

PART II—INTERNATIONAL.

အပိုင်း ၂—အပြည်ပြည်ဆိုင်ရာ။

THE FOREIGNERS ACT.

[INDIA ACT III, 1864.] (12th February, 1864.).

WHEREAS it is expedient to make provision to enable the President of the Union to prevent the subjects of Foreign States from residing or sojourning in the Union of Burma, or from passing through or travelling therein, without the consent of the President of the Union; it is enacted as follows :—

Preamble.

¹ 1. In this Act, unless the context otherwise requires, the word "foreigner" shall denote a person who is not a citizen of the Union.

Interpretation.

"Foreigner."

2. If a question shall arise whether any person alleged to be a foreigner and to be subject to the provisions of this Act is a foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a foreigner, or is not subject to the provisions of this Act, shall lie upon such person.

Proof of being a foreigner.

² 3. The President of the Union may, by writing—

- (a) order any foreigner to remove himself from the Union of Burma, or to remove himself therefrom by a particular route to be specified in the order, or
- (b) order that any foreigner be deported forthwith from the Union of Burma.

President may order any foreigner to remove himself, or to be deported.

3-A. (1) Whenever the District Magistrate considers that the President of the Union should be moved to issue an order under section 3 in respect of any foreigner who is within the limits of the jurisdiction of such Magistrate, he may report the case to the President of the Union and at the same time issue a warrant for the apprehension of such foreigner.

Foreigner may be apprehended and detained pending order of removal or deportation.

(2) Any officer issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the officer issuing the warrant.

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the officer issuing such warrant, such officer may direct him to be detained in custody pending the orders of the President of the Union, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

¹ This section was first amended by the Union of Burma (Adaptation of Laws) Order, 1948, and subsequently substituted by Act XLII, 1948.

² Substituted by Act VIII, 1953.

(5) Any officer who has in accordance with the provisions of sub-section (4), ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the President of the Union. On the receipt of a report under this sub-section the President of the Union shall without delay either direct that the foreigner be discharged or make an order for the removal¹ [or deportation] of such foreigner in accordance with the provisions of section 3.

Foreigner refusing to remove, or returning without license after removal, may be apprehended and detained.

4. (1) If any foreigner ordered to remove himself from the Union of Burma or ordered to remove himself therefrom by a particular route, shall neglect or refuse so to do, or if any foreigner, having removed himself from the Union of Burma in consequence of an order issued under any of the provisions of this Act, or having been removed from the Union of Burma under any of the said provisions, shall wilfully return thereto without a license in writing granted by the President of the Union, such foreigner may be apprehended and detained in safe custody² [by an order in writing of the District Magistrate], until he shall be discharged therefrom by order of the President of the Union upon such terms and conditions as the President of the Union shall deem sufficient for the peace and security of the Union of Burma³ [* * *].

² (2) Any foreigner who has been ordered to be deported under section 3 (b) may be apprehended without warrant by any police-officer not below the rank of Sub-Inspector and brought before the District Magistrate who shall, by an order in writing, cause the said foreigner to be detained in safe custody pending the completion of arrangements for his removal out of the Union of Burma.

³ (3) Any foreigner apprehended and detained under the provisions of sub-section (1) may be admitted to bail by the District Magistrate.

President may order all the provisions of this Act to be in force in the Union of Burma or in any part thereof.

⁴ 5. Whenever the President of the Union shall consider it necessary to take further precautions in respect of foreigners residing or travelling in the Union of Burma or any part thereof, it shall be lawful for the President of the Union by a notification to order that the provisions of this and the subsequent sections up to and including section 22 of this Act shall be in force in the Union of Burma, or in such part thereof as shall be specified in such notification, for such period as shall be therein declared; and thereupon, and for such period, the provisions of this and the subsequent sections up to and including section 22 shall have full force and effect in the Union of Burma or such part thereof as shall have been⁴ so specified. The President of the Union may, from time to time, by a notification, cancel or alter any former notification which may still be in force, or may extend the period declared therein.

Every foreigner to report his arrival in the Union of Burma in certain cases.

6. Every foreigner on arriving in any part of the Union of Burma in which all the provisions of this Act are for the time being in force under an order issued as provided in the last preceding section from any port or place not within the Union of Burma, or from any port or place within the Union of Burma where all the provisions of this Act are not in force, shall forthwith report himself to the District Magistrate, or to such other officer as shall be appointed to receive such reports by the President of the Union.

¹ Added by Act VIII, 1953.

² Omitted by the Union of Burma (Adaptation of Laws) Order, 1948

³ Inserted by Act VIII, 1953.

⁴ Substituted by *ibid.*

7. The report shall be in writing, and shall be signed by the person reporting himself, and shall specify his name or names, the nation to which he belongs, the place from which he shall have come, the place or places of his destination, the object of his pursuit, and the date of his arrival. The report shall be recorded by the officer to whom it is made.

What to be stated in the report.

8. The provisions of the last two preceding sections shall not extend to any person being the master or commander of a vessel or employed therein, but if any such person shall be in any part of the Union of Burma in which all the provisions of this Act are for the time being in force, after he shall have ceased to be actually employed in a vessel, he shall forthwith report himself in manner aforesaid.

Foreigners, being masters of vessels or employed therein, to report themselves when they cease to be so employed.

9. If any foreigner shall neglect to report himself as required by this Act, he may be dealt with in the manner hereinafter provided in respect of foreigners travelling without a license.

Foreigners neglecting to report themselves, may be dealt with in like manner as foreigners travelling without a license.

10. No foreigner shall travel in or pass through any part of the Union of Burma in which all the provisions of this Act are for the time being in force without a license.

No foreigner to travel in the Union of Burma without a license.

11. * * * *

12. Every such license shall state the name of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorized to pass or the limits within which he is authorized to travel, and the period (if any) during which the license is intended to have effect.

What to be stated in license.

13. The license may be granted subject to such conditions as the President of the Union may direct or as the officer granting the license may deem necessary and may be revoked at any time by the President of the Union or such officer.

License may be granted subject to conditions and may be revoked.

14. If any foreigner travel in or attempt to pass through any part of the Union of Burma without such license as aforesaid, or beyond the districts or limits mentioned therein, or after such license shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by any officer exercising any of the powers of a Magistrate, ¹ [* * * *] or by any police-officer.

Foreigner travelling without or contrary to the conditions of license may be apprehended

¹ Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Procedure upon apprehension. Magistrate to report to the President.

Persons apprehended may be admitted to bail.

Removal of persons apprehended.

President may prohibit persons not being citizens of the Union from travelling or passing through any part of the Union of Burma without a license.

Certain officers may board vessels to ascertain whether foreigners are on board.

Master of vessel to furnish list of passengers, and to give information respecting them.

15. ¹ [* * * *] Whenever any person shall be apprehended by or taken before the District Magistrate, such Magistrate shall immediately report the case to the President of the Union and shall cause the person brought before him to be discharged or pending the orders of the President of the Union to be detained.

16. Any person apprehended or detained under the provisions of this Act may be admitted to bail by the District Magistrate, or by any officer authorized to grant licenses, and shall be put to as little inconvenience as possible during his detention in custody.

17. The President of the Union may order any person apprehended or detained under the provisions of this Act to remove himself from any part of the Union of Burma in which all the provisions of this Act are for the time being in force, by sea or by such route as the President of the Union may direct ; or the President of the Union may cause him to be removed from any such part of the Union of Burma by such route and in such manner as to the President of the Union shall seem fit.

18. The President of the Union may by order prohibit any person or any class of persons ² [not being citizens of the Union] from travelling in or passing through any part of the Union of Burma in which all the provisions of this Act may, for the time being, be in force, and from passing from any part thereof to another without a license to be granted by such officer or officers as shall be specified in the order ; and, if any person so prohibited shall wilfully disobey such order, he may be apprehended without warrant by any of the officers specified in section 14 of this Act, and carried before the District Magistrate, and dealt with under the provisions of section 17 in the same manner as if he were a foreigner : and the President of the Union may order such person to be detained in safe custody or under the surveillance of the police so long as it may be deemed necessary for the peace and security of the Union of Burma or any part thereof.

19. * * * * *

20. It shall be lawful for the Commissioner of Police, or for the District Magistrate, or for any officer appointed to receive reports as mentioned in the sixth section of this Act, or for any police-officer under the authority of such Commissioner or Magistrate, to enter any vessel in any port or place within the Union of Burma in which all the provisions of this Act may, for the time being, be in force, in order to ascertain whether any foreigner bound to report his arrival under the said section 6 of this Act is on board of such vessel ; and it shall be lawful for such Commissioner of Police, Magistrate or other officer as aforesaid to adopt such means as may be reasonably necessary for that purpose ; and the master or commander of such vessels shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police, Magistrate, or other officer as aforesaid, deliver to him a list in writing of the passengers on board, specifying the ports or places at which they embarked, and the ports or places of their disembarkation, or intended disembarkation, and answer to the best of his knowledge all such questions touching the passengers on board the said vessel, or touching those who may have disembarked

¹ Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

² Substituted by the same Order.

in any part of the Union of Burma, as shall be put to him by the Commissioner of Police, Magistrate, or other officer as aforesaid. If any foreigner on board such vessel in any part of the Union of Burma shall refuse to give an account of his objects of pursuit in the Union of Burma, or if his account thereof shall not be satisfactory, the officer may refuse to allow him to disembark, or he may be dealt with in the same manner as a foreigner travelling in the Union of Burma without a license.

Foreigner refusing to give account of himself not to be allowed to disembark.

21. If the master or commander of a vessel shall wilfully give a false answer to any question which by section 20 of this Act he is bound to answer, or shall make any false report, he shall be held to have committed the offence specified in section 177 of the Penal Code.

Penalty for false answer or report.

22. If the master or commander of any vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before the District Magistrate, be liable to a fine not exceeding two thousand rupees.

Penalty for neglect by master of vessel to comply with requisitions of Act.

23. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specified in section 186 of the Penal Code.

Penalty for obstructing officers.

24.

* * * * *

25. The President of the Union may exempt any person, or any class of persons, either wholly or partially, or temporarily or otherwise, from all or any of the provisions of this Act contained in any of the sections subsequent to section 5. and may at any time revoke any such exemption.

Persons may be exempted from provisions of this Act.

26. 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.

Bar to legal proceedings.