

THE REGISTRATION OF FOREIGNERS ACT.

[BURMA ACT VII, 1940.]

(28th March, 1940.)

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

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 functions ; or

(ii) a consul or a vice-consul ;
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(b) "prescribed" means prescribed by rules made under this Act :

(c) "vessel" includes all sea craft, river craft and aircraft.

3. The President of the Union may by notification make rules¹ 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, boardinghouse, 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 ; and

(g) generally for carrying out the purposes of this Act.

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 of 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.

²5. (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) A 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.

¹(3) Any foreigner who has been ordered to be deported under sub-section (2) 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.

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

¹ (5) Every order of deportation made under sub-section (2) shall remain in force until it is revoked by the President of the Union.

¹ (6) If any foreigner against whom order of deportation has been issued fails to comply with the order in any respect, or having left The Union of Burma re-enters 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 order.

6. The President of the Union may, by order, ² declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modification or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigners.

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

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

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

1. For rules under section 3 of this Act see Burma Gazette, 1948, Part I, p. 1583.

2. Subscribed by Act XXVII, 1952.