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Immigration Regulations in Malawi

Date of entry into force: 1968

This legislation includes amendments up to and including: 1988

Part I - PRELIMINARY

1. Citation

These Regulations may be cited as the Immigration Regulations.

2. Interpretation

In these Regulations, unless the context otherwise requires -

"Form" means the appropriate form prescribed by these Regulations and set out in the First Schedule.

Part II - IMMIGRATION PROCEDURE

3. Visas

In pursuance of arrangements made in accordance with section 5 (c) of the Act, visas are dispensed with in respect of the persons or classes of persons set out in the Second Schedule.

4. Examinations or tests required

(1)Any examination or test required by an immigration officer under section 13 of the Act may be conducted on any train, vessel, aircraft, vehicle or other conveyance or at any other place which such officer considers to be convenient for the purpose, and if necessary, affords sufficient privacy.

(2)The immigration officer requiring such an examination or test may, in his discretion, determine the sequence in which persons wishing to enter or re-enter Malawi shall be so examined or tested.

(3) Every person who has entered Malawi and who desires to remain in Malawi for a longer period than that stated by him at the time of his arrival in Malawi shall report in person to an immigration officer and shall submit to such examinations and tests in accordance with section 13 of the Act, as may be required notwithstanding that he is already within Malawi.

(4) On completion of any examination or test required under section 13 of the Act, the immigration officer may make an appropriate endorsement on the person's passport or other document of identity.

5. Medical examinations

(1) A medical practitioner shall, where necessary and required, be present at any examination or test required under section 13 of the Act and shall indicate to an immigration officer any person who ought, in his opinion, to be medically examined. An immigration officer may require a medical practitioner to make a medical examination of any such person, and of any other person entering or found within Malawi who is required to submit to such medical examination.

(2) The medical examination of any such person entering or found within Malawi shall take place at such place as may be convenient and as soon as possible after the arrival or discovery of such person, and a report as to the result of such examination shall be rendered to the immigration officer and shall, if such person is found to be a prohibited immigrant, accompany that officer's record of proceedings furnished to the Chief Immigration Officer.

6. Declarations by persons wishing to enter Malawi.

(1) The declarations which any person wishing to enter Malawi may be required to make and sign under section 13 (2) (a) of the Act shall be in Form No. 1 and shall be written in English.

(2) An immigration officer may require such person to make and sign such declaration in his presence, and shall satisfy himself that such person understands the declaration.

(3) If such person is unable to read or write or to understand the declaration, the immigration officer may question him, if necessary through an interpreter, and shall himself fill in the declaration or cause it to be filled in and shall thereupon require such person to attach his signature.

(4) On receipt of any such declaration an immigration officer may make an appropriate endorsement on the passport or other document of identity of the person concerned.

7. Evidence by persons wishing to enter Malawi

In order to satisfy an immigration officer that he is not a prohibited immigrant under section 4 (1) (c) of the Act a person may be required to produce evidence of any or all of the following:

(a) that he is on a temporary visit to Malawi for a stated period;

(b) that he is permanently resident elsewhere and intends to return thereto;

(c) that he will be re-admitted into his country of domicile, or country of last permanent residence at the expiration of his visit to Malawi;

(d) that he has in his possession for his own use such sum of money as is sufficient to support himself and his dependents whilst in Malawi, or that he has such sum of money immediately available in Malawi, or that he has friends or relatives in Malawi able and willing to support him and his dependants.

8. Security

(1) An immigration officer may, when he deems it necessary, require security to be furnished in respect of any person or his dependents who enter Malawi.

(2) Such security shall be in the form of a cash deposit or a guarantee or a general security covenant acceptable to the immigration officer concerned and shall be in such sum, being not more than ú350, in respect of each person or dependent as such immigration officer may determine.

(3) A guarantee given under subregulation (2) shall be in Form No. 2 and shall be -

(a) given by the employer or by such other person as may be approved by the Chief Immigration Officer;

(b) supported by an undertaking by a bank, or some other body approved by the Chief Immigration Officer that the sum specified will be paid to the Government of Malawi on demand at any time during the period for which the guarantee is given; and

(c) given for a period not exceeding seven years calculated from the date of entry into Malawi of the person for whom the guarantee is given or, if such person is already within Malawi, for a period of seven years calculated from the date upon which the guarantee is given:

Provided that the Chief Immigration Officer may in exceptional circumstances dispense with the undertaking mentioned in paragraph (b).

(4) Where any employer enters or intends to enter into a contract for employment within Malawi of a person in respect of whom, together with that person's dependents, the Chief Immigration Officer deems it necessary to require security, the Chief Immigration Officer may in lieu of a deposit or guarantee in respect of such employee and his dependents, if any, permit the employer to enter into a covenant to provide a general security in respect of all such employees and their dependents, if any. Every such general security covenant shall be in Form No. 3.

(5) It shall be a condition of any security furnished under this regulation that the sum deposited or guaranteed, as the case may be, may be applied by the Government of Malawi to meet any expenditure which may be incurred in connection with the care, treatment or maintenance in, or the repatriation or deportation from, Malawi of the person concerned and additionally or alternatively any of his dependents in respect of whom the security is furnished.

(6) Security shall only be refunded or released upon

(a) the principal's leaving Malawi; or

(b) the satisfaction of the Chief Immigration Officer that such security is no longer necessary for the purposes of this regulation.

9. Requirements for married women and children

(1) In the case of an application by a married woman or in respect of a child to enter Malawi, an immigration officer may require the production of a duly authenticated copy of the marriage certificate or birth certificate as the case may be.

(2) If no such copy of the marriage certificate or birth certificate can be produced, the immigration officer may require

(a) the production of an official certificate under the hand of a person acceptable to the

immigration officer stating that, to his personal knowledge, the woman was married to a stated man on a date or in circumstances stated, or that the child was born on a date and at a place set out and of parents named in such certificate, as the case may be; or

(b) the production of a certificate under the hand of a person acceptable to the immigration officer stating that he has taken sworn testimony or other evidence as to the circumstances and date of and the parties to the marriage, or the date of birth and parentage of the child, as the case may be, and that such testimony and evidence is attached to the certificate together with any conclusions of such person in respect thereof.

(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 and may, in any case of doubt, require such further evidence as may be necessary to satisfy him that the wife or child who is the subject of the application is the wife or child referred to in the certificate and is not a prohibited immigrant under the Act.

10. Order to report

(1) Where a person wishing to enter Malawi, or who has entered Malawi, cannot satisfy an immigration officer that he is not a prohibited immigrant, or that he is lawfully entitled to enter or be in Malawi, an immigration officer may for the purpose of making inquiries into such person's identity or antecedents, or to enable such person to comply with any requirements of the immigration officer, serve on such person a notice in writing valid for such period as may be specified in the notice.

(2) Such notice shall be in Form No. 4, shall require such person to report to an immigration officer at such place and at such time, or at such intervals as may be specified in the notice, and to comply with such other conditions or restrictions as may be specified therein.

(3) Such notice shall not, save only for the purpose of, and to the extent necessary for complying with the terms and conditions thereof, and for the period of the validity thereof, be deemed to be a permit or authority to enter or remain in Malawi, and shall be surrendered to an immigration officer when required or when the person concerned leaves Malawi.

Part III -PROHIBITED IMMIGRANTS

11. Prescribed diseases

The following diseases shall be the diseases prescribed for the purposes of section 4 (1) (e) of the Act

- (a) tuberculosis;
- (b) trachoma;
- (c) favus;
- (d) framboesia or yaws;
- (e) syphilis or gonorrhoea;
- (f) scabies; and
- (g) leprosy.

12. Prescribed offenses

The offenses set out in the Third Schedule shall be the offenses prescribed for the purposes of section 4 (1) (f).

13. Photographs, fingerprints, etc.

Any person who is -

(a) or is suspected of being a prohibited immigrant: or

(b) detained under the Act in any prison, gaol, lock-up or detention cell in Malawi

shall, on demand made by the gaoler, officer in charge of the prison or other place of detention, a police officer or an immigration officer, submit to having his photograph and his fingerprints or palm-print impressions taken by such officer or by any person appointed for the purpose.

14. Warrants of detention and removal

(1) A warrant of detention issued under sections 14 and 16 of the Act shall be in Form No. 5, and a warrant of removal from Malawi shall be in Form No. 6.

(2) Upon receipt of a warrant of detention issued by an immigration officer, the gaoler or officer in charge of the prison or other place of detention to whom the warrant is addressed shall accept custody of the person against whom the warrant is issued.

(3) No such person shall be so detained in custody for any longer period than is necessary for the purposes of any prescribed inquiry or for the completion by an immigration officer of arrangements for the removal of such person from Malawi at the first reasonable opportunity.

(4) The production of a warrant of removal issued by a magistrate or by the Chief Immigration Officer shall be sufficient authority to the gaoler or officer in charge of the prison or other place of detention to whom the warrant is addressed to deliver the person named therein to the proper escort appointed to bring such person to any place for the purpose of removal under such warrant.

(5) The duplicate copy of a warrant of removal shall be endorsed with the name and rank, if any, of the person executing it, the number of the aircraft, vessel, train or vehicle used for the purpose and the time and date on which it departed from Malawi. The copy of the warrant shall then be returned to the magistrate or to the Chief Immigration Officer, as the case may be, who issued it.

15. Action after criminal proceedings

If a prohibited immigrant or a person suspected of being a prohibited immigrant is arrested upon a criminal charge he 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 him, as the case may be, and may thereafter be detained or dealt with under and subject to the Act.

16. Records concerning prohibited immigrants

An immigration officer shall, in the case of every person who is or is suspected of being a prohibited immigrant under the Act, make a full record of his inquiry or examination and shall forthwith transmit the record to the Chief Immigration Officer, together with all documents relating thereto. The Chief Immigration Officer may thereupon make such further inquiry or examination as he deems necessary.

Part IV -APPEALS

17. Preliminary appeal procedure

(1)The notice which an immigration officer shall give under section 8 (1) of the Act shall be in Form No. 7.

(2)An immigration officer shall, after notifying a person that he has been declared to be a prohibited immigrant, inform him, verbally or in writing, of his right of appeal to a magistrate's court and supply to such person, should he wish to appeal, a notice of appeal in Form No. 8.

(3)If the person declared to be a prohibited immigrant is under detention when he completes his notice of appeal, he may, within the time provided for appeals under section 8 (2) of the Act, deliver his notice of appeal and a copy thereof to the gaoler or officer in charge of the prison, or other place of detention, charged with his custody who shall thereupon endorse such notice and copy with the date of receipt and arrange for their delivery with all possible dispatch respectively to the court of the magistrate having jurisdiction in the matter and to the immigration officer concerned.

(4)An immigration officer to whom a copy of the notice of appeal has been handed or delivered shall forthwith send such copy to the Chief Immigration Officer.

18. Procedure where no court sitting locally

If there is no court which ordinarily sits or is sitting or about to sit at his station, an immigration officer shall communicate with the Chief Immigration Officer by telegraph, and shall inform the appellant that if he desires to be present at the hearing of the appeal he will, if under detention, be taken under escort to the place where the court is to sit.

Part V - REMOVAL OF PROHIBITED IMMIGRANT

19. Removal of prohibited immigrant

(1)An immigration officer may order a prohibited immigrant who has not appealed or made representations under section 8 or section 9 of the Act, or whose appeal or representations have been rejected, to leave Malawi forthwith and, if such prohibited immigrant fails or refuses to obey such order an immigration officer may, if authorized by a warrant issued by a magistrate under section 8 (3), or in any other case by the Chief Immigration Officer, take such steps and use such force as he considers necessary to remove such prohibited immigrant from Malawi.

(2)Where the conditions specified in section 10 (2) (b) of the Act apply, an immigration officer may serve the airline, shipping company, transport company or other carrier, conveyor or transporter concerned with a notice in Form No. 9 directing it to remove the prohibited immigrant from Malawi.

Part VI - PERMITS AND CERTIFICATES OF IDENTITY

20. Permit relating to prescribed diseases

(1)A permit issued under section 4 (1) (e) of the Act in respect of a prescribed disease shall be in Form No 10 and shall be issued by the Chief Immigration Officer.

(2)The following conditions may be imposed in any such permit

(a)the place of residence and every change of residence of the holder of the permit and his manner of transport shall be subject to the approval of the Chief Immigration Officer;

(b)the holder of the permit shall not at any time use or occupy any bedroom or other sleeping accommodation used by any other person;

(c)the holder of the permit shall observe and carry out such directions as to residence, disposal of sputum, disinfection and generally as to the prevention of the spread of infection as may be given by the medical officer of health of the local authority in whose area he resides, or where there is no such medical officer of health, by the nearest Government medical officer;

(d)the holder of the permit, as soon as possible after it has been issued, shall report in person to the medical officer of health of the local authority in whose area he resides or, where there is no such medical officer of health, to the nearest Government medical officer and shall notify him his residential address and any change of address; and

(e)the holder of the permit shall present himself at such time and place as may be required for medical examination by a Government medical officer or other medical practitioner and shall defray the cost of such examination.

21. Temporary permit

(1)A temporary permit issued under section 17 (1) of the Act shall be in Form No. 11.

(2)No such temporary permit shall be issued, renewed or extended

(a)for a total period exceeding thirty days without the approval of the Chief Immigration Officer; or

(b)for a total period exceeding twelve months without the approval of the Minister.

(3)The following conditions shall be imposed upon any person to whom such a temporary permit is issued

(a)the holder of the permit shall give his address in Malawi to an immigration officer and shall immediately notify an immigration officer of any change of address;

(b)the holder of the permit shall report to such officer at such place and at such time or at such intervals as may be specified in the permit and shall keep such officer duly advised of his whereabouts,

(c)the holder of the permit shall leave Malawi within the period specified in the permit and without expense to the Government and shall surrender the permit to an immigration officer before leaving Malawi;

(d)the holder of the permit shall give to the Chief Immigration Officer or to the immigration officer at the nearest port of entry or departure at least twenty four hours' notice (excluding Sundays and public holidays) of the date of his intended departure from Malawi;

(e)the holder of the permit shall obtain the proper endorsement by an immigration officer on such permit of any renewal or extension of the permit;

(f)the permit shall be invalidated and the security found by the holder shall be forfeited to the Government if any false declaration or false representation has been made by the person to whom the permit is issued or by any other person on his behalf;

(g)the holder of the permit shall not engage in any work, occupation or activity which is not necessary for or incidental to the purpose for which he was permitted to enter Malawi unless he has first obtained the permission of the Chief Immigration Officer;

(h)the holder of the permit shall at any time on demand by an immigration officer forthwith

surrender the permit to such officer;

(i) the holder of the permit shall enter and leave Malawi through such ports of entry and departure as may be specified in the permit;

(j) the holder of the permit shall travel by such route, such mode of conveyance and at such time as may be specified in the permit;

(k) the holder of the permit shall visit only such areas of Malawi as may be specified in the permit; and

(l) the holder of the permit while in Malawi shall not engage in such activities as may be specified in the permit.

22. Certificate of identity

(1) Application for a certificate of identity under section 20 of the Act shall be made in Form No. 12 and shall be supported by documentary evidence as to the identity of the applicant and as to the fact that he is lawfully resident in Malawi.

(2) A certificate of identity shall be issued in Form No. 13 and signed by the Chief immigration Officer and shall be subject to the following conditions

(a) on the return to Malawi of the person to whom the certificate is issued the certificate shall be surrendered to an immigration officer; and

(b) the certificate shall be invalidated if it has been obtained by means of any false statement or declaration.

(3) Every certificate shall contain such particulars as may be necessary to identify the holder, together with a full face photograph of the holder, and, if it is considered necessary for the purpose of identification, his thumb-print impressions.

23. Permanent residence permit

(1) Application for a permanent residence permit shall be

(a) made in duplicate in Form No. 14 in the English language;

(b) accompanied by

(i) a medical certificate in Form No. 15,

(ii) a police certificate in Form No. 16 or, where this is not obtainable, a certificate of character in Form No. 17;

(iii) such other certificates or documents as are specified in Form No. 14; and

(c) submitted in the manner stated on Form No. 14.

(2) A permanent residence permit issued under section 22 of the Act shall be in Form No. 18.

(3) A permanent residence permit may be cancelled if the holder of the permit does not take up residence in Malawi within six months of the date of the issue of the permit.

24. Temporary residence permit

(1) Application for a temporary residence permit shall be made in Form No. 19.

(2) A temporary residence permit issued under section 24 of the Act shall be in Form No. 20, and the holder of such permit shall be subject to the following conditions

(a) he shall give his address in Malawi to an immigration officer and notify any change of address to such an officer;

(b) he shall not, without the permission of the Chief Immigration Officer, commit any act or conduct himself in any manner which is inconsistent with or contrary to the purpose for which he was permitted to enter Malawi;

(c) he shall, without expense to the Government, leave Malawi on or before the date stated on the permit unless an extension of the validity of the permit has been endorsed thereon by an immigration officer, and

(d) he shall surrender the permit to an immigration officer immediately before leaving Malawi.

24A. Business residence permit

(1) An application for a business residence permit shall be made in Form No. 19A.

(2) A business residence permit issued under section 24A of the Act shall be in Form No. 20A.

(3) The holder of a business residence permit shall, within a reasonable time, notify the Chief Immigration Officer of every change, occurring during the currency of his permit, in any material particulars stated in his application and where such change requires an endorsement on his permit, the appropriate fee specified in the Fourth Schedule shall be payable in respect of every endorsement made on the permit.

25. Temporary employment permit

(1) An application for a temporary employment permit shall be made in Form No. 21.

(2) A temporary employment permit issued under section 25 of the Act shall be in Form No. 22, and the holder of such permit shall be subject to the following conditions

(a) he shall not engage in any occupation other than the occupation specified in the permit;

(b) he shall not take up employment with any employer other than the employer, if any, who completed Part A of Form No. 21;

(c) he shall not reside in Malawi other than within the area of Malawi specified in the permit;

(d) he and all persons authorized to enter Malawi with him under the permit shall leave Malawi on or before the expiry of the period stated in the permit;

(e) he shall surrender the permit to an immigration officer before leaving Malawi; and

(f) he shall surrender the permit to the Chief Immigration Officer on ceasing to be engaged in the occupation specified in the permit.

(3) A temporary employment permit may be renewed by the Minister upon application.

26. Visitor's permit

(1) A visitor's permit under section 26 of the Act shall be issued by an immigration officer by endorsing under the immigration entry stamp in the person's travel document the permit serial number together with the period of validity and shall be signed by such immigration officer.

(2)The holder of a visitor's permit shall be subject to the following conditions

(a)he shall give his address in Malawi to an immigration officer;

(b)he shall not take up any employment, work, occupation or activity for gain for which, in the opinion of the Chief Immigration Officer, he would be required to be in possession of a temporary employment permit or a temporary residence permit; and

(c)he shall, without expense to the Government, leave Malawi on or before the date stated on the permit unless an extension of the validity of the permit has been endorsed thereunder by an immigration officer.

27. Student's permit

(1)An application for a student's permit shall be made in Form No. 23.

(2)A student's permit issued under section 31 of the Act shall be in Form No. 24 and shall be subject to the following conditions

(a)the permit shall remain valid for a period of one year from the date of issue;

(b)the validity of such permit may be extended by an endorsement of the permit by the Chief Immigration Officer for a further period or periods each not exceeding one year, on production of written evidence of the holder's admittance by an educational institution approved by the Minister for a further period of study; and

(c)the holder of such permit shall not engage in any gainful occupation except during a period of vacation permitted by such institution.

28. Loss or destruction of permit

If a permit or certificate issued under the Act or these Regulations is lost or destroyed, the Chief Immigration Officer may in his discretion issue a copy thereof, subject to payment by the permit or certificate holder of the appropriate replacement fee specified in the Fourth Schedule.

29. Cancellation of permit and certificate

The Chief Immigration Officer may cancel any certificate or permit, other than a permanent residence permit or copy thereof, issued under the Act or these Regulations on being satisfied that the holder thereof has failed to comply with, or has committed a breach of, any of the conditions of such certificate or permit, or that it was obtained by a false declaration or by misrepresentation.

30. Holder of temporary permit ceasing to be prohibited immigrant

If the Chief Immigration Officer is satisfied that a person who is the holder of a temporary permit has ceased to be a prohibited immigrant under the Act, he may authorize the issue of an appropriate permit to such person in accordance with the Act:

Provided that if in any case the Minister has directed the issue of a temporary permit the Chief Immigration Officer shall not authorize the issue of any other permit without the approval of the Minister.

31. Exit declarations

A person leaving Malawi shall be required to complete the declaration in Form No. 25.

Part VII - DEPORTATION

32. Deportation order

(1) A deportation order issued under section 39 of the Act shall be in Form No. 26, under the hand of the Minister, and shall direct the person to whom it is addressed to leave Malawi within such period after service of the order as may be specified therein.

(2) The police officer or immigration officer detailed to enforce the order shall serve it by reading it over to the person who is the subject of the deportation order. The police officer or immigration officer shall leave the original order in the possession of the person to be deported but this action shall not constitute an essential part of the service of the order.

(3) Any person to whom a deportation order is addressed who fails to leave Malawi within such period after service of the order as may be specified therein may, whether or not he is prosecuted for an offense under the Act, be removed from Malawi by an immigration officer without any further warrant or authority. An immigration officer may take such steps and use such force as he considers necessary to remove such person from Malawi.

33. Deportation procedure

(1) The duplicate copy of a deportation order shall be endorsed with the name and rank of the police officer effecting the deportation, the number of the aircraft, vessel, train or vehicle used for the purpose and the time and date on which it departed from Malawi. The copy of the order shall then be returned to the Chief Immigration Officer who shall inform the Minister as soon as possible.

(2) If the name of the deportee is spelt on the passport or any other travel document in a way which is at variance with the deportation order, the particulars of any variation shall be given in full when the copy of the deportation order is returned to the Chief Immigration Officer.

(3) A deportee may be placed on board any train, aircraft, vessel or vehicle which is about to leave Malawi and the guard of the train or commander of the aircraft or vessel, or conductor or driver of the vehicle, shall, if so required by an immigration officer, take whatever steps may be necessary to prevent the deportee from landing from the train, aircraft, vessel or vehicle before it leaves Malawi and he may, for that purpose, detain a deportee in custody on board the train, aircraft, vessel or vehicle and use any force necessary to ensure his retention in custody.

Part VIII - GENERAL

34. Use of telegraph or wireless

Any order or warrant issued under the Act or these Regulations may be effected by telegraph or wireless, and a copy thereof, served and executed as required by the law relating to criminal procedure, shall be of force and effect as if the original had been so served or executed.

35. Fees

In respect of the issue of any permit or certificate prescribed under these Regulations the fees (if any) stated in the Fourth Schedule shall be payable:

Provided that the Minister may by writing under his hand-

(a) exempt any person or any class of persons from payment of any of the prescribed fees, and where the Minister grants such exemption he shall cause notice thereof to be published in the

Gazette; or

(b) remit or reduce any of the prescribed fees in respect of any person or any class of persons.

36. Delegation of powers

The Chief Immigration Officer may delegate in writing to the Deputy Chief Immigration Officer any or all of the powers conferred upon the Chief Immigration Officer under these Regulations.

FIRST SCHEDULE - LIST OF PRESCRIBED FORMS

FORM No.1 Entry/Exit Card

FORM No.2 Guarantee by Employer or Other Person

FORM No.3 General Security Covenant

FORM No.4 Provisional Restriction Notice

FORM No.5 Warrant of Detention

FORM No.6 Warrant for the Removal of a Person

FORM No.7 Notice to Prohibited Immigrant

FORM No.8 Notice of Appeal

FORM No.9 Notice of Direction to a Carrier

FORM No.10 Permit for Person Suffering from a Prescribed Disease to Enter Malawi

FORM No.11 Temporary Permit

FORM No.12 Application for Certificate of Identity

FORM No.13 Certificate of Identity

FORM No.14 Application for Permanent Residence Permit

FORM No.15 Medical Certificate Required of an Applicant for a Permanent Residence Permit

FORM No.16 Police Certificate Required of an Applicant for a Permanent Residence Permit

FORM No.17 Certificate of Character Required of an Applicant for a Permanent Residence Permit (to be used when, under the Regulations of a Police Force, a Police Certificate on Form No. 16 may not be issued)

FORM No.18 Permanent Residence Permit

FORM No.19 Application for Temporary Residence Permit

FORM No.19A Application for a Business Residence Permit

FORM No.20A Business Residence Permit

FORM No.21 Application for Temporary Employment Permit

FORM No.22 Temporary Employment Permit

FORM No.23 Application for a Student's Permit

FORM No.24 Student's Permit

FORM No.25 Exit Card

FORM No.26 Deportation Order

[The samples of the above-mentioned forms are omitted.]

SECOND SCHEDULE - VISA ARRANGEMENTS

Subject to any corresponding conditions set out in Column 2, no visa is required for entry into Malawi for the persons described in Column 1, as follows -

Column 1 Column 2

Holders of a valid certificate of

identity in Form No. 13 issued by

the Chief Immigration Officer

Commonwealth citizens

Citizens of the Federal Republic of Germany

Citizens of the Republic of South Africa

Citizens of Israel who are holders

of diplomatic or service passports

Citizens of Belgium

Denmark

Finland

Iceland who desire to enter Malawi for a period not exceeding three months

Luxembourg

The Netherlands

Norway

San Marino

Sweden

Citizens of Portugal who desire to enter Malawi for a period not exceeding two months.

THIRD SCHEDULE - PRESCRIBED OFFENCES

(i) Murder, manslaughter or culpable homicide

(ii) Any offence against company law or any law relating to bankruptcy or insolvency

(iii) Selling, bartering, giving or otherwise supplying or intoxicating liquor to any person not lawfully permitted to obtain or be in possession thereof

- (iv) Selling, bartering, giving or otherwise supplying firearms to any person not lawfully permitted to obtain or be in possession thereof.
- (v) Dealing in, or being in possession of, unwrought precious metals or rough or uncut precious stones in contravention of any law
- (vi) Any offence relating to dangerous drugs or narcotics
- (vii) Piracy
- (viii) Perjury or subornation of perjury or conspiring to defeat the course of justice
- (ix) Bribery
- (x) Rape
- (xi) Procuring, or trafficking in, women or young persons for immoral purposes
- (xii) Incest, sodomy, bestiality, indecent assault or any unnatural offence
- (xiii) Contravention of any law forbidding carnal knowledge of, or indecent or immoral acts with, a girl under a specified age or with an imbecile or idiot
- (xiv) Performing abortion
- (xv) Indecent exposure or public indecency
- (xvi) Arson or fire raising
- (xvii) Maliciously or wilfully wounding or inflicting grievous bodily harm
- (xviii) Malicious damage or injury to property
- (xix) Stealing, embezzlement, fraudulent conversion, fraudulent false accounting, obtaining property or credit by false pretences, receiving stolen property or any other offence in respect of property involving fraud
- (xx) Counterfeiting coin or currency, or uttering coins or currency knowing the same to be counterfeit
- (xxi) Burglary or house-breaking or any similar offence
- (xxii) Robbery, robbery with violence or extortion
- (xxiii) Revolt against the authority of the master of a ship or commander of an aircraft
- (xxiv) Contravention of the Hijacking Act (Cap. 7:03), or of any other law which makes punishable any offence similar in nature to any offence made punishable under that Act
- (xxv) Any offence against the Decency in Dress Act, 1973 (Cap. 7:04)
- (xxvi) Any offence against section 179 of the Penal Code
- (xxvii) Any offence against section 180 (g) of the Penal Code
- (xxviii) Attempt or conspiracy to commit any offence specified in this Schedule, or being an accessory after the fact to the commission of such an offence.

FOURTH SCHEDULE - MATTER FOR WHICH FEE IS PAYABLE

[The above-mentioned schedule is omitted.]