

Thematic Report: Immigration and Border Security¹



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I. Introduction

Overview

Traffickers benefit from weak border control, particularly in countries that have issues with corruption, and between borders where countries do not cooperate in security initiatives. Additionally, certain groups of migrants—including irregular migrant workers, asylum seekers, internally displaced people, and refugees—face specific vulnerabilities when they move. They may lack systems for social support, familiarity with local languages and cultures, and especially where they are denied freedom of movement may lack access to legal and administrative systems, or paperwork indicating their identities. Migrant workers leaving countries of supply may also suffer from levels of dependence upon their employers on account of migration-related debt and the need to send remittances home to family that they may tolerate forced labor or unfair labor practices.

TIP victims who lack legal status in their country of destination, or who have been forced to enter a destination country on false papers, may be vulnerable to exploitation on the basis of their lack of status; furthermore, when countries do not provide for relief from immigration consequences, they may be at risk of being deported back to a country where they were at high TIP risk.

This Report addresses the extent to which the countries' laws address these immigration-related matters. While most of the countries addressed in the Report lack specific prohibitions against TIP in the immigration laws, generally-speaking their specific anti-trafficking laws help to address the immigration consequences of trafficking. Additionally, most of the countries in this Report provide some degree of immigration relief for TIP victims, whether it be temporary or permanent; it does not appear that any of them deprive TIP victims of the ability to apply for refugee status in their destination country.

Finally, this Report discusses the extent to which TIP or TIP-related offenses constitute grounds for denial of entry or visa revocation for traffickers, given that the greater the penalties for TIP—including immigration-related penalties—the greater the likelihood of deterrence against the crime.

The statements and analysis contained herein are the work of the American Bar Association's Rule of Law Initiative (ABA ROLI). They address, by and large, the *de jure* legal framework in Eritrea, Ethiopia, Ghana, Lesotho, Malawi, Namibia, Uganda, and Zambia. This Report is based primarily on desk review of freely and publicly-available laws and reports, supplemented in portions by the knowledge of ABA ROLI's local affiliates. Please note that the materials discussed in this Report

¹ The statements and analysis contained within this report are the work of the American Bar Association Rule of Law Initiative, which is solely responsible for its content. The views expressed herein should not be construed as representing the policy of the ABA. This report was funded by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the author[s] and do not necessarily reflect those of the United States Department of State.

capture only the legislative and policy framework of the relevant countries; *de facto* implementation of these laws may be at issue in some, if not all, of these states.

II. Immigration Law Prohibitions against TIP and Migrant Smuggling

Eritrea

While Eritrean law explicitly prohibits TIP, ABA ROLI has been unable to identify whether any relevant border control measures contain anti-TIP provisions, or other provisions to prevent or detect TIP or migrant smuggling.

The U.S. Department of State's 2016 Trafficking in Persons Report notes that the government of Eritrea has "failed to investigate or prosecute any trafficking offenses or identify or protect any victims," and that "[a]lthough the government continued to warn its citizens of the dangers of trafficking, authorities lacked understanding of the crime, conflating it with transnational migration or smuggling."²

ABA ROLI has not been able to determine whether border control measures contain provisions to prevent or detect migrant smuggling.

Ethiopia

Ethiopia has a number of laws that restrict cross-border transportation. The Constitution strictly prohibits TIP for any purpose.³ Human trafficking and the smuggling of migrants is criminalized, with violators facing imprisonment of between 15 and 25 years, and fines ranging from 150,000 to 300,000 Ethiopian birr.⁴

Ghana

Migrant smuggling is defined in and criminalized by the Immigration (Amendment) Act.⁵ The offense is defined as "the facilitation of the unlawful entry or departure from the country of a person in order to obtain, directly or indirectly, a financial or other material benefit".⁶ Penalties for the crime of migrant smuggling include a fine between 625 and 1250 penalty units, five to 10 years' imprisonment, or both.⁷

The Immigration Act and its Amendment Act do not specifically criminalize human trafficking; cross-border TIP is dealt with under the HTA.⁸

² U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016 165, *available at* <https://www.state.gov/documents/organization/258879.pdf> (last visited July 22, 2017).

³ A Proclamation to Pronounce the Coming into Effect of the Constitution of the Federal Democratic Republic of Ethiopia, no. 1 of 1995, art. 18(2), *available at* https://www.constituteproject.org/constitution/Ethiopia_1994.pdf?lang=en (last visited July 21, 2017).

⁴ Proclamation to Provide for the Prevention and Suppression of Trafficking in Person and Smuggling of Migrants, No. 909 of 2015, *available at* <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/101059/126622/F-402220324/ETH101059.pdf> (last visited July 21, 2017) [hereinafter PTIP Act].

⁵ Immigration (Amendment) Act 572 of 2012, *available at* https://www.unodc.org/res/cld/document/immigration-amendment-act-2012_html/Immigration_Amendment_Act_2012.pdf (last visited July 17, 2017).

⁶ *Id.* at §§ 52A(3)-(4).

⁷ *Id.* at § 52A(2).

⁸ Human Trafficking Act 694 of 2005 (as amended 2009), § 1(1), *available at*

The Migration Policy of Ghana envisions a number of strategies by which to combat cross-border human trafficking and migrant smuggling.⁹ These include: (i) enforcing and ensuring compliance with the HTA; (ii) increasing public awareness about the dangers associated with irregular migration; (iii) creating preventive measures against irregular migration; (iv) establishing human trafficking and migrant smuggling databases; (v) working regionally to develop common anti-migrant smuggling measures and practices; and (vi) strengthening law enforcement capacity to prevent, curtail, and prosecute migrant smuggling.¹⁰

The GIS is tasked with advising on and implementing national immigration laws. To this end, its BPU collaborates with other security agencies at the borders to check for drug trafficking, human trafficking and smuggling.

Lesotho

Lesotho's Alien Control Act is silent with respect to TIP and migrant smuggling.¹¹

However, the Anti-Trafficking in Persons Act (Anti-TIP Act) provides that any person who arranges or assists the illegal entry into or departure from Lesotho, in order to obtain financial or other material benefits, is guilty of the offense of smuggling and is liable upon conviction to 15 years imprisonment.¹²

Aggravated smuggling, involving circumstances where the smuggled person is subjected to torture or other inhumane treatment, where the smuggled person's life or safety is endangered, the smuggled person is a child, or the smuggled person is intended to be exploited, carries a 20 year sentence.¹³

It is not a defense that the smuggled person consented at any time to the act of smuggling or initially consented to the exploitation.¹⁴

Malawi

The Immigration Act of Malawi does not appear to create offenses for TIP and migrant smuggling. However, the Trafficking in Persons Act (TIP Act) does have a number of prohibitions against the

<https://s3.amazonaws.com/ndpc-static/CACHES/PUBLICATIONS/2016/04/16/human+trafficking+act.pdf> (last visited July 17, 2017) [hereinafter HTA].

⁹ GHANA MINISTRY OF THE INTERIOR, NATIONAL MIGRATION POLICY FOR GHANA (Apr. 2016), §§ 4.2.1.2, 4.2.2.2, available at <http://migratingoutofpoverty.dfid.gov.uk/files/file.php?name=national-migration-policy-for-ghana.pdf&site=354> (last visited July 17, 2017).

¹⁰ *Id.*

¹¹ Aliens Control Act, No. 16 of 1966, available at https://www.unodc.org/res/cld/document/aliens-control-act-1966_html/Aliens_Control_Act_1966.pdf (last visited Aug. 3, 2017).

¹² Anti-Trafficking in Persons Act, No. 1 of 2011, § 12, available at https://www.unodc.org/res/cld/document/anti-trafficking-in-persons-act-2011_html/Lesotho_TIP_Act_2011.pdf (last visited Aug. 3, 2017) [hereinafter Anti-TIP Act].

¹³ *Id.*

¹⁴ *Id.*

illicit cross-border transport of migrants.¹⁵ Additionally, the TIP act creates liability for international carriers that knowingly engage in human trafficking, or fail to transport persons in and out of Malawi who do not possess the necessary legal travel documents.¹⁶

Namibia

The Ministry of Home Affairs and Immigration is responsible for the management of immigration into Namibia, pursuant to the terms of the Immigration Control Act (Immigration Act).¹⁷ The Immigration Act does not appear to contain any provisions specific to TIP or migrant smuggling.

However, under the terms of the Prevention of Organized Crime Act (POCA), any person who participates in or who aids and abets cross-border TIP commits an offense, and may face a fine of up to N\$1,000,000 and up to 50 years' imprisonment. Additionally, POCA criminalizes the participation in, or the aiding and abetting of, the smuggling of migrants by land, air, or sea in order to obtain a financial or other material benefit.¹⁸

Uganda

The Uganda Citizenship and Immigration Control Act, which is the primary legislative act that governs immigration control,¹⁹ does not itself contain prohibitions against TIP and migrant smuggling. TIP is generally prohibited under the Prevention of Trafficking in Persons Act (PTIP Act).²⁰ However, despite the fact that Uganda's Border and Immigration Procedure Manual reportedly contains information on the detection of cross-border migrant smuggling, it is not specifically regarded as a criminal act.²¹ This is not to say that no aspect of migrant smuggling is criminalized: perpetrators of TIP who produce, tamper with, falsify, utter, or aid another in uttering false immigration documents "for the purpose of facilitating . . . entry or stay in Uganda, or exit from the country"²² may be punished to a fine not exceeding 120 currency points, up to five years' imprisonment, or both, with the possibility of up to seven years' imprisonment for a recidivist offense. Nonetheless, this does not rise to the level of a specific prohibition against migrant smuggling.

It is reported that Immigration officers are empowered to deal with trafficking incidents; however,

¹⁵ See generally Trafficking in Persons Act no. 3 of 2015, available at <http://www.warnathgroup.com/wp-content/uploads/2015/03/Malawi-2015-TIP-Act.pdf> (last visited July 23, 2017) [hereinafter TIP Act].

¹⁶ *Id.* at art. 24.

¹⁷ Immigration Control Act, No. 7 of 1993, available at <http://www.refworld.org/docid/3ae6b4fb0.html> (last visited July 31, 2017).

¹⁸ Prevention of Organised Crime Act, No. 29 of 2004, §§ 15-16, available at https://laws.parliament.na/cms_documents/prevention-of-organised-crime-3a3a391a4a.pdf (last visited July 31, 2017).

¹⁹ Uganda Citizenship and Immigration Control Act of 2009, available at <https://www.ulii.org/ug/legislation/consolidated-act/66> (last visited July 19, 2017).

²⁰ The Prevention of Trafficking in Persons Act of 2009, available at <https://www.ulii.org/ug/legislation/act/2015/7> (last visited July 19, 2017) [hereinafter PTIP Act].

²¹ International Organisation for Migration, Republic of Uganda Border and Migration Management Assessment 34 (2016), available at https://publications.iom.int/system/files/uganda_border_report_web.pdf IOM (last visited July 19, 2017).

²² PTIP Act, *supra* note 20, at § 7.

whether through the operation of law or practice, trafficking cases tend to be referred out of the Directorate of Citizenship and Immigration Control to the Coordination Office to Combat Trafficking in Persons.²³

Zambia

It does not appear that Zambia's Immigration and Deportation Act specifically prohibits or criminalizes migrant smuggling.²⁴ However, the Anti-Human Trafficking Act (AHTA) does prohibit migrant smuggling, which is defined as "smuggli[ing] another person into or out of Zambia, participates in smuggling or who consents to be smuggled."²⁵ The crime of migrant smuggling carries penalties of 300,000 penalty units, up to three years' imprisonment, or both.²⁶ Additionally, the production, provision, procurement, or possession of fraudulent travel or identity documents in furtherance of the smuggling of people is also criminal, and may result upon conviction in 10-15 years' imprisonment.²⁷

²³ *Id.* at § 46.

²⁴ Immigration and Deportation Act, No. 18 of 2010, *available at* http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_186144 (last visited Aug. 5, 2017).

²⁵ The Anti-Human Trafficking Act, No. 11 of 2008, art. 9, *available at* <http://ilo.org/dyn/natlex/docs/MONOGRAPH/79940/86184/F202769530/ZMB79940.pdf> (last visited Aug. 5, 2017) [hereinafter AHTA].

²⁶ *Id.*

²⁷ *Id.*

III. Protections for TIP Victims in Immigration Law

Eritrea

Eritrea's laws do not appear to provide immigration protections for TIP victims. The laws do not provide for special immigration status for TIP victims, such as asylum, visas, or residence permits.²⁸ The laws also do not prohibit sanctioning or holding liable TIP victims for violating immigration laws as a direct consequence of being trafficked, and it appears that the State is not required to obtain informed consent from TIP victims for their repatriation.²⁹ ABA ROLI has not identified any laws that specify the conditions under which repatriation of TIP victims can occur.

Ethiopia

Ethiopian law creates a special immigration status for victims of human trafficking.³⁰ Non-citizen victims who are discovered in Ethiopia will be provided with temporary resident permits, although the law does not specify conditions under which such permits may be issued.³¹ Furthermore, the law prohibits TIP victims from being sanctioned for violations of the immigration laws.³² Nonetheless, the state does not need to obtain the informed consent of TIP victims before instituting repatriation proceedings, and the law does not specify the conditions under which repatriation of trafficking victims would occur.³³

Ghana

Ghana's Immigration Act does not prescribe protections for TIP victims. However, although it generally provides for the removal and deportation of non-citizens,³⁴ it is possible for TIP victims to be permitted to stay in the country pursuant to the HTA.³⁵ Under this law, trafficking victims that are present in Ghana illegally are allowed to remain "throughout the period of a legal investigation and prosecution."³⁶ The HTA further stipulates that after this process is completed, victims must be repatriated; however, the Minister of the Interior may permit victims to stay in government-provided shelters after the completion of the legal process if they deem it to be in the victim's best interests.³⁷

Victims who are to be repatriated upon the conviction of the trafficker are to receive "basic material support" until such time as this repatriation may occur, including lodging in a government reception center.³⁸ However, the Human Trafficking Fund, which is intended to provide a monetary

²⁸ U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2015 152, *available at* <https://www.state.gov.documents/organization/245365.pdf> (last visited July 22, 2017).

²⁹ *Id.*

³⁰ PTIP Act, *supra* note 4, at § 28.

³¹ *Id.*

³² *Id.* at § 28(2).

³³ *Id.* at § 28.

³⁴ See Immigration Act 573 of 2000, §§ 8, 21, 35-41, *available at* <http://www.ghanaimmigration.org/ACTS%20AND%20REGULATIONS/ACT%20573.pdf> (last visited July 17, 2017).

³⁵ HTA, *supra* note 8, at § 34.

³⁶ *id.*

³⁷ *id.*

³⁸ *id.*

source for such initiatives, has gone unfunded for a fifth consecutive year.³⁹

ABA ROLI did not find any legislation requiring the state to obtain the victim's consent prior to the institution of removal procedures.

Lesotho

The Anti-TIP Act provides certain special protections for TIP victims. Summary deportation is prohibited.⁴⁰ TIP victims may stay in Lesotho for a non-renewable period not to exceed 60 days.⁴¹ Temporary residence permits may be granted to TIP victims in Lesotho who agree to cooperate in the investigation and prosecution of entities engaged in trafficking.⁴² Permanent residency may be obtained by a TIP victim five years after obtaining a temporary residency permit, provided that they are able to demonstrate that they are likely to be killed, harmed or trafficked again if they are returned to their country of origin or the country from which they were trafficked.⁴³

Except as described above, the Anti-TIP Act does not explicitly prohibit sanctioning or holding TIP victims liable for immigration violations. Nor does the act require immigration officials to obtain explicit permission from TIP victims for their repatriation. However, the act does require that, before repatriating a victim, officials must give due consideration to the safety of the person during the repatriation process, the safety of the person in the country to which that person is being returned, the likelihood that the person will be killed, harmed or trafficked again, and in the case of children, the availability and suitability of care arrangements in the country to which the child will be returned.⁴⁴

Malawi

The Malawi Immigration Act does not appear to provide special status for victims of TIP and migrant smuggling,⁴⁵ However, the Trafficking in Persons Act (TIP Act) does provide that “[a] person who has been certified as a trafficked person by an enforcement or protection officer . . . shall not be subjected to any criminal proceedings directly related to, or as a direct consequence of, the person's situation as a trafficked person.”⁴⁶ This provision would presumably apply to any violations of Malawi's immigration laws. ABA-ROLI researchers did not identify any other immigration laws that pertain to TIP-related issues such as repatriation of TIP victims or special border security procedures for identifying TIP victims.

Namibia

The Immigration Act does not specifically provide for immigration relief for TIP victims; however,

³⁹ U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016 181, *available at* <https://www.state.gov/documents/organization/271342.pdf> (last visited July 17, 2017).

⁴⁰ Anti-TIP Act, *supra* note 12, at § 28.

⁴¹ *Id.* at § 29.

⁴² *Id.* at § 30.

⁴³ *Id.* at § 31.

⁴⁴ *Id.* at § 32.

⁴⁵ Immigration Act of 1964, *available at* <http://www.immigration.gov.mw/images/the-immigration-act.pdf> (last visited July 23, 2017) [hereinafter Immigration Act].

⁴⁶ TIP Act, *supra* note 15, at art. 42.

to the extent that TIP victims qualify for asylum under the terms of the Refugees (Recognition and Control) Act,⁴⁷ they may be able to obtain immigration relief through this avenue.

The Child Care and Protection Act (CCPA) specifically provides that criminal prosecutions may not be instituted against child victims of trafficking for violations of the Immigration Act.⁴⁸ The CCPA also provides that child TIP victims may not be repatriated to their home countries without due consideration for the child's best interests, his or her safety during the repatriation process, the availability of suitable care arrangements, and the safety of the child to the country of repatriation, including an assessment of whether the child might be harmed, re-trafficked, or killed.⁴⁹

POCA does not contain provisions relating to immigration relief for adult victims of trafficking.

ABA ROLI has not identified any publicly-available training documentation for customs agencies or port authorities that relate to the monitoring of TIP. However, it is known that the Ministry of Home Affairs and Immigration provides immigration officials with materials to guide TIP victim identification.⁵⁰

Uganda

Ugandan immigration law does not provide protections for TIP victims; however, the PTIP Act does appear to envision a degree of immigration relief for non-citizen TIP victims who may or may not otherwise be in violation of the immigration laws.

The PTIP Act establishes generally that non-citizen TIP victims should be repatriated to their home countries.⁵¹ However, where repatriation "is likely to expose the victim to greater risks, to compromise his or her safety, or [is] necessary for court proceedings",⁵² the Minister for Internal Affairs is authorized to offer the victim residency permits, work permits, and as much maintenance as is necessary to protect, assist, and support them.⁵³ TIP victims who otherwise qualify for Ugandan refugee status should otherwise be eligible for all the protections established under the Refugee Act.⁵⁴

Finally, regardless of repatriation, the PTIP Law gives victims the right to receive restitution or compensation from the TIP offender.⁵⁵

⁴⁷ Namibia Refugees (Recognition and Control) Act, No. 41 of 1999, *available at* <http://www.refworld.org/docid/3ae6b59ac.html> (last visited July 31, 2017).

⁴⁸ Child Care and Protection Act, No. 3 of 2015, §§ 211, *available at* <http://www.lac.org.na/laws/2015/5744.pdf> (last visited July 31, 2017) [hereinafter CCPA].

⁴⁹ *Id.* at § 216.

⁵⁰ U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT: JUNE 2016 280, *available at* <https://www.state.gov/documents/organization/271342.pdf> (last visited July 17, 2016)

⁵¹ PTIP Act, *supra* note 20, at § 14(1).

⁵² *Id.* at § 14(3).

⁵³ *Id.*

⁵⁴ Refugees Act of 2006, *available at* <http://www.refworld.org/docid/4b7baba52.html> (last visited July 19, 2017).

⁵⁵ PTIP Act, *supra* note 20, at § 17.

Zambia

Zambian immigration law provides special immigration status for TIP victims.⁵⁶

While the AHTA does not explicitly prohibit TIP victims from being sanctioned or held liable for immigration violations that result from their being trafficked or smuggled, the Director of Public Prosecutions (DPP) has the ultimate authority to decide whether a prosecution will move forward.⁵⁷

The Ministry responsible for Social Welfare shall not return a foreign child who is a victim to the child's country of origin or the country from where the child has been trafficked without giving due consideration to (a) the safety of the child during the repatriation process; (b) the availability and suitability of care arrangements in the country to which the child is to be returned; (c) the safety of the child in the country to which the child is to be returned; and (d) the possibility that the child might be harmed, killed or trafficked again.⁵⁸

⁵⁶ AHTA, *supra* note 25, at art. 34.

⁵⁷ *Id.* at art. 24.

⁵⁸ *Id.* at art. 36.

IV. Denial of Entry or Visa Revocation for TIP Offenders

Eritrea

ABA ROLI has not identified whether Eritrea's laws require commercial carriers to ensure that all passengers possess the required travel documents for entry into the country, or whether the laws permit the State to deny entry or revoke visas of TIP perpetrators.

It is also unclear whether Eritrea's laws encourage transnational cooperation among border control agencies to detect or prevent TIP.

Ethiopia

Ethiopia requires commercial carriers with foreign passengers entering Ethiopia to ensure that each foreign passenger has fulfilled the requirements provided in the Immigration Proclamation and to disembark at a designated port of entry.⁵⁹ Carriers who fail to satisfy this obligation are required to return the foreigner at the carrier's expense.⁶⁰ Although the law in Ethiopia does not directly permit the State to deny entry to or revoke the visas of human trafficking perpetrators, the State is allowed to deny entry to "notorious criminals".⁶¹

Ghana

The Immigration Law, its Amendment, and the HTA do not specifically state that TIP offenders may be denied entry to Ghana or have their visas revoked.

However, the Immigration Law's grounds for inadmissibility and deportability do appear to create grounds for denial of entry or visa revocation for TIP offenders. For instance, to the extent that TIP offenders are considered to have committed "extraditable crimes" under the aegis of the Extradition Act,⁶² or are engaged in bringing individuals into Ghana "for the purpose of prostitution or other immoral purpose",⁶³ or are considered to be "person[s] whose activities are contrary to the laws of Ghana",⁶⁴ they may be considered 'Prohibited Immigrants' for the purposes of the Immigration Law.⁶⁵

Similarly, those who are convicted of TIP are likely to be considered deportable foreign nationals. Under the Immigration Law, individuals who are convicted of offenses "punishable by a term of imprisonment exceeding three months with or without a fine" may be deported on the basis of a court's recommendation.⁶⁶ Additionally, if an individual's "presence in Ghana is in the opinion of the

⁵⁹ PTIP Act, *supra* note 4, at § 17.

⁶⁰ *Id.*

⁶¹ Immigration Proclamation No. 354/2003, *available at* <http://www.refworld.org/docid/505c72002.html> (last visited July 21, 2017).

⁶² See Extradition Act 22 of 1960, First Schedule, *available at* [https://s3.amazonaws.com/ndpc-static/CACHES/PUBLICATIONS/2016/09/04/EXTRADITION+ACT,+1960+\(Act+22\).pdf](https://s3.amazonaws.com/ndpc-static/CACHES/PUBLICATIONS/2016/09/04/EXTRADITION+ACT,+1960+(Act+22).pdf) (last visited July 17, 2017).

⁶³ Immigration Act, *supra* note 34, at § 8(1)(g).

⁶⁴ *Id.* at § 8(1)(h).

⁶⁵ *Id.* at § 8(1).

⁶⁶ *Id.* at § 35(2).

Minister [for the Interior] not conducive to the public good”,⁶⁷ they may be liable to deportation.

Lesotho

Lesotho law does not explicitly permit denial of entry or revocation of visas to persons engaged in TIP. However, TIP and migrant smuggling may be extraditable offenses under Lesotho law.⁶⁸

Malawi

The Immigration Act does not include TIP or TIP-related offenses as specific grounds for inadmissibility. However, if an individual has been convicted of certain qualifying offenses, or is deemed to be an “undesirable inhabitant of or visitor to Malawi”, they would not be considered admissible under the terms of the immigration law;⁶⁹ thus, if TIP or TIP-related convictions may qualify under these provisions, TIP would constitute grounds for denial of an entry visa.

Similarly, conviction for offenses that result in terms of incarceration may be grounds for deportation in Malawi; as such, those who are convicted of TIP offenses may be subject to visa revocation.⁷⁰

Namibia

The Immigration Act does not specifically provide that TIP and TIP-related offenses constitute grounds for inadmissibility or deportation. However, TIP convictions, to the extent that they satisfy the requirements of the law, may cause offenders to be considered prohibited immigrants, subject either to inadmissibility or deportation proceedings.⁷¹

Uganda

It is not clear from the statutory language of the Citizenship and Immigration Control Act that a TIP offense would specifically render an individual inadmissible to Uganda. To the extent that TIP offenders would be considered “undesirable immigrants”⁷² for the purposes of the Act, they would certainly be inadmissible. This is also true of individuals who commit a variety of immigration frauds,⁷³ or who have engaged in drug trafficking.⁷⁴ ABA ROLI is unable to determine whether being a TIP offender would satisfy the requirements of Section 52(d) of the Citizenship and Immigration Control Act, which provides that “any person whose presence in or entry into Uganda is, or at the time of his or her entry was, unlawful under this Act or any other law for the time being in force”⁷⁵.

Similarly, it does not appear that TIP offenses specifically constitute grounds for deportability, although the PTIP Act specifically provides that an individual who has been *charged* with an offense

⁶⁷ *Id.* at § 35(1)(e).

⁶⁸ See generally Anti-TIP Act, *supra* note 12.

⁶⁹ Immigration Act, *supra* note 45, at art. 4.

⁷⁰ *Id.* at art. 39.

⁷¹ Immigration Control Act, *supra* note 17, at § 39.

⁷² Citizenship and Immigration Control Act, *supra* note 19, at § 52(g).

⁷³ *Id.* at § 66(1).

⁷⁴ *Id.* at § 52(f).

⁷⁵ *Id.* at § 52(d) (emphasis added).

under the act may be liable to extradition, under the terms and conditions of the Extradition Act.⁷⁶

Zambia

Under the AHTA, non-citizens who are or have been involved in the commission, preparation, or instigation of a TIP or TIP-related offense, or attempts to enter Zambia intending to engage in such a violation of the AHTA, may be deportable.⁷⁷ Individuals subject to deportation under the provisions of the AHTA may appeal to the High Court for relief.⁷⁸

⁷⁶ Extradition Act of 1964, *available at* <http://www.refworld.org/docid/3ae6b4d238.html> (last visited July 19, 2017).

⁷⁷ *Id.* at art. 84.

⁷⁸ *Id.* at art. 84(5).