

Namibia

Immigration Control Act, 1993

## Immigration Regulations, 1994

Government Notice 134 of 1994

Legislation as at 15 November 2017

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# Immigration Regulations, 1994

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Republic of Namibia  
**Annotated Statutes**

**Immigration Control Act, 1993**

**Immigration Regulations, 1994**

**Government Notice 134 of 1994**

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**[This is the version of this document at 15 November 2017.]**

**[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for NamibLII.]**

**The Government Notice which issues these regulations repeals the regulations published in RSA GN R.337/1964, RSA GN R.289/1964, RSA GN R.1711/1967, RSA GN R.82/1969, RSA GN R.3933/1969, RSA GN R.878/1970 and RSA GN R.1350/1972. as amended by**

**[Government Notice 82 of 2008 \(GG 4029\) came into force on date of publication: 15 April 2008](#)  
[Government Notice 133 of 2010 \(GG 4514\) came into force on date of publication: 1 July 2010](#)  
[Government Notice 145 of 2014 \(GG 5556\) came into force on date of publication: 8 September 2014](#)**

## **1. Interpretation**

In these regulations, unless the context otherwise indicates, an expression in the Act has a corresponding meaning, and-

**“commencement”** means the commencement date of these regulations;

**“employment”** means engagement in any occupation, whether the person concerned is self-employed or employed by another person;

**“form”** means the appropriate form prescribed for use by the Ministry;

**“occupation”** means work or any other activity for gain, and includes a profession;

**“resident”** means any person who is lawfully in Namibia otherwise than for the purpose of-

- (a) making a temporary visit; or
- (b) journeying through Namibia in direct transit from one country to another;

**“returning resident”** means a resident of Namibia returning to Namibia after a temporary absence from Namibia and who has not lost his or her domicile in Namibia, and includes the holder of a Namibian passport;

**“section”** means a section of the Act; and

**“the Act”** means the Immigration Control Act, 1993 (Act [7 of 1993](#)).

## **Part I – ENTRY INTO NAMIBIA**

### **2. Declaration by persons seeking to enter Namibia**

- (1) A person entering Namibia, including a returning resident, shall make a declaration in the form of Annexure ‘A’ (‘Arrival Form’), to be completed in the declarant’s own handwriting and signed by him or her in the presence of an immigration officer.
- (2) A person entering Namibia who is suspected of being a prohibited immigrant shall make a declaration in the form of Annexure ‘B’, to be completed in the declarant’s own handwriting and signed by him or her in the presence of an immigration officer.
- (3) If a person is unable to complete the declaration referred to in subregulation (1) or (2), an immigration officer may question such a person, if necessary through an interpreter, and may complete the declaration or cause it to be completed on behalf of such person and shall thereupon require such person to sign or thumbprint it.
- (4) A visitor’s entry permit shall be imprinted in the passport of the person entering Namibia, in the form of Annexure ‘C’.

### **3. Order in which persons entering Namibia are to be dealt with**

An immigration officer in the exercise of his or her functions under section 7 of the Act, may determine the sequence in which he or she will examine persons seeking to enter Namibia, and for that purpose may give directions to such persons.

### **4. Evidence by person seeking to enter Namibia**

Any person other than-

- (a) a Namibian citizen;
- (b) a returning resident; or
- (c) a person who is a holder of a valid permit issued in terms of the Act or any law repealed by the Act which authorises him or her to enter Namibia,

shall produce to the immigration officer-

- (i) evidence that he or she is on a temporary visit to Namibia for a stated period. including evidence, if the immigration officer so requires, that-
  - (aa) he or she is permanently resident in any country other than Namibia and intends to return thereto;
  - (bb) he or she possesses sufficient means available in Namibia for his or her maintenance and the maintenance of any of his or her dependants who accompany him or her for the period of the visit and to meet the cost of returning to his or her country of permanent residence; and
  - (cc) he or she will be re-admitted to his or her country of domicile or country of last permanent residence at the expiration of his or her visit to Namibia; and

- (ii) any other relevant information which the immigration officer may require, including a report by a medical practitioner after a medical examination in accordance with section 8(1)(e),

in order to satisfy the immigration officer that such person is not a prohibited immigrant in terms of section 39.

## 5.

### Visitors to Namibia

[The heading of regulation 5 appears in the “ARRANGEMENT OF REGULATIONS” but is omitted here.]

- (1) Any person who has entered Namibia as a visitor and who for any reason desires to remain in Namibia for a period longer than the period for which his or her visitor’s entry permit was granted, shall report in person to an immigration officer and shall, notwithstanding that he or she is already in Namibia, submit to any inquiry, examination or test which the immigration officer concerned may require, including-
  - (a) the producing of a valid travel document;
  - (b) the making of an application for the extension of his or her visitor’s entry permit in the form of Annexure ‘D’;
  - (c) the producing of documentary or other evidence relative to his or her claim to enter and remain in Namibia; and
  - (d) the submitting to a medical examination in accordance with [section 8\(1\)\(e\)](#).
- (2) No visitor shall engage in any employment in Namibia unless he or she has been issued with an employment permit referred to in [section 27\(1\)](#).

## 6. Guarantees

- (1) For the purposes of-
  - (a) section 11(2)(a);
  - (b) section 27(4)(a);
  - (c) section 38(3)(a);
  - (d) section 29(3)(a); and
  - (e) section 42(3)(a),guarantees shall be in the form of Annexure ‘E’.
- (2) A guarantee referred to in subregulation (1) shall be furnished-
  - (a) by the employer of the person concerned or by such other person as may be approved by the Chief of Immigration; and
  - (b) for a period not exceeding two years from the date of entry into Namibia of the person in respect of whom the guarantee is given or if such person is already within Namibia, for a period of two years calculated from the date upon which the guarantee is given.
- (3) The Chief of Immigration may, from the date of expiry of a guarantee referred to in subregulation (1), require a further guarantee to be lodged for a period not exceeding two years, calculated from the date of expiry of the previous guarantee.

## **7. Requirements for married persons and children**

- (1) In the case of an application by a married person or in respect of a dependent child to enter or remain in Namibia, an immigration officer may require the production of a duly authenticated marriage certificate or birth certificate, as the case may be.
- (2) If no copy of a marriage or birth certificate referred to in subregulation (1) can be produced the immigration officer may-
  - (a) require a certificate under the hand of a person competent to furnish such a certificate stating that to his or her personal knowledge the parties were married on a date or in circumstances stated or that the child was born on a date or at a place set out and of parents named in such certificate, as the case may be; or
  - (b) require a certificate under the hand of a person competent to furnish such a certificate stating that he or she has taken sworn testimony or other evidence as to the circumstances and date of the marriage or the date of birth or parentage of the child, as the case may be, and that such testimony and evidence is attached to the certificate together with such person's findings thereon.
- (3) An immigration officer may require any certificate mentioned in this regulation to be supplemented by satisfactory evidence as to the identity of the person or persons referred to in the certificate or as to the lawful custody of any child, and may in case of doubt require such further evidence as may be necessary to satisfy him or her that the spouse or child who is the subject of the application is the spouse or child referred to in the certificate and is not a prohibited immigrant, or is in the lawful custody of the person referred to in the application, as the case may be.

## **8. Medical Examination**

The medical examination of any person conducted under section 8(1)(e) shall take place as soon as practicable after the arrival or discovery of such person in Namibia, and a report as to the result of such examination shall be submitted to the immigration officer concerned in such form as such immigration officer may determine.

## **Part II – PERMANENT RESIDENCE AND VISAS**

## **9. Application for permanent residence permit**

- (1) An application for a permanent residence permit shall be in the form of Annexure "F" or "G", whichever may be applicable.
- (2) A permanent residence permit shall be issued in the form of Annexure "H".

## **10. Cancellation of permits**

- (1) If a permit issued in terms of the Act is cancelled under the provisions of section 36, the board shall cause written notice of the cancellation to be served on the holder of the permit and shall state in such notice the provisions of the Act in terms of which it was cancelled and the date from which the cancellation shall take effect.
- (2) The holder of the permit referred to in subregulation (1) shall leave Namibia on or before the date the cancellation shall take effect or such later date as the Chief of Immigration may determine and by notice in writing notify the person concerned.

## **11. Application for visa**

An application for a visa shall be in the form of Annexure "I" and a visa shall be issued in the form of Annexure "J" or shall be entered into the passport of the applicant in the form of Annexure "K".



## 12. Loss or destruction of documents

If any permit or document issued under the Act or these regulations is lost or destroyed, the Chief of Immigration or the Board, as the case may be, may upon application by the holder thereof, issue a copy of such document or permit.

## Part III – PROHIBITED IMMIGRANTS AND PERMITS

## 13. Contagious infections or viruses or diseases

Any contagious infection or virus or disease (air born or transmitted through casual contact) that exists or may develop from time to time that is declared a Public Health Emergency of International Concern (PHEIC) and which warrants restriction of international travel and mobility as per the International Health Regulations adopted by the Fifty-Eight World Health Assembly (2005) to which Namibia is a party, including any amendment to which Namibia becomes a party, is regarded as contagious for the purposes of paragraph (e) of subsection (2) of section 39 of the Act.

[Regulation 13 is substituted by [GN 133/2010](#) and amended by [GN 145/2014](#). [GN 145/2014](#) erroneously amends the original version of Regulation 13, ignoring the subsequent substitution by [GN 133/2010](#). The original version was as follows:

### "Prescribed Diseases

13. For the purposes of paragraph (e) of subsection (2) of section 39, the following diseases or viruses shall be regarded as contagious-

- (a) tuberculosis, or any other contagious lung disease;
- (b) trachoma, or any other chronic eye infection;
- (c) frambesia, yaws, scabies or any other contagious bacterial or other skin disease;
- (d) syphilis, or any other venereal disease;
- (e) leprosy; and
- (f) acquired immune deficiency syndrome virus (aids virus)."

[GN 145/2014](#) directs that Regulation 13 be amended "by the addition after paragraph (f) of the following paragraph: '(g) ebola.'" The import of this error is not clear.]

## 14. Detention after criminal proceedings

If a prohibited immigrant who has arrived in Namibia or person who is being detained in accordance with the provisions of section 42 of the Act is arrested upon a criminal charge, he or she shall be handed over to the custody of an immigration officer at the conclusion of the criminal proceedings or at the expiration of any sentence of imprisonment imposed upon such person, as the case may be, and shall thereafter be detained under and subject in all respects to the provisions of the Act and these regulations.

## Part IV – GENERAL

## 15. Returns by employers regarding employees or by educational institutions regarding students

Returns under section 31 by employers regarding employees or by educational institutions regarding students, as the case may be, shall be in the form of Annexure "L".

## 16. Records of persons provided with lodging

- (1) For the purposes of section 32(1), the occupier of any of the following classes of premises shall keep a register contemplated by that section:

- (a) Hotels;

[The first word in paragraph (a) should not be capitalised.]

- (b) caravan parks;  
(c) guest farms and lodges; and  
(d) game parks and farms.

- (2) The following particulars shall in respect of every person provided with lodging or sleeping accommodation on or in any premises prescribed by subregulation (1), be entered in the register contemplated by section 32(1):

- (a) Surname;

[The first word in paragraph (a) should not be capitalised.]

- (b) maiden name (if applicable);  
(c) first names (in full);  
(d) identity number;  
(e) country of present residence;  
(f) citizenship;  
(g) sex;  
(h) present residential address;  
(i) telephone number (residence);  
(j) occupation or profession;  
(k) name and address of employer; and  
(l) telephone number (business).

## 17. Employment permits

- (1) An application for the granting of an employment permit referred to in section 27 shall be in the form of Annexure “M” and the representations by the prospective employer shall be in the form of Annexure “N”.
- (2) An employment permit referred to in subregulation (1) shall be issued in the form of Annexure “O”, or may be entered in the passport of the permit holder in the form of Annexure “P”.
- (3) An application for the renewal of an employment permit shall be in the form of Annexure “D” and shall be submitted to the Chief of Immigration not less than 60 days prior to the expiry of the existing employment permit.

## 18. Students’ permits

- (1) An application for the granting of a student’s permit referred to in section 28 shall be in the form of Annexure “R”.

- (2) A student's permit referred to in subregulation (1) shall be issued in the form of Annexure "S", or may be entered in the passport of the permit holder in the form of Annexure "T".
- (3) An application for the renewal of a student's permit shall be in the form of Annexure "D" and shall be submitted to the Chief of Immigration not less than 60 days prior to the expiry of the existing student's permit.

## **19. Removal of prohibited immigrants from Namibia**

- (1) A notice in terms of section 44(4) shall be in the form of Annexure "U" and shall be served by an immigration officer upon the person in respect of whom the application has been made.
- (2) The immigration officer shall obtain a written acknowledgement of receipt from the person upon whom he or she has served the notice.
- (3) If the person concerned refuses to sign such an acknowledgement, the immigration officer shall furnish the tribunal with an affidavit in which he or she certifies that he or she has served the notice upon the person named in the affidavit.

## **20. Summoning of witnesses by tribunal**

For the purposes of section 45(1), a summons to appear before a tribunal as a witness to give evidence or to produce documents, shall be substantially in the form of Annexure 'V', shall be signed by any member of such tribunal and shall be served personally upon the witness concerned by the immigration officer referred to in section 44(3), or in the same manner as it would have been served if it were a subpoena issued by a magistrate's court.

## **21. Powers and duties of Chief of Immigration and immigration officers**

The Chief of Immigration and immigration officers shall, in addition to any powers and duties they may have in terms of the Act, have the following powers and duties:

- (a) The powers and duties of Chief of Immigration shall be to control, subject to the general direction of the Minister, the entry, residence and departure of non-Namibian citizens by-
  - (a) enforcement of relevant Immigration laws;
  - (b) executing immigration control functions through immigration officers at ports of entry and departure;
  - (c) generally to exercise such functions relating to immigration as may be imposed upon him or her by the Minister from time to time.
- (b) The powers and duties of immigration officers shall be-
  - (a) to ensure that persons entering, immigrating or leaving the country comply with the relevant legal provisions;
  - (b) to ensure that persons entering or leaving the country follow the proper procedures;
  - (c) to ensure that persons entering the country are in possession of valid documents and that such persons are not prohibited immigrants;
  - (d) to ensure that persons seeking to enter the country meet the basic immigration requirements provided for in the Act;
  - (e) generally to perform such other duties and functions relating to immigration as may be imposed upon them by the Chief of Immigration from time to time.

**[Subparagraphs such as those under paragraphs (1) and (b) would normally be numbered with lower-case Roman numerals: (i), (ii) and so forth.]**

## 22. Prevention of entry by, and tracing, identification or removal of prohibited immigrants

The procedures for the prevention of entry by and tracing, identification or removal of prohibited immigrants shall be as determined by the Minister from time to time.

## 23. Medical examinations and returns by Master of ship

- (1) The medical examination of any person contemplated by paragraph (e) of subsection (1) of section 8-
  - (a) who has arrived in Namibia by ship shall take place either on such ship or at such other place determined by the immigration officer concerned as soon as possible after the arrival of the ship; or
  - (b) other than a person referred to in paragraph (a), or of any person found in Namibia and suspected to be a prohibited immigrant in consequence of the provisions of paragraph (e) of section 39(2), shall take place at a place determined by the immigration officer concerned, as soon as possible after such person has applied for permission to enter Namibia or was found in Namibia.
- (2) The medical practitioner performing a medical examination referred to in subregulation (1) shall as soon as possible after the completion of such medical examination furnish a report thereon to the immigration officer concerned in such form as the Chief of Immigration may determine.
- (3) A return by a medical officer or master in terms of section 15(1)(d) shall be in the form of Annexure 'W'.

## 24. Fees payable for visas

The fees payable by The holder of a passport in respect of-

Type of Visa	3 Months or less	4-6 Months	7-12 Months	24 Months	36 Months
Single Entry Visa	N\$390	N\$780	N/A	N/A	N/A
Multiple Entry Visa	N\$390	N\$780	N\$1 560	N\$3 120	N\$4 680
Multiple Re-Entry Stamp for Permanent Resident Permit Holder _____ N\$690					
Work and Business Visa	N\$390	N\$780	N/A	N/A	N/A
Transit Visa (Single or Multiple) _____ N\$390					

and are payable upon the granting of the visa concerned and before the issuing thereof.

[regulation 24 substituted by GN 82/2008 and by GN 133/2010]

**25. Provisional permits to enter Namibia**

- (1) A provisional permit to enter Namibia referred to in [section 11](#)(1) shall substantially be in the form of Annexure "X".

**26. Certificate of identity**

- (1) An application for the granting of a certificate of identity referred to in section 38 shall be in the form of Annexure 'Y' and shall be lodged with the Chief of Immigration.
- (2) A certificate of identity referred to in section 38 shall be issued by the Chief of Immigration substantially in the form of Annexure "Z".

**27. Warrants for removal**

- (1) A warrant for the removal of a prohibited immigrant from Namibia in accordance with section 44(9) shall be substantially in the form of Annexure "AB".
- (2) A warrant for the removal of a person from Namibia in accordance with section 49 shall be substantially in the form of Annexure "AC".
- (3) A warrant for the removal from Namibia of a person in accordance with section 50 shall be substantially in the form of Annexure "AD".

**28. Refusal of entry into Namibia**

A notice by an immigration officer to any person refusing such person entry into Namibia in accordance with the provisions of [section 10](#) shall be substantially in the form of Annexure "AE".

**29. Fees payable in respect of permits or certificates**

- (1) The following fees are payable in respect of-
  - (a) application for
    - (i) a permanent residence permit (form "F");
    - (ii) a permanent residence permit (spouse, dependent child or parent form "G");
    - (iii) an employment permit (form "M");
    - (iv) a study permit (form "R");
    - (v) a renewal of an employment or study permit (form "D")N\$80, payable with the submission of the application;
  - (b) the issue of

Type of Permit	7-12 Months	24 Months	36 Months
Employment Permit (1st Application or Extension)	N\$1 395	N\$2 790	N\$4 185
Study Permit (Basic Education)	N\$1 050	N\$2 100	N\$3 250
Study Permit (Tertiary Education)	N\$1 395	N\$2 790	N\$4 185
Permanent Residence Permit _____ N\$12 173			

and are payable before the issue of the permit concerned.

[regulation 29 substituted by [GN 82/2008](#)]

## Part V – FORMS

### Index to forms

1.	Annexure "A":	Arrival Form (Sections 8 and 29 / Regulation 2).
2.	Annexure "B":	Application for Visitor's Entry Permit (Suspected) Prohibited Immigrant) (Sections 8 and 29/ Regulation 2).
[The closing bracket after the word "Suspected" is superfluous.]		
3.	4Annexure "C":	Visitor's Entry Permit (Section 9 and 29/Regulation 2).
4.	Annexure "D":	Application for Renewal of Employment Permit, Student's Permit or Visitor's Entry Permit (Sections 27, 28, 29/ Regulations 17, 18, 4).
5.	Annexure "E":	Guarantee (Sections 11, 27, 28, 29, 42 / Regulation 6).
6.	Annexure "F":	Application for a Permanent Residence Permit (Section 26 / Regulation 9)
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8.	Annexure "H":	Permanent Residence Permit (Section 26 / Regulation 9).
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[Annexure I is amended by GN 133/2010.]		

10.	Annexure "J":	Visa for the Republic of Namibia (Section 12/Regulation 11).
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[There is no Annexure "Q".]		
17.	Annexure "R":	Application for a Student's Permit (Section 28 Regulation 18).
18.	Annexure "S":	Student's Permit (Section 28/ Regulation 18).
19.	Annexure "T":	Student's Permit (Imprint in Passport) (Section 28/ Regulation 18).
20.	Annexure "U":	Notice of Application for Authorization to remove Prohibited Immigrant from Namibia (Section 44/Regulation 19).



21.	Annexure "V":	Summons to appear before an Immigration Tribunal as a Witness (Section 45/Regulation 19).
22.	Annexure "W":	Return by Medical Officer or Master (Section 15/Regulation 23).
23.	Annexure "X":	Provisional permit to enter Namibia (Section 11/Regulation 25).
24.	Annexure "Y":	Application for a Certificate of Identity (Section 38 /Regulation 26).
25.	Annexure "Z":	Certificate of Identity (Section 38/Regulation 26).
<b>[There is no Annexure "AA".]</b>		
26.	Annexure "AB":	Removal Warrant (Section 44/Regulation 27).
27.	Annexure "AC":	Removal Warrant (Section 49/Regulation 27).
28.	Annexure "AD":	Removal Warrant (Section 50/Regulation 27).
29.	Annexure "AE":	Notice to Person Refused Entry into Namibia (Section 10/Regulation 28).

## Annexures

### Forms

**[Editorial note: The forms have not been reproduced]**