

IMMIGRANTS AND EMIGRANTS

AN ACT TO MAKE PROVISION FOR CONTROLLING THE ENTRY INTO SRI LANKA OF PERSONS OTHER THAN CITIZENS OF SRI LANKA, FOR REGULATING THE DEPARTURE FROM SRI LANKA OF CITIZENS AND PERSONS OTHER THAN CITIZENS OF SRI LANKA, FOR REMOVING FROM SRI LANKA UNDESIRABLE PERSONS WHO ARE NOT CITIZENS OF SRI LANKA, AND FOR OTHER MATTERS INCIDENTAL TO OR CONNECTED WITH THE MATTERS AFORESAID.

Act Nos,

20 of 1948

16 of 1955

68 of 1961

16 of 1993

42 of 1998

31 of 2006

[1st November , 1949]

Short title. **1.** This Act may be cited as the Immigrants and Emigrants Act.

PART

I

PRELIMINARY

Exemption from operation of Act. **2.**

(1) Every person who

- (a) is a member of the Armed Forces of Sri Lanka; or
- (b) is duly accredited to the Government of Sri Lanka by the Government of any other country; or
- (c) is sent to Sri Lanka on a special mission by the Government of any other country; or
- (d) is any expert, adviser, technician, or official whose salary or principal emolument is not payable by the Government of Sri Lanka and who is brought to Sri Lanka by the Government of Sri Lanka through any Specialized Agency of the United Nations Organization, or under the Point Four Assistance Programme of the Government of the United States of America, or through the Colombo Plan Organization (including its Technical Assistance Bureau), or any similar organization approved by the Minister; or

(e) is any trainee from abroad who is sent to Sri Lanka under any of the Technical Co-operation Programmes of the United Nations Organization and its Specialized Agencies or of the Colombo Plan Organization, or of any similar organization approved by the Minister; or

(f) has entered or is under an agreement to enter the service of the Government of Sri Lanka; or

(g) is a member of the official staff or household of any person referred to in any of the foregoing paragraphs (a) to (f); or

(h) is the wife or any dependent child of any person referred to in any of the foregoing paragraphs (a) to (g); or

(i) is a member of the crew of a ship in the territorial waters of Sri Lanka, shall be exempt from the operation of Parts III, IV, V, VI, and VII of this Act to such extent or subject to such conditions or restrictions as may be specified by order of the Minister. An order under this subsection may be either a special order in respect of any person or group of persons, or a general order applicable to any class or description of persons, being in either case persons referred to in this subsection.

(2) In accordance with any regulations made under this Act for the purpose of prescribing

(a) the classes or description of persons, other than those specified in subsection (1), to whom exemption may be granted from any of the provisions of this Act; and

(b) the extent to which or the terms, conditions or restrictions subject to which such exemption may be granted, the Minister may by order exempt any prescribed class or description of persons or any person belonging to any such prescribed class or description, to the prescribed extent or subject to the prescribed terms, conditions or restrictions:

Provided that in the absence of any such regulations or on the occurrence of any public emergency, the Minister may so exempt any person or class or description of persons from any of the provisions of this Act to such extent or subject to such terms, conditions or restrictions as may appear to him to be necessary in the public interest.

PART
II
ADMINISTRATIVE
ARRANGEMENTS

Ports of entry
and departure.

3. The Minister may, by Order published in the Gazette, declare any place in Sri Lanka to be an approved port of entry or an approved port of departure for the purposes of this Act.

Officers and
servants.

4.

(1) There may be appointed, for the purposes of this Act, whether by name or by office

(a) a fit and proper person to be or to act as the Controller of Immigration and Emigration;

(b) a fit and proper person to be or to act as the Deputy Controller of Immigration and Emigration;

(c) a fit and proper person or each of two or more such persons to be or to act as an Assistant Controller of Immigration and Emigration;

(d) a fit and proper person or each of two or more such persons to be or to act as an authorized officer.

(2) There may also be appointed such clerical and minor staff as may be necessary to assist the aforesaid officers in the administration of this Act.

Powers and
duties of officer.

5.

(1) In the exercise, performance or discharge of the powers, duties or functions conferred, imposed or assigned by or under this Act

(a) the Controller shall be subject to the general or special directions of the Minister;

(b) the Deputy Controller, each Assistant Controller and each authorized officer shall be subject to the general or special directions of the Controller.

(2) The Controller, the Deputy Controller and every Assistant Controller may exercise, perform or discharge any power, duty or function vested in, or imposed or conferred upon, an authorized officer, by or under this Act.

(3) The Secretary to the Ministry or any Assistant Secretary to the Ministry may exercise, perform or discharge any power, duty or function vested in, or imposed or conferred upon, the Controller or an authorized officer, by or under this Act.

Authorization by Minister of Controller to act on his behalf.

6. The Minister may either generally or specially authorize the Secretary to the Ministry or any Assistant Secretary to the Ministry or the Controller to exercise, perform or discharge any power (other than the power conferred by section 2 or section 31 or section 52), duty or function vested in, or imposed or conferred upon, the Minister, by or under this Act,

Authorization by Controller of other officers to act on his behalf.

7. The Controller may either generally or specially authorize the Deputy Controller or any Assistant Controller to exercise, perform or discharge any power, duty or function vested in, or imposed or conferred

Powers and duties of authorized members of the Forces.

7A.

(1) The President may, for the purposes of this Act, by Order published in the Gazette designate all or any of

(a) the members of the army raised and maintained in accordance with the provisions of the Army Act,

(b) the members of the Sri Lanka Navy raised and maintained in accordance with the provisions of the Navy Act, and

(c) the members of the Sri Lanka Air Force raised and maintained in accordance with the provisions of the Air Force Act, as authorized members of the Forces.

(2) The powers and duties conferred and imposed upon authorized members of the Forces by this section shall be exercised and discharged notwithstanding that such powers and duties are not conferred or imposed upon them by the provisions of the Army Act, the Navy Act, or the Air Force Act.

(3) The Minister may, by Order published in the Gazette, specify the area or areas in which the powers and duties under this Act may be exercised and discharged by authorized members of the Forces.

(4) Within the area specified under subsection (3), an authorized member of the Forces shall, in respect of

(a) any offence under paragraph (a) of subsection (1) of section 45,

(b) any offence under subsection (2) of section 45 so far as it relates to paragraph (a) of subsection (1) of that section, and

(c) any offence under subsection (1) or subsection (2) of section 45A, be deemed to be a peace officer within the meaning of the Code of Criminal Procedure Act for the purpose only of exercising any power conferred upon a peace officer by that Act.

(5) An authorized member of the Forces making an arrest without warrant shall without delay hand the person so arrested to the custody of a police officer.

PART
III

CONTROL OF ENTRY INTO SRI LANKA OF PERSONS OTHER THAN CITIZENS OF SRI
LANKA

Application of
part III.

8. This Part shall apply to every person seeking entry into or entering Sri Lanka unless

- (a) he is a citizen of Sri Lanka; or
- (b) by virtue of any order under Part 1 for the time being in force, he is exempted from the provisions of this Part.

Entry to be at
approved ports of
entry only.

9. A person to whom this Part applies shall not enter Sri Lanka at any place other than an approved port of entry.

Documents
required at the
time of entry.

10. A person to whom this Part applies shall not enter Sri Lanka unless he has in his possession

- (a) a valid passport which bears an endorsement in the prescribed form granted to him by an authorized officer under this Part; and
- (b) if so required by regulations made under this Act, a visa granted to him under such regulations.

Documents of
entry not to be
issued to certain
persons.

11.

(1) No endorsement under this Part shall be granted by an authorized officer to any person unless that person has in his possession

- (a) a passport which is a valid passport; and
- (b) if so required by regulations made under this Act, a visa granted or issued to him under such regulations.

(2) Except in such circumstances as may be prescribed, no endorsement or visa shall be granted or issued to any person who

- (a) is, in the opinion of the authority empowered to grant or issue any such document of entry, unable to support himself and his dependants; or
- (b) is a person of unsound mind, or is mentally defective; or
- (c) is certified by a prescribed medical officer to be a person whom, for medical reasons, it is undesirable to admit into Sri Lanka; or

- (d) has been sentenced outside Sri Lanka for an extraditable offence within the meaning of any law which was or is in force in Sri Lanka relating to fugitive persons and their extradition; or
- (e) is a prostitute or procurer or person living on the prostitution of others ; or
- (f) fails to fulfill such other requirements as the Minister may impose in the public interest by special or general instructions issued in that behalf; or
- (g) is the subject of a deportation order in force under this Act; or
- (h) is a stowaway ; or
- (i) is declared by order of the Minister under section 12 to be a prohibited immigrant or a prohibited visitor.

(3) Any endorsement or visa granted or issued in contravention of the preceding provisions of this section shall be deemed to be void and of no effect for the purposes of this Act.

Power of Minister to declare persons to be prohibited immigrants or prohibited visitors.

12. The Minister may, by order, declare that any person to whom this Part applies and who-

- (a) is deemed by the Minister, from information received by him, through official or diplomatic sources, to be an undesirable person for the purposes of admission into Sri Lanka; or
- (b) is shown by evidence which the Minister deems sufficient, to be likely to conduct himself so as to be dangerous to peace and good order in Sri Lanka, or to excite feelings of disaffection to the Government of Sri Lanka, or to intrigue against the authority of the Government of Sri Lanka; or
- (c) has been convicted in any country and has not received a free pardon in respect of an offence for which a sentence of imprisonment has been passed and, by reason of the circumstances connected therewith, is deemed by the Minister to be an undesirable person for admission into Sri Lanka, shall be a prohibited immigrant or a prohibited visitor for the purposes of this Act.

Requirements as to endorsements. **13.**

(1) An endorsement under this Part by an authorized officer shall be required of a person to whom this Part applies in every case where, on his arrival by ship at any place in Sri Lanka, such person desires to enter Sri Lanka and to remain therein for any period or purpose whatsoever.

(2) Every endorsement granted by an authorized officer under this Part to any person

(a) shall be signed by such officer;

(b) shall be in the prescribed form; and

(c) shall, if such person is not the holder of a visa, specify the period for which and the terms and conditions subject to which such person may enter and remain in Sri Lanka.

(3) An authorized officer may require as a condition precedent to the grant of an endorsement under this Part to any person that such person shall, or some other person resident in Sri Lanka and approved by the authorized officer shall on behalf of such person, furnish security, either by deposit of such sum, not exceeding the prescribed sum, as the officer may deem fit or in such other manner as may be prescribed, for the repayment to the Government of any costs and charges that may be incurred in respect of that person. All sums so deposited by way of security shall be disposed of in the prescribed manner.

Requirements as to visa. **14.**

(1) A visa may be granted by the prescribed authority for such period, not exceeding two years, as may be specified in the visa.

(2) A visa may, with the approval of the Minister, be granted by the prescribed authority for such period, exceeding two years but not exceeding five years, as may be specified in the visa.

(3) The period specified in any visa may be extended by the prescribed authority from time to time, for such period and subject to such conditions as may be prescribed, upon application made to that authority in that behalf. Where the authority which granted the visa obtained, by reason of subsection (2) of this section, the approval of the Minister before making the grant, such authority shall before extending the visa obtain in like manner the approval of the Minister.

(4) The fact that a person is in Sri Lanka for the time being shall not prevent or be construed to prevent the grant or issue in his case of a visa or endorsement, or the extension in his case of the period specified in such visa or endorsement.

Stay in Sri Lanka of persons to whom this Part applies.

15. No person to whom this Part applies and who enters Sri Lanka shall

- (a) if he is not the holder of a visa, remain in Sri Lanka after the expiry of the period for which he is authorized to remain in Sri Lanka by the endorsement granted to him at the time of his entry ; or
- (b) if he is the holder of any visa, remain in Sri Lanka after the expiry of the period for which he is authorized to remain in Sri Lanka by that visa or by virtue of any extension of that visa ; or
- (c) if his entry into Sri Lanka is in contravention of the provisions of section 9 or section 10, remain in Sri Lanka.

Terms and conditions of documents of entry to be complied with.

16. A person to whom this Part applies and who enters Sri Lanka shall

- (a) if he is not the holder of a visa, comply, so long as he remains in Sri Lanka, with the terms and conditions of the endorsement granted to him at the time of his entry; or
- (b) if he is the holder of any such visa, comply, so long as he remains in Sri Lanka, with the terms and conditions of the visa.

Documents of entry to be void in certain circumstances.

17. Where a deportation order or removal order is made under this Act in respect of any person, any endorsement or visa granted or issued to that person shall be deemed to be void and of no effect for the purposes of this Act.

Examination and medical examination upon arrival.

18.

(1)

- (a) A person to whom this Part applies may, if he desires to land at any approved port or to enter Sri Lanka, be examined by an authorized officer or medically examined by a prescribed medical officer.
- (b) Every such examination shall be held at the time of the arrival of such person at the port or as soon as may be thereafter.
- (c) For the purposes of such examination, any such person may be required by an authorized officer or the prescribed medical officer to disembark and present himself at any specified place ashore.
- (d) A person who disembarks and enters a specified place in Sri Lanka for the purposes of compliance with any direction of an authorized officer or the prescribed medical officer as aforesaid, shall not be deemed by reason only of such entry to be guilty of any offence under any of the other provisions of this Act.

(2) The master of any ship arriving at any place in Sri Lanka shall detain on board any person to whom this Part applies until such person is inspected or landed for inspection under this section.

Inspection of letters, & c.

19. A person to whom this Part applies shall, on being required so to do by an authorized officer, at the time of his entry into Sri Lanka, make a declaration as to whether or not he is carrying or conveying any letters, written messages, memoranda or any written or printed matter, including plans, photographs and other pictorial representations, and if so required, shall produce to that officer any such letters, messages, memoranda or written or printed matter, and the officer may search any such person and any baggage belonging to him or under his control with a view to ascertaining whether such person is carrying or conveying any such letters, messages, memoranda or written or printed matter, and may examine and detain, for such time as that officer may think proper for the purposes of such examination, any letters, messages, memoranda or written or printed matter produced to him or found on such search.

Detention of persons for examination and inspection.

20. For the purposes of any examination or inspection under the preceding sections, a person who is directed by an authorized officer to disembark and enter any place on shore, may be detained at any place approved in that behalf by the Minister for such length of time as may be necessary for completing such examination or inspection.

DETENTION AND REMOVAL OF CERTAIN PERSONS

Detention of certain persons.

21.

(1) The master of any ship arriving at any place in Sri Lanka shall, at the request of an authorized officer, detain on board the ship any person who has been refused an endorsement by that officer, or any person who enters Sri Lanka from that ship in contravention of the provisions of section 10.

(2) Where a person to whom this Part applies is refused an endorsement by an authorized officer or where a person enters Sri Lanka in contravention of the provisions of section 10, he may be temporarily detained in such manner and in such place as may be specified in any general or special directions of the Minister, if such person cannot for any reason be detained on board the ship by which he traveled to Sri Lanka or that ship has left Sri Lanka.

Removal from Sri Lanka of certain persons.

22.

(1) An authorized officer may by notice direct that any person to whom this Part applies and who has been refused an endorsement, or who enters Sri Lanka in contravention of the provisions of section 10, shall be removed from Sri Lanka by the master of the ship by which such person traveled to Sri Lanka or by the owner or the agents of the owner of such ship to the territory of which such person is a national or from which such person embarked for Sri Lanka. The master of the ship and the owner or the agent of the owner of such ship shall comply with such notice.

(2) The master of any ship who knowingly allows any person to whom this Part applies and who has been refused an endorsement, to enter Sri Lanka in contravention of the provisions of this Act, or who knowingly allows any person to enter Sri Lanka from that ship in contravention of the provisions of section 10, or refuses to receive any such person on board his ship, or neglects to take reasonable measures to keep any such person on board his ship or in some place approved by an authorized officer, shall be guilty of an offence under this Act, and shall on conviction be liable to a fine not exceeding five thousand rupees. Where the whole or any part of a fine imposed on the master of a ship under this section remains unpaid within seven days from the date of the imposition of the fine, the court which imposed the fine may direct the amount remaining unpaid to be levied by the distress and sale of the ship.

(3) Where proceedings have been instituted in a court against the master of a ship for an offence under subsection (2), clearance outwards of the ship may be refused until the conclusion of such proceedings and until the fine, if any, imposed by the court has been paid.

(4) The master, the owner and the agent of the owner of any ship from which a person to whom this Part applies and who has been refused an endorsement enters Sri Lanka or from which a person enters Sri Lanka in contravention of the provisions of section 10 shall be jointly and severally liable to pay to the Government all costs and charges incurred by the Government in respect of that person.

(5) The master, the owner and the agent of the owner of any ship shall be jointly and severally liable to pay to the Government all costs and charges incurred by the Government in respect of any transit passenger of that ship who fails to rejoin the ship when the ship leaves Sri Lanka.

Regulations.

23.

(1) Regulations may be made for the purposes of this Part in respect of all or any of the following matters :

- (a) any matter stated or required in this Part to be prescribed ;
- (b) the grant of endorsements under this Part, the form of such endorsements, the terms and conditions subject to which they may be granted (including such terms and conditions as the Minister may deem necessary in the public interest), the cancellation, variation, or amendment of such endorsements or of any terms or conditions specified therein, whether in the absolute discretion of the prescribed authority or in the prescribed circumstances, and the particulars to be entered in such endorsements;
- (c) the prohibition of the entry into Sri Lanka of any person belonging to any such class or description of persons as may be prescribed unless such person has in his possession a visa;

- (d) the making of applications for such visas, the form of such applications, the documents, including photographs, to be attached to such applications, and the particulars to be entered therein;
- (e) the authority or authorities by whom such visas may be granted or issued ;
- (f) the grant or issue of such visas and the refusal of such visas, whether in the absolute discretion of the prescribed authority or in the prescribed circumstances;
- (g) the furnishing, as a condition precedent to the grant or issue of such visas to any persons, of security, the manner in which such security shall be furnished, whether by deposit of money or by hypothecation of immovable property or otherwise and the forfeiture of the whole or part of such security;
- (h) the terms and conditions subject to which such visas may be granted or issued (including such terms and conditions as the Minister may deem necessary in the public interest), the cancellation, variation or amendment of such visas or of any terms or conditions specified therein, whether in the absolute discretion of the prescribed authority or in the prescribed circumstances;
- (i) the form of such visas and the particulars to be entered therein;
- (j) the imposition, recovery and disposal of fees in respect of the grant or issue of such visas, the exemption in the prescribed circumstances of persons from the payment of such fees and the refund of such fees in those circumstances;
- (k) the returns to be furnished and the information to be supplied by persons for any of the purposes aforesaid;
- (l) all matters incidental to or connected with the matters or subjects referred to in this section.

(2) Regulations may be made for the purpose of the forfeiture of the whole or part of any security furnished for the grant of any visa or permit issued before the 6th day of June, 1955, and in force after that date, and for the purpose of the cancellation or variation of such visa or permit in like manner as regulations may be made for those purposes in relation to visas issued after the aforesaid date.

PART
IV

SUPERVISION OF ACTIVITIES OF PERSONS OTHER THAN CITIZENS OF SRI LANKA

Application of
part IV.

24. This Part shall apply to every person unless

- (a) he is a citizen of Sri Lanka; or
- (b) by virtue of any order under Part I for the time being in force, he is exempted from the provisions of this Part.

Power to impose
restrictions on
persons by order.

25.

(1) The Minister may, if he deems it expedient in the public interest, by order impose restrictions on the movements or activities, during their stay in Sri Lanka, of persons to whom this Part applies, and provision may be made in the order in respect of all or any of the following matters;

- (a) the circumstances in which and the purposes for which such persons may be required to furnish returns to authorized officers, the form of such returns and the particulars to be entered therein;
- (b) the information to be supplied by such persons relating to the occurrence of any circumstances affecting in any manner the accuracy of the particulars specified in returns made under the order;
- (c) the compliance by such persons with such provisions as to place of residence, change of residence, travelling or otherwise, as may be made by the order;
- (d) the imposition of such obligations, requirements, conditions or restrictions on the activities or associations of such persons, as the Minister may deem necessary in the public interest;
- (e) the form of registers to be kept by authorized officers and the particulars to be entered therein;
- (f) the circumstances in which authorized officers and police officers may exercise in relation to such persons, powers of arrest, detention, and search of premises or person, and any other ancillary matters for which it appears expedient to provide with a view to giving full effect to the order,
- (g) all matters incidental to or connected with the matters and subjects referred to in this subsection.

(2) An order under this section may be either a special order in respect of any person or group of persons, or a general order applicable to any class or description of persons.

Registers to be kept by authorized officers. **26.**

(1) Every authorized officer shall keep and maintain a register of persons to whom this Part applies for the purposes of this Act. Such officer shall enter in the register, in respect of each person who is required by order made under section 25 to furnish a return to such officer, such particulars relating to such person as are required to be entered in such register,

(2) The authorized officer aforesaid shall, upon his being informed by any person to whom this Part applies of the occurrence of any circumstances affecting in any manner the accuracy of the particulars previously furnished to such officer, make such alterations in the entries in the register relating to such person, as may be necessary for maintaining the accuracy of the register.

PART V

REMOVAL FROM SRI LANKA OF PERSONS OTHER THAN CITIZENS OF SRI LANKA

Application of part V. **27.** This Part shall apply to every person unless

- (a) he is a citizen of Sri Lanka; or
- (b) by virtue of any order under Part I for the time being in force, he is exempted from the provisions of this Part.

Power of Minister to direct the removal from Sri Lanka of persons other than citizens of Sri Lanka. **28.**

(1) Where a person to whom this Part applies is convicted of an offence under this Act by reason

- (a) of his having entered or remained in Sri Lanka in contravention of any provision of Part III or of any regulations made by virtue of the powers conferred by that Part; or
- (b) of his failure to comply with any of the terms, conditions or restrictions imposed upon him by any endorsement or visa granted or issued to him; or
- (c) of his failure to comply with any of the terms, conditions or restrictions imposed upon him by any order made under Part I, the Minister may, by order (in this Act referred to as a "removal order"), direct a prescribed officer to arrest, detain and take on board a ship a person so convicted and may further direct by that order or by any subsequent order that the master of that ship shall remove such person from Sri Lanka.

(2) Where the Minister is satisfied that a person to whom this Part applies

(a) enters or remains in Sri Lanka in contravention of any provision of Part III or of any regulation made by virtue of the powers conferred by that Part; or

(b) has had his visa or endorsement cancelled ; or

(c) has overstayed the period specified in the visa or endorsement, the Minister may by order, direct a prescribed officer to arrest, detain and take on board a ship such person and may further direct by that order, or by any subsequent order that the master of that ship shall remove from Sri Lanka such person.

(3) An order may be made by the Minister under this section, and any powers conferred by such order may be exercised, in relation to any person, notwithstanding that such person is serving a sentence of imprisonment imposed by a court under this Act or any other law.

(4) Any peace officer may use all such force as may be necessary for the purpose of giving effect to any order made under this section.

(5) Any order made under this section shall be final and shall not be contested in any court.

(6) Where the master of a ship has been directed by any order under this section to remove a person specified in that order from Sri Lanka and that master fails so to do, he shall be guilty of an offence under this Act and shall on conviction be liable to the punishment specified in section 45. Where the punishment imposed on the master of a ship for the said offence consists of or includes a fine and the whole or part of the fine remains unpaid within seven days from the date of the imposition of the fine, the court which imposed the fine may direct the amount remaining unpaid to be levied by the distress and sale of the ship.

(7) Where proceedings have been instituted in a court against the master of a ship for an offence under subsection (6), clearance outwards of the ship may be refused until the conclusion of such proceedings or until the fine, if any, imposed by the court has been paid.

(8) The provisions of subsection (2) of this section shall apply to the holder of a permanent residence permit or temporary residence permit (whether such permit is in force or not) on the 6th day of June, 1955, in like manner as those provisions apply to a person to whom a visa or endorsement is granted, and accordingly an order under that subsection may be made in relation to such holder. Any other provisions of this Part applicable to an order under subsection (2) shall apply to an order made in relation to such holder.

Money and property of persons removed may be applied in payment of costs and charges.

29. Where a removal order or any order under subsection (2) of section 28 is made in the case of any person, the Minister may, if he thinks fit, apply any money or property of that person in payment of the whole or any part of the costs and charges incurred by the Government in respect of that person.

PART
VI

DEPORTATION FROM SRI LANKA OF PERSONS OTHER THAN CITIZENS OF SRI LANKA

Application of
Part VI.

30. This Part shall apply to every person unless

- (a) he is a citizen of Sri Lanka; or
- (b) by virtue of any order under Part I for the time being in force, he is exempted from the provisions of this Part.

Power of Minister
to deport from Sri
Lanka persons
other than
citizens of Sri
Lanka.

31.

(1) The Minister may in any of the following cases make an order (in this Act referred to as a deportation order) requiring any person to whom this Part applies to leave Sri Lanka and to remain thereafter out of Sri Lanka; (a) where that person is shown, by evidence which the Minister may deem sufficient, to be

- (i) a person incapable of supporting himself and his dependants;
- (ii) a person of unsound mind or a mentally defective person;
- (iii) a prostitute, procurer or person living on the prostitution of others;
- (iv)

(a) a person whom, for medical reasons, it is undesirable to allow to remain in Sri Lanka;

(b) where that person has been convicted in Sri Lanka or in any other country and has not received a free pardon in respect of an offence for which a sentence of imprisonment has been passed and, by reason of the circumstances connected therewith, is deemed by the Minister to be an undesirable person to be allowed to remain in Sri Lanka;

(c) where that person has been sentenced outside Sri Lanka for an extraditable offence within the meaning of any law which was or is in force in Sri Lanka relating to fugitive persons and their extradition;

(d) where the Minister deems it to be conducive to the public interest to make a deportation order against that person.

(2) An order made under this section may be made subject to such terms and conditions as the Minister may think, proper.

(3) A person with respect to whom a deportation order is made shall leave Sri Lanka in accordance with the order, and shall thereafter so long as the order is in force remain out of Sri Lanka.

(4) A person with respect to whom a deportation order is made may be detained in such manner as may be directed by the Minister, and may be placed on a ship about to leave Sri Lanka.

(5) The master of a ship about to call at any port outside Sri Lanka shall, if so required by the Minister or by an authorized officer, receive a person against whom a deportation order has been made and his dependants, if any, on board the ship, and afford that person and his dependants a passage to that port and proper accommodation and maintenance during the passage.

(6) Any powers conferred by an order made by the Minister under this section may be exercised, in relation to any person, notwithstanding that such person is serving a sentence of imprisonment imposed by a court under this Act, or under any other law.

Money and property of persons deported may be applied in payment of costs and charges.

32. Where a deportation order is made in the case of any person, the Minister may, if he thinks fit, apply any money or property of that person in payment of the whole or any part of the costs and charges incurred by the Government in respect of that person.

PART VII

DEPARTURE OF PERSONS FROM SRI LANKA

Application of Part VII.

33. This Part shall apply to every person unless, by virtue of any order under Part i for the time being in force, that person is exempted from the provisions of this Part.

Persons to leave Sri Lanka from approved ports of departure.

34. No person to whom this Part applies shall leave Sri Lanka from any place other than an approved port of departure.

Passports required for departure from Sri Lanka.

35. No person to whom this Part applies shall-

(a) if he is a citizen of Sri Lanka, leave Sri Lanka unless he has in his possession a Sri Lanka passport; or

(b) if he is not a citizen of Sri Lanka, leave Sri Lanka unless he has in his possession a valid passport;

Provided, however, that any person to whom this Part applies and who belongs to any prescribed class or description of persons, shall not be deemed to contravene the preceding provisions of this section if he leaves Sri Lanka under the authority of a certificate in the prescribed form and issued to him by a prescribed officer.

(1) For the purpose of controlling the departure from Sri Lanka of persons to whom this Part applies, regulations may be made for or in respect of all or any of the following matters:

- (a) all matters stated in this Part to be prescribed;
- (b) the authority or authorities by whom Sri Lanka passports are to be issued or renewed;
- (c) the making of applications for the issue or renewal of Sri Lanka passports, the form of such applications and the particulars to be entered therein,
- (d) the issue, refusal, renewal, cancellation and suspension of such passports, whether in the absolute discretion of the prescribed authority or in the prescribed circumstances;
- (e) the terms and conditions to be attached to such passports (including such terms and conditions as the Minister may deem necessary in the public interest);
- (f) the form of such passports and the particulars to be entered therein;
- (g) the furnishing, as a condition precedent to the issue or renewal of such passports to persons to whom this Part applies and who are citizens of Sri Lanka, of security for the repayment to the Government of any expenses that may be incurred by the Government in connexion with the repatriation of such persons, the manner in which such security shall be furnished, whether by deposit of money or by hypothecation of immovable property or otherwise, the person or persons by whom such security shall be furnished and the disposal of the security so furnished ;
- (h) the imposition, recovery and disposal of fees in respect of the issue or renewal of such passports;
- (i) the prohibition, regulation and control of the departure from Sri Lanka of persons to whom this Part applies, and who are citizens of Sri Lanka, for the service of any foreign state in any capacity whatsoever; the terms and conditions subject to which such persons may be allowed to depart from Sri Lanka for the purpose aforesaid (including such terms and conditions as the Minister may deem necessary in the public interest);
- (j) the prohibition of the departure from Sri Lanka of such persons when recruited for employment as labourers outside Sri Lanka, unless the recruitment of such persons has been carried out in accordance with such terms and conditions as may be laid down in the regulations;
- (k) the exemption, either unconditionally or subject to such terms and conditions as may be prescribed, of any person belonging to any such class or description of persons as may be prescribed, from all or any of the provisions of such regulations;

(l) all matters incidental to or connected with the matters and subjects referred to in this subsection.

(2) For the purposes of this section, " foreign state" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province or people beyond the limits of Sri Lanka.

PART
VIII

GENERAL

Identification of persons entering and leaving Sri Lanka.

37.

(1) Every person entering or leaving Sri Lanka shall furnish to any authorized officer such information as that officer may require for the purpose of ascertaining whether that person is or is not a citizen of Sri Lanka.

(2) The master of any ship arriving at any place in Sri Lanka shall detain on board any passenger in, or member of the crew of, the ship until an authorized officer has examined the passenger or member of the crew for the purpose of ascertaining whether he is or is not a citizen of Sri Lanka.

Identification of persons.
[3, 68 of 1961]

38. For purposes of this Act it shall be lawful for any person authorized by the Controller, or for a police officer not below the rank of a sergeant, or for an authorized member of the Forces not below the rank of a corporal or leading seaman, to take all such steps as may be reasonably necessary for photographing, measuring, fingerprinting and otherwise identifying

(a) any person who is not a citizen of Sri Lanka. or

(b) any person who is suspected or alleged to have committed an offence under this Act.

Power of authorized officers to enter and board ships.

39. Every authorized officer is hereby empowered to enter or board any ship, and to detain and examine any person arriving in or leaving Sri Lanka, and to require the production of any documents by such person.

Controller, & c. deemed to be peace officer officers.

40. The Controller, the Deputy Controller, every Assistant Controller and every authorized officer shall be deemed to be a peace officer within the meaning of the Code of Criminal Procedure Act for the purpose of exercising any power conferred upon a peace officer by that Act.

Persons detained deemed to be in legal custody.

41. Any person who is detained in the exercise of any powers conferred by or under this Act shall, while so detained, be deemed to be .in legal custody.

Returns as to passengers and members of crews of ships.

42.

(1) The master of every ship entering or leaving any port in Sri Lanka shall, upon demand made by any authorized officer, furnish to such officer a return containing the prescribed particulars relating to

(a) the passengers embarking on or disembarking from that ship at that port; or

(b) the members of the crew of that ship.

(2) Each passenger in, and each member of the crew of, a ship shall furnish to the master of that ship any information in his possession which is required of him by such master for the purpose of furnishing a return under subsection (1).

(3) The owner, or agent of the owner, of every ship which departs from any port in Sri Lanka shall, if the Controller so requires, furnish to the Controller a list, in such form as may be prescribed for the purpose, of all the members of the crew and of all the passengers who left Sri Lanka in such ship.

Expenses of administration of Act.

43. All expenses incurred in the administration of this Act shall, except in so far as they are defrayed as provided by or under this Act, be payable out of moneys provided by Parliament for the purpose.

Proof of instruments, made or issued by Minister.

44.

(1) Every document purporting to be an order, direction, instruction, permit or other instrument, made or issued by the Minister in pursuance of any provision contained in, or having effect under, this Act, and to be signed by him or on his behalf, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by him.

(2) Prima facie evidence of any such instrument as aforesaid may in any legal proceedings be given by the production of a document purporting to be certified to be a true copy of the instrument by, or on behalf of, the Minister.

Offences.

45.

[4, 68 of
1961]

[2,16 of
1993]

[2,42 of
1998]

(1) Any person who

(a) enters or remains in Sri Lanka in contravention of any provision of this Act or of any order or regulation made thereunder;

(b) leaves Sri Lanka in contravention of any provision of this Act or of any order or regulation made thereunder;

(c) in reply or in relation to the Minister, or any authorized officer, or other person lawfully acting in the execution of the provisions of this Act or of any order or regulation made thereunder, makes or causes to be made any false return, false statement or false representation ;

(d) forges, alters or tampers with any passport, whether issued in Sri Lanka or elsewhere, or any visa or endorsement thereon;

(e) forges, alters or tampers with any certificate;

(f) without lawful authority uses or has in his possession any forged, altered or irregular passport, or any passport with any forged, altered or irregular visa or endorsement;

(g) without lawful authority uses or has in his possession any forged, altered or irregular certificate;

(h) obstructs or impedes any person in the exercise of his powers and duties under this Act or under any regulation or order made thereunder;

(i) being the holder of a travel document, residing outside Sri Lanka, dispatches or transmits such travel document to a person residing in Sri Lanka, through the post or through another person, without the prior approval in writing of the Controller ;

(j) being the holder of a travel document, residing in Sri Lanka, dispatches or transmits such travel document to a person residing in any country outside Sri Lanka, through the post or through another person, without the prior approval in writing of the Controller;

(k) has in his possession, more than one travel document for the time being in force, issued to him ;

(l) being in possession of a travel document issued to him, and for the time being in force, applies for the issue of a travel document;

(m) without lawful authority, has in his possession a travel document of any other person ;

(n) during the pendency of an order under section 51c, impounding a travel document issued to such person, applies for the issue of another travel document;

[2, 31 of 2006] (o) otherwise contravenes or fails to comply with any provision of this Act or of any regulation or order made thereunder, shall be guilty of an offence under this Act and shall on conviction be liable, in the case of an offence under paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) or paragraph (e) or paragraph (f) or paragraph (g), paragraph (h), paragraph (i), paragraph (j), paragraph (k), paragraph (l), paragraph (m), paragraph (n) and paragraph (o), , to imprisonment of either description for a term not less than one year and not more than five years and to a fine not less than fifty thousand rupees and not more than two hundred thousand rupee, and in the case of an offence under paragraph (h) or paragraph (i) or paragraph (j) or paragraph (k) or paragraph (l) or paragraph (m) or paragraph (n) or paragraph (o), to imprisonment of either description for a term not less than six months and not more than five years and to a fine not less than fifty thousand rupees and not more than two hundred thousand rupees.

[4,68 of 1961] (2) Any person who attempts to commit, or does any act preparatory to the commission of, or aids or abets the commission of, an offence under subsection (1) shall be guilty of an offence under this Act and shall on conviction be liable to the same punishment as if he had been guilty of an offence and been convicted under subsection (1).

[4,68 of 1961] (3) No prosecution for an offence under this Act shall be instituted except by the Controller or by a police officer of a rank not below that of Assistant Superintendent or with the written sanction of the Controller or such police officer.

(4) The judgment of any court (against which no appeal has been preferred or which has been confirmed in appeal) convicting any person of the offence of entering or remaining in Sri Lanka in contravention of any provision of this Act or of any order or regulation made thereunder shall, notwithstanding anything to the contrary in the Evidence Ordinance, be admissible, in any prosecution for any other offence under this Act which may be instituted against the person so convicted or any other person, as proof of such conviction; and thereupon it shall be presumed that the person so convicted entered or remained in Sri Lanka in contravention of such provision, unless the accused in such prosecution proves that the person so convicted

- (a) is a person to whom Part III of this Act does not apply ; or
- (b) entered Sri Lanka, or remained in Sri Lanka, as the case may be, in conformity with such provision; or
- (c) was in Sri Lanka prior to the appointed date and did not thereafter leave Sri Lanka; or
- (d) was born in Sri Lanka on or after the appointed date and did not thereafter leave Sri Lanka.

(5) In this section, the expression " travel document" means a Sri Lanka passport, or an emergency certificate or identity certificate issued under the Immigrants and Emigrants Regulations, 1956.

(6) Notwithstanding anything in the Code of Criminal Procedure Act, No. 15 of 1979 -

[2, 31 of 2006] (a) the provisions of section 303 of that Act shall not apply in the case of a person who is convicted ;

(b) the provisions of section 306 of that Act shall not apply in the case of a person who pleads or is found guilty, by or before any court, of any offence under subsection (1) or subsection (2).

Offences of bringing persons into Sri Lanka in contravention of Act, & c.

45A.

[5, 68 of 1961]

(1) Any person who

(a) brings any other person into Sri Lanka by any means whatsoever, knowing that the entry into Sri Lanka of that other person is or would be in contravention of any provision of this Act or of any order or regulation made thereunder;

(b) conceals or harbours any other person in any place whatsoever, or transports any other person or causes any other person to be transported by any means whatsoever, knowing that such other person has entered Sri Lanka or is remaining in Sri Lanka in contravention of any provision of this Act or of any order or regulation made thereunder; or

(c) employs any other person, knowing that such other person has entered Sri Lanka or is remaining in Sri Lanka in contravention of any provision of this Act or of any order or regulation made thereunder, shall be guilty of an offence under this Act and shall on conviction be liable to rigorous imprisonment for a term of not less than two years and of not more than five years.

(2) Any person who

(a) attempts to commit or aids or abets the commission of an offence under subsection (1), or

(b) does any act preparatory to the commission of an offence under paragraph (a) or paragraph (b) of subsection (1), shall be guilty of an offence under this Act and shall on conviction be liable to rigorous imprisonment for a term of not less than two years and of not more than five years.

(3) Where a person is charged with an offence under subsection (1) or subsection (2), it shall be presumed that he acted knowing that the entry of that other person into Sri Lanka was or would have been, or that the other person had entered Sri Lanka or was remaining in Sri Lanka, as the case may be, in contravention of a provision of this Act or of any order or regulation made thereunder, and the burden of rebutting the presumption of such knowledge shall lie upon the person so charged.

(4) For the purpose of every prosecution under paragraph (c) of subsection (1) of this section, a person alleged to have entered Sri Lanka or to be remaining in Sri Lanka in contravention of any provision of this Act or of any order or regulation made thereunder,

(a) who is in the service of a body of persons shall

(i) where the body of persons is a body corporate, be deemed to be employed by the manager, secretary and every director of that body corporate, and

(ii) where the body of persons is a firm, be deemed to be employed by every partner of the firm, unless such manager, secretary, director or partner, as the case may be, proves, having regard to the nature of his functions and to all the circumstances, that such person was employed without his knowledge ; and

(b) who is in the service of a business registered under the Business Names Ordinance, shall, as regards every individual, every firm and every body corporate registered under that Ordinance in respect of that business, be deemed to be employed by such individual, every partner of such firm and every manager, secretary and director of such body corporate, unless such individual, partner, manager, secretary or director, as the case may be, proves, having regard to the nature of his functions and all the circumstances, that such person was employed without his knowledge.

Presumption with regard to certain certificates.

[5,68 of 1961]

45B. If in any prosecution for any offence under this Act there is produced a certificate issued by a police officer of a rank not below that of an Assistant Superintendent to the effect that he believes any person named in the certificate to be a person who has entered or remained in Sri Lanka in contravention of any provision of this Act or of any order or regulation made thereunder, it shall be presumed that the person so named entered or remained in Sri Lanka in contravention of such provision, unless it is proved by the accused that the person so named

- (a) is a person to whom Part III of this Act does not apply ; or
- (b) entered Sri Lanka, or remained in Sri Lanka, as the case may be, in conformity with such provision; or
- (c) was in Sri Lanka prior to the appointed date and did not thereafter leave Sri Lanka; or
- (d) was born in Sri Lanka on or after the appointed date and did not thereafter leave Sri Lanka.

Facilitating persons to leave Sri Lanka.

[3, 31 of 2006]

45C.

(1) Any person, who-

- (a) organizes one or more persons to leave Sri Lanka in contravention of any of the provisions of this Act ; or
- (b) attempts or does any act preparatory to, or aids and abets any other person to, so organize under paragraph (a),

shall be guilty of an offence.

(2) Any person guilty of an offence under subsection (1) shall, upon conviction by a Magistrate, be liable to imprisonment of either description for a term not less than one year and not more than five years.

(3) In this section, the expression "organize", with its grammatical variations, includes-

- (a) the recruitment of a person on a promise of securing employment outside Sri Lanka ;
- (b) knowingly making false promises of employment in a foreign country or making any false representation or disseminating misleading information with the intention of inducing persons to leave Sri Lanka for foreign employment ;
- (c) soliciting pecuniary benefits from persons whether or not any such benefit was realized ;
- (d) the transportation of persons by sea, land or any other manner without obtaining valid travel documents ;
- (e) receiving and harbouring persons whether in Sri Lanka or in a foreign country."

Offences to be cognizable and to be triable by Magistrate.

46. All offences under this Act shall be cognizable offences for the purpose of the application of the provisions of the Code of Criminal Procedure Act, notwithstanding anything contained in the First Schedule of that Act, and shall be triable summarily by a Magistrate. It shall be lawful for such Magistrate to impose any punishment prescribed by this Act, notwithstanding that such punishment exceeds the limits of his ordinary powers of jurisdiction.

Certain offences to be non-bailable.

47.

[6, 68 of 1961]

(1) Notwithstanding anything in any Other law -

[3,42 of 1998]

[4, 31 of 2006]

(a) every offence committed by persons to whom the provisions of Part III of this Act apply-

- (i) under paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e), paragraph (f) or paragraph (g) of subsection (1) of section 45 ; and
- (ii) under subsection (2) of section 45 in so far as it relates to paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e), paragraph (f) or paragraph (g) of subsection (1) of that section ;";

(b) every offence under subsection (2) of section 45 in so far as it relates to paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) or paragraph (e) or paragraph (1) or paragraph (g) of subsection (1) of that section.

(2) Notwithstanding other law

(a) every offence under paragraph (c) of subsection (1) of section 45A, and

(b) every offence under paragraph (a) of subsection (2) of section 45A, in so far as it relates to paragraph (c) of subsection (1) of that section, shall be non-bailable.

Granting of bail. **47A.**
[5, 31 of 2006]

(1) Notwithstanding anything in any other law, no person accused of an offence under section 45c shall be enlarged on bail except by a High Court upon proof of exceptional circumstances.

(2) Where there is no express provision made in respect of the granting of bail for an offence under this Act, bail shall be granted by a Magistrate.

(3) Notwithstanding anything to the contrary in any other law, the application of the provisions of this section shall extend to every person who is in remand on the date of coming into operation of this section."

Detention of persons suspected of or charged with commission of offence under section 45(1) (a).
[7,68 of 1961]

48. Where any person is suspected of the commission of an offence under paragraph (a) of subsection (1) of section 45, it shall be lawful, notwithstanding anything in any other written law, for the Controller or any police officer of a rank not below that of an Assistant Superintendent, to authorize in writing the detention of that person in any place of detention approved by the Minister for the purpose of this section, until that person has established his innocence or an order is made against that person by the Minister in terms of section 28 (2);

Provided that if such person remains in custody at the expiry of a period of two weeks from the date on which he was first taken into custody, he shall be produced forthwith before a Magistrate who shall make such order as he deems appropriate.

Burden of proof.

49. Where, with reference to any proceedings under this Act or under any regulation, order, direction, instructions or other instrument made or issued thereunder or with reference to anything done or proposed to be done under this Act or any such regulation, order, direction, instructions or other instrument, it is alleged by any person

(a) that he is not a citizen of Sri Lanka; or

(b) that he belongs to any particular class or description of persons who are not citizens of Sri Lanka; or

(c) that he is a citizen of Sri Lanka; or

(d) that he belongs to any particular class or description of persons who are citizens of Sri Lanka; or

(e) that he is a national of any particular country. the burden of proving that fact shall, notwithstanding anything in the Evidence Ordinance, lie upon that person.

Power to search any ship of arrest
[8,68 of 1961]

50. It shall be lawful for any police officer irrespective of rank, or any authorized member of the Forces not below the rank of a corporal or leading seaman, to search any ship (not being an aircraft) in the territorial waters of Sri Lanka, and to arrest and take into custody any person on board such ship who is suspected of the commission of any offence under section 45 (1) (a), section 45 (2) in so far as it relates to section 45 (1) (a), or section 45A.

Seizure and detention by police, authorized members of the Forces or authorized officers, of vehicles, & c, suspected of being used in the commission of offences under section 45A(1) (a) or section 45A(1) (b).

[9, 68 of 1961]

51.

(1) Where any police officer irrespective of rank, or any authorized member of the Forces not below the rank of a corporal or leading seaman or any other officer authorized by regulation to exercise the powers conferred by this section has reason to believe that any vehicle, vessel or other means of transport has been used in, or in connexion with, the commission of any offence referred to in paragraph (a) or paragraph (b) of subsection (1) of section 45A, he may seize and detain such vehicle, vessel or means of transport, together with any equipment and accessories thereof.

[9,68 of 1961]

(2) Any vehicle, vessel or other means of transport or equipment or accessories seized under subsection (1) shall, as soon as possible, be produced before or made available for inspection by a Magistrate's Court of competent jurisdiction by the officer making the seizure or, where such officer is an authorized member of the Forces, by any police officer, and the court shall thereupon make such order as it may deem fit relating to the custody of the things so seized pending their disposal under subsection (3).

(3) Any vehicle, vessel or other means of transport or equipment or accessories seized under subsection (1) from the possession of any person

[9,68 of 1961]

(a) shall be returned to that person forthwith upon the expiration of six weeks after the seizure, unless a prosecution for the alleged offence is instituted before the end of that period; or

(b) shall be returned to that person forthwith after the final determination of the prosecution, unless duly declared to be forfeited to the State or ordered to be destroyed under subsection (4).

[9,68 of 1961]

4. Where any vehicle, vessel or other means of transport or equipment or accessories, produced before or made available for inspection by a Magistrate's Court under subsection (2), is proved to have been used in, or in connexion with, the commission of an offence under paragraph (a) or paragraph (b) of subsection (1) of section 45A, such court shall make order for the forfeiture to the State or for the destruction of such vehicle, vessel or other means of transport or equipment or accessories.

Proceedings
under the Act to
have priority in
court.

[10, 68 of 1961]

51A.

(1) The proceedings in any court in respect of an offence alleged to have been committed by any person under this Act shall have priority over all other business of that court, except when circumstances render it necessary for such other business to be disposed of earlier.

(2) Where the trial of a person accused of an offence under this Act cannot be concluded on the day of commencement, such trial shall be continued on the working day immediately following, except where circumstances render such continuation impracticable or render it necessary for other business to be disposed of on the working day immediately following.

Evidence, in
connexion with
certain offences,
of a person about
to leave the
Island.

[10,68 of 1961]

51B.

(1) Where any person is accused of an offence under section 45 (1) (a), or section 45 (2) in so far as it relates to section 45 (1) (a), or section 45A, any other person who is about to leave the Island may, if he so desires, make a sworn or affirmed statement in connexion with the offence before a Justice of the Peace, or a police officer not below the rank of an Assistant Superintendent of Police, in the presence of the person accused of the offence.

(2) The Justice of the Peace or the police officer before whom the statement is made under subsection (1) shall

(a) record such statement,

(b) read over such statement in the presence of the accused to the person making the statement,

(c) explain the statement to the accused,

(d) afford the accused full opportunity of asking any questions relevant to the statement from the person making the statement,

(e) record such questions, together with the answers given by the person making the statement,

(f) secure the signature of the person making the statement to the record of the statement, and

(g) certify, if such be the case, that the requirements of this section have been complied with.

(3) Any Justice of the Peace, or police officer not below the rank of an Assistant Superintendent of Police, is hereby empowered and required

(a) to administer an oath or affirmation, in manner authorized for witnesses under the Oaths Ordinance, to any person desiring to make a statement in accordance with this section, and

(b) thereafter to take proceedings under the provisions of subsection (2).

(4) A statement purporting to be certified under this section may, notwithstanding the provisions of any other law, be produced in court and given in evidence against any person accused of any offence under section 45 (1) (a), or section 45 (2) in so far as it relates to section 45 (1) (a), or section 45A, and shall be prima facie evidence of the facts therein stated,

Court may impound travel document to procure attendance of accused, suspect or witness.

[3,16 of 1993]

51C.

(1) Whenever in any proceeding in respect of any offence under any law it appears to the court that the attendance of an accused or suspect or the examination of a witness is necessary, it may, impound any travel document issued to such accused, suspect or witness, as the case may be, and for the time being in force, for such period as it may deem necessary to procure the attendance of such accused, or suspect or the examination of such witness. A court making an order under this section impounding a travel document issued to any person shall cause a copy of such order to be transmitted to the Controller.

(2) In this section, the expression " travel document" means a Sri Lanka passport, or an emergency certificate or identity certificate issued under the Immigrants and Emigrants Regulations, 1956.'

Regulations.

52.

(1) The Minister may make all such regulations as may be necessary for the purpose of carrying out the provisions or giving effect to the principles of this Act.

(2) In particular and without prejudice to the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :

- (a) all matters stated in this Act to be prescribed ;
- (b) all matters in respect of which regulations are required or authorized to be made under this Act;
- (c) the classes or description of persons, other than those specified in section 2 (1), to whom exemption may be granted from any of the provisions of this Act;
- (d) the extent to which and the terms, conditions or restrictions subject to which such exemption may be granted (including such terms, conditions or restrictions as the Minister may deem necessary in the public interest in any special circumstances);
- (e) the examination of any person, and the production, inspection and stamping of any document, for the purposes of this Act; and
- (f) the taking of ringer-prints from any person or from persons of any class or description specified in the regulations for the purposes of this Act.

(3) No regulation shall have effect until that regulation has been approved by Parliament. Notification of such approval shall be published in the Gazette.

(4) Upon the publication in the Gazette of the notification of the approval of any regulation, that regulation shall be as valid and effectual as if it were herein enacted.

Act not to apply to Journey between places in Sri Lanka.

53. Nothing in this Act or in any regulation, order, direction, instructions or other instrument made or issued under this Act shall be deemed or construed to prohibit or restrict in any manner whatsoever the entry into or departure from any place in Sri Lanka of any person on a Journey by ship from or to, as the case may be, any other place in Sri Lanka if that ship has not called or will not call at any place outside Sri Lanka in the course of his journey by that ship.

Interpretation.

54.

(1) In this Act, unless the context otherwise requires

"appointed date" means the 1st day of November, 1949;

" Assistant Controller " means any person appointed under section 4 to be or to act as an Assistant Controller of Immigration and Emigration;

" authorized officer" means any person appointed under section 4 to be or to act as an authorized officer;

" citizen of Sri Lanka " means a citizen of Sri Lanka under any law for the time being in force ;

" Controller" means the person appointed under section 4 to be or to act as the Controller of Immigration and Emigration;

" costs and charges ", in relation to any person who is not a citizen of Sri Lanka, means any money expended out of public funds for securing or facilitating the departure therefrom of such person, and includes

- (i) any money expended out of public funds for his relief, maintenance, care or treatment; and
- (ii) the expenses of any such relief, maintenance, care or treatment in any hospital, alms-house or other institution for the relief of sick or destitute persons which is maintained out of public funds or by any charitable institution to the support of which the Government contributes;

" dependant" means a person who is wholly and directly dependent for maintenance and support upon any other person and is related to such other person as being

- (a) his wife ; or
- (b) his or his wife's parent or grandparent; or
- (c) his or his wife's daughter, granddaughter, sister or niece, who is either unmarried or a widow or divorced ; or
- (d) his or his wife's son, grandson, brother or nephew, who is under the age of twenty-one years or being over that age, is permanently disabled and incapable of supporting himself;

" Deputy Controller " means the person appointed under section 4 to be or to act as the Deputy Controller of Immigration and Emigration;

" endorsement " means an endorsement granted under Part III of this Act;

" holder", in relation to any visa, means the person to whom such visa is granted or issued;

"master ", in relation to a ship, means the person, for the time being, in charge, command or control of that ship;

" member of the crew ", in relation to a ship, means any person employed in the working or service of that ship;

" passenger " means any person travelling or seeking to travel on board a ship who is not a member of the crew of the ship;

" peace officer" has the same meaning as in the Code of Criminal Procedure Act;

" ship" means anything made for the conveyance by water of human beings or of property;

" Sri Lanka" includes the territorial waters of Sri Lanka;

" territorial waters of Sri Lanka " means the territorial waters as determined by the Maritime Zones Law;

" valid passport", in relation to any person who is not a citizen of Sri Lanka, means a passport or other document of identity having the characteristics of a passport

- (a) which was issued to him by or on behalf of any Government recognized by the Government of Sri Lanka;
- (b) which contains a personal description sufficient to identify him and to which is attached his photograph; and
- (c) which is for the time being in force;

"visa" means a visa granted under regulations made under this Act.

(2) Any reference in this Act or in any regulation, order, direction, instructions or other instrument made or issued thereunder to a ship or a port shall be deemed to include a reference to an aircraft or an aerodrome.

[11,68 of
1961]

(3)

(a) A person who arrives at any aerodrome in Sri Lanka on board any aircraft shall not be deemed, for the purposes of this Act, to enter Sri Lanka or to be brought into Sri Lanka until that person leaves the aerodrome otherwise than by that aircraft.

(b)

(i) A person who enters the territorial waters of Sri Lanka on board any ship (not being an aircraft) as a passenger in transit, shall not be deemed, for the purposes of this Act, to enter Sri Lanka or to be brought into Sri Lanka until that person leaves the ship.

(ii) " Passtiigei m transit" means a passenger who is travelling from a country other than Sri Lanka to a country other than Sri Lanka on board the same ship.

(iii) In any prosecution for an offence under this Act, the burden of proving that a person is a passenger in transit shall lie upon the person so asserting it.

(4) Where by virtue of any order under Part I for the time being in force, any person is exempted from some only of the provisions of any of the foregoing Parts III to VII, each of the provisions of such Part from which he is not exempted shall, in relation to that person, have effect as if for the expression " person to whom this Part applies" there were substituted the expression " person to whom this section applies ".

Construction of Act.

55. The provisions of this Act shall be in addition to and not in derogation of the provisions of the Customs Ordinance, the Quarantine and Prevention of Diseases Ordinance or of any other written law relating to the entry of persons into, and departure of persons from, Sri Lanka;

Provided, however, that in the event of any conflict or inconsistency between the provisions of this Act and of any such Ordinance or other written law, the provisions of this Act shall prevail.

Savings, & c.

57.

(1) Notwithstanding the repeal, rescission, or amendment of any provision of written law relating to permanent residence permits and temporary residence permits, any such permit issued before the 6th day of June, 1955, and in force on the day immediately preceding that date shall continue in force after that date for the duration of such permit and shall thereafter cease to have effect; and the provisions of written law applicable to such permits before such date shall apply to such permits after that date during the period of the validity of such permits in like manner as they were applicable before that date.

(2) Subsection (3) of section 6 of the Interpretation Ordinance shall apply in the case of any amendment which has the effect of omitting any provisions of written law relating to permanent residence permits and temporary residence permits in like manner as that subsection applies in the case of any repeal. (* Section 56 is omitted, as it contains only transitional provisions.)

Top