



Australian Government
Refugee Review Tribunal

Country Advice

Zimbabwe

Zimbabwe – ZWE39543 – Zimbabwe
citizen right to enter and reside in
Botswana
22 November 2011

1. Does a male citizen of Zimbabwe, who is married to a female citizen of Botswana, have a right to enter and reside in Botswana?

No specific information was located as to whether a male citizen of Zimbabwe, who is married to a female citizen of Botswana, has a right to enter and reside in Botswana.

According to advice provided in 2008 from the Botswana Consulate-General regarding residence criteria, an individual must reside in Botswana for a period of 10 years under a residence permit to qualify for permanent residence. The maximum period that one can reside in Botswana as a visitor is 90 days, though this may be extended upon application to the Department of Immigration and Citizenship. Zimbabwean citizens do not require visas to enter Botswana, and may enter using a valid passport. In the absence of a residence permit, Zimbabwean nationals remain subject to the 90-day limit for visitors.¹

The Botswana Travel Guide website confirmed the 90-day limitation on visitors to Botswana, and noted that if an individual wished to remain in the country for longer than three months within a 12-month period, it is preferable that they apply to the Department of Immigration prior to travelling. The website also stated that although work permits can be obtained from the Department of Labour, “Botswana is now quite strict about granting work permits only for jobs for which a suitably qualified Botswana citizen is not available”.²

Residence permits are issued under Sections 19 or 21 of the *Immigration Act 1966*, which states that such permits are issued for a period not exceeding five years.³ Work permits are issued under Section 5 of the *Employment of Non-Citizens Act 1983*, which states under Section 6 (a) that such permits shall be issued for a period specified by the Immigration Selection Board.⁴ There are reportedly two types of work permits issued in Botswana: investor permits, which are usually issued for a five-year term to the self-employed; and employee permits, usually issued for a two-year term.⁵

¹ Consulate-General of the Republic of Botswana, Johannesburg 2008, Fax to Australian High Commission, Johannesburg, 19 August

² „Entry Requirements – Botswana Travel Guide’ (undated), Botswana Travel Guide website http://www.botswana-travel-guide.com/bradt_guide.asp?bradt=1181 – Accessed 17 November 2011

³ *Immigration Act 1966*, Laws of Botswana Online website <http://www.laws.gov.bw/Docs/Principal/Volume3/Chapter25/Chpt25-02%20Immigration.pdf> – Accessed 16 February 2007

⁴ *Employment of Non-Citizens Act 1983*, Laws of Botswana Online website <http://www.laws.gov.bw/Docs/Principal/Volume7/Chapter47/PR-VOL-VII-CHP-47-02-EMPLOMENT%20OF%20NON-CITIZENS.pdf> – Accessed 16 February 2007

⁵ „Doing Business in Botswana – Employment and labour legislation’ (undated), Grant Thornton Acumen website http://www.gta.co.bw/dbb/dbb_employment.htm – Accessed 19 February 2007

According to the Migration Information Service, “[i]mmigration to Botswana is regulated by the Immigration Act of 1966, which allows unrestricted entry for nationals from most countries in the region”. However, there is some uncertainty regarding the legal status of some migrants, “with illegality hinging on failure to travel through formal entry or exit points, lack of documentation, or participation in prohibited activities, rather than failure to comply with visa requirements or overstays”. Rather than addressing migration policy or amending legislation, the government reportedly moved to “fortify exclusion measures and heighten punishment for illegal migrants”. An example of this is a 500-kilometre long electric fence constructed along the border between Zimbabwe and Botswana, though the fence was ostensibly constructed to counter foot-and-mouth disease.⁶

According to the government of Botswana’s ‘Requirements for Residence Permit’, when applying for residency, the spouse of a citizen must provide the following:

- i) Form 15
- ii) Form 3
- iii) Certified copy of passport
- iv) Certified copy of Omang [identity card] of spouse
- v) Certified copy of Marriage certificate
- vi) Letter from husband/wife
- vii) Two recent coloured passport size photos (not computer photos)
- viii) P500.00⁷

In 2003, the Immigration and Refugee Board of Canada (IRB) noted that according to the 1982 *Citizenship Act of Botswana*, there were no provisions “with respect to the acquisition of Botswana citizenship by marriage to a Botswana woman”.⁸ According to a 2010 comparative study of citizenship laws in Africa, however, a number of countries – including Botswana – have “enacted reforms providing for greater (if not in all cases total) gender equality”.⁹

⁶ „Botswana’s Changing Migration Patterns’ 2004, Migration Information Source website, September <http://www.migrationinformation.org/Profiles/display.cfm?ID=246> – Accessed 17 November 2011

⁷ „Requirements for Residence Permit’ (undated), Government of Botswana website <http://www.gov.bw/Global/MLHA/Requirements%20for%20Residence%20Permit.pdf?epslanguage=en> – Accessed 17 November 2011

⁸ Immigration and Refugee Board of Canada 2003, *BWA41652.E – Botswana: Rights of residence or citizenship available to a man from Zimbabwe married to a female citizen of Botswana*, 23 June

⁹ Open Society Institute 2010, *Citizenship Law in Africa: A Comparative Study*, UNHCR Refworld website, October <http://www.unhcr.org/refworld/docid/4cf76b192.html> – Accessed 17 November 2011

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