

Aliens Control Act, 1991

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Comments This is the official consolidation of the Act, No. 95 of 1991. The amendment included here is the Aliens Control Amendment Act, No. 3 of 1993.

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ACT To provide for the control of the admission of persons to, their residence in, and their departure from, the Republic; and for matters connected therewith.

1. Definitions.

In this Act, unless the context otherwise indicates

"alien" means a person who is not a South African citizen;

"board" means the Immigrants Selection Board established by section 24;

"Department" means the Department of Home Affairs;

"Director-General" means the Director-General: Home Affairs,

"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;

"immigration officer" means an immigration officer appointed under section 3;

"master", in relation to a ship, means the person (other than a pilot) for the time being in charge or command of that ship;

"Minister" means the Minister of Home Affairs;

"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;

"owner", in relation to a ship, includes the charterer of the ship or any agent within the Republic of the owner or charterer,

"passport" means any passport, tourist passport, other travel document or prescribed document of identification issued

(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;

(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,

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

(ii)in the case contemplated in paragraph (c), was recognized beforehand as such by the Minister,

"police officer" means any member of the Force as defined in section I of the Police Act, 1958 (Act No. 7 of 1958);

"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;

"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;

"prescribe" means prescribe by regulation;

"prohibited person" means a person referred to in section 39;

"provisional permit" means a permit referred to in section 10;

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

"ship" includes any vessel or boat, of any kind, used in navigation, whether propelled by means of sails, steam

power or other mechanical means or towing or oars or in any other manner

"temporary permit" means a permit referred to in section 41;

"temporary residence permit" means a permit referred to in section 26;

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

Chapter I - ADMINISTRATION

2. Application of Act

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.

3. Appointment and certain functions of immigration officers

(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.

4. Delegation of powers and review

(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 of 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

5. Place where Republic is to be entered.

(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 -

(a) in contravention of the provisions of this section enters the Republic, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding five years; or

(b) in contravention of a condition determined in terms of this section, enters the Republic, shall be guilty of an offence and liable on conviction to the penalties determined in section 51.

6. Report to immigration officer before entering Republic.

(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.

(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.

(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).

(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 the penalties determined in section 51.

7. Steps by immigration officer in respect of certain persons.

(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 -

(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

(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.

8. Immigration officer to permit certain persons to enter Republic.

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.

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

(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

(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

(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.

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

10. Provisional permits to persons suspected of being prohibited persons.

(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.

(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.

(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.

(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.

(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

(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

(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 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.

(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 modandis* in respect of his removal.

11. Passports and visas.

(1) Any person entering the Republic who fails on demand by an immigration officer to produce to him a valid 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.

(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.

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

(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 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 modandis apply in respect of that removal.

12. Transit visas.

(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 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.

13. Exemption from provisions of section 12.

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

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

(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.

(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 off loading 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.

(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.

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

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

(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;

(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

(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.,

(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.

(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.

16. Detention and removal of certain persons arriving at port.

(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 representation 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.

(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 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.

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

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.

18. Responsibility of master and owner of ship in respect of crew.

(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.

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

(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.

(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.

20. Power to refuse clearance papers.

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.

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

(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.

ChapterIII - RESIDENCE IN REPUBLIC AND DOMICILE

22. Loss of domicile.

(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.

23. Restriction on entry into and residence in Republic.

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.

24. Establishment of Immigrants Selection Board.

(1) There is hereby established 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 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.

(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.

(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.

(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.

(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.

25. Permit for permanent residence in Republic.

- (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.
- (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.
- (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.
- (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
 - (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
 - (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
 - (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.
- (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 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.
- (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.
- (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.

(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.

(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).

26. Temporary residence permit to sojourn in Republic.

(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

(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.

(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.

(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.

(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.

27. Duties of alien not in possession of permit.

(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 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.

28. Exemptions.

(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 of this Act, the Minister may exempt any 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.

29. Exceptions.

(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.

30. Invalidity and cancellation of permits.

(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 fails to comply with a condition imposed under section 25 (3), 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.

(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.

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

(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 there in 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.

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

(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;

(b) provide instruction or training to such an alien or allow him to receive instruction or training;

(c) issue to such an alien a license 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;

(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;

(g) obtain a license 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

(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

(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;

(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 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 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 on of a profession or occupation or conduct a business or carry on a profession or occupation in co-operating 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 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;

(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 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 or a profession or occupation of such alien in any part of the Republic except that particular part;

(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.

(4)Any person who contravenes the provision 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.

(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.

(c) If in any criminal proceedings in respect of a contravention of subsection (1) (a) it is proved (other than by means of the presumption referred to in paragraph (b)) that the alien concerned was so employed, it shall be presumed that the accused knew at the time of the employment that the alien was an alien as contemplated in this section, unless the accused proves -

(i) that he employed such alien in good faith; and

(ii) that the circumstances in which the employment took place were not of such a nature that he could reasonably have been expected to suspect that the alien was in the Republic in contravention of the provisions of this Act.

(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 -

(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;

(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 license or other authority to conduct a business or carry on a profession or occupation.

(b) A license or other authority obtained in contravention of the provisions of paragraph (a) shall be null and void.

33. Returns by employers and educational institutions regarding employees and students.

(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.

(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.

(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,

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 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 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) 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.

34. Keeping of registers of lodgers by certain hotel keepers and other persons.

(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.

(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.

(3) Any person who -

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

(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,

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

Chapter IV - DEPARTURE FROM REPUBLIC

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

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

(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

(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

(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

(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.

(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.

(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).

(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.

(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 or to imprisonment for a period not exceeding five years.

36. Exemptions.

(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.

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

37. Permit to leave Republic.

(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.

(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.

(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.

(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.

(4)

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

38. Return by person who has permit to leave Republic permanently.

(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 purpose 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

39. Prohibited persons.

(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;

(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.

40. Persons who are not prohibited persons

(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.

41. Temporary permits to prohibited persons.

(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 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 II (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.

42. Application of Act where person erroneously allowed to enter Republic.

(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.

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

(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 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 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

44. Removal of certain categories of persons from Republic.

(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 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.

45. Removal of persons from Republic because of certain offences.

(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 5 8 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.

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

(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.

47. Removal from Republic of certain persons in public interest.

(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.

(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.

48. Removal from Republic of dependent family members of certain persons.

(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.

(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

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

49. Prohibition of admission to and residence in Republic in case of removal from Republic.

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 -

(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

(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.

50. Suspension of execution or withdrawal of certain warrants, and withdrawal of suspension of warrants.

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.

51. Removal from Republic of persons who contravene or fail to comply with certain conditions or requirements.

(1) Any person who contravenes or fails to comply with 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 section 7, shall be guilty of an offence and liable on conviction to a fine 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.

(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.

Chapter VII - SUPPLEMENTARY AND GENERAL PROVISIONS

52. Representations to Minister.

(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.

(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.

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

(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.

(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 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.

(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.

54. Entering of premises.

(1) Any immigration officer may for the purpose of this Act -

(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.

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

(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.

56. Regulations.

(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 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;

(l)the requirements and conditions which should be complied with by any person who on behalf of any other person applies for a permit referred to in section 25 or 26 or for the extension of the period of validity of a permit referred to in section 26,

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)A regulation made under subsection (1) may provide that any person who contravenes a provision thereof or fails to comply therewith shall be guilty of an offence and on conviction be liable to a fine, or to imprisonment for a period not exceeding 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

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

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 or to imprisonment for a period not exceeding five years.

58. General offences and penalties.

(1) 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

(i) 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 to use; or

(ii) 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 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 or to imprisonment for a period not exceeding five years.

(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 judgement in a magistrate's court.

59. Evidence.

(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.

Chapter IX - REPEAL OF ACTS, SAVINGS, SHORT TITLE AND COMMENCEMENT

60. Repeal of Acts, and savings.

(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.

(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.

61. Short title and commencement.

(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.

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

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.

Child stealing.

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 of 37 or 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. I 10 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.

SCHEDULE III - ACTS REPEALED (SECTION 60)

Act No. 1 of 1937; Aliens Act, 1937; extent of repeal: Sections 2 to 8B, and sections 10 to 13bis, inclusive.

Act No. 26 of 1939; Aliens Registration Act, 1939; extent of repeal: the whole.

Act No. 1 of 1949; Aliens Registration Amendment Act, 1949; extent of repeal: the whole.

Act No. 34 of 1955; Departure from the Union Regulation Act, 1955; extent of repeal: the whole.

Act No. 59 of 1961; Aliens Amendment Act, 1961; extent of repeal: the whole.

Act No. 60 of 1961; Admission of Persons to the Union Regulation Amendment Act, 1961; extent of repeal: the whole.

Act No. 69 of 1962; Commonwealth Relations Act, 1962; extent of repeal: Sections 6 to 12, inclusive, and sections 13(4), 14, 15, 16, 29, 64, 65 and 66.

Act No. 30 of 1963; Aliens Control Act, 1963; extent of repeal: the whole.

Act No. 23 of 1964; Residence in the Republic Regulation Act, 1964; extent of repeal: Sections 2 and 8.

Act No. 7 of 1967; Aliens Amendment Act, 1967; extent of repeal: the whole

Act No. 61 of 1967; Border Control Act, 1967; extent of repeal: the whole

Act No. 38 of 1969; Admission of Persons to and Departure from the Republic Regulation Amendment Act, 1969; extent of repeal: the whole.

Act No. 12 of 1971; Aliens Amendment Act, 1971; extent of repeal: the whole.

Act No. 59 of 1972; Admission of Persons to the Republic Regulation Act, 1972; extent of repeal: the whole

Act No. 40 of 1973; Aliens Control Act, 1973; extent of repeal: the whole

Act No. 41 of 1978; Designated Neighbouring Countries Act, 1978; extent of repeal: the whole

Act No. 42 of 1978; Admission of Persons to the Republic Regulation Amendment Act, 1978; extent of repeal: the whole

Act No. 6 of 1979; Admission of Persons to the Republic Regulation Amendment Act, 1979; extent of repeal: the whole

Act No. 7 of 1979; Departure from the Union Regulation Amendment Act, 1979; extent of repeal: the whole

Act No. 29 of 1980; Admission of Persons to the Republic Regulation Amendment Act, 1980; extent of repeal: the whole

Act No. 78 of 1981; Aliens Amendment Act, 1981; extent of repeal: the whole.

Act No. 101 of 1981; Republic of South Africa Constitution Second Amendment Act, 1982; extent of repeal: Section 9.

Act No. 22 of 1982; Heraldry Amendment Act, 1982; extent of repeal: Section 3.

Act No. 49 of 1984; Aliens and Immigration Laws Amendment Act, 1984; extent of repeal: the whole.

Act No. 53 of 1986; Matters concerning Admission to and Residence in the Republic Amendment Act, 1986; extent of repeal: Sections 1 to 5, inclusive, and 15.

Act No. 97 of 1986; Transfer of Powers and Duties of the State President Act, 1986; extent of repeal: 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).

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