

Law on the Entry and Residence of Aliens

CHAPTER ONE Title and Definitions

Article (1):

This Law shall be called the Law on the Entry and Residence of Aliens.

Article (2):

The following shall have, wherever they may occur in the text, the meaning stated hereby against them, unless the context indicates otherwise:

- The Ministry: The Ministry of the Interior and Security.
- The Minister: The Minister of the Interior and Security.
- The Department: The Department of Immigration, Nationality, and Passports.
- The Officer in Charge: Anyone entrusted with one of the functions of the Department.
- A Minor: Anyone under eighteen years of age.
- An Adult: Anyone over eighteen years of age.
- An Alien: Anyone who does not passes Yemeni Nationality.
- An Entry Visa: Approval of the entry of an alien into the Territory of the Yemeni Republic, stamped on his passport by a Yemeni Consul or by someone acting on his behalf or by any party authorized for the purpose by the Government of the Republic.
- Deportation: The return, by decision of the competent authority, to beyond the borders, of any alien who has entered the Territory of the Republic illegally.
- Resident Document: The Document issued by a competent Yemeni authority, authorizing an alien to reside in the Territory of the Yemen Republic.
- Expulsion: Request made by the competent authority to an alien residing legally in the Territory of the Republic to leave.
- Exit Visa: Agreement by the competent authority for an alien to leave the territory of the Republic stamped in his passport.

CHAPTER TWO Entry of Aliens

Article (3):

No alien may enter the territory of the Republic unless he holds a valid passport issued by the competent authority in his country or a substitute document, issued by that authority, which entitles its holder to return to his country. The passport or the document shall be stamped with the authorization to enter. The entry visa shall be affixed on passports by the Directorate of the Department or by any other authority empowered by the government of the Republic for that purpose.

Article (4):

The Minister of the Interior may sign decisions exempting the subjects of some Arab and other countries from the entry visa requirement on condition of reciprocity and after the approval of the Council of Ministers-

Article (5):

The by-laws shall detail the conditions and requirements to be followed by aliens prior to leaving the territory of the Republic together with ways of obtaining the necessary authorization. The by-laws shall detail the terms of granting the authorization, the authority in charge of granting it, its validity and fees payable for obtaining it, and cases of exemption from it.

Article (6):

No alien may enter or leave the territory of the Republic except from a port of entry determined by a decision from the Minister. The Officer in charge shall stamp the passport or the substitute travel document to indicate entry or departure as the case may be.

Article (7):

A decision to be signed by the Minister of the Interior following coordination with the Foreign Minister shall detail the kinds of visas to be issued, their terms of validity, the conditions and procedures for their issue, the authorizations empowered to grant them, exemptions from the visas themselves, and cases of partial or total exemption of fees levied on these visas.

Article (8):

Captains of ships and aircraft, or the institutions to which they belong, shall, upon arrival in or departure from territories of the Republic, submit to the officer in Charge a list of the crew and passengers aboard their craft and other relevant information. They shall report to the competent authorities the names of those who hold no passports, or hold faulty or expired passports and shall prevent them from disembarking or embarking.

CHAPTER THREE The Registration of Aliens

Article (9):

An alien shall, after his entry to the territory of the Republic, present himself to the Alien Registration Office or to the Police station in the area in which he resides and shall make a declaration in writing concerning his personal status and the purpose of his visit. The Internal Regulations shall spell out the procedures, conditions, deadlines, and other data required.

Article (10):

Aliens with the residence permits provided for in Article (17) shall be exempted from the terms of the preceding Article upon their return to the Republic provided their absence abroad has not exceeded six consecutive months.

Article (11):

An alien shall, prior to changing his place of residence in the Republic, report his new address to the Aliens Registration Office or to the Police station concerned. In case he moves to another area within the Republic, he shall present himself within 48 hours from his arrival, to the Aliens Registration Office or the police station concerned in the area to which he has moved and report his new address. Exempted from this provision are aliens resident on a tourist visa for a period determined by the Internal Regulations.

Article (12):

An alien may be exempted from the requirement of presenting himself in person in accordance with Article (9) above for considerations of international Courtesy or for acceptable reasons. In such cases, the declaration shall be made in writing on the official form and shall be delivered to the Aliens Registration Office within the period specified in the Regulations.

Article (13):

Managers of hotels and similar establishments and whoever provides accommodation or lets lodgings to an alien are bound to report the name and address of the alien to the Alien Registration office or the police station in the area concerned within 48 hours of the arrival of the alien. They shall also report the departure of the alien within 48 hours of the event.

Article (14):

Aliens shall, during their residence in the Republic, present their passports or substitute documents along with other papers and data, and present themselves, whenever so requested, to the Head of the Department or to its offices or to the police station concerned on the dates set for them. They shall report any loss or destruction of their passports or documents to the police station within 48 hours of the actual loss or destruction. They shall carry their travel documents and residence permits whenever they move from one area to another.

Article (15):

Whoever shall employ an alien shall obtain the prior approval of the Competent Authorities and shall submit to the Aliens Registration Department or the police station in the area of the place of work a declaration on a special form within 48 hours of the entry of the alien into his service. He shall also submit a declaration to the Aliens Registration Office or to the police station within 48 hours of the alien leaving his service.

Article (16):

The Head of the Department, for reasons he finds acceptable, may permit non-compliance with the provisions of Article (9, 11, 14, 15, 17) above

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CHAPTER FOUR The Residence Permit

Article (17):

An alien shall have to have a residence permit. He shall leave the territory of the Republic upon the expiration of his residence period unless he obtains an authorization to stay from the Head of the Department in accordance with the provisions of this law.

Article (18):

With respect to residence, aliens shall be divided into three categories:

- 1-Aliens with special residence permits.
- 2-Aliens with ordinary residence permits.
- 3-Aliens with temporary residence permits.

Article (19):

Aliens with special residence permits are:

- a) Those aliens who shall have been resident in the Republic for twenty consecutive years prior to the entry of this law into force and who have entered its territory legally.
- b) Those aliens who shall have been resident for more than five consecutive years prior to the entry of this law into force, who have entered its territory legally, who are undertaking work beneficial to the national economy or rendering scientific, cultural, or artistic services to the country. A Decision by the Minister of the Interior shall determine these services.
- c) Those scholars, writers, artists, industrialists, and businessmen who are rendering great services to the Country. A Minister of the Interior decisions shall handle such cases. They shall be granted permits to stay for ten year periods which are renewable upon request, unless they happen to be among the cases provided for in Article (31) below. Persons benefiting from the residence permit shall be the person concerned himself, his minor children living with him until they obtain the age of eighteen, as well as his wife provided she has been legally resident in the Republic for two years after reporting the marriage to the Head of the Department and provided the marriage is still standing.

Article (20):

Aliens with ordinary residence are those who shall have been resident in the Republic for fifteen consecutive years prior to the entry of this law into force, and who have entered the country legally. Aliens in this category shall be allowed to stay for renewable periods of five years.

Article (21):

The Internal Regulations of this law shall determine the terms, procedures and periods of residence for the foreign wives of Yemeni nationals as well as foreign husbands of Yemeni women nationals. It shall also determine the effects arising from marriage.

Article (22):

Aliens with temporary residence are those to whom the terms and provisions of the two previous articles do not apply. Aliens in this category may be granted renewable one year residence permits.

Article (23):

As an exception from the provision of Article (22), the Head of the Department may grant some aliens three year renewable residence permits for reasons connected with the nature of their work as in the case of aliens working for oil and oil by-product companies, and Managers of companies and banks. The terms, conditions and procedures for this shall be determined in the Internal Regulations.

Article (24):

The Internal Regulations shall determine the special procedures for residence permits and the dates set for applying for them.

Article (25):

Aliens falling within the two categories referred to in Articles (19 and 20) may not be absent abroad for more than six months unless they have obtained, prior to their departure or before the lapse of this period, a permission from the Head of the Department for reasons he finds acceptable. Absence abroad may not exceed two years. Non-compliance with the above provisions shall make the alien liable to losing the right to residence granted to him. Exempted shall be those aliens absent abroad to attend foreign schools, institutes, and Universities or on military service provided they submit proof thereof.

Article (26):

None in the categories referred to in Articles (19 and 20) above may be absent for the purposes exempted in the preceding article without prior authorization from the Head of the Department.

Article (27):

The Minister of the Interior and Security shall decide on the form and status of travel documents given to certain categories of aliens and refugees, on conditions and procedures for their issue, and on fees to be levied on them, and cases qualifying for total or partial exemption from the payment of such fees.

Article (28):

A decision by the Minister of the Interior shall determine the rules and procedures for the inclusion on a special list, or the removal thereof of the names of those banned from entering the territory of the Republic. The Decision shall also determine the special committees charged with final decisions on such matters which are not enforceable except after endorsement by the Minister.

Article (29):

The Minister of the Interior shall issue a Decision determining the form and status of residence permits and forms provided for in this Law together with the data required in the forms and declarations.

CHAPTER FIVE Expulsion

Article (30):

The Minister of the Interior and Security may decide to expel any alien upon the approval of the Council of Ministers.

Article (31):

No alien enjoying special residence status may be expelled unless it is established that his presence poses a threat to the internal and external security and safety of the state or to its national economy or to public health or public decency or constitutes a burden on the state.

The Minister of the Interior and Security shall issue the Expulsion decision after referring the matter to the Committee provided for in Article (34).

Article (32):

The Minister of the Interior and Security may order the detention of who ever he decides to expel pending the completion of procedures.

Article (33):

The Minister of the Interior and Security shall issue a decision detailing procedures to be followed with regard to the adoption, announcement and implementation of expulsion decisions.

Article (34):

An Expulsion Committee shall be constituted as follows:

- 1-The concerned at the Ministry of the Interior undersecretary, chairman.
- 2-The Ministry of the Interior undersecretary for Internal Security Member.
- 3-The Head of the Department of Immigration, Passports and Nationality Member.
- 4-The Director General of Legal Affairs at the Interior Ministry Member.

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5-The Director General of Arab and Foreign Affairs at the Department Member and Reporter.

The Committee shall meet at the request of its chairman and its meetings shall be constitutional if attended by the chairman and at least three of its members. Decisions shall be taken by the majority of members present. In case of a tie the chairman will have the casting vote. The committee shall communicate its views to the minister promptly.

Article (35):

The Department shall inform an alien of his expulsion order in writing. The Internal Regulations shall determine the form of notification and the time allowed for departure.

Article (36):

No previously expelled alien may reenter the territory of the Republic without the approval of the Minister of the Interior and Security.

Article (37):

The Department or whoever it authorizes may deport any alien who has entered the territory of the Republic in whatever way.

CHAPTER SIX Exemptions

Article (38):

The provisions on the residence of aliens shall not apply to:

1-Members of the foreign diplomatic and consular corps accredited to the Republic for as long as they are in the service of the country they represent in accordance with the provisions of international law. members of the diplomatic and consular corps not accredited to the Republic shall be treated on the basis of reciprocity.

2-The crew of ships and aircraft arriving in the Republic who holders of maritime or air travel documents issued by the competent authorities to which they belong. Such documents shall be stamped by the passport authorities at posts and airports upon arrival and departure. Such stamps shall not authorize residence beyond the stay of a vessel or aircraft at a port or airport.

3-Passengers aboard vessels or aircraft anchoring or landing at ports or airports in the Republic who are allowed by the competent authorities to disembark and stay for the duration of the stopover of their vessels or aircraft provided the period allowed does not exceed one week. Captains of vessels and aircraft shall, before departure, report any missing passengers and hand over passports to the Immigration Department. If detected after departure, the reporting shall be made by cable detailing names and nationalities of persons remaining behind. The travel documents of such persons shall be sent by the fastest means available from the first port of next call.

4-Subjects of states bordering on the territory of the Republic with respect to entering adjacent border areas provided they obtain special permits designated "Border permits" within the framework of the provisions of the relevant conventions concluded with the neighbouring states concerned.

5-Those exempted by virtue of international conventions which the Republic is party to, within in terms of such conventions.

6-Any others who the Minister of the interior and Security decides to exempt for international courtesy considerations.

CHAPTER SEVEN Penalties

Article (39):

a) Any person who fails to abide by an expulsion order shall be liable for a term of imprisonment for no less than a month and no more than three or a fine of no less than a 1000 ryals and no more than 3000, or both, without prejudice to the expulsion order.

b) Violations of the provision of Article (26) shall be punishable by the termination of the residence permit or by a fine of no more than 3000 ryals.

Article (40):

Non-compliance with the provisions of Article (36) shall be punishable by a term of imprisonment of no less than three and no more than six months without prejudice to any

imprisonment of no less than three and no more than six months without prejudice to any severer punishment provided for in any other laws.

Article (41):

Any person found guilty of making false statements before a competent authority or of wittingly submitting inaccurate documents for the purpose of facilitating his or someone else's entry to, and residence in, the Republic, shall be liable for either a term of imprisonment for no less than one month and no more than six or a fine of no less than 500 ryals and no more than 3000 ryals or both, without prejudice to any severer punishments provided for in any other laws. These penalties shall be doubled in the case of the offenders being subjects of countries in a state of war with the Republic.

Article (42):

Violations of Articles (9,11,12,15,17,21,23 and 25) and of decisions passed in implementation of these articles shall be punishable by terms of imprisonment of no less than one month and no more than six or by a fine of no less than 500 ryals and no more than 3000 or by both.

Article (43):

Without prejudice to any severer penalties provided for in order laws, any person who makes false statements before a competent authority or wittingly submits to it inaccurate documents for the purpose of obtaining for himself or for others an exit visa authorizing him to leave the Republic shall be liable for a term of imprisonment of no less than a month and no more than six or a fine of no less than 500 ryals and no more than 3000 or both.

Article (44):

In addition to the penalties provided for in Articles (3,6, and 17) a decision to expel the alien concerned may be taken.

Article (45):

The Minister of the Interior and Security shall issue the Internal Regulations for this Law.

Article (46):

This Law shall enter into force as of the date of its promulgation and shall be published in the Official Gazette.