



**Draft Law Relating to Foreigners
Foreigners Law
2016, Pyidaungsu Hluttaw Law**

The Pyidaungsu Hluttaw has approved this law.

Chapter (1)

Title and definitions

- (1) This law shall be called the “Foreigners Law.”
- (2) The expressions included in this law are defined as follows:
 - (a) “**State**” means the Republic of the Union of Myanmar.
 - (b) “**Government**” means the Union Government.
 - (c) “**Ministry**” means the Ministry of Labour, Immigration and Population of the Union Government.
 - (d) “**Union Minister**” means the Union Minister of Labour, Immigration and Population.
 - (e) “**Administration Department**” means the Department of Immigration.
 - (f) “**Director General**” means the director general of the Department of Immigration.
 - (g) “**Registration Officer**” means an officer whose position is not lower than the township administrator in a Township Administration Department of Immigration and Population *[under the]* Ministry of Labour, Immigration and Population.
 - (h) “**Immigration Administrator**” means an officer whose position is not lower than the deputy administrator of immigration in a Township, District, State or Regional Administration Department of Immigration and Population *[under the]* Union Ministry of Labour, Immigration and Population.
 - (i) “**Foreigner**” means a person who is neither a citizen nor an associate citizen nor a naturalized citizen.
 - (j) “**Qualified domestic foreigner**” means a foreigner who continually stayed in Myanmar for at least 8 years and applied, under any law repealed by this law, for a foreigner identity card within the period from 1.4.1938 to 1.4.1948 or 1.4.1948 to 1.4.1958; the members of his/her family are also included.



- (k) **“Permanently resident foreigner”** means a foreigner who is allowed to stay until the time limit according to the Permanent Residence of Foreigners Rules.
- (l) **“Travel document”** means a passport, any types of identity cards, any types of identity cards that are provided by the UN, organizations under the UN, or any organizations which are internationally recognized, to their employees and their family permitting them to travel; or any documents that are issued by a country to its non-citizens in order to travel.
- (m) **“Foreigner Registration Card”** means a foreigner identity card or registration card that is issued under this law to a foreigner whose age is from 10 to 18 or above 18.
- (n) **“Fee”** means a cost that needs to be paid by a foreigner for obtaining a registration card, for changing it, for updating it, for renewing it annually, or for requesting a duplicate when it is worn-out.
- (o) **“Registered address”** means the address in Myanmar that is stated by a foreigner when he/she applies for a foreigner registration card under section 3.
- (p) **“Resident home”** means a home or any sports and games association that allows a foreigner to stay for a charge or for no charge. Hotel, motel, inn, lodging house, boarding place or building are included in this definition.
- (q) **“Owner of a resident home”** means an owner of a resident home or a person who is appointed by an owner, or a person in charge.

Chapter (2)

Foreigner Registration Card

- (3) Except for a permanently resident foreigner, the following foreigner must, in accordance with the provisions of this law, apply for a foreigner registration card to the relevant Registration Officer based on his/her age and carry the card with him/her:
 - (a) Qualified domestic foreigner
 - (b) A person whose parents are foreigners
 - (c) A person who was born under the provisions of section 43, Burma Citizenship Law and who does not desire to apply for citizenship after having turned 18.
 - (d) A foreigner having arrived in the State with an entry visa who desires to continually stay for over 90 days.



- (4) The following persons must apply for a Foreigner Registration Card from the date on which their relevant qualification becomes invalid:
 - (a) A citizen, associate citizen or a naturalized citizen if their right to be a citizen has been revoked.
 - (b) A person who was born under the provision of section 43, Burma Citizenship Law who has not applied to become a citizen within the specified period after having turned 18.
 - (c) A head ambassador, ambassador or consul whose position is terminated as well as their foreign husband, wife or children.
 - (d) The foreign husband, wife or children of a public servant who is a Myanmar citizen and who was dismissed, whose position was terminated, or who resigned or retired.
 - (e) A foreigner who has returned to the State after the expiry of his/her entry visa, resulting in him/her losing his/her domestic qualification.
 - (f) A foreigner whose permanent residence is revoked.
- (5) A foreigner referred to in section 4 must apply, as prescribed, for a Foreigner Registration Card to the relevant Registration Officer within 90 days after his/her qualification has become invalid, and carry the card on him/her.
- (6) As an exception, a foreigner who is being punished with imprisonment or who is in in a detention centre pending trial according to any laws in force is not required to extend the Foreigner Registration Card annually.
- (7) A foreigner referred to in section 6 must extend the Foreigner Registration Card as prescribed *[by applying]* to the relevant Registration Officer within 30 days from the date that he/she was released from the detention centre or prison.
- (8) A Registration Officer must issue a Foreigner Registration Card as prescribed and ask for the specified fees when receiving an application from a foreigner under sections 3, 5 or 7.
- (9) As the expiration date of a Foreigner Registration Card is the 30th of November every year, a foreigner must extend it as prescribed *[by applying]* to the relevant Registration Officer within 30 days from the expiration date.
- (10) A person holding a Foreigner Registration Card must:
 - (a) Return the Foreigner Registration Card to the relevant Registration Officer when he/she leaves the State.



- (b) Apply for confirmation of the Foreigner Registration Card referred to in sub-section (a) within 30 days from the date of arrival [*i.e. re-entry*].
- (11) A person holding a Foreigner Registration Card must apply, as prescribed, for a duplicate to the relevant Registration Officer if the card has been lost, damaged or is worn-out.

Chapter (3)

Temporary visit and immigration

- (12) A person holding a Foreigner Registration Card must:
 - (a) Apply, as prescribed, for permission to the Registration Officer in charge of his/her residence if he/she desires to temporarily visit, from the address that is stated in the Foreigner Registration Card, another place within the State for over 24 hours.
 - (b) Apply for permission to the Administration Department if he/she desires to move residence from the address that is stated in the Foreigner Registration Card to another place within the State.
 - (c) Personally inform the Registration Officer in charge of the specified residence and fill in a specified form within 24 hours if he/she needs to move accidentally from the address that is stated in the Foreigner Registration Card to another place within the State because of any unforeseen circumstances.
- (13) A foreigner must:
 - (a) Personally inform the relevant Registration Officer and fill in a specified form within 24 hours after arriving at a place that he/she is permitted to visit or to move to.
 - (b) Apply for permission from the Administration Department through the Registration Officer in charge of the specified residence for visiting another country if he/she is a qualified domestic foreigner.
 - (c) Comply with the provisions of the Permanent Residence of Foreigner Rules if he/she is a permanently resident foreigner.
- (14) A foreigner must hold a travel document and other specified permits and submit them when a responsible person is investigating during the period of visit, employment or residence within the State.
- (15) If a foreigner does not receive permission from the Administration Department and moves to an address that is not stated in the Foreigner Registration Card, he/she will be sued and punished



under section 25; thereafter, he/she has to inform the Registration Officer where he/she moved to in order to obtain a legal address.

Chapter (4)

Obligations of a foreigner

- (16) A foreigner must:
- (a) Answer accurately all questions about personal facts that are asked by a Registration Officer or Immigration Administrator.
 - (b) Carry a travel document, other specified permits and the Foreigner Registration Card wherever he/she goes.
 - (c) Not fail to reveal the travel document, other specified permits and Foreigner Registration Card when a Registration Officer or Immigration Administrator so requests.
 - (d) Personally apply, within the specified period, to the Registration Officer when changing a personal fact or circumstance.
 - (e) Not fail to apply for, and hold, a Foreigner Registration Card within the period specified in section 5 if he/she is a person referred to in section 4.
 - (f) Submit the personal data, data in the passport, reason for visiting to the owner of the resident home when he/she has arrived at the resident home.
 - (g) Inform the relevant Registration Officer as prescribed within 72 hours if a travel document or Foreigner Registration Card has been lost.
 - (h) Comply with the provisions for extending the Foreign Registration Card, confirming it, and obtaining a duplicate.
 - (i) Not fail to return the Foreigner Registration Card *[issued]* under this law to the relevant Township Administration Department if he/she receives a permanent residence permit.
 - (j) Comply with the rules and regulations, orders, declarations and directives that are issued under this law.
 - (k) Comply with the laws in force, respect the sovereignty of the State and fulfill the obligations referred to in this law.
- (17) A foreigner holding a Foreigner Registration Card must not fail to pay the prescribed fees to the Administration Department or the relevant Township Administration Department.



Chapter (5)

Obligations of the owner of a resident home

- (18) The owner of resident home must:
- (a) Ask for, sign, and record personal data, data in the passport and the reason for visiting of/from a foreigner staying *[in the resident home]*.
 - (b) Send the recorded data and reason referred to in sub-section (a) to the relevant Registration Officer as prescribed.
- (19) If a Registration Officer or Immigration Administrator investigates a resident home, the owner of the resident home must reveal the data and reason recorded in accordance with section 18, sub-section (a).

Chapter (6)

Obligations and powers of the Registration Officer and Immigration Administrator

- (20) The obligations of the Registration Officer and Immigration Administrator are as follows:
- (a) Register Foreigner Registration Cards for foreigners referred to in sections 3, 5 and 7 as well as for their children.
 - (b) Register foreigners who have an entry visa and desire to stay for over 90 days as well as their foreign husband, wife, children or dependents.
 - (c) Register, and arrange, for foreigners who desire to change personal data or the address, to extend the Foreigner Registration Card, to obtain a duplicate, or to confirm the card, in accordance with the procedures and directives.
 - (d) Submit a report to the Administration Department on the permission of a foreigner's visit in accordance with the procedures and directives.
 - (e) Collect the stipulated fees accurately and submit them to the Administration Department in accordance with procedures and directives.
 - (f) Take action against foreigners who violate or fail to comply with any of the provisions or rules issued under this law and the laws in force.
- (21) The Registration Officer and Immigration Administrator has the following powers:
- (a) Investigate, and take action against, foreigners who enter restricted areas which are specified in a notification by the State.



- (b) Without warrant and at any places, inspect foreigners who arouse suspicion.
 - (c) Without warrant and at/in any places, buildings or vehicles, arrest foreigners who violate, have violated, are suspected to violate, or fail to comply with, any of the provisions, rules, regulations, orders, notifications or directives issued under this law.
- (22) The Registration Officer shall issue a Foreigner Registration Card to, and collect twice the stipulated fees from, a foreigner who fulfills the following conditions and applies for a Foreigner Registration Card after the expiration date if he/she is a foreigner under section 3, a foreigner who has to apply for a Foreigner Registration Card under section 4, or a foreigner exempt from extending the Foreigner Registration Card under section 6.
- (a) The application for the Foreigner Registration Card is not filed more than one month after the expiration date.
 - (b) It is the first time that the foreigner applies, under sub-section (a), for a Foreigner Registration Card after the expiration date.
- (23) The relevant Township Administration Officer shall obtain permission from the Administration Department to allow a foreigner who was punished under section 25 to change the old address to a legal address.

Chapter (7)

Offences and penalties

- (24) Any foreigners referred to in section 3, 5 or 7 convicted of having failed to apply for a Foreigner Registration Card from the relevant Registration Officer shall be punished with imprisonment of at least six months and at most five years or with a fine of at least Ks. 50,000 and at most Ks. 500,000 or with both.
- (25) Any foreigner convicted of moving to and staying in an address within the State that is not stated in the Foreigner Registration Card, or of having moved or visited another country without obtaining a signature of approval from the Registration Officer or the Administration Department shall be punished with imprisonment of at least six months and at most one year or with a fine of at least Ks. 50,000 and at most Ks. 100,000 or with both.
- (26) Any foreigner convicted of having failed to comply with any obligations under the provisions of Chapter (4) shall be punished with imprisonment of at least six months and at most two years or with a fine of at least Ks. 50, 000 and at most Ks. 100, 000 or with both.



- (27) Any owner of a resident home convicted of having failed to comply with any provisions of Chapter (5) shall be punished with imprisonment of at least six months and at most one year or with a fine of at least Ks. 50,000 and at most Ks. 100,000 or with both.
- (28) Anyone assisting or attempting to assist a foreigner to register as a foreigner in an illegal way shall be punished with imprisonment of at least three months and at most two years or with a fine of at least Ks. 30,000 and at most Ks. 100,000 or with both.
- (29) Anyone convicted of having failed to comply with any of the rules, regulations, orders, notifications or directives issued under this law shall be punished with imprisonment of at least six months and at most five years or with a fine of at least Ks. 50,000 and at most Ks. 500,000 or with both.
- (30) A foreigner who was convicted and has served the specified punishment under this law must leave the State as early as possible if he/she has also been given a deportation order referred to in section 32, sub-section (b).
- (31) A person convicted of having failed to comply with a deportation order or a person returning to the State prior to the expiry of the deportation period shall be punished with imprisonment of at least one year and at most five years or with a fine of at least Ks. 100,000 and at most Ks. 500,000 or with both, and be ordered to be deported again.

Chapter (8)

Giving a deportation order and arrest

- (32) The Union Minister can:
 - (a) Give a deportation order to a foreigner to leave the State immediately or within the specified period if the foreigner opposed or attempted to oppose the sovereignty of the State.
 - (b) Give a deportation order to leave the State to a convicted foreigner under any laws in force from the date that he/she has served the punishment.
 - (c) Give a deportation order to leave the State to a foreigner who violated any of the provisions, rules, regulations, orders, notifications or directives made under this law.
- (33) The Union Minister can authorize the Director General to give a deportation order under this law.
- (34) A deportation order shall be in force as long as the Union Minister has not withdrawn it.



- (35) An Immigration Officer whose position is not lower than an Immigration Administrator and who is authorized by the Director General shall inform, and submit *[the case]* to, the District Judge in order to have the foreigner arrested before giving the deportation order, after giving the deportation order, or during the duration of the transfer to his/her country under this law.
- (36) An Immigration Officer can arrest *[the foreigner]* for not more than 15 days at a time during the process of transferring *[the foreigner to his/her home country]* under section 35 in any police department, detention centre, police station or prison.

Chapter (9)

Suspension, withdrawal or revocation of the deportation order; bail

- (37) If the Union Minister has irrefutable evidence and reason, the deportation order can be suspended, withdrawn or revoked under this law.
- (38) The Union Minister or an appointee can, on bail, release an arrested foreigner from the detention centre in accordance with the provisions of this law while the deportation order is performed or after giving the deportation order.

Chapter (10)

Exemption for ambassadors and members of the UN

- (39) The provisions of this law shall not apply to foreign diplomats, employees of an embassy, governmental staff, consuls, and their family members, if they were appointed according to the prescribed procedures.
- (40) The provisions of this law shall not apply to members of the UN, persons from organizations under the UN, and their family members, if they have obtained diplomatic rights.

Chapter (11)

General

- (41) The Administration Department can:
- (a) Promulgate in a notification that any provisions under this law, rules made under this law or the laws in force shall not apply to any foreigners, specific class or types of foreigners, or apply to them only on specified conditions.
 - (b) Promulgate in a notification that foreigners who desire to stay in unsuitable places are prohibited to do so.



- (c) Authorize the Immigration Officer to investigate any foreigners as to whether or not they comply with any provisions under this law or rules made under this law.
 - (d) Promulgate in a notification to specify the registration fee, the amount of fines and the procedures by which a foreigner has to pay them.
- (42) The Director General can authorize any Immigration Officer whose position is not lower than the Deputy Immigration Administrator to investigate a dispute as to whether a person is a foreigner or not.
- (43) Shall obtain permission from the Ministry if it is necessary to bring charges against a person who is appointed to perform the obligations under this law.
- (44) If a person is being assessed as to whether or not he/she is a foreigner, he/she has the duty to prove that he/she is not a foreigner by revealing strong and true evidence irrespective of the Evidence Act.
- (45) When the Registration Officer or the Immigration Administrator is investigating a foreigner who desires to enter the State, stays in the State or desires to leave the State, he/she is obliged to state who he/she is by revealing strong and true evidence.
- (46) The rules, notifications, orders, directives and procedures issued under the Foreigners Act and the Registration of Foreigners Act shall continue to be used if they are not in contravention to this law.
- (47) When implementing the provisions of this law:
- (a) The Ministry can issue rules and regulations with the approval of the Government.
 - (b) The Administration Department can issue notifications, orders, directives and procedures with the approval of the Ministry.
- (48) Only the Ministry can make decisions on the relevant cases under this law except judicial matters.
- (49) A statement made in front of, and an investigative report made by, the Registration Officer or the Immigration Administrator shall be used as evidence under this law irrespective of the Evidence Act.
- (50) The following Acts are repealed by this law:
- (a) The Foreigners Act
 - (b) The Registration of Foreigners Act



- (c) The Foreigners (Extension) Act - 1949
- (d) The Registration of Foreigners (Extension) Act - 1949

Source: Myanma Alinn 3-5 December 2016