

IMMIGRATION ACT  
(Cap. 25:02)

IMMIGRATION (CONSULTANTS) REGULATIONS, 2015  
(Published on 10th April, 2015)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Application for registration
4. Qualifications for immigration consultant
5. Confidentiality
6. Rejection of application
7. Issuance of certificate
8. Display of certificate
9. Renewal of certificate
10. Register
11. Code of conduct
12. Suspension from registration
13. Removal from register
14. Restoration of name to register
15. Revocation of certificate
16. Appeals
17. Offence and penalty

SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Labour and Home Affairs by section 60 of the Immigration Act, the following regulations are hereby made —

1. These Regulations may be cited as the Immigration (Consultants) Regulations, 2015. Citation

2. In these Regulations, unless the context otherwise requires, “immigration consultant certificate” means a certificate issued to an immigration consultant under regulation 7. Interpretation

3. A person wishing to register as an immigration consultant under section 39 of the Act shall make an application to the Director in Form A set out in the Schedule and such application shall be accompanied by a non-refundable application fee of P2 000. Application for registration

4. (1) A person who wishes to register as an immigration consultant shall — Qualifications for immigration consultant

(a) be a citizen of Botswana; and

(b) be cleared by the Directorate on Intelligence and Security.

(2) A person shall not be registered as an immigration consultant if he or she —

(a) has a criminal record;

- (b) is a public officer or an employee of the Botswana Defence Force, Botswana Police Service, Botswana Prisons Service, Directorate on Intelligence and Security or Directorate on Corruption and Economic Crime; or
- (c) is a spouse, son, daughter, sibling or parent of a person employed by the Departments of Immigration and Citizenship and Labour and Social Security.

(3) A former employee of the Departments of Immigration and Citizenship and Labour and Social Security may apply for registration as an immigration consultant:

Provided that a period of two years has elapsed from the date of his or her vacation of office.

Confidentiality

5. (1) An immigration consultant assisting a person with an immigration issue shall observe and preserve the confidentiality of all matters coming before him or her, and such confidentiality shall subsist even after the termination or expiry of the immigration consultant certificate.

(2) Any person to whom confidential information is revealed through working with the immigration consultant shall not disclose information acquired under these Regulations to any other person, unless he or she is required to do so in terms of any written law or for the purpose of any judicial proceedings.

(3) Any immigration consultant or any person who contravenes the provisions of this regulation commits an offence and is liable to a fine not exceeding P5 000, or to imprisonment for a term not exceeding five years, or to both.

Rejection of application

6. A person who has made an application under regulation 3 shall be informed, in writing by the Director, of the rejection of his or her application and reasons thereof within 30 days of submission of his or her application.

Issuance of certificate

7. (1) The Director shall, where he or she is satisfied that an applicant meets the requirements for the issue of an immigration consultant certificate, issue to the applicant a certificate in Form B set out in the Schedule.

(2) An immigration consultant certificate issued under subregulation (1) shall be valid for a period of one year.

Display of certificate

8. An immigration consultant shall display his or her immigration consultant certificate in a conspicuous place at his or her place of business.

Renewal of certificate

9. (1) An immigration consultant who wishes to renew his or her immigration consultant certificate shall make an application, in writing, to the Director, three months before the expiry of the certificate.

(2) An application made under subregulation (1) shall be accompanied by an application fee of P500.

(3) Where an immigration consultant makes an application for the renewal of his or her immigration consultant certificate after expiry of the certificate, he or she shall pay an additional P500 for late renewal, if the application is made within three months from the date of expiry.

(4) Where an application for renewal of the immigration consultant certificate is made after more than three months, from the date of expiry of the certificate, the Director shall consider such application as a new application and the application fee under regulation 3 shall apply.

**10.** The Director shall keep at his or her offices a register of all registered immigration consultants and the register shall be open for inspection during office hours to any member of the public. Register

**11.** (1) A registered immigration consultant shall — Code of conduct

- (a) not charge fees for visa or permit applications in excess of fees prescribed under the Immigration Regulations
- (b) act in a fiduciary manner towards his or her client in all professional matters;
- (c) protect the public against fraud, misrepresentation and unethical practices in immigration transactions;
- (d) inform his or her client in writing of the nature of any business connections, interests or other affiliations, he or she may have in connection with the service to the client;
- (e) not undertake to provide professional services concerning immigration consultancy where he or she has an interest unless such interest is disclosed, in writing, to all affected parties;
- (f) not charge for services for which he or she is hired where such service has not been provided or carried out;
- (g) not accept fees from more than one client in any one transaction;
- (h) not allow participation in immigration consultancy matters by any other person not being a registered immigration consultant;
- (i) not act for one party to a transaction while another registered immigration consultant is acting for the same party on the same matter except with the knowledge and consent, in writing, of the party and the immigration consultant concerned;
- (j) not solicit the services of affiliations of an employee in the business of another registered immigration consultancy without prior notice to the said registered immigration consultant;
- (k) not injure falsely or maliciously, whether directly or indirectly, the professional reputation, prospects or business of another immigration consultant;
- (l) not intimidate or coerce a client, immigration officer or other public officer; and
- (m) carefully guard against the use of his or her name or his or her business association with any activity of a questionable character.

(2) A registered immigration consultant who contravenes the provisions of subregulation (1) commits an offence and is liable to a fine not exceeding P5 000, or to imprisonment for a term not exceeding five years, or to both.

**12.** (1) The Director may suspend from practice an immigration consultant, where the immigration consultant has contravened any provision of the Act or these Regulations. Suspension from registration

(2) Where the Director suspends the practice of an immigration consultant, he or she shall —

- (a) record the reasons for the suspension in the register; and
- (b) notify the immigration consultant of the reasons for the suspension, in writing, within 30 days from the date of suspension.

(3) An immigration consultant who has been suspended under subregulation (1) shall be disqualified from performing the work of an immigration consultant and his or her registration shall be deemed to be suspended until the period of suspension has expired.

Removal from register

**13.** (1) The Director shall remove from the register the name of an immigration consultant who —

- (a) has failed to notify the Registrar of his or her present address;
- (b) has requested that his or her name be removed from the register and has lodged an affidavit stating that no criminal proceedings are being or are likely to be instituted against the immigration consultant in connection with his or her practice of immigration consultancy; or
- (c) contravenes any provision of the Act or these Regulations.

(2) Where the Director suspends or removes, from the register, the name of an immigration consultant, he or she shall —

- (a) enter, in the register, a record of the reasons therefor; and
- (b) notify the immigration consultant in writing of the reasons therefor.

(3) A certificate of registration issued to an immigration consultant whose name has been removed from the register in terms of this regulation shall be deemed to have been cancelled on the date of the removal and the immigration consultant shall be deemed not to be registered with effect from that date.

Restoration of name to register

**14.** Where the registration of an immigration consultant has been suspended or the name of an immigration consultant has been removed from the register, the Director may —

- (a) on his or her own initiative; or
- (b) on the application of the immigration consultant concerned, and after holding an inquiry as may be necessary, direct that the name of the immigration consultant be restored to the register.

Revocation of certificate

**15.** The Director may revoke an immigration consultant certificate of registration where —

- (a) the name of an immigration consultant has been removed from the register; or
- (b) the immigration consultant contravenes any provisions of the Act or of these Regulations.

Appeals

**16.** An immigration consultant aggrieved by the Director's decision —

- (a) not to issue an immigration consultant certificate;
- (b) not to renew his or her immigration consultant certificate;
- (c) to suspend his or her practice; and
- (d) to revoke his or her immigration consultant certificate,

may, within 30 days from the date the decision is made, appeal in writing to the Minister.

Offence and penalty

**17.** Any person who contravenes the provisions of these Regulations commits an offence and is liable to a fine not exceeding P5 000, or to imprisonment for a term not exceeding five years, or to both.

## SCHEDULE

For Official Use Only:

File Number: \_\_\_\_\_

Form A  
APPLICATION FOR IMMIGRATION CONSULTANT



REPUBLIC OF BOTSWANA  
IMMIGRATION ACT

(Regulation 3)

Please use block letters and black ink only  
PART I

Photo  
3cm x 4cm

NOTES AND INSTRUCTIONS

Each of the following questions must be answered fully by all applicants, if insufficient space is provided for the answer, it must be given on a sheet and attached to the application.

- a) In the case of an employee, certified copies of the applicant's certificates and references or testimonials.
- b) Application Fee
- c) In the case of an investor/self-employed person, certified copies of the company's certificate of incorporation, applicant's share certificate and proof of investment.
- d) Such other documents as in the special circumstances of the applicant are required to be attached/provided; and
- e) Application for renewal should be submitted three (3) months before the expiry of the permits. The original permits should accompany the application.

1. Is this an application for a new  or renewal of existing permit

2. Surname: \_\_\_\_\_

First Name: \_\_\_\_\_

Middle Name: \_\_\_\_\_

Previous/Maiden Surname: \_\_\_\_\_

3. Marital Status:  Single  Married  Divorced  Widowed  Separated

4. Date of Birth: \_\_\_\_\_ S. Sex: Male  Female

D D M M Y Y Y Y

6. Country of Birth: \_\_\_\_\_

7. Place of Birth: \_\_\_\_\_

8. Identity Card Details:

Self:

ID/Omang Number: \_\_\_\_\_ Place of Issue: \_\_\_\_\_

Date of Issue: \_\_\_\_\_

D D M M Y Y Y Y

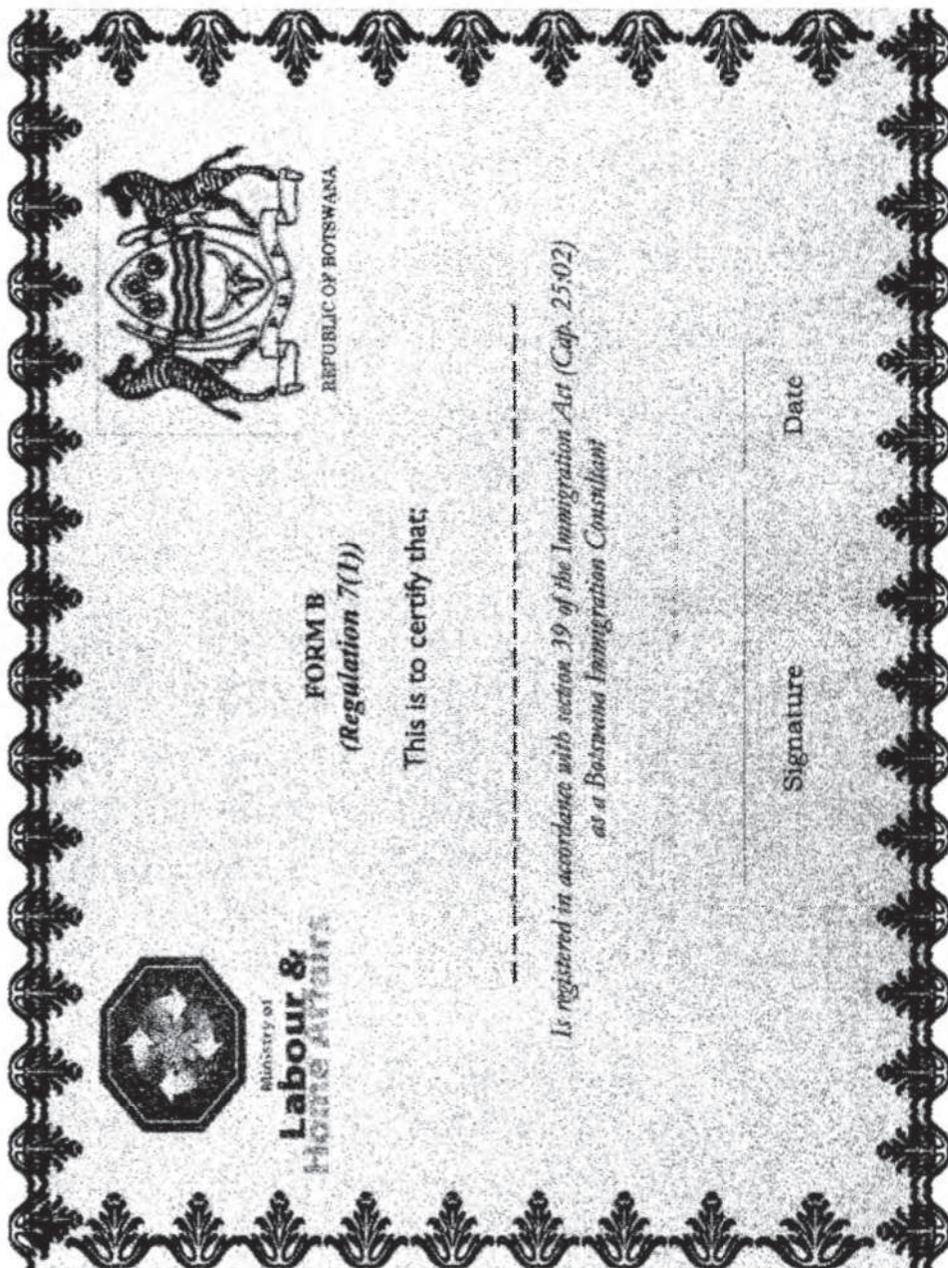
Expiry Date: \_\_\_\_\_

D D M M Y Y Y Y

Nationality (state name of country): \_\_\_\_\_









Ministry of  
**Labour &  
Home Affairs**

**FORM B**  
*(Regulation 7(1))*



REPUBLIC OF BOTSWANA

This is to certify that;

---

*Is registered in accordance with section 39 of the Immigration Act (Cap. 25:02)  
as a Botswana Immigration Consultant*

Signature

Date

MADE this 30th day of March, 2015.

**EDWIN J. BATSHU,**  
*Minister of Labour and Home Affairs.*