

EMPLOYMENT OF NON-CITIZENS ACT, 1981
(11 of 1981)

EMPLOYMENT OF NON-CITIZENS REGULATIONS, 1983
(Published on 13th May, 1983)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Application for work permit
3. Issue of work permit
4. Application for variation of work permit
5. Appeals in connection with work permits
6. Application for certificate of exemption
7. Issue of certificate of exemption
8. Appeals in connection with certificate of exemption
9. Application for replacement of work permit or certificate of exemption
10. Return by employers
11. Registers to be kept by Commissioner of Labour

IN EXERCISE of the powers conferred on the Minister of Home Affairs by section 22 of the Employment of Non-Citizens Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Employment of Non-Citizens Regulations, 1983.
2. An application for the issue or renewal of a work permit shall be,
Application for work permit —
 - (a) in the case of any person who is not self-employed, on Form 1 (a) as set out in the Schedule; and
 - (b) in the case of a self-employed person, on Form 1 (b).
 - (2) An application under subregulation (1) shall be made in duplicate and shall be delivered to the District Labour Officer who shall transmit it to the Commissioner of Labour for presentation to the Board together with the following:
 - (a) two passport size photographs; and
 - (b) certified copies of certificates or testimonials, or both, indicating the qualifications and experience of the applicant.
 - (3) An application for a work permit or renewal of a work permit shall be accompanied by a fee of P 100.00 in respect of a work permit and P 50.00 in respect of a renewal of a work permit.
3. A work permit issued, renewed or varied in accordance with section 6 of the Act shall be on Form 2 as set out in the Schedule and shall have firmly affixed thereto by and adhesive substance a recent passport size photograph of the holder.
Issue of work permit
4. An application for a variation of the terms of a work permit or the conditions attached thereto shall be on Form 3 as set out in the Schedule.
Application for variation of work permits

- 5. An appeal to the Minister by any person aggrieved by a decision of the Immigrants Selection Board:**
- (a) rejecting his application for work permit or a renewal of a work permit;
 - (b) as to any condition attached to his work permit; or
 - (c) varying a condition or a refusal to vary a condition attached to his work permit;
- may be made on payment of a fee of P15.
- 6. An application for the issue of a certificate of exemption under section 10 of the Act shall be on Form 4 as set out in the Schedule.**
- 7. A certificate of exemption issued under section 10 of the Act shall be on Form 5 as set out in the Schedule.**
- 8. An appeal by an applicant for a certificate of exemption who is aggrieved by a decision rejecting his application may be made on payment of a fee of P10.**
- 9. An application for a duplicate of a work permit or certificate of exemption under section 17 of the Act shall be on Form 6 as set out in the Schedule and the duplicate shall be issued on payment of a fee of P5.00.**
- 10. The returns required to be made by employers of holders of work permits or certificates of exemption in their employment under section 18 of the Act, shall be on Form 7 as set out in the Schedule.**
- 11. The registers required to be kept by the Commissioner of Labour under section 19 of the Act shall be on Forms 8 and 9 as set out in the Schedule.**
- Appeal in connexion with certificate of exemption
- Application for certificate of exemption
- Application for replacement of a work permit or certificate of exemption
- Returns by employers
- Registers to be kept by Commissioner of Labour

SCHEDULE

Form No. 1 (a)

New Application

Renewal

REPUBLIC OF BOTSWANA

EMPLOYMENT OF NON-CITIZENS ACT, 1981
(11 of 1981)

EMPLOYMENT OF NON-CITIZENS REGULATIONS, 1983

APPLICATION FOR A WORK PERMIT

(reg 2.)

**(To be submitted to the Commissioner of
Labour in quadruplicate)**

PART I: TO BE COMPLETED BY APPLICANT:

1. Full Names (Block Letters) Mr/Mrs/Miss
Surname Other Names
2. Nationality Date of Birth
3. Place of Birth
4. Marital status (single/married/separated/divorced/widowed)
.....
5. Passport of other travel document
Number Nationality
Expiry date.....
6. Particulars of professional qualifications
7. Particulars of Work experience
8. Date of first entry into Botswana

9. Names, address and Tel. No. of previous Botswana employer(s)

.....
.....
.....
.....
.....
.....

10. Nature of previous employment in Botswana

.....

11. Job Title

12. Name(s) of previous Botswana understudy(ies)

.....
.....
.....

13. Botswana Address:

(a) Business:

(b) Residence:

.....
.....
.....
.....
.....
.....
.....
.....

Tel. No.

Tel. No.

14. I declare that the information furnished in this form is to the best of my knowledge true and correct in all respects.

Applicant's Signature: Date:

NB. Use different sheet for additional information to any of the questions.

PART II: TO BE COMPLETED BY EMPLOYER

1. Full Name and Address
.....
.....

Telephone No.

2. Undertaking

3. Job Title

4. Job Description
.....
.....

5. Basic Qualifications required for the job
.....
.....

6. Experience and other requirements
.....
.....

7. Location of employment

8. Period for which Work Permit is sought

9. Remuneration:

- (i) Basic Pay
- (ii) Inducement Allowance
- (iii) Settlement Expenses.....
- (iv) Housing Subsidy
- (v) Water/Electricity Subsidy
- (vi) Transport Subsidy
- (vii) Bonus
- (viii) Education Allowance.....
- (ix) Leave Expenses
- (x) Medical Aid
- (xi) Pension.....
- (xii) Gratuity
- (xiii) Others

10. Has the vacancy been advertised? Yes/No (if Yes, please attach a copy of the latest advert.)

11. Have you furnished the Commissioner of Labour with your training programme?
.....
.....

12. Name of trainee (where applicable) most likely to take over:

- (a) at the expiration of this permit
- (b) in the long term

13. Trainee's educational standard

14. Trainee's job experience

.....
.....
15. In case of a renewal, please briefly and factually state reasons why the trainee cannot take over.

.....
.....
.....
.....
.....

16. How much time is required to have trainee fully trained?

.....

17. If items 12 to 16 are not applicable, give explanation on a separate sheet of paper.

18. I declare that the information furnished in this form is to the best of my knowledge true and correct in all respects.

Employer's signature Date

PART III: FOR OFFICIAL USE ONLY

1. Comments by District Labour Officer

.....
.....
.....
.....
.....

2. Comments by Head of Unit

.....
.....

.....
.....
.....

3. Comments by Labour Commissioner

.....
.....
.....
.....
.....
.....
.....
.....

4. Residence Permit Details:

Number

Date of issue Date of expiry

5. Work Permit Details:

Number *Date of Issue* *Date of Expiry*

.....
.....
.....
.....

REPUBLIC OF BOTSWANA

EMPLOYMENT OF NON-CITIZENS ACT, 1981
(11 of 1981)

EMPLOYMENT OF NON-CITIZENS REGULATIONS, 1983

**APPLICATION FOR A WORK PERMIT
(A SELF-EMPLOYED PERSON)**

(To be submitted to the Commissioner of Labour in Duplicate)

1. Name of applicant (in block letters)

Surname

Other Names

2. Marital Status (Single/Married)

3. (a) Name of Company/Business/Undertaking

.....

(b) Location of Company/Business

4. What services does company provide

.....

.....

5. Capacity in which employed

6. Do you draw a salary or not (Yes/No)

7. If "Yes" state salary per annum

8. Number of persons employed by Company/Business/Undertaking (if any)

.....

9. Details about subscribers (if any)

Full Name and Addresses

Occupations

- (a)
.....
.....
- (b)
.....
.....
- (c)
.....
.....

10. When was Company/Business registered?

.....
(Attach a photocopy of Certificate of Incorporation)

11. Previous Employment in Botswana (if applicable)

.....
.....
.....

12. Capacity in which previously employed.....

13. Who were your understudies.....

.....

14. Position of understudies at the time you left Company/Undertaking

.....
.....

15. Number of Residence Permit

Date of Issue (If married give particulars of Husband's residence Permit)

Expiry Date

16. If Company or Business Undertaking is currently manned by yourself only, give your manpower projections over the next five (5) years

.....
.....
.....
.....

17. Amount Invested in Company/Business

18. Has initial capital been raised locally or from financial institutions outside the country (Yes/No)

19. State names and addresses of financial institutions which provide initial capital.

.....
.....
.....

20. I declare that the information provided in this form is to the best of my knowledge and belief true and correct.

Signed..... Date

REPUBLIC OF BOTSWANA

EMPLOYMENT OF NON-CITIZENS ACT, 1981
(11 of 1981)

EMPLOYMENT OF NON-CITIZENS REGULATIONS, 1988

(reg. 3)

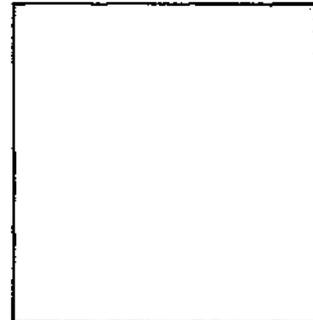


NON-CITIZEN'S WORK PERMIT

No.....

This permit authorises:

OFFICIAL STAMP



.....

to obtain employment with

.....

From to

Renewed: From to

Nationality

Passport No.

Employer

Name of trainee most likely to take over: TYPE OF EMPLOYMENT

(a) At the expiration of this permit

.....

(b) In the long term

.....

Conditions:

.....

.....

Variation of conditions:
.....
.....

.....
Commissioner of Labour

Note: This permit is non-transferable, remains the property of the Botswana Government and must be returned to the Commissioner of Labour when it expires.

Form No. 3

REPUBLIC OF BOTSWANA
EMPLOYMENT OF NON-CITIZENS ACT, 1981
(11 of 1981)
EMPLOYMENT OF NON-CITIZENS REGULATIONS, 1983

**APPLICATION FOR VARIATION OF TERMS AND CONDITIONS OF
A WORK PERMIT**

1. *Full Names of applicant*
(Surname)

.....

2. Present employer

3. Capacity in which presently employed

4. Is variation sought for the same employee?

5. *If No* state name of prospective employer

.....

6. State name of previous employer if this is not your first change of employment.
(Attach full details showing length of service with each employer, position held
and reason for leaving in respect of each).

.....

.....

.....

-

 7. State position for which variation is sought
-
 8. State reasons for variation now sought
-

Note: Use different sheet for additional information.

Signed Date

Form No. 4

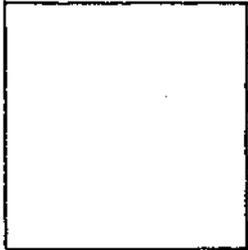
REPUBLIC OF BOTSWANA
EMPLOYMENT OF NON-CITIZENS ACT, 1981
 (11 of 1981)
EMPLOYMENT OF NON-CITIZENS REGULATIONS, 1983 (reg. 6)
APPLICATION FOR AN EXEMPTION
CERTIFICATE

1. Full names of applicant
 (Surname)

2. Name of Business/Undertaking/Organization

3. Address

4. Capacity in which employed.....
5. Qualification and/or experience
-



.....
6. State proposed period of engagement

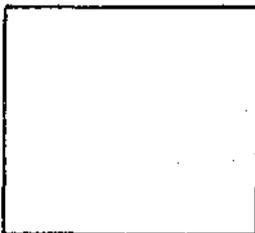
.....
.....

7. I hereby declare that I am a person/a member of a class of persons exempted by the Minister from the requirements of a work permit.

Signed Date

Form No. 5

REPUBLIC OF BOTSWANA
EMPLOYMENT OF NON-CITIZENS ACT, 1981
(11 of 1981)
EMPLOYMENT OF NON-CITIZENS REGULATIONS, 1983



EXEMPTION CERTIFICATE

(reg. 7)

Certificate No. Place of birth

Date of issue Date of birth.....

File No.

Nationality (state name of country)

This Exemption Certificate authorises who is exempted in terms of section 10 (1) of the Act from obtaining a work permit to work in Botswana while he is a member of, is sponsored by, employed by

.....
(Specify the class to which holder belongs)

Date
Commissioner of Labour

EXTENSIONS

Validity of Exemption Certificate extended from
to 19.....

Date
Commissioner of Labour

This Exemption Certificate may be cancelled in any of the following circumstances:

- (a) if the purpose for which it was issued ceases;
- (b) if the passport of its holder expires;
- (c) if its holder becomes a prohibited immigrant and is liable to be deported from Botswana;
- (d) if its holder obtains a residence permit for the purpose of remaining in Botswana under a different engagement or arrangement other than that for which the Certificate is issued; or
- (e) if its holder leaves Botswana at the end of his tour, when the Certificate shall be surrendered.

Form No. 6

REPUBLIC OF BOTSWANA

**EMPLOYMENT OF NON-CITIZENS ACT, 1981
(11 of 1981)**

EMPLOYMENT OF NON-CITIZENS REGULATIONS, 1983

(reg. 9)

**APPLICATION FOR A DUPLICATE WORK PERMIT
EXEMPTIONS CERTIFICATE**

I declare

that I was issued with Work Permit/Exemption Certificate on

..... which has since been lost/accidentally destroyed.

I accordingly apply for an issue of a duplicate Work Permit/Exemption Certificate and enclose a fee of P5,00.

Signed Date

5. (a) Number employed as at 31st December (all told)
- (b) Number employed previous year
- (c) Percentage (increase/decrease)
- (d) Number of citizens sponsored for training abroad
- (e) Number of citizens sponsored for training locally
- (f) Number of locals (dismissed/desserted/resigned) as at 31st December ...
.....
(Delete whichever is inapplicable)
- (g) Main cause of dismissals
-
- Regulations
-
- Desertions
-
- (h) Percentage of staff turnover among expatriates
- (i) Percentage of staff turnover among locals

6. What are your plans for localisation of these posts?

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

7. I certify that the above information is true in all respects:

Signature of the Manager Date

N.B. Completed forms must reach this office on or before

.....
Commissioner of Oaths

FOR OFFICE USE ONLY:

.....
.....
.....
.....
.....
.....

REPUBLIC OF BOTSWANA
EMPLOYMENT OF NON-CITIZENS ACT, 1981
(11 of 1981)

EMPLOYMENT OF NON-CITIZENS REGULATIONS, 1983

(reg. 11)

REGISTER OF CERTIFICATES OF EXEMPTION

Name of Applicant	Employer Company	Renewal or New Application	Certificate Number	Date Issued or Renewed	Expiry Date	Date Despatched to Applicant	Forwarding Address	Forwarding Officer's Signature

MADE this 4th day of May, 1983.

K.L. DISELE,
Minister of Home Affairs.