An Act to amend the Immigration and Deportation Act, 2010.

[7th June, 2016

ENACTED by the Parliament of Zambia.

1. This Act may be cited as the Immigration and Deportation (Amendment) Act, 2016, and shall be read as one with the Immigration and Deportation Act, 2010, in this Act referred to as the principal Act.

2. Section two of the principal Act is amended by the deletion of the definition of “child” and the substitution therefor of the following:

“child” has the meaning assigned to it in the Constitution;

3. Section three of the principal Act is amended in subsection (1) by the deletion of paragraph (c).

4. Section four of the principal Act is amended by the deletion of the words “Public Service Commission”, wherever they appear, and the substitution therefor of the words “Zambia Police Service Commission”.

5. Section ten of the principal Act is amended—

(a) in subsection (1), by the deletion of the words “or removal”; and

(b) in subsection (4), by the deletion of the word “Director’s” and the substitution therefor of the words “Director-General’s”.

6. Section eighteen of the principal Act is amended in subsection (1) (a) by the deletion, immediately after the word, “removal” of the words “or deportation”.

Single copies of this Act may be obtained from the Government Printer,
P.O. Box 30136, 10101 Lusaka, Price K8.00 each.
7. Section twenty of the principal Act is amended—
   
   (a) in subsection (2)—
   
   (i) by the insertion, in paragraph (c), immediately after the word “years”, of the words “or has been in Zambia on employment permit for a continuous period of ten years”; and
   
   (ii) by the deletion of paragraph (g); and

   (b) by the deletion of subsection (7).

8. Section twenty-three of the principal Act is amended in subsection (1) by the insertion, after paragraph (b), of the following paragraph:
   
   (c) residence permit holder.

9. The principal Act is amended by the repeal of section twenty-four.

10. Section twenty-eight of the principal Act is amended by—
    
    (a) the deletion of subsection (2); and
    
    (b) the deletion in subsection (5) of the word “five” and the substitution therefor of the word “ten”.

11. Section forty of the principal Act is amended in subsection (2) by the deletion of the word “deportation” and the substitution therefor of the word “repatriation”.

12. Section fifty-two of the principal Act is amended by the deletion of subsection (5) and the substitution therefor of the following:
    
    (5) A person who attempts to use or uses a passport, diplomatic passport or travel document, other than the one upon which that person’s entry was cleared, commits an offence.
    
    (6) Subsection (5) does not apply to—
    
    (a) a person whose passport, diplomatic passport or travel document has been lost or stolen and in respect of which a police report has been made and is produced at the time of clearance proving the loss or theft; or
    
    (b) a citizen of Zambia who holds dual citizenship.
13. The principal Act is amended by the insertion, immediately after section fifty-six, of the following new section:

56A. (1) An immigration officer may, where satisfied that a person has committed an offence for which the penalty does not exceed two hundred thousand penalty units, or where a person has admitted the commission of an offence under this Act for which the penalty does not exceed two hundred thousand penalty units, summarily demand from the person the payment of a fine not exceeding one hundred thousand penalty units in respect of the offence.

(2) An immigration officer shall, where the immigration officer demands a payment under subsection (1), inform the person against whom the demand is made of the right to admit or dispute the liability.

(3) A person from whom payment of a fine has been demanded under subsection (1) may elect to admit liability and pay the fine or dispute liability.

(4) The payment of a fine shall operate as a bar to any further criminal proceedings against the person making the payment in respect of the offence concerned.

(5) An immigration officer who receives payment of a fine shall give a receipt to the person making the payment in such form as may be prescribed.

(6) An immigration officer who receives payment under this section and—

(a) fails to issue a receipt to the person making the payment as required under subsection (5);
(b) fails to account for any payment made under this section; or
(c) in any manner, misuses or puts to personal use any payment made under this section;

commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

14. The First Schedule to the principal Act is amended in class C by the insertion of the word “spouse” and a comma between the words “any” and “forebear.”