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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprys
(GST excluded/AVB uitgesluit)

Local 80c Plaaslik

Other countries R1,10 Buitelands
Post free • Posvry

Vol. 313

CAPE TOWN, 3 JULY 1991

KAAPSTAD, 3 JULIE 1991

No. 13345

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1494.

3 July 1991

No. 1494.

3 Julie 1991

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

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Definitions

1. In this Act, unless the context otherwise indicates—

- (i) "alien" means a person who is not a South African citizen; (xxii)
 - (ii) "board" means the Immigrants Selection Board established by section 24; (xiv) 5
 - (iii) "Department" means the Department of Home Affairs; (i)
 - (iv) "Director-General" means the Director-General: Home Affairs; (ii)
 - (v) "domicile" means the place where a person in relation to the exercise of his rights and the fulfilment of his obligations, is in law deemed to be permanently present, even though he may in fact be absent there; (iii) 10
 - (vi) "immigration officer" means an immigration officer appointed under section 3; (viii)
 - (vii) "master", in relation to a ship, means the person (other than a pilot) for the time being in charge or command of that ship; (v)
 - (viii) "Minister" means the Minister of Home Affairs; (ix) 15
 - (ix) "occupier", in relation to any premises, means—
 - (a) the person who actually occupies those premises;
 - (b) the person 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 the Republic or whose whereabouts are unknown; (x) 20
 - (x) "owner", in relation to a ship, includes the charterer of the ship or any agent within the Republic of the owner or charterer; (iv)
 - (xi) "passport" means any passport, tourist passport, other travel document or prescribed document of identification issued— 25
 - (a) to a person on behalf of the Government of the Republic;
 - (b) on behalf of the government of any country or territory, recognized by the Government of the Republic, to a person who is a citizen of the country or territory concerned but not also a South African citizen; 30
 - (c) on behalf of any international organization, so recognized, to a person who is not a South African citizen; or
 - (d) to a person in accordance with an agreement between the Government of the Republic and the government of a state the territory of which formerly formed part of the Republic, 35
- and which—
- (i) contains a personal description of such person, the name of the country in which he was born and the date of his birth, and to which a photograph of him is attached in which all his features are clearly and correctly depicted; and 40
 - (ii) in the case contemplated in paragraph (c), was recognized beforehand as such by the Minister; (xi)

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BYLAE I Misdrywe bedoel in artikels 39 en 45

BYLAE II Misdrywe bedoel in artikel 45

BYLAE III Wette herroep

Woordoms krywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “Departement” die Departement van Binnelandse Sake; (iii)
 - (ii) “Direkteur-generaal” die Direkteur-generaal: Binnelandse Sake; (iv)
 - 5 (iii) “domisilie” die plek waar iemand met betrekking tot die uitoefening van sy regte en die nakoming van sy verpligtinge regtens geag word permanent aanwesig te wees, selfs al is hy daar inderdaad afwesig; (v)
 - (iv) “eienaar”, met betrekking tot ’n skip, ook die bevrachter van die skip of ’n verteenwoordiger in die Republiek van die eienaar of bevrachter; (x)
 - 10 (v) “gesagvoerder”, met betrekking tot ’n skip, die persoon (uitgesonderd ’n loods) wat op die relevante tydstop gesag of bevel oor daardie skip voer; (vii)
 - (vi) “haweweg” of “toegangspoort”—
 - 15 (a) ’n plek aan die kus van die Republiek;
 - (b) ’n spoorwegstasie of plek in die Republiek op of naby een van die grense daarvan; of
 - (c) ’n lughawe of vliegveld in die Republiek, waar ’n immigrasiebeampte gestasioneer is; (xiii)
 - 20 (vii) “hierdie Wet” ook ’n bevel, voorskrif of regulasie wat kragtens hierdie Wet uitgereik of uitgevaardig is of geag word daarkragtens uitgereik of uitgevaardig te wees; (xxii)
 - (viii) “immigrasiebeampte” ’n immigrasiebeampte wat kragtens artikel 3 aangestel is; (vi)
 - (ix) “Minister” die Minister van Binnelandse Sake; (viii)
 - 25 (x) “okkupeerder”, met betrekking tot ’n perseel—
 - (a) die persoon wat inderdaad dié perseel okkupeer;
 - (b) die persoon wat geregtig is om dié perseel te okkupeer;
 - (c) die persoon in wie se sorg of onder wie se beheer dié perseel is; en
 - (d) die agent van so ’n persoon wat nie in die Republiek is nie of ten opsigte van wie dit onbekend is waar hy hom bevind; (ix)
 - 30 (xi) “paspoort” enige paspoort, toeristepaspoort, ander reisdokument of voorgeskrewe identifikasiebewys wat uitgereik is—
 - (a) aan iemand namens die Regering van die Republiek;
 - (b) namens die regering van ’n land of gebied, erken deur die Regering van die Republiek, aan iemand wat ’n burger van die betrokke land of gebied is maar nie ook ’n Suid-Afrikaanse burger is nie;
 - (c) namens ’n internasionale organisasie, aldus erken, aan iemand wat nie ’n Suid-Afrikaanse burger is nie; of
 - 40 (d) aan iemand ooreenkomstig ’n ooreenkoms tussen die Regering van die Republiek en die regering van ’n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het, en wat—
 - 45 (i) ’n persoonlike beskrywing van so iemand en die naam van die land waarin en die datum waarop hy gebore is, bevat, en waaraan ’n foto van hom aangebring is waarop al sy gelaats-trekke duidelik en korrek afgebeeld is; en
 - (ii) in die geval beoog in paragraaf (c), vooraf as sodanig deur die Minister erken is; (xi)

- (xii) "police officer" means any member of the Force as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958); (xiii)
- (xiii) "port" or "port of entry" means—
 - (a) any place on the coast of the Republic;
 - (b) any railway station or place in the Republic at or near any of the borders thereof; or
 - (c) any airport or aerodrome in the Republic, where an immigration officer is stationed; (vi)
- (xiv) "premises" means any building, structure or tent together with the land on which it is situated and the adjoining land used in connection therewith, and includes any land without any building, structure or tent thereon, and any vehicle, conveyance, aeroplane, ship or boat; (xii)
- (xv) "prescribe" means prescribe by regulation; (xxi)
- (xvi) "prohibited person" means a person referred to in section 39; (xix)
- (xvii) "provisional permit" means a permit referred to in section 10; (xx)
- (xviii) "regulation" means any regulation made or in force under this Act; (xv)
- (xix) "ship" includes any vessel or boat, of any kind, used in navigation, whether propelled by means of sails, steampower or other mechanical means or towing or oars or in any other manner; (xvi)
- (xx) "temporary permit" means a permit referred to in section 41; (xviii)
- (xxi) "temporary residence permit" means a permit referred to in section 26; (xvii)
- (xxii) "this Act" includes any order, direction or regulation issued or made or deemed to have been issued or made under this Act. (vii)

CHAPTER I

Administration

Application of Act

2. The provisions of this Act shall also apply, in so far as they can be applied, in respect of all conveyances other than ships, and in respect of persons entering or seeking to enter or who have entered or are being brought into or have been brought into the Republic by means of such conveyances or on foot.

Appointment and certain functions of immigration officers

- 3. (1) The Minister may—
 - (a) appoint as an immigration officer—
 - (i) any officer or employee in the Public Service;
 - (ii) a person in the service of a statutory body as defined in section 1 of the Exchequer Act, 1975 (Act No. 66 of 1975);
 - (iii) a person in the service of an institution or body having functions similar to those of a local authority;
 - (iv) a person in the service of a regional services council referred to in section 3 of the Regional Services Council Act, 1985 (Act No. 109 of 1985), or a joint services board referred to in section 4 of the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990); and
 - (b) confer upon or assign to any immigration officer or any category of immigration officers such powers or duties as to the administration of this Act, as he may deem necessary.
- (2) In the application of paragraph (a) of subsection (1) the Minister may appoint as immigration officers a group of officers, employees or persons referred to in that paragraph and belonging to a category of such officers, employees or persons determined by him, by determining that each such officer, employee or person, as the case may be, belonging to such category shall be an immigration officer, whereupon each such officer, employee or person, as the case may be, shall be an immigration officer as long as he belongs to such category.
- (3) The appointment of a person as an immigration officer or any persons belonging to a category of persons as immigration officers may at any time be withdrawn by the Minister.

- (xii) "perseel" enige gebou, struktuur of tent saam met die grond waarop dit staan en die aangrensende grond wat in verband daarmee gebruik word, en ook grond sonder 'n gebou, struktuur of tent daarop, en 'n rytuig, voertuig, vliegtuig, skip of boot; (xiv)
- 5 (xiii) "polisiebeampte" 'n lid van die Mag soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet No. 7 van 1958); (xii)
- (xiv) "raad" die Immigrantekeorraad by artikel 24 ingestel; (ii)
- (xv) "regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig of van krag is; (xviii)
- 10 (xvi) "skip" ook 'n vaartuig of boot, van enige soort, wat in navigasie gebruik word, ongeag of dit voortbeweeg word deur middel van seile, stoomkrag of 'n ander meganiese middel of sleep of roeispane of op 'n ander wyse; (xix)
- (xvii) "tydelike verblyfpermit" 'n permit bedoel in artikel 26; (xxi)
- 15 (xviii) "tydelike vergunning" 'n vergunning bedoel in artikel 41; (xx)
- (xix) "verbode persoon" iemand bedoel in artikel 39; (xvi)
- (xx) "voorlopige permit" 'n permit bedoel in artikel 10; (xvii)
- (xxi) "voorskryf" by regulasie voorskryf; (xv)
- (xxii) "vreemdeling" iemand wat nie 'n Suid-Afrikaanse burger is nie. (i)

CHAPTER II

20

HOOFSTUK I

*Administrasie***Toepassing van Wet**

2. Die bepalings van hierdie Wet is ook van toepassing, in sover dit toegepas kan word, ten opsigte van alle ander vervoermiddels as skepe, en ten opsigte van
- 25 persone wat die Republiek deur middel van sodanige vervoermiddels of te voet binnekom of wil binnekom of binnegekom het of binnegebring word of binnegebring is.

Aanstelling en sekere werksaamhede van immigrasiebeamptes

3. (1) Die Minister kan—
- 30 (a) as immigrasiebeampte aanstel—
- (i) 'n beampte of werknemer in die Staatsdiens;
- (ii) iemand in die diens van 'n statutêre liggaam soos omskryf in artikel 1 van die Skatkiswet, 1975 (Wet No. 66 van 1975);
- 35 (iii) iemand in die diens van 'n instelling of liggaam met funksies soortgelyk aan dié van 'n plaaslike owerheid;
- (iv) iemand in die diens van 'n streeksdiensteraad bedoel in artikel 3 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), of 'n gesamentlike diensteraad bedoel in artikel 4 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990 (Wet No. 84
- 40 van 1990); en
- (b) aan 'n immigrasiebeampte of 'n kategorie immigrasiebeamptes die bevoegdhede of pligte met betrekking tot die uitvoering van hierdie Wet wat hy nodig ag, verleen of opleë.
- 25 (2) By die toepassing van paragraaf (a) van subartikel (1) kan die Minister 'n
- 45 groep beamptes, werknemers of persone bedoel in daardie paragraaf en wat behoort tot 'n kategorie van genoemde beamptes, werknemers of persone deur hom bepaal, as immigrasiebeamptes aanstel deur te bepaal dat elke sodanige beampte, werknemer of persoon, na gelang van die geval, wat tot sodanige kategorie behoort 'n immigrasiebeampte is, waarop elke sodanige beampte,
- 50 werknemer of persoon, na gelang van die geval, 'n immigrasiebeampte is solank hy tot sodanige kategorie behoort.
- (3) Die aanstelling van iemand as immigrasiebeampte of persone wat behoort tot 'n kategorie persone as immigrasiebeamptes, kan te eniger tyd deur die Minister ingetrek word.

Delegation of powers, and review

4. (1) The Minister may, subject to such conditions as he may deem necessary, delegate any power conferred on him by this Act, excluding a power referred to in sections 24, 37 and 47, and 50 to the extent to which it applies to section 47, and 56, to an officer or employee in the service of the Department, but shall not be divested of any power so delegated and may set aside or amend any decision of the delegate made in the exercise of such a power.

(2) The Director-General may, subject to such conditions as he may deem necessary, delegate any power conferred on him by this Act to an officer or category of officers or an employee or category of employees or a person or category of persons in the Public Service, but shall not be divested of any power so delegated and may set aside or amend any decision of the delegate made in the exercise of such a power.

(3) (a) Subject to the other provisions of this Act, the Minister may review any decision given or steps taken under this Act and, in so doing, confirm or set aside such decision or steps and give such decision or take such steps as in the circumstances may be given or taken under this Act.

(b) Paragraph (a) shall not apply to a decision of or steps taken by the board.

CHAPTER II**Admission to Republic****Part I****PORTS OF ENTRY****DUTIES OF IMMIGRATION OFFICERS****PASSPORTS AND VISAS****Place where Republic is to be entered**

5. (1) Subject to the provisions of subsections (2) and (3), no person shall enter the Republic at any place other than a port of entry.

(2) (a) If an agreement entered into between the Government of the Republic and the government of a state the territory of which formerly formed part of the Republic, provides that persons belonging to a category of persons specified in the agreement may enter the Republic at a place, other than a port of entry, so specified, the Minister may, notwithstanding the provisions of subsection (1), by notice in the *Gazette* authorize such persons to enter the Republic at the place so specified.

(b) The Minister may at any time exclude any person or any 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 document or by entering in his passport 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) Any person who in contravention of the provisions of this section or a condition determined in terms thereof, enters the Republic, shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Report to immigration officer before entering Republic

6. (1) Subject to the provisions of subsection (2), a person shall, before entering the Republic, present himself to an immigration officer at a port of entry and satisfy such officer that he is not a prohibited person.

Delegering van bevoegdhede, en hersiening

4. (1) Die Minister kan, onderworpe aan die voorwaardes wat hy nodig mag ag, 'n bevoegdheid by hierdie Wet aan hom verleen, uitgesonderd 'n bevoegdheid bedoel in artikels 24, 37 en 47, en 50 in die mate waarin dit van toepassing is op artikel 47, en 56, aan 'n beampte of werknemer in diens van die Departement deleger, maar is nie ontdoen nie van 'n bevoegdheid aldus gedelegeer, en kan 'n beslissing van die gedelegeerde geneem by die uitoefening van so 'n bevoegdheid, tersyde stel of wysig.

(2) Die Direkteur-generaal kan, onderworpe aan die voorwaardes wat hy nodig mag ag, 'n bevoegdheid by hierdie Wet aan hom verleen aan 'n beampte of kategorie beamptes of 'n werknemer of kategorie werknemers of 'n persoon of kategorie persone in die Staatsdiens deleger, maar is nie ontdoen nie van 'n bevoegdheid aldus gedelegeer, en kan 'n beslissing van die gedelegeerde geneem by die uitoefening van so 'n bevoegdheid, tersyde stel of wysig.

(3) (a) Behoudens die ander bepalinge van hierdie Wet kan die Minister 'n beslissing of stappe wat kragtens hierdie Wet geneem of gedoen is, hersien en, wanneer hy dit doen, dié beslissing of stappe bekragtig of tersyde stel en 'n beslissing neem of stappe doen wat onder die omstandighede kragtens hierdie Wet geneem of gedoen kan word.

(b) Paragraaf (a) is nie van toepassing op 'n beslissing van of stappe deur die raad nie.

HOOFTUK II**Toelating tot Republiek****DEEL I****TOEGANGSPOORTE****PLIGTE VAN IMMIGRASIEBEAMPTES****PASPOORTE EN VISUMS****Plek waar Republiek binnegekom moet word**

5. (1) Behoudens die bepalinge van subartikels (2) en (3) mag niemand die Republiek by 'n ander plek as 'n toegangspoort binnekom nie.

(2) (a) Indien 'n ooreenkoms wat aangegaan is tussen die Regering van die Republiek en die regering van 'n staat waarvan die grondgebied voorheen deel van die Republiek uitgemaak het, bepaal dat persone wat behoort tot 'n kategorie persone in die ooreenkoms vermeld, die Republiek mag binnekom by 'n plek aldus vermeld wat nie 'n toegangspoort is nie, kan die Minister, ondanks die bepalinge van subartikel (1), bedoelde persone by kennisgewing in die *Staatskoerant* magtig om die Republiek by die plek aldus vermeld binne te kom.

(b) Die Minister kan te eniger tyd 'n persoon of 'n kategorie persone deur hom bepaal, uitsluit van 'n magtiging kragtens paragraaf (a) verleen.

(3) Die Minister kan op die voorwaardes wat hy bepaal, 'n bepaalde persoon van die bepalinge van subartikel (1) vrystel.

(4) (a) 'n Vrystelling kragtens subartikel (3) word verleen deur aan die betrokke persoon 'n geskrif uit te reik of in sy paspoort 'n endossement aan te bring waarin die feit dat sodanige vrystelling aan hom verleen is en die voorwaardes van sy vrystelling (as daar is) vermeld word.

(b) Die Minister kan te eniger tyd by skriftelike kennisgewing aan 'n persoon 'n vrystelling wat kragtens subartikel (3) aan hom verleen is, intrek.

(5) Iemand wat in stryd met die bepalinge van hierdie artikel of 'n voorwaarde ingevolge dié bepalinge bepaal, die Republiek binnekom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met dié boete sowel as dié gevangenisstraf.

Aanmelding by immigrasiebeampte voor Republiek binnegekom word

6. (1) Behoudens die bepalinge van subartikel (2) moet iemand, voordat hy die Republiek binnekom, hom by 'n immigrasiebeampte by 'n toegangspoort aanmeld en dié immigrasiebeampte oortuig dat hy nie 'n verbode persoon is nie.

(2) An immigration officer may at any time, by means of an endorsement in the passport of a person, grant to that person permission, subject to such conditions as may be specified in such endorsement, to enter the Republic from time to time during a period so specified, but not exceeding six months at a time, at a port of entry so specified, without having to present himself to an immigration officer as required by subsection (1): Provided that the immigration officer may at any time during that period require that person to produce to him his passport for perusal and may in such event forthwith or when the opportunity arises withdraw such permission by an endorsement in the said passport. 5

(3) Different immigration officers may in respect of different ports of entry and in respect of the same period grant to the same person such permission as is contemplated in subsection (2). 10

(4) Any person who fails to comply with a requirement in terms of subsection (2) shall be guilty of an offence and on conviction liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment. 15

Steps by immigration officer in respect of certain persons

7. (1) An immigration officer may require any person referred to in section 6(1), or any other person who in the opinion of such officer is not entitled to be in the Republic— 20

- (i) to make and sign a declaration in the prescribed form;
- (ii) to produce documentary or other evidence relative to his claim to enter or be in the Republic;
- (iii) to submit to any examination or test to which he may be subjected under this Act; and 25
- (iv) if it is suspected that such person is afflicted with any disease or physical infirmity which under this Act would render him a prohibited person, to submit to an examination by a medical practitioner designated by the Director-General.

(2) Any declaration made by any person under subsection (1) shall, notwithstanding anything to the contrary contained in any law relating to stamp duty, be exempt from such stamp duty as is imposed by law in respect of affidavits and solemn or attested declarations. 30

Immigration officer to permit certain persons to enter Republic

8. An immigration officer shall allow any person who he is satisfied is not, or who obviously is not, a prohibited person, to enter and sojourn in the Republic and endorse the fact that he has been so allowed in his passport, if available, or on a form prescribed by the Director-General for the purpose. 35

Declaration of certain persons to be prohibited persons, and notification of right to make representations

9. (1) If any person contravenes or fails to comply with the provisions of section 5, 6 or 7 or, having complied with such provisions, fails to satisfy the immigration officer that he is not a prohibited person— 40

- (a) such immigration officer shall declare that person to be a prohibited person, and such person shall not be permitted to land in or enter or sojourn in the Republic; and 45
- (b) such immigration officer shall comply with the provisions of section 52(1).

(2) A member of the crew of a ship which entered a port shall, if he fails to comply with the provisions of section 5 or 6, be a prohibited person, and the provisions of subsection (1) shall not apply to such a prohibited person. 50

(3) This section shall not apply to a person who is a South African citizen.

(2) 'n Immigrasiebeampte kan te eniger tyd, deur middel van 'n endossement in die paspoort van 'n persoon, dié persoon toestemming verleen, onderworpe aan die voorwaardes in dié endossement vermeld, om gedurende 'n tydperk aldus vermeld, maar van hoogstens ses maande op 'n keer, die Republiek van 5 tyd tot tyd by 'n toegangspoort aldus vermeld binne te kom sonder dat hy hom by 'n immigrasiebeampte hoef aan te meld soos deur subartikel (1) vereis word: Met dien verstande dat die immigrasiebeampte te eniger tyd gedurende daardie tydperk kan vereis dat daardie persoon sy paspoort ter insae toon en in so 'n geval daardie toestemming onverwyld of wanneer die geleentheid hom voor- 10 doen kan intrek deur middel van 'n endossement in genoemde paspoort.

(3) Verskillende immigrasiebeamptes kan ten opsigte van verskillende toegangspoorte en ten opsigte van dieselfde tydperk dieselfde persoon toestemming verleen soos in subartikel (2) beoog.

(4) Iemand wat versuim om te voldoen aan 'n vereiste ingevolge subartikel 15 (2), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met dié boete sowel as dié gevangenisstraf.

Stappe deur immigrasiebeampte ten opsigte van sekere persone

7. (1) 'n Immigrasiebeampte kan van 'n persoon bedoel in artikel 6(1) of 'n 20 ander persoon wat na die oordeel van dié beampte nie geregtig is om in die Republiek te wees nie, vereis—

- (i) om 'n verklaring in die voorgeskrewe vorm af te lê en te onderteken;
- (ii) om skriftelike of ander bewyse voor te lê betreffende sy aanspraak om 25 die Republiek binne te kom of daarin te wees;
- (iii) om hom te onderwerp aan 'n ondersoek of toets waaraan hy kragtens hierdie Wet onderwerp kan word; en
- (iv) indien daar vermoed word dat bedoelde persoon aan 'n siekte of 30 liggaamsgebrek ly wat hom kragtens hierdie Wet 'n verbode persoon sou maak, om hom te onderwerp aan 'n ondersoek deur 'n geneesheer aangewys deur die Direkteur-generaal.

(2) Ondanks andersluidende bepalings van 'n wet op seëlreg, is 'n verklaring deur 'n persoon kragtens subartikel (1) afgelê, vrygestel van die seëlreg wat by wet ten opsigte van beëdigde, plegtige of geattesteerde verklarings opgelê is.

Immigrasiebeampte moet sekere persone toelaat om Republiek binne te kom

35 8. 'n Immigrasiebeampte moet 'n persoon wat volgens sy oortuiging nie, of wat klaarblyklik nie, 'n verbode persoon is nie, toelaat om die Republiek binne te kom en daarin te vertoef en moet die feit dat hy aldus toegelaat is, aanteken in sy paspoort, indien dit beskikbaar is, of op 'n vorm wat die Direkteur-generaal vir die doel voorgeskryf het.

40 Verklaring van sekere persone tot verbode persone, en kennisgewing van reg om vertoë te rig

9. (1) Indien 'n persoon die bepalings van artikel 5, 6 of 7 oortree of versuim om daaraan te voldoen of, nadat hy aan dié bepalings voldoen het, nie in staat is om die immigrasiebeampte te oortuig dat hy nie 'n verbode persoon is nie—

- 45 (a) moet bedoelde immigrasiebeampte dié persoon tot 'n verbode persoon verklaar, en word dié persoon nie toegelaat om aan wal te gaan of die Republiek binne te kom of daarin te vertoef nie; en
- (b) moet bedoelde immigrasiebeampte die bepalings van artikel 52(1) nakom.

50 (2) 'n Lid van die bemanning van 'n skip wat 'n hawe binnegekom het, is, indien hy versuim om aan die bepalings van artikel 5 of 6 te voldoen, 'n verbode persoon, en die bepalings van subartikel (1) is nie op so 'n verbode persoon van toepassing nie.

55 (3) Hierdie artikel is nie van toepassing nie op iemand wat 'n Suid-Afrikaanse burger is.

Provisional permits to persons suspected of being prohibited persons

10. (1) (a) If any person referred to in section 9(1), has failed to satisfy the immigration officer that he is not a prohibited person, the immigration officer may issue to such person a provisional permit, subject to such conditions as may be specified therein, which shall be valid for either the whole of the Republic or a part thereof, according as may be so specified, and for the period and the purpose so specified. 5

(b) The Director-General may at any time extend the period or alter the conditions or purpose so specified, in such permit.

(2) Before issuing a permit to any person under subsection (1), the immigration officer may require such person to deposit with the immigration officer such an amount as the immigration officer may determine, but not exceeding the amount determined by the Director-General in general. 10

(3) Any person to whom a permit referred to in subsection (1) has been issued, may enter the Republic or the part thereof concerned and may, subject to the provisions of subsection (5)(a), remain in the Republic or in the part thereof concerned, as the case may be, for the duration of the permit. 15

(4) An amount deposited under subsection (2), shall be forfeited to the State if the person to whom the permit was issued, acts in conflict with the purpose for which, or fails to comply with a condition subject to which, such permit was issued. 20

(5) (a) Before the expiration of a permit issued under subsection (1), the immigration officer shall, after having made such investigation as he might have deemed necessary, decide whether the person to whom the permit was issued is or is not a prohibited person, and if he decides that such person is a prohibited person, he shall— 25

(i) by written notice inform him of his decision and order him to leave the Republic within the period stated in the notice; and

(ii) comply with the provisions of section 52(1).

(b) A person to whom a permit was issued under subsection (1) and who—

(i) acts in conflict with the purpose for which, or fails to comply with a condition subject to which, such permit was issued; or 30

(ii) after having been ordered in terms of subparagraph (a)(i) to leave the Republic, fails to leave the Republic within the period stated in the notice in question,

shall be guilty of an offence and on conviction liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding 12 months and, whether or not he has in respect of such offence been prosecuted or convicted, an immigration officer may, if such person is not in custody, arrest him or cause him to be arrested without a warrant, and may remove him from the Republic or cause him to be removed from the Republic under a warrant issued by the Minister, and pending his removal, may detain him or cause him to be detained in the manner and at the place determined by the Director-General. 40

(c) If a person has been convicted and sentenced under paragraph (b), he may before the expiry of that sentence be removed from the Republic in the manner contemplated in that paragraph, and the provisions of section 43(2) and (3) shall apply *mutatis mutandis* in respect of his removal. 45

Passports and visas

11. (1) Any person entering the Republic who fails on demand by an immigration officer to produce to him a passport which bears a visa or an endorsement by the Director-General to the effect that authority to proceed to the Republic for the purpose of being examined under this Act has been granted by the Minister, or is accompanied by a document containing a statement to that effect together with particulars of such passport, shall be a prohibited person, unless he is proved to be a South African citizen by birth or descent. 50

(2) (a) The Minister may in his discretion exempt any person or category of persons from the provisions of subsection (1) in regard to a visa, endorsement or document referred to therein for a specified or unspecified period and either unconditionally or subject to such conditions as the Minister may impose. 55

(b) The Minister may exclude from any exemption granted to a category of persons under paragraph (a) any person belonging to that category. 60

Voorlopige permitte aan persone wat vermoedelik verbode persone is

10. (1) (a) Indien 'n persoon in artikel 9(1) bedoel in gebreke gebly het om die immigrasiebeampte te oortuig dat hy nie 'n verbode persoon is nie, kan die immigrasiebeampte aan dié persoon 'n voorlopige permit uitreik, onderworpe aan 5 die voorwaardes daarin vermeld, wat geldig is vir òf die hele Republiek òf 'n gedeelte daarvan, na gelang aldus vermeld, en vir die tydperk en doel aldus vermeld.

(b) Die Direkteur-generaal kan te eniger tyd die tydperk aldus in die permit vermeld, verleng of die voorwaardes of doel aldus vermeld, verander.

10 (2) Voordat die immigrasiebeampte kragtens subartikel (1) 'n permit aan iemand uitreik, kan hy van so iemand vereis om by die immigrasiebeampte die bedrag te stort wat die immigrasiebeampte bepaal, maar wat nie meer is as die bedrag wat die Direkteur-generaal in die algemeen bepaal het.

15 (3) 'n Persoon aan wie 'n permit bedoel in subartikel (1) uitgereik is, kan die Republiek of die betrokke gedeelte daarvan binnekom en kan, behoudens die bepalings van subartikel (5)(a), vir die duur van die permit in die Republiek of die betrokke gedeelte daarvan, na gelang van die geval, bly.

20 (4) 'n Bedrag kragtens subartikel (2) gestort, word aan die Staat verbeur indien die persoon aan wie die permit uitgereik is, handel in stryd met die doel waarvoor, of versuim om te voldoen aan 'n voorwaarde waarop, dié permit uitgereik is.

25 (5) (a) Voor die verstryking van 'n permit wat kragtens subartikel (1) uitgereik is, moet die immigrasiebeampte, nadat hy die ondersoek ingestel het wat hy nodig geag het, besluit of die persoon aan wie die permit uitgereik is, 'n verbode persoon is al dan nie, en indien hy besluit dat dié persoon 'n verbode persoon is, moet hy—

(i) by skriftelike kennisgewing hom van sy besluit in kennis stel en hom aansê om die Republiek te verlaat binne die tydperk in die kennisgewing vermeld; en

30 (ii) die bepalings van artikel 52(1) nakom.

(b) Iemand aan wie 'n permit kragtens subartikel (1) uitgereik is en wat—

(i) in stryd handel met die doel waarvoor, of versuim om te voldoen aan 'n voorwaarde waarop, so 'n permit uitgereik is; of

35 (ii) nadat hy ingevolge subparagraaf (a)(i) aangesê is om die Republiek te verlaat, versuim om die Republiek te verlaat binne die tydperk in die betrokke kennisgewing vermeld,

40 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande en, ongeag of hy ten opsigte van dié misdryf aangekla of skuldig bevind is al dan nie, kan 'n immigrasiebeampte genoemde persoon, indien hy nie in hegtenis is nie, sonder 'n lasbrief in hegtenis neem of laat neem en hom uit die Republiek verwyder of laat verwyder kragtens 'n lasbrief wat deur die Minister uitgereik is, en kan hy hom, in afwagting van sy verwydering, op die wyse en plek deur die Direkteur-generaal bepaal, aanhou of laat aanhou.

45 (c) Indien iemand kragtens paragraaf (b) skuldig bevind en gevonnissen is, kan hy voor verstryking van bedoelde vonnis uit die Republiek verwyder word op die wyse beoog in daardie paragraaf, en die bepalings van artikel 43(2) en (3) is *mutatis mutandis* ten opsigte van sy verwydering van toepassing.

Paspoorte en visums

50 11. (1) Iemand wat die Republiek binnekom en versuim om aan 'n immigrasiebeampte op sy versoek 'n paspoort te toon met daarin 'n visum of 'n endossement deur die Direkteur-generaal ten effekte dat magtiging om na die Republiek te gaan om kragtens hierdie Wet ondervra te word, aan hom verleen is deur die Minister, of vergesel van 'n geskrif wat 'n verklaring te dien effekte 55 tesame met besonderhede van daardie paspoort bevat, is 'n verbode persoon tensy bewys word dat hy 'n Suid-Afrikaanse burger deur geboorte of afkoms is.

(2) (a) Die Minister kan na goedgevonden 'n persoon of kategorie persone van die bepalings van subartikel (1) met betrekking tot 'n visum, endossement of geskrif vermeld daarin vrystel vir 'n bepaalde of onbepaalde tydperk en òf 60 onvoorwaardelik òf onderworpe aan die voorwaardes wat die Minister oplê.

(b) Die Minister kan van 'n vrystelling wat aan 'n kategorie persone kragtens paragraaf (a) verleen is, 'n persoon wat tot daardie kategorie behoort, uitsluit.

(c) The Minister may in his discretion—

- (i) withdraw any exemption granted under paragraph (a) to any category of persons or to any person, and, in the case of a person, whether he was exempted as an individual or as a member of a category of persons; and
- (ii) cancel and declare null and void any visa, endorsement or document referred to in subsection (1).

(3) Any person under the age of 16 years shall on entering the Republic be deemed to be in possession of a passport if he is accompanied by his parent in possession of a passport in which the name of that person was inserted on behalf of the Government of the Republic or of any government or international organization recognized by the Government of the Republic.

(4) Any person who is a prohibited person under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding 12 months, and whether or not he has been convicted of that offence, an immigration officer may, if such person is not in custody, arrest him or cause him to be arrested without a warrant, and may remove him or cause him to be removed from the Republic under a warrant issued by the Minister and may, pending his removal, detain him or cause him to be detained in the manner and at a place determined by the Director-General.

(5) If a person has been sentenced under subsection (4), such person may before the expiration of that sentence be removed from the Republic in the manner contemplated in the said subsection, and the provisions of section 43(2) and (3) shall *mutatis mutandis* apply in respect of that removal.

Transit visas

12. (1) Subject to the provisions of section 13(a), no person (other than a South African citizen) who is proceeding from a place outside the Republic to a destination outside the Republic, shall travel through the Republic, unless he is in possession of a transit visa issued for the purpose in terms of subsection (2).

(2) The Minister may in his discretion and on such conditions as he may impose, authorize the issue to any person of a transit visa.

(3) Any person who contravenes the provisions of subsection (1), or who, while travelling through the Republic as contemplated in subsection (1), fails on demand by an immigration officer to produce a transit visa issued to him under subsection (2), and any holder of any such transit visa who contravenes any condition of such visa, shall be guilty of an offence and liable on conviction to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years, and he may be dealt with as a prohibited person, whether or not he has been convicted of that offence.

Exemption from provisions of section 12

13. The Minister may in his discretion—

- (a) exempt any person or category of persons from the provisions of section 12;
- (b) exclude from any exemption granted to a category of persons under paragraph (a), any person belonging to that category; and
- (c) withdraw any exemption granted under paragraph (a) to any category of persons or to any person and, in the case of a person, whether he was exempted as an individual or as a member of a category of persons.

PART II

Ships in ports

DUTIES OF MASTERS OF SHIPS, AND IMMIGRATION OFFICERS

Immigration officer may board ships and prohibit or regulate traffic between ships and shore

14. (1) Any immigration officer may, if he deems it fit, board any ship which is entering or has entered or has been brought into any port.

(c) Die Minister kan na goeddunke—

(i) 'n vrystelling kragtens paragraaf (a) verleen aan 'n kategorie persone of aan 'n persoon intrek en, in die geval van 'n persoon, hetsy hy as individu of as lid van 'n kategorie persone vrygestel is; en

5 (ii) 'n visum, endossement of geskrif bedoel in subartikel (1), rojeer en nietig verklaar.

(3) 'n Persoon onder die ouderdom van 16 jaar word by sy binnekoms in die Republiek geag in besit te wees van 'n paspoort indien hy vergesel word van sy ouer wat in besit is van 'n paspoort waarin die naam van dié persoon ingeskryf is namens die Regering van die Republiek of 'n regering of 'n internasionale organisasie wat deur die Regering van die Republiek erken word.

10 (4) Iemand wat kragtens subartikel (1) 'n verbode persoon is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande en, ongeag of hy
15 aan daardie misdryf skuldig bevind is al dan nie, kan 'n immigrasiebeampte genoemde persoon, indien hy nie in hegtenis is nie, sonder 'n lasbrief arresteer of laat arresteer en hom uit die Republiek verwyder of laat verwyder kragtens 'n lasbrief wat deur die Minister uitgereik is en kan hy hom, in afwagting van sy verwydering, aanhou of laat aanhou op die wyse en plek wat deur die
20 Direkteur-generaal bepaal word.

(5) Indien iemand kragtens subartikel (4) gevonnissen is, kan so iemand voor die verstryking van bedoelde vonnis uit die Republiek verwyder word op die wyse in genoemde subartikel beoog, en die bepalings van artikel 43(2) en (3) is *mutatis mutandis* ten opsigte van bedoelde verwydering van toepassing.

25 Deurreisvisums

12. (1) Behoudens die bepalings van artikel 13(a) mag niemand (uitgesonderd 'n Suid-Afrikaanse burger) wat van 'n plek buite die Republiek onderweg is na 'n bestemming buite die Republiek, deur die Republiek reis nie, tensy hy in besit is van 'n deurreisvisum wat ingevolge subartikel (2) vir die doel uitgereik is.

30 (2) Die Minister kan na goeddunke en op die voorwaardes wat hy oplaê, die uitreiking van 'n deurreisvisum aan iemand magtig.

(3) Iemand wat die bepalings van subartikel (1) oortree, of wat, terwyl hy deur die Republiek reis soos in subartikel (1) beoog, versuim om op aanvraag deur 'n immigrasiebeampte 'n deurreisvisum te toon wat kragtens subartikel (2) aan
35 hom uitgereik is, en 'n houer van so 'n deurreisvisum wat 'n voorwaarde van dié visum oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, en daar kan met hom as 'n verbode persoon gehandel word, ongeag of hy aan daardie misdryf skuldig bevind is al dan nie.

40 Vrystelling van bepalings van artikel 12

13. Die Minister kan na goeddunke—

(a) 'n persoon of kategorie persone van die bepalings van artikel 12 vrystel;

45 (b) 'n persoon wat behoort tot 'n kategorie persone aan wie 'n vrystelling kragtens paragraaf (a) verleen is, van dié vrystelling uitsluit; en

(c) 'n vrystelling kragtens paragraaf (a) verleen aan 'n kategorie persone of aan 'n persoon intrek en, in die geval van 'n persoon, hetsy hy as 'n individu of as 'n lid van 'n kategorie persone vrygestel is.

DEEL II

50 Skepe in hawens

PLIGTE VAN GESAGVOERDERS VAN SKEPE, EN IMMIGRASIEBEAMPTES

Immigrasiebeampte kan aan boord van skepe gaan en verkeer tussen skepe en land verbied of reël

14. (1) 'n Immigrasiebeampte kan, indien hy dit goedvind, aan boord gaan van
55 'n skip wat 'n hawe binnekom of binnegekom het of binnegebring is.

(2) Any immigration officer may, for the better achievement of the objects and purposes of this Act, prohibit or regulate any communication with, disembarkation from, or the offloading of, any ship on which he is proceeding with the examination of persons or which has on board or is suspected of having on board any prohibited person, and the immigration officer may cause such steps to be taken to carry out any such prohibition or regulation as the Director-General may approve. 5

(3) For the better achievement of the objects and purposes of this Act the person in control of the port concerned or any person acting under his authority may, at the request of an immigration officer, order the master of any ship to moor or anchor such ship in the port at such distance from the shore or landing place or in such position as such person may direct. 10

Master of ship to furnish certain lists and returns to immigration officer on demand

15. (1) The master of any ship which enters any port shall deliver to an immigration officer upon demand— 15

(a) a list stating the following, namely—

(i) the names of all passengers on board the ship, classified according to their respective destinations; and

(ii) such other details as may be prescribed by the Director-General; 20

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

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

(d) a return, under the hand of the medical officer of that ship or, if there is no medical officer, under the hand of the master himself, stating— 25

(i) any cases of disease, whether infectious or otherwise, which have occurred or are suspected to have occurred upon the voyage;

(ii) any actual or suspected cases of physical or mental defect or disability;

(iii) the names of the persons who have suffered or are suffering or are suspected to have suffered or to be suffering from such disease, defect or disability; 30

(iv) in each case, the nature of the disease, defect or disability; and

(v) details of any birth or death which occurred upon the voyage between the said port and a previous port. 35

(2) In the case of a ship arriving at a port and destined for any other port or ports in the Republic, the immigration officer at the first-mentioned port may exempt the master of such ship, subject to such rules as he may make for the guidance of such master, from the duty to deliver all or any of the lists, or the return, referred to in subsection (1) at the other port or ports where the ship calls. 40

Detention and removal of certain persons arriving at port

16. (1) Any person arriving at a port and who has been notified by an immigration officer that he is a prohibited person and in respect of whom the immigration officer has made a declaration to the master of the ship on which that person has so arrived that such person is a prohibited person, shall be detained by the master on that ship and, unless such master is informed by an immigration officer that such person has been found not to be a prohibited person, such master shall remove that person from the Republic: Provided that if it appears to an immigration officer (whether upon representations of the master or otherwise) that any person in respect of whom that declaration was made ought, for the better achievement of the objects and purposes of this Act, to be detained elsewhere than on that ship, the immigration officer may cause that person to be removed in custody from such ship and detain him or cause him to be detained in the manner and at a place determined by the Director-General. 50

(2) Any person referred to in subsection (1) shall, pending removal and while detained as contemplated in subsection (1), be deemed to be in the custody of the 55

(2) Om die oogmerke en doelstellings van hierdie Wet op die beste te kan verwesenlik, kan 'n immigrasiebeampte kommunikasie met, ontskeping uit, of die aflaai van, 'n skip waarop hy met die ondervraging van persone besig is of waarop 'n verbode persoon inderdaad of vermoedelik is, verbied of reël, en kan die immigrasiebeampte die stappe laat doen om aan bedoelde verbod of reëling gevolg te gee wat die Direkteur-generaal goedkeur.

(3) Om die oogmerke en doelstellings van hierdie Wet op die beste te kan verwesenlik, kan die persoon in beheer van die betrokke hawe of 'n persoon wat op sy gesag handel, op versoek van 'n immigrasiebeampte die gesagvoerder van 'n skip beveel om dié skip in die hawe vas te meer of te anker op die afstand van die kus of landingsplek of in die posisie wat genoemde persoon gelas.

Gesagvoerder van skip moet op aanvraag sekere lyste en opgawes aan immigrasiebeampte verstrek

15 15. (1) Die gesagvoerder van 'n skip wat 'n hawe binnekom, moet aan 'n immigrasiebeampte op aanvraag oorhandig—

(a) 'n lys wat die volgende vermeld, naamlik—

(i) die name van alle passasiers aan boord van die skip, ingedeel volgens hulle onderskeie bestemmings; en

(ii) die ander besonderhede wat die Direkteur-generaal voorskryf;

20 (b) 'n lys van verstekelinge, indien enige gevind is;

(c) 'n lys van die bemanning en alle ander persone (uitgesonderd passasiers en verstekelinge) wat in enige hoedanigheid op die skip in diens is of vervoer word deur of ten behoeve van die eienaar, of op die skip aanwesig is; en

25 (d) 'n opgawe, onderteken deur die mediese beampte van daardie skip of, indien daar nie 'n mediese beampte is nie, deur die gesagvoerder self, waarin vermeld word—

(i) gevalle van siekte, hetsy aansteeklik of andersins, wat op die reis voorgekom of vermoedelik voorgekom het;

30 (ii) werklike of vermoedelike gevalle van liggaams- of geestesgebreke of -ongeskiktheid;

(iii) die name van die persone wat aan genoemde siekte, gebreke of ongeskiktheid gely het of ly of vermoedelik gely het of ly;

(iv) in elke geval, die aard van die siekte, gebrek of ongeskiktheid; en

35 (v) besonderhede van enige geboorte of sterfte wat op die reis tussen genoemde hawe en 'n vorige hawe voorgekom het.

(2) In die geval waar 'n skip in 'n hawe aankom en vir 'n ander hawe of hawens in die Republiek bestem is, kan die immigrasiebeampte by eersgenoemde hawe die gesagvoerder van genoemde skip vrystel, onderworpe aan die reëls wat hy ter voorligting van dié gesagvoerder uitreik, van die verpligting om of een of 40 meer van die lyste, of die opgawe, bedoel in subartikel (1), te oorhandig in die ander hawe of hawens wat die skip aandoen.

Aanhouding en verwydering van sekere persone wat by hawe aankom

45 16. (1) 'n Persoon wat by 'n hawe aankom en deur 'n immigrasiebeampte in kennis gestel is dat hy 'n verbode persoon is en ten opsigte van wie die immigrasiebeampte aan die gesagvoerder van die skip waarop daardie persoon aldus aangekom het, 'n verklaring gedoen het dat dié persoon 'n verbode persoon is, moet deur die gesagvoerder op daardie skip aangehou word, en die gesagvoerder moet, tensy hy deur 'n immigrasiebeampte in kennis gestel word 50 dat bevind is dat daardie persoon nie 'n verbode persoon is nie, daardie persoon uit die Republiek verwyder. Met dien verstande dat indien dit 'n immigrasiebeampte voorkom (hetsy op grond van vertoë van die gesagvoerder of andersins) dat iemand ten opsigte van wie daardie verklaring gedoen is, elders as op daardie skip aangehou behoort te word vir die beste verwesenliking van die 55 oogmerke en doelstellings van hierdie Wet, die immigrasiebeampte daardie persoon van sodanige skip in aanhouding kan laat verwyder en kan aanhou of laat aanhou op die wyse en plek wat deur die Direkteur-generaal bepaal word.

(2) Iemand in subartikel (1) bedoel, word, terwyl hy in afwagting van sy verwydering aangehou word soos in subartikel (1) beoog, geag in die bewaring

master of such ship and not of the immigration officer or the Minister, and such master shall be liable to pay the costs of the detention and maintenance of such person while so detained.

(3) If the master of the ship referred to in subsection (1) fails to comply with the provisions of that subsection, or to pay the costs mentioned in subsection (2), such master or the owner of such ship shall forfeit in respect of every person concerned a sum fixed by the immigration officer, not exceeding a sum determined by the Director-General.

(4) The immigration officer may, before any person is removed from a ship under subsection (1), require the master or the owner of such ship 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.

(5) (a) If any person referred to in subsection (1) is for any reason not removed from the Republic on the ship on which he was conveyed to the Republic (except by reason of the fact that he was found not to be a prohibited person), the owner of that ship shall at the request of the immigration officer convey that person, free of charge to the State, to a place outside the Republic.

(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 fixed by the immigration officer, not exceeding an amount determined by the Director-General in general.

(6) Any person who escapes or attempts to escape from detention while being dealt with under this section shall be guilty of an offence and may be arrested without a warrant.

Responsibility of master and owner of ship in respect of passengers in transit

17. If a ship arrives at any port in the Republic with a passenger on board bound for a destination outside the Republic, and he is not on board when the ship sails, the master or the owner of that ship shall forfeit in respect of that passenger, a sum fixed by the immigration officer, not exceeding an amount determined by the Director-General: Provided that the provisions of this section shall not apply to a person who in terms of the provisions of this Act has been admitted to the Republic.

Responsibility of master and owner of ship in respect of crew

18. (1) An immigration officer may require the master of a ship to muster the crew of such ship on the arrival of such ship in any port and again before it sails from such port.

(2) If any person whose name appears on the list referred to in section 15(1)(c) is not on board when the ship is ready to sail, the master or the owner of the ship may be required before the ship sails to deposit with the immigration officer, in respect of such person, an amount fixed by the immigration officer, not exceeding an amount determined by the Director-General in general, unless it is proved to the satisfaction of the immigration officer that such person is a South African citizen.

(3) The amount referred to in subsection (2) shall be forfeited to the State unless the master or owner proves to the satisfaction of the immigration officer within 60 days after such amount was deposited that the person in respect of whom such amount was deposited, is no longer in the Republic.

Recovery of sums forfeited under section 16 or 17 or to be deposited under section 18

19. (1) Until any sum which has been forfeited under section 16 or 17 has been paid, or any sum which is to be deposited under section 18 has been deposited, no clearance papers shall be given to the master or owner of the ship in question.

van die gesagvoerder van genoemde skip te wees, en nie in dié van die immigrasiebeampte of die Minister nie, en genoemde gesagvoerder is aanspreeklik vir die koste van die aanhouding en onderhoud van so iemand terwyl hy aldus aangehou word.

5 (3) Indien die gesagvoerder van die skip in subartikel (1) bedoel, versuim om aan die bepalings van daardie subartikel te voldoen, of om die koste vermeld in subartikel (2) te betaal, verbeur genoemde gesagvoerder of die eienaar van
2 genoemde skip ten opsigte van elke betrokke persoon 'n bedrag deur die immigrasiebeampte bepaal, wat nie 'n bedrag oorskry wat deur die Direkteur-
10 generaal bepaal is nie.

(4) Voordat 'n persoon kragtens subartikel (1) van 'n skip verwyder word, kan die immigrasiebeampte van die gesagvoerder of eienaar van dié skip vereis om
10 'n bedrag te stort wat voldoende is om die koste te dek wat deur die Departement aangegaan mag word in verband met die verwydering, aanhou-
15 ding, onderhoud en bewaring van genoemde persoon.

(5) (a) Indien 'n persoon in subartikel (1) bedoel, om die een of ander rede nie uit die Republiek verwyder word nie op die skip waarop hy na die Republiek vervoer is (behalwe omdat bevind is dat hy nie 'n verbode persoon is nie), moet die eienaar van daardie skip daardie persoon, op versoek van die immigrasie-
20 beampte, sonder koste vir die Staat na 'n plek buite die Republiek vervoer.

(b) Indien die eienaar in paragraaf (a) bedoel, versuim om aan die bepalings van daardie paragraaf te voldoen, verbeur dié eienaar ten opsigte van elke persoon in daardie paragraaf bedoel, 'n bedrag deur die immigrasiebeampte bepaal, wat nie 'n bedrag oorskry nie wat deur die Direkteur-generaal in die
25 algemeen bepaal is.

(6) Iemand wat, terwyl daar met hom kragtens hierdie artikel gehandel word, uit bewaring ontsnap of probeer ontsnap, is aan 'n misdryf skuldig en kan sonder 'n lasbrief in hegtenis geneem word.

20 Aanspreeklikheid van gesagvoerder en eienaar van skip ten opsigte van passasiers in transito

17. Indien 'n skip in 'n hawe in die Republiek aankom met 'n passasier aan boord vir 'n bestemming buite die Republiek, en hy nie aan boord is wanneer die skip vertrek nie, verbeur die gesagvoerder of eienaar van daardie skip ten opsigte van daardie passasier 'n bedrag deur die immigrasiebeampte bepaal, wat
35 nie 'n bedrag oorskry nie wat deur die Direkteur-generaal in die algemeen bepaal is: Met dien verstande dat die bepalings van hierdie artikel nie van toepassing is nie op 'n persoon wat ingevolge die bepalings van hierdie Wet tot die Republiek toegelaat is.

40 Aanspreeklikheid van gesagvoerder en eienaar van skip ten opsigte van bemanning

18. (1) 'n Immigrasiebeampte kan die gesagvoerder van 'n skip aansê om die bemanning van dié skip te monster by die aankoms van dié skip in 'n hawe en weer voordat dit uit dié hawe vertrek.

(2) Indien iemand wie se naam op die lys bedoel in artikel 15(1)(c) verskyn,
45 nie aan boord is wanneer die skip gereed is om te vertrek nie, kan van die gesagvoerder of eienaar van die skip vereis word om, voordat die skip vertrek, ten opsigte van so iemand by die immigrasiebeampte 'n bedrag te stort wat die immigrasiebeampte bepaal, wat nie 'n bedrag oorskry nie wat deur die Direkteur-generaal in die algemeen bepaal is, tensy ten genoeë van die
50 immigrasiebeampte bewys word dat so iemand 'n Suid-Afrikaanse burger is.

(3) Die bedrag in subartikel (2) bedoel, word aan die Staat verbeur tensy die gesagvoerder of eienaar binne 60 dae nadat dié bedrag gestort is ten genoeë van die immigrasiebeampte bewys dat die persoon ten opsigte van wie die bedrag gestort is, nie meer in die Republiek is nie.

55 Verhaal van bedrae wat kragtens artikel 16 of 17 verbeur is of wat kragtens artikel 18 gestort moet word

19. (1) Geen uitklaringsbewys word aan die eienaar of gesagvoerder van die betrokke skip gegee nie totdat 'n bedrag wat kragtens artikel 16 of 17 verbeur is,

(2) Such ship may be declared executable by order of a superior court for the recovery of any amount forfeited under section 16 or 17 or required to be deposited under section 18.

Power to refuse clearance papers

20. The competent officer of customs at any harbour may refuse to give to the master of any ship clearance papers to leave that harbour unless he has complied with the provisions of this Act and produced a certificate of an immigration officer to that effect.

Agreements between Minister and shipowners relating to carrying out of certain provisions of Act

21. (1) In order to facilitate the clearance of a ship habitually calling at the various ports, the Minister may in his discretion enter into an agreement (with or without the giving of security) with the owner or master of such ship or the representative of such owner or master whereby the owner or master undertakes or it is undertaken on his behalf that the provisions of sections 16, 17 and 18 will be complied with in so far as they relate to such owner or master.

(2) The terms of an agreement entered into under subsection (1), shall be substituted for the provisions of sections 16, 17 and 18 in so far as those provisions relate to the payment or deposit of moneys by such owner or master of a ship.

CHAPTER III

Residence in Republic and domicile

Loss of domicile

22. (1) Any person who in terms of the provisions of any law ceases to be a South African citizen, loses his domicile in the Republic at the same time.

(2) Any person who in contravention of the provisions of this Act enters the Republic or in terms of a provisional permit referred to in section 10 or a temporary residence permit referred to in section 26 or a temporary permit referred to in section 41 sojourns in the Republic, may not by means of prolonged residence in the Republic establish a domicile in the Republic.

Restriction on entry into and residence in Republic

23. Subject to the provisions of sections 28 and 29, no alien shall—

- (a) enter or sojourn in the Republic with a view to permanent residence therein, unless he is in possession of a permit for permanent residence issued to him in terms of section 25; or
- (b) enter or sojourn in the Republic with a view to temporary residence therein, unless he is in possession of a permit for temporary residence issued to him in terms of section 26.

Establishment of Immigrants Selection Board

24. (1) There is hereby established a board to be known as the Immigrants Selection Board.

(2) (a) The board shall consist of so many members, not being less than five, as the Minister may appoint with such period of office as he may either generally or in respect of any particular member determine.

(b) To such members who are not in the full-time service of the State there shall be paid such remuneration, allowances and gratuities, and they shall be granted such leave privileges, as the Minister may, after consultation with the Minister of Finance, determine.

(3) (a) The Minister shall designate one of the members of the board as the

betaal is, of totdat 'n bedrag wat kragtens artikel 18 gestort moet word, gestort is.

- (2) Genoemde skip kan by bevel van 'n hoërhof vatbaar vir eksekusie verklaar word vir die verhaal van 'n bedrag wat kragtens artikel 16 of 17 verbeur is of kragtens artikel 18 gestort moet word.

Bevoegdheid om uitklaringsbewys te weier

20. Die bevoegde doeanebeampte by 'n hawe kan weier om aan die gesagvoerder van 'n skip 'n uitklaringsbewys te gee om daardie hawe te verlaat, tensy hy aan die bepalings van hierdie Wet voldoen en 'n sertifikaat van 'n immigrasiebeampte te dien effekte getoon het.

Ooreenkomste tussen Minister en eienaars van skepe betreffende nakoming van sekere bepalings van Wet

21. (1) Ten einde die uitklaring van 'n skip wat gereeld by die onderskeie hawens aandoen, te vergemaklik, kan die Minister na goeëdunke met die eienaar of gesagvoerder van dié skip of die verteenwoordiger van dié eienaar of gesagvoerder 'n ooreenkoms aangaan (met of sonder die stel van sekerheid) waarby die eienaar of gesagvoerder onderneem, of namens hom onderneem word, dat die bepalings van artikels 16, 17 en 18 nagekom sal word vir sover hulle op dié eienaar of gesagvoerder betrekking het.
- (2) Die bepalings van 'n ooreenkoms kragtens subartikel (1) aangegaan, kom in die plek van die bepalings van artikels 16, 17 en 18 vir sover dié bepalings betrekking het op die betaling of storting van geld deur genoemde eienaar of gesagvoerder van 'n skip.

HOOFSTUK III

25 Verblyf in Republiek en domisilie

Verlies van domisilie

22. (1) Iemand wat ingevolge die bepalings van 'n wet ophou om 'n Suid-Afrikaanse burger te wees, verloor terselfdertyd sy domisilie in die Republiek.
- (2) Iemand wat in stryd met die bepalings van hierdie Wet die Republiek binnekom of ingevolge 'n voorlopige permit bedoel in artikel 10 of 'n tydelike verblyfpermit bedoel in artikel 26 of 'n tydelike vergunning bedoel in artikel 41 in die Republiek vertoef, kan nie deur middel van langdurige verblyf in die Republiek 'n domisilie in die Republiek vestig nie.

35 Beperking op binnekoms en verblyf in Republiek

23. Behoudens die bepalings van artikels 28 en 29 mag geen vreemdeling—
- (a) die Republiek binnekom of daarin vertoef met die oog op permanente verblyf daarin nie, tensy hy in besit is van 'n permit vir permanente verblyf wat ingevolge artikel 25 aan hom uitgereik is; of
- (b) die Republiek binnekom of daarin vertoef met die oog op tydelike verblyf daarin nie, tensy hy in besit is van 'n permit vir tydelike verblyf wat ingevolge artikel 26 aan hom uitgereik is.

Instelling van Immigrantekeorraad

24. (1) Hierby word 'n raad ingestel wat die Immigrantekeorraad heet.
- (2) (a) Die raad bestaan uit die getal lede, maar minstens vyf, wat die Minister aanstel met die ampstermyn wat hy of in die algemeen of ten opsigte van 'n bepaalde lid bepaal.
- (b) Aan genoemde lede wat nie in die heeltidse diens van die Staat is nie, word die besoldiging, toelaes en gratifikasies betaal en word die verlofvoorregte verleen wat die Minister na oorleg met die Minister van Finansies bepaal.
- (3) (a) Die Minister wys een van die lede van die raad as voorsitter daarvan

chairman thereof, and such chairman shall preside at the meetings of the board at which he is present.

(b) If the chairman is absent from any meeting of the board, the members present shall elect one of their number to preside at such meeting.

(4) (a) Three members of the board shall form a quorum for any meeting thereof. 5

(b) The decision of a majority of the members of the board present at any meeting thereof, shall be the decision of the board, and in the event of an equality of votes the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote. 10

(5) (a) The board may with the approval of the Minister and subject to such conditions and in respect of such area as the board may determine, assign to any member of the board or to any committee established by the board and consisting of two or more members of the board appointed by it, any of the powers, duties or functions conferred or imposed upon it by or under this Act. 15

(b) Anything done by any such member or committee under any such assignment of a power, duty or function, shall for all purposes be deemed to have been done by the board.

(6) The meetings of the board and of such a committee of the board shall be held at such times and places as the Director-General may determine. 20

(7) The administrative work in connection with the functions of the board shall be performed by officers and employees of the Department designated by the Director-General.

Permit for permanent residence in Republic

25. (1) An application by an alien for a permit to enter the Republic with a view to permanent residence therein, shall be made on a form prescribed by the Director-General, shall contain the information for which provision is made in the said form and shall be submitted to the Director-General. 25

(2) Subject to the provisions of subsection (10), the Director-General shall submit every application received by him to the board together with such information relating to the applicant as he may have obtained and shall furnish such further information to the board as it may require in connection with such applicant. 30

(3) If the issue to the applicant of a permit for the purpose of permanent residence in the Republic would not be in conflict with the provisions of this Act or any other law, the board may authorize the issue to the applicant of such a permit and make the authorization subject to any condition the board may deem necessary. 35

(4) The granting or withholding of an authority referred to in subsection (3) shall be entirely in the discretion of the board: Provided that the board shall not authorize the issue of such a permit unless the applicant therefor— 40

(a) is of a good character; and
(b) will within a reasonable period after his entry into the Republic assimilate with inhabitants of the Republic and be a desirable inhabitant of the Republic; and 45

(c) is not likely to be harmful to the welfare of the Republic; and
(d) does not and is not likely to pursue an occupation in which, in the opinion of the board, a sufficient number of persons are already engaged in the Republic to meet the requirements of the inhabitants of the Republic; or 50

(e) is the spouse, a dependent child, or a destitute, aged or infirm member of the family, of a person permanently and lawfully resident in the Republic who is able and undertakes in writing to maintain him or her. 45

(5) When the board has authorized the issue of such a permit the Director-General shall issue the permit subject to the condition that the person to whom it is issued, shall enter the Republic for the purpose of permanent residence therein within a period of six months from the date of issue of the permit: Provided that the Director-General may, on the application of the person to whom such permit has been issued, from time to time extend the period of its validity for such 55

aan, en dié voorsitter moet voorsit op die vergaderings van die raad waarop hy aanwesig is.

(b) Indien die voorsitter van 'n vergadering van die raad afwesig is, moet die aanwesige lede een uit hul midde kies om op dié vergadering voor te sit.

5 (4) (a) Drie lede van die raad maak 'n kworum vir 'n vergadering daarvan uit.

(b) Die beslissing van die meerderheid van die lede van die raad wat op 'n vergadering daarvan aanwesig is, is die beslissing van die raad, en by 'n staking van stemme het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem 'n beslissende stem.

10 (5) (a) Die raad kan met die goedkeuring van die Minister en onderworpe aan die voorwaardes en ten opsigte van die gebied wat die raad bepaal, 'n bevoegdheid, plig of funksie wat by of kragtens hierdie Wet aan hom verleen of opgelê is, opdra aan 'n lid van die raad of aan 'n komitee wat deur die raad ingestel is en bestaan uit twee of meer lede van die raad deur die raad benoem.

15 (b) Enigiets deur so 'n lid of komitee gedoen kragtens so 'n opdra van 'n bevoegdheid, plig of funksie, word vir alle doeleindes geag deur die raad gedoen te gewees het.

(6) Die vergaderings van die raad en van so 'n komitee van die raad word gehou op die tye en plekke wat die Direkteur-generaal bepaal.

20 (7) Die administratiewe werk in verband met die funksies van die raad, word verrig deur beamptes en werknemers van die Departement wat die Direkteur-generaal aanwys.

Permit vir permanente verblyf in Republiek

25 25. (1) 'n Aansoek deur 'n vreemdeling om 'n permit om die Republiek binne te kom met die oog op permanente verblyf daarin, moet gedoen word op 'n vorm wat deur die Direkteur-generaal voorgeskryf is, moet die inligting bevat waarvoor in genoemde vorm voorsiening gemaak is en moet aan die Direkteur-generaal voorgelê word.

30 (2) Behoudens die bepalings van subartikel (10) lê die Direkteur-generaal elke aansoek deur hom ontvang aan die raad voor, tesame met die inligting omtrent die aansoeker wat hy mag gekry het en verstrekk hy aan die raad die bykomende inligting wat die raad in verband met dié aansoeker mag verlang.

35 (3) Indien die uitreiking aan die aansoeker van 'n permit vir permanente verblyf in die Republiek nie in stryd met die bepalings van hierdie Wet of 'n ander wet sou wees nie, kan die raad die uitreiking van so 'n permit aan die aansoeker magtig en die magtiging onderworpe stel aan enige voorwaarde wat die raad nodig ag.

40 (4) Die verlening of weiering van 'n magtiging bedoel in subartikel (3) berus uitsluitlik by die raad: Met dien verstande dat die raad nie die uitreiking van so 'n permit magtig nie tensy die aansoeker daarom—

(a) van goeie inbors is; en

45 (b) binne 'n redelike tydperk na sy binnekoms in die Republiek met inwoners van die Republiek sal assimileer en 'n gewenste inwoner van die Republiek sal wees; en

(c) waarskynlik nie die welvaart van die Republiek sal benadeel nie; en
45 (d) geen bedryf uitoefen of waarskynlik sal uitoefen nie waarin, volgens die raad se oordeel, reeds 'n voldoende aantal mense in die Republiek werksaam is om aan die behoeftes van die inwoners van die Republiek te voldoen; of

50 (e) die gade, 'n afhanklike kind of 'n behoefte, bejaarde of verswakte familielid van iemand is wat permanent en wettig in die Republiek woonagtig is en in staat is en skriftelik onderneem om hom of haar te onderhou.

55 (5) Wanneer die raad magtiging verleen het vir die uitreiking van so 'n permit, reik die Direkteur-generaal die permit uit onderworpe aan die voorwaarde dat die persoon aan wie dit uitgereik word, die Republiek binne 'n tydperk van ses maande vanaf die datum van uitreiking van die permit moet binnekom met die oog op permanente verblyf daarin: Met dien verstande dat die Direkteur-generaal op aansoek van die persoon aan wie dié permit uitgereik is, die
60 geldigheidsduur daarvan van tyd tot tyd kan verleng vir die tydperk, maar van

period, not exceeding six months at a time, and on such conditions as the Director-General may determine.

(6) If any person to whom a permit has been issued in terms of subsection (5) does not enter the Republic 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 which the Director-General may determine, the validity of such permit shall lapse. 5

(7) The board may, on an application mentioned in subsection (1) made by an alien who has been permitted under this Act to sojourn in the Republic or to whom a temporary residence permit has been issued in terms of section 26, authorize the issue to him of a permit in terms of this section *mutatis mutandis* as if he were outside the Republic, and upon the issue of that permit he may reside permanently in the Republic. 10

(8) Any person who endeavours to induce any member of the board or any officer or employee whose duty it is to deal with applications for, or the issue of, permits under this section, to effect, or vote for, or recommend the authorization of, the issue of such a permit, shall be guilty of an offence. 15

(9) The Director-General may, for the purpose of subsection (1), prescribe different forms for different categories of persons.

(10) If the board rejects an application submitted to it in terms of subsection (2), the board shall not be obliged to reconsider such application, and the board shall not consider another such application by the same person before the expiration of a period of not less than one year from the date on which the said person was informed of the decision of the board: Provided that if the Director-General receives any new information regarding such person he may at any time request the board to reconsider the first-mentioned application. 20 25

(11) After receipt of a request in terms of subsection (10) the board shall reconsider the application in question as if it had been submitted to the board under subsection (2).

Temporary residence permit to sojourn in Republic 30

26. (1) An immigration officer may, on the application of an alien who has complied with all the relevant requirements of this Act, issue to him a temporary residence permit—

(a) to enter the Republic or any particular portion of the Republic and to sojourn therein; or 35

(b) if he is already in the Republic, to sojourn in the Republic or any particular portion of the Republic,

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

(2) (a) If an immigration officer intends issuing a temporary residence permit under subsection (1) to an alien for a specified purpose or subject to conditions, he may, in order to ensure that the purpose of his visit and the conditions under which the permit was issued are observed or complied with, require the alien, before issuing the permit to him, to deposit with him an amount fixed by the immigration officer, not exceeding an amount determined by the Director-General in general, or to lodge with him, in the prescribed manner, a guarantee by a deposit-taking institution finally registered in terms of the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), for the amount concerned. 40 45

(b) An amount or guarantee deposited or lodged with an immigration officer in terms of paragraph (a) shall, subject to paragraph (c), be refunded to the alien or cancelled on his departure from the Republic, as the case may be. 50

(c) If in the opinion of the Director-General an alien acted in conflict with the purpose for which, or failed to comply with a condition subject to which, a permit was issued to him under subsection (1), the Director-General may order that the amount deposited with the immigration officer be forfeited to the State or, if a guarantee was lodged with the immigration officer, that the amount payable in terms of the guarantee be recovered for the benefit of the State. 55

hoogstens ses maande op 'n keer, en op die voorwaardes wat die Direkteur-generaal bepaal.

(6) Indien iemand aan wie 'n permit ingevolge subartikel (5) uitgereik is, nie binne 'n tydperk van ses maande vanaf die datum van die uitreiking van dié permit of binne 'n verdere tydperk wat die Direkteur-generaal bepaal, die Republiek binnekom met die oog op permanente verblyf daarin nie, verval die geldigheid van daardie permit.

(7) Die raad kan, op 'n aansoek vermeld in subartikel (1) gedoen deur 'n vreemdeling wat kragtens hierdie Wet toegelaat is om in die Republiek te vertoef of aan wie 'n tydelike verblyfpermit ingevolge artikel 26 uitgereik is, magtiging verleen vir die uitreiking aan hom van 'n permit ingevolge hierdie artikel *mutatis mutandis* asof hy buite die Republiek was, en na uitreiking van daardie permit mag hy permanent in die Republiek woon.

(8) Iemand wat poog om 'n lid van die raad of 'n beampte of werknemer wie se plig dit is om te werk met aansoeke om, of die uitreiking van, permitte kragtens hierdie artikel, te beweeg om die magtiging tot uitreiking van so 'n permit te bewerkstellig of daarvoor te stem of dit aan te beveel, is aan 'n misdryf skuldig.

(9) Die Direkteur-generaal kan, vir die doeleindes van subartikel (1), verskillende vorms vir verskillende kategorieë persone voorskryf.

(10) Indien die raad 'n aansoek wat ingevolge subartikel (2) aan hom voorgelê is, van die hand wys, is die raad nie verplig om daardie aansoek te heroorweeg nie, en oorweeg die raad nie 'n ander sodanige aansoek deur dieselfde persoon nie voor die verstryking van 'n tydperk van minstens 'n jaar vanaf die datum waarop genoemde persoon van die raad se beslissing in kennis gestel is: Met dien verstande dat indien die Direkteur-generaal nuwe inligting aangaande dié persoon ontvang, hy die raad te eniger tyd kan versoek om eersgenoemde aansoek te heroorweeg.

(11) Na ontvangs van 'n versoek ingevolge subartikel (10) heroorweeg die raad die betrokke aansoek asof dit ingevolge subartikel (2) aan die raad voorgelê is.

Tydelike verblyfpermit om in Republiek te vertoef

26. (1) 'n Immigrasiebeampte kan, op aansoek van 'n vreemdeling wat voldoen het aan al die tersaaklike vereistes van hierdie Wet, aan hom 'n tydelike verblyfpermit uitreik—

(a) om die Republiek of 'n bepaalde deel van die Republiek binne te kom en om daarin te vertoef; of

(b) indien hy alreeds in die Republiek is, om in die Republiek of 'n bepaalde deel van die Republiek te vertoef, vir die doeleindes, gedurende die tydperk en op die voorwaardes wat in die permit vermeld word.

(2) (a) Indien 'n immigrasiebeampte voornemens is om 'n tydelike verblyfpermit kragtens subartikel (1) aan 'n vreemdeling vir 'n bepaalde doel of op voorwaardes uit te reik, kan hy, ten einde te verseker dat die doel van sy besoek en die voorwaardes waarop die permit uitgereik is, in ag geneem of nagekom word, vereis dat die vreemdeling, voordat die permit aan hom uitgereik word, 'n bedrag wat die immigrasiebeampte bepaal maar nie 'n bedrag oorskry nie wat die Direkteur-generaal in die algemeen bepaal, by hom stort of 'n waarborg deur 'n depositonemende instelling wat finaal geregistreer is ingevolge die Wet op Depositonemende Instellings, 1990 (Wet No. 94 van 1990), vir die betrokke bedrag op die voorgeskrewe wyse by hom inlewer.

(b) 'n Bedrag of waarborg wat ingevolge paragraaf (a) by 'n immigrasiebeampte gestort of ingelewer is, word, behoudens paragraaf (c), by die vreemdeling se vertrek uit die Republiek aan hom terugbetaal of gerojear, na gelang van die geval.

(c) Indien volgens die oordeel van die Direkteur-generaal 'n vreemdeling in stryd gehandel het met die doel waarvoor, of versuim het om te voldoen aan 'n voorwaarde waarop, 'n permit kragtens subartikel (1) aan hom uitgereik is, kan die Direkteur-generaal gelas dat die bedrag wat by die immigrasiebeampte gestort is, aan die Staat verbeur word of, indien 'n waarborg by die immigrasiebeampte ingelewer is, dat die bedrag wat ingevolge die waarborg betaalbaar is, ten bate van die Staat verhaal word.

(3) When an immigration officer issues such a temporary residence permit to an alien, he may issue a similar permit to the spouse and to a dependent child of that alien, as well as to an alien who is in the employ and a member of the household of the first-mentioned alien, if the spouse, child or employee accompanies or resides with the first-mentioned alien.

(4) The Director-General may from time to time extend the period for which, or alter the purpose for which, or the conditions subject to which, a permit was issued under subsection (1), and a permit so altered shall be deemed to have been issued under the said subsection.

(5) Any person to whom a permit was issued under subsection (1) and who remains in the Republic after the expiration of the period for which, or acts in conflict with the purpose for which, or fails to comply with a condition subject to which, it was issued, shall be guilty of an offence and may be dealt with under this Act as a prohibited person.

Duties of alien not in possession of permit

27. (1) An alien who at any time entered the Republic and, irrespective of the circumstances of his entry, is not or is not deemed to be in possession of a permit for permanent residence issued to him under section 25 or a temporary residence permit issued to him under section 26 or has not under section 28 been exempted from the provisions of section 23(a) or (b), shall present himself to an immigration officer or to an officer of the Department in one of its offices.

(2) An alien who has under section 28 been exempted from the provisions of section 23(b) for a specified period, shall before the date on which such period expires present himself to an immigration officer or to an officer of the Department in one of its offices.

(3) An alien referred to in subsection (1) who fails to comply with the provisions of that subsection or an alien referred to in subsection (2) who fails to comply with the provisions of the last-mentioned subsection or any alien so referred to who fails, on being called upon to do so by an immigration officer, then and there to furnish to such immigration officer the particulars determined by the Director-General to enable such immigration officer to consider the issuing to the said alien of a temporary residence permit under section 26, shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding 12 months, and whether or not he has been convicted of that offence, any immigration officer may, if he is not in custody, arrest him or cause him to be arrested without a warrant, and may remove him or cause him to be removed from the Republic under a warrant issued by the Minister and may pending such removal detain him or cause him to be detained in such manner and at such place as may be determined by the Director-General.

(4) This section shall not apply to a person who in terms of section 16, 19, 19bis or 20bis of the South African Citizenship Act, 1949 (Act No. 44 of 1949), ceased to be a South African citizen but has in terms of section 21(4)(c)(i) of the said Act been exempted from the provisions of section 21(4)(a) thereof.

(5) The provisions of section 43(2) and (3) shall *mutatis mutandis* apply to any alien referred to in subsection (3) of this section in the same manner in which they apply to persons referred to in subsection (1) of the first-mentioned section.

Exemptions

28. (1) If the Minister is satisfied that any alien who desires to enter the Republic, is a distinguished visitor who has no intention to reside permanently in the Republic, he may permit the said alien, his wife, a dependent child of his and any alien who is in his employ and a member of his household to enter the Republic without holding any temporary residence permit under this Act.

(2) Notwithstanding the provisions in this Act, the Minister may exempt any

(3) Wanneer 'n immigrasiebeampte so 'n tydelike verblyfpermit aan 'n vreemdeling uitreik, kan hy 'n dergelike permit uitreik aan die gade en aan 'n afhanklike kind van daardie vreemdeling, asook aan 'n vreemdeling wat in diens is van en lid is van die huishouding van eersgenoemde vreemdeling, indien die gade, kind of werknemer eersgenoemde vreemdeling vergesel of by hom of haar woon.

(4) Die Direkteur-generaal kan van tyd tot tyd die tydperk verleng waarvoor, of die doel wysig waarvoor, of die voorwaardes wysig waarop, 'n permit kragtens subartikel (1) uitgereik is, en 'n permit aldus gewysig, word geag kragtens genoemde subartikel uitgereik te wees.

(5) Iemand aan wie 'n permit kragtens subartikel (1) uitgereik is en wat in die Republiek bly na verloop van die tydperk waarvoor, of handel in stryd met die doel waarvoor, of versuim om te voldoen aan 'n voorwaarde waarop, dit uitgereik is, is aan 'n misdryf skuldig en kan kragtens hierdie Wet as 'n verbode persoon behandel word.

Pligte van vreemdeling wat nie in besit van permit is nie

27. (1) 'n Vreemdeling wat die Republiek te eniger tyd binnegekom het en, ongeag die omstandighede van sy binnekoms, nie in besit is nie of nie geag word in besit te wees nie van 'n permit vir permanente verblyf wat kragtens artikel 25, of 'n tydelike verblyfpermit wat kragtens artikel 26, aan hom uitgereik is, of nie kragtens artikel 28 van die bepalings van artikel 23(a) of (b) vrygestel is nie, moet hom by 'n immigrasiebeampte of by 'n beampte van die Departement in een van sy kantore aanmeld.

(2) 'n Vreemdeling wat kragtens artikel 28 vir 'n bepaalde tydperk van die bepalings van artikel 23(b) vrygestel is, moet voor die datum waarop dié tydperk verstryk, hom by 'n immigrasiebeampte of by 'n beampte van die Departement in een van sy kantore aanmeld.

(3) 'n Vreemdeling bedoel in subartikel (1) wat versuim om aan die bepalings van dié subartikel te voldoen, of 'n vreemdeling in subartikel (2) bedoel wat versuim om aan die bepalings van laasgenoemde subartikel te voldoen, of 'n vreemdeling aldus bedoel wat, indien hy deur 'n immigrasiebeampte daartoe aangesê word, versuim om die besonderhede bepaal deur die Direkteur-generaal op die plek aan dié immigrasiebeampte te verstrek ten einde hom in staat te stel om die uitreiking aan genoemde vreemdeling van 'n tydelike verblyfpermit kragtens artikel 26 te oorweeg, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande, en ongeag of hy aan die misdryf skuldig bevind is al dan nie, kan 'n immigrasiebeampte hom, indien hy nie in hegtenis is nie, sonder 'n lasbrief in hegtenis neem of laat neem en hom kragtens 'n lasbrief deur die Minister uitgereik, uit die Republiek verwyder of laat verwyder en hom in afwagting van sodanige verwydering aanhou of laat aanhou, op die wyse en plek deur die Direkteur-generaal bepaal.

(4) Hierdie artikel is nie van toepassing nie op iemand wat ingevolge artikel 16, 19, 19bis of 20bis van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), opgehou het om 'n Suid-Afrikaanse burger te wees maar ingevolge artikel 21(4)(c)(i) van genoemde Wet van die bepalings van artikel 21(4)(a) daarvan vrygestel is.

(5) Die bepalings van artikel 43(2) en (3) is *mutatis mutandis* van toepassing op 'n vreemdeling bedoel in subartikel (3) van hierdie artikel op dieselfde wyse waarop hulle van toepassing is op persone bedoel in subartikel (1) van eersgenoemde artikel.

Vrystellings

28. (1) As die Minister oortuig is dat 'n vreemdeling wat die Republiek wil binnekom, 'n besoeker van aansien is wat nie voornemens is om permanent in die Republiek te bly nie, kan hy aan genoemde vreemdeling, aan sy eggenote, aan 'n afhanklike kind van hom en aan 'n vreemdeling wat in sy diens en 'n lid van sy huishouding is, toestemming verleen om die Republiek binne te kom sonder om in besit te wees van 'n tydelike verblyfpermit kragtens hierdie Wet.

(2) Ondanks die bepalings van hierdie Wet kan die Minister enige persoon of

person or category of persons from all or any of the provisions of this Chapter, and for a specified or unspecified period and either unconditionally or subject to such conditions as the Minister may impose, and may do so also with retrospective effect.

(3) The Minister may exclude from any exemption granted to a category of persons under subsection (2) any person belonging to that category.

(4) The Minister may withdraw any exemption granted under subsection (2) to any category of persons or to any person, and, in the case of a person, whether he was exempted as an individual or as a member of a category of persons.

(5) The Minister may issue to any person whose exemption is withdrawn under subsection (4), a temporary residence permit referred to in section 26 to sojourn in the Republic or any particular part of the Republic.

Exceptions

29. (1) The provisions of section 23 shall not apply—

- (a) to an alien who prior to 1 February 1937 lawfully entered the Republic for the purpose of permanent residence therein;
- (b) to an alien who by virtue of the provisions of section 2 or sections 3 and 4 of the Diplomatic Immunities and Privileges Act, 1989 (Act No. 74 of 1989), enjoys any immunities and privileges in the Republic; or
- (c) to an alien to whom a written authority or permission to enter the Republic has been issued in terms of section 1 or 3 of the Immigration Quota Act, 1930 (Act No. 8 of 1930), and who entered the Republic within the period stated in that authority or permit or within that period as lawfully extended.

(2) If an alien referred to in paragraph (b) of subsection (1) ceases, while he is in the Republic, to belong to any category of persons contemplated in that paragraph, he may, after the expiration of a period of three months as from such cessation, be dealt with under this Act as a prohibited person, unless the board has in terms of section 25 granted him permission to remain in the Republic for the purpose of permanent residence therein or unless he has been granted permission in terms of section 26 to remain in the Republic during such period and on such conditions as the immigration officer concerned may have determined.

(3) If a person to whom an immigration officer has, under section 26, granted permission to remain in the Republic during a stated period and on any condition, remains in the Republic after the expiration of that period or contravenes or fails to comply with that condition, he may be dealt with under this Act as a prohibited person.

Invalidity and cancellation of permits

30. (1) If any person holds a document purporting to have been issued to him in terms of section 25 but which is not a permit in terms of the said section, the provisions of section 42 shall *mutatis mutandis* apply in respect of him irrespective of whether or not he is a prohibited person.

(2) If a permit has been issued in terms of section 25 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 if the said holder within a period of three years as from the date of issue of that permit without the consent of the Minister engages in the Republic in any occupation other than the occupation stated in the said permit to be his occupation, the Minister may direct that by notice in writing addressed to the holder of the permit, such permit be cancelled and the holder be ordered to leave the Republic within a period stated in the notice, and upon the expiration of that period that permit shall become null and void.

kategorie persone vrystel van al of enige van die bepalings van hierdie Hoofstuk, en wel vir 'n bepaalde of onbepaalde tydperk en of onvoorwaardelik of op die voorwaardes wat die Minister mag oël, en kan dit ook met terugwerkende krag doen.

5 (3) Die Minister kan iemand wat behoort tot 'n kategorie persone aan wie 'n vrystelling kragtens subartikel (2) verleen is, van dié vrystelling uitsluit.

(4) Die Minister kan 'n vrystelling wat kragtens subartikel (2) aan 'n kategorie persone of aan 'n persoon verleen is, intrek en, in die geval van 'n persoon, hetsy hy as individu of as 'n lid van 'n kategorie persone vrygestel is.

10 (5) Die Minister kan aan iemand wie se vrystelling kragtens subartikel (4) ingetrek word, 'n tydelike verblyfpermit bedoel in artikel 26 uitreik om in die Republiek of 'n bepaalde deel van die Republiek te vertoef.

Uitsonderings

29. (1) Die bepalings van artikel 23 is nie van toepassing nie—

15 (a) op 'n vreemdeling wat voor 1 Februarie 1937 wettig die Republiek binnegekom het met die oog op permanente verblyf daarin;

(b) op 'n vreemdeling wat uit hoofde van die bepalings van artikel 2 of artikels 3 en 4 van die Wet op Diplomatieke Immunitete en Voorregte, 1989 (Wet No. 74 van 1989), immunitete en voorregte in die Republiek geniet; of

20 (c) op 'n vreemdeling aan wie ingevolge artikel 1 of 3 van die Immigrasiekwota-Wet, 1930 (Wet No. 8 van 1930), 'n skriftelike magtiging of permit uitgereik is om die Republiek binne te kom en wat die Republiek binnegekom het binne die tydperk in daardie magtiging of permit vermeld, of binne daardie tydperk soos wettig verleng.

25 (2) Indien 'n vreemdeling bedoel in paragraaf (b) van subartikel (1) ophou, terwyl hy in die Republiek is, om te behoort tot 'n kategorie persone in daardie paragraaf beoog, kan hy, na verloop van 'n tydperk van drie maande vanaf die tydstop waarop hy ophou om tot bedoelde kategorie te behoort, kragtens hierdie Wet as 'n verbode persoon behandel word, tensy die raad hom ingevolge artikel 30 toestemming verleen het om in die Republiek te bly met die oog op permanente verblyf daarin, of tensy hy ingevolge artikel 26 vergunning verleen is om in die Republiek te bly gedurende die tydperk en op die voorwaardes wat die betrokke immigrasiebeampte bepaal het.

35 (3) Indien iemand aan wie 'n immigrasiebeampte kragtens artikel 26 vergunning verleen het om gedurende 'n vermelde tydperk en op die een of ander voorwaarde in die Republiek te bly, na verstryking van daardie tydperk in die Republiek bly of daardie voorwaarde oortree of versuim om daaraan te voldoen, kan hy kragtens hierdie Wet as 'n verbode persoon behandel word.

40 Nietigheid en intrekking van permitte

30. (1) Indien iemand 'n geskrif besit wat heet ingevolge artikel 25 aan hom uitgereik te wees maar wat nie 'n permit ingevolge dié artikel is nie, geld die bepalings van artikel 42 *mutatis mutandis* ten opsigte van hom ongeag of hy 'n verbode persoon is of nie.

45 (2) Indien 'n permit ingevolge artikel 25 uitgereik is op 'n aansoek wat onjuiste gegewens bevat of indien die houer van so 'n permit of sy verteenwoordiger onjuiste gegewens verstrek het in verband met daardie aansoek of 'n aansoek om die verlenging van die geldigheidsduur van daardie permit, of indien genoemde houer binne 'n tydperk van drie jaar vanaf die dag van uitreiking van daardie permit, sonder toestemming van die Minister, in die Republiek 'n ander beroep uitoefen as die beroep wat in genoemde permit as sy beroep aangegee is, kan die Minister gelas dat by skriftelike kennisgewing gerig aan die houer van die permit, dié permit ingetrek word en die houer aangesê word om die Republiek te verlaat binne 'n tydperk wat in die kennisgewing vermeld word, en by 50 verstryking van dié tydperk word daardie permit nietig.

55 (3) Die Minister kan te eniger tyd gelas dat by skriftelike kennisgewing gerig aan die houer van 'n tydelike verblyfpermit wat ingevolge artikel 26 uitgereik is, die permit ingetrek word en die houer aangesê word om die Republiek te verlaat binne 'n tydperk wat in die kennisgewing vermeld word, en by verstryking van dié tydperk word daardie permit nietig.

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(3) The Minister may at any time direct that by notice in writing addressed to the holder of a temporary residential permit issued in terms of section 26 that permit be cancelled and that holder be ordered to leave the Republic within a period stated in the notice, and upon the expiration of that period that permit shall become null and void.

(4) The Minister may at any time direct that any alien who has been permitted to enter the Republic in terms of section 28(1) be ordered by notice in writing to leave the Republic within a period stated in that notice.

(5) Any person to whom a notice has been addressed in terms of subsection (2), (3) or (4) and who fails to comply therewith, shall be guilty of an offence and may be dealt with under this Act as a prohibited person.

Lapse of right of entry of, or residence in, Republic with view to permanent residence, by long absence

31. (1) Notwithstanding anything to the contrary contained in this Act, no alien shall on the ground that he is a person—

- (a) to whom a permit has been issued under section 25;
 - (b) to whom an exemption from the prohibition contemplated in section 23(a) has been granted under section 28(2), whether as an individual or as a member of a category of persons;
 - (c) to whom the said prohibition is not applicable by virtue of section 29; or
 - (d) holding a passport or certificate which in terms of section 13(3) of the Commonwealth Relations Act, 1962 (Act No. 69 of 1962), is deemed to be a permit issued to him under section 25 of this Act,
- be entitled to enter or sojourn in the Republic for the purposes of permanent residence therein if he, at any time after he became or becomes such a person, was after 18 June 1984, resident outside the Republic, or is resident outside the Republic, 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 State;
 - (ii) he was so resident as the representative or employee of a person or association of persons resident or established in the Republic;
 - (iii) he was so resident in the service of an international organization of which the State is a member;
 - (iv) in the case of the wife or dependent 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 dependent child of a person who is a South African citizen, such wife or child was so resident with such person; or
 - (vi) he was so resident but in respect of which the Minister has granted exemption under subsection (3).

(2) Subsection (1) shall not affect any alien to whom, as a member of a category of persons, exemption from the prohibition in terms of section 23(a) has been granted under section 28, unless such alien previously entered the Republic or sojourned therein for the purpose of permanent residence therein under the authority of such exemption.

(3) (a) The Minister may, at his discretion, grant any exemption contemplated in paragraph (vi) of subsection (1) to any person or category of persons and for a definite or an indefinite period and either unconditionally or subject to such conditions as the Minister 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 category of persons, the exemption may be withdrawn in respect of a specified person or group of persons belonging to that category of persons.

Prohibition of certain acts in co-operation with, or in respect of, certain aliens

32. (1) No person shall—

- (a) employ or continue to employ any alien who is in the Republic in contravention of the provisions of this Act;

(4) Die Minister kan te eniger tyd gelas dat 'n vreemdeling aan wie ingevolge artikel 28(1) vergunning verleen is om die Republiek binne te kom, by skriftelike kennisgewing aangesê word om die Republiek te verlaat binne 'n tydperk wat in die kennisgewing vermeld word.

5 (5) Iemand aan wie 'n kennisgewing ingevolge subartikel (2), (3) en (4) gerig is en wat in gebreke bly om daaraan te voldoen, is aan 'n misdryf skuldig en kan kragtens hierdie Wet as 'n verbode persoon behandel word.

Verval van reg van binnekoms van, of verblyf in, Republiek met oog op permanente verblyf, deur langdurige afwesigheid

10 **31.** (1) Ondanks andersluidende bepalings van hierdie Wet, mag geen vreemdeling op grond daarvan dat hy iemand is—

(a) aan wie 'n permit kragtens artikel 25 uitgereik is;

(b) aan wie kragtens artikel 28(2) vrystelling van die verbod beoog in artikel 23(a) verleen is, hetsy as 'n individu of as 'n lid van 'n kategorie persone;

15 (c) op wie genoemde verbod uit hoofde van artikel 29 nie van toepassing is nie; of

(d) wat in besit is van 'n paspoort of sertifikaat wat ingevolge artikel 13(3) van die Wet op Statebondsbetrekkinge, 1962 (Wet No. 69 van 1962), geag word 'n permit te wees wat kragtens artikel 25 van hierdie Wet aan hom uitgereik is,

20 die Republiek binnekom of daarin vertoef met die oog op permanente verblyf daarin nie indien hy te eniger tyd, nadat hy so iemand geword het of word, na 18 Junie 1984 buite die Republiek woonagtig was, of buite die Republiek 25 woonagtig is, vir 'n ononderbroke tydperk van minstens vyf jaar, met uitsluiting van enige tydperk waartydens—

(i) hy in die diens van die Staat aldus woonagtig was;

(ii) hy aldus woonagtig was as die verteenwoordiger of werknemer van 'n persoon of vereniging van persone wat in die Republiek woonagtig of ingestel is;

30 (iii) hy aldus woonagtig was in die diens van 'n internasionale organisasie waarvan die Staat 'n lid is;

(iv) in die geval van die vrou of afhanklike kind van 'n persoon bedoel in paragraaf (i), (ii) of (iii), dié vrou of kind by dié persoon aldus woonagtig was;

35 (v) in die geval van die vrou of afhanklike kind van 'n persoon wat 'n Suid-Afrikaanse burger is, dié vrou of kind by dié persoon aldus woonagtig was; of

(vi) hy aldus woonagtig was maar ten opsigte waarvan die Minister kragtens subartikel (3) vrystelling verleen het.

40 (2) Subartikel (1) raak nie 'n vreemdeling nie aan wie, as lid van 'n kategorie persone, kragtens artikel 28 vrystelling verleen is van die verbod ingevolge artikel 23(a), tensy dié vreemdeling voorheen die Republiek op gesag van dié vrystelling binnegekom of daarin vertoef het met die oog op permanente verblyf 45 daarin.

(3) (a) Die Minister kan 'n vrystelling beoog in paragraaf (vi) van subartikel (1) na goeddunke verleen aan enige persoon of kategorie persone en wel vir 'n bepaalde of onbepaalde tydperk en òf onvoorwaardelik òf onderworpe aan die voorwaardes wat die Minister goedvind.

50 (b) Die tydperk waarvoor vrystelling kragtens paragraaf (a) verleen word, kan op 'n vroeër datum begin as die datum waarop vrystelling verleen word.

(c) 'n Vrystelling kragtens paragraaf (a) kan te eniger tyd deur die Minister ingetrek word, en waar 'n vrystelling verleen is aan persone wat tot 'n kategorie persone behoort, kan die vrystelling ingetrek word ten opsigte van 'n bepaalde 55 persoon of groep persone wat tot daardie kategorie persone behoort.

Verbod op sekere handelinge in samewerking met, of ten opsigte van, sekere vreemdelinge

60 **32.** (1) Niemand mag—

(a) 'n vreemdeling wat in stryd met die bepalings van hierdie Wet in die Republiek is, in diens neem of in diens hou nie;

- (b) provide instruction or training to such an alien or allow him to receive instruction or training;
 - (c) issue to such an alien a licence or other authorization to conduct any business or to carry on any profession or occupation;
 - (d) enter into an agreement with such an alien for the conduct of any business or the carrying on of any profession or occupation; 5
 - (e) conduct any business or carry on any profession or occupation in co-operation with such an alien;
 - (f) assist, enable or in any manner help such an alien to conduct any business or to carry on any profession or occupation; 10
 - (g) obtain a licence or other authority for or on behalf of such an alien to conduct any business or to carry on any profession or occupation;
 - (h) do anything for or on behalf of such an alien in connection with his business or profession or occupation;
 - (i) harbour any such alien; or 15
 - (j) let or sell or in any manner make available any immovable property in the Republic to any such alien.
- (2) If any alien to whom a temporary residence permit has been issued under section 26 is prohibited by reason of any purpose or any condition set forth in such permit from— 20
- (a) entering into or being in the employment of any other person;
 - (b) entering into or being in the employment of any other person, except a person specified in such permit;
 - (c) entering into or being in the employment of any other person in any capacity except a capacity specified in such permit or for a period longer than the period so specified; 25
 - (d) conducting a business or carrying on a profession or occupation; or
 - (e) receiving any instruction or training at any institution,
- no person shall—
- (i) in the case of a prohibition referred to in paragraph (a), employ or 30 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 permit;
 - (iii) in the case of a prohibition referred to in paragraph (c), employ or 35 continue to employ such alien in any capacity except the capacity specified in the permit 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 40 on of a profession or occupation or conduct a business or carry on a profession or occupation in co-operation with such alien;
 - (v) in the case of a prohibition referred to in paragraph (e), provide training or instruction to such alien, or allow him to receive instruction or 45 training.
- (3) If a temporary residence permit has been issued to an alien under section 26 allowing him to sojourn in any particular part of the Republic, no person shall—
- (a) employ or continue to employ such alien in any part of the Republic except that particular part; 50
 - (b) enter into an agreement with such alien for the conduct of a business or the carrying on of a profession or occupation in any part of the Republic except that particular part;
 - (c) conduct any business or carry on any profession or occupation in co-operation with such alien in any part of the Republic except that 55 particular part;
 - (d) assist, enable or in any manner help such alien to conduct a business or carry on a profession or occupation in any part of the Republic except that particular part;
 - (e) do anything for or on behalf of such alien in connection with a business 60 or a profession or occupation of such alien in any part of the Republic except that particular part;

- (b) onderrig of opleiding aan so 'n vreemdeling verskaf nie of toelaat dat hy onderrig of opleiding ontvang nie;
- (c) aan so 'n vreemdeling 'n lisensie of ander magtiging uitreik nie om 'n saak te bedryf of 'n professie of beroep uit te oefen;
- 5 (d) met so 'n vreemdeling 'n ooreenkoms vir die bedryf van 'n saak of die uitoefening van 'n professie of beroep aangaan nie;
- (e) in samewerking met so 'n vreemdeling 'n saak bedryf of 'n professie of beroep uitoefen nie;
- (f) so 'n vreemdeling bystaan, in staat stel of op enige wyse help nie om 'n saak te bedryf of 'n professie of beroep uit te oefen;
- 10 (g) vir of namens so 'n vreemdeling 'n lisensie of ander magtiging bekom nie om 'n saak te bedryf of 'n professie of beroep uit te oefen;
- (h) enigiets in verband met so 'n vreemdeling se saak of professie of beroep vir of namens hom doen nie;
- 15 (i) so 'n vreemdeling herberg nie; of
- (j) aan so 'n vreemdeling onroerende goed in die Republiek verhuur of verkoop of op enige wyse beskikbaar stel nie.
- (2) Indien 'n vreemdeling aan wie 'n tydelike verblyfpermit kragtens artikel 26 uitgereik is, vanweë 'n doel of 'n voorwaarde in die permit vermeld, belet word om—
- (a) in die diens van 'n ander persoon te tree of te wees;
- (b) in die diens van 'n ander persoon te tree of te wees, behalwe 'n persoon in dié permit vermeld;
- 25 (c) in enige hoedanigheid, behalwe 'n hoedanigheid in dié permit vermeld, of vir 'n langer tydperk as die tydperk aldus vermeld, in diens van 'n ander persoon te tree of te wees;
- (d) 'n saak te bedryf of 'n professie of beroep uit te oefen; of
- (e) by enige inrigting onderrig of opleiding te ontvang,
- 30 mag niemand—
- (i) in die geval van 'n verbod bedoel in paragraaf (a), dié vreemdeling in diens neem of in diens hou nie;
- (ii) in die geval van 'n verbod bedoel in paragraaf (b), dié vreemdeling in diens neem of in diens hou nie, tensy hy die persoon is wat in die permit vermeld word;
- 35 (iii) in die geval van 'n verbod bedoel in paragraaf (c), dié vreemdeling in enige hoedanigheid, behalwe die hoedanigheid in die permit vermeld, of vir 'n langer tydperk as die tydperk aldus vermeld, in diens neem of in diens hou nie;
- 40 (iv) in die geval van 'n verbod bedoel in paragraaf (d), met dié vreemdeling 'n ooreenkoms vir die bedryf van 'n saak of die uitoefening van 'n professie of beroep aangaan of in samewerking met dié vreemdeling 'n saak bedryf of 'n professie of beroep uitoefen nie;
- (v) in die geval van 'n verbod bedoel in paragraaf (e), onderrig of opleiding verskaf aan dié vreemdeling of toelaat dat hy onderrig of opleiding ontvang nie.
- 45 (3) Indien 'n tydelike verblyfpermit kragtens artikel 26 aan 'n vreemdeling uitgereik is wat hom toelaat om in 'n bepaalde deel van die Republiek te vertoef, mag niemand—
- 50 (a) dié vreemdeling in enige deel van die Republiek, behalwe daardie bepaalde deel, in diens neem of in diens hou nie;
- (b) met dié vreemdeling 'n ooreenkoms aangaan nie vir die bedryf van 'n saak of die uitoefening van 'n professie of beroep in enige deel van die Republiek behalwe daardie bepaalde deel;
- 55 (c) in samewerking met dié vreemdeling 'n saak bedryf of 'n professie of beroep uitoefen nie in enige deel van die Republiek behalwe daardie bepaalde deel;
- (d) dié vreemdeling bystaan, in staat stel of op enige wyse help nie om 'n saak te bedryf of 'n professie of beroep uit te oefen in enige deel van die Republiek behalwe daardie bepaalde deel;
- 60 (e) enigiets in verband met 'n saak of 'n professie of beroep van dié vreemdeling vir of namens hom in enige deel van die Republiek, behalwe daardie bepaalde deel, doen nie;

- (f) harbour such alien in any part of the Republic except that particular part;
- (g) let or sell or in any manner make available to such alien immovable property in any part of the Republic except that particular part; or
- (h) provide training or instruction to such alien, or allow him to receive instruction or training, in any part of the Republic except that particular part. 5
- (4) Any person who contravenes the provisions of subsection (1), (2) or (3), shall be guilty of an offence.
- (5) (a) If an alien is found on any premises where lodging is ordinarily provided, it shall be presumed, in any criminal proceedings in respect of a contravention of subsection (1)(i) or (3)(f), that such alien was harboured by the person who has control over such premises, unless the contrary is proved. 10
- (b) If an alien is found on any premises where a business is conducted or where instruction or training is provided, it shall be presumed, in any criminal proceedings in respect of a contravention of subsection (1)(a) or (b), (2)(i) or (v) or (3)(a) or (h), that such alien was employed by, or receiving instruction or training from, or allowed to receive instruction or training by, the person who has control over such premises, unless the contrary is proved. 15
- (6) If a person is charged with a contravention of subsection (1)(a) or (b), (2)(i) or (v) or (3)(a) or (h), such person may— 20
- (a) in the case of a charge of a contravention of subsection (1)(a) or (b), be found guilty of a contravention of subsection (1)(c), (d), (e), (f), (g) or (h), if such be the facts proved;
- (b) in the case of a charge of a contravention of subsection (2)(i) or (v), be found guilty of a contravention of subsection (2)(iv), if such be the facts proved; 25
- (c) in the case of a charge of a contravention of subsection (3)(a) or (h), be found guilty of a contravention of subsection (3)(b), (c), (d), (e), (f) or (g), if such be the facts proved.
- (7) (a) An alien referred to in subsection (1)(a) may not obtain a licence or other authority to conduct a business or carry on a profession or occupation. 30
- (b) A licence or other authority obtained in contravention of the provisions of paragraph (a) shall be null and void.

Returns by employers and educational institutions regarding employees and students 35

33. (1) At the request of the Director-General or an immigration officer, an employer shall as soon as possible, but not later than 21 days after the date of such request, furnish a return regarding all persons in his employ who are aliens and who were in his employ on the date of the request, to the Director-General or that immigration officer on the form prescribed by the Director-General and made available to the employer for such purpose. 40
- (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, shall be guilty of an offence. 45
- (3) If 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 said Director-General or an immigration officer to furnish a return mentioned in that subsection to the Director-General or immigration officer; or
- (b) did or did not furnish a return mentioned in that subsection to the Director-General or an immigration officer, 50
- a writing purporting to be an affidavit made by a person who in that writing alleges that he is the Director-General or an immigration officer and that that person was on a date specified in such writing requested by him in a writing delivered by hand and signed for, or sent by registered post, to furnish such a return to him or that 55

- (f) dié vreemdeling in enige deel van die Republiek behalwe daardie bepaalde deel herberg nie;
- (g) aan dié vreemdeling onroerende goed in enige deel van die Republiek, behalwe daardie bepaalde deel, verhuur of verkoop of op enige wyse beskikbaar stel nie; of
- (h) onderrig of opleiding aan dié vreemdeling verskaf, of toelaat dat hy onderrig of opleiding ontvang, in enige deel van die Republiek behalwe daardie bepaalde deel nie.
- (4) Iemand wat die bepalings van subartikel (1), (2) of (3) oortree, is aan 'n misdryf skuldig.
- (5) (a) Indien 'n vreemdeling aangetref word op 'n perseel waar in die gewone loop van sake herberg verskaf word, word in 'n strafgeding ten opsigte van 'n oortreding van subartikel (1)(i) of (3)(f) vermoed dat dié vreemdeling geherberg is deur die persoon wat beheer oor daardie perseel het, tensy die teendeel bewys word.
- (b) Indien 'n vreemdeling aangetref word op 'n perseel waar 'n saak bedryf of onderrig of opleiding verskaf word, word in 'n strafgeding ten opsigte van 'n oortreding van subartikel (1)(a) of (b), (2)(i) of (v) of (3)(a) of (h) vermoed dat dié vreemdeling in diens geneem is deur, of onderrig of opleiding ontvang het van, of toegelaat is om onderrig of opleiding te ontvang deur, die persoon wat beheer oor daardie perseel het, tensy die teendeel bewys word.
- (6) Indien 'n persoon van 'n oortreding van subartikel (1)(a) of (b), (2)(i) of (v) of (3) (a) of (h) aangekla word, kan dié persoon—
- (a) in die geval van 'n aanklag van 'n oortreding van subartikel (1)(a) of (b), aan 'n oortreding van subartikel (1)(c), (d), (e), (f), (g) of (h) skuldig bevind word, indien die feite dit bewys;
- (b) in die geval van 'n aanklag van 'n oortreding van subartikel (2)(i) of (v), aan 'n oortreding van subartikel (2)(iv) skuldig bevind word, indien die feite dit bewys;
- (c) in die geval van 'n aanklag van 'n oortreding van subartikel (3)(a) of (h), aan 'n oortreding van subartikel (3)(b), (c), (d), (e), (f) of (g) skuldig bevind word, indien die feite dit bewys.
- (7) (a) 'n Vreemdeling bedoel in subartikel (1)(a) mag nie 'n lisensie of ander magtiging vir die bedryf van 'n saak of die uitoefening van 'n professie of 'n beroep verkry nie.
- (b) 'n Lisensie of ander magtiging wat in stryd met die bepalings van paragraaf (a) verkry is, is nietig.

Opgawes deur werkgewers en onderwys-inrigtings betreffende werknemers en studente

33. (1) Op versoek van die Direkteur-generaal of 'n immigrasiebeampte moet 'n werkgewer so spoedig doenlik, maar nie later nie as 21 dae na die datum van dié versoek, 'n opgawe betreffende al die persone in sy diens wat vreemdelinge is en wat op die datum van die versoek in sy diens was, aan die Direkteur-generaal of dié immigrasiebeampte verstrek op die vorm wat deur die Direkteur-generaal voorgeskryf is en vir dié doel aan die werkgewer beskikbaar gestel is.
- (2) Iemand wat versuim om aan 'n versoek kragtens subartikel (1) te voldoen of wat 'n opgawe verstrek waarvan 'n wesenlike besonderheid vals is, is aan 'n misdryf skuldig.
- (3) Indien by die verhoor van iemand op aanklag van 'n misdryf kragtens subartikel (2) die vraag ontstaan of die een of ander persoon—
- (a) deur genoemde Direkteur-generaal of 'n immigrasiebeampte kragtens subartikel (1) versoek is of nie versoek is nie om 'n opgawe in daardie subartikel vermeld, aan die Direkteur-generaal of immigrasiebeampte te verstrek; of
- (b) 'n opgawe in daardie subartikel vermeld, aan die Direkteur-generaal of 'n immigrasiebeampte verstrek het of nie,
- is 'n geskrif wat 'n beëdigde verklaring heet te wees van iemand wat in daardie geskrif beweer dat hy die Direkteur-generaal of 'n immigrasiebeampte is en dat daardie persoon deur hom op 'n datum in dié geskrif vermeld, in 'n geskrif wat per hand afgelewer en waarvoor geteken is of wat per geregistreerde pos versend

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) When 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. 5

(5) The provisions of subsections (1) to (4) shall *mutatis mutandis* apply in respect of any person who provides education or training as if he were an employer and the persons to whom he provides education or training were his employees. 10

Keeping of registers of lodgers by certain hotelkeepers and other persons

34. (1) The occupier of any premises, whether furnished or unfurnished, where lodging or sleeping accommodation is provided for payment or reward shall, if those premises fall within a class specified by a regulation, keep in accordance with that regulation a register of all persons who are provided with lodging or sleeping accommodation thereon, and every such person shall sign the register and furnish therein such particulars regarding himself as may be prescribed. 15

(2) Every occupier of premises referred to in subsection (1) shall, when required to do so by an immigration officer or police officer, produce the register referred to in the said subsection for inspection. 20

(3) Any person who—

(a) contravenes, or fails to comply with a requirement under, subsection (1) or (2); 25

(b) gives false or incorrect particulars for the purposes of subsection (1); or

(c) hinders any officer referred to in subsection (2) in the performance of his functions, 25

shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment. 30

CHAPTER IV

Departure from Republic

Prohibition of departure from Republic without passport, permit or other authority, or at place other than a port of entry

35. (1) No person shall leave the Republic for the purpose of proceeding to another country— 35

(a) unless he is, at the time when he leaves the Republic, in possession of—

(i) a passport;

(ii) a permit issued to him in terms of section 37(1)(a); or

(iii) a permit issued to him in terms of section 37(1)(b); or

(b) unless, if he is a person under the age of 16 years who does not hold a passport issued to himself, he is accompanied by his parent who holds a passport in which his name was entered on behalf of the Government of the Republic or a government recognized by the Government of the Republic; and 40

(c) except at a port of entry and, subject to the provisions of subsection (2), unless he has presented himself there to an immigration officer— 45

(i) unless the passport or permit referred to in paragraph (a) that he holds bears an endorsement, or he is in the possession of a certificate by the Minister or an immigration officer to the effect, that he has been granted permission to leave the Republic from time to time at a place other than a port of entry; or 50

(ii) unless he is a person belonging to a category of persons authorized under section 5(2) to enter the Republic at a place referred to in that section and the place where he leaves the Republic is that place. 55

is, versoek is om so 'n opgawe aan hom te verstrek of dat daardie persoon nie so 'n opgawe aan hom verstrek het nie, na gelang van die geval, by blote oorlegging daarvan deur iemand by daardie verhoor *prima facie*-bewys van die feite daarin vermeld.

5 (4) Wanneer by die verhoor van iemand op aanklag van 'n misdryf kragtens subartikel (2) daar bewys word dat die beskuldigde 'n opgawe verstrek het waarvan 'n wesenlike besonderheid vals is, word vermoed, totdat die teendeel bewys word, dat die beskuldigde die opgawe verstrek het terwyl hy geweet het dat daardie besonderheid vals is.

10 (5) Die bepalinge van subartikels (1) tot (4) is *mutatis mutandis* van toepassing ten opsigte van iemand wat onderrig of opleiding verskaf, asof hy 'n werkgewer was en die persone aan wie hy onderrig of opleiding verskaf sy werknemers was.

Hou van registers van loseerders deur sekere hotelhouders en ander persone

34. (1) Die okkupeerder van enige perseel, hetsy gemeubileerd of ongemeubileerd, waar losies- of slaapakkommodasie teen betaling of beloning verskaf word, moet, indien dié perseel binne 'n klas val wat in 'n regulasie vermeld word, ooreenkomstig dié regulasie 'n register hou van alle persone wat van losies- of slaapakkommodasie daarop voorsien word, en elke sodanige persoon moet die register teken en die besonderhede aangaande homself daarin verstrek wat voorgeskryf is.

(2) Elke okkupeerder van 'n perseel bedoel in subartikel (1) moet, wanneer hy deur 'n immigrasiebeampte of polisiebeampte vereis word om dit te doen, die register bedoel in genoemde subartikel ter insae toon.

(3) Iemand wat—

- 25 (a) subartikel (1) of (2) oortree of versuim om aan 'n vereiste daarkragtens te voldoen;
 (b) valse of onjuiste besonderhede vir die doeleindes van subartikel (1) verstrek; of
 30 (c) 'n beampte bedoel in subartikel (2) by die uitvoering van sy werksaamhede hinder,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met dié boete sowel as dié gevangenisstraf.

HOOFSTUK IV

35 Vertrek uit Republiek

Verbod op vertrek uit Republiek sonder paspoort, permit of ander magtiging, of by ander plek as 'n toegangspoort

35. (1) Niemand mag die Republiek verlaat met die doel om na 'n ander land te gaan nie—

- 40 (a) tensy hy, wanneer hy die Republiek verlaat, in besit is van—
 (i) 'n paspoort;
 (ii) 'n permit wat ingevolge artikel 37(1)(a) aan hom uitgereik is; of
 (iii) 'n permit wat ingevolge artikel 37(1)(b) aan hom uitgereik is; of
 45 (b) tensy, indien hy 'n persoon onder die ouderdom van 16 jaar is wat nie 'n paspoort besit wat aan homself uitgereik is nie, hy vergesel word van sy ouer wat in besit is van 'n paspoort waarin sy naam ingeskryf is namens die Regering van die Republiek of 'n regering wat deur die Regering van die Republiek erken word; en
 50 (c) behalwe by 'n toegangspoort en, behoudens die bepalinge van subartikel (2), tensy hy hom daar by 'n immigrasiebeampte aangemeld het—
 (i) tensy op die paspoort of permit bedoel in paragraaf (a) wat hy besit, 'n endossement voorkom, of hy in besit is van 'n sertifikaat deur die Minister of 'n immigrasiebeampte ten effekte, dat aan hom toestemming verleen is om die Republiek van tyd tot tyd by 'n
 55 ander plek as 'n toegangspoort te verlaat; of
 (ii) tensy hy 'n persoon is wat behoort tot 'n kategorie persone wat kragtens artikel 5(2) gemagtig is om die Republiek binne te kom

(2) The Minister or an immigration officer may, by means of an endorsement in the passport of any person, grant to him permission to depart from the Republic from time to time during a period specified in such endorsement, but not exceeding six months at a time, through a port of entry without having to report himself to an immigration officer as required by subsection (1)(c): Provided that the immigration officer may at any time during that period require that person to produce to him his passport for perusal and may in such event forthwith or when the opportunity arises withdraw such permission by an endorsement in the said passport. 5

(3) Different immigration officers may in respect of different ports of entry and in respect of the same period grant to the same person such permission as is contemplated in subsection (2). 10

(4) The Minister or an immigration officer may grant permission in terms of subsection (1)(c)(i) or (2) subject to such conditions as the Minister or such officer (as the case may be) may deem fit. 15

(5) Any person who contravenes the provisions of this section or fails to comply with a requirement thereunder or a condition imposed in terms of subsection (4) shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment. 20

Exemptions

36. (1) The Minister may, on the conditions which he deems fit, exempt any person from the provisions of section 35(1).

(2) An exemption under subsection (1) shall be effected by issuing to the person concerned a document, or by making an endorsement in his passport, in which the fact that such exemption has been granted to him and the conditions (if any) subject to which it has been granted, are stated. 25

(3) The Minister may at any time, by written notice to the person concerned, withdraw any exemption granted to him under subsection (1). 30

Permit to leave Republic

37. (1) (a) The Director-General shall issue to any person who is a South African citizen over the age of 16 years a permit to leave the Republic permanently if—

- (i) he is not also a citizen of any other country or territory;
- (ii) the issue to him of a South African passport has been refused;
- (iii) he satisfies the Director-General that he intends leaving the Republic permanently and, by proof in writing, that on the strength of such permit he will be admitted to the country or territory to which he desires to emigrate;
- (iv) he has applied therefor on the form prescribed by the Director-General; and
- (v) he has paid the prescribed fee. 35

(b) The Director-General may issue a permit to leave the Republic temporarily to any person who—

- (i) is a South African citizen over the age of 16 years;
- (ii) is also a citizen of any other country or territory;
- (iii) is in possession of a passport issued to him on behalf of such country or territory;
- (iv) desires to leave the Republic temporarily;
- (v) has applied therefor on the form prescribed by the Director-General; and
- (vi) has paid the prescribed fee. 40

(2) Any person whose application for a permit under subsection (1)(b) is refused by the Director-General, may, within 30 days after being notified of such refusal, appeal in writing against such refusal to the Minister. 45

(3) The Minister may confirm the refusal of the Director-General or direct that a permit to leave the Republic be issued to the applicant. 50

(4) (a) The Minister may at any time by written notice to the person concerned

by 'n plek in daardie artikel bedoel en die plek waar hy die Republiek verlaat daardie plek is.

(2) Die Minister of 'n immigrasiebeampte kan, deur middel van 'n endossement in 'n persoon se paspoort, hom toestemming verleen om van tyd tot tyd gedurende 'n tydperk in die endossement vermeld, maar van hoogstens ses maande op 'n keer, die Republiek te verlaat deur 'n toegangspoort sonder dat hy hom by 'n immigrasiebeampte hoef aan te meld soos deur subartikel (1)(c) vereis word: Met dien verstande dat die immigrasiebeampte te eniger tyd gedurende daardie tydperk kan vereis dat dié persoon sy paspoort ter insae toon en in so 'n geval daardie toestemming onverwyld, of wanneer die geleentheid hom voordoen, kan intrek deur middel van 'n endossement in genoemde paspoort.

(3) Verskillende immigrasiebeamptes kan ten opsigte van verskillende toegangspoorte en ten opsigte van dieselfde tydperk aan dieselfde persoon toestemming verleen soos in subartikel (2) beoog.

(4) Die Minister of 'n immigrasiebeampte kan toestemming ingevolge subartikel (1)(c)(i) of (2) verleen op die voorwaardes wat die Minister of dié beampte (na gelang van die geval) goedgevind.

(5) Iemand wat die bepalings van hierdie artikel oortree of versuim om te voldoen aan 'n vereiste daarkragtens of 'n voorwaarde ingevolge subartikel (4) opgelê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met dié boete sowel as dié gevangenisstraf.

Vrystellings

36. (1) Die Minister kan op die voorwaardes wat hy goedgevind, iemand van die bepalings van artikel 35(1) vrystel.

(2) 'n Vrystelling kragtens subartikel (1) geskied deur aan die betrokke persoon 'n geskrif uit te reik, of in sy paspoort 'n endossement aan te bring, waarin die feit dat sodanige vrystelling aan hom verleen is en die voorwaardes (as daar is) waarop dit verleen is, vermeld word.

(3) Die Minister kan te eniger tyd by skriftelike kennisgewing aan die betrokke persoon 'n vrystelling kragtens subartikel (1) aan hom verleen, intrek.

Permit om Republiek te verlaat

37. (1) (a) Die Direkteur-generaal moet aan iemand wat 'n Suid-Afrikaanse burger bo die ouderdom van 16 jaar is, 'n permit uitreik om die Republiek permanent te verlaat indien—

- (i) hy nie ook 'n burger van 'n ander land of gebied is nie;
- (ii) die uitreiking van 'n Suid-Afrikaanse paspoort aan hom geweier is;
- (iii) hy die Direkteur-generaal oortuig dat hy die Republiek permanent wil verlaat en, met skriftelike bewys, dat hy op grond van dié permit toegelaat sal word tot die land of gebied waarheen hy wil emigreer;
- (iv) hy op die vorm deur die Direkteur-generaal voorgeskryf, daarom aansoek gedoen het; en
- (v) hy die voorgeskrewe gelde betaal het.

(b) Die Direkteur-generaal kan 'n permit om die Republiek tydelik te verlaat uitreik aan iemand wat—

- (i) 'n Suid-Afrikaanse burger ouer as 16 jaar is;
- (ii) ook 'n burger van 'n ander land of gebied is;
- (iii) 'n paspoort besit wat namens dié land of gebied aan hom uitgereik is;
- (iv) die Republiek tydelik wil verlaat;
- (v) op die vorm deur die Direkteur-generaal voorgeskryf daarom aansoek gedoen het; en
- (vi) die voorgeskrewe gelde betaal het.

(2) Iemand wie se aansoek om 'n permit kragtens subartikel (1)(b) deur die Direkteur-generaal geweier word, kan, binne 30 dae nadat hy van dié weiering in kennis gestel is, skriftelik na die Minister teen dié weiering appelleer.

(3) Die Minister kan die weiering van die Direkteur-generaal bekragtig of gelas dat 'n permit om die Republiek te verlaat aan die aansoeker uitgereik word.

(4) (a) Die Minister kan te eniger tyd by skriftelike kennisgewing aan die

withdraw any permit issued to him under subsection (1)(b) and may in such notice call upon such person to return to the Minister the said permit within the period specified in the notice.

(b) Any person who fails to comply with a notice under paragraph (a) shall be guilty of an offence.

(5) 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.

(6) The Minister may prescribe the fees payable in respect of any permit issued under this section and may prescribe different such fees according to whether the permits are issued under subsection (1)(a) or (b).

Return by person who has permit to leave Republic permanently

38. (1) Any person to whom a permit has been issued under section 37(1)(a) and who has left the Republic for the purpose of proceeding to another country, shall—

(a) for purposes of entry into and residence in the Republic, become a prohibited person in the Republic with effect from the time he so left the Republic; and

(b) if he thereafter returns to the Republic, be deemed, for the purposes of section 35, to have left the Republic without a passport or a permit.

(2) The Minister may in his discretion exempt any person from the provisions of subsection (1)(a) and may do so with retrospective effect.

(3) If any person has in terms of subsection (2) been exempted from the provisions of subsection (1)(a) the provisions of this Act shall, as from the date from which the exemption is in force, apply in respect of him as they applied in respect of him immediately before he departed from the Republic.

CHAPTER V

Prohibited persons

Prohibited persons

39. (1) Anyone of the persons referred to in subsection (2) who enters or has entered the Republic, shall be a prohibited person.

(2) The persons referred to in subsection (1) shall be the following, namely—

(a) 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 his dependants that he brings or has brought with him into the Republic;

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

(c) any person who lives or has lived on the earnings of prostitution or receives or has received any part of such earnings or procures or has procured persons for immoral purposes;

(d) any person who has (whether before or after the commencement of this Act) been convicted in any country of a contravention of a law relating to exchange control or an offence mentioned in Schedule I (unless he has received a free pardon in respect thereof) and is deemed by the Minister to be an undesirable inhabitant of or visitor to the Republic;

(e) a mentally ill person, or any person who is deaf and dumb, deaf and blind, or dumb and blind, or is otherwise physically afflicted, unless in 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 the Republic or for his removal therefrom when required by the Minister;

(f) any person who is afflicted with any such contagious, communicable or other disease, or who is a carrier of such a virus, as may be prescribed;

betrokke persoon 'n permit wat kragtens subartikel (1)(b) aan hom uitgereik is, intrek en kan in dié kennisgewing dié persoon aansê om genoemde permit binne die tydperk in die kennisgewing vermeld, aan die Minister terug te besorg.

(b) Iemand wat versuim om te voldoen aan 'n kennisgewing kragtens paragraaf (a), is aan 'n misdryf skuldig.

(5) Die Direkteur-generaal moet duplikaatafskrifte hou of laat hou van alle permitte wat kragtens hierdie artikel uitgereik is, en so 'n afskrif is by blote oorlegging daarvan in 'n vervolging kragtens hierdie Wet *prima facie*-bewys van die inhoud daarvan.

(6) Die Minister kan die gelde voorskryf wat betaalbaar is ten opsigte van 'n permit wat kragtens hierdie artikel uitgereik is en kan verskillende sodanige gelde voorskryf na gelang die permitte kragtens subartikel (1)(a) of (b) uitgereik word.

Terugkeer deur persoon wat permit het om Republiek permanent te verlaat

38. (1) Iemand aan wie 'n permit kragtens artikel 37(1)(a) uitgereik is en wat die Republiek verlaat het met die doel om na 'n ander land te gaan, word—

(a) vir doeleindes van binnekoms van en verblyf in die Republiek, 'n verbode persoon in die Republiek vanaf die tydstip waarop hy die Republiek aldus verlaat het; en

(b) indien hy daarna na die Republiek terugkeer, by die toepassing van artikel 35 geag die Republiek sonder 'n paspoort of 'n permit te verlaat het.

(2) Die Minister kan na goeddunke iemand van die bepalings van subartikel (1)(a) vrystel en kan dit met terugwerkende krag doen.

(3) Indien iemand ingevolge subartikel (2) van die bepalings van subartikel (1)(a) vrystel is, geld, vanaf die datum vanaf wanneer die vrystelling van krag is, die bepalings van hierdie Wet ten opsigte van hom soos hulle ten opsigte van hom gegeld het onmiddellik voordat hy die Republiek verlaat het.

HOOFSTUK V

30 Verbode persone

Verbode persone

39. (1) Elkeen van die persone bedoel in subartikel (2) wat die Republiek binnekom of binnegekom het, is 'n verbode persoon.

(2) Die persone bedoel in subartikel (1) is die volgende, naamlik—

(a) iemand wat waarskynlik 'n openbare las sal word weens liggaams- of geestesswakheid, of omdat hy nie oor voldoende middele beskik om homself en sy afhanklikes wat hy saam met hom in die Republiek inbring of inbring het, te onderhou nie;

(b) iemand wat, op grond van inligting langs amptelike of diplomatieke weg van 'n regering ontvang, deur die Minister geag word 'n ongewenste inwoner van of besoeker in die Republiek te wees;

(c) iemand wat van die opbrengs van prostitusie leef of geleef het of 'n deel van sodanige opbrengs ontvang of ontvang het of persone vir onsedelike doeleindes verkry of verkry het;

(d) iemand wat (hetsy voor of na die inwerkingtreding van hierdie Wet) in enige land skuldig bevind is aan 'n oortreding van 'n wet op deviese-beheer of 'n misdryf in Bylae I vermeld (tensy hy algehele gracie ten opsigte daarvan ontvang het) en deur die Minister geag word 'n ongewenste inwoner van of besoeker in die Republiek te wees;

(e) 'n geestesongestelde persoon, of iemand wat doof en stom, doof en blind, of stom en blind is, of ander liggaamsgebreke het, tensy in sodanige geval die betrokke persoon of die persoon wat hom vergesel of 'n ander persoon ten genoeë van die Minister sekerheid stel vir sy permanente onderhoud in die Republiek of vir sy verwydering daaruit wanneer die Minister dit vereis;

(f) iemand wat aan 'n aansteeklike, oordraagbare of ander siekte ly, of die draer is van 'n virus, wat voorgeskryf is;

- (g) any person who has been removed from the Republic by warrant issued under any law, unless he is in possession of an authority to return to the Republic;
- (h) any person who has been removed from the Republic under a warrant in terms of section 45, 46 or 47 or who has in terms of this Act been ordered to leave the Republic;
- (i) any person who in terms of any other provision of this Act is a prohibited person.

Persons who are not prohibited persons

40. (1) The following persons or categories of persons are not prohibited persons for the purposes of section 39, namely—

- (a) a member of a military force of a country which has been granted consent by the Government to enter the Republic;
- (b) the officers and crew of a public ship of a foreign state, while such ship is in port;
- (c) any person referred to in section 29(1)(b);
- (d) subject to the provisions of subsection (3), any person who for the purpose of employment enters the Republic—
 - (i) under such conditions as may have been prescribed from time to time in accordance with any law; or
 - (ii) under any convention with the government of a neighbouring state; or
 - (iii) in accordance with a scheme of recruitment and repatriation approved by the Minister,
 and who is not a person referred to in section 39;
- (e) any person exempted in terms of subsection (2) from the provisions of section 39.

(2) The Minister may at any time on such conditions as he may deem fit exempt any person referred to in paragraph (a), (b) or (h) of subsection (2) of section 39 from the provisions of the said section.

(3) The exemption of any person referred to in paragraph (d) of subsection (1) of this section from the provisions of section 39 shall cease on the termination of the employment for the purpose of which he entered the Republic as contemplated in the said paragraph.

Temporary permits to prohibited persons

41. (1) The Minister may issue to a prohibited person a temporary permit on the prescribed form to enter and reside in the Republic for the purpose, and subject to the other conditions, mentioned therein.

(2) (a) Before issuing a permit under subsection (1) to a prohibited person the Minister may, in order to ensure that the purpose for which and the other conditions subject to which the permit will be issued will be complied with, request such person to deposit with him an amount determined by the Minister or to furnish him with a guarantee by a finally registered deposit-taking institution on the prescribed form for such amount.

(b) An amount or guarantee deposited or furnished in terms of paragraph (a) shall, subject to paragraph (c), be refunded or cancelled on the departure of the person concerned from the Republic.

(c) If in the opinion of the Minister a prohibited person failed to observe the purpose for which or to comply with a condition subject to which a permit was issued to him under paragraph (a), the Minister may order that the amount deposited by such person be forfeited to the State or, if a guarantee was furnished by him, that the amount of the guarantee be recovered for the benefit of the State.

(3) The Minister may from time to time extend the period for which a permit has been issued under subsection (1), or amend the purpose for which or the conditions subject to which a permit has been so issued, and as from such amendment the permit shall be deemed to have been issued for such amended purpose or subject to such amended conditions.

(4) (a) A prohibited person who has in terms of the provisions of subsection (1) been allowed to enter the Republic may, if he is of the opinion that he is no longer

- (g) iemand wat uit die Republiek verwyder is uit hoofde van 'n lasbrief wat kragtens 'n wet uitgereik is, tensy hy in besit is van 'n magtiging om na die Republiek terug te keer;
- (h) iemand wat kragtens 'n lasbrief ingevolge artikel 45, 46 of 47 uit die Republiek verwyder is of wat ingevolge hierdie Wet aangesê is om die Republiek te verlaat;
- (i) iemand wat ingevolge 'n ander bepaling van hierdie Wet 'n verbode persoon is.

Persone wat nie verbode persone is nie

40. (1) Die volgende persone of kategorieë persone is by die toepassing van artikel 39 nie verbode persone nie, naamlik—
- (a) 'n lid van 'n leërmag van 'n land waaraan die Regering toestemming verleen het om die Republiek binne te kom;
 - (b) die offisiere en bemanning van 'n publieke skip van 'n vreemde staat, terwyl dié skip in 'n hawe is;
 - (c) iemand bedoel in artikel 29(1)(b);
 - (d) behoudens die bepalings van subartikel (3), iemand wat ten einde in diens te tree die Republiek binnekom—
 - (i) op die voorwaardes wat van tyd tot tyd ooreenkomstig 'n wet voorgeskryf is; of
 - (ii) kragtens 'n verdrag met die regering van 'n naburige staat; of
 - (iii) ooreenkomstig 'n werwings- en repatriasieskema wat deur die Minister goedgekeur is,
 - (e) iemand wat ingevolge subartikel (2) van die bepalings van artikel 39 vrygestel is.
- (2) Die Minister kan te eniger tyd, op die voorwaardes wat hy goedvind, iemand bedoel in paragraaf (a), (b) of (h) van subartikel (2) van artikel 39 vrystel van die bepalings van genoemde artikel.
- (3) Die vrystelling van iemand bedoel in paragraaf (d) van subartikel (1) van hierdie artikel van die bepalings van artikel 39 verval by die beëindiging van die diens vir die doeleindes waarvoor hy die Republiek binnegekom het soos in genoemde paragraaf beoog.

Tydlike vergunnings aan verbode persone

41. (1) Die Minister kan aan 'n verbode persoon 'n tydelike vergunning op die voorgeskrewe vorm uitreik om vir die doel, en onderworpe aan die ander voorwaardes, daarin vermeld, die Republiek binne te kom en daarin te vertoef.
- (2) (a) Voordat die Minister 'n vergunning kragtens subartikel (1) aan 'n verbode persoon uitreik, kan hy, ten einde te verseker dat die doel waarvoor en die ander voorwaardes waarop die vergunning uitgereik sal word, nagekom sal word, dié persoon versoek om by hom 'n bedrag te stort wat die Minister bepaal, of 'n waarborg deur 'n finaal geregistreerde depositonemende instelling op die voorgeskrewe vorm vir dié bedrag aan hom te verstrek.
- (b) 'n Bedrag of waarborg wat ingevolge paragraaf (a) gestort of verstrek is, word, behoudens paragraaf (c), by die vertrek van die betrokke persoon uit die Republiek terugbetaal of gerojear.
- (c) Indien volgens die oordeel van die Minister 'n verbode persoon versuim het om die doel waarvoor of 'n voorwaarde waarop 'n vergunning kragtens paragraaf (a) aan hom uitgereik is, na te kom of daaraan te voldoen, kan die Minister gelas dat die bedrag wat dié persoon gestort het aan die Staat verbeur word of, indien hy 'n waarborg verstrek het, dat die bedrag van die waarborg ten bate van die Staat verhaal word.
- (3) Die Minister kan van tyd tot tyd die tydperk waarvoor 'n vergunning kragtens subartikel (1) uitgereik is, verleng, of die doel waarvoor of die voorwaardes waarop 'n vergunning aldus uitgereik is, wysig, en vanaf sodanige wysiging word die vergunning geag vir sodanige gewysigde doel of op sodanige gewysigde voorwaardes uitgereik te wees.
- (4) (a) 'n Verbode persoon wat ingevolge die bepalings van subartikel (1) toegelaat is om die Republiek binne te kom, kan, indien hy van mening is dat hy

a prohibited person, request an immigration officer to deal with him in terms of section 7: Provided that, except in the case of a person who is a prohibited person in terms of section 11(1), such request shall not be acceded to within a period of three months after such person became a prohibited person.

(b) If as a result of such person having been dealt with in terms of section 7 he is found to be still a prohibited person, there shall be no review by the Minister of such finding.

(5) A permit granted to any person under subsection (1) shall lapse when he departs from the Republic.

(6) (a) Any person to whom a permit has been granted under subsection (1) and who fails to depart from the Republic before or on the date on which the permit expires, or fails to observe the purpose for which or to comply with a condition subject to which that permit was issued, shall be guilty of an offence and, whether or not he has been convicted of that offence, an immigration officer may, if such person is not in custody, arrest such person or cause him to be arrested without warrant and remove or cause him to be removed from the Republic under a warrant issued by the Minister and may, pending his removal, detain or cause him to be detained in the manner and at a place determined by the Director-General.

(b) If any person has been convicted and sentenced in respect of an offence under paragraph (a), he may before the expiration of his sentence be removed from the Republic in the manner contemplated in that paragraph, and the provisions of section 43(2) and (3) shall *mutatis mutandis* apply in respect of such person.

(c) The Minister may at any time withdraw a temporary permit issued under this section and order the person concerned to depart from the Republic within 24 hours of the point of time at which that order is served on him or within such extended period as the Minister may determine.

Application of Act where person erroneously allowed to enter Republic

42. (1) No prohibited person shall be exempt from the provisions of this Act or be allowed to sojourn in the Republic, on the grounds only that he had not been informed that he could not enter or sojourn in the Republic or that he had been allowed to enter or remain in the Republic through oversight or misrepresentation, or owing to the fact having been undiscovered that he was such a prohibited person.

(2) A person referred to in subsection (1) shall be dealt with in accordance with the provisions of section 7.

Punishment of, and dealing with, persons previously dealt with under Act as prohibited persons

43. (1) If any person after having been refused permission to enter, removed from, or ordered to leave the Republic (whether before or after the commencement of this Act), is found within the Republic, he shall be guilty of an offence and—

(a) on conviction he shall be liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding 12 months;

(b) he may be removed at any time from the Republic under a warrant issued by an immigration officer; and

(c) if he is not in custody, he may be arrested without warrant and, pending his removal, be detained in the manner and at the place determined by the Director-General.

(2) Imprisonment imposed under subsection (1) shall terminate as soon as the person concerned is removed from the Republic.

(3) An officer in charge of the prison concerned shall, if a warrant for the removal or release of a person referred to in this section is produced to him by an immigration officer or police officer, deliver such person to that immigration

nie meer 'n verbode persoon is nie, 'n immigrasiebeampte versoek om ingevolge artikel 7 met hom te handel: Met dien verstande dat, behalwe in die geval van 'n persoon wat ingevolge artikel 11(1) 'n verbode persoon is, daar nie aan die versoek voldoen word nie binne 'n tydperk van drie maande nadat dié persoon 5 'n verbode persoon geword het.

(b) Indien as gevolg van die feit dat daar met dié persoon ingevolge artikel 7 gehandel is, daar bevind word dat hy nog steeds 'n verbode persoon is, is daar geen hersiening deur die Minister van die bevinding nie.

(5) 'n Vergunning wat kragtens subartikel (1) aan iemand verleen is, verval 10 wanneer hy die Republiek verlaat.

(6) (a) Iemand aan wie 'n vergunning kragtens subartikel (1) verleen is en wat versuim om die Republiek te verlaat op of voor die vervaldatum van die vergunning, of versuim om die doel waarvoor, of 'n voorwaarde waarop, die vergunning uitgereik is, na te kom of daaraan te voldoen, is aan 'n misdryf 15 skuldig en, ongeag of hy aan daardie misdryf skuldig bevind is al dan nie, kan 'n immigrasiebeampte dié persoon, indien hy nie in hegtenis is nie, sonder 'n lasbrief in hegtenis neem of laat neem en hom uit die Republiek verwyder of laat verwyder kragtens 'n lasbrief wat deur die Minister uitgereik is en kan hy hom, in afwagting van sy verwydering, aanhou of laat aanhou op die wyse en plek deur 20 die Direkteur-generaal bepaal.

(b) Indien iemand ten opsigte van 'n misdryf kragtens paragraaf (a) skuldig bevind en gevonnissen is, kan hy voor die verstryking van sy vonnis uit die Republiek verwyder word op die wyse in daardie paragraaf beoog, en die 25 bepalinge van artikel 43(2) en (3) is *mutatis mutandis* ten opsigte van so 'n persoon van toepassing.

(c) Die Minister kan te eniger tyd 'n tydelike vergunning wat kragtens hierdie artikel uitgereik is, intrek en die betrokke persoon gelas om die Republiek te verlaat binne 24 uur vanaf die tydstip waarop bedoelde lasgewing aan hom beteken word of binne die verlengde tydperk wat die Minister bepaal.

30 Toepassing van Wet waar iemand verkeerdelik toegelaat is om Republiek binne te kom

42. (1) Geen verbode persoon is van die bepalinge van hierdie Wet onthef of word toegelaat om in die Republiek te vertoef nie, slegs op grond daarvan dat hy nie meegedeel is dat hy nie die Republiek mag binnekom of daarin mag 35 vertoef nie of dat hy deur 'n vergissing of wanvoorstelling of weens die feit dat daar nie opgemerk is nie dat hy so 'n verbode persoon was, toegelaat is om die Republiek binne te kom of daarin te bly.

(2) Met 'n persoon in subartikel (1) bedoel, word ooreenkomstig die bepalinge van artikel 7 gehandel.

40 Straf van, en optrede teen, persone met wie voorheen kragtens Wet as verbode persone gehandel is

43. (1) Indien iemand nadat hy (hetsy voor of na die inwerkingtreding van hierdie Wet) toestemming geweier is om die Republiek binne te kom, of daaruit verwyder is of beveel is om dit te verlaat, in die Republiek gevind word, is hy aan 45 'n misdryf skuldig en—

(a) is hy by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande;

(b) kan hy te eniger tyd uit die Republiek verwyder word kragtens 'n 50 lasbrief wat deur 'n immigrasiebeampte uitgereik is; en

(c) as hy nie in hegtenis is nie, kan hy sonder lasbrief in hegtenis geneem word en in afwagting van sy verwydering, op die wyse en plek deur die Direkteur-generaal bepaal, aangehou word.

(2) Gevangenisstraf wat kragtens subartikel (1) opgelê is, eindig sodra die betrokke persoon uit die Republiek verwyder word.

55 (3) 'n Beampte aan die hoof van die betrokke gevangenis moet, indien 'n lasbrief vir die verwydering of loslating van 'n persoon in hierdie artikel bedoel, deur 'n immigrasiebeampte of polisiebeampte aan hom getoon word, dié

officer or police officer, and if such person is not released he shall be deemed to be in lawful custody while he is in the custody of an immigration officer or police officer for the time being in possession of that warrant.

CHAPTER VI

Removal of persons from Republic

Removal of certain categories of persons from Republic

44. (1) An immigration officer shall cause any person who is a prohibited person and enters or is found in the Republic to be removed therefrom.
- (2) Any person (other than a South African citizen by birth or descent) who—
- (a) having been removed from the Republic or, while being subject to an order issued under a law to leave the Republic, returns thereto without lawful authority or fails to comply with such order; or
 - (b) having been refused permission to enter the Republic, whether before or after the commencement of this Act, has entered the Republic,
- shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding 12 months and may, if not already under detention, be arrested without warrant and removed from the Republic under a warrant issued by the Minister and, pending his removal, be detained in the manner and at the place determined by the Director-General.
- (3) If any person has been convicted and sentenced under subsection (1), he may, before the expiration of his sentence, be removed from the Republic in the manner contemplated in that subsection, and the provisions of section 43(2) and (3) shall *mutatis mutandis* apply in respect of his removal.

Removal of persons from Republic because of certain offences

45. (1) Any person (other than a South African citizen by birth or descent) who, whether before or after the commencement of this Act, has been convicted of an offence referred to in section 58 or Schedule I or II in respect of which he has been sentenced to a fine of not less than R4 000, whether or not with imprisonment as an alternative, or to imprisonment for a period of not less than 12 months, whether or not as an alternative to a fine, may be arrested and removed from the Republic under a warrant issued by the Minister and, pending his removal, be detained in the manner and at the place determined by the Director-General.
- (2) The provisions of section 43(2) and (3) shall *mutatis mutandis* apply in respect of any person referred to in subsection (1) of this section.

Removal from Republic of persons who because of offence are deemed undesirable inhabitants of or visitors to Republic

46. (1) Any person (other than a South African citizen by birth or descent) who is convicted of any offence committed by him in the Republic within three years after he entered the Republic by virtue of a permit issued to him in terms of section 25 or after he was exempted in terms of section 28 from the obligation to obtain such a permit or while a visitor to the Republic and who, by reason of the circumstances of such offence, his previous convictions (if any) and his family affairs, is deemed by the Minister to be an undesirable inhabitant of or visitor to the Republic, may be arrested and removed from the Republic under a warrant issued by the Minister and may, pending his removal, be detained in the manner and at the place determined by the Director-General.
- (2) The provisions of section 43(2) and (3) shall *mutatis mutandis* apply in respect of any person referred to in subsection (1) of this section.

persoon aan daardie immigrasiebeampte of polisiebeampte oorhandig, en indien dié persoon nie losgelaat word nie, word hy geag in wettige bewaring te wees terwyl hy in die bewaring is van 'n immigrasiebeampte of polisiebeampte wat op 'n betrokke tydstop in besit van daardie lasbrief is.

5 HOOFSTUK VI

Verwydering van persone uit Republiek

Verwydering van sekere kategorieë persone uit Republiek

44. (1) 'n Immigrasiebeampte moet iemand wat 'n verbode persoon is en die Republiek binnekom of daarin gevind word, daaruit laat verwyder.

10 (2) Iemand (uitgesonderd 'n Suid-Afrikaanse burger deur geboorte of afkoms) wat—

15 (a) nadat hy uit die Republiek verwyder is of, terwyl 'n bevel om die Republiek te verlaat wat kragtens 'n wet uitgereik is, op hom van toepassing is, sonder wettige magtiging daarheen terugkeer of versuim om aan dié bevel te voldoen; of

(b) nadat aan hom, hetsy voor of na die inwerkingtreding van hierdie Wet, toestemming om die Republiek binne te kom, geweier is, die Republiek binnegekom het,

20 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande en kan, indien hy nie reeds in hegtenis is nie, sonder 'n lasbrief in hegtenis geneem en uit die Republiek verwyder word kragtens 'n lasbrief deur die Minister uitgereik en, in afwagting van sy verwydering, op die wyse en plek deur die Direkteur-generaal bepaal, aangehou word.

25 (3) Indien iemand kragtens subartikel (1) skuldig bevind en gevonnissen is, kan hy voor verstryking van sy vonnis uit die Republiek verwyder word op die wyse in daardie subartikel beoog, en die bepalinge van artikel 43(2) en (3) is *mutatis mutandis* ten opsigte van sy verwydering van toepassing.

Verwydering uit Republiek van persone weens sekere misdrywe

30 45. (1) Iemand (uitgesonderd 'n Suid-Afrikaanse burger deur geboorte of afkoms) wat, hetsy voor of na die inwerkingtreding van hierdie Wet, skuldig bevind is aan 'n misdryf bedoel in artikel 58 of Bylae I of II en ten opsigte waarvan hy gevonnissen is tot 'n boete van minstens R4 000, met of sonder gevangenisstraf as alternatief, of tot gevangenisstraf vir 'n tydperk van minstens 35 12 maande, hetsy as alternatief vir 'n boete of nie, kan kragtens 'n lasbrief deur die Minister uitgereik, in hegtenis geneem en uit die Republiek verwyder word en, in afwagting van sy verwydering, op die wyse en plek deur die Direkteur-generaal bepaal, aangehou word.

40 (2) Die bepalinge van artikel 43(2) en (3) is *mutatis mutandis* van toepassing ten opsigte van iemand bedoel in subartikel (1) van hierdie artikel.

Verwydering uit Republiek van persone wat weens misdryf ongewenste inwoners van of besoekers in Republiek geag word

45 46. (1) Iemand (uitgesonderd 'n Suid-Afrikaanse burger deur geboorte of afkoms) wat skuldig bevind word aan 'n misdryf deur hom in die Republiek gepleeg binne drie jaar nadat hy die Republiek binnegekom het uit hoofde van 'n permit wat ingevolge artikel 25 aan hom uitgereik is of nadat hy ingevolge artikel 28 vrygestel is van die verpligting om so 'n permit te verkry, of terwyl hy 'n besoeker in die Republiek is en wat, weens die omstandighede van dié misdryf, sy vorige veroordelings (indien daar is) en sy gesinsangeleenthede, 50 deur die Minister geag word 'n ongewenste inwoner van of besoeker in die Republiek te wees, kan kragtens 'n lasbrief deur die Minister uitgereik, in hegtenis geneem en uit die Republiek verwyder word en kan, in afwagting van sy verwydering, aangehou word op die wyse en plek deur die Direkteur-generaal bepaal.

55 (2) Die bepalinge van artikel 43(2) en (3) is *mutatis mutandis* van toepassing ten opsigte van iemand bedoel in subartikel (1) van hierdie artikel.

Removal from Republic of certain persons in public interest

47. (1) Notwithstanding anything contained in this Act or any other law, the Minister may, if he considers it to be in the public interest, by warrant under his hand order the arrest and removal from the Republic of any person who is not a South African citizen, and thereupon such person may be arrested and, pending his removal, be detained in the manner and at the place determined by the Director-General. 5

(2) The decision of the Minister in regard to the question whether the removal from the Republic 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. 10

Removal from Republic of dependent family members of certain persons

48. (1) If a warrant is issued under section 45, 46 or 47 for the removal from the Republic of a person who is the head of a family, any other member of such family who is not a South African citizen may be included in such warrant and removed thereunder from the Republic: Provided that for the purposes of the other provisions of this Act such member so removed shall be deemed not to have been removed under a warrant from the Republic. 15

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

(i) "family" means the father and mother and a child who, by reason of his age or disability is, in the opinion of the Minister, mainly dependent upon the head of the family for support; and 20

(ii) "head of the family" means the person in the family upon whom the other members of the family are mainly dependent for support.

Prohibition of admission to and residence in Republic in case of removal from Republic 25

49. Notwithstanding anything to the contrary contained in this Act, no alien removed from the Republic under a warrant in terms of section 45, 46 or 47, shall after his removal be entitled to enter or be in the Republic for the purpose of permanent residence therein on the ground that he at the time of his removal— 30

(a) was the holder of a permit issued under section 25;

(b) was exempted under section 28, whether as an individual or as a member of a category of persons, from the prohibition referred to in section 23(a);

(c) was a person to whom the said prohibition is not applicable by virtue of section 29(1)(a); or 35

(d) was the holder of a passport or certificate which in terms of section 13(3) of the Commonwealth Relations Act, 1962 (Act No. 69 of 1962), is deemed to be a permit issued to him under section 25 of this Act. 40

Suspension of execution or withdrawal of certain warrants, and withdrawal of suspension of warrants 40

50. The Minister may suspend the execution of any warrant issued under section 45, 46 or 47 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. 45

Removal from Republic of persons who contravene or fail to comply with certain provisions, conditions or requirements 50

51. (1) Any person who contravenes or fails to comply with any provision of section 5 or 6, or any condition subject to which any authority has under section 5 been issued to him, or a condition imposed by the Minister in terms of section 40(2), or who fails to comply with a requirement of an immigration officer under 50

Verwydering uit Republiek van sekere persone in openbare belang

47. (1) Ondanks die bepalings van hierdie Wet of 'n ander wet kan die Minister, indien hy dit in die openbare belang ag, by 'n lasbrief deur hom onderteken, gelas dat iemand wat nie 'n Suid-Afrikaanse burger is nie, in 5 hegtenis geneem en uit die Republiek verwyder word, en daarna kan dié persoon in hegtenis geneem word en, in afwagting van sy verwydering, aangehou word op die wyse en plek deur die Direkteur-generaal bepaal.

(2) Die beslissing van die Minister aangaande die vraag of die verwydering uit die Republiek van 'n persoon in subartikel (1) bedoel, in die openbare belang is 10 al dan nie, is nie vatbaar vir appèl na, of onderworpe aan hersiening deur, 'n geregshof nie, en niemand is geregtig op die verstrekking aan hom van redes vir dié beslissing nie.

Verwydering uit Republiek van afhanklike gesinslede van sekere persone

48. (1) Indien 'n lasbrief kragtens artikel 45, 46 of 47 uitgereik word vir die 15 verwydering uit die Republiek van iemand wat die hoof van 'n gesin is, kan enige ander lid van dié gesin wat nie 'n Suid-Afrikaanse burger is nie, in dié lasbrief omvat word en daarkragtens uit die Republiek verwyder word: Met dien verstande dat by die toepassing van die ander bepalings van hierdie Wet so 'n lid wat aldus verwyder word, geag word nie kragtens 'n lasbrief uit die Republiek 20 verwyder te gewees het nie.

(2) By die toepassing van subartikel (1) beteken—

- (i) "gesin" die vader en moeder en 'n kind wat, weens sy ouderdom of ongeskiktheid, na die oordeel van die Minister vir onderhoud hoofsaaklik van die hoof van die gesin afhanklik is; en
- 25 (ii) "hoof van die gesin" die persoon in die gesin van wie die ander lede van die gesin hoofsaaklik vir onderhoud afhanklik is.

Verbod op toegang tot en verblyf in Republiek in geval van verwydering uit Republiek

49. Ondanks andersluidende bepalings van hierdie Wet mag geen vreemdeling 30 wat kragtens 'n lasbrief ingevolge artikel 45, 46 of 47 uit die Republiek verwyder is, na sy verwydering die Republiek binnekom of daarin wees nie met die oog op permanente verblyf daarin op grond daarvan dat hy ten tyde van sy verwydering—

- (a) die houer was van 'n permit kragtens artikel 25 uitgereik;
- 35 (b) kragtens artikel 28, hetsy as 'n individu of as 'n lid van 'n kategorie persone, vrygestel was van die verbod bedoel in artikel 23(a);
- (c) iemand was op wie genoemde verbod uit hoofde van artikel 29(1)(a) nie van toepassing is nie; of
- (d) die houer was van 'n paspoort of sertifikaat wat ingevolge artikel 13(3) 40 van die Wet op Statebondsbetrekkinge, 1962 (Wet No. 69 van 1962), geag word 'n permit te wees wat kragtens artikel 25 van hierdie Wet aan hom uitgereik is.

Opskorting van tenuitvoerlegging of intrekking van sekere lasbriewe, en intrekking van opskorting van lasbriewe

50. Die Minister kan die tenuitvoerlegging van 'n lasbrief uitgereik kragtens 45 artikel 45, 46 of 47 opskort op die voorwaardes wat hy bepaal, of so 'n lasbrief intrek, of, indien hy van oordeel is dat 'n voorwaarde van die opskorting van so 'n lasbrief nie nagekom is nie, die opskorting intrek.

Verwydering uit Republiek van persone wat sekere bepalings, voorwaardes of 50 vereistes oortree of versuim om daaraan te voldoen

51. (1) Iemand wat 'n bepaling van artikel 5 of 6, of 'n voorwaarde waarop magtiging kragtens artikel 5 aan hom verleen is, of 'n voorwaarde deur die Minister opgelê ingevolge artikel 40(2), oortree of versuim om daaraan te voldoen, of wat versuim om aan 'n vereiste van 'n immigrasiebeampte kragtens

section 7, shall be guilty of an offence and liable on conviction to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years, and whether or not such person has been convicted of that offence, an immigration officer may, if such person is not in custody, arrest him or cause him to be arrested without a warrant, and may remove him or cause him to be removed from the Republic under a warrant issued by the Minister and, pending his removal, may detain him or cause him to be detained in the manner and at the place determined by the Director-General. 5

(2) If a person has been sentenced under subsection (1) he may be removed from the Republic in the manner provided for in that subsection before the expiration of his sentence, and the provisions of section 43(2) and (3) shall *mutatis mutandis* apply in respect of the removal of such person. 10

CHAPTER VII

Supplementary and general provisions

Representations to Minister 15

52. (1) An immigration officer who in terms of section 9 or 10 declares any person to be a prohibited person shall inform that person on the prescribed form that—

- (a) he may in writing request the Minister to review that declaration; and
- (b) if he arrived by ship which is on the point of departing and is not to call at any other port in the Republic, that request shall without delay be submitted to the Minister; or
- (c) in any other case, that request shall be submitted to the Minister within three days after that declaration. 20

(2) A prohibited person referred to in subsection (1) shall not be removed from the Republic, in a case contemplated in subsection (1)(c), before the period contemplated therein has lapsed, and, if he has requested the Minister to review the relevant declaration of the immigration officer, unless the Minister has confirmed such declaration. 25

Production of certain proof by certain persons as required by immigration officer or police officer 30

53. (1) If any immigration officer or police officer suspects on reasonable grounds that a person is an alien he may require such person to produce to him proof that he is entitled to be in the Republic, and if such person fails to satisfy such officer that he is so entitled, such officer may take him into custody without a warrant and if such officer deems it necessary detain such person in a manner and at a place determined by the Director-General, and such person shall as soon as possible be dealt with under section 7. 35

(2) If it is established that a person referred to in subsection (1) is not entitled to be in the Republic, he shall be guilty of an offence and on conviction liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding 12 months and, whether or not he has been convicted of that offence, he may, if he is not in custody, be arrested without a warrant and removed from the Republic under a warrant issued by the Minister and, pending such removal, be detained in a manner and at a place determined by the Director-General. 40 45

(3) If a person is serving a sentence of imprisonment under subsection (2), he may be removed from the Republic in the manner contemplated in that subsection before the expiration of such sentence, and the provisions of section 43(2) and (3) shall *mutatis mutandis* apply in respect of his removal. 50

Entering of premises

54. (1) Any immigration officer may for the purpose of this Act—

artikel 7 te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, en ongeag of dié persoon aan dié misdryf skuldig bevind is al dan nie, kan 'n immigrasiebeampte dié persoon, indien hy nie in hegtenis is

5 nie, sonder 'n lasbrief in hegtenis neem of laat neem en hom kragtens 'n lasbrief deur die Minister uitgereik uit die Republiek verwyder of laat verwyder en kan hy hom, in afwagting van sy verwydering, op die wyse en plek deur die Direkteur-generaal bepaal, aanhou of laat aanhou.

(2) Indien iemand kragtens subartikel (1) gevonnissen is, kan hy voor die

10 verstryking van sy vonnis uit die Republiek verwyder word op die wyse in dié subartikel bepaal, en die bepalings van artikel 43(2) en (3) is *mutatis mutandis* ten opsigte van die verwydering van dié persoon van toepassing.

HOOFTUK VII

Aanvullende en algemene bepalings

15 **Vertoë tot Minister**

52. (1) 'n Immigrasiebeampte wat iemand ingevolge artikel 9 of 10 tot 'n verbode persoon verklaar, moet so iemand op die voorgeskrewe vorm in kennis stel dat—

- (a) hy die Minister skriftelik kan versoek om bedoelde verklaring te hersien; en
- (b) indien hy per skip aangekom het wat op vertrek staan en nie by 'n ander hawe in die Republiek gaan aandoen nie, bedoelde versoek onverwyld aan die Minister voorgelê moet word; of
- (c) in 'n ander geval, bedoelde versoek binne drie dae na bedoelde
- 25 verklaring aan die Minister voorgelê moet word.

(2) 'n Verbode persoon bedoel in subartikel (1) word nie uit die Republiek verwyder nie, in 'n geval beoog in subartikel (1)(c), voordat die tydperk daarin beoog, verstryk het, en, indien hy die Minister versoek het om die tersaaklike verklaring van die immigrasiebeampte te hersien, tensy die Minister dié

30 verklaring bekragtig het.

Voorlegging van sekere bewys deur sekere persone soos vereis deur immigrasie-beampte of polisiebeampte

53. (1) Indien 'n immigrasiebeampte of 'n polisiebeampte op redelike gronde vermoed dat 'n persoon 'n vreemdeling is, kan hy van daardie persoon vereis om

35 aan hom bewys voor te lê dat hy geregtig is om in die Republiek te wees, en indien dié persoon nie in staat is om dié beampte te oortuig dat hy aldus geregtig is nie, kan dié beampte hom sonder 'n lasbrief in hegtenis neem en, indien dié beampte dit nodig ag, dié persoon aanhou op 'n wyse en plek deur die Direkteur-generaal bepaal, en met dié persoon moet so gou doenlik kragtens

40 artikel 7 handel word.

(2) Indien vasgestel word dat 'n persoon in subartikel (1) bedoel nie geregtig is om in die Republiek te wees nie, is hy aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande en, ongeag of hy aan daardie

45 misdryf skuldig bevind is al dan nie, kan hy, as hy nie in hegtenis is nie, sonder 'n lasbrief in hegtenis geneem word en kragtens 'n lasbrief deur die Minister uitgereik, uit die Republiek verwyder word en, in afwagting van bedoelde verwydering, op 'n wyse en plek deur die Direkteur-generaal bepaal, aangehou word.

(3) Indien iemand 'n vonnis van gevangenisstraf kragtens subartikel (2) uitdien, kan hy voor verstryking van dié vonnis uit die Republiek verwyder word op die wyse in daardie subartikel beoog, en die bepalings van artikel 43(2) en (3) is *mutatis mutandis* ten opsigte van sy verwydering van toepassing.

Betreding van persele

55 54. (1) 'n Immigrasiebeampte kan by die toepassing van hierdie Wet—

- (a) enter upon any premises;
- (b) interrogate any person found in or on such premises;
- (c) examine any books, records, statements, registers or other documents found on such premises and which in any way relate to the occupation of or residence on such premises, and make copies of or extracts from such books, records, statements, registers or other documents;
- (d) call upon any person to furnish the officer with any information at his disposal with regard to the ownership or occupation of, or residence on, such premises, or the presence of any person thereon; and
- (e) call upon any person on such premises to furnish him with proof of his right to be on such premises.

(2) Any person who refuses or fails to comply with an order by, or to answer to the best of his ability any question put to him by, an immigration officer under subsection (1), or who hinders such an officer in the performance of his functions thereunder, shall be guilty of an offence.

(3) Any immigration officer shall at the request of any person affected by the performance of his functions under subsection (1), produce to such person proof of his appointment as immigration officer.

Restriction of jurisdiction of courts of law, and restriction on detention

55. (1) Subject to the provisions of subsection (2), no court of law shall have any jurisdiction to review, quash, reverse, interdict or otherwise interfere with any act, order or warrant of the Minister, an immigration officer or master of a ship performed or issued under this Act and which relates to the restriction or detention, or the removal from the Republic, of a person who is being dealt with as a prohibited person.

(2) If any person is detained under the provisions of this Act elsewhere than on a ship, that detention shall not be for a longer period than is under the circumstances reasonable and necessary.

Regulations

56. (1) The Minister may make regulations relating to—

- (a) the powers and duties of immigration officers;
- (b) the steps to be taken to prevent the entry of prohibited persons into the Republic and to facilitate the tracing and identification of prohibited persons in, and their removal from, the Republic;
- (c) the procedure regulating the entry of persons into the Republic at a port of entry;
- (d) the times, places and conduct of an enquiry relating to, or the examination of, persons entering or desiring to enter the Republic or who, being found in the Republic, are suspected of being prohibited persons or unlawfully resident therein;
- (e) the infectious, communicable or other diseases or the viruses the affliction with or the carrying of which will render a person a prohibited person;
- (f) the permits and the certificates which may be issued under this Act, the conditions subject to which such permits or certificates may be issued, the circumstances under which such permits or certificates may be cancelled or withdrawn, the fees which may be charged in respect of such permits or certificates, and the amount and nature of the security required to ensure compliance with the conditions upon which a permit to enter and reside for a specified period may be issued to a prohibited person;
- (g) the conditions upon which prohibited persons may be allowed to pass through the Republic while journeying or being conveyed to a place outside the Republic;
- (h) the forms of warrants, permits, certificates or other documents to be issued or used, or of the declarations to be made, or of registers to be

- (a) enige perseel betree;
 - (b) iemand wat in of op dié perseel gevind word, ondervra;
 - (c) boeke, aantekeninge, state, registers of ander stukke wat op dié perseel gevind word en op enige wyse op die okkupasie van of verblyf op dié perseel betrekking het, ondersoek en afskrifte van of uittreksels uit dié boeke, aantekeninge, state, registers of ander stukke maak;
 - (d) iemand aansê om inligting tot sy beskikking met betrekking tot die eiendomsreg of okkupasie van, of verblyf op, dié perseel, of die teenwoordigheid van enige persoon daarop, aan die beampte te verstrek; en
 - (e) iemand wat op dié perseel is, aansê om aan hom bewys te verstrek van sy reg om op dié perseel te wees.
- (2) Iemand wat weier of versuim om te voldoen aan 'n lasgewing deur, of om na sy beste vermoë 'n antwoord te verstrek op 'n vraag aan hom gestel deur, 'n immigrasiebeampte kragtens subartikel (1), of wat so 'n beampte by die uitvoering van sy werksaamhede daarkragtens hinder, is aan 'n misdryf skuldig.
- (3) 'n Immigrasiebeampte moet op versoek van iemand wat deur die verrigting van sy werksaamhede kragtens subartikel (1) geraak word, aan so iemand bewys van sy aanstelling as immigrasiebeampte toon.

20 Beperking van regsbevoegdheid van geregshowe, en beperking op aanhouding

55. (1) Behoudens die bepalinge van subartikel (2) is geen geregshof bevoeg om 'n handeling, lasgewing of lasbrief van die Minister, 'n immigrasiebeampte of gesagvoerder van 'n skip kragtens hierdie Wet verrig of uitgereik en wat betrekking het op die beperking of aanhouding, of die verwydering uit die Republiek, van 'n persoon met wie as 'n verbode persoon gehandel word, te hersien, tersyde te stel, te verander, by wyse van 'n interdik te belet of hom op 'n ander wyse daarmee in te meng nie.
- (2) Indien iemand kragtens die bepalinge van hierdie Wet elders as op 'n skip aangehou word, mag bedoelde aanhouding nie vir 'n langer tydperk wees nie as wat onder die omstandighede redelik en noodsaaklik is.

Regulasies

56. (1) Die Minister kan regulasies uitvaardig aangaande—
- (a) die bevoegdhede en pligte van immigrasiebeamptes;
 - (b) die stappe wat gedoen moet word ten einde die binnekoms van verbode persone in die Republiek te voorkom, en die opsporing en identifisering van verbode persone in, en hul verwydering uit, die Republiek te vergemaklik;
 - (c) die prosedure wat die binnekoms van persone in die Republiek by 'n toegangspoort reël;
 - (d) die tye, plekke en hou van 'n ondersoek betreffende, of die ondervraging van, persone wat die Republiek binnekom of wil binnekom of wat, wanneer hulle in die Republiek gevind word, vermoed word verbode persone te wees of onwettig daarin woonagtig te wees;
 - (e) die aansteeklike, oordraagbare of ander siektes of die virusse wat van 'n persoon wat daardeur aangetas of 'n draer daarvan is, 'n verbode persoon maak;
 - (f) die permitte en sertifikate wat kragtens hierdie Wet uitgereik kan word, die voorwaardes waarop dié permitte en sertifikate uitgereik kan word, die omstandighede waaronder dié permitte of sertifikate geroeër of ingetrek kan word, die gelde wat ten opsigte van dié permitte of sertifikate gevorder kan word, en die bedrag en aard van die sekerheid wat vereis word om nakoming van die voorwaardes te verseker waarop 'n permit om binne te kom en vir 'n bepaalde tydperk te bly, aan 'n verbode persoon uitgereik kan word;
 - (g) die voorwaardes waarop verbode persone deur die Republiek mag gaan terwyl hulle reis of vervoer word na 'n plek buite die Republiek;
 - (h) die vorms van lasbriewe, permitte, sertifikate of ander stukke wat uitgereik of gebruik moet word, of van verklarings wat afgelê moet word, of van registers wat gehou moet word, vir die doeleindes van

- kept, for the purposes of this Act, and the particulars to be inserted on or in any such document, declaration, or register;
- (i) the fees that may be charged in respect of overtime services required to be performed by immigration officers;
 - (j) the fees that may be charged in respect of the issuing of visas;
 - (k) the steps to be taken to prevent the departure from the Republic of a person not in possession of a passport or an appropriate permit,
- and generally for the better achievement of the objects and purposes of this Act.
- (2) Different regulations may be made under subsection (1)(c) in respect of different ports of entry, and the forms of warrants, permits, certificates, documents, declarations or registers prescribed under subsection (1)(h) may differ in respect of different categories of persons.
- (3) Regulations made under subsection (1) may prescribe penalties for a contravention thereof or a failure to comply therewith, not exceeding a fine of R4 000 or imprisonment for a period of 12 months.
- (4) The Minister may at his discretion—
- (a) exempt a person or category of persons from paying fees prescribed under subsection (1)(i); and
 - (b) withdraw an exemption granted to a person or a category of persons under paragraph (a).

CHAPTER VIII

Offences, penalties and evidence

Prohibition of aiding and abetting of certain persons, commission of certain fraudulent acts, and making of certain misrepresentations

57. Any person who—
- (a) in any manner aids or abets a person in entering or remaining in the Republic, or in departing from the Republic with the intent to proceed to another country, in contravention of this Act;
 - (b) conveys a person who is proceeding to another country in contravention of the provisions of this Act, from the Republic to any other country;
 - (c) conveys or causes to be conveyed into the Republic a person who is not in possession of a passport and who is not a South African citizen by birth or descent;
 - (d) aids or abets a person ordered to be removed from the Republic in evading the order, or harbours him, knowing him to be the subject of any such order;
 - (e) for the purpose of entering or remaining in the Republic, or of facilitating or assisting the entrance into or residence in the Republic 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,

shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

General offences and penalties

58. Any person who—
- (a) for the purpose of entering the Republic, or of remaining therein, in contravention of this Act, or of assisting any other person so to enter or so to remain, utters, uses, or attempts to use any permit, certificate, written authority or other document which has not been issued by lawful authority, or which, though issued by lawful authority, he is not entitled

- hierdie Wet, en die besonderhede wat so 'n stuk, verklaring of register moet bevat;
- (i) die gelde wat gevorder kan word ten opsigte van oortyd wat deur immigrasiebeamptes verrig moet word;
- 5 (j) die gelde wat ten opsigte van die uitreiking van visums gevorder kan word;
- (k) die stappe wat gedoen moet word om die vertrek uit die Republiek te verhoed van 'n persoon wat nie in besit van 'n paspoort of gepaste permit is nie,
- 10 en oor die algemeen vir die doeltreffender verwesenliking van die doelstellings en oogmerke van hierdie Wet.
- (2) Verskillende regulasies kan kragtens subartikel (1)(c) ten opsigte van verskillende toegangspoorte uitgevaardig word, en die vorms van lasbriewe, permitte, sertifikate, stukke, verklarings of registers wat kragtens subartikel
- 15 (1)(h) voorgeskryf word, kan verskil ten opsigte van verskillende kategorieë persone.
- (3) Regulasies wat kragtens subartikel (1) uitgevaardig word, kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen, strawwe voorskryf wat nie 'n boete van R4 000 of gevangenisstraf vir 'n tydperk van 12 maande te bowe
- 20 gaan nie.
- (4) Die Minister kan na goeddunke—
- (a) 'n persoon of 'n kategorie persone vrystel van die betaling van gelde wat kragtens subartikel (1)(i) voorgeskryf is; en
- (b) 'n vrystelling wat kragtens paragraaf (a) verleen is aan 'n persoon of 'n
- 25 kategorie persone, intrek.

HOOFTUK VIII

Misdrywe, strawwe en bewyslewering

Verbod op hulpverlening aan sekere persone, pleging van sekere bedrieglike handelinge, en doen van sekere wanvoorstellings

- 30 **57. Iemand wat—**
- (a) 'n persoon op enige wyse bystaan of help om in stryd met hierdie Wet die Republiek binne te kom of daarin te bly of dit te verlaat met die doel om na 'n ander land te gaan;
- (b) 'n persoon wat in stryd met die bepalings van hierdie Wet onderweg is na 'n ander land, vanaf die Republiek na 'n ander land vervoer;
- 35 (c) 'n persoon wat nie in besit is nie van 'n paspoort en nie 'n Suid-Afrikaanse burger deur geboorte of afkoms is nie, in die Republiek inbring of laat inbring;
- (d) 'n persoon wie se verwydering uit die Republiek na sy wete gelas is, bystaan of help om die lasgewing te ontduik of hom herberg;
- 40 (e) ten einde die Republiek in stryd met hierdie Wet binne te kom of daarin te bly, of die binnekoms of verblyf van homself of 'n ander persoon in die Republiek in stryd met hierdie Wet te vergemaklik of te bevorder, 'n bedrieglike handeling pleeg of deur gedrag, 'n verklaring
- 45 of andersins 'n wanvoorstelling doen,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met dié boete sowel as dié gevangenisstraf.

Algemene misdrywe en strawwe

- 50 **58. Iemand wat—**
- (a) ten einde die Republiek in stryd met hierdie Wet binne te kom of daarin te bly of ten einde 'n ander persoon behulpsaam te wees om aldus binne te kom of aldus te bly, 'n permit, sertifikaat, skriftelike magtiging of ander stuk wat nie deur 'n bevoegde gesag uitgereik is nie,
- 55 of wat, ofskoon dit deur 'n bevoegde gesag uitgereik is, hy nie geregtig is om te gebruik nie, of 'n nagmaakte of vervalste permit, sertifikaat,

- to use, or any fabricated or falsified permit, certificate, written authority or other document;
- (b) without sufficient cause (the onus of proof of which shall be upon him) has in his possession—
- (i) any stamp or other instrument which is used or capable of being used for purposes of fabricating or falsifying or unlawfully recording on any document any endorsement under this Act; or
 - (ii) any form officially printed for the purposes of issuing any permit, certificate, written authority or other document under this Act, or any reproduction or imitation of any such form;
- (c) fails to comply with or to observe or contravenes the conditions subject to which or the purpose for which any permit, certificate, written authority or other document has been issued to him under this Act;
- (d) obstructs, hinders, opposes, resists or interferes with an immigration officer or police officer in the performance of his duties or the exercise of his powers under this Act, or without just cause refuses or fails to comply with a requirement by an immigration officer or police officer under this Act;
- (e) compels an immigration officer or police officer to perform or neglect an act in connection with the performance of his duties or the exercise of his powers under this Act, or because an immigration officer or police officer has performed or neglected such act, threatens or suggests violence or force against that immigration officer or police officer or any of his next of kin or dependants, or threatens to damage or suggest damage to the property of the said officer or any of his next of kin or dependants;
- (f) contravenes or fails to comply with any provision of this Act, if such contravention or failure is not elsewhere declared an offence; or
- (g) pretends to be an immigration officer,
- shall be guilty of an offence and liable on conviction of such offence or any other offence under this Act in respect of which no penalty is elsewhere prescribed, to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years and, in the case of a contravention of paragraph (a) or (b), to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.
- (2) If a person has been convicted of a contravention of section 32(1)(a) or (b), the court shall ascertain the amount of the costs incurred by the State in removing the alien concerned from the Republic and, irrespective of any penalty imposed, order the person convicted to pay that amount to the State.
- (3) An order made in terms of subsection (2) shall have the effect of a civil judgment in a magistrate's court.

Evidence

59. (1) If in any proceedings the question arises whether, or it is alleged that, any person entered or remained in the Republic in contravention of the provisions of this Act, such person shall be presumed to have so entered or remained in the Republic until the contrary is proved.
- (2) Any order, warrant, permit, certificate, written authority or other document which may under this Act be issued shall, unless otherwise required by this Act, be good and effectual if signed by any immigration officer and, when so signed, 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 or written authority under the hand of an immigration 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 immigration officer whose presence is required, to attend.

- skriftelike magtiging of ander stuk uitgee of gebruik of poog om dit te gebruik;
- (b) sonder voldoende rede (waarvan die bewyslas op hom is)—
- 5 (i) enige stempel of ander instrument wat gebruik word of kan word om 'n endossement kragtens hierdie Wet na te maak of te vervals of onwettig op 'n stuk aan te bring, in sy besit het; of
- 10 (ii) enige vorm wat amptelik gedruk is vir die uitreiking van 'n permit, sertifikaat, skriftelike magtiging of ander stuk kragtens hierdie Wet, of enige reproduksie of namaaksel van so 'n vorm, in sy besit het;
- (c) die voorwaardes waarop of doel waarvoor 'n permit, sertifikaat, skriftelike magtiging of ander stuk kragtens hierdie Wet aan hom uitgereik is, oortree of versuim om daaraan te voldoen of dit in ag te neem;
- 15 (d) 'n immigrasiebeampte of polisiebeampte by die uitvoering van sy pligte of die uitoefening van sy bevoegdhede kragtens hierdie Wet belemmer, hinder, teëgaan, weerstaan of lastig val, of sonder gegronde rede weier of versuim om te voldoen aan 'n vereiste van 'n immigrasiebeampte of polisiebeampte kragtens hierdie Wet;
- 20 (e) 'n immigrasiebeampte of polisiebeampte dwing om 'n handeling in verband met die uitvoering van sy pligte of die uitoefening van sy bevoegdhede kragtens hierdie Wet te verrig of na te laat, of omdat 'n immigrasiebeampte of polisiebeampte so 'n handeling verrig of nage-laai het, daardie immigrasiebeampte of polisiebeampte of enigeen van
- 25 sy naasbestaandes of afhanklikes met geweld dreig of geweld teenoor hom suggereer of dreig om die eiendom van genoemde beampte of enigeen van sy naasbestaandes of afhanklikes te beskadig of die beskadiging daarvan suggereer;
- (f) 'n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, indien dié oortreding of versuim nie elders 'n misdryf verklaar is nie; of
- 30 (g) homself as 'n immigrasiebeampte voordoen, is aan 'n misdryf skuldig en by skuldigbevinding aan dié misdryf of 'n misdryf kragtens hierdie Wet ten opsigte waarvan geen straf elders voorgeskryf is nie, strafbaar met 'n boete van hoogstens R8 000 of met gevangenisstraf vir 'n
- 35 tydperk van hoogstens twee jaar en, in die geval van 'n oortreding van paragraaf (a) of (b), met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met dié boete sowel as dié gevangenisstraf.
- (2) Indien 'n persoon aan 'n oortreding van artikel 32(1)(a) of (b) skuldig bevind is, moet die hof die bedrag van die koste vasstel wat die Staat aangeaan
- 40 het by die verwydering van die betrokke vreemdeling uit die Republiek en, ongeag enige straf opgelê, die veroordeelde gelas om dié bedrag aan die Staat te betaal.
- (3) 'n Bevel ingevolge subartikel (2) uitgereik, het die uitwerking van 'n siviele vonnis in 'n landdroshof.

45 Bewyslewering

59. (1) Indien in 'n geding die vraag ontstaan of, of daar beweer word dat, iemand in stryd met die bepalings van hierdie Wet die Republiek binnegekom het of daarin gebly het, word vermoed dat so iemand die Republiek aldus binnegekom het of daarin gebly het, totdat die teendeel bewys word.
- 50 (2) 'n Bevel, lasbrief, permit, sertifikaat, skriftelike magtiging of ander stuk wat kragtens hierdie Wet uitgereik kan word, is regsgeldig indien dit, tensy anders by hierdie Wet vereis, onderteken is deur 'n immigrasiebeampte en geld, indien aldus onderteken, in alle geregshoue en vir ander doeleindes as bewys dat dit ooreenkomstig die bepalings van hierdie Wet uitgereik is.
- 55 (3) 'n Sertifikaat of skriftelike magtiging onderteken deur 'n immigrasie-beampte is in 'n geding kragtens hierdie Wet *prima facie*-bewys van die feite wat daarin vermeld word, en dit is nie nodig om mondelinge getuienis ten opsigte van dié feite voor te lê nie, tensy die hof waarvoor dié geding gevoer word, dit uitdruklik gelas, in welke geval 'n uitstel toegestaan moet word ten einde die
- 60 immigrasiebeampte wie se teenwoordigheid vereis word, in staat te stel om teenwoordig te wees.

CHAPTER IX

*Repeal of Acts, savings, short title and commencement***Repeal of Acts, and savings**

60. (1) Subject to the provisions of subsection (2), the Acts mentioned in Schedule III are hereby repealed to the extent set out in the third column thereof. 5

(2) Anything done under any provision of an Act repealed by subsection (1) and which could be done under a provision of this Act shall be deemed to have been done under the last-mentioned provision.

Short title and commencement

61. (1) This Act shall be called the Aliens Control Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 10

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

HOOFSTUK IX

*Herroeping van Wette, voorbehoude, kort titel en inwerkingtreding***Herroeping van Wette, en voorbehoude**

60. (1) Behoudens die bepalings van subartikel (2) word die Wette in Bylae III 5 vermeld hierby herroep in die mate in die derde kolom daarvan aangedui.

(2) Enigiets wat gedoen is kragtens 'n bepaling van 'n Wet wat by subartikel (1) herroep is en kragtens 'n bepaling van hierdie Wet gedoen sou kon word, word geag kragtens laasgenoemde bepaling gedoen te gewees het.

Kort titel en inwerkingtreding

10 61. (1) Hierdie Wet heet die Wet op Vreemdelinge-beheer, 1991, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

Schedule II

OFFENCES REFERRED TO IN SECTION 42

Dealing in, selling or being in possession of raw, rough, precious metal or rough or uncut precious stones in contravention of a law.

Contravention of any provision of the Immigrant Act, 1953 (Act No. 34 of 1953).

Contravention of section 31(1) of the Criminal Procedure Act, 1952 (Act No. 56 of 1952).

Contravention of section 35 or 37 of the General Law Amendment Act, 1955 (Act No. 65 of 1955).

Contravention of any provision of the Sexual Offences Act, 1957 (Act No. 23 of 1957), which constitutes an offence under that Act.

Contravention of the Prevention of Corruption Act, 1958 (Act No. 1 of 1958).

Contravention of section 25A of the Holidays Act, 1960 (Act No. 18 of 1960).

Contravention of section 12 of the Price Control Act, 1964 (Act No. 25 of 1964).

Contravention of section 3(1) of the Indecent or Obscene Photographs Matter Act, 1967 (Act No. 37 of 1967).

Contravention of section 30(1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) or (p) of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969).

Contravention of the Intimidation Act, 1982 (Act No. 72 of 1982).

Contravention of section 24(1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) or (p) of the Internal Security Act, 1983 (Act No. 34 of 1983).

An offence in respect of which a general or special amnesty has been imposed.

Contravention of the Protection of Information Act, 1985 (Act No. 84 of 1985).

Contravention of section 93 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983).

Dealing in, being in possession of or conveying endangered, scarce and protected game or plants or animals, referred in contravention of a Provincial Ordinance.

Contravention of a law of exchange control.

Act No. 96, 1991

ALIENS CONTROL ACT, 1991

Schedule I**OFFENCES REFERRED TO IN SECTIONS 39 AND 45**

High treason.
 Sedition.
 Public violence.
 Murder.
 Culpable homicide.
 Assault with intent to do grievous bodily harm.
 Robbery.
 Theft under the common law or any law.
 Receiving stolen property knowing it to be stolen.
 Housebreaking or entering any premises with intent to commit an offence, whether under the common law or any law.
 Extortion or the obtaining of property by means of a threat.
 Fraud.
 Arson.
 Malicious injury to property.
 Dealing in, or 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 No. 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.
 Bribery.
 Indecent assault.
 Public indecency.
 Incest.
 Sodomy.
 Kidnapping.
 Childstealing.
 Abduction.
 Defeating or obstructing the course of justice.
 Perjury.
 Any attempt to commit, or being an accomplice to the commission of, any such offence.

Schedule II**OFFENCES REFERRED TO IN SECTION 45**

Dealing in, selling or being in possession of unwrought precious metal or rough or uncut precious stones in contravention of a law.
 Contravention of any provision of the Insolvency Act, 1936 (Act No. 24 of 1936).
 Contravention of section 319(3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).
 Contravention of section 36 or 37 of the General Law Amendment Act, 1955 (Act No. 62 of 1955).
 Contravention of any provision of the Sexual Offences Act, 1957 (Act No. 23 of 1957), which constitutes an offence under that Act.
 Contravention of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958).
 Contravention of section 22A of the Heraldry Act, 1962 (Act No. 18 of 1962).
 Contravention of section 18 of the Price Control Act, 1964 (Act No. 25 of 1964).
 Contravention of section 2(1) of the Indecent or Obscene Photographic Matter Act, 1967 (Act No. 37 of 1967).
 Contravention of section 39(1)(h), (i), (j), (k), (l) or (m) of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969).
 Contravention of the Intimidation Act, 1982 (Act No. 72 of 1982).
 Contravention of section 54, 55, 56(1)(a), (b), (c), (g), (i), (j), (k), (m), (n), (o) or (p), 57(1), 59 or 60 of the Internal Security Act, 1982 (Act No. 74 of 1982).
 An offence in respect of which a penalty in terms of section 58 of the Internal Security Act, 1982, has been imposed.
 Contravention of the Protection of Information Act, 1982 (Act No. 84 of 1982).
 Contravention of section 92 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983).
 Dealing in, being in possession of or conveying endangered, scarce and protected game or plants or parts or remains thereof in contravention of a Provincial Ordinance.
 Contravention of a law of exchange control.

Bylae I

MISDRYWE BEDOEL IN ARTIKELS 39 EN 45

Hoogverraad.

Sedisie.

Openbare geweld.

Moord.

Strafbare manslag.

Aanranding met die opset om ernstig te beseer.

Roof.

Diefstal kragtens die gemene reg of 'n wet.

Ontvangs van gesteelde goed wetende dat dit gesteel is.

Huisbraak of die betreding van 'n perseel met die opset om 'n misdryf te pleeg, hetsy kragtens die gemene reg of 'n wet.

Afpersing of die verkryging van goed deur middel van 'n dreigement.

Bedrog.

Brandstigting.

Opsetlike saakbeskadiging.

Handeldryf in, of besit van, 'n stof van tyd tot tyd vermeld in Deel I, II of III van die Bylae by die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971).

Muntvervalsing of die uitgifte van vervalste munt wetende dat dit vervals is.

Vervalsing of die uitgifte van 'n vervalste stuk wetende dat dit vervals is.

Verkragting.

Omkoopery.

Onsedelike aanranding.

Openbare onsedelikeheid.

Bloedskande.

Sodomie.

Menseroof.

Kinderdiefstal.

Ontvoering.

Vervdeling van die regsbedeling.

Meineed.

'n Poging om so 'n misdryf te pleeg of om 'n medepligtige by die pleging daarvan te wees.

Bylae II

MISDRYWE BEDOEL IN ARTIKEL 45

Handeldryf in, verkoop of in besit wees van onbewerkte edele metaal of ruwe of ongeslypte edelstene in stryd met 'n wet.

Oortreding van 'n bepaling van die Insolvensiewet, 1936 (Wet No. 24 van 1936).

Oortreding van artikel 319(3) van die Strafproseswet, 1955 (Wet No. 56 van 1955).

Oortreding van artikel 36 of 37 van die Algemene Regswysigingswet, 1955 (Wet No. 62 van 1955).

Oortreding van 'n bepaling van die Wet op Seksuele Misdrywe, 1957 (Wet No. 23 van 1957), wat kragtens daardie Wet 'n misdryf uitmaak.

Oortreding van die Wet op die Voorkoming van Korruptsie, 1958 (Wet No. 6 van 1958).

Oortreding van artikel 22A van die Heraldiekwet, 1962 (Wet No. 18 van 1962).

Oortreding van artikel 18 van die Wet op Prysbeheer, 1964 (Wet No. 25 van 1964).

Oortreding van artikel 2(1) van die Wet op Onbetaamlike of Onwettige Fotografiese Materiaal, 1967 (Wet No. 37 van 1967).

Oortreding van artikel 39(1)(h), (i), (j), (k), (l) of (m) van die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969).

Oortreding van die Wet op Intimidasie, 1982 (Wet No. 72 van 1982).

Oortreding van artikel 54, 55, 56(1)(a), (b), (c), (g), (i), (j), (k), (m), (n), (o) of (p), 57(1), 59 of 60 van die Wet op Binnelandse Veiligheid, 1982 (Wet No. 74 van 1982).

'n Misdryf ten opsigte waarvan 'n straf ingevolge artikel 58 van die Wet op Binnelandse Veiligheid, 1982, opgelê is.

Oortreding van die Wet op die Beveiliging van Inligting, 1982 (Wet No. 84 van 1982).

Oortreding van artikel 92 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983).

Handeldryf in of besit of vervoer van bedreigde, skaars en beskermde wild of plante of dele of oorblyfsels daarvan in stryd met 'n Provinsiale Ordonnansie.

Oortreding van 'n wet op deviesbeheer.

Act No. 96, 1991

ALIENS CONTROL ACT, 1991

Schedule III

ACTS REPEALED
(SECTION 60)

No. and year of Act	Title	Extent of repeal
1 of 1937	Aliens Act, 1937	Sections 2 to 8B, inclusive, and sections 10 to 13bis, inclusive.
26 of 1939	Aliens Registration Act, 1939	The whole.
1 of 1949	Aliens Registration Amendment Act, 1949	The whole.
34 of 1955	Departure from the Union Regulation Act, 1955	The whole.
59 of 1961	Aliens Amendment Act, 1961	The whole.
60 of 1961	Admission of Persons to the Union Regulation Amendment Act, 1961	The whole.
69 of 1962	Commonwealth Relations Act, 1962	Sections 6 to 12, inclusive, and sections 13(4), 14, 15, 16, 29, 64, 65 and 66.
30 of 1963	Aliens Control Act, 1963	The whole.
23 of 1964	Residence in the Republic Regulation Act, 1964	Sections 2 and 8.
7 of 1967	Aliens Amendment Act, 1967	The whole.
61 of 1967	Border Control Act, 1967	The whole.
38 of 1969	Admission of Persons to and Departure from the Republic Regulation Amendment Act, 1969	The whole.
12 of 1971	Aliens Amendment Act, 1971	The whole.
59 of 1972	Admission of Persons to the Republic Regulation Act, 1972	The whole.
40 of 1973	Aliens Control Act, 1973	The whole.
41 of 1978	Designated Neighbouring Countries Act, 1978	The whole.
42 of 1978	Admission of Persons to the Republic Regulation Amendment Act, 1978	The whole.
6 of 1979	Admission of Persons to the Republic Regulation Amendment Act, 1979	The whole.
7 of 1979	Departure from the Union Regulation Amendment Act, 1979	The whole.
29 of 1980	Admission of Persons to the Republic Regulation Amendment Act, 1980	The whole.
78 of 1981	Aliens Amendment Act, 1981	The whole.
101 of 1981	Republic of South Africa Constitution Second Amendment Act, 1982	Section 9.
22 of 1982	Heraldry Amendment Act, 1982	Section 3.
49 of 1984	Aliens and Immigration Laws Amendment Act, 1984	The whole.
53 of 1986	Matters concerning Admission to and Residence in the Republic Amendment Act, 1986	Sections 1 to 5, inclusive, and 15.
97 of 1986	Transfer of Powers and Duties of the State President Act, 1986	The items in the First Schedule relating to the Aliens Act, 1937 (Act No. 1 of 1937); the Aliens Registration Act, 1939 (Act No. 26 of 1939); the Departure from the Union Regulation Act, 1955 (Act No. 34 of 1955), and the Admission of Persons to the Republic Regulation Act, 1972 (Act No. 59 of 1972).

WET OP VREEMDELINGE-BEHEER, 1991

Wet No. 96, 1991

Bylae III

WETTE HERROEP

(ARTIKEL 60)

No. en jaar van Wet	Titel	Omvang van herroeping
1 van 1937	Wet op Vreemdelinge, 1937	Artikels 2 tot en met 8B, en artikels 10 tot en met 13 <i>bis</i> .
26 van 1939	Wet op Registrasie van Vreemdelinge, 1939	Die geheel.
1 van 1949	Wysigingswet op Registrasie van Vreemdelinge, 1949	Die geheel.
34 van 1955	Wet tot Reëling van Vertrek uit die Unie, 1955	Die geheel.
59 van 1961	Wysigingswet op Vreemdelinge, 1961	Die geheel.
60 van 1961	Wysigingswet op Reëling van die Toelating van Persone tot die Unie, 1961	Die geheel.
69 van 1962	Wet op Statebondsbetrekkings, 1962	Artikels 6 tot en met 12, en artikels 13(4), 14, 15, 16, 29, 64, 65 en 66.
30 van 1963	Wet op die Beheer van Vreemdelinge, 1963	Die geheel.
23 van 1964	Wet tot Reëling van Verblyf in die Republiek, 1964	Artikels 2 en 8.
7 van 1967	Wysigingswet op Vreemdelinge, 1967	Die geheel.
61 van 1967	Wet op Grensbeheer, 1967	Die geheel.
38 van 1969	Wysigingswet op Reëling van die Toelating van Persone tot en Vertrek uit die Republiek, 1969	Die geheel.
12 van 1971	Wysigingswet op Vreemdelinge, 1971	Die geheel.
59 van 1972	Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972	Die geheel.
40 van 1973	Wet op die Beheer van Vreemdelinge, 1973	Die geheel.
41 van 1978	Wet op Aangewese Buurstate, 1978	Die geheel.
42 van 1978	Wysigingswet op die Reëling van die Toelating van Persone tot die Republiek, 1978	Die geheel.
6 van 1979	Wysigingswet op die Reëling van die Toelating van Persone tot die Republiek, 1979	Die geheel.
7 van 1979	Wysigingswet op Reëling van Vertrek uit die Unie, 1979	Die geheel.
29 van 1980	Wysigingswet op die Reëling van die Toelating van Persone tot die Republiek, 1980	Die geheel.
78 van 1981	Wysigingswet op Vreemdelinge, 1981	Die geheel.
101 van 1981	Tweede Wysigingswet op die Grondwet van die Republiek van Suid-Afrika, 1981	Artikel 9.
22 van 1982	Heraldiekwysigingswet, 1982	Artikel 3.
49 van 1984	Wysigingswet op die Wette op Vreemdelinge en Immigrasie, 1984	Die geheel.
53 van 1986	Wysigingswet op Aangeleenthede betreffende Toelating tot en Verblyf in die Republiek, 1986	Artikels 1 tot en met 5, en 15
97 van 1986	Wet op die Oordrag van Bevoegdhede en Pligte van die Staatspresident, 1986	Die items in die Eerste Bylae wat betrekking het op die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937); die Wet op Registrasie van Vreemdelinge, 1939 (Wet No. 26 van 1939); die Wet tot Reëling van Vertrek uit die Unie, 1955 (Wet No. 34 van 1955), en die Wet op die Reëling van die Toelating van Persone tot die Republiek, 1972 (Wet No. 59 van 1972).

Bylae III
WETTE HERROEP
(ARTIKEL 60)

Num. en jaer van Wet	Titel	Omslag van herroeping
1 van 1937	Wet op Vreemdelinge, 1937	Artikels 2 tot en met 8B, en artikels 10 tot en met 13B.
26 van 1939	Wet op Registreer van Vreemdelinge, 1939	Die geheel.
1 van 1949	Wysingswet op Registreer van Vreemdelinge, 1949	Die geheel.
34 van 1952	Wet tot Reguleer van Verkeer met die Unie, 1952	Die geheel.
39 van 1961	Wysingswet op Vreemdelinge, 1961	Die geheel.
60 van 1961	Wysingswet op Reguleer van die Toelating van Persone tot die Unie, 1961	Die geheel.
66 van 1962	Wet op Staatsonderzoekinge, 1962	Artikels 6 tot en met 12, en artikels 13(4), 14, 15, 16, 20, 24, 25 en 26.
30 van 1963	Wet op die Behoer van Vreemdelinge, 1963	Die geheel.
23 van 1964	Wet tot Reguleer van Verkeer in die Republiek, 1964	Artikels 2 en 8.
7 van 1967	Wysingswet op Vreemdelinge, 1967	Die geheel.
61 van 1967	Wet op Grensoorskryf, 1967	Die geheel.
38 van 1969	Wysingswet op Reguleer van die Toelating van Persone tot en Verkeer met die Republiek, 1969	Die geheel.
12 van 1971	Wysingswet op Vreemdelinge, 1971	Die geheel.
39 van 1972	Wet op die Reguleer van die Toelating van Persone tot die Republiek, 1972	Die geheel.
40 van 1973	Wet op die Behoer van Vreemdelinge, 1973	Die geheel.
41 van 1978	Wet op Aangewese Buitelandse, 1978	Die geheel.
42 van 1978	Wysingswet op die Reguleer van die Toelating van Persone tot die Republiek, 1978	Die geheel.
6 van 1979	Wysingswet op die Reguleer van die Toelating van Persone tot die Republiek, 1979	Die geheel.
7 van 1979	Wysingswet op Reguleer van Verkeer met die Unie, 1979	Die geheel.
29 van 1980	Wysingswet op die Reguleer van die Toelating van Persone tot die Republiek, 1980	Die geheel.
78 van 1981	Wysingswet op Vreemdelinge, 1981	Artikels 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
101 van 1981	Tweede Wysingswet op die Grondwet van die Republiek van Suid-Afrika, 1981	Artikels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
32 van 1982	Herleidingswysingswet, 1982	Artikels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
49 van 1984	Wysingswet op die Wet op Vreemdelinge en Immigrasie, 1984	Artikels 1 tot en met 2, en 12.
23 van 1986	Wysingswet op Aangewese Buitelandse, 1986	Artikels 1 tot en met 2, en 12.
97 van 1986	Wet op die Omslag van Beroepende en Plaas van die Staatspresident, 1986	Die items in die Eerste Bylae wat betrekking het op die Wet op Vreemdelinge, 1977 (Wet No. 1 van 1937); die Wet op Registreer van Vreemdelinge, 1939 (Wet No. 26 van 1939); die Wet tot Reguleer van Verkeer met die Unie, 1952 (Wet No. 34 van 1952); en die Wet op die Reguleer van die Toelating van Persone tot die Republiek, 1972 (Wet No. 39 van 1972).