

THE REGISTRATION OF FOREIGNERS ACT.

(Burma Act VII, 1940)

(23rd. March 1940)

[Amendment: 28.09.1956, 11.10.1957, 24.03.1958]

Commencement

1. This Act shall come into force on the 28th March 1940.

Definition.

2. In this Act-

(a) **“Foreigner”** means a foreigner as defined in the Foreigners Act: provided that the following shall not be deemed to be foreigners for the purposes of this Act-

(i) A person duly appointed by a foreign government to exercise diplomatic function; or

(ii) a consul or a vice-consul;

(b) **“prescribed”** means prescribed by the President of the Union or by rules made by the President of the Union.

(c) **“vessel”** includes all sea-craft, river-craft and aircraft;

(d) **“immigration official”** means any official of the Immigration Department, including a Junior Immigration Assistant.

<Amendment 28.09.1956, 24.03.1958>

Fees

2A. Fees may be charged for the issue or the annual renewal of Certificates of Registration or for the supply of duplicate copies of Certificates of Registration lost or destroyed at such rates as may be prescribed.

<Amendment 28.09.1956>

2B. Any immigration official may enter any place or vessel and arrest without warrant any person whom he may reasonably suspect of contravening or having contravened or being about to contravene any provisions of this Act or the rules made thereunder.

<Amendment 24.03.1958>

Powers to make rules.

3. The President of the Union may by notification make rules with respect to foreigners for any or all of the following purposes, that is to say:-

(a) For requiring any foreigner entering, or being present in, the Union of Burma to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed:

- (b) for requiring any foreigner moving from one place to another place in the Union of Burma to report, on arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;
- (c) for requiring any foreigner who is about to leave the Union of Burma to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed;
- (d) for requiring any foreigner entering, being present in, or departing from, the Union of Burma to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed;
- (e) for requiring any person having the management of any hotel, boarding house, or any other premises of like nature-
 - (i) to record particulars of any person residing therein, and
 - (ii) in the case of foreigners, to report such particulars to such authority as may be prescribed, in accordance with prescribed conditions;
- (f) for requiring any person in charge of any vessel or other conveyance to furnish to a prescribed authority such information as may be prescribed regarding any person entering, or intending to depart from, the Union of Burma in such vessel or other conveyance, and to furnish to such authority such assistance as may be necessary or prescribed for giving effect to this Act;
- (g) for payment of fees by foreigners under section 2A and;
- (h) generally for carrying out the purpose of this Act.

<Amendment 28.09.1956>

Burden of proof.

4. If any question arises with reference to this Act or any rule made thereunder whether any person is or is not a foreigner or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall notwithstanding anything contained in the Evidence Act, lie upon such person.

Penalties.

5. (1) Any person who contravenes, or attempts to contravene, or fails to comply with, any provision of this Act or of any rule made thereunder shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.
- (2) Any foreigner convicted under sub-section (1) may, in addition to the punishment prescribed in the said sub-section, be deported by an order of the President, or of such authority as may be appointed by him in that behalf.
- (3) The President of the Union or such authority as may be appointed by him under this sub-section, may, in lieu of prosecution, order any foreigner who contravenes any of the provisions of this Act or of any rule made thereunder to be deported from the Union of Burma and pending orders of deportation such foreigner may be detained in such manner as the President of the Union may direct.
- (4) The President of the Union or the authority competent to order deportation under sub-section (3) shall have power to adjudge if any foreigner has in fact contravened any of the provisions of this Act or of any rule made thereunder.

- (5) Any foreigner who has been ordered to be deported under sub-section (2) or sub-section (3) may be apprehended without warrant by any Immigration Official and be detained by such authority and in such manner as the President of the Union may direct pending the completion of arrangements for his removal out of the Union of Burma.
- (6) Any foreigner apprehended and detained under the provisions of sub-section (5) may be admitted to bail by such authority and upon such terms and conditions as may be prescribed by the President of the Union.
- (7) Every order of deportation made under sub-section (2) or sub-section (3) shall remain in force until it is revoked by the President of the Union.
- (8) If any foreigner against whom an order of deportation has been issued fails to comply with the order in any respect, or having left the Union of Burma without the permission in writing of the President of the Union while the order is still in force, he shall be liable to imprisonment for a term which shall not be less than three years or to fine or to both and shall in addition to such penalty be liable to be deported again from the Union of Burma in pursuance of the orders.

<Amendment 11.10.1957, 24.03.1958>

Power to exempt from application of Act.

6. The President of the Union may, by order, declare that any or all the provisions of the rules made under this act shall not apply or shall apply only with such modifications or subject to such condition as may be specified in the said order to or in relation to any class or description of foreigners.

Protection to person acting under this Act.

7. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Application of other laws not barred

8. The provisions of this Act shall be in addition to, and not in derogation of, the provision of the Foreigners Act and any other law for the time being in force.

Extend.

9. The President of the Union may by notification, extend this Act to any area within the Union of Burma, in which it is not already in force.