suspected fails to satisfy such official, person or member that he is so entitled, such official, person or member may take him into custody without a warrant and shall as soon as possible bring him before a passport control officer to be dealt with under section 5.

*Part 2: Entry into and departure from Ciskei*

**9. Ports of entry or departure.** - Subject to the provisions of section 10 (2) the Minister may by notice in the *Gazette* -

(a) appoint ports which shall be the only ports at which aliens, or any category or class of aliens specified in such notice, may enter or depart from Ciskei; and

(b) specify the hours during which passport control officers shall be in attendance at such ports,

and thereupon no alien referred to in such notice shall enter or depart from Ciskei at any other port or place.

**10. Person to enter Ciskei at port of entry.** - (1) No person shall enter Ciskei at any place other than a port of entry.

(2) (a) If an agreement entered into between Ciskei and a designated country provides that persons belonging to any category of persons may enter Ciskei at places specified in the agreement, the Minister may, notwithstanding the provisions of subsection (1), by notice in the *Gazette* authorize the said persons to enter at the places so specified irrespective of whether or not those places are ports of entry.

(b) The Minister may at any time exclude any person or any person belonging to a category of persons determined by him from any authorization granted under paragraph (a).

(3) The Minister may, on such conditions as he may determine, exempt any particular person from the provisions of subsection (1).

(4) (a) An exemption under subsection (3) shall be granted by issuing to the person concerned a certificate or by entering on his passport or other document of identity an endorsement in which the fact that such exemption has been granted to him and the conditions of his exemption (if any) are mentioned.

(b) The Minister may at any time by written notice to a person withdraw any exemption granted to him under subsection (3).

(5) The Minister may delegate any power vested in him by subsection (2) (b), (3) or (4) (b) to any officer in the public service.

**11. Appearance before passport control officer.** - Any person arriving at any port of entry shall before entering Ciskei appear before a passport control officer and satisfy such officer that he is not a prohibited person in respect of Ciskei or that his entry into or presence within any part of Ciskei is not unlawful.

**12. Passports.** - (1) Any person entering Ciskei shall on demand by a passport control officer produce to him an unexpired passport or other document of identity of a class recognized by the Minister -

(a) which was issued to him on behalf of the Government of Ciskei or on behalf of another government recognized by the Government of Ciskei; and

(b) which contains a personal description of him, the name of the country in which he was born and the date of his birth, and to which is attached a photograph of him wherein his features are clearly and correctly depicted; and

(c) which bears a valid visa or an endorsement by a person authorized thereto by the Government of Ciskei to the effect that authority to proceed to Ciskei for the purpose of being examined under this Act has been granted by the Minister or a person acting under his authority, or is accompanied by a document containing a statement to that effect together with particulars of such passport or other document of identity.

(2) Any person under the age of sixteen years shall on entering Ciskei be deemed to be in possession of a valid passport or other document of identity if he is accompanied by a parent in possession of such a passport or document of identity in which the name of that person was inserted on behalf of the Government of Ciskei or on behalf of any government recognized by the Government of Ciskei.

(3) The Minister may at any time at his discretion cancel and declare null and void any visa, endorsement or document referred to in subsection (1) (c).

**13. Departure from Ciskei.** - No person shall leave Ciskei for the purpose of proceeding to any place outside Ciskei -

(a) unless he is, at the time when he leaves Ciskei, in possession of a valid passport or a permit referred to in section 16;

(b) except at a port, unless his passport or permit bears an endorsement, or he is in possession of a document issued to him by a person authorized thereto by the Minister, to the effect that authority has been granted to him by the Minister or a passport control officer to leave Ciskei at a place other than a port, and for such purposes and during such period and subject to such conditions, as may be set forth in that endorsement or document; or

(c) unless he is a person belonging to a category of persons authorized under section 10 (2) (a) to enter Ciskei at a place referred to in that section and the place where he leaves Ciskei is such a place.

**14. Conveyance of persons leaving Ciskei in illegal manner prohibited.** - No person shall convey from any place in Ciskei to another country any person proceeding to another country in contravention of the provisions of section 13.

**15. Assistance to persons to leave Ciskei illegally prohibited.** - No person shall in any manner whatsoever assist any other person to leave Ciskei for the purpose of proceeding to another country in contravention of the provisions of section 13.

**16. Permit to leave Ciskei.** - (1) The Director-General or any person authorized thereto by the Director-General, may issue to any person over the age of sixteen years who has applied therefor on a form made available by the Director-General and who pays the prescribed amount a permit to leave Ciskei.

(2) Any person whose application for a permit in terms of subsection (1) is refused by the Director-General or any person authorized by him as aforesaid, may, within one month after being notified of such refusal, appeal in writing against such refusal to the Minister who may confirm such refusal or may direct that a permit to leave Ciskei be issued to the applicant.

(3) A permit under this section may be issued for such period not exceeding five years as the Director-General or any person authorized thereto by him may in each case determine and any permit so issued shall lapse on the expiration of the period for which it has been issued.

(4) The Minister may at any time by written notice to the holder thereof withdraw any permit issued to him under this section and may in such notice call upon such holder to return to the Minister the said permit within a period specified in such notice.



(5) A permit issued to any person by reason of the fact that he intends to leave Ciskei permanently, shall be endorsed accordingly.

(6) The Director-General shall keep or cause to be kept duplicate copies of all permits issued under this section and any such copy shall, on its mere production in any prosecution under this Act, be *prima facie* proof of the contents thereof.

**17. Return to Ciskei of holder of permit to leave Ciskei permanently.** - Any person to whom a permit endorsed as provided in section 16(5) has been issued and who has left Ciskei for the purpose of proceeding to another country shall -

(a) if he thereafter returns to Ciskei, be deemed, for the purposes of section 13, to have left Ciskei without a valid passport or a permit; and

(b) for all purposes become a prohibited person within the meaning of this Act with effect from the time he so left Ciskei.

*Part 3: Prohibited persons and persons who are not prohibited persons*

**18. Prohibited persons.** - Any person referred to in this section who enters or has entered Ciskei, shall be a prohibited person in respect of Ciskei, namely -

(a) any person or category of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of Ciskei or any particular district thereof;

(b) any person who is unable, by reason of deficient education, to read and write to the satisfaction of a passport control officer or in case of an appeal to the satisfaction of the Minister, unless he is for any particular reason deemed by the Minister to be a desirable inhabitant of or visitor to Ciskei;

(c) any person who is likely to become a public charge by reason of infirmity of mind or body or because he is not in possession of sufficient means to support himself and such of his dependants as he may bring or has brought with him into Ciskei;

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

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

(f) any person who has (whether before or after the commencement of this Act) been convicted in any country of any offence referred to in Part 1 of Schedule 2 (unless he has received a free pardon in respect thereof) and is deemed by the Minister or a passport control officer to be an undesirable inhabitant of or visitor to Ciskei;

(g) any mentally ill person, or any person who is deaf and dumb, or dumb and blind, or is otherwise physically afflicted, unless in any such case the person concerned or the person accompanying him or another person gives security to the satisfaction of the Minister for his permanent support in Ciskei or for his removal therefrom when required by the Minister;

(h) any person who is afflicted with such contagious, communicable or other disease (other than tuberculosis) as the Minister may from time to time determine or as may be prescribed by regulation, and any person who is afflicted with tuberculosis unless he is in possession of a permit to enter Ciskei issued upon such conditions as may be prescribed.

(i) any person who has been removed from Ciskei by warrant issued under any law unless such person is in possession of valid authority to return to Ciskei;

(j) any person who has been convicted in Ciskei of an offence and by reason of the circumstances of such offence is deemed by the Minister to be an undesirable inhabitant of or visitor to Ciskei; or

(k) any person who entered Ciskei without being in possession of an unexpired passport or other document of identity required by section 12,

unless it is proved that such person is a citizen of Ciskei by birth or descent or registration.

**19. Persons who are not prohibited persons.** - The following persons or categories of persons shall not be prohibited persons for the purposes of section 18, namely -

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(a) any alien who is at any material time in the service of the State;

(b) any representative of any government, state or public international organisation who is at any material time authorized with the consent of the Government of Ciskei to represent such government, state or organization in Ciskei, any alien officer of such government, state or public international organisation authorized with the like consent to act in relation to Ciskei, the alien members of the staff and the alien servants of such a representative or officers, to the extent to which the Government of Ciskei consents to their sojourn in Ciskei;

(c) the alien wife and alien children of any alien referred to in paragraphs (a) and (b), to the extent to which the Government of Ciskei consents to the sojourn of that alien in Ciskei or while that alien is in the service of the Government of Ciskei;

(d) any member of a military force of any country which has been granted consent by the Government to enter Ciskei;

(e) the officers and crew of a public conveyance of any foreign state while such conveyance is in Ciskei;

(f) any diplomatic agent or any person accredited to the President as consul-general, consul or vice-consul for any foreign state, or any person employed in the legation, chancellery or office of such diplomatic agent, consul-general, consul or vice-consul, or any member of the household of any person referred to in this paragraph, or a servant of such person;

(g) any person who for the purpose of employment enters Ciskei -

(i) under such conditions as may have been prescribed from time to time in accordance with any law; or

(ii) under any agreement with the Government of a neighbouring territory or state; or

(iii) in accordance with any scheme of recruitment and repatriation approved by the Minister.

and who is not a person referred to in paragraph (c), (d), (e), (f), (g), (h), (i) or (j) of section 18: Provided that the exemption by this section of any person referred to in this paragraph from any provision of this Act shall cease on the termination of the employment for the purpose of which such person entered Ciskei as aforesaid.

*Part 4: Duties of persons in command of conveyances*

**20. Duty to supply certain lists or returns.** - If a passport control officer so demands the person in command of a conveyance which enters any port of entry shall deliver to him -

(a) a list stating

(i) all passengers on board the conveyance, classified according to their respective destinations;

(ii) such other details as may be required by the Director-General;

(b) a list of stowaways, if any have been found;

(c) a list of the crew and all persons (other than passengers or stowaways) employed or carried on the conveyance in any capacity by or on behalf of the owner;

(d) in the case of a ship, a return under the hand of the medical officer of that ship or, if there is no medical officer and in the case of any other conveyance, under his own hand, stating -

(i) any known cases of disease, whether communicable or otherwise, which have occurred on the voyage or journey;

(ii) any known cases of physical or mental illness or ailments;

(iii) the names of the persons who have suffered or are still suffering from such disease, illness or ailment; and

(iv) in each case, the nature of the disease, illness or ailment.

**21. Persons deemed to be in custody of person in command of conveyance.** - (1) Any person referred to in section 64 shall, while detained pending removal on board the conveyance referred to in that section, be deemed to be in the custody of the person in command of such conveyance and not of the passport control officer, the Minister or the Government and such person in command shall be liable to pay the costs of the detention, maintenance and control of such person while so detained.

(2) If the person in command of the conveyance referred to in section 64 fails to comply with the provisions of that section or to pay the costs referred to in subsection (1), such person in command or the owner of such conveyance shall forfeit a sum to be fixed by the passport control officer, not exceeding five thousand rand, in respect of every such person.



(3) The passport control officer may, before any person is removed from a conveyance under section 64, require the person in command or the owner of such conveyance to deposit a sum sufficient to cover any expenses that may be incurred by the department in connection with the removal, detention, maintenance and custody of such person.

(4) (a) If any person referred to in subsection (1) is for any reason not removed from Ciskei in the conveyance in which such person was conveyed to Ciskei (except by reason of the fact that such person was found not to be a prohibited person) the owner of that conveyance shall at the request of the passport control officer convey that person free of charge to the Government to a place outside Ciskei.

(b) If the owner referred to in paragraph (a) fails to comply with the provisions of that paragraph, such owner shall forfeit in respect of each person referred to in that paragraph an amount to be fixed by the passport control officer, not exceeding five thousand rand.

**22. Responsibility in respect of transit passenger.** - If a conveyance arrives in Ciskei with a passenger on board bound for a destination outside Ciskei and that passenger, although he has not been permitted by a passport control officer to land, is not on board when the conveyance departs, the person in command or the owner of that conveyance shall forfeit a sum to be fixed by the passport control officer, but not exceeding five thousand rand in respect of such passenger.

**23. Responsibility in respect of crew.** - (1) A passport control officer may require the person in command of a conveyance to muster the crew of such conveyance on or after the arrival of such conveyance in Ciskei and again before such conveyance departs from Ciskei.

(2) If any person whose name appears on the list referred to in section 20(c) is not on board when the conveyance is ready to depart, the person in command or the owner of the conveyance may be required before the conveyance departs to deposit with the passport control officer an amount not exceeding five thousand rand in respect of such person, unless it is proved to the satisfaction of the passport control officer that such person is a citizen of Ciskei.

(3) The amount referred to in subsection (2) shall be forfeited to the State unless the person in command or owner of the conveyance proves to the satisfaction of the passport control officer, within six months after such amount was deposited, that the person in respect of whom such amount was deposited, is no longer in Ciskei.

**24. Recovery of sums forfeited or to be deposited.** - (1) Until any sum which has been forfeited under section 21 or 22 has been paid or any sum which is to be deposited under section 23 has been lodged, no clearance papers shall be given to the person in command or owner of the conveyance in question.

(2) Such conveyance may be declared executable by order of the Supreme Court for the recovery of any amount forfeited under section 21 or 22 or required to be deposited under section 23.

**25. Power to refuse clearance papers.** - The proper officer of customs at any port may refuse to give to the person in command of any conveyance clearance papers to leave that port until such person in command has complied with the provisions of this Act and produced a certificate of a passport control officer that such person in command has complied with such provisions.

## CHAPTER 4

### ALIENS

#### *Part 1: Permits for Aliens*

**26. Aliens to be in possession of certain permits.** - (1) Subject to the provisions of sections 32, 52 and 53, no alien shall -

(a) enter or be in Ciskei for purposes of permanent residence therein, unless he is in possession of a permit to enter Ciskei for the said purpose issued to him in terms of section 27; or

(b) enter or be in Ciskei or any particular port of Ciskei for the purpose of temporary sojourn therein, unless he is in possession of a temporary permit issued to him in terms of section 28 (1) or unless he has been permitted to enter under section 55.

(2) An alien who is not and is not deemed to be in possession of a permit issued under section 27 or a temporary permit issued under section 28 or has not in terms of section 52 been exempted from the provisions of subsection (1) shall, when required to do so by a passport control officer, then and there apply to such officer on the form made available for the purpose by such officer for a temporary permit in terms of the provisions of section 28.

**27. Permit for permanent residence.** - (1) An application by an alien for a permit to enter Ciskei for the purpose of permanent residence therein shall be made on a form made available by the Director-General and shall contain the information for which provision is made in the said form.

(2) The Minister or any officer acting under his authority may authorize the issue of a permit in the prescribed form to enter for the purpose of a permanent residence therein to any alien who has applied therefor in terms of subsection (1) and who is in his opinion a desirable immigrant.

(3) The granting or withholding of the authority referred to in subsection (2) shall be entirely in the discretion of the Minister: Provided that the Minister shall not authorize the issue of such a permit unless the applicant therefor -

(a) is of good character; and

(b) is likely to become readily assimilated or identified with the inhabitants of Ciskei and to become a beneficial inhabitant of Ciskei within a reasonable period after his entry into Ciskei; and

(c) is not likely to harm the welfare of Ciskei; and

(d) does not and is not likely to pursue an occupation in which, in the opinion of the Minister, a sufficient number of persons is already engaged in Ciskei to meet the requirements of the inhabitants of Ciskei; or

(e) is the wife, or a child under twenty-one years of age, or a destitute or aged parent or grandparent of a person permanently and lawfully resident in Ciskei who is able and undertakes to maintain him or her.

(4) When the Minister has authorised the issue of a permit, the Director-General or any other officer designated by him shall issue such permit, which shall be subject to the condition that the person to whom it is issued shall enter Ciskei for the purpose of permanent residence therein within a period of six months from the date of issue of such permit: Provided that the Director-General or any person designated by him may, on the application of the person to whom such permit has been issued, in his discretion extend the period of its validity for such period and on such conditions as he may determine.

(5) If any person to whom a permit has been issued in terms of subsections (2) and (3) does not enter Ciskei for the purpose of permanent residence therein within a period of six months from the date of issue of such permit or within any further period determined by the Director-General or any person designated by him, such permit shall lapse.

(6) The Minister or an officer designated by him may, on an application referred to in subsection (1), made by an alien who has been permitted under this Act or any other law to enter Ciskei for the purpose of temporary sojourn therein or who has been permitted under section 28 to sojourn temporarily in Ciskei, authorize the issue to him of a permit in terms of subsections (2) and (3) *mutatis mutandis* as if he were outside Ciskei, and upon the issue of that permit he may reside permanently in Ciskei.

**28. Temporary permit to sojourn in Ciskei.** - (1) A passport control officer may, on the application of an alien who has complied with all the requirements of this Act, issued to him a temporary permit in the prescribed form -

(a) to enter Ciskei or any particular part of Ciskei and to sojourn therein temporarily, or

(b) if he is already in Ciskei, to sojourn in Ciskei or any particular part of Ciskei temporarily

for such purposes, during such period and on such conditions as may be set forth in such permit.

(2) (a) If a passport control officer intends issuing a temporary permit under subsection (1) to an alien subject to conditions, he may, in order to ensure that such conditions are complied with, require the alien, before issuing the permit to him, to deposit with him an amount fixed by the passport control officer not exceeding an amount determined by the Director-General or to lodge with him a bank-guarantee for the amount concerned.

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(b) An amount or bank guarantee deposited or lodged with a passport control officer in terms of paragraph (a) shall, subject to paragraph (c), be refunded or returned to the alien on his departure from Ciskei.

(c) If an alien in the opinion of the Director-General has contravened or failed to comply with a condition of his permit or a condition as altered under subsection (4), the Director-General may order that the amount deposited with the passport control officer be forfeited to the State or, if a bank guarantee was lodged with the passport control officer, that the amount payable in terms of the bank guarantee be recovered for the benefit of the State.

(3) Whenever a passport control officer issues a temporary permit to an alien in terms of subsection (1) he may also issue a similar permit to the wife of such alien, to any child of such alien who is under the age of twenty-one years and to any alien employee of such alien, if such wife, child or employee accompanies or resides with such alien.

(4) The Minister or any person to whom the Minister has delegated his powers under this subsection may from time to time extend the period for which a temporary permit was issued under subsection (1) or alter the purposes for which or the conditions on which it was issued.

**29. Permit holders not exempt from requirements of Act.** - (1) A permit in terms of section 27 or 28 shall not exempt the holder thereof from any provision of this Act.

(2) Any alien who has arrived by sea within the territorial waters of Ciskei or who has entered Ciskei by aircraft or who has become an alien while in Ciskei and who is not the holder of a permit issued in terms of section 27 or 28 may be dealt with as a prohibited person in terms of section 18 even though he would, but for the provisions of this subsection, not be a prohibited person under this Act.

**30. Permit may be cancelled and holder ordered to leave Ciskei.** - (1) When a permit has been issued in terms of section 27 on an application which contains any incorrect information or if the holder of such a permit or his agent has furnished any incorrect information in connection with that application or any application for the extension of the period of validity of such permit or any application for the alteration of the purposes for which or the conditions on which such permit was issued or if the said holder within a period of three years as from the date of issue of such permit without the consent of the Minister engages in Ciskei in any occupation other than the occupation stated in such permit to be his occupation, the Minister may direct that a notice in writing be addressed to the holder of such permit whereby such permit is cancelled as from a date specified in such notice and as from such date such permit shall become null and void.

(2) The Minister may at any time direct that a notice in writing be addressed to the holder of a temporary permit issued in terms of section 28 (1) whereby such holder is ordered to leave Ciskei within a period stated in such notice and upon the expiration of such period such temporary permit shall become null and void.

(3) The Minister may at any time direct that any alien who has been permitted to enter Ciskei in terms of section 55 be ordered by notice in writing to leave Ciskei within a period stated in such notice.

**31. Transit visa.** - (1) No person (other than a citizen of Ciskei) who is proceeding from a place outside Ciskei to a destination outside Ciskei shall travel through Ciskei, unless he is in possession of a transit visa issued for the purpose in terms of subsection (2) or a travel document recognized for the purposes of the agreement contemplated in section 2.

(2) The Minister or any officer in the public service authorized thereto by the Minister may at his discretion authorize the issue to any person of a transit visa on such conditions as the Minister or such officer may deem fit to impose.

**32. Certain aliens who cease to be exempted may be dealt with as prohibited persons.** - If any alien referred to in section 53 (1) (a) ceases while he is in Ciskei to be an alien so referred to, he may after the expiration of a period of three months as from such cessation be dealt with as a prohibited person, unless the Minister has granted to him permission to remain in Ciskei for the purpose of permanent residence therein or unless the Minister has granted him permission to remain in Ciskei during such period and on such conditions as the Minister may determine.

**33. Performance of certain acts in co-operation with or in respect of certain aliens prohibited.** - (1) No person shall -

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(a) employ or continue to employ any alien who is not deemed to be in possession of a permit issued to him under section 27 or 28 or who is not exempt under section 32 or 52;

(b) enter into any agreement with any alien for the conduct of any business or the carrying on of any profession or occupation or conduct any business or carry on any profession or occupation in co-operation with any such alien or assist, enable or in any manner help such alien to conduct any business or to carry on any profession or occupation or do anything for or on behalf of such alien in connection with such alien's business or profession or occupation;

(c) harbour any such alien; or

(d) let or sell or in any manner make available fixed property in Ciskei to such alien.

(2) If any alien to whom a temporary permit has been issued under section 28 is prohibited by the conditions subject to which such permit was issued -

(a) from entering into or being in the employment of any other person;

(b) from entering into or being in the employment of any person, except a person specified in such conditions;

(c) from entering into or being in the employment of any other person in any capacity except a capacity specified in such conditions, or for a period longer than a period so specified; or

(d) from conducting a business or carrying on any profession or occupation,

no person shall -

(i) in the case of a prohibition referred to in paragraph (a), employ or continue to employ such alien;

(ii) in the case of a prohibition referred to in paragraph (b), employ or continue to employ such alien, unless he is the person specified in the relevant conditions;

(iii) in the case of a prohibition referred to in paragraph (c), employ or continue to employ such alien in any capacity except the capacity specified in the relevant conditions or for a period longer than the period so specified;

(iv) in the case of a prohibition referred to in paragraph (d), enter into an agreement with such alien for the conduct of a business or the carrying on of a profession or occupation or conduct a business or carry on a profession or occupation in co-operation with such alien.

(3) If a temporary permit has been issued to any alien under section 28 allowing him to sojourn temporarily in any particular part of Ciskei, no person shall -

(a) employ or continue to employ such alien in any part of Ciskei except that particular part;

(b) enter into an agreement with such alien for the conduct of a business or the carrying on of any profession or occupation in any part of Ciskei except that particular part, or conduct any business or carry on any profession or occupation in co-operation with such alien in any part of Ciskei except that particular part or assist, enable or in any manner help such alien to conduct a business or carry on a profession or occupation except in that particular part or do anything for or on behalf of such alien in connection with a business or a profession or occupation of such alien except in that particular part;

(c) harbour such alien in any part of Ciskei except that particular part; or

(d) let or sell or in any manner make available to such alien fixed property in any part of Ciskei except that particular part.

(4) The provisions of subsection (1) (c) or (3) (c) shall not apply in respect of the occupier of any premises referred to in section 44 who provides any alien with lodging or sleeping accommodation on such premises.

**34. Returns by employers regarding employees who are aliens. -** (1) At the request of the Director-General or a passport control officer an employer shall forthwith furnish a return, regarding all employees in his service who he has reason to believe are aliens, to the Director-General or that passport control officer on the form made available to him by the Director-General or passport control officer for such purpose.

(2) Any person, who fails to comply with a request under subsection (1) or who furnishes a return of which any essential particular is false knowing it to be false, shall be guilty of an offence.



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(3) Whenever upon the trial of a person charged with an offence under subsection (2) the question arises whether any particular person -

(a) was or was not requested under subsection (1) by the Director-General or a passport control officer to furnish a return mentioned in that subsection to the Director-General or passport control officer, or

(b) did or did not furnish a return mentioned in that subsection to the Director-General or a passport control officer,

a writing purporting to be an affidavit made by a person who in that affidavit alleges that he is the Director-General or a passport control officer and that person was requested by him in writing delivered by hand and signed for, or by registered post, on a date specified in such writing to furnish such a return to him or that that person did not furnish such a return to him, as the case may be, shall on its mere production by any person at such trial be *prima facie* proof of the facts stated therein.

(4) Whenever upon the trial of a person charged with an offence under subsection (2) it is proved that the accused furnished a return of which an essential particular is false, it shall be presumed, until the contrary is proved, that the accused furnished the return knowing that particular to be false.

**35. Right of admission to Ciskei and to permanent residence therein to lapse upon long absence from Ciskei.** - (1) Notwithstanding any provision to the contrary contained in this Act or any other law, no alien shall on the ground that he is a person -

(a) to whom a permit has been issued under section 27;

(b) to whom an exemption from the prohibition mentioned in section 26 (1) (a), whether as an individual or as a member of a class of persons, has been granted under section 52;

(c) to whom the said prohibition is not applicable by virtue of his having lawfully acquired a domicile in Ciskei;

(d) holding a passport or certificate which in terms of any law repealed by this Act, is deemed to be a permit issued to him under section 27 of this Act,

be entitled to enter or be in Ciskei for the purposes of permanent residence therein if he, at any time after becoming such a person or if he was such a person at the commencement of this Act, at any time after the said commencement, was resident outside Ciskei for a continuous period of not less than five years, exclusive of any period during which -

(i) he was so resident in the service of the Government of Ciskei;

(ii) he was so resident as the representative or employee of a person or association of persons resident or established in Ciskei;

(iii) he was so resident in the service of an international organization of which the Government of Ciskei is a member;

(iv) in the case of a wife or minor child of a person referred to in paragraph (i), (ii) or (iii), such wife or child was so resident with such person;

(v) in the case of the wife or minor child of a person who is a citizen of Ciskei, such wife or child was so resident with such person; or

(vi) he was so resident and in respect of which the Minister or an officer has granted exemption under subsection (3).

(2) Subsection (1) shall not affect any alien to whom exemption from the prohibition referred to in section 26 (1) (a) has been granted under section 52 as a member of a class of persons, unless such alien previously, whether before or after the commencement of this Act, entered Ciskei or sojourned therein for the purpose of permanent residence therein under the authority of such exemption.

(3) (a) The Minister or any officer in the public service authorized thereto by the Minister may at his discretion grant any exemption contemplated in paragraph (vi) of subsection (1) in respect of any person or class of persons and for a definite or an indefinite period and either unconditionally or subject to such conditions as the Minister or such officer, as the case may be, may deem fit.

(b) The period for which exemption is granted under paragraph (a) may commence at an earlier date than the date on which exemption is granted.

(c) Any exemption under paragraph (a) may at any time be withdrawn by the Minister and, where an exemption was granted to persons belonging to a class of persons, the exemption may be withdrawn in respect of a specified person or group of persons belonging to that class of persons.

**36. Right of admission to Ciskei and to permanent residence therein to lapse upon deportation.** - Notwithstanding any provision to the contrary contained in this Act or any other law no alien removed from or ordered to leave Ciskei under a provision of this Act shall after his removal or departure be entitled to enter or be in Ciskei for the purposes of permanent residence therein on the ground that he at the time of his removal or departure -

- (a) was the holder of a permit issued under section 27;
- (b) was exempted under section 52, whether as an individual or as a member of a class of persons, from the prohibition mentioned in section 26 (1) (a);
- (c) was a person to whom the said prohibition is not applicable by virtue of his having lawfully acquired a domicile in Ciskei; or
- (d) was the holder of a passport or certificate which in terms of any law repealed by this Act is deemed to be a permit issued to him under section 27 of this Act.

*Part 2: Registration of aliens*

**37. Record of aliens.** - The Minister shall cause to be kept such records as he may prescribe in connection with every alien to whom an alien registration certificate has been issued.

**38. Registration officers.** - (1) The Minister shall appoint a chief registration officer of aliens for Ciskei, whose duties shall be as provided in this Act.

(2) The Minister shall appoint a registration officer and such assistant registration officers as he may deem necessary for each district in Ciskei.

(3) Nothing in subsections (2) and (3) contained shall prevent the Minister from designating any officer in the public service as an *ex-officio* registration officer or assistant registration officer.

**39. Application for alien registration certificate.** - (1) Subject to the provisions of sections 40, 42 and 52, application for an alien registration certificate shall be made -

(a) by every alien who resides in Ciskei on a date to be fixed by the Minister by notice in the *Gazette*, within sixty days from such date;

(b) by every alien who enters Ciskei after the date referred to in paragraph (a), within the period allowed him by a passport control officer;

(c) by every alien who whilst in Ciskei attains the age of sixteen years, within fourteen days from the date of attaining such age;

(d) subject to the provisions of section 52 by every citizen of Ciskei who whilst in Ciskei becomes an alien, within fourteen days from the date of becoming an alien.

(2) For the purposes of an application for an alien registration certificate in terms of subsection (1) an applicant shall -

(a) attend during office hours at the office of the registration officer for the district in which he resides or intends to reside;

(b) complete a form made available by the Director-General and furnish all the information for which provision is made in such form;

(c) submit the prescribed documents, photographs and other proof of identity (including finger-prints); and

(d) pay the prescribed registration fee.

(3) When an applicant has complied with the provisions of subsections (1) and (2) the registration officer concerned shall transmit to the chief registration officer all the relevant documents and the registration fee referred to in subsection (2).

(4) If an applicant has entered Ciskei lawfully or was born in Ciskei and in either case is entitled to remain therein, an alien registration certificate shall be issued to him in the prescribed form and he shall sign such certificate in the presence of a registration officer or assistant registration officer.

(5) A parent or guardian of an alien child resident in Ciskei shall, within a period of fourteen days as from the date upon which such child reached the age of sixteen years, give notice in writing on a form made available by the Director-General to the registration officer for the district in which such child resides of the fact that the child has reached that age.



**40. Registration of aliens who are absent during prescribed period for registration. -**

(1) If an alien to whom section 39 (1) (a) applies is during the period of sixty days referred in the said provision within Ciskei but absent from the district in which he ordinarily resides, he shall comply with the requirements of section 39 within a period of fourteen days from the date upon which he returned to the said district, but he shall in any event make an application under that section within a period of ninety days from the date referred in the said section 39 (1) (a).

(2) If an alien who resides in Ciskei is during the period of sixty days from the date referred to in section 39 (1) (a) outside Ciskei, he shall comply with the requirements of section 39 within a period of fourteen days from the date upon which he returned to the said district, but he shall in any event make an application under that section within a period of thirty days from the date of his return to Ciskei.

(3) An alien shall for the purposes of this section be presumed not to have been absent from the district in which he ordinarily resides unless such absence and the period thereof is proved.

**41. Holder of registration certificate to report every year. -** Every alien who is the holder of an alien registration certificate issued to him under this Act shall, within a period of one year as from the date of every last entry in that certificate by a registration officer or assistant registration officer, report in person at the office of the registration officer or any assistant registration officer for the district in which he resides.

**42. Aliens who are unable to register within prescribed period. -** (1) If an alien to whom the provisions of section 39, 40 or 41 apply is unable to comply with those provisions because of disease or injury or some physical or mental illness or because he is detained under any law, the occupier of any premises on which such alien resides shall, during the relevant period referred to in the section which applies to such alien, give notice in writing to the registration officer or any assistant registration officer concerned of the fact that such alien is on the said premises and in such notice furnish, in respect of such alien, his name in full, his nationality or presumed nationality and the reason why he is unable to attend at the office of the registration officer or assistant registration officer as required by the said section.

(2) As soon as an alien referred to in subsection (1) is able to attend at the office of the registration officer or any assistant registration officer of the district in which he resides, he shall comply *mutandis mutandis* with the requirements of section 39.

**43. Notification by alien of change of address. -** (1) An alien who for any purpose whatsoever leaves or intends leaving for a period exceeding fourteen days the place where he resides or works shall, before leaving or within seven days of so leaving, give notice in writing of that intention or of the fact that he has so left, as the case may be, on a form made available by the Director-General, to the registration officer or to any assistant registration officer for the district in which such place is situated.

(2) When an alien has commenced to reside or work at a place in a district other than the district of the registration officer or assistant registration officer to whom he last gave notice in terms of subsection (1), he shall, subject to the provisions of subsection (4) within the period of seven days as from the date upon which he so commenced to reside or work at that place, give to the registration officer or to any assistant registration officer of the district in which that place is situated notice in writing, on a form made available by the Director-General, of the fact that he resides or works at that place.

(3) In giving notice in terms of subsection (1) or (2) the alien concerned shall furnish all the information for which provision is made on the form referred to in the said subsection.

(4) If an alien performs his work partly at a particular fixed place and partly from time to time at any other place or places, he shall, for the purposes of this section, be presumed to work at the said fixed place.

(5) An alien shall in writing notify the registration officer or any assistant registration officer for the district in which he resides of every change in his personal status occasioned by marriage or divorce or the acquisition or loss of nationality or of a change of his name, within a period of fourteen days from the date on which such change occurred.

**44. Hotel-keepers and certain other persons to keep register of lodgers. -** (1) The occupier of any other premises, whether furnished or unfurnished, where lodging or sleeping accommodation is provided for payment or reward, shall, if such other premises fall within a class determined by the Minister, keep a register in the form determined by the Director-General of all persons (whether aliens or not) who are provided with lodging or sleeping accommodation thereon and every such person shall sign the register and furnish such particulars regarding himself as may be required for the proper completion of the register.

(2) Every hotel-keeper, occupier of premises referred to in subsection (1) shall, when required to do so by an officer referred to in section 47, produce the register referred to in the said subsection for inspection.

**45. Notice to be given by partners or employers of aliens.** - (1) Whenever a person (in this section referred to as the employer) has taken as partner or has employed an alien for a period of more than seven days, the employer shall, within fourteen days from the date upon which the alien became a partner or entered upon his employment, give notice in writing to the registration officer or to any assistant registration officer of the district in which the alien is to perform his principal duties as such partner or employee of the fact that the said employer entered into such partnership or gave such employment and in such notice furnish in respect of such alien his name in full, his nationality or presumed nationality, the duration of the partnership or employment and his duties in connection herewith.

(2) The registration officer shall transmit the information contained in the notice referred to in subsection (1) to the chief registration officer.

(3) Whenever any alien enters into any partnership or employment as contemplated in subsection (1) he shall at the same time sign a statement which shall set forth his full name and his nationality.

(4) For the purposes of subsections (1) and (3) an alien who works at any place shall be presumed to have entered into partnership with or to be employed by the occupier of such place and to have been in partnership with or in the employment of such occupier for a period exceeding seven days unless the contrary is proved.

(5) In the event of the termination of any such partnership or employment referred to in subsection (1) the employer shall, within a period of fourteen days of such termination, give notice thereof in writing to the registration officer or any assistant registration officer to whom notice was given in terms of that subsection.

(6) Whenever an alien commences any business or trade on his own account he shall, within fourteen days from the date of commencement of such business or trade, give notice thereof in writing to the registration officer or any assistant registration officer for the district in which he resides.

**46. Notification of departure of alien from Ciskei.** - (1) The person in command of any conveyance embarking passengers at any port in Ciskei, for a destination outside Ciskei shall furnish to a passport control officer in respect of any passenger who is an alien a return in a form made available by the Director-General and every passenger shall upon demand furnish to such person in command any information required by him for the purposes of completing the return.

(2) An alien departing permanently from Ciskei shall surrender his alien registration certificate to a passport control officer or police official.

(3) An alien who retains his alien registration certificate on departure from Ciskei shall, within fourteen days from the date of his return thereto, give notice in writing to the registration officer or any assistant registration officer for the district in which he resides or intends to reside of the fact that he has returned to Ciskei.

**47. Certain officers may require suspected aliens to produce certain documents.** - Whenever any registration officer, assistant registration officer, passport control officer or police official suspects upon reasonable grounds that a person (in this section referred to as the suspected person) is an alien, he may demand from the suspected person that he produce his alien registration certificate or a document which permitted him to enter Ciskei and if the suspected person fails to satisfy the officer or official concerned that he is not an alien or that he is exempted under section 52 or 53 from the provisions of this Act and fails to produce the document whose production was demanded or, if only the production of an alien registration certificate was demanded, fails to prove that the period during which the suspected person is obliged under section 39, 40 or 48 to apply for an alien registration certificate has not yet expired, the officer or official concerned may arrest the suspected person without a warrant on a charge of having committed an offence mentioned in section 59: Provided that, if the officer or official who makes such a demand as aforesaid is not in uniform, he shall inform the suspected person that he is a registration officer, an assistant registration officer, a passport control officer or a police official, as the case may be, and if the suspected person so demands the said officer or official shall produce to the suspected person the document appointing him or informing him of his appointment as such an officer or official or a certificate issued by a competent authority that he is such an officer or official.

**48. Certain officers may direct holder of an alien registration certificate to renew it. -**

(1) Whenever, in the opinion of an officer or official referred to in section 47 an alien registration certificate or any part thereof has become illegible or indistinct or a photograph attached to such certificate does not depict clearly and correctly the face of the alien to whom such certificate relates or whenever such certificate has been lost or affords no space for further entries or the personal particulars of the holder thereof have so changed that the original description appearing in such certificate has ceased to apply in material respects, such officer or official may direct the alien concerned to obtain a new certificate in accordance with the provisions of section 39.

(2) Whenever an officer or official referred to in subsection (1) has directed any alien to obtain a new alien registration certificate he shall endorse upon the certificate of such alien that it shall lapse on a date to be specified on the certificate (which date shall not be earlier than the date of expiry of a period of thirty days as from the date on which the endorsement is made) and the alien concerned shall thereupon, before the expiry period, apply for a new certificate in accordance with the provisions of section 39.

**49. Late compliance with requirements of Act. -** When an alien applies for an alien registration certificate after the expiry of the period within which he ought to have applied therefor or when any person gives any notice prescribed by this Act after the expiry of the period during which he ought to have given that notice, the registration officer or assistant registration officer concerned shall nevertheless deal with the application or the notice as if it had been made or given within the prescribed period, but the person concerned shall not thereby be relieved of his liability for his failure to comply timeously with the requirements of this Act.

**50. Alien entering Ciskei for permanent residence to register before permit issued. -** Notwithstanding anything contained in section 27 of this Act, any alien to whom the Minister or an officer designated by him has authorized the issue of a permit to enter Ciskei for the purpose of permanent residence therein shall, subject to the other provisions of this Act, be permitted to enter Ciskei under the authority of a temporary permit issued under section 28 and the permit to enter for permanent residence shall be issued to such alien when he has complied with the requirements of section 39.

**51. Minister may impose special restrictions on aliens. -** Notwithstanding anything in this Act contained, the Minister may, subject to the provisions of section 53, impose on any alien or category of aliens such restrictions (either in addition to or in substitution of restrictions imposed by this Part) as to residence, reporting to the police or registration, as he may deem to be necessary in the public interest.

## CHAPTER 5

### EXEMPTIONS

**52. Minister may exempt persons or categories of persons from certain provisions. -**

(1) Notwithstanding anything to the contrary in this Act contained, the Minister may -

(a) exempt any person or category of persons, for any specified or unspecified period and either unconditionally or subject to such conditions as the Minister may impose, from all or any of the provisions of Part 2 of Chapter 3 and Chapter 4;

(b) exclude, from any exemption granted to a category of persons under paragraph (a), any person belonging to that category;

(c) withdraw any exemption granted under paragraph (a) to any person or to any category of persons, in respect of such person or such category or any member of such category.

(2) The Minister may delegate the powers conferred on him by subsection (1) in respect of exemption from the provisions of sections 10 (3), 11 and 31 (2) to the Director-General or any officer in the public service.

(3) (a) The Director-General shall at the direction of the Minister cause to be issued to any person, whose exemption from any of the provisions of section 10 or 11 is withdrawn under subsection (1), a temporary permit to sojourn temporarily in Ciskei or any particular part of Ciskei.

(b) A permit referred to in paragraph (a) shall be issued for such purposes, during such period and on such conditions as may be specified in the permit.

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(c) The provisions of section 28 (3) and (4) and of section 68 shall apply *mutatis mutandis* in respect of the person to whom such permit is issued.

(d) A permit issued under paragraph (a) shall for the purposes of this Act be deemed to be a permit issued under section 28 (1).

**53. Certain persons or categories of persons exempt from certain provisions.** - (1) The provisions of Part 2 of Chapter 4 of this Act which relate to aliens shall not apply -

(a) to an alien who is a diplomatic agent or who is accredited to the President as consul-general or consul or vice-consul for any foreign state or who is employed in the legation or chancery or office of such an agent, consul-general, consul or vice-consul or to a member of the household of any person mentioned in the preceding provisions of this paragraph, or to a servant of such a person: Provided that any alien, who resides in Ciskei after he has ceased to be in a category of persons exempted in terms of this paragraph, shall apply for an alien registration certificate in accordance with the provisions of section 39 within such period as the Minister may by notice in writing allow him;

(b) to an alien who is under the age of sixteen years;

(c) to an alien who has been permitted to enter Ciskei under section 55.

(2) The provisions of section 26 shall not apply to any alien who is a diplomatic agent or to any person accredited to the President as consul-general or consul or vice-consul for any foreign State or to any person employed in the legation or chancery or office of such an agent, consul-general, consul or vice-consul or to any member of the household of any person mentioned in the preceding provisions of this paragraph or to a servant of any such person.

**54. Exemption of certain persons from certain requirements on departure from Ciskei.** - The provisions of section 13 shall not apply in the case of any person who -

(a) leaves Ciskei as a member of the crew of any ship, aircraft or other public vehicle and who was a member of such crew when he last entered Ciskei and remained a member of such crew while he was in Ciskei; or

(b) is a passenger on board any ship calling at a port in Ciskei.

**55. Exemption of distinguished visitors.** - If the Minister, or any person to whom the Minister has delegated his powers under this section, is satisfied that any alien who desires to enter Ciskei is a distinguished visitor who has no intention to reside permanently in Ciskei, he may permit the said alien and the wife and any child of the said alien and any alien in his employ to enter Ciskei without holding any permit or certificate under this Act.

## CHAPTER 6

### OFFENCES AND PENALTIES, DETENTION AND REMOVAL OF PERSONS AND PROVISIONS RELATING TO EVIDENCE AND PRESUMPTIONS

#### *Part 1: Offences and penalties*

**56. Offences in relation to entry into Ciskei.** - (1) Any person who contravenes or fails to comply with any provision of section 9, 10 or 11 or any condition subject to which any authority referred to in section 10 has been issued to him, or who fails to comply with a requirement of a passport control officer under section 5, shall be guilty of an offence.

(2) Any person (other than a citizen of Ciskei by birth or descent or registration) who enters Ciskei without being in possession of an unexpired passport or other document of identity required by section 12 shall be guilty of an offence.

**57. Offences in relation to departure from Ciskei.** - (1) Any person who contravenes or fails to comply with any provision of section 13, 14 or 15 or who fails to comply with a notice under section 16 (4) shall be guilty of an offence.

(2) The registrar or clerk of any court convicting any air carrier of a contravention of section 13 shall within fourteen days after such conviction furnish the Director-General: Civil Aviation with full particulars relating to such conviction.

(3) It shall in any prosecution for a contravention of the provisions of section 13 or 14 be a sufficient defence if the accused proves that he did not know or had no reason to believe and could not reasonably ascertain that the person whom he is alleged to have conveyed or assisted in contravention of the said provisions was over the age of sixteen years or not in possession of a valid passport or a permit or that any document in possession of such a person was not a valid passport or a permit.



**58. Offences by or in relation to aliens. - (1) Any person -**

- (a) who contravenes any provision of section 26 (1);
  - (b) who, being an alien, fails to comply with a requirement by a passport control officer under section 26 (2);
  - (c) to whom a temporary permit was issued in terms of section 28 (1) or (3) and who remains in Ciskei after the expiration of the period (or an extension of that period under section 28 (4)) for which the permit was issued or contravenes or fails to comply with any condition on which it was issued (or any such condition as altered under section 28 (4));
  - (d) to whom the Minister has, under section 32 granted permission to remain in Ciskei during a stated period and on any condition, and who remains in Ciskei after the expiration of that period or contravenes or fails to comply with that condition;
  - (e) who fails to comply with a notice which has been addressed to him in terms of section 30;
  - (f) who contravenes the provisions of section 31 (1);
  - (g) who fails on demand by a passport control officer to produce to such officer a transit visa (if any) required under section 31;
  - (h) who, being the holder of a transit visa, contravenes or fails to comply with any condition of such transit visa; or
  - (i) who contravenes the provisions of section 33;
  - (j) who, after having been refused permission to enter or after having been removed from, or ordered to leave Ciskei in which he is a prohibited person (whether before or after the commencement of this Act) is found within Ciskei,
- shall be guilty of an offence.

(2) A person found guilty of an offence under subsection (1) (c), (d) or (e) may be dealt with as a prohibited person.

**59. Offences in relation to registration and conditions or restrictions imposed in respect of aliens - (1)** An alien from whom the production of his alien registration certificate is demanded under section 47, who fails to produce a valid alien registration certificate which relates to himself, shall be guilty of an offence unless it is proved that he is the holder of such a certificate and that there is a reasonable excuse for his failure to produce it or that he is not the holder of such a certificate and that his failure to obtain such a certificate did not constitute an offence under this Act.

(2) If any person has failed to comply with any requirement of Part 2 of Chapter 4 with which it was his duty to comply he shall be guilty of an offence: Provided that the preceding provisions of this subsection shall not apply in connection with a person who has failed to comply with the requirements of section 42 (1) or of section 45 (1) if it is proved that he did not know and had no reason to suspect that the alien in question was in fact an alien.

(3) If any person has failed to observe any condition or restriction imposed upon him in terms of section 51 he shall be guilty of an offence.

(4) If any person in any information given under Part 2 of Chapter 4 of this Act makes any false or incorrect statement he shall be guilty of an offence unless it is proved that he believed and had reason to believe that such statement was true.

**60. General offences. - (1) Any person who -**

- (a) aids or abets any person in entering or remaining in Ciskei in contravention of this Act knowing that such person is prohibited from entering or remaining in Ciskei; or
- (b) conveys or causes to be conveyed into Ciskei any person who is not in possession of an unexpired passport or other document of identity required by section 12 and who is not a citizen of Ciskei by birth or descent or registration; or
- (c) aids or abets a person ordered to be removed from Ciskei in evading the order or harbours any person knowing him to be the subject of any such order; or
- (d) for the purpose of entering Ciskei, or of facilitating or assisting the entrance of himself or any other person in contravention of this Act, commits any fraudulent act or makes any false representation by conduct, statement or otherwise; or

(e) for the purpose of entering Ciskei or of remaining therein in contravention of this Act or any other law or of assisting any other person so as to enter or so to remain, fabricates or falsifies any permit, certificate or other document or utters, uses, or attempts to use any permit, certificate or other document which has not been issued by lawful authority or which, though issued by lawful authority, he is not entitled to use, or any fabricated or falsified permit, certificate or other document, knowing it to have been fabricated or falsified; or

(f) gives, proposes to give or promises to give, directly or indirectly, any reward to any officer or to any person whose duty is to deal with applications for the issue of any document under this Act, in respect of the performance or non-performance by such officer or person of such duty; or

(g) endeavours to induce any person whose duty it is to deal with applications for or the issue of permits, certificates or other documents under this Act, to effect or recommend the authorization of the issue of such a permit, certificate or other document; or

(h) agrees with or proposes to any such officer or person to do or permit anything in contravention or evasion of this Act; or

(i) being an officer, or a person employed by the Government of Ciskei -

(i) demands or receives, except from or through the Government of Ciskei, any reward in respect of the performance or non-performance of any duty assigned to him by or under this Act;

(ii) by any wilful act, neglect or default does or permits or agrees to do or permit anything in contravention or evasion of this Act; or

(j) obstructs, hinders, or opposes a passport control officer or police official or any other officer in the execution of his duty under this Act,

shall be guilty of an offence.

**61. Escape or attempted escape.** - Any person, who escapes or attempts to escape from detention while being dealt with under section 65, shall be guilty of an offence and may be arrested without warrant.

**62. Penalties.** - Any person convicted of an offence under this Act shall be liable. -

(a) in the case of a first conviction, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment; or

(b) in the case of a second or subsequent conviction, to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

#### *Part 2: Detention and removal of persons*

**63. Removal of prohibited persons from Ciskei.** - A passport control officer may cause any person who is a prohibited person in respect of Ciskei and enters or is found within Ciskei to be removed therefrom.

**64. Detention and removal of certain persons arriving at a port of entry.** - Any person arriving at a port of entry, who has been personally notified by a passport control officer that he is a prohibited person and in respect of whom such passport control officer has made a declaration to the person in command of the conveyance in which such person has so arrived that such person is a prohibited person, shall be detained by such person in command on that conveyance and, unless such person in command is officially informed that such person has been found not to be a prohibited person, such person in command shall remove that person from Ciskei: Provided that if it appears to a passport control officer (whether upon representations of such person in command or otherwise) that any person in respect of whom such declaration was made ought, for the better carrying out of the objects and purposes of this Act, to be detained elsewhere than on such conveyance, such passport control officer may cause that person to be removed in custody from such conveyance and to be detained in a prison or any other place, whether afloat or on shore, which may be designated by the Minister or the Director-General for the detention of prohibited persons.

**65. Detention and removal of persons referred to in section 56 and 58 (1) (b) and termination of sentence of convicted persons.** - (1) A passport control officer may arrest or cause to be arrested without warrant any person referred to in section 56 or 58 (1) (b) who is not in custody, irrespective of whether such person has been convicted of an offence under that section, and may remove such person or cause him to be removed from Ciskei under a warrant and, pending such removal, may detain him or cause him to be detained in a prison or any other place designated by the Minister or the Director-General.



(2) Imprisonment imposed under this Act on any person who is to be removed under this section shall terminate as soon as the person concerned is removed from Ciskei.

(3) The officer in charge of the prison concerned shall, if a warrant for the removal of a person referred to in this section is produced to him by a passport control officer or police official, deliver such person to that passport control officer or police official and such person shall be deemed to be in lawful custody while he is in the custody of that passport control officer or police official or any other passport control officer or police official for the time being in possession of that warrant.

**66. Removal of certain persons from Ciskei for certain offences.** - Any person (other than a citizen of Ciskei by birth or descent or registration) who, whether before or after the commencement of this Act, has been convicted of any offence referred to in section 62 or Parts 1 and 2 of Schedule 2 and who by reason of the circumstances of such offence is deemed by the Minister to be an undesirable inhabitant of or visitor to Ciskei may be removed from Ciskei under a warrant and may pending his removal, be detained in a prison or any other place designated by the Minister or the Director-General.

**67. Removal from Ciskei of certain persons convicted of certain offences and deemed to be undesirable inhabitants.** - Any person (other than a citizen by birth or descent or registration) who is convicted of any offence committed by him in Ciskei after he has been admitted to Ciskei and who by reason of the circumstances of such offence is deemed by the Minister to be an undesirable inhabitant of or visitor to Ciskei may, notwithstanding anything to the contrary in this Act contained, be removed from Ciskei under a warrant and may, pending removal, be detained in a prison or any other place designated by the Minister or the Director-General.

**68. Removal from Ciskei of persons in the public interest.** - (1) Notwithstanding anything contained in this Act or in any other law, the Minister may, if he considers it to be in the public interest, by warrant under his hand order the removal from Ciskei of any person who is not a citizen of Ciskei by birth or descent or registration and thereupon such person may, pending his removal, be detained in a prison or any other place designated by the Minister or the Director-General.

(2) The decision of the Minister, in regard to the question whether the removal from Ciskei of a person referred to in subsection (1) is or is not in the public interest, shall not be subject to appeal to or review by any court of law and no person shall be entitled to be furnished with any reasons for such decision.

**69. Dependants of certain persons may be removed from Ciskei.** - (1) If a warrant is issued under any provision of section 66, 67 or 68 for the removal from Ciskei of a person who is the head of a family, any dependent member of such family who is not a citizen of Ciskei may be included in such warrant.

(2) For the purposes of subsection (1) -

- (i) "family" means the father and mother and any child who by reason of age or disability is, in the opinion of the Minister, mainly dependent upon the head of the family for support;
- (ii) "head of the family" means the person in the family upon whom the other members of the family are mainly dependent for support.

**70. Suspension of execution of certain warrants.** - The Minister may suspend the execution of any warrant issued under section 66, 67 or 68 on such conditions as he may determine or withdraw any such warrant or, if he is of the opinion that a condition of the suspension of any such warrant has not been complied with, withdraw the suspension.

**71. Removal of persons convicted under section 58 (1) (j).** - Any person convicted under section 58 (1) (j) may at any time be removed from Ciskei under a warrant.

**72. Removal of aliens referred to in Part 2 of Chapter 4.** - (1) When an alien has been convicted under section 59 (3) or (4) or when an alien who is not the holder of a valid or expired alien registration certificate has been convicted under section 59 (2) for a failure to comply with the requirements of section 37 or section 40, or for a failure to comply with the requirements of section 42 (2), if he is not the holder of an expired alien registration certificate (and irrespective of whether as a result of the conviction a sentence was or was not imposed), the Minister may cause such alien to be removed from Ciskei and may cause such alien to be detained in a prison or any other place designated by the Minister or the Director-General until such time as he can be removed.

(2) When an alien has been sentenced to imprisonment for a contravention of section 59 the Minister may cause the alien to be removed from Ciskei before the expiration of his term of imprisonment and thereupon that part of the sentence which the alien has not yet served shall lapse.

(3) When the Minister causes an alien to be detained under subsection (1) he may, if he deems it desirable, remit or refund any fine or any part of a fine to which such alien was sentenced.

(4) An alien charged with any offence mentioned in subsection (1) shall furnish his fingerprints on demand by a police official.

*Part 3: Evidence and presumptions*

**73. Evidence and presumptions generally.** - (1) If in any proceedings the question arises whether, or it is alleged that, any person entered or remained in Ciskei, in contravention of any provision of this Act, such person shall be presumed to have so entered or remained in Ciskei until the contrary is proved.

(2) Any order, warrant, permit, certificate or other document which may under this Act be issued shall be good and effectual if signed by any officer or member of a category of officers in the public service authorized by the Minister by notice in the *Gazette* to sign such an order, warrant, permit, certificate or other document and when so signed shall be evidence in all courts of law and for other purposes that it was issued in accordance with the provisions of this Act.

(3) A certificate under the hand of a passport control officer shall in any proceedings under this Act be *prima facie* proof of the facts stated therein and it shall not be necessary to tender oral evidence in respect of such facts unless the court before which such proceedings are held specially so directs, in which case a postponement shall be granted to enable the passport control officer whose presence is required to attend.

**74. Presumption in relation to section 13.** - If in any prosecution for a contravention of section 13 it is proved that the accused left Ciskei it shall be presumed, until the contrary is proved, that he left Ciskei for the purpose of proceeding to another country.

**75. Presumptions in relation to section 33.** - (1) (a) If any alien is found on any premises in circumstances giving rise to a reasonable suspicion that he resides on such premises, it shall be deemed in any criminal proceedings in respect of a contravention of section 33 (1) (c) or (3) (c) that such alien is harboured by the person who has control over such premises unless the contrary is proved.

(b) If any alien is found on any premises in circumstances giving rise to a reasonable suspicion that he is working on such premises, it shall be deemed in any criminal proceedings in respect of a contravention of section 33 (1) (a), (2) (i) or (ii) or (3) (a) that such alien is in the employment of the person who has control over such premises, unless the contrary is proved.

(2) If any person is charged with a contravention of section 33 (1) (a), (2) (i) or (ii) or (3) (a) such person may -

(a) in the case of a charge of a contravention of subsection (1)(a) of the said section, be found guilty of a contravention of subsection (1) (b) of that section if such be the facts proved;

(b) in the case of a charge of a contravention of subsection (2) (i) or (ii) of the said section, be found guilty of a contravention of subsection (2) (iv) of that section if such be the facts proved;

(c) in the case of a charge of a contravention of subsection (3) (a) of the said section, be found guilty of a contravention of subsection (3) (b) of that section if such be the facts proved.

**76. Presumptions in proceedings arising from contravention of provisions of Part 2 of Chapter 4.** - In any proceedings in connection with a charge of a contravention of any provision of Part 2 of Chapter 4 -

(a) whenever a person is in such charge alleged to be an alien of sixteen years of age or over, he shall, for the purposes of such proceedings be presumed to be such an alien, unless it is proved that he is not such an alien;

(b) any person who is in Ciskei shall be presumed to reside therein unless the contrary is proved and any person who resides in Ciskei and who has no fixed abode shall be deemed to reside in the district in which he was when such proceedings were commenced; and

(c) it shall be presumed that any act prescribed by Part 2 of Chapter 4 was not performed by the accused unless it is proved that it was in fact performed.

CHAPTER 7

GENERAL

**77. Oversight or misrepresentation may invalidate exemption.** - No prohibited person shall be exempt from the provisions of this Act or be allowed to remain in Ciskei on the grounds only that he had not been informed that he could not enter or remain in Ciskei through oversight or misrepresentation or owing to the fact having been undiscovered that he was such a prohibited person.

**78. Prohibited person disqualified from obtaining certain licences.** - (1) No person who is a prohibited person in respect of Ciskei and who has not been lawfully admitted to Ciskei for residence therein shall be capable of acquiring any licence or other authority under any law for the purpose of carrying on any business, trade, profession or occupation in Ciskei.

(2) Any licence or other authority acquired by a prohibited person in contravention of the provisions of subsection (1) shall be void.

**79. Regulations.** - (1) The Minister may make regulations with regard to -

(a) the permits, certificates, warrants and any other documents which may be issued under this Act;

(b) the amounts that may be charged in respect of such permits, certificates and other documents or in respect of overtime services to be performed by passport control officers, and generally with regard to all procedures, forms, amounts and other matters which by this Act are required or permitted to be prescribed or which he considers necessary or expedient to be prescribed in order that this Act may be more effectively administered and the purposes thereof better achieved.

(2) Different regulations may be made in respect of different ports of entry.

(3) Any regulations under subsection (1) (b) and any other regulation prescribing any amount shall be made with the concurrence of the Minister of Finance.

(4) Regulations made under subsection (1) may prescribe penalties for a contravention thereof or a failure to comply therewith not exceeding a fine of five hundred rand or imprisonment for a period of six months.

**80. Repeal or amendment of laws and savings.** - (1) Subject to the provisions of subsection (2) of this section and section 8 of the Births and Deaths Registration Act, 1987 (Act 25 of 1987) -

(a) the laws mentioned in Part 1 of Schedule 3 are hereby repealed; and

(b) the law mentioned in Part 2 of Schedule 3 is hereby amended as indicated in that Part.

(2) Anything done under any law repealed by subsection (1) shall, unless inconsistent with the provisions of this Act, be deemed to have been done under the corresponding provisions of this Act.

(3) Until the Minister makes regulations in terms of section 79 the regulations in force under the laws repealed by subsection (1) (hereinafter referred to as the existing regulations) shall, notwithstanding such repeal and to the extent to which the existing regulations can be applied and are not inconsistent with the provisions of this Act, continue to apply: Provided that, whenever the Minister makes regulations relating to any of the matters referred to in section 79, that part of the existing regulations relating to any matter dealt with in the regulations so made shall be deemed to have been repealed.

**81. Short title and commencement.** - This Act shall be called the Immigration, Emigration and Aliens Act, 1988 and shall come into operation on a date to be fixed by the President by proclamation in the *Gazette*.

SCHEDULE 1

DESIGNATED COUNTRIES  
(Section 1)

Republic of South Africa

SCHEDULE 2

Part 1

*Offences referred to in sections 18 (f) and 66*

High treason.  
Sedition.  
Public violence.  
Murder.  
Culpable homicide.  
Assault with intent to do grievous bodily harm.  
Robbery.  
Theft.  
Receiving stolen property knowing it to be stolen.  
Housebreaking with intent to commit an offence.  
Extortion or the obtaining of property by means of a threat.  
Fraud.  
Arson.  
Malicious injury to property.  
Dealing in, selling, supplying or being in possession of any substance from time to time referred to in Part I, II or III of the Schedule to the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act 41 of 1971).  
Counterfeiting coin or the uttering of counterfeit coin knowing it to be counterfeit.  
Forgery or the uttering of a forged document knowing it to be forged.  
Rape.  
Indecent assault.  
Unlawful carnal intercourse, or the commission of any immoral or indecent act, with a girl under the prescribed age or with a female idiot or imbecile or soliciting or enticing any such girl or idiot or imbecile to the commission of any such act.  
Indecent exposure.  
Incest.  
Sodomy.  
Kidnapping.  
Childstealing.  
Abduction.  
Defeating or obstructing the course of justice.  
Perjury.  
Any attempt or incitement to commit any such offence.

Part 2

Offences referred to in section 66.  
Dealing in, selling or being in possession of unwrought precious metal or rough or uncut precious stones in contravention of any law.  
Contravention of the Insolvency Act, 1936 (Act 24 of 1936), which constitutes an offence under that Act.  
Contravention of section 319 (3) of the Criminal Procedure Act, 1955 (Act 56 of 1955).  
Contravention of section 36 or 37 of the General Law Amendment Act, 1955 (Act 62 of 1955).  
Contravention of any provision of the Immorality Act, 1957 (Act 23 of 1957), which constitutes an offence under that Act.  
Contravention of section 22A of the Heraldry Act, 1962 (Act 18 of 1962).  
Contravention of section 18 of the Price Control Act, 1964 (Act 25 of 1964).  
Contravention of section 2(1) of the Indecent or Obscene Photographic Matter Act, 1967 (Act 37 of 1967).  
Contravention of any law relating to exchange control.  
Any offence under any law which has as its object the security of the State or the maintenance of law and order.

IMMIGRATION, EMIGRATION AND ALIENS ACT, 1988

SCHEDULE 3

*Part 1: Laws repealed*

<i>Number and year</i>	<i>Short title</i>
Act 1 of 1937	Aliens Act, 1937
Act 26 of 1939	Aliens Registration Act, 1939
Act 1 of 1949	Aliens Registration Amendment Act, 1949
Act 34 of 1955	Departure from the Union Regulation Amendment Act, 1955
Act 59 of 1961	Aliens Amendment Act, 1961
Act 60 of 1961	Admission of Persons to the Union Regulation Amendment Act, 1961
Act 69 of 1962	Commonwealth Relations Act, 1962
Act 23 of 1964	Residence in the Republic Regulation Act, 1964
Act 7 of 1967	Aliens Amendment Act, 1967
Act 61 of 1967	Border Control Act, 1967
Act 38 of 1969	Admission of Persons to and Departure from the Republic Regulation Amendment Act, 1969
Act 12 of 1971	Aliens Amendment Act, 1971
Act 59 of 1972	Admission of Persons to the Republic Regulation Act, 1972
Act 40 of 1973	Aliens Control Act, 1973
Act 42 of 1978	Admission of Persons to the Republic Regulation Amendment Act, 1978
Act 6 of 1979	Admission of Persons to the Republic Regulation Amendment Act, 1979
Act 7 of 1979	Departure from the Union Regulation Amendment Act, 1979
Act 29 of 1980	Admission of Persons to the Republic Regulation Amendment Act, 1980.
Act 78 of 1981	Aliens Amendment Act, 1981
Act 49 of 1984	Aliens and Immigration Laws Amendment Act, 1984

*Part 2: Amendment of law (section 80 (1) (b))*

The Ciskeian Registration of Persons Act, 1981 (Act 15 of 1981) amended -

(1) by the insertion after section 6 of the following section:

"6A. Change of name not permitted except with Minister's authority.

(1) If any person, who at any time bore or was known by a particular surname, assumes or describes himself by or passes under any other surname he shall be guilty of an offence unless the Minister or an officer in the public service authorized thereto by him has authorized him to assume that other surname and such authority has been published in the *Gazette*: Provided that this subsection shall not apply -

(a) when a woman on her marriage assumes the surname of her husband;

(b) when a married or divorced woman or a widow resumes a surname which she bore at any prior time;

(c) when a woman, who lives or lived with a man as his putative wife, assumes the surname of that man or, after having assumed his surname, resumes a surname which she bore at any prior time;

(d) when a woman who concluded a customary union as defined in section 35 of the Black Administration Act, 1927 (Act 38 of 1927) assumes the surname of the man with whom she concluded such union or, after having assumed his surname, resumes a surname which she bore at any prior time;



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(e) when a person, who has been adopted in Ciskei in accordance with the provisions of any law relating to the adoption of children, assumes the surname of the person who adopted him;

(f) when a person born out of wedlock, after the marriage of his natural parents assumes the surname of his father; or

(g) in the other circumstances contemplated in section 8 of the Births and Deaths Registration Act, 1987 (Act 25 of 1987).

(2) No such notice as is contemplated in subsection (1) shall be issued unless -

(a) the person concerned has published in the manner hereinafter prescribed once in each of two consecutive weeks in the *Gazette* and in a daily newspaper which circulates in the district in which the said person resides a notice of his intention to assume another surname; and

(b) the Minister or an officer in the public service authorized thereto by him has satisfied himself from a statement submitted by the said person and from reports furnished by the Commissioner of the Ciskeian Police and by the magistrate of the district in which the person concerned resides that the said person is of good character and that there is a good and sufficient reason for his assumption of another surname; and

(c) the said person has paid such fees and has complied with such further requirements as may be prescribed.

(3) The said notice shall set forth in full every forename and the surname which the person in question bears or by which he is known, every other forename or surname which he previously bore or by which he was previously known, the forename or forenames and surname which he desires to assume, his residential address and his business address (if any), the reasons why he desires to assume another surname, and shall invite any person who objects to his assumption of any such forename or surname to lodge his objection in writing with the aforesaid magistrate.

(4) If any person has lodged with the said magistrate any such objection as aforesaid, the magistrate shall attach that objection to his report mentioned in paragraph (b) of subsection (2).

(5) A conviction or an acquittal of a person on a charge under subsection (1) of having assumed or described himself or passed under any particular surname shall not be a bar to a further charge and conviction under that subsection if the said person, after the first-mentioned conviction or acquittal, again assumes or describes himself or passes under that surname or any other surname.”;

(2) by the insertion in subsection (1) of section 8 after paragraph (g) of the following paragraph:

“(gA) contravenes any provision of section 6A;” and

(3) by the substitution in paragraph (a) of subsection (2) for the expression “paragraph (a), (b) or (c)” of the expression “paragraph (a), (b), (c) or (gA)”.



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**DEPARTMENT OF INTERNAL AFFAIRS AND  
LAND TENURE**

**GOVERNMENT NOTICE No. 63 OF 1988**

**IMMIGRATION, EMIGRATION AND ALIENS ACT, 1988**

**(ACT No. 9 OF 1988)**

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