

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 38 OF 2013

The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)**The Immigration and Deportation (Immigration
Consultants) Regulations, 2013**

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Title
2. Interpretation
3. Non-application

PART II

REGISTRATION OF IMMIGRATION CONSULTANTS

4. Application for registration as immigration consultant
5. Disqualification from registration
6. Request for further information
7. Registration of immigration consultant
8. Refusal to register
9. Display of registration
10. Renewal of registration
11. Application for duplicate registration
12. Notice of change of details
13. Notice of intention to suspend or de-register immigration consultant
14. Notice of de-registration of immigration consultant
15. Notice of suspension of immigration consultant
16. Appeal
17. Register of immigration consultants

PART III
CODE OF CONDUCT

Regulation

18. Code of Conduct
19. Responsibilities of Director-General

PART IV
GENERAL PROVISIONS

20. Holding out
21. Offences regarding registered immigration consultants
22. Offences relating to registration
23. Fees

FIRST SCHEDULE
SECOND SCHEDULE
THIRD SCHEDULE

IN EXERCISE of the powers contained in section *fifty nine* of the Immigration and Deportation Act, 2010, the following Regulations are hereby made:

PART I
PRELIMINARY

- | | |
|---|-----------------|
| 1. These Regulations may be cited as the Immigration and Deportation (Immigration Consultants) Regulations, 2013. | Title |
| 2. In these Regulations, unless the context otherwise requires — | Interpretation |
| “ Code ” means the Code of Conduct for Immigration Consultants set out in the Second Schedule; | |
| “ costs ” includes fees, charges, disbursements, expenses and remuneration; | |
| “ Department ” has the meaning assigned to it in the Act; | |
| “ Director-General ” means the Director-General of Immigration; | |
| “ holder ” means a person registered as an immigration consultant; | |
| “ immediate family ” has the meaning assigned to it in the Act; | |
| “ immigration consultant ” has the meaning assigned to it in the Act; | |
| “ legal practitioner ” has the meaning assigned to it in the Legal Practitioners Act; | Cap. 30 |
| “ practising certificate ” has the meaning assigned to it in the Legal Practitioners Act; and | Cap. 30 |
| “ Register ” means the Register of Immigration Consultants kept and maintained pursuant to regulation 17. | |
| 3. These Regulations do not apply to legal practitioners. | Non-application |

PART II

REGISTRATION OF IMMIGRATION CONSULTANTS

- | | |
|---|--|
| 4. (1) An application for registration as an immigration consultant shall be made in Form I set out in the First Schedule. | Application for registration as immigration consultant |
| (2) The Director-General shall register a person as an immigration consultant if the person demonstrates sufficient knowledge of the relevant Zambian immigration laws. | |
| 5. The Director-General shall not register a person as an immigration consultant if that person— | Disqualification from registration |

- (a) has been convicted of an offence involving fraud or dishonesty;
- (b) has a mental disability that makes that person incapable of performing the functions of an immigration consultant;
- (c) is an undischarged bankrupt;
- (d) has been found guilty of professional misconduct under Part III;
- (e) has been de-registered pursuant to the provisions of these Regulations;
- (f) is an employee of the Department; or
- (g) has, within a period of twelve months immediately preceding the application, been an employee of the Department.
- Request for further information 6. A request for further information with respect to an application made pursuant to regulation 4 shall be made in Form II set out in the First Schedule.
- Registration of immigration consultant 7. (1) The Director-General shall, where an application under regulation 4 meets the requirements of the Act and these Regulations, approve the application and register the applicant as an immigration consultant in Form III set out in the First Schedule.
- (2) A registration under these Regulations shall, subject to the other provisions of these Regulations, be valid for a period of three years from the date of registration.
- (3) Registration shall not be transferable.
- Refusal to register 8. (1) The Director-General shall refuse an application for registration as an immigration consultant if the application does not meet the requirements of the Act or these Regulations.
- (2) The Director-General shall, where the Director-General rejects an application, inform the applicant of the rejection in Form IV set out in the First Schedule.
- Display of registration 9. A person registered as an immigration consultant shall display the registration in a conspicuous place at the person's place of business.
- Renewal of registration 10. An application for the renewal of a registration shall be made to the Director-General at least ninety days prior to the expiry of the registration in Form V set out in the First Schedule.

11. (1) A person may apply to the Director-General for a duplicate registration in Form VI set out in the First Schedule. Application for duplicate registration
- (2) The Director-General shall, upon receipt of an application under sub-regulation (1) and where the application meets the requirements of the Act and these Regulations, issue the applicant with a duplicate registration in Form III set out in the First Schedule.
12. A person registered under these Regulations shall notify the Director-General of any changes in the particulars of the registration in Form VII set out in the First Schedule. Notice of change of details
13. A notice of intention to suspend or de-register an immigration consultant shall be in Form VIII set out in the First Schedule. Notice of intention to suspend or de-register immigration consultant
14. (1) The Director-General shall cancel the registration of an immigration consultant if— Notice of de-registration of immigration consultant
- (a) the Director-General has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of any material fact;
- (b) the immigration consultant is convicted of an offence involving fraud or dishonesty under the Act or any other law; or
- (c) since the registration, circumstances have arisen disqualifying the immigration consultant from registration.
- (2) The Director-General shall, before cancelling the registration of an immigration consultant under sub-regulation (1), give the immigration consultant an opportunity to be heard.
- (3) A notice of de-registration of an immigration consultant shall be in Form IX set out in the First Schedule.
- (4) Where the Director-General cancels the registration of a person under this regulation, the person's name shall be removed from the Register and shall not be restored except on such conditions as may be determined by the Director-General and upon payment of the prescribed fee.
15. (1) The Director-General may, before cancelling the registration of an immigration consultant, suspend the immigration consultant for such period and on such terms and conditions as the Director-General may determine. Notice of suspension of immigration consultant

- (2) A notice of suspension of an immigration consultant shall be in Form X set out in the First Schedule.
- (3) An immigration consultant whose registration is suspended shall not, during the suspension, practise as an immigration consultant.
- Appeal 16. An appeal against a decision of the Director-General shall be made in Form XI set out in the First Schedule.
- Register of immigration consultants 17. (1) The Director-General shall, in accordance with the Act and these Regulations, keep and maintain a Register of Immigration Consultants.
- (2) The Register referred to in sub-regulation (1) shall contain the following information—
- (a) the names and addresses of registered immigration consultants;
 - (b) the applications rejected and the reasons therefor;
 - (c) all notices issued under these Regulations; and
 - (d) any other information as the Director-General may determine.
- (3) The Director-General may cause any corrections or alterations to be made to the Register in accordance with the purposes of the Act.
- (4) The Register shall be kept at the Department and shall be open for inspection by the members of the public during business hours upon payment of the fee prescribed in the Third Schedule.
- (5) The Director-General shall publish, annually, in a daily newspaper of general circulation in Zambia, the list of registered immigration consultants.

PART III

CODE OF CONDUCT

- Code of Conduct 18. (1) An immigration consultant shall, in immigration consultancy, be bound by the Code of Conduct set out in the Second Schedule.
- (2) An immigration consultant who carries out the immigration consultancy contrary to the provisions of the Code commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

19. The Director-General shall—

- (a) regulate the conduct of immigration consultants in accordance with the standards set out in the Code; and
- (b) promote good practice by immigration consultants.

Responsibilities
of Director-
General

PART IV

GENERAL PROVISIONS

20. (1) Subject to sub-regulation (2), a person who is not registered as an immigration consultant under these Regulations shall not—

Holding out

- (a) practise as, offer services as, or hold out to be, an immigration consultant; or
- (b) do anything likely to lead persons to infer that the person is a registered immigration consultant.

(2) Nothing in sub-regulation (1) shall prevent a legal practitioner from undertaking or practising immigration consultancy.

(3) An immigration consultant shall not adopt, use or exhibit the terms “immigration affairs consultants”, “immigration affairs registered immigration practitioner” or any other term of like description calculated to mislead the public into believing that the immigration consultant is a member of staff of the Department.

(4) A person who contravenes this regulation commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

21. (1) A person who —

- (a) makes or causes to be made, an unauthorised entry, alteration or erasure in the Register or on any registration or any copy thereof; or
- (b) procures or attempts to procure for that person or any other person any registration, by means of fraud, misrepresentation or concealment of any material fact;

Offences
regarding
registered
immigration
consultants

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

22. (1) A person shall not employ as an immigration consultant—

Offences
relating to
registration

- (a) a person who is suspended under these Regulations; or
- (b) a person who is not registered under these Regulations or whose name has been removed from the Register or who is disqualified from registration.

(2) Nothing in paragraph (b) of sub-regulation (1) prevents an immigration consultant from signing the firm name or title under which the immigration consultant practices.

(3) A person who contravenes this regulation commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

Fees

23. The fees set out in the Third Schedule shall be payable in respect of the matters specified therein.

FIRST SCHEDULE

(Regulations 4, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16)

FORM I
(Regulation 4)

REPUBLIC OF ZAMBIA

The Immigration and Deportation Act, 2010

(Act No. 18 of 2010)

The Immigration and Deportation (Immigration Consultants) Regulations, 2012

APPLICATION FOR REGISTRATION AS AN IMMIGRATION CONSULTANT (Section 47 of the Immigration and Deportation Act, 2010)			
Please complete in block letters	Shaded fields for official use only	Application No.	
		Date and Time	
Information Required	Information Provided	√	
PART I PERSONAL DETAILS			
1.	(a) Surname		
	(b) Other names		
2.	Sex (Tick (✓) where applicable)	Male	Female
3.	Date of birth (dd/mm/yyyy)		
4.	Place of birth	Town	Country
5.	Nationality		
6.	(a) NRC No		
	(b) Place of issue		
	(c) Date of issue (dd/mm/yyyy)		
7.	Address		
	(a) Physical address		
	(b) Postal address		
8.	Contact details		
	(a) Telephone No.		
	(b) Fax No.		
	(c) Mobile phone No.		
	(d) Email address		
9.	(a) Have you ever applied for registration as an immigration consultant under the Immigration and Deportation Act, 2010? If yes, give details.	Date of application	Status of application (pending, granted or rejected)
	(b) If the application was rejected, state reasons for rejection:		
		
		
10.	Have you or your spouse ever been restricted from entering any country or deported or repatriated from any country? If so, give details below	Country in which entry restricted or from which deported or repatriated	Year of restriction, deportation or repatriation
			Reasons

11.	Have you been convicted of an offence under any law within or outside Zambia? If yes, specify details: Nature of offence: Date of conviction: Sentence:					
PART II PARTICULARS OF IMMIGRATION CONSULTANCY						
12.	Name of business					
13.	TPIN NO.					
14.	Business address					
	(a) Physical address					
	(b) Postal address					
15.	Number of branches					
16.	Details of employees in each branch (continue on separate sheet if necessary)					
		Employees' full names	NRC/ Passport No.	Date of birth (dd/ mm/ yyyy)	Job title	Contact No.
	1.					
	2.					
	3.					
	4.					
	5.					
	6.					
	7.					
	8.					
	9.					
10.						
17.	Appendices					
	A letter of police clearance					
	A duly sworn affidavit attesting to the fact that the applicant or any member of the applicant's immediate family is not an employee of the Immigration Department					
DECLARATION						
I hereby declare that the information furnished by me in this application is true, correct and complete to the best of my knowledge.						
I understand that any incorrect, misleading or untrue information or the withholding of any relevant information may affect my registration as an immigration consultant.						
.....					
Name of applicant		Signature				
.....						
Date						

FORM II
(Regulation 6)



REPUBLIC OF ZAMBIA

The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)

The Immigration and Deportation (Immigration Consultants)
Regulations, 2012

REQUEST FOR FURTHER INFORMATION

- (1) Here insert the full names of the applicant
- (2) Here insert the reference No. of the application

To:

(1).....

Address.....

.....

Reference No. (2).....

You are hereby requested to furnish the following information or documents in respect of your application for registration as an immigration Consultant:

(a).....

(b).....

(c).....

(d).....

withindays of this notice. If you fail to furnish the requested information within the stipulated period, your application will be treated as invalid and shall be rejected.

Dated thisday of, 20.....

.....
Director-General of Immigration



REPUBLIC OF ZAMBIA

**The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)**

**The Immigration and Deportation (Immigration Consultants)
Regulations, 2012**

REGISTRATION NO.

REGISTRATION AS AN IMMIGRATION CONSULTANT

(Section 47 of the Immigration and Deportation Act, 2010)

Holder's name

Address.....

This registration is granted for a period of three years commencing on the.....day
of, 20.....

The conditions of grant of registration are as shown in the Annexure hereto.

Issued atthis day of....., 20.....

.....
Director-General of Immigration

Renewals, Rejections, Transfers and Amendments

Date of renewal, rejection, transfer or amendment	Details of renewal, rejection, transfer or amendment	Date of registration and registration No.	Signature of Director-General of Immigration and official stamp

TERMS AND CONDITIONS OF REGISTRATION**General Conditions**

The holder shall—

- (a) carry out the immigration consultancy in accordance with the Immigration and Deportation Act, 2010, and the Immigration and Deportation (Immigration Consultants) Regulations, 2011;
- (b) not engage in any activities that compromise or may compromise the proper implementation of the immigration consultancy or may impede any authorised activities carried out by other holders in the course of their practise as immigration consultants; and
- (c) inform the Director-General of Immigration of any change of the name or postal and physical address of the holder.

FORM IV
(Regulation 8 (2))



REPUBLIC OF ZAMBIA

**The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)**

**The Immigration and Deportation (Immigration Consultants)
Regulations, 2012**

NOTICE OF REJECTION OF APPLICATION

(1) Here insert
the full names
and address of
applicant

To (1).....
.....

(2) Here insert
the reference
No. of the
application

.IN THE MATTER OF (2)

(3) Here insert
type of
application

you are hereby notified that your application for (3) registration/renewal of
registration as an immigration consultant has been rejected on the following
grounds:

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

Dated thisday of, 20.....

.....

Director-General of Immigration



REPUBLIC OF ZAMBIA

The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)

The Immigration and Deportation (Immigration Consultants) Regulations, 2012

APPLICATION FOR RENEWAL OF REGISTRATION AS AN IMMIGRATION CONSULTANT			
Please complete in block letters	Shaded fields for official use only	Application No.	
		Date and Time	
Information Required		Information Provided	
1. (a) Surname			√
(b) Other names			
2. Registration No.			
3. Address			
(a) Physical address			
(b) Postal address			
4. Contact details			
(a) Telephone No.			
(b) Fax No.			
(c) Mobile phone No.			
(d) Email address			
5. Have you or your spouse since your registration as an immigration consultant been restricted from entering any country or deported or repatriated from any country? If so, give details below			
Country in which entry restricted or from which deported or repatriated	Year of restriction, deportation or repatriation	Reasons	
6. Have you since your registration as an immigration consultant been convicted of an offence under any law within or outside Zambia? If yes, specify details: Nature of offence: Date of conviction: Sentence:			
7. State any particulars which have changed since your last registration 			
DECLARATION			
I hereby declare that the information furnished by me in this application is true, correct and complete to the best of my knowledge.			
I understand that any incorrect, misleading or untrue information or the withholding of any relevant information may affect renewal of registration as an immigration consultant.			
..... Name of applicant	 Signature	
..... Date			



REPUBLIC OF ZAMBIA

The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)

The Immigration and Deportation (Immigration Consultants) Regulations, 2012

APPLICATION FOR DUPLICATE REGISTRATION			
Please complete in block letters	Shaded fields for official use only	Application No.	
		Date and Time	
<i>Information Required</i>	<i>Information Provided</i>		√
1. (a) Surname			
(b) Other names			
2. Registration No.			
3. Address			
(a) Physical address			
(b) Postal address			
4. Contact details			
(a) Telephone No.			
(b) Fax No.			
(c) Mobile phone No.			
(d) Email address			
5. Appendix			
Affidavit of loss, destruction or otherwise of original registration			
Name of applicant (individual or authorized representative):			
Signature :		Date:	
FOR OFFICIAL USE ONLY			
Received by:		Date:	
Officer (Name and Signature)		Date	
Amount Received:			
Receipt No.:			
File No.:			
Remarks:			
.....			
		OFFICIAL STAMP	

FORM VI
(Regulation 12)



REPUBLIC OF ZAMBIA

The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)

The Immigration and Deportation (Immigration Consultants)
Regulations, 2012

NOTICE OF CHANGE OF DETAILS

(1) Here insert
the registration
No.

(2) Here insert
the full names
of the holder

(3) Here insert
physical and
postal address
of the
applicant

(4) Here
specify the
detail which
has changed

To: THE DIRECTOR-GENERAL OF IMMIGRATION

IN THE MATTER OF (1)

I (2) of (3)

.....

hereby notify your office that on the day of, 20....., my (4)

.....changed as following

Previous Details	Current Details

Dated this day of, 20.....

.....
Holder

FOR OFFICIAL USE ONLY

Received by:

Name of immigration officer

Signature

Date:, 20

OFFICIAL
STAMP

ENDORSEMENT OF REGISTRATION

This notice has, this day of, 20, been entered in the
Register.

.....
Immigration Officer

FORM VIII
(Regulation 13)



REPUBLIC OF ZAMBIA

The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)

The Immigration and Deportation (Immigration Consultants)
Regulations, 2012

NOTICE OF INTENTION TO SUSPEND OR DE-REGISTER
IMMIGRATION CONSULTANT

To (1)
.....
IN THE MATTER OF (2)you are
hereby notified that I intend to suspend /cancel your registration as an
immigration consultant on the following grounds:
(a).....
(b).....
(c).....
(d).....

(1) Here insert
the full names
and address of
the holder
(2) Here insert
the Registration
No.
(3) Here state
address of the
Director-
General of
Immigration
(4) Here insert
the number of
days

Accordingly, you are requested to appear before the Director-General of Immigration on
the day of, 20, at
(3) to address
the matters set out in paragraphs (above) within
(4) days of receiving this notice. Your failure to
appear before the Director-General of Immigration shall result in your removal from the
Register of Immigration Consultants.

Dated thisday of, 20.....

.....
Director-General of Immigration



*Delete whichever is not applicable

ENDORSEMENT OF REGISTRATION

This Notice has, this day of, 20....., been
entered in the Register.

.....
Director-General of Immigration

FORM IX
(Regulation 14 (3))



REPUBLIC OF ZAMBIA

The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)

The Immigration and Deportation (Immigration Consultants)
Regulations, 2012

NOTICE OF DE-REGISTRATION OF IMMIGRATION
CONSULTANT

(1) Here insert
the full names
and address of
holder
(2) Here insert
the Registration
No.

To (1)
.....
.....

IN THE MATTER OF (2)you
are hereby notified that your registration as an immigration consultant has
been cancelled on the following grounds:

- (a)
- (b)
- (c)
- (d)

Dated this day of, 20.....

.....
Director-General of Immigration



ENDORSEMENT OF REGISTRATION

This Notice, has this day of 20....., been
entered in the Register.

.....
Director-General of Immigration

FORM X
(Regulation 15 (2))



REPUBLIC OF ZAMBIA

The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)

**The Immigration and Deportation (Immigration Consultants)
Regulations, 2012**

NOTICE OF SUSPENSION OF IMMIGRATION CONSULTANT

To:(1)

IN THE MATTER OF (2)
you are hereby notified that your registration as an immigration consultant has
been suspended for days on the following grounds:

- (a)
- (b)
- (c)
- (d)

(1) Here
insert the
full names
and address
of the holder
Here insert
the
Registration
No.

This notice shall take effect on the day of,
20....., and is subject to the following terms and conditions:

- (a)
- (b)
- (c)
- (d)

Dated this day of, 20.....

.....
Director-General of Immigration



ENDORSEMENT OF REGISTRATION

This Notice has, this day of, 20
been entered in the Register.

.....
Director-General of Immigration



REPUBLIC OF ZAMBIA

The Immigration and Deportation Act, 2010
(Act No. 18 of 2010)

The Immigration and Deportation (Immigration Consultants)
Regulations, 2012

NOTICE OF APPEAL

To: The Minister

(1) Here
insert the
Registration
No.

IN THE MATTER OF (1).....

(2) Here
insert the full
names of the
holder

I (2)..... of (3).....

do hereby appeal against the following decision of the Director-General of
Immigration made on the day of, 20

(3) Here
insert
residential
address of the
holder

(4)..... on
the following grounds:

- (a)
- (b)
- (c)
- (d)

(4) Here
insert the
decision made
by the
immigration
officer

Dated at this day of,
.....,20.....

Signature of Appellant

FOR OFFICIAL USE ONLY

This appeal has, this day of, 20
been lodged with the Ministry of Home Affairs.

.....
Name of receiving officer

.....
Signature

.....
Position

.....
Date

OFFICIAL
STAMP

SECOND SCHEDULE
(Regulation 18)
CODE OF CONDUCT
THE IMMIGRATION CONSULTANTS' CODE OF CONDUCT, 2012

ARRANGEMENT OF CLAUSES

PART I

PRELIMINARY

Clauses

1. Title
2. Interpretation
3. Exemption

PART II

PROFESSIONAL CONDUCT

4. Conduct of immigration consultancy
5. Maintenance of reputation and integrity of profession
6. Dealings with other immigration consultant
7. Prohibition of soliciting another immigration consultant's clients
8. Restriction on taking over another immigration consultant's work
9. Place of business
10. Display of Code
11. Conflict of interest
12. Prohibition of misrepresentation
13. Prohibition of submission of incomplete information
14. Prohibition of false, incorrect or misleading statements
15. Prohibition of dealing with unauthorised person
16. Prohibition of use of coercion, undue pressure, physical threats, etc.
17. Advertising immigration consultancy services

PART III

CLIENT OBLIGATIONS

18. Obligations of immigration consultant to client
19. Provision of cost effective service
20. Frivolous and vexatious applications
21. Change of details of immigration consultant
22. Completion of services
23. Termination of services
24. Request to return client's documents
25. Prohibition of withholding client's passport

PART IV

FEES AND CHARGES

26. Scale of fees
27. Fees
28. Statement of services
29. Recovery of payment by client

PART V

ACCOUNTS

30. Interpretation
31. Keeping accounts
32. Client account
33. Moneys to be paid into client account
34. Moneys that need not be paid into client account
35. Withdrawal of moneys from client account
36. Record of client accounts
37. Inspection of records of client accounts

PART VI

GENERAL PROVISIONS

38. Lodging and handling of complaint
39. Consideration of matter by Director-General

PART I

PRELIMINARY

- | | |
|---|----------------|
| 1. This Code may be cited as the Immigration Consultants' Code of Conduct, 2012. | Title |
| 2. In this Code, unless the context otherwise requires— | Interpretation |
| “ Act ” means the Immigration and Deportation Act, 2010; | Act No. 18 |
| “ authorised person ” has the meaning assigned to it in the Act; | of 2010 |
| “ Code ” means the Immigration Consultants' Code of Conduct; | |
| “ Department ” has the meaning assigned to it in the Act; | |
| “ Director-General ” means the Director-General of Immigration; | |
| “ immigration consultant ” has the meaning assigned to it in the Act; and | |
| “ legal practitioner ” has the meaning assigned to it in the Legal Practitioners Act. | Cap. 30 |
| 3. This Code does not apply to legal practitioners. | Exemption |

PART II

PROFESSIONAL CONDUCT

- | | |
|--|------------------------------------|
| 4. (1) An immigration consultant shall carry out the immigration consultant's practice in compliance with this Code, the Act and any other relevant law. | Conduct of immigration consultancy |
| (2) An immigration consultant shall exercise effective control of the immigration consultant's business for the purpose of rendering effective immigration services. | |
| (3) An immigration consultant shall— | |
| (a) ensure that the immigration consultant's employees are of good character and carry out their duties in accordance with this Code; | |
| (b) effectively supervise the work carried out by the immigration consultant's employees in relation to the immigration consultancy; and | |

- (c) supply each employee with a copy of this Code and ensure that the employees are familiar with this Code.
- Maintenance of reputation and integrity of profession
5. (1) An immigration consultant shall take all reasonable steps to maintain the reputation and integrity of the profession.
- (2) An immigration consultant shall take appropriate steps to maintain and improve the immigration consultant's knowledge of this Code, the Act and any other relevant law.
- Dealings with other immigration consultants
6. (1) An immigration consultant shall not injure, or attempt to injure, falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of another immigration consultant.
- (2) An immigration consultant shall act with fairness, honesty and courtesy when dealing with another immigration consultant.
- (3) An immigration consultant who gives a written undertaking to another immigration consultant shall ensure that the undertaking is performed within a reasonable time.
- Prohibition of soliciting another immigration consultant's clients
7. An immigration consultant shall not solicit or encourage another immigration consultant's clients to use the first immigration consultant's services by degrading the professional capabilities of the second immigration consultant or offering services that the second immigration consultant cannot, or does not intend to, provide.
- Restriction on taking over another immigration consultant's work
8. An immigration consultant shall not take over work from another immigration consultant in this paragraph referred to as the first Immigration Consultant, unless the immigration consultant intending to take over the first immigration consultant receives written notice from the client to whom the work relates stating that—
- (a) the client no longer requires the services of the first immigration consultant; and
- (b) the client has withdrawn the client's instructions to the first immigration consultant.
- Place of business
9. An immigration consultant shall have a registered place of business at which the immigration consultant shall practise as such.
- Display of Code
10. An immigration consultant shall display this Code in a conspicuous place at the immigration consultant's place of business.
- Conflict of interest
11. (1) An immigration consultant shall not accept a person as a client if the immigration consultant has, or is likely to have, any of the following conflicts of interest:

- (a) the immigration consultant is a person authorised, under the Marriage Act, to solemnise marriages and intends to marry the person, or assist the person, in that capacity, to enter into a marriage of convenience or a forced marriage, upon entry into Zambia; Cap. 50
- (b) the immigration consultant is, or intends to be, involved with the person in a business activity that is relevant to the assessment of an application under the Act; or
- (c) there is any other interest of the immigration consultant that would affect the legitimate interests of the person.

(2) An immigration consultant who has a conflict of interest specified in sub clause (1) in relation to a client, shall, as soon as practicable taking into account the needs of the client, but no later than fourteen days from the date the conflict of interest arises—

- (a) inform the client about the conflict of interest;
- (b) advise the client that the immigration consultant can no longer act for the client;
- (c) advise the client of the client's right to engage another immigration consultant; and
- (d) cease to deal with the client in the immigration consultant's capacity as such.

12. (1) An immigration consultant shall not portray to a client or any other person that the immigration consultant's registration involves a special or privileged relationship with the Minister, the Director-General, immigration officers and other staff of the Department in order to obtain priority processing, or to imply that the immigration consultant undertakes part or full processing for the Department.

Prohibition
of
misrepresentation

(2) An immigration consultant shall not represent to a client or any other person that the immigration consultant can procure a particular decision for a client under the Act or any other law.

13. (1) An immigration consultant shall not submit an application under the Act without the prescribed accompanying documentation.

Prohibition
of
submission
of
incomplete
information

(2) An immigration consultant shall, with respect to proceedings or an application under the Act, provide relevant information to the Department to allow a full assessment of all the facts in a manner that fully reflects the circumstances of the client and does not prejudice the success of the proceedings or application.

Prohibition of false, incorrect or misleading statements

14. (1) An immigration consultant shall not make any false, incorrect or misleading statement in support of an application under the Act knowing or believing the statement to be false, incorrect or misleading, or encourage the immigration consultant's employees or any other person to make such statements.

(2) An immigration consultant shall not, with intent to deceive or mislead the Department—

(a) produce or present to the Department, whether on a client's behalf or otherwise, a forged or counterfeit document;
or

(b) withhold any information relevant to the consideration of proceedings or an application under the Act.

Prohibition of dealing with unauthorised persons

15. An immigration consultant shall, in respect of an application made or matter undertaken on behalf of a client, deal with an unauthorised person.

Prohibition of use of coercion, undue pressure, physical threats, etc.

16. An immigration consultant shall not, in the practice of immigration consultancy, for the benefit of the immigration consultant or any other person, engage in any of the following—

(a) coercion;

(b) undue pressure;

(c) physical threats or intimidation;

(d) false or misleading claims of sanctions by the Department;
or

(e) discrimination of a client on the grounds of religion, nationality, race, ethnicity, political opinion or gender.

Advertising immigration consultancy services

17. (1) An immigration consultant shall, when advertising the immigration consultancy services—

(a) include in the advertisement, the words "Immigration Consultant's Certificate Number" followed by the immigration consultant's individual certificate number;
and

(b) if the immigration consultant is advertising in a language other than English, include in the advertisement words in that other language equivalent to the words "Immigration Consultant's Certificate Number" followed by the immigration consultant's individual certificate number.

(2) Where the advertisement relates to a firm or company comprising more than one registered immigration consultant, the advertisement shall contain the words “Immigration Consultants’ Certificate Numbers” followed by the immigration consultants’ respective individual certificate numbers.

(3) An immigration consultant shall not, when advertising the immigration consultancy services, imply the existence of a relationship between the immigration consultant and the Department or use terms such as—

- (a) “Zambian Government registered”;
- (b) “Immigration Department registered”;
- (c) “Department registered”;
- (d) “recommended by the Zambian Government”;
- (e) “recommended by the Immigration Department”; or
- (f) “recommended by the Department”.

(4) An immigration consultant shall not engage in false, misleading or inaccurate advertising, particularly in relation to—

- (a) the immigration consultant’s registration as such;
- (b) the Government’s policy for the successful outcome of applications under the Act; or
- (c) guaranteeing the success of an application.

PART III

CLIENT OBLIGATIONS

18. (1) Subject to the Act, an immigration consultant shall—

- (a) carry out the immigration consultant’s practise in accordance with the legitimate interests of the immigration consultant’s clients; and
- (b) deal with the immigration consultant’s clients competently, diligently and fairly.

Obligations
of
immigration
consultant to
client

(2) An immigration consultant shall—

- (a) within a reasonable time after agreeing to represent a client or to make an application on behalf of a client, confirm the client’s instructions, in writing, to the client;
- (b) keep the client fully informed, in writing, of the progress of each case undertaken, or application made, by the immigration consultant on behalf of the client; and

(c) within a reasonable time after the case or application is decided, inform the client, in writing, of the result of the client's case or application.

(3) An immigration consultant shall, where a client has provided the immigration consultant with all the necessary information and documentation with respect to proceedings or an application under the Act, act in a timely manner on behalf of the client.

(4) An immigration consultant shall inform a client of the client's right to receive copies of an application made on behalf of the client.

Provision of
cost effective
service

19. An immigration consultant shall—

(a) carry out any work for which the immigration consultant is engaged in a manner that minimises the cost to the immigration consultant's clients; and

(b) warn clients of possible delays and the costs that are likely to be incurred by the client in the pursuit of a particular course of action before the Department, the Minister and the courts, including the legal costs that are likely to be ordered by the courts.

Frivolous
and
vexatious
applications

20. An immigration consultant shall not encourage a client to lodge an application which the immigration consultant perceives to be frivolous or vexatious or considers highly unlikely to be successful and shall advise the client, in writing, of the immigration consultant's opinion.

Change of
details of
immigration
consultant

21. An immigration consultant shall, where the immigration consultant changes the immigration consultant's address or other details relating to the registration of the immigration consultant, inform the immigration consultant's clients of the change—

(a) prior to such change; or

(b) not later than seven days after the change, if prior notice would be unreasonable or impracticable in the circumstances.

Completion
of services

22. (1) An immigration consultant shall complete the services for which the immigration consultant is engaged by a client unless—

(a) the immigration consultant and the client agree otherwise;

(b) the client withdraws the client's instructions to the immigration consultant; or

(c) the immigration consultant terminates the contract.

(2) Subject to sub-clause (3), an immigration consultant shall, upon completion of services, if requested by a client, give to the client all the documents given to the immigration consultant by the client or for which the client has made a payment.

(3) An immigration consultant may, where a client fails to pay the immigration consultant for any or all of the services provided by the immigration consultant, withhold any document, other than the client's passport, as the immigration consultant may have in the immigration consultants possession until the client makes the outstanding payment.

23. (1) An immigration consultant who intends to terminate the service to the client shall give the client thirty days' written notice of the immigration consultant's intention to terminate the contract.

Termination
of services

(2) The written notice referred to in sub-clause (1) shall state—

- (a) that the immigration consultant has ceased to act for the client;
- (b) the date on which the notice shall take effect; and
- (c) the terms of any arrangements made in respect of appointing another immigration consultant.

(3) An immigration consultant who notifies a client of the termination of services under this clause shall within seven days of giving the notice—

- (a) update the client's file to reflect the current status of each case or application undertaken by the immigration consultant for the client;
- (b) deliver or send, by registered post, to the client all documents to which the client is entitled; and
- (c) ensure that all financial matters relating to the immigration consultant's engagement have been dealt with in accordance with the contract or terms of engagement of the immigration consultant.

24. (1) A client may request an immigration consultant whose services have been terminated to return any document that belongs to the client.

Request to
return client's
documents

(2) A request made under sub-clause (1) may be made orally or in writing.

(3) An immigration consultant to whom a request for the return of any document is made under sub-clause (1) shall, within seven days of receipt of the request, deliver the document in person to the client or any other person authorised by the client or send the requested document to the client by registered post.

Prohibition
of
withholding
client's
passport

25. An immigration consultant shall not, following a termination of services under this Part, withhold any passport or other document in the possession of the immigration consultant issued in respect of a client to whom the termination of services relates.

PART IV

FEEs AND CHARGES

Scale of fees

26. (1) An immigration consultant shall charge for the immigration consultant's services such fees as may be determined by the Director-General.

(2) An immigration consultant shall display the scale of fees and other prescribed fees, for public information, in a conspicuous place at the immigration consultant's place of business.

Fees

27. (1) An immigration consultant shall—

(a) prior to the commencement of work for a client, inform the client of the fees to be charged and indicate, clearly to the client, and in accordance with this Code, how the total fee shall be calculated; and

(b) inform the client of the payments made by the immigration consultant on behalf of the client.

(2) The information on fees provided under sub-clause (1) shall include—

(a) an estimate of the fees in the form of charges for each hour or each service, and disbursements that the immigration consultant is likely to incur as part of the work; and

(b) an estimate of the time likely to be taken in performing a service.

(3) An immigration consultant shall—

(a) as soon as practicable after receiving instructions, obtain written acceptance by the client, if possible, of the fees for the work to be done;

(b) give the client written confirmation of the terms of the service to be rendered; and

(c) give the client written notice of any material change to the estimated cost of providing the service, and the total likely cost as a result of the change, as soon as the immigration consultant becomes aware of the likelihood of a change occurring.

(4) An immigration consultant shall advise the immigration consultant's clients of the manner in which the fees and charges are to be paid.

28. (1) A client shall not pay an immigration consultant a fee or other reward for representing or otherwise acting on behalf of the client unless the immigration consultant gives the client a statement of services rendered by the immigration consultant.

Statement of services

(2) A statement of services referred to in sub-clause (1) shall set out the particulars of each service performed by the immigration consultant and the charge made in respect of each such service.

29. A client who makes any payment to an immigration consultant for services to be rendered by the immigration consultant may recover the amount paid as a debt due to the client if the client—

Recovery of payment by client

(a) does not receive a statement of services required under clause 28; and

(b) does not receive a statement of services within twenty-eight days after a final decision is made—

(i) concerning any immigration proceedings to which the client is party and in respect of which the immigration consultant was engaged; or

(ii) in respect of an application made under the Act.

PART V

ACCOUNTS

30. In this Part, unless the context otherwise requires, "client account" means an account opened pursuant to clause 32.

Interpretation

31. An immigration consultant shall keep such books and accounts as may be necessary to distinguish moneys received from, or on behalf of, a client or paid out on behalf of the client from moneys received or paid out by the immigration consultant on the immigration consultant's own account.

Keeping accounts

32. (1) An immigration consultant who holds or receives money on account of a client shall, subject to clause 34, without undue delay, pay such money into a current or deposit account at a bank or into a deposit account at a building society, to be kept in the name of the immigration consultant.

Client account

(2) The word “clients” shall appear in the name of the account referred to in sub-clause (1).

(3) An immigration consultant may keep one client account or as many such accounts as the immigration consultant considers appropriate for purposes of this Part.

Moneys to be paid into client account

33. An immigration consultant shall hold, in the client account, any amount of money paid by a client for services agreed by the client and the immigration consultant until the immigration consultant has—

(a) completed the services that constitute the agreed services; and

(b) issued an invoice to the client for the services.

Moneys that need not be paid into client accounts

34. Clause 33 does not apply to money which—

(a) the client, for the client’s convenience, requests, in writing, an immigration consultant to withhold from the client’s account;

(b) an immigration consultant pays into a separate account or an account to be opened in the name of a client or some person named by that client or the duly authorised agent of that client;

(c) in the ordinary course of business, upon receipt, is paid by the immigration consultant on behalf of the client to a third party;

(d) is upon receipt paid to the client; or

(e) is paid to an immigration consultant expressly on account of costs.

Withdrawal of moneys from client account

35. An immigration consultant may, at any time, withdraw money from the client account—

(a) for disbursements that are required to be paid on behalf of the client to the Department or any other agency; or

(b) money which may, by mistake or accident, have been paid into such account.

Record of client accounts

36. An immigration consultant shall keep records of the client accounts, including—

(a) the date and amount of each deposit made to the client accounts, an indication of the purpose of the deposit and the client on whose behalf the deposit is made;

- (b) the date and amount of each withdrawal made in relation to an individual client and the name of each recipient of money that was withdrawn;
- (c) receipts for any payments made by the client to the immigration consultant; and
- (d) copies of invoices or accounts rendered in relation to the account.

37. An immigration consultant shall make available for inspection by the Director-General —

Inspection of records of client accounts

- (a) records of the client accounts; and
- (b) records of each account into which money paid by a client to the immigration consultant for fees and disbursements are deposited.

PART VI

GENERAL PROVISIONS

38. (1) A client or member of the public who has reasonable grounds to believe that an immigration consultant or an employee of the immigration consultant has breached this Code may lodge a complaint, in writing, to the immigration consultant.

Lodging and handling of complaint

(2) An immigration consultant shall, within seven days of receipt of the complaint referred to in sub-clause (1), respond courteously to the complainants.

(3) An immigration consultant with whom a complaint is lodged under this clause shall, within fourteen days of receipt of the complaint arrange a meeting with the client to resolve the matter.

(4) A complainant or immigration consultant shall, where a matter is not resolved in an amicable or conclusive manner, refer it to the Director-General.

39. (1) The Director-General shall, where a matter is referred to the Director-General under clause 38, set a date to hear both parties which shall not be later than fourteen days from the date of receipt of the complaint.

Consideration of matter by Director-General

(2) The Director-General shall, where it is determined, after hearing the parties, that an immigration consultant has breached this Code or contravened any provision of the Act or any other written law—

- (a) de-register the immigration consultant; or
- (b) report the matter to any other relevant authority for further investigations and action.

THIRD SCHEDULE

(Regulation 20)

PRESCRIBED FEES

	<i>Item</i>	<i>Fee Units</i>
1.	Application for registration	27,778
2.	Application for renewal of registration	22,222
3.	Application for duplicate registration	16,667
4.	Search of the Register	

LUSAKA
7th May, 2013
[IMHQ.101/6/1]

E. LUNGU,
Minister of Home Affairs