

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

*————————*

**IMMIGRATION**

**A**

**BILL**

**to make provisions for controlling the entry into and departure of persons from Sri Lanka; controlling the stay of persons in Sri Lanka who are not citizens of Sri Lanka; for the issue of travel documents; for the repeal of the Immigrants and Emigrants Act (Chapter 351) and the Passport (Regulation) and Exit Permit Act, No. 53 of 1971; and to provide for matters connected therewith or incidental thereto**

*——————*

*Presented by the Minister of Public Securityon 20th of June, 2024*

(Published in the Gazette on June 12, 2024)

*Ordered by Parliament to be printed*

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| **[Bill No. 266]** | *————————* |

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA   
TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

|  |  |  |
| --- | --- | --- |
| 2- | **Price : Rs. 234.00** | **Postage : Rs. 150.00** |
| *This Bill can be downloaded from* www.documents.gov.lk |  |

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| *Immigration* | 1 |

L.D.—O. 31/2018

AN ACTTOMAKEPROVISIONSFORCONTROLLINGTHEENTRYINTOAND

DEPARTUREOF PERSONSFROMSRILANKA; CONTROLLINGTHESTAYOF

PERSONSINSRI LANKAWHOARENOTCITIZENSOFSRILANKA; FORTHE ISSUEOFTRAVELDOCUMENTS; FORTHEREPEALOFTHE IMMIGRANTS AND EMIGRANTS ACT (CHAPTER 351) ANDTHE PASSPORT (REGULATION) AND EXIT PERMIT ACT, NO. 53 OF 1971; ANDTO

PROVIDEFORMATTERSCONNECTEDTHEREWITHORINCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

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| --- | --- | --- |
| 5 | **1.** This Act may be cited as the Immigration Act, No of | Short title |
| 2024. | and dates of |
| operation |
| (2) The provisions of this Act, other than this section, |

shall come into operation on such date or dates as the Minister may appoint by Order published in the *Gazette.* Different dates may be appointed by the Minister for the coming into operation of different Parts or different sections of this Act.

10 (3) The provisions of subsection (2) shall come into force on the date on which this Bill becomes an Act of Parliament.

PART I

PRELIMINARY

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **2.** The objects of this Act shall be – | | Objects of |
| (*a*) | to regulate immigration and emigration in a manner | the Act |

that is consistent with the national interest;

(*b*) to issue and administer the issuance of passports to   
 Sri Lankan citizens as evidence of identity and   
 citizenship of Sri Lanka;

|  |  |  |
| --- | --- | --- |
| 2 | (*c*) | *Immigration* |
| to control entry into Sri Lanka of any person other |

than the citizens of Sri Lanka;

(*d*) to control departure from Sri Lanka of every person;   
and

|  |  |  |
| --- | --- | --- |
| 5 | (*e*) | to supervise the activities of any person who is not |

a citizen of Sri Lanka.

|  |  |  |
| --- | --- | --- |
| **3.** (1) Every person who- | | Power to  exempt from the  provisions of |
| (*a*) | is a member of the Armed Forces of Sri Lanka; or |

the Act

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | is duly accredited to the Government of Sri Lanka |
| (*c*) | by the Government of any other country; or |
| is sent to Sri Lanka on a special mission by the |

Government of any other country; or

(*d*) is an expert, adviser, technician, or official of any organization whose salary or principal emolument 15 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 20 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

|  |  |  |
| --- | --- | --- |
| 25 | (*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

*Immigration* 3

(*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

|  |  |  |
| --- | --- | --- |
| 5 | (*h*) | (*a*) to (*f*); or |
| is the wife or any dependant child of any person |

referred to in any of the foregoing paragraphs (*a*) to   
(*g*); or

|  |  |  |
| --- | --- | --- |
| 10 | (*i*) | is a member of the crew of a ship in the territorial |
| waters of Sri Lanka, |

shall be exempted 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 an Order made by the Minister and published in the *Gazette.*

15 An Order under this subsection may be either an Order in respect of any person or group of persons, or an Order applicable to any class or description of persons, being in either case persons referred to in this subsection.

(2) The Minister may, by Order published in the *Gazette* 20 exempt any person or class or description of persons for such specified period of time on the occurance of any public emergency from any of the provisions of the Act to such extent or subject to such terms, condtions or rstrictions as may appear to him to be necessary in the public interest.

25 PART II

ADMINISTRATIVE ARRANGEMENTS

**4.** (1) There may be appointed, for the purposes of this Officers

Act, whether by name or by office-

|  |  |  |
| --- | --- | --- |
| 4 | (*a*) | *Immigration* |
| a fit and proper person to be or to act as the |

Controller General of Immigration (hereinafter in   
this Act referred to as the “Controller General”) ;

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | a fit and proper person to be or to act as the |
| (*c*) | Additional Controller General of Immigration; |
| fit and proper persons to be or to act as Controllers |

of Immigration;

(*d*) fit and proper persons to be or to act as Deputy   
Controllers of Immigration;

|  |  |  |
| --- | --- | --- |
| 10 | (*e*) | fit and proper persons to be or to act as Assistant |

Controllers of Immigration;

(*f*) fit and proper persons to be or to act as Chief   
 Immigration Officers; and

|  |  |  |
| --- | --- | --- |
| 15 | (*g*) | fit and proper persons to be or to act as Immigration |
| officers. |

(2) There shall be appointed such other officers and employees as may be necessary to assist the officers referred to in subsection (1) for the administration of this Act.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **5.** (1) In the exercise, performance or discharge of the | | Powers, |
| duties and |
| powers, duties and functions vested in, conferred, imposed | |
| functions of |
| or assigned by or under this Act- | |
| officers |
| (*a*) | the Controller General shall be subject to the |

general or special directions of the Minister; and

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | the Additional Controller General, each Controller, |
| each Deputy Controller, each Assistant Controller, |

each Chief Immigration Officer, each Immigration

*Immigration* 5

Officer, and any other officer or any other employee   
appointed under this Act shall be subject to the   
general or special directions of the Controller   
General.

5 (2) The Controller General may either generally or specially authorise the Additional Controller General, any Controller, any Deputy Controller, any Assistant Controller, any Chief Immigration Officer or any Immigration Officer to exercise, perform or discharge any power, function or duty 10 vested in or conferred upon the Controller General, by or under this Act.

(3) The Controller General, the Additional Controller General, every Controller, every Deputy Controller or every Assistant Controller may exercise, perform or discharge any 15 power, duty or function vested in or conferred upon a Chief Immigration Officer or an Immigration Officer by or under this Act.

(4) A Chief Immigration Officer may exercise, perform or discharge any power, function or duty vested in or conferred

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | upon an Immigration Officer by or under this Act. | | Authorisation |
| **6.** The Minister may either generally or specially authorise | |
| 25 | the Secretary to the Ministry, Additional Secretary to the | | by Minister |
| to act on his |
| Ministry or the Controller General to exercise, perform or | |
| behalf |
| discharge any power, duty or function other than - | |
| (*a*) | the powers conferred by section 3, subsection (4) of |

section 7, subsection (4) of section 8, section 45,   
sections 99, 165, 168, 172 and subsection (2) of   
section 176; or

|  |  |  |
| --- | --- | --- |
| 30 | (*b*) | any duty or function vested in, imposed or conferred |
| upon the Minister, by or under this Act. |

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 6 | *Immigration* | Authorised |
| **7.** (1) The President may, upon request of the Minister, | |
| for the purposes of this Act, by Order published in the | | members of |
| the Forces |
| *Gazette,* designate all or any of- | |
| (*a*) | the members of the Sri Lanka Army raised and |
| maintained in accordance with the provisions of | |

the Army Act (Chapter 357);   
(*b*) the members of the Sri Lanka Navy raised and   
maintained in accordance with the provisions of   
the Navy Act (Chapter 358); and

|  |  |  |
| --- | --- | --- |
| 10 | (*c*) | the members of the Sri Lanka Air Force raised and |

maintained in accordance with the provisions of the Air Force Act (Chapter 359),   
as authorised members of the Forces.

(2) Within the area specified under subsection (4), an 15 authorised member of the Forces shall, in respect of-  
 (*a*) any offence under section 46;   
 (*b*) any offence under section 51;   
 (*c*)   
any offence under section 124; (*d*) any offence under section 126;

20 (*e*) any offence under section 136;   
 (*f*) any offence under section 137;   
 (*g*) any offence under section 138; and   
 (*h*) any offence under section 139,

*Immigration* 7

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 (3) The powers and duties conferred and imposed upon authorised 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 (Chapter 357), the Navy Act 10 (Chapter 358), or the Air Force Act (Chapter 359).

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

15 (5) An authorised member of the Forces making an arrest without awarrant shall forthwith -

(*a*) notify the arrest to the Controller General ; and

(*b*) hand over the person so arrested, to the custody of   
 a police officer.

|  |  |  |
| --- | --- | --- |
| 20 | **8.** (1) The President may upon request by the Minister, | Certain |
| 25 | for the purposes of this Act, by Order published in the | powers under |
| this Act may |
| *Gazette,* designate all or any of the Coast Guard Officers of |
| be exercised |
| the Department of Coast Guard, raised and maintained in | by the Coast |
| accordance with the provisions of the Department of Coast | Guard |
| Officers of |
| Guard Act, No. 41 of 2009, as authorised Coast Guard Officers |
| the |
| of the Department of Coast Guard. | Department |
| of Coast |
| (2) Within the area specified under subsection (4), an | Guard |

authorised Coast Guard Officer of the Department of Coast Guard shall, in respect of-

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 8 | (*a*) | *Immigration* |
| any offence under section 46; |
| (*b*) | any offence under section 51; |
| (*c*) | any offence under section 124; |
| (*d*) | any offence under section 126, |
| (*e*) | any offence under section 136; |
| (*f*) | any offence under section 137; |
| (*g*) | any offence under section 138; and |
| (*h*) | any offence under section 139, |

be deemed to be a Peace Officer within the meaning of the 10 Code of Criminal Procedure Act for the purpose only of exercising any power conferred upon a Peace Officer by that Act.

(3) The powers and duties conferred and imposed upon authorised Coast Guard Officers of the Department of Coast 15 Guard 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 Department of Coast Guard Act, No. 41 of 2009.

(4) The Minister may, by Order published in the *Gazette*, 20 specify the area in which the powers and duties under this Act may be exercised and discharged by the authorised Coast Guard Officers of the Department of Coast Guard.

(5) An authorised Coast Guard Officer of the Department of Coast Guard making an arrest without a warrant shall 25 forthwith -

*Immigration* 9

(*a*) notify the arrest to the Controller General; and

(*b*) hand over the person so arrested, to the custody of   
 a police officer.

PART III

|  |  |  |
| --- | --- | --- |
| 5 | VISA | Application |
| **9.** This Part shall apply to every person other than – |

of Part III

(*a*) a citizen of Sri Lanka; or

(*b*) a person who by virtue of any Order made under   
 Part I of this Act for the time being in force, is

|  |  |  |
| --- | --- | --- |
| 10 | exempted from the provisions of this Part. | Sri Lankan |
| **10.** (1) Subject to the provisions of this Act, the Controller |
| General or an officer authorised by him may issue to a person | Visa |

who is not a citizen of Sri Lanka a permission, (to be referred to as a “Sri Lankan visa”) to enter into, and stay in Sri Lanka

15 during a specified period.

(2) (*a*) A visa may be issued by the Controller General for such period not exceeding five years subject to such conditions as may be specified in the visa.

(*b*) A visa may, with the approval of the Minister, be 20 issued by the Controller General, for such period exceeding five years but not exceeding ten years, subject to such conditions as may be specified in the visa.

(3) Notwithstanding the time limits specified in subsection (2) a permanement residence visa may be issed

|  |  |
| --- | --- |
| 25 | by the Controller General to a person for a period as determined by the Minister. |

10 *Immigration*

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

|  |  |  |
| --- | --- | --- |
| 5 | **11.** (1) A person who is not a citizen of Sri Lanka shall | To require a |
| not travel to or remain in Sri Lanka without a valid visa | visa to travel |
| to Sri Lanka |
| unless he has been exempted from visa requirements under |
| or to remain |
| section 3 by the Minister by Order published in the *Gazette.* | in Sri Lanka |

(2) A person to whom this Part applies and who enters Sri 10 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

|  |  |  |
| --- | --- | --- |
| 15 | (*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.

(3) A person to whom this Part and Parts IV and V applies and who enters Sri Lanka shall not-

|  |  |  |
| --- | --- | --- |
| 20 | (*a*) | if he is not the holder of a visa or an electronic |
| travel authorization, 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;

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | if he is the holder of any visa or an electronic travel |

authorization, remain in Sri Lanka after the expiry of the period for which he is authorized to remain in Sri Lanka by that visa or the electronic travel authorization or by virtue of any extension of that 30 visa; or

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(*c*) if his entry into Sri Lanka is in contravention of the   
 provisions of Parts IV or V,

remain in Sri Lanka.

(4) The issuing of a visa does not of itself entitle the 5 holder to be granted entry permission under this Act.

(5) A person who is not a citizen of Sri Lanka holding a valid visa or a person who is not a citizen of Sri Lanka who has been exempted from visa requirements by the Minister by Order made under section 3 of this Act shall have an 10 entry endorsement granted under section 49, to enter Sri Lanka.

(6) If the holder is granted entry endorsement, the holder has permission to enter and stay in Sri Lanka in accordance with the conditions of the visa if any, or the entry

|  |  |  |
| --- | --- | --- |
| 15 | endorsement. | A person |
| **12.** A person shall hold only one valid visa at any given |
| time. | may hold |
| only one |

valid visa

**13.** (1) No person is entitled to a visa as of a right. Power of the Controller

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | (2) Unless provided otherwise in this Act, the Controller | | General to |
| issue or |
| General may, in determining a visa application, in his | |
| refuse to |
| absolute discretion – | | issue a visa |
| (*a*) | issue or refuse to issue a visa; |
| (*b*) | issue a visa of any class, subclass, category or |

subcategory notwithstanding the class and category

|  |  |  |
| --- | --- | --- |
| 25 | (*c*) | of visa that was applied for; |
| impose such conditions on the visa issued, or vary |

or revoke conditions; or

|  |  |  |
| --- | --- | --- |
| 12 | (*d*) | *Immigration* |
| issue an extention or refuse to issue an extention to |

a visa.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | if- | **14.** The Controller General may issue a visa to a person, | | Issuance of |
| (*a*) | such person has satisfied the requiremnts as are | visa |

prescribed;

(*b*) the Controller General approves the purpose for   
which such person is entering Sri Lanka;

|  |  |  |
| --- | --- | --- |
| 10 | (*c*) | the person is the holder of a valid passport or a |
| travel document which provides for his entry into |

Sri Lanka;

(*d*) the Controller General is satisfied that such person   
has adequate funds for his maintenance in Sri Lanka   
and for the payment of his return passage to the

15 country which issued his passport or the travel document; and

(*e*) such person is not subject to any disqualification   
 under section 21 of this Act.

|  |  |  |
| --- | --- | --- |
| 20 | **15.** A person who seeks to obtain a visa shall apply to the | Application |
| for a visa |
| Controller General by submitting an application in the form |

and manner prescribed by regulations.

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **16.** (1) Visa issued under this Act shall include the | | Classes of |
| following classes:- | | visa |
| (*a*) | residence visa; |
| (*b*) | permanent residence visa; |

|  |  |  |  |
| --- | --- | --- | --- |
| (*c*) | visit visa; and | *Immigration* | 13 |
| (*d*) | transit visa. |

(2) Minister may by regulations published in the *Gazette* introduce, cancel, amend or revoke any subclass of a visa.

5 (3) The Minister may by directions introduce any category or sub-category of a visa under any class or subclass of a visa.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **17.** (1) Subject to the provisions of section 10, the | | Validity |
| Controller General may issue – | | period of a |
| visa |
| (*a*) | a visit visa to any person for such period not |

exceeding nine months;

(*b*) a transit visa for a period not exceeding thirty days   
 as may be specified in such visa to a person   
 travelling through Sri Lanka; or

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | a residence visa to any person for a period not |

exceeding ten years:

Provided, the Controller General shall obtain the apporval of the Minister under paragraph (*b*) of subsection (2) of section 10 where the period of the 20 visa exceeds five years.

(2) Nothing in this section shall prevent the Controller General from issuing a residence visa to any diplomat assigned to Sri Lanka for the period of tenure of such diplomat.

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| --- | --- | --- |
| 25 | **18.** The Controller General may, for the purpose of | Interim visa |

maintaining the lawful status in Sri Lanka of a residence visa applicant while the application is being considered, issue an interim visa valid for less than one month.

|  |  |  |
| --- | --- | --- |
| 14 | *Immigration* | Electronic  Travel  Authorization |
| **19.** (1) The Controller General may, subject to immigration clearance at the point of entry, authorise a person who is not a citizen of Sri Lanka and who has not been | |

exempted from the requirement of obtaining a visa under 5 section 3, to travel and stay in Sri Lanka for a short duration without obtaining a visa on an approval referred to as the electronic travel authorization.

(2) The Minister shall specify the category or type of electronic travel authorization, validity period of such travel

|  |  |  |
| --- | --- | --- |
| 10 | authorization by Order published in the *Gazette.* | Conditions |
| **20.** (1) Every visa is subject to such conditions if any, as |
| may be determined by the Minister by Order published in | applicable |
| for a visa |
| the *Gazette.* |

(2) The conditions of a visa may -

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) | give permission to enter Sri Lanka on a single |

journey, multiple journeys, or a number of   
journeys; or

(*b*) give permission to enter Sri Lanka for, or   
within a specified time period; or

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | expressly prohibit any further entry to Sri |

Lanka.

(3) The Minister may by Order published in the *Gazette*, modify or amend such particulars, conditions to be applied for a visa or qualifications relating to visas.

25 (4) The Minister may by regulations published in the *Gazette*, prescribe the terms and conditions for the issuance of the permanenet residence visa.

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**21.** (1) Except in such circumstances as may be prescribed, Disqualifications no visa shall be issued, or extended to any person who-for a visa

(*a*) is, in the opinion of the Controller General, unable   
 to support himself and his dependants;

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | is a person of unsound mind and is a danger to |

himself and to the others ;

(*c*) is certified by a prescribed medical officer to be a   
 person who, for medical reasons, is undesirable to   
 be admitted into Sri Lanka;

|  |  |  |
| --- | --- | --- |
| 10 | (*d*) | has been convicted or is being prosecuted for |

offences relating to dangerous drugs, narcotic drugs   
or psychotropic substances, child abuse, human   
smuggling, human trafficking, terrorism or money   
laundering either within or outside Sri Lanka;

|  |  |  |
| --- | --- | --- |
| 15 | (*e*) | 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   
extradition;

|  |  |  |
| --- | --- | --- |
| 20 | (*f*) | has been convicted of prostitution or has been |
| convicted for being a procurer or a person living on |

the prostitution of others;

(*g*) fails to fulfill such other requirements as the   
 Minister may impose in the public interest by   
 special or general directions issued in that behalf;

|  |  |  |
| --- | --- | --- |
| 25 | (*h*) | is the subject of a Deportation Order in force under |

this Act or a deportee in transit or a person in transit   
who has been removed by another country;

|  |  |  |
| --- | --- | --- |
| 16 | (*i*) | *Immigration* |
| is declared by Order made by the Minister under |

section 47 to be a prohibited immigrant or a   
prohibited visitor;

|  |  |  |
| --- | --- | --- |
| 5 | (*j*) | has not been vaccinated against any disease or has |
| refused to have such vaccination, or to fulfill any |

other requirement under section 56 of this Act;

(*k*) fails to comply with any term or condition as   
 prescribed by regulations or as may be specified in   
 an Order or any direction issued by the Minister;

|  |  |  |
| --- | --- | --- |
| 10 | (*l*) | is a person overstaying in Sri Lanka without |

reasonable excuse ;

(*m*) is a person designated under the United Nation’s consolidated list by a relevant United Nation’s Security Council resolution;

|  |  |  |
| --- | --- | --- |
| 15 | (*n*) | is a person who has been previously deported or |

removed from Sri Lanka, and a travel ban is in force   
against such person at the time of issunig the visa   
or the extension of the visa; or

|  |  |  |
| --- | --- | --- |
| 20 | (o) | is a stowaway. |
| (2) Any visa issued or extended in contravention of this section shall be deemed to be void and of no effect for the | |

purposes of this Act.

|  |  |  |
| --- | --- | --- |
| 25 | **22.** The Secretary to the Ministry of theMinister may, at | Recommendation |
| the request of the Minister assigned the subject of Defence | of the Ministry |
| of Defence to |
| issue directions to the Controller General to obtain the |
| be obtained in |
| recommendation of the Ministry of the Minister assigned | certain |
| the subject of Defence before a visa is issued to a specified | circumstances |

person or persons arriving from countries specified by such Minister, considering any threat to the national security and

30 public interest.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | *Immigration* | 17 | Requirement |
| **23.** The Controller General may, require any person to | |
| whom a visa has been issued or who has made an application | | to furnish |
| any |
| for the issuance or extension of a visa to furnish the travel | |
| information |
| document and such other material, information or documents, | |
| as the Controller General may consider necessary for the | |

issuance or extension of that visa.

|  |  |
| --- | --- |
| **24.** (1) Where an application is made for a visa in respect of any person, the Controller General may, require the person applying for such visa to - | Power to  require  identifying information |

and

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | (*a*) | furnish his photograph; and | photographs |
| (*b*) | provide his identifying information. |

(2) Every photograph or identifying information furnished under subsection (1), shall be in such manner as may be prescribed by the Minister.

15 (3) If the applicant refuses to provide the identifying information, the Controller General may refuse the application for a visa.

|  |  |  |
| --- | --- | --- |
| 20 | **25.** A visa issued to any person under this Act shall be so | Visa shall |
| issued that such visa shall expire on a date which shall be at | expire on a |
| date which is |
| least two months prior to the date of expiry of the travel |
| at least two |
| document held by such person. | months |

before the   
date of   
expiry of the   
travel   
document

|  |  |  |
| --- | --- | --- |
| 25 | **26.** (1) The Controller General may, in his absolute | Power of |
| Controller |
| discretion, cancel, vary or amend any visa or any term or |
| General to |
| condition specified therein, issued to a person, who has failed |
| cancel, vary |
| to comply with any term or condition of such visa. | or amend a |
| visa |

18 *Immigration*

(2) Where the Controller General cancels, varies or amends any visa, he shall cause notice of the cancellation, variation or amendment, as the case may be, to be served on the holder of that visa.

|  |  |  |
| --- | --- | --- |
| 5 | **27.** (1) The Controller General shall cancel any visa | Power to |
| obtained by any person in contravention of the provisions | cancel visa |
| obtained |
| of this Act and on the basis of misrepresentation or |
| through |
| suppression of material facts. | misrepresentation |

(2) Any person who misrepresents or suppresses material 10 facts for obtaining a visa commits an offence and shall on conviction after summary trial by a Magistrate be liable, to imprisonment of either description for a term not exceeding one year or to a fine not exceeding one hundred thousand rupees or to both such fine and imprisonment.

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **28.** (1) Subject to section 25, the Controller General may | | Extension of |
| extend the validity of – | | validity of a |
| visa |
| (*a*) | a visit visa for such period not exceeding nine |

months from the date of arrival; and

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | (*b*) | a residence visa, for a period of five years at a time. | Cessation of |
| (2) A transit visa shall not be extendable. | |
| **29.** Every visa shall cease to be valid – | |
| (*a*) | on the expiration of the period for which such visa | the validity |
| of a visa |

was issued subject to such extention under   
subsection (1) of section 28;

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | on the cessation of the purposes for which such |

visa was issued;

*Immigration*  19

(*c*) on the cessation of any term or condition subject to   
 which such visa was issued;

(*d*) on the non-fulfilment or violation of any term or   
 condition subject to which such visa was issued; or

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | (*e*) | on the death of the holder of the visa. | Requirement |
| **30.** (1) A child who – | |
| (*a*) | is born in Sri Lanka; and | of a visa for |
| a child who |
| is not a |

citizen of Sri

|  |  |  |
| --- | --- | --- |
| (*b*) | is not a citizen of Sri Lanka at the time of his birth, | Lanka born |
| in Sri Lanka |

shall be deemed to have been issued with a visa authorising 10 him to remain in Sri Lanka.

(2) A visa referred to in subsection (1) shall be valid for forty two days from the date of the birth of such child.

(3) An application for a visa or to renew a visa referred to in subsection (1)-

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) | shall be made by the father, mother or the legal |

guardian; and

(*b*) shall be in such form as may be prescribed by   
 regulations.

(4) Upon an application made under subsection (3), the 20 Controller General may extend the visa as he thinks fit.

(5) The visa issued under subsection (1) or extended under subsection (4) to a child shall cease to be valid with the cessation of the validity of the visa granted to his parents or the legal guardian.

20 *Immigration*

(6) Either parents or the legal guardian of a child, shall ensure that the child referred to in subsection (1) shall not remain in Sri Lanka after the expiry of the visa.

(7) Any person who contravenes subsection (6), commits

|  |  |  |
| --- | --- | --- |
| 5 | an offence. | Cessation of |
| **31.** Where a residence visa issued to any person has ceased |
| 10 | to be valid, any visa issued to the spouse, or a dependant of | the validity |
| of a visa |
| that person solely on the ground that, that person is the |
| issued to a |
| holder of a residence visa, shall cease to be valid. | spouse or a |
| dependant |
| **32.** A residence visa issued to a child shall cease to be | Cessation of |
| the validity |
| valid after that child attains eighteen years of age: |
| of a visa |

issued to a Provided however, subject to the provisions of child

paragraph (*b*) of subsection (2) of section 10, the Controller General may, upon an application made in that behalf, extend 15 the period of such residence visa, the visa shall continue to be valid for the period for which it is extended.

|  |  |  |
| --- | --- | --- |
| 20 | **33.** (1) A person who, ceases to be a citizen of Sri Lanka | Requirement |
| under the provisions of the Citizenship Act (Chapter 349) | of visa for |
| persons |
| and who thareafter intends to remain in Sri Lanka may, make |
| ceasing to be |
| an application to the Controller General in the prescribed | citizens of |
| manner for a visa authorising him to remain in Sri Lanka. | Sri Lanka |

(2) Upon an application made under subsection (1) and upon payment of the prescribed fee, the Controller General may issue to the applicant a visa authorising him to remain 25 in Sri Lanka.

(3) A person who, remains in Sri Lanka without a visa, after ceasing to be a citizen of Sri Lanka under the provisions of the Citizenship Act (Chapter 349), commits an offence and on conviction be liable to a fine not exceeding one

*Immigration*  21

hundred thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonement.

|  |  |  |
| --- | --- | --- |
| 5 | **34.** (1) The Minister may, subject to such conditions and | Registration |
| restrictions as may be prescribed by way of regulations, upon | of overseas |
| ex-Sri |
| an application made in that behalf in the prescribed manner |
| Lankans |

by a person, who has ceased to be a citizen of Sri Lanka under the provisions of the Citizenship Act (Chapter 349), may, register him as an overseas ex-Sri Lankan if such person-

|  |  |  |
| --- | --- | --- |
| 10 | (*a*) | is of full age and capacity and is a citizen of another |

country ; or

(*b*) is a minor child of the person referred to in paragraph   
 (*a*),

and may be issued with a permanent residence visa.

15 (2) The Controller General shall keep and maintain a register where the particulars relating to registered overseas ex-Sri Lankans shall be entered.

(3) For the purpose of Part III of this Act, the spouse of an overseas ex- Sri Lankan, who is not a citizen of Sri Lanka 20 shall be considered as a foreign national who is married to an overseas ex- Sri Lankan and be entitled in a like manner to all the visa entitlements applicable to a spouse who is a foreign national and married to a Sri Lankan Citizen.

(4) A spouse of an ex- Sri Lankan who is a person who has 25 ceased to be a citizen of Sri Lanka under the provisions of the Citizenship Act (Chapter 349) and who intends to be registered as an overseas ex- Sri Lankan, may**,** submit a separate application under subsection (1).

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(5) The Minister may prescribe the fees, forms and the manner of issuing permanent residence visa to such overseas ex-Sri Lankans.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **35.** Notwithstanding anything contained in any other law, | | Privileges of |
| overseas ex- |
| an overseas ex-Sri Lankan may- | |
| Sri Lankans |
| (*a*) | enter and remain in Sri Lanka by virtue of the |

possession of a permanent residence visa;

(*b*) engage in employment in Sri Lanka, except in the public service, judicial service, provincial public 10 service, local government service or a public corporation;

(*c*) inherit, transfer or alienate properties in Sri Lanka   
 as may be provided under the relvent written laws;   
 and

|  |  |  |
| --- | --- | --- |
| 15 | (*d*) | engage in any lawful business or commercial |

activity.

|  |  |  |
| --- | --- | --- |
| 20 | **36.** (1) If any overseas ex-Sri Lankan of full age and | Renunciation |
| of status of |
| capacity makes in the prescribed manner a declaration to |
| overseas ex- |
| the Ministerrenouncing his status of overseas ex-Sri Lankan, |
| Sri Lankan |
| such person shall cease to be an overseas ex-Sri Lankan. |

(2) Where a person ceases to be an overseas ex-Sri Lankan under subsection (1), every minor of that person registered as an overseas ex-Sri Lankan, shall thereupon cease to be an overseas ex-Sri Lankan.

25 (3) Where a person ceases to be an overseas ex-Sri Lankan under subsection (1), the particulars entered in the register maintained under section 34 in respect of such person and all his children shall be removed, from such register.

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(4) Upon the renunciation of the status of overseas ex-Sri Lankan under subsection (1), any visa granted or issued to the spouse of that person who is not a citizen of Sri Lanka, solely on the ground that, such person was married to an

|  |  |  |
| --- | --- | --- |
| 5 | overseas ex-Sri Lankan, shall cease to be valid. | Cancellation |
| **37.** (1) The Minister may, by Order published in the |
| *Gazette*, cancel the registration of a person as an overseas | of registering |
| as an |
| ex-Sri Lankan under section 34, if he is satisfied that – |
| overseas ex- |

Sri Lankan

|  |  |  |
| --- | --- | --- |
| 10 | (*a*) | the registration as an overseas ex-Sri Lankan was |
| obtained by means of fraud, false representation or |

the concealment of any material fact;

(*b*) the overseas ex-Sri Lankan has acted in   
 contravention of the Constitution of Sri Lanka;

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | the overseas ex-Sri Lankan has during any war in |
| which Sri Lanka may be engaged, unlawfully traded |

or communicated with an enemy or engaged in or   
associated with, any business or commercial   
activity that was to his knowledge carried on in   
such manner as to assist an enemy in that war;

|  |  |  |
| --- | --- | --- |
| 20 | (*d*) | the overseas ex-Sri Lankan has, within five years |

after registration under section 34 has been   
sentenced to imprisonment for a term of not less   
than two years within or outside Sri Lanka;

|  |  |  |
| --- | --- | --- |
| 25 | (*e*) | it is necessary to do so in the interest of the |
| sovereignty and integrity and the national security |

of Sri Lanka, friendly relations of Sri Lanka with   
any foreign country, or in public interest; or

(*f*) entry and re-entry to Sri Lanka by such person has   
 been prohibited or limited by virtue of an Order

30 made under subsection (1) of section 47 of this Act.

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(2) Where a person ceases to be an overseas ex-Sri Lankan under subsection (1), every minor of that person registered as an overseas ex-Sri Lankan, shall thereupon cease to be an overseas ex-Sri Lankan.

5 (3) Where a person ceases to be an overseas ex-Sri Lankan under subsection (1), the particulars entered in the register maintained under section 34 in respect of such person and all his children shall be removed, from such register.

(4) Upon the cancellation of the status of overseas ex-Sri 10 Lankan under subsection (1), any visa granted or issued to the spouse of that person who is not a citizen of Sri Lanka, solely on the ground that, that person was married to an overseas ex-Sri Lankan, shall cease to be valid.

|  |  |  |
| --- | --- | --- |
| 15 | **38.** Where under the law of any country to which a person | Restriction |
| is subject to, such person is required to have in his possession | on issuing a |
| transit visa |
| a visa authorising his entry into that country, no transit visa |

shall be issued to such person unless he has in his possession a visa as required by the law of that country.

|  |  |  |
| --- | --- | --- |
| 20 | **39.** (1) Subject to the conditions as may be prescribed by | Issue of visa |
| the Minister by way of regulations under subsection (1) of | may be |
| conditional |
| section 40, the Controller General may, in addition to the |
| on furnishing |
| conditions specified in section 20 for the issue of a visa, as a | of security |

condition require the applicant for a visa or a person on his behalf approved by the Controller General, to furnish security 25 by the deposit with the Controller General of such sum of money as the Controller General may determine or by the execution of a bond for the payment of such sum of money as may be prescribed.

(2) Subject to the conditions as may be prescribed by the 30 Minister by way of regulations under subsection (1) of section 40, where there is a contravention or non-fulfilment

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of any term or condition of any visa issued to any person in relation to whom security has been furnished under the provisions of subsection (1), the whole or part of any such security shall be forfeited to the State.

|  |  |  |
| --- | --- | --- |
| 5 | **40.** (1) Regulations may be made for the purpose of this | Regulations |

Part in respect of all or any of the following matters:-

(*a*) any matter stated or required in this Part to be   
 prescribed;

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | the form and manner of making of applications for |
| a visa, the form of such applications, the documents |

including photographs and biometric information   
to be attached to such applications, and the   
particulars to be entered therein;

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | the authority by whom a visa may be granted or |
| (*d*) | issued; |
| criteria for the the grant or issue of such visa and |

the refusal of such visa;

(*e*) the furnishing of a security, as a condition in such manner and in the form of deposit of a sum of money 20 or irrevocable on demand bond by a licensed commercial bank in Sri Lanka for the purpose of granting or issuing of a visa to any person;

(*f*) the forfeiture of the whole or part of any such   
 security made under section 39;

|  |  |  |
| --- | --- | --- |
| 25 | (*g*) | the terms and conditions subject to which such visa |

may be issued including such terms and conditions   
as the Minister may deem necessary in the public   
interest;

|  |  |  |
| --- | --- | --- |
| 26 | (*h*) | *Immigration* |
| the cancellation, variation or amendment of such |

visa or of any terms or conditions specified therein,   
the form of such visas and the particulars to be   
entered therein;

|  |  |  |
| --- | --- | --- |
| 5 | (*i*) | the imposition, recovery, disposal, or refunding of |

fees in respect of the issue of such visa, the   
exemption in the prescribed circumstances of a   
person from the payment of such fees and the refund   
of such fees in those circumstances;

|  |  |  |
| --- | --- | --- |
| 10 | (*j*) | the particulars, information and the documents to |

be furnished by the applicant for a visa or for an   
extension of a visa;

(*k*) the furnishing, as a condition to the issue of such visa to any person, of health insurance coverage for 15 the duration of stay and the manner in which such health insurance coverage shall be furnished; and

(*l*) all matters incidental to or connected to and   
 relevant to the matters or subjects referred to in this   
 Part.

20 PART IV

ENTRYAND DEPARTURE

**41.** The provisions of this Part shall apply to every person Application seeking entry into or who enters Sri lanka unless such person of Part IV

is exempted from the provisions of this Part by virtue of an

|  |  |  |
| --- | --- | --- |
| 25 | Order made under Part I for the time being in force. | Right of |
| **42.** (1) A citizen of Sri Lanka shall be entitled to enter Sri |
| Lanka without a visa. | entry |

*Immigration*  27

(2) The burden of proof that any person is a citizen of Sri Lanka shall lie upon such person.

|  |  |  |
| --- | --- | --- |
| 5 | **43.** (1) A citizen of Sri Lanka shall produce his Sri Lanka | Procedures to |
| travel document to an immigration officer at the port of | be followed |
| when a |
| entry, as evidence of his citizenship status in Sri Lanka. |
| citizen of Sri |

Lanka is

|  |  |  |
| --- | --- | --- |
| 10 | (2) A citizen of Sri Lanka who is unable to produce his Sri | unable to |
| produce his |
| Lanka travel document shall be investigated by the | Sri Lanka |
| Controller General to ascertain the citizenship status of such | travel |
| document at |
| person in Sri Lanka. | the port of |
| entry |
| (3) If the Controller General is satisfied with the person’s |

citizenship status in Sri Lanka after an investigation conducted under subsection (2), the Controller General may permit the person to enter Sri Lanka, by issuing a temporary travel document as the Controller General thinks fit.

|  |  |  |
| --- | --- | --- |
| 15 | **44.** Every person entering or leaving Sri Lanka shall | Identification |
| of persons |
| furnish to any immigration officer such information as that |
| entering and |
| officer may require for the purpose of ascertaining whether |
| leaving Sri |
| that person is or is not a citizen of Sri Lanka. | Lanka |
| 20 |
| **45.** (1) The Minister may, by an Order published in the | Approved |
| ports of entry |
| *Gazette,* declare any place in Sri Lanka to be an approved |
| and |
| port of entry or an approved port of departure (hereinafter | departure |

referred to as an “approved port”) for the purposes of this Act.

(2) The Minister may specify in the Order made under 25 subsection (1), that an approved port or any part of an approved port is to be an approved place for entry processing generally, or only for a fixed period or for fixed periods of time in any day.

28 *Immigration*

(3) The Minister may specify in the Order made under subsection (1), that an approved port or any part of an approved port is to be an approved place for departure processing generally, or only for a fixed period or for fixed

5 periods of time in any day.

(4) The Minister may, in case of an emergency, by Order made under subsection (1), specify that an approved port or any part of an approved port is to be an approved place –

|  |  |  |
| --- | --- | --- |
| 10 | (*a*) | for entry or departure processing or entry and |
| (*b*) | departure processing generally; or |
| only for the separate and exclusive entry or departure |

processing of a particular person or class of persons:

Provided that, the Minister shall, as soon as practicable and no later than within forty days of making such Order, 15 place such Order before Parliament for approval and notification of such approval by Parliament shall be published in the *Gazette*. Any such Order which is not so approved shall be deemed to be rescinded from the date of such disapproval, without prejudice to the validity of 20 anything previously done thereunder. Notification of the date on which an Order **is** deemed to be rescinded shall be published in the *Gazette.*

(5) Without prejudice to subsection (1), (2), (3) or (4) where a person, or a carrier requests for a separate and 25 exclusive entry or departure processing of a person or a class of persons referred to in subsection (2), (3), or (4) or a entry or departure processing outside normal processing times, the Controller General may, require such person or carrier who makes the request to pay to the Controller General an 30 administration fee at such intervals, and at such amounts or rates, as may be prescribed by the Minister by regulations.

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(6) The person or the carrier referred to in subsection (4) shall pay the administrative fees for-

(*a*) the purpose of separate and exclusiveentry or   
 departure processing of a person or class of persons

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | referred to in subsection (4); |
| the entry or departure processing outside normal |

processing times; or

(*c*) in connection with immigration clearance   
 performed by immigration officers at the place or

|  |  |  |
| --- | --- | --- |
| 10 | part thereof. | Entry to be at |
| **46.** (1) A person including a citizen of Sri Lanka who |
| enters Sri Lanka at any place other than an approved port, | an approved |
| port only |
| commits an offence. |

(2) (*a*) The provisions of subsections (1) of this section 15 shall not apply to a person entering Sri Lanka under emergency circumstances. Such person shall report to an immigration officer or a police officer as soon as is practicable and undergo entry processing.

(*b*) The immigration officer or the police officer referred 20 to in paragraph (*a*) shall record a statement from such person and report to the Controller General of such arrival and produce such person before a Magistrate.

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **47.** (1) Where the Minister – | | Power to |
| (*a*) | has received information through official or | prohibit or |
| limit entry |
| into Sri |
| diplomatic sources, that a person or a class of persons | | Lanka |

may be an undesirable person or a class of persons,   
as the case may be, for the purposes of admission   
into Sri Lanka;

|  |  |  |
| --- | --- | --- |
| 30 | (*b*) | *Immigration* |
| has received evidence which the Minister deems |

sufficient, that a person is likely to conduct himself   
so as to be dangerous to peace and good order in Sri   
Lanka; or

|  |  |  |
| --- | --- | --- |
| 5 | (*c*) | has received evidence which the Minister deems |

sufficient, that a person 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,

10 and by reason of the circumstances connected therewith, thatin the interest of national security,territorial integrity, public safety, for the prevention of crime or disorder or for the protection of health or morals or by reason of any economic, industrial, social, educational or other conditions 15 in Sri Lanka is deemed by the Minister to be an undesirable person for admission into Sri Lanka may by Order published in the *Gazette* take any of the steps specified in subsection (2):

Provided that, the provisions of paragraphs (*a*), (*b*) 20 and (*c*) shall not apply to a citizen of Sri Lanka.

(2) The Minister may –

(*a*) prohibit, either for a specified period or   
permanently, the entry or re-entry into or remain in   
Sri Lanka of any person or class of persons other

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | than a citizen of Sri Lanka; |
| limit the number of persons of any class other than |

a citizen of Sri Lanka who may enter, re-enter or   
remain in Sri Lanka within the period specified in   
the Order;

*Immigration*  31

(*c*) limit the period during which any person or class of   
 persons other than citizens of Sri Lanka entering or   
 re-entering Sri Lanka may remain therein;

|  |  |  |
| --- | --- | --- |
| 5 | (*d*) | prohibit the entry into Sri Lanka for such time as |
| may be necessary of passengers other than a citizen |

of Sri Lanka brought to Sri Lanka by any carrier   
which refuses or neglects to comply with the   
provisions of this Act; or

|  |  |  |
| --- | --- | --- |
| 10 | (*e*) | declare that any person or class of persons other |
| than a citizen of Sri Lanka to whom this Part applies |

to be a prohibited immigrant or a prohibited visitor   
for the purposes of this Act.

(3) An Order made under subsection (1) shall apply to any person within or outside of Sri Lanka.

15 (4) Any person who enters, re-enters or remains in Sri Lanka in contravention of an Order made under subsection (1), commits an offence and shall on conviction by a Magistrate be liable for a term of imprisonment for not less than two years and not more than four years and shall also be 20 liable to a fine not exceeding one million rupees.

(5) Where a person commits an offence under subsection (4) by the use of a passport or other travel document which bears a name different from that stated in the Order made against him under subsection (1), he shall on conviction be 25 liable for a term of imprisonment for not less than two years and not more than five years and shall also be liable to a fine not exceeding one million rupees.

|  |  |
| --- | --- |
| **48.** (1) A person other than a citizen of Sri Lanka shall not enter Sri Lanka unless he has in his possession – | Documents  required at  the time of |

entry

|  |  |  |
| --- | --- | --- |
| 32 | (*a*) | *Immigration* |
| a valid passport or travel document which bears an |

endorsement in the prescribed form granted to him   
by an immigration officer under this Part; and

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | if so required by this Act or any regulation made |
| there under, a visa granted to him under this Act or |

any regulation made thereunder.

(2) The provisions of this section and section 43 shall not apply to a person entering Sri Lanka under emergency circumstances determined after an inquiry by the Controller

|  |  |  |
| --- | --- | --- |
| 10 | General. | Requirements |
| **49.** (1) Every immigration officer shall exercise due |
| diligence in placing either a manual or electronic | as to |
| endorsements |
| endorsement on a valid passport or a travel document of a |

person at the point of entry or departure:

15 Provided that, an endorsement on a valid passport or travel document under this Part by an immigration officer shall be required of a person to whom this Part applies, who desires to enter and remain in Sri Lanka.

(2) Every endorsement granted by an immigration officer 20 under this Part to any person shall –

(*a*) be signed by such officer manually or electronically;

(*b*) be in the prescribed form; and

(*c*) if such person is exempted from holding a visa, specify the period for which and the terms and 25 conditions subject to which such person may enter and remain in Sri Lanka.

*Immigration*  33

(3) (*a*) The Controller General may require a person who is not a citizen of Sri Lanka at a point of entry referred to in subsection (1), to furnish such security by deposit of such sum of money in such manner as may be prescribed in special 5 circumstances for the repayment of any expenses that the Government may incur in respect of that person.

(*b*) All such sums of money may be deposited by any other person resident in Sri Lanka and approved by the Controller General, on behalf of the person referred to in 10 paragraph (*a*) of this subsection.

(*c*) All such sums of money deposited by way of security under this subsection shall be disposed in the prescribed manner.

(*d*) The Minister may by regulations, prescribe the 15 maximum sum of money to be deposited as security and the manner in which such security may be furnished.

|  |  |
| --- | --- |
| **50.** (1) Except in such circumstances as may be prescribed, no endorsement shall be granted to any person, not being a citizen of Sri Lanka who – | Endorsement of entry not to be granted to certain |

persons

|  |  |  |
| --- | --- | --- |
| 20 | (*a*) | is in the opinion of the authority empowered to |

grant any such endorsement of entry unable to   
support himself and his dependants;

(*b*) is a person of unsound mind, and is a danger to   
 himself and to the others;

|  |  |  |
| --- | --- | --- |
| 25 | (*c*) | is certified by a prescribed medical officer to be a |

person who, for medical reasons, is undesirable to   
be admitted into Sri Lanka;

|  |  |  |
| --- | --- | --- |
| 34 | (*d*) | *Immigration* |
| has been convicted or is being prosecuted for |

offences relating to dangerous drugs, narcotic drugs   
or psychotropic substances, child abuse, human

smuggling, human trafficking or terrorism, either

|  |  |  |
| --- | --- | --- |
| 5 | (*e*) | within or outside Sri Lanka; |
| 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

extradition;

|  |  |  |
| --- | --- | --- |
| 10 | (*f*) | has been convicted of prostitution or is or has been |

convicted for being a procurer or a person living on

the prostitution of others;

(*g*) fails to fulfil such other requirements as the Minister   
may impose in the public interest by special or

|  |  |  |
| --- | --- | --- |
| 15 | (*h*) | general instructions issued in that behalf; |
| is the subject of a Deportation Order or a Removal |

Order in force under this Act;

|  |  |  |
| --- | --- | --- |
| 20 | (*i*) | is a stowaway; |
| (*j*) | is declared by Order of the Minister under section |
| 47 to be a prohibited immigrant or a prohibited |

visitor. The burden of proof that the person is not a

prohibited immigrant or a prohibited visitor shall   
lie on that person;

|  |  |  |
| --- | --- | --- |
| 25 | (*k*) | does not hold a valid passport or a travel document; |
| (*l*) | does not hold a valid visa unless exempted from |

the requirement of a visa;

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(*m*) is a person who has not been vaccinated against any disease or fulfilled any other requirement as specified by an Order made under section 56;

|  |  |  |
| --- | --- | --- |
| 5 | (*n*) | is a person designated under the consolidated list |
| by a relevant United Nations Security Council |

resolution; or

(*o*) a deportee in transit or a person in transit who has   
 been removed by another country.

(2) In the case of a grant of an electronic travel 10 authorization under section 19, if such authorization was obtained -

(*a*) as a result of false information given by such person;

(*b*) as a result of his failure to disclose material facts;   
 and

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | on the ground that the purpose of arriving in Sri |

Lanka is different from the purpose specified in the   
immigration clearance,

such electronic travel authorization shall be cancelled.

(3) Any endorsement granted in contravention of the 20 subsection (1) of this section shall be deemed to be void and of no effect for the purposes of this Act.

|  |  |
| --- | --- |
| **51.** (1) A person shall not leave Sri Lanka from any place other than an approved port of departure. | Leaving Sri Lanka other than from an |

approved

|  |  |  |
| --- | --- | --- |
| 25 | (2) A person who contravenes the provisions of | port |
| subsection (1), commits an offence. |

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 36 | *Immigration* | Passports and |
| **52.** (1) A person to whom this Part applies shall leave Sri | |
| Lanka – | | endorsements |
| required for |
| (*a*) | if he is a citizen of Sri Lanka and if he has in his | departure |
| from Sri |
| possession, a valid Sri Lanka travel document | | Lanka |
| which bears an endorsement in the prescribed form | |

granted to him by an immigration officer under this   
Part; or

(*b)* if he is not a citizen of Sri Lanka, and if he has in his possession a valid passport or travel document which 10 bears an endorsement in the prescribed form granted to him by an immigration officer under this Part.

(2) An immigration officer, on being satisfied that the requirements for departure from Sri Lanka have been complied with shall make such endorsement, as may be 15 prescribed, in the valid passport or travel document of every person who leaves Sri Lanka from any approved port.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **53.** Except in such circumstances as may be prescribed, | | Endorsement |
| no departure endorsement shall be granted to any person – | | of departure |
| not to be |
| (*a*) | if such person does not hold a valid passport or | granted to |
| certain |
| travel document; | | persons |
| (*b*) | if there is any travel ban issued against such person |

by a court under section 148;

(*c*) who is a citizen of Sri Lanka and if such person has   
 not been vaccinated against any disease or fulfilled

|  |  |  |
| --- | --- | --- |
| 25 | (*d*) | any requirement under section 56 of this Act; or |
| who he is a citizen of Sri Lanka and if there is a |

travel ban issued against such person by a court   
under regulations made under the United Nation’s   
Act, No. 45 of 1968.

|  |  |  |
| --- | --- | --- |
| *Immigration* | 37 | Power of the immigration officer to  grant or |
| **54.** (1) An immigration officer shall examine a person who is seeking an entry endorsement and make a decision to grant or refuse to grant the entry endorsement. | |

refuse an

|  |  |  |
| --- | --- | --- |
| 5 | (2) In an examination under subsection (1), the | entry |
| endorsement |
| immigration officer shall ensure that the person is eligible |
| at the entry |

to enter Sri Lanka in terms of the provisions of this Act or any Order or regulation made thereunder.

(3) If an immigration officer refuses to grant an entry endorsement, any visa held by such person shall be deemed

|  |  |  |
| --- | --- | --- |
| 10 | to be cancelled and the person shall be refused entry. | Power of the |
| **55.** (1) An immigration officer shall examine a person |
| 15 | who is seeking a departure endorsement and make a decision | immigration |
| officer to |
| to grant or refuse to grant the endorsement of departure and |
| grant or |
| shall be the duty of the passenger to provide all documents |
| refuse a |
| including a valid passport or a valid travel document, valid | departure |
| endorsement |
| visa if required, return ticket if required to the immigration |

officer.

(2) In an examination under subsection (1), the immigration officer shall ensure whether the person is eligible 20 to depart from Sri Lanka in terms of the provisions of this Act or any Order or regulation made thereunder.

(3) If an immigration officer finds any irregularity with the documents produced by such person, the immigration officer shall refuse a departure endorsement and refer such 25 person to the Chief Immigration Officer.

(4) No endorsement shall be granted to a citizen of Sri Lanka if such person has not been vaccinated against any disease or fulfilled any other requirement as specified by an Order made under section 56.

38 *Immigration*

(5) Subject to subsection (3), the Controller General may conduct further investigation and determine as to grant or refuse to grant the departure endorsement.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | **56.** (1) The Minister may on the request of the Minister | | Restriction |
| assigned the subject of Health, by Order declare, in relation | | relating to |
| the leave, |
| to the persons other than citizens of Sri Lanka who enter or | |
| entry, or |
| 10 | leave Sri Lanka or apply for the issuance or extension of a | | remaining in |
| visa – | | Sri Lanka of |
| persons due |
| (*a*) | to be vaccinated against any specific diseases; or | to health risk |
| (*b*) | to comply with any other requirement as specified |

due to health risk.

(2) In case of an emergency, the Minister may on the request of the Minister assigned the subject of Health, by Order declare that in relation to the citizens of Sri Lanka 15 who enter or leave Sri Lanka –

(*a*) to be vaccinated against any specific disease; or

(*b*) to comply with any requirement as specified due to   
health risk:

Provided that, the Minister shall, as soon as practicable 20 and no later than within forty days of making such Order, place such Order before Parliament for approval and notification of such approval by Parliament shall be published in the *Gazette*. Any such Order which is not so approved shall be deemed to be rescinded from the date of 25   
such disapproval, without prejudice to the validity of anything previously done thereunder. Notification of the date on which an Order **is** deemed to be rescinded shall be published in the *Gazette.*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | *Immigration* | | 39 | Endorsement |
| **57.** Where a Deportation Order or Removal Order is made | | |
| under this Act in respect of any person, any endorsement | | | of entry to be |
| void in |
| granted or a visa issued to that person shall be deemed to be | | |
| certain |
| void and of no effect for the purposes of this Act. | | |
| circumstances |
| **58.** (1) A person to whom this Part applies shall – | | | Inspection of |
| (*a*) | if required by an immigration officer, at the time of | | letters, |
| electronic |
| devices |
| his entry into or departure from Sri Lanka, make a | | |

declaration whether he is carrying any written   
document, or any electronic device; and

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | if required by an immigration officer, produce such |
| document or electronic device for the examination |

by that officer.

(2) An immigration officer may –

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) | search any such person and any baggage belonging |
| to him or under his control for any written document |

or electronic device;

(*b*) examine any written document or electronic device   
 produced or detected under this section; or

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | detain such person until the immigration officer |
| finalizes any search or examination of any written |

document or electronic device.

(3) For the purposes of this section “written document”includes any letter, written message, memoranda, plan, photograph, or any pictorial representation.

|  |  |  |
| --- | --- | --- |
| 25 | **59.** A person who arrives at any approved port in Sri Lanka | Point of |
| on board any aircraft or vessel shall be considered for the | entry into Sri |
| Lanka |
| purposes of this Act, to have entered into Sri Lanka only |

when that person is issued with an endorsement by an

immigration officer to enter into Sri Lanka.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 40 | *Immigration* | Power to |
| **60.** (1) An Immigration officer may if he is satisfied that | |
| there is a medical emergency or any other emergency, permit | | allow entry |
| in |
| entry to any person for such time that is required to attend to | |
| exceptional |
| such emergency, notwithstanding if such person is prohibited | | circumstances |
| from entry under the provisions of this Act: | |

Provided that, such person shall be immediately removed from Sri Lanka when reasons for such entry ceases to exist and that all expenses related to such person’s entry, stay and removal including medical and security expenses 10 shall be borne by the carrier which transported such person to Sri Lanka.

(2) An Immigration Officer may, subject any person claiming to have a medical emergency, to a medical examination by a prescribed medical officer if there exists

|  |  |  |
| --- | --- | --- |
| 15 | any doubt as to such claim. | Regulations |
| **61.** (1) Regulations may be made for the purposes of this |

Part or Part V in respect of all or any of the following matters:-

(*a*) any matter required in this Part or Part V to be   
prescribed;

|  |  |  |
| --- | --- | --- |
| 20 | (*b*) | the grant of endorsements under this Part or Part V, |

the form of such endorsements, the terms and conditions subject to which an endorsement may be granted including such terms and conditions as the Minister may deem necessary in the public 25 interest, the cancellation, variation, or amendment of such endorsements or of any terms or conditions specified therein in the absolute discretion of the Controller General or in specified circumstances, and the particulars to be entered in such 30 endorsement;

*Immigration*  41

(*c*) subject to the provisions of section 47, the   
 prohibition of the entry into Sri Lanka of any person   
 other than a citizen of Sri Lanka belonging to any   
 such class or description of persons, unless such

|  |  |  |
| --- | --- | --- |
| 5 | (*d*) | person has in his possession a visa; |
| the prohibition of departure from Sri Lanka of such |

persons when recruited for employment as unskilled workers outside Sri Lanka, unless the recruitment of such persons has been carried out in accordance 10 with the provisions of any applicable written law governing such recruitments;

(*e*) the returns to be furnished and the information   
 required to be supplied by persons under this Part   
 or Part V;

|  |  |  |
| --- | --- | --- |
| 15 | (*f*) | the conditions to be maintained at any holding |

centre or holding facility and the manner of   
administering such centres;

(*g*) procedure for medical examination of persons at   
 the time of arrival at any port;

|  |  |  |
| --- | --- | --- |
| 20 | (*h*) | information to be included in the embarkation and |

disembarkation cards;and

(*i*) all matters incidental to or connected with the   
 matters or subjects referred to in this section.

(2) For the purposes of this section, “foreign state”25 includes any person or persons exercising or assuming to exercise the powers of the government in or over any country, colony, province or people beyond the territorial limits of Sri Lanka.

42 *Immigration*

PART V

PROCEDUREON ARRIVALINAND DEPARTUREFROM SRI LANKA

|  |  |  |
| --- | --- | --- |
| 5 | **62.** The provisions of this Part shall apply to every person | Application |
| seeking entry into or entering Sri Lanka unless by virtue of | of this Part |
| any Order made under Part 1, for the time being in force, is |
| 10 | exempted from the provision of this Part. | Immigration |
| **63.** (1) The master of every vessel which arrives in or is |
| about to leave Sri Lanka shall hoist the prescribed | signal |
| immigration signal and shall exhibit that signal until |
| authorised by an immigration officer to haul it down. |

(2) The master of a vessel who contravenes subsection (1), commits, an offence.

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | **64.** (1) The captain of every aircraft which arrives in or | | Aircraft |
| departs from Sri Lanka shall land his aircraft at an approved | | arriving in or |
| airport, or take off from an approved airport. | | departing |
| from Sri |
| 20 | (2) The captain of an aircraft who, without reasonable | | Lanka |
| cause, contravenes subsection (1), commits an offence. | |
| Immigration |
| **65.** (1) The Minister may, issue a written notice requirng | |
| the owner or occupier of any approved port declared under | | and |
| section 45 as the relevant owner or occupier– | | emigration |
| area or zone |
| (*a*) | to designate an area as an immigration area or zone |
| as directed by the Minister; | |
| 25 |
| (*b*) | to provide and maintain in the immigration area or |
| zone, at the relevant owner’s or occupier’s cost, | |
| such facilities and resources as the Minister | |
| considers necessary for the proper, secure and | |

efficient functioning of the immigration area or   
zone including the provision of such facilities to   
the immigration officers whose duties require their

|  |  |
| --- | --- |
| 30 | presence within or at the perimeter of the immigration area or zone; and |

*Immigration*  43

(*c*) to permit the establishment of immigration offices   
 and facilities within the immigration area or zone.

(2) The Minister may issue the relevant owner or occupier with such written directions as may be necessary –

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | to ensure compliance with the provisions of |

this Act and the regulations made thereunder;   
or

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | (3) | (*b*) | for the proper, secure and efficient |
| functioning of the immigration and | |
| emigration area or zone. | |
| The relevant owner or occupier shall comply with | |

the written notice or direction issued to him under subsections (1) and (2).

(4) Any relevant owner or occupier who fails to comply 15 with subsection (3), commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand rupees and not more than one million rupees and, in the case of a continuing offence, to a further fine of not exceeding hundred thousand rupees for each day or part thereof, during 20 which the offence continues after conviction.

(5) Where an offence under subsection (4) is committed by a body corporate or a firm as the case may be, any person who is at the time of the commission of the offence, a director, manager, partner or other similar officer of the body corporate 25 or the firm shall be deemed to be guilty of that offence unless such person proves that such offence was committed without his knowledge or connivance or that he exercised all due diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his

30 functions and all the circumstances of the case.

44 *Immigration*

(6) In this section, “owner” in relation to any premises or place means any person who has an estate or interest in the premises or place and whose permission is necessary for the other person to enter such premises or place.

|  |  |  |
| --- | --- | --- |
| 5 | **66.** (1) All arriving passengers entering the immigration | Formalities to |
| be followed |
| area or zone shall present themselves to an immigration |
| by |
| officer without delay. | passengers |
| entering the |

immigration (2) All persons in the immigration area or zone shall area or zone

comply with the directions of immigration officers.

|  |  |  |
| --- | --- | --- |
| 10 | **67.** (1) A person who applies for entry permission shall | A person |
| applying for |
| allow identifying information to be collected from him. |
| entry |

permission to

|  |  |  |
| --- | --- | --- |
| 15 | (2) The Controller General or an immigration officer may | allow |
| capturing of |
| analyse the identifying information collected under | identifying |
| information |
| subsection (1), and decide whether the person to be permitted |
| to enter Sri Lanka or not. |

(3) If that person fails to allow the identifying information to be collected, the Controller General or an immigration officer may refuse to grant the person, entry permission.

(4) The requirement in subsection (1) does not apply if 20 the person is exempted from providing the identifying information in accordance with regulations made under this Act.

(5) The process for collection of identifying information under this section shall be as prescribed by the Minister.

|  |  |  |
| --- | --- | --- |
| *Immigration* | 45 | Persons  including a  citizen of Sri Lanka |
| **68.** (1) A person departing from Sri Lanka including a citizen of Sri Lanka shall allow identifying information to be captured from him for the purpose of identification. | |

leaving Sri

|  |  |  |
| --- | --- | --- |
| 5 | (2) The Controller General or an immigration officermay | Lanka to |
| allow |
| analyse the identifying information captured under |
| identifying |
| 10 | subsection (1) and determine whether the person to be | information |
| permitted to depart from Sri Lanka or not. | to be |
| captured for |
| (3) The requirement in subsection (1) does not apply if | the purpose |
| of |
| the person referred to in subsection (1) is exempted from | identification |
| providing identifying information in accordance with |

regulations made under this Act.

(4) If the person referred to in subsection (1) fails to allow the identifying information to be captured, the Controller General or an immigration officer may refuse to grant such 15 person departure permission.

(5) The process for capturing of identifying information under this section shall be as prescribed by the Minister.

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **69.** (1) The master, captain, owner, agent or charterer of | | Provision of |
| every carrier which is due to arrive in or depart from Sri | | passengers |
| and crew |
| Lanka shall, upon being given reasonable prior notice in | |
| information |
| writing by the Controller General furnish to the Controller | | of carriers |
| General, one or both of the following information:- | | due to arrive |
| in or depart |
| (*a*) | Advance Passenger Information or Interactive | from Sri |
| Lanka |

Advance Passenger Information; or

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | Passenger Name Record Information, |

in such form and manner, as may be prescribed, of the crew and passengers who are or who will be on board the carrier at the time of its arrival or departure from an approved seaport or airport in Sri Lanka.

46 *Immigration*

(2) The Controller General may at any time in writing, to the master, captain, owner, agent or charterer of a carrier, revoke the notice given to him under subsection (1).

|  |  |
| --- | --- |
| 5 | (3) For each journey to and from Sri Lanka, if a carrier fails to transmit or have transmitted false data, the carrier |

shall be liable for the payment of a penalty of not less than six hundred thousand rupees and not more than one million rupees.

(4) Subsection (3) shall not prevent the Controller General 10 from adopting or retaining, for carriers which infringe very seriously the obligations arising from the provisions of subsection (1), other sanctions, such as immobilization, seizure and confiscation of the means of transport or recommend to relevant authorities the temporary suspension 15 or withdrawal of the operating licence.

(5) Carriers against which proceedings are brought with a view to imposing penalties, shall have effective rights of defence and appeal.

|  |  |  |
| --- | --- | --- |
| 20 | **70.** (1) The Controller General shall maintain an Advanced | Adavance |
| Passenger Information System, Interactive Advance | Passenger |
| Information, |
| Passenger Information System and a Passenger Name Record |
| Interactive |
| Information System for the purposes of subsection (2) of | Advance |
| section 171 in accordance with such written laws relating to | Passenger |
| Information |
| data protection. |
| and |

Passenger

|  |  |  |
| --- | --- | --- |
| 25 | (2) The Minister shall in accordance with any other | Name Record |
| Information |
| written law applicable to data protection, prescribe by |

regulations-

(*a*) the categories of data to be included in the Advanced   
Passenger Information, Interactive Advance

30 Passenger Information and Passenger Name Record Information; and

*Immigration*  47

(*b*) the period of time the Advanced Passenger   
 Information, Interactive Advance Passenger   
 Information and Passenger Name Record   
 Information can be retained by the Controller

|  |  |  |
| --- | --- | --- |
| 5 | General. | Examination |
| **71.** (1) (*a*) A person to whom Part IV and this Part apply |
| 10 | may, if he intends to land at any approved port to enter Sri | and medical |
| examination |
| Lanka, be examined by an immigration officer or be |
| upon arrival |
| medically examined by a prescribed medical officer. |
| (*b*) Every such examination referred to in paragraph (*a*), |
| shall be held at the time of the arrival of such person at the |

approved port or as soon as or may be thereafter.

(*c*) For the purpose of any examination held under paragraph (*b*), a person may be required by an immigration 15 officer or the prescribed medical officer to disembark and present himself at any specified place.

(*d*) A person who disembarks and enters a specified place in Sri Lanka for the purpose of complying with any direction of an immigration officer or the prescribed medical officer

|  |  |
| --- | --- |
| 20 | as referred to in paragraph (*a*), shall not be deemed by reason only of such entry, has committed any offence under the |

provisions of this Act.

(2) The captain of an aircraft or the master of any vessel arriving at any place in Sri Lanka shall detain in such aircraft

|  |  |
| --- | --- |
| 25 | or vessel any person to whom Part IV or this Part applies until such person is examined or landed for examination |

under this section.

|  |  |  |
| --- | --- | --- |
| 30 | **72.** (1) Every person arriving in Sri Lanka at an approved | Procedure |
| seaport, whether or not he intends to enter Sri Lanka, shall | for |
| examination |
| appear before an immigration officer for examination, at |
| of persons |
| such time and place as that such officer may direct. | arriving at an |
| approved |

seaport

48 *Immigration*

(2) The immigration officer, after such examination as he may consider necessary, shall inform such person who intends to enter Sri Lanka, whom he considers to be prohibited from entering Sri Lanka under the provisions of 5 this Act or any regulation or Order made thereunder of his finding, and the person, if still aboard the vessel, shall not disembark in Sri Lanka or, if he has disembarked for the purposes of examination, shall return immediately to the vessel and remain thereon.

10 (3) The master, owner, agent or charterer of the vessel shall in a like manner immediately be informed in writing by the immigration officer, of his finding, and the master, owner, agent or charterer shall not permit the person to disembark in Sri Lanka, or, if the person has disembarked,

15 whether for the purpose of examination or otherwise, shall be required to re-embark him and remove the person from Sri Lanka by the same or such other vessel, to his place of embarkation, the country of his birth or citizenship, or such other destination, as that immigration officer may direct.

20 (4) Any person who –

(*a*) refuses or neglects to appear before an immigration   
officer as required by subsection (1) or who leaves   
the place of examination without or otherwise than   
in accordance with the authorisation of that officer;

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | after being informed by an immigration officer that |

he is prohibited from entering Sri Lanka, either   
disembarks in Sri Lanka or refuses or neglects to   
return immediately to his vessel, as the case may   
be; or

|  |  |  |
| --- | --- | --- |
| 30 | (*c*) | being the master, owner, agent or charterer of a |

vessel, permits any person to disembark in Sri Lanka

*Immigration*  49

or refuses to re-embark any person, or refuses or   
neglects to remove the person from Sri Lanka in   
accordance with subsection (3),

commits an offence and shall be liable on conviction to a 5 fine not exceeding five hundred thousand rupees or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(5) Where any person either disembarks in Sri Lanka or refuses or neglects to return to his vessel in contravention of 10 this section or to board such other vessel as may be directed by an immigration officer, the immigration officer or any police officer may require that person to return to his vessel or board such other vessel and may take such steps, including the reasonable use of force as may be reasonably necessary 15 to compel that person to return or board, as the case may be, and the master, owner, agent or charterer of the relevant vessel shall be required to re-embark or embark that person, as the case may be, and to remove him from Sri Lanka.

(6) The master, owner, agent or charterer of a vessel may 20 use such force as may be reasonably necessary to comply with the provisions of subsections (3) and (5).

|  |  |  |
| --- | --- | --- |
| 25 | **73.** (1) Every person disembarking at any approved airport | Procedure |
| for |
| in Sri Lanka by air, whether or not he intends to enter Sri |
| examination |
| Lanka, shall appear before an immigration officer for |
| of persons |
| examination at such time and place as that officer may direct: | arriving at an |
| Provided however, a person who disembarks and enters | approved |
| airport |

a specified place in Sri Lanka for the purpose of compliance with any direction of an immigration officer, shall not be deemed by reason only of such entry as committing an

30 offence under any of the provisions of this Act.

50 *Immigration*

(2) The immigration officer, after such examination as he may consider necessary, shall inform any person who intends to enter Sri Lanka, whom he considers to be prohibited from entering Sri Lanka under the provisions of this Act or any 5 regulation or Order made thereunder of his finding, and the person shall not leave the precincts of the airport, except for a place approved by that officer, and shall leave and depart from Sri Lanka by the first available means in accordance with the instructions of that officer.

10 (3) The captain, owner, agent or charterer of the aircraft in which the person arrived shall, if so required by the immigration officer, remove the person from Sri Lanka by the same or such other aircraft, to his place of embarkation, the country of his birth or citizenship or such other 15 destination, as that immigration officer may direct.

(4) Any person who –

(*a*) refuses or neglects to appear before an immigration   
officer as required by subsection (1) or who leaves   
the place of examination without or otherwise than

|  |  |  |
| --- | --- | --- |
| 20 | (*b*) | in accordance with the authorisation of that officer; |
| after being informed by an immigration officer that |

he is prohibited from entering Sri Lanka, leaves the   
precincts of an airport without the permission of   
that officer, or refuses or neglects to proceed to or

|  |  |  |
| --- | --- | --- |
| 25 | (*c*) | remain at a place approved by that officer; |
| refuses or fails to leave Sri Lanka in accordance |

with the instructions of an immigration officer given   
under subsection (2); or

|  |  |  |
| --- | --- | --- |
| 30 | (*d*) | being the captain, owner, agent or charterer of the |
| aircraft in which any person arrived in Sri Lanka, |
| refuses or neglects to remove the person from Sri |

Lanka in accordance with subsection (3),

*Immigration*  51

commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand rupees or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

5 (5) Where any person leaves the precincts of an approved airport in contravention of this section or refuses to leave and depart from Sri Lanka in accordance with the instructions of an immigration officer given under subsection (2), the immigration officer or any police officer may take such steps,

|  |  |
| --- | --- |
| 10 | including the use of force, as may be reasonably necessary to compel that person to return to the precincts of the |

approved airport or to comply with such instructions, as the case may be. The Captain, owner, agent or charterer of the aircraft shall be required to re-embark or embark such person, 15 as the case may be, and to remove him from Sri Lanka.

(6) The captain, owner, agent or charterer of the aircraft may use such force as may be reasonably necessary to comply with the provisions of subsections (3) and (5).

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | **74.** (1) The captain, owner, agent or charterer of every | | Provision to |
| aircraft or the master, owner, or agent of every vessel intends | | inspect the |
| travel |
| to arrive at any approved airport or approved seaportin Sri | |
| documents |
| Lanka from a place outside Sri Lanka shall inspect and ensure | |
| and visas of |
| 25 | that every passenger boarding the aircraft or the vessel, as | | passengers |
| prior to |
| the case may be, - | |
| travel by the |
| (*a*) | has a valid passport or a travel document; and | captain of the |
| aircraft or |
| (*b*) | holds a visa, | the master of |
| the vessel |
| due to arrive |
| as required to travel to Sri Lanka. | | in Sri Lanka |

(2) Where it is found that any passenger travelling to Sri Lanka does not comply with the requirements of paragraphs

30 (*a*) and (*b*) of subsection (1), such passenger shall be refused to board the aircraft or the vessel.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 52 | *Immigration* | Persons not |
| **75.** (1) Except under and in accordance with any authority | |
| granted by an immigration officer, no person other than – | | to board or |
| leave vessel |
| (*a*) | the person based at the port, who is responsible for | until |
| examination |
| giving guidance for the docking of the vessel; | | completed |
| (*b*) | any Government officer boarding the vessel on |
| duty; | |
| (*c*) | the owner, charterer or agent of the vessel; or |
| (*d*) | a consular officer or an accredited representative of |

the country to which the vessel belongs,

10 shall leave or board a vessel arriving in Sri Lanka nor may any person, other than the crew of a vessel carrying any such person approach within two hundred metres of the vessel, until the vessel has been examined by an immigration officer and the immigration signal has been hauled down, or board 15 a vessel departing from Sri Lanka after it has been examined by an immigration officer just before its departure.

(2) Any person who contravenes subsection (1), commits an offence and every such person leaving a vessel in contravention of subsection (1) shall, if so required by an 20 immigration officer, return immediately to the vessel and remain thereon and the master of the vessel shall be required to re-embark that person.

|  |  |  |
| --- | --- | --- |
| 25 | **76.** (1) It shall be the duty of the master and the owner or | Prohibition |
| charterer of every vessel which arrives in Sri Lanka to prevent | on |
| any person other than a person specified in paragraph (*a*), | disembarking |
| from or |
| (*b*), (*c*) or (*d*) of subsection (1) of section 75 from disembarking |
| boarding |
| 30 | from or boarding the vessel until the disembarkation or | vessels |
| without |
| boarding has been authorised by an immigration officer, |
| permission of |
| and for that purpose, any means reasonably necessary may |
| immigration |
| be used. | officer |

*Immigration*  53

(2) Where any person disembarks from or boards any vessel before being authorised by an immigration officer in that behalf, that person, the master and the owner or charterer of the vessel commits an offence under this section.

5 (3) It shall not be a defence in any prosecution under this section, that the master, owner or charterer did not permit or do anything to facilitate the disembarkation or boarding of the person.

(4) Where the master of the vessel from which any person 10 has disembarked before the disembarkation has been authorised by an immigration officer, the master shall be required to re-embark that person and any master refusing to re-embark that person, commits an offence.

(5) Any person who commits an offence under this section 15 shall be liable on conviction to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

|  |  |  |
| --- | --- | --- |
| 20 | **77.** (1) Except with the authority of an immigration officer, | Prohibition |
| of removal |
| no article, document or a thing shall be removed or taken |
| of articles |
| from, or put on board, any vessel until the vessel has been | before |
| examined by an immigration officer under section 75. | examination |

(2) Any person who contravenes subsection (1), commits an offence and shall be liable on conviction to a fine not 25 exceeding one hundred thousand rupees or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 54 | *Immigration* | Power to |
| **78.** Any immigration officer, any police officer not below | |
| the rank of a Sub-Inspector of Police authorised by a | | enter and |
| board a |
| Superintendent of Police or any prescribed medical officer | |
| vessel or an |
| may enter or board any vessel or aircraft, as the case may be, | | aircraft |
| and detain and examine any person arriving or leaving Sri | |

Lanka and require the production of any document by such person.

|  |  |  |
| --- | --- | --- |
| 10 | **79.** For the purposes of any examination or inspection to | Detaining of |
| decide whether a person shall be entitled to enter Sri Lanka | persons for |
| examination |
| under the provisions of this Act, any Order or regulation |
| and |
| made thereunder, an immigration officer may direct a person | inspection |

to disembark and enter any place of the relevant approved port for such period as may be reasonably necessary for completing such examination or inspection:

15 Provided that, an immigration officer shall endeavour to conclude such examination or inspection within a period of twenty four hours and decide whether a person shall be entitled to enter Sri Lanka under the provisions of this Act, any Order or regulation made thereunder.

|  |  |  |
| --- | --- | --- |
| 20 | **80.** Every immigration officer shall have the power under | Power of |
| this Act - | immigration |
| officers at |

entry and

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | (*a*) | to control embarkation and disembarkation of | departure |
| processing |
| passengers; |
| (*b*) |
| to control passengers in immigration areas or zones; |
| (*c*) | to examine persons on arrival and make entry refusal |

decisions;

(*d*) to question and inquire passengers in order to make   
entry and departure decisions ;

*Immigration*  55

(*e*) to interrogate and request additional documents in   
 order to make entry and departure decisions;

|  |  |  |
| --- | --- | --- |
| 5 | (*f*) | to refer passengers for medical examinations; |
| (*g*) | to refer passengers to other law enforcement |
| (*h*) | agencies; |
| to hold passengers where an entry permission cannot |

be made immediately and where additional   
information is required;

|  |  |  |
| --- | --- | --- |
| 10 | (*i*) | to seize fraudulent, falsified or counterfeit travel |
| (*j*) | documents; |
| to seize travel documents of a person impersonating |

the rightful holder of the travel document;

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | (*k*) | to remove a person who is being refused entry; or | Power to |
| (*l*) | to carry out any other function assigned under this |
| Act or any other written law. | |
| **81.** (1) Any person who arrives in Sri Lanka or who is | |
| about to depart Sri Lanka shall for the purposes of this Act – | | interrogate |
| passengers |
| (*a*) | answer all questions and inquiries put to him by an |

immigration officer or any other officer authorised 20 under this Act fully and truthfully, directly or indirectly, to establish his identity, nationality or occupation or bearing on any of the restrictions contained in this Act; and

|  |  |  |
| --- | --- | --- |
| 56 | (*b*) | *Immigration* |
| disclose and produce to any such officer referred to |

in paragraph (*a*) on demand all documents, articles   
or things in his possession.

(2) All such answers, documents, articles or things shall 5 be admissible in evidence in any proceedings under this Act against the person making, disclosing or producing the same.

(3) Nothing in this section shall be construed as rendering any such answer inadmissible in any other proceedings in which they would otherwise be admissible.

10 (4) Any person who –

(*a*) refuses to answer any question or enquiry put to   
him under subsection (1);

(*b*) knowingly gives any false or misleading answer to   
any such question or enquiry;

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | refuses or fails to produce any document or article |

in his possession when required to do so under   
subsection (1); or

(*d*) knowingly produces any false or misleading   
document,

20 commits an offence.

(5) Any person who commits an offence under subsection (4) –

*Immigration*  57

(*a*) in the case of an offence under paragraph (*a*), (*b*) or (*c*) of that subsection, shall be liable on conviction, to a fine not exceeding five hundred thousand rupees or to imprisonment for a term not exceeding 5 six months or to both such fine and imprisonment ; or

(*b*) in the case of an offence under paragraph (*d*) of that subsection, shall be liable on conviction to a fine not exceeding five hundred thousand rupees or to 10 imprisonment for a term not exceeding two years or to both such fine and imprisonment.

|  |  |  |
| --- | --- | --- |
| 15 | **82.** An immigration officer shall refer any person entering | Power to |
| or departing to any law enforcement agency attached to an | refer arriving |
| or departing |
| approved port on the direction of the Controller General, at | passengers to |
| other |
| the request of such relevant agencies established under any | agencies |

other written law.

**83.** (1) Master, owner, agent or charterer of every vessel Stowaways or the captain, owner, agent or charterer of the aircraft-

|  |  |  |
| --- | --- | --- |
| 20 | (*a*) | arriving at any approved port or leaving or due to |
| leave from any approved port before the vessel or |

aircraft arrives at the approved port or departs from   
the approved port, as the case may be, shall report   
the presence on board of any stowaway to an   
immigration officer; or

|  |  |  |
| --- | --- | --- |
| 58 | (*b*) | *Immigration* |
| having discovered a stowaway on board while in |

an approved port after the arrival or before the   
departure, shall report immediately to an   
immigration officer.

5 (2) (*a*) An immigration officer shall not permit a stowaway to enter Sri Lanka unless the stowaway is a citizen of Sri Lanka. The Master or any other person in charge of the vessel, or aircraft in which the stowaway arrived, shall not permit a stowaway who is not a citizen of Sri Lanka to disembark in 10 Sri Lanka and shall keep the stowaway on board.

(*b*) The master, owner, agent or charterer of every vessel or the captain, owner, agent or charterer of the aircraft shall remove every stowaway who is not a citizen of Sri Lanka, from Sri Lanka by the same or such other vessel or aircraft, to 15 his place of embarkation, the country of his birth or citizenship or such other destination, as that immigration officer may direct.

(3) An immigration officer shall permit a stowaway to enter Sri Lanka if the stowaway is a citizen of Sri Lanka.

20 (4) Where a stowaway who is a citizen of Sri Lanka is permitted to enter Sri Lanka under subsection (3), such person shall, enter Sri Lanka subject to the provisions relating to unlawful departure or entry under this Act or regulation or Order made under this Act.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | *Immigration* | | 59 | Provisionof |
| **84.** (1) The master, owner, agent or charterer of every | | |
| passengers |
| vessel arriving at any approved port for persons arriving in | | |
| andcrew |
| Sri Lanka by sea from a place outside Sri Lanka or leaving or | | |
| information |
| due to leave from any approved port for persons leaving Sri | | |
| bymasterof |
| Lanka by sea to a place outside Sri Lanka shall – | | | vessel |
| arrivingin, |
| (*a*) | within such time, in such form and manner and | | leavingor |
| duetoleave |
| containing such particulars of the crew as may be | | | SriLanka |

prescribed, furnish to an immigration officer a complete list of all the crew who are or will be on 10 board the vessel at the time of its arrival at the approved port or at the time of its departure from the approved port, as the case may be;

(*b*) if so required by that immigration officer, produce to that immigration officer for inspection and 15 interrogation every member of the crew, as directed, either generally or specifically, by that immigration officer;

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | furnish to that immigration officer such evidence |
| of the identity of each member of the crew within |
| such time and in such form and manner as may be |

prescribed;

(*d*) submit to such search of his vessel as may be   
 necessary to establish the presence or absence of   
 other persons on board;

|  |  |  |
| --- | --- | --- |
| 25 | (*e*) | produce his vessel’s papers; and |
| (*f*) | before the vessel arrives at the approved port or |

departs from the approved port, as the case may be,   
report the presence on board of any stowaway or   
any unauthorised person or any person proceeding

30 to any state or country on the person’s removal from any other state or country by the competent authorities of that other state or country.

60 *Immigration*

(2) In the case of vessels carrying passengers, the master, owner, agent or charterer shall, in addition —

(*a*) within such time, in such form and manner and containing such particulars as may be prescribed, 5 furnish a complete list of all passengers who are or will be on board the vessel at the time of its arrival at the approved port or departure from the approved port, as the case may be;

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | furnish in relation to every passenger disembarking |
| in or embarking from Sri Lanka, such particulars in |

such form and manner and within such time as may   
be prescribed; and

(*c*) if so required by an immigration officer, produce every passenger for inspection and interrogation as 15 directed, either generally or specifically, by that immigration officer.

(3) An immigration officer may issue a certificate as required by law, under this Act, as to the number of the members of the crew upon the inspection, to the master, 20 owner, agent or charterer of the vessel.

(4) The master, owner, agent or charterer of a vessel who contravenes subsection (1) or (2), and any person who hinders or obstructs any search of a vessel under paragraph (*d*) of subsection (1), commits an offence and shall be liable 25 on conviction to a fine of not less than one hundred thousand rupees and not more than five hundred thousand rupees in respect of each such person.

(5) If any person whose presence has not been reported under paragraph (f) of subsection (1), is found on board the 30 vessel, the master, owner, agent and charterer of the vessel,

*Immigration*  61

each commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand rupees and not more than five hundred thousand rupees in respect of each such person.

5 (6) In any proceedings under this section, the certificate in writing of an immigration officer who boarded or examined any particular vessel to the effect that the vessel carried, on arrival in Sri Lanka a total number of members of the crew corresponding in description to the particulars on 10 the identification cards furnished under paragraph (c) of subsection (1) shall be conclusive proof that the vessel did on arrival carry that number of members of the crew.

|  |  |  |
| --- | --- | --- |
| 15 | **85.**(1) Thecaptain,owner,agentorchartererofevery | Provisionof |
| passenger |
| aircraftarrivingatanyapprovedportinSriLankafroma |
| andcrew |
| placeoutsideSriLankaorleavingorduetoleaveany | information |
| approvedportinSriLankatoaplaceoutsideSriLankashall- | bycaptainof |
| the aircraft |

arrivingin,

|  |  |  |
| --- | --- | --- |
| (*a*) | withinsuchtime,insuchformandmannerand | leavingor |
| duetoleave |
| containingsuchparticularsasmaybeprescribed, |
| SriLanka |

furnishtoanimmigrationofficeracompletelistof 20 allpassengerswhoareorwillbeonboardtheaircraft atthetimeofitsarrivalattheapprovedportor departurefromtheapprovedport,asthecasemay be;

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | furnishtothatofficerinrelationtoeverypassenger |
| landinginordepartingfromSriLankasuch |

particularsinsuchformandmannerwithinsuch   
timeasmaybeprescribed;

(*c*) withinsuchtime,insuchformandmannerand   
containingsuchparticularsofthecrewasmaybe

62 *Immigration*

prescribed,furnishtothatofficeracompletelistof   
allthecrewofhisaircraftwhoareorwillbeon   
boardtheaircraftatthetimeofitsarrivalatthe   
approvedportordeparturefromtheapprovedport,

|  |  |  |
| --- | --- | --- |
| 5 | (*d*) | asthecasemaybe; |
| ifsorequiredbyanimmigrationofficer,produce |

everymemberofthecrewandeverypassengerof   
thataircraftforinspectionandinterrogationas   
directed,eithergenerallyorspecifically,bythe

|  |  |  |
| --- | --- | --- |
| 10 | (*e*) | immigrationofficer; |
| submittosuchsearchofhisaircraftasmaybe |

necessarytoestablishthepresenceorabsenceof   
otherpersonsonboard;and

|  |  |  |
| --- | --- | --- |
| 15 | (*f*) | beforetheaircraftarrivesatordepartsfromthe |
| approvedport,asthecasemaybe,reportthe |

presenceonboardofanystowawayorany   
unauthorisedpersonoranypersonproceedingto   
anystateorcountryontheperson’sremovalfrom   
anyotherstateorcountrybythecompetent

20 authoritiesofthatotherstateorcountry.

(2) An immigration officer may issue a certificate under this Act, as to the number of the members of the crew upon the inspection, to the captain, owner, agent or charterer of the vessel.

25 (3)Thecaptain,owner,agentorchartererofanaircraft whocontravenessubsection(1),andanypersonwhohinders orobstructsanysearchofanaircraftunder paragraph (*e*) of subsection(1),commitsanoffenceandbeliableon convictiontoafineofnotlessthanonehundredthousand

|  |  |
| --- | --- |
| 30 | rupeesandnotmorethanfivehundredthousandrupeesin respectofeachsuchperson. |

*Immigration*  63

(4)Ifanypersonwhosepresencehasnotbeenreported under paragraph (*f*) of subsection(1),isfoundonboardan aircraft,thecaptain,owner,agentandchartereroftheaircraft commit anoffenceandbeliableonconvictiontoafineof

|  |  |
| --- | --- |
| 5 | notlessthanonehundredthousandrupeesandnotmore thanfivehundredthousandrupeesinrespectofeachsuch |

person.

(5)Inanyproceedingsunderthissection, a certificatein writingofanimmigrationofficerwhoboardedorexamined 10 anyparticularaircrafttotheeffectthattheaircraftcarried, onarrivalinSriLanka,atotalnumberofcrewcorresponding indescriptiontotheparticularsonthelistfurnishedunder paragraph (*c*) of subsection(1),shallbeconclusiveproof thattheaircraftdidonarrivalcarrythatnumberof the

|  |  |  |
| --- | --- | --- |
| 15 | members of the crew. | Restriction |
| **86.** (1)Wherea member of a crew of an aircraft or vessel is |
| 20 | abouttobeorisdischargedorpaidoffinSriLanka, the | ondischarge |
| ofmembers |
| captain, master,owner,chartereroragentshallsonotifythe |
| ofcrew |
| ControllerGeneral. |
| (2)Nomemberofacrewwhohasbeendischargedorpaid |

offshallbeleftinSriLankaunlesseither –

(*a*) heisacitizenofSriLanka;or

(*b*) heisinpossessionofavalidvisatoenterSriLanka   
 asprescribedbyregulations.

|  |  |
| --- | --- |
| 25 | (3)Wheretherehasbeenanycontraventionofsubsection (2),the captain, master,owner,charterer oragentofthevessel |

or theaircraftinwhichthepersonconcernedwasemployed, shallbeliableforthemaintenanceofthatpersonandforthe costofhisrepatriationtohisplaceofbirthorcitizenshipor,

|  |  |
| --- | --- |
| 30 | ifthe captain, master,owner,charterer oragentsoelects,to suchotherplaceasmaybeapprovedbytheController |

General.

|  |  |  |
| --- | --- | --- |
| 64 | *Immigration* | Issuance of  shore passes to members of the crew |
| **87.** (1)An immigration officer at an approved port may issue a shore pass to a member of the crew of any vessel to enter the shore on the written request of the master, owner, | |

charterer or agent of a vesel at such approved port.

5 (2)The Minister may precribe the manner and form and the information to be included in a shore pass.

(3)A member of the crew issued with a shore pass is only allowed to visit the area specified in the shore pass and if such member of the crew intends to go beyond the specified

10 area indicated in the show pass, shall be required to obtain a valid visa.

(4)A shore pass issued to a member of the crew shall be the responsibility of the master, owner, charterer or agent of the vessel on whose request such shore pass is issued.

|  |  |  |
| --- | --- | --- |
| 15 | **88.**(1)Ifanyperson – | Master, |

Captainand

|  |  |  |
| --- | --- | --- |
| (*a*) | entersSriLankafromanyvessel,oraircraftin | ownerliable |
| forexpenses |
| contravention oftheprovisionsofthisActorany |

regulations made thereunder;

|  |  |  |
| --- | --- | --- |
| 20 | (*b*) | disembarksfromanyvesselonwhichhehasbeen |
| re-embarkedortowhichhehasbeenreturnedunder |

sections72,75 and 76;or

(*c*) arrivesatanyapprovedportinSriLankafromany   
 aircraft,andisrequiredtoleaveordepartfromSri   
 Lankaundersection73,

|  |  |
| --- | --- |
| 25 | the captain, master,owner,chartererandagentthereofshall bejointlyandseverallyliableforallexpensesincurredby |

theGovernmentinrespectoftheholding,detentionand maintenanceofthepersonandhisremovalfromSriLanka.

*Immigration*  65

(2)Theexpensesshallberecoverableasadebtduetothe Government,fromthe captain, master,owner,charterer or agentofthevessel,oraircraftjointlyandseverally.

|  |  |  |
| --- | --- | --- |
| 5 | **89.**(1)WhereanOrderofRemovalismadeunderthe | Obligationto |
| provisionsofthisActinrespectofanypersonwhohasentered | affordfree |
| passage |
| SriLankacontrarytotheprovisionsofthisActorthe |

regulations,and where thepersonwasbroughttoSriLanka inavesseloranaircraft,themasterofthevesselor, the captain of the aircraftandalsothemasterofanyvesselor,

10 the captain of an aircraftbelongingtothesameownersor charteredbythesamecharterers,shall,ifrequiredinwriting bytheControllerGeneral,receivethepersononboardhis vesselor,aircraftandaffordhimfreeofchargeapassageto theportorplaceatwhichtheperson has embarkedforSri 15 Lankaortoanyotherportorplacedesignatedbythe ControllerGeneralandproperaccommodationand maintenanceduringthevoyageorflight.

(2) An immigration officer may by notice direct that any person to whom this Part or Part IV applies and who has been

20 refused an endorsement, or who enters Sri Lanka in contravention of the provisions of this Act to be removed from Sri Lanka by the master of the vessel or the captain of the aircraft by which such person has travelled to Sri Lanka or by the owner or agent of such ship or aircraft to the territory 25 of which such person is a national or which such person has embarked for Sri Lanka. The master of the vessel or the captain of the aircraft shall comply with such notice.

(3)Amasterofavesselor a captain of an aircraftwhofails tocomplywith the provisions of thissection,commitsan

30 offenceandshallonconvictionbeliabletoafineofnotless thanfivehundredthousandrupeesandnotmorethanone million rupeesinrespectofeachsuchperson.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 66 | *Immigration* | Reportsasto |
| **90.** (1)Whereanytransitpassengerormemberofthecrew | |
| ofanyvesseloraircraftfailstocontinuehisjourneyinthe | | persons |
| failingto |
| vesseloraircraftincircumstancesfromwhichitmay | |
| continue |
| reasonablybeinferredthatthepassengerormemberofthe | |
| theirjourney |
| crewhasremainedinSriLanka,themasterofthevesselor | |

the captain of the aircraft or the agent,asthecasemaybe, shallnotify to animmigrationofficerofthefailureofthe passengerormemberofthecrewtocontinuehisjourney.

(2)Amasterofavesselor the captain of anaircraft or the 10 agent whofailstocomplywithsubsection(1),commitsan offenceandshallbe jointly and severally liable on convictiontoafineofnotlessthanonehundredthousand rupeesandnotmorethanfivehundredthousandrupees.

|  |  |  |
| --- | --- | --- |
| 15 | **91.**(1)Everydirectair side or sea side transitpassenger | Provisions |
| arrivingatanapproved port inSriLankaisexemptedfrom | regarding |
| requirementofhavingvisaorendorsementunderthisPart, | controlover |
| directtransit |
| Part III or Part IV,ifthetransitperiodisnotexceedingeight |
| passengers |
| hours or as may be prescribed by the Minister. |

For the purposes of this section-

|  |  |
| --- | --- |
| 20 | “direct air side transit passenger” means a passenger who both arrives and departs the point (transits |

the point) as part of a continous movement under a single air ticket or waybill, without a stopover, on the same or different aircarft 25 identified by the same airline designator and flight number; and

“direct sea side transit passenger” means a passenger who both arrives and departs the point (transits the point) as part of a continuos movement 30 under a single ship ticket or waybill, without a stopover, on the same or different harbour identified by the same shippingline designator and vessel number.

*Immigration*  67

(2)Everydirectair side or sea side transitpassengershall haveatravel document,airticketand a validvisaor a transit visaasthecasemaybe,ifsuchvisaortransitvisaisrequired bytheintendedcountryoffinaldestinationoranycountry 5 oftransit.

(3)Directair side or sea side transitpassengersshallnot leavethetransitareawithoutundergoingentryprocessing.

(4)Directair side or sea side transitpassengersaresubject tobeexaminedbyimmigrationofficerswhenitisrequired.

10 (5)Ifitisrequiredtoremoveadirectair side or sea side transitpassengerundercertaincircumstances,responsibility andcostswillbebornebythecaptain of the aircraft or the master of the vesselwhobroughtthepersontothecountry.

|  |  |  |
| --- | --- | --- |
| 15 | **92.** (1)TheControllerGeneralmaybywritingunderhis | Powerto |
| handauthorisetheDirectorofMerchantShippingtodetain | detainvessel |
| anyvessel and the Director General of Civil Aviation to | or aircraft |

detain any aircraft inconnectionwithwhichanoffenceunder thisActisreasonablybelievedtohavebeenortobeaboutto becommitted,andthevessel or the aircraftmaythenbe 20 detainedeitherattheplacewhereitisfoundoratanyplace towhichtheControllerGeneralmayorderittobebrought.

(2)TheControllerGeneralshallgivenoticetothe captain, master,owner,chartereroragentofthevessel or the aircrafts ofthedetentionofthevessel or the aircraft.

25 (3)Forthepurposesofthedetentionandotherlawful dealingwiththevessel or the aircraft,theDirectorof MerchantShipping or the Director General of Civil Aviation shallhavepowertomusterthecrewandmay,ifheconsiders itnecessarytodoso,placeapoliceguardonboard.

68 *Immigration*

(4)Thedetentionshallbeforsafecustodyonly,andshall ceaseifabondwithtwosufficientsuretiestothesatisfaction oftheControllerGeneralisgivenbythe captain, master, owner,chartereroragentofthevessel or the aircraft forthe

|  |  |
| --- | --- |
| 5 | paymentofanyfine,costs,expensesorchargesincurred underthisActinrespectofanyoffenceordefaultthereunder. |

(5) If payment of any such fine, costs, expenses or charges has been defaulted, the Director of Merchant Shipping or the Director General of Civil Aviation may seize the vessel

10 or the aircraft and the vessel or the aircraft shall be declared forfeited to the State by order of a court of competent jurisdiction upon the application made by the Attorney-General.

(6) Any vessel or aircraft so forfeited shall be sold free of 15 all encumbrances.

(7) The proceeds of sale of a vessel or an aircraft under this section shall, notwithstanding any law relating to priority of claims, be applied first in payment of any fine, costs, expenses or charges incurred under this Act and of any costs

20 incurred in and about the sale and the proceedings leading thereto, and the balance shall be paid to the owner of the vessel or aircraft or other person lawfully entitled to the proceeds thereof.

(8)(*a*) Section 2 of the Admiralty Jurisdiction Act, No. 40 25 of 1983 shall be construed as extending to any claim in respect of a liability incurred by the owner of a vessel under this Act.

(*b*) Section 101 of the Civil Aviation Act, No. 14 of 2010 shall be construed as extending to any claim in respect of a 30 liability incurred by the owner of an aircraft under this Act.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | *Immigration* | 69 | Powerto |
| **93.** (1)Anyvesselbelowtwo hundredtonsthatisused,or | |
| inrespectofwhichthereisreasonablecausetosuspectthatit | | seize,detain |
| andforfeit |
| hasbeenorthatitisabouttobeused,inthecommissionof | |
| vesselsbelow |
| anyoffenceunderthisActortheregulations,maybeseized | | two hundred |
| anddetainedatanyplaceeitheronlandorintheterritorial | | tons |

watersofSriLanka-

(*a*) bytheControllerGeneral,oranyofficer appointed   
 under section 4 of this Act and authorisedinthat   
 behalfbytheControllerGeneralinwritingunder

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | hishand;or |
| byany police officer irrespective of rank or any |

authorised member of the Forces not below the rank   
of a corporal or leading seaman or any Coast Guard   
Officer of the Department of Coast Guard,

15 andallsuchseizuresshallbenotifiedtotheController General.

(2)Theseizingofficershallimmediatelygivenoticein writingoftheseizureandthegroundsthereoftotheowner, chartereroragentofthevesselsoseizedordetained,either 20 bydeliveringthenoticetohiminpersonorbypostathis placeofofficeorabode,ifknown.

(3)Thenoticeundersubsection(2),shallnotberequired tobegivenwheretheseizureordetentionismadeinthe presenceoforwiththeknowledgeoftheoffenderorthe

25 ownerorhisagent,asthecasemaybe.

(4)Anyvesselliabletoseizureordetentionunder subsection(1),shallbeliabletoforfeiture.

(5)An orderfortheforfeitureorforthereleaseofany vesselliabletoforfeitureunderthissectionshallbemadeby

70 *Immigration*

thecourtbeforewhichtheprosecutionwithregardthereto hasbeenheld.

(6)Where,uponanapplication made bytheAttorney-General,itisprovedtothesatisfactionofthecourtthatan

|  |  |
| --- | --- |
| 5 | offenceunderthisActorregulationshasbeencommitted andthatthevesselwasusedinthecommissionoftheoffence, |

thecourtshallmakean orderfortheforfeitureofthevessel, notwithstandingthatnopersonmayhavebeenchargedwith orconvictedoftheoffence.

10 PARTVI

SUPERVISIONOF ACTIVITIESOF PERSONSOTHERTHAN   
 CITIZENSOF SRI LANKA

**94.** ThisPartshallapplytoeverypersonunless – Application ofPartVI

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) | heisacitizenofSriLanka;or |
| (*b*) | byvirtueofanyOrderunderPartIforthetimebeing |

in force,heisexemptedfromtheprovisionsofthis   
Part.

|  |  |  |
| --- | --- | --- |
| 20 | **95.**(1)Anyperson who is not a citizen of Sri Lanka and | Voluntary |
| whohas exceededtheperiodpermittedbythevisaissuedto | departure |
| himmayvoluntarilyappearbeforetheControllerGeneralor |
| animmigrationofficerforvoluntarydepartureimmediately. |

(2)The persons referred to in subsection (1) shall be liable to pay apenaltyifany,underthisActoranypenaltiesas prescribedbytheMinisterfromtimetotimebywayof

25 regulations.

(3)Upon the payment ofthepenalty, by such person referred to in subsection (1), theControllerGeneralmay orderhimtodepartfromSriLankabeforetheexpiryofa periodasdeterminedandinformedbytheControllerGeneral.

*Immigration*  71

(4)Where such person referred to in subsection (1)failsto paythepenalty,theControllerGeneralshall,takeactionto remove such person,andimposeatravelbanagainsthimto enterSriLankauntilthedatethepenaltyispaid.

5 (5)Apersonwhovoluntarilydepartsunderthissection shallnotbeliableforanoffenceundersection 124.

|  |  |  |
| --- | --- | --- |
| 10 | **96.** (1)TheMinistermay,ifhedeemsitexpedientinthe | Powerto |
| publicinterest,byOrderimposerestrictionsonthe | impose |
| restrictions |
| movementsoractivities,duringtheirstayinSriLanka,of |
| onpersons |
| personstowhomthisPartapplies,andprovisionmaybe |
| byOrder |

madeintheOrderinrespectofalloranyofthefollowing matters:-

(*a*) thecircumstancesinwhichandthepurposefor whichsuchpersonsmayberequiredtofurnish 15 returnstoimmigrationofficers,theformofsuch returnsandtheparticularstobeenteredtherein;

(*b*) theinformationtobesuppliedbysuchpersons relatingtotheoccurrenceofanycircumstances affectinginanymanner,theaccuracyofthe 20 particularsspecifiedinreturnsmadeunderthe Order;

(*c*) thecompliancebysuchpersonswithsuchprovisions   
 astoplaceofresidence,changeofresidence,   
 travelingorotherwise,asmaybemadebytheOrder;

|  |  |  |
| --- | --- | --- |
| 25 | (*d*) | the impositionofsuchobligations,requirements, |

conditionsorrestrictionsontheactivitiesor   
associationsofsuchpersons,astheMinistermay   
deemnecessaryinthepublicinterest;

|  |  |  |
| --- | --- | --- |
| 30 | (*e*) | theformofregisterstobekeptbyimmigration |
| officersandtheparticularstobeenteredtherein; |

|  |  |  |
| --- | --- | --- |
| 72 | (*f*) | *Immigration* |
| thecircumstancesinwhichimmigrationofficers |

andpoliceofficersmayexerciseinrelationtosuch persons,powersofarrest,detention,searchof premisesorpersonandanyotherancillarymatters 5 forwhichitappearsexpedienttoprovidewitha viewtogivingfulleffecttotheOrder;and

(*g*) allmattersincidentaltoorconnectedwiththe   
mattersandsubjectsreferredtointhissubsection.

(2)AnOrderunderthissectionmaybeeitheraspecial 10 Orderinrespectofanypersonorgroupofpersonsorageneral Orderapplicabletoanyclassordescriptionofpersons.

|  |  |  |
| --- | --- | --- |
| 15 | **97.** (1)Everyimmigrationofficershallmaintainaregister | Registersto |
| ofpersonstowhomthisPartappliesforthepurposeofthis | bekeptby |
| immigration |
| Act.Suchofficershallenterintheregister,inrespectofeach |
| officers |
| personwhoisrequiredby an Ordermadeundersection96 to |

furnishareturntosuchofficer,suchparticularsrelatingto suchpersonasarerequiredtobeenteredinsuchregister.

(2)Theimmigrationofficeraforesaidshall,uponhim beinginformedbyanypersontowhomthisPartapplies,of 20 theoccurrenceofanycircumstancesaffectinginanymanner, theaccuracyoftheparticularspreviouslyfurnishedtosuch officer,makesuchalterationsintheentriesintheregister relatingtosuchperson,asmaybenecessaryformaintaining theaccuracyoftheregister.

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **98.** (1)WhereapersontowhomthisPartappliesis | | Powerof the |
| convictedofanoffenceunderthisActbyreason – | | Ministerto |
| directthe |
| (*a*) | ofhimhavingenteredorremainedinSriLankain | removal |
| fromSri |
| 30 |
| contraventionofanyprovisionofPart III, IV or V | | Lankaof |
| personsother |
| of this Actorofanyregulationmadeunderany | |
| thancitizens |
| suchPart;or | | ofSriLanka |

*Immigration*  73

(*b*) ofhisfailuretocomplywithanyoftheterms,   
 conditionsorrestrictionsimposeduponhimbyany   
 endorsement granted orvisaissuedtohim;or

|  |  |  |
| --- | --- | --- |
| 5 | (*c*) | ofhisfailuretocomplywithanyoftheterms, |
| conditionsorrestrictionsimposeduponhimbyany |

OrdermadeunderPartVI,

theMinistermay,byaRemovalOrder,directaprescribed officertoarrest,detainandtakeonboardanaircraftorvessel thepersonsoconvictedandmayfurtherdirectbythatOrder 10 orbyanysubsequentOrderthatthecaptainofthataircraftor themasterofthatvesselshallremovesuchpersonfromSri Lanka.

(2)WheretheMinisterissatisfiedthatapersontowhom thisPartapplies–

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) | entersorremainsinSriLankaincontraventionof |

anyprovisionofPart III, IV or V of this Actorof   
anyregulationmadeunderany suchPart or any   
restriction imposed on such person by any Order   
made under section 96;or

|  |  |  |
| --- | --- | --- |
| 20 | (*b*) | hashadhisvisaorendorsementcancelled;or |
| (*c*) | hasoverstayedtheperiodspecifiedinthevisaor |

endorsement,

theMinistermaybyOrder,directaprescribedofficertoarrest, detainandtakeonboardanaircraftorvesselsuchperson, 25 and escort where necessary andmayfurtherdirectbythat Order,orbyanysubsequentOrderthatthecaptainofthe aircraftormasterofthatvesselshallremovesuchperson fromSriLanka.

74 *Immigration*

(3)TheControllerGeneralmayonhisownmotionoron thedirectionoftheMinisterinquireintothemattersspecified insubsection(2)andmakerecommendationsthereontothe Minister.

5 (4)AnOrdermaybemadebytheMinisterunderthis section,andpowersconferredbysuchOrdermaybe exercised,inrelationtoanyperson,notwithstandingthat suchpersonisservingasentenceofimprisonmentimposed byacourtunderthisActoranyotherlaw.

10 (5)Anypeaceofficermayuseallsuchforceasmaybe necessaryforthepurposeofgivingeffecttoanyOrdermade underthissection.

(6)Subject to Articles 126 and 140 of the Consitution, anyOrdermadeunderthissectionshallbefinalandshallnot 15 becontestedinanycourtinSriLanka.

(7)(*a*)Whereacaptainofanaircraftorthemasterofa vesselhasbeendirectedbyanyOrderunderthissectionto removeapersonspecifiedinthatOrderfromSriLankaand thatcaptainormasterfailstodo so,hecommitsanoffence 20 underthisActandshallonconvictionbeliabletoa fine not less than five hundred thousand rupees and not not more than one million rupees.

(*b*)Wherethepunishmentimposedonthecaptainofthe aircraftorthemasterofavesselforthesaidoffenceconsists 25 oforincludesafineandthewholeorpartofthefineremains unpaidwithinsevendaysfromthedateoftheimpositionof thefine,thecourtwhichimposedthefinemaydirectthe amountremainingunpaidtobeleviedbythedistressand saleoftheaircraftorvessel.

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(8)Whereproceedingshavebeeninstitutedinacourt againstthecaptainofanaircraftorthemasterofavesselfor anoffenceundersubsection(7), court may order the relevant authorities to refuse the outward clearance of vessel or aircraft 5 untiltheconclusionofsuchproceedingsoruntilthefine,if any,imposedbythecourthasbeenpaid.

(9)The Ministermayimposealimitedorapermanent travelbantoenterSriLankaagainstapersonremovedunder thissection.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **99.** (1)TheMinistermayontherecommendationofthe | | Powerof the |
| 15 | Ministerto |
| ControllerGeneralinanyofthefollowingcircumstances | |
| deportfrom |
| makeanOrder,inthisActreferredtoasa"DeportationOrder" | |
| SriLanka |
| requiringanypersontowhomthisPartappliestoleaveSri | | persons other |
| thancitizens |
| LankaandtoremainthereafteroutofSriLanka:- | |
| ofSriLanka |
| (*a*) | wherethatpersonhasshown,byevidencewhich |

theMinistermaydeemsufficient,tobe–

(i) apersonincapableofsupportinghimselfand   
 hisdependants;

|  |  |  |
| --- | --- | --- |
| 20 | (ii) | apersonofunsoundmind who is a danger to |
| (iii) | himself and to the others; |
| a person who has been convicted of |

prostitution orhas been convicted for being   
a procurer,or aperson living onthe   
prostitutionofothers; or

|  |  |  |
| --- | --- | --- |
| 25 | (iv) | apersonwhom,formedicalreasons,itis |

undesirabletobeallowedtoremaininSri   
Lanka;

|  |  |  |
| --- | --- | --- |
| 76 | (*b*) | *Immigration* |
| wherethatpersonhasbeenconvictedinSriLanka |

orinanyothercountryforanycriminaloffence particularlytheoffencesrelatingtodangerous drugs, narcotic drugs, orpsychotropicsubstances, 5 childabuse,humansmuggling,humantrafficking orterrorismandhasnotreceivedafreepardonin respectofanoffenceforwhichasentenceof imprisonmenthasbeenmadeand,byreasonofthe circumstancesconnectedtherewith,isdeemedby 10 theMinistertobeanundesirablepersontobe allowedtoremaininSriLanka;

(*c*) wherethatpersonhasbeensentencedoutsideSri   
 Lankaforanextraditableoffencewithinthe   
 meaningofanylawwhichwasorisinforceinSri

|  |  |  |
| --- | --- | --- |
| 15 | (*d*) | Lankarelatingtoextradition;or |
| wheretheMinisterdeemsittobeconducivetothe |

publicinteresttomakeaDeportationOrderagainst   
thatperson.

(2) The Minister may, by a Deportation Order, direct a

|  |  |
| --- | --- |
| 20 | prescribed officer to arrest, detain and take on board an aircraft or vessel the person so convicted and escorted where |

necessary and may further direct by that Order or by any subsequent Order that the captain of that aircraft or the master of that vessel shall remove such person from Sri Lanka.

25 (3)WheretheMinistermakesaDeportationOrderunder subsection(1),theControllerGeneralshalltakenecessary actionasprovidedforintheapplicablelaws,todeportsuch person.

(4)AnypowersconferredbyanOrdermadebythe 30 Ministerunderthissectionmaybeexercised,inrelationto

*Immigration*  77

anyperson,notwithstandingthatsuchpersonisservinga sentenceofimprisonmentimposedbyacourtunderthisAct, orunderanyotherlaw.

(5) Subject to Article 126 and 140 of the Constitution

|  |  |
| --- | --- |
| 5 | anyOrdermadeunderthissectionshallbefinalandshallnot becontestedinanycourtoflawinSriLanka. |

(6)ApersonwithrespecttowhomaDeportationOrderis made,shallleaveSriLankainaccordancewiththeOrder, andshallthereafterremainoutofSriLanka solongasthe 10 Orderisinforce.

(7)Anypeaceofficermayuseallsuchforceasmaybe necessaryforthepurposeofgivingeffecttoanyOrdermade underthissection.

(8) Where the Minister makes a Deportation Order under 15 subsection (1), such person may be detained in such manner as may be directed by the Minister.

|  |  |  |
| --- | --- | --- |
| 20 | **100.** (1)WhereaDeportationOrderorRemovalOrderis | Moneyand |
| madeinthecaseofanyperson,theMinistermay,ifhethinks | propertyof |
| persons |
| fit,applyanymoneyorpropertyofthatpersoninpaymentof |
| deportedor |
| thewholeoranypartofthecostsandchargesincurredbythe |
| removed |
| Governmentinrespectofthatperson. | maybe |
| (2)Whereanymoneyappliedundersubsection(1)is | appliedin |
| paymentof |
| costsand |
| inexcessofthetotalamountofexpensesforwhichany | charges |

personisliableundersubsection(1),any balance of the 25 money remainingshallbereturnedtohim.

(3)Whereanymoneyappliedundersubsection(1)is lessthanthetotalamountofexpensesforwhichanyperson isliableundersubsection(1),thebalanceshallberecorded asadebttoberepaidbytheperson.Nofuturevisashallbe

|  |  |
| --- | --- |
| 30 | grantedtothepersonwhileanydebttotheGovernment underthissectionisoutstanding. |

|  |  |  |
| --- | --- | --- |
| 78 | *Immigration* | Arrangement ofsecurity  escorts |
| **101.** (1) Where necessary, theControllerGeneralmay makearrangementstoassign an officer appointed under section 4 of this Act or a police officer not below the rank of | |

a Sub-Inspector of Police as asecurityescortwiththeowner, 5 agentorchartererofanaircraftfortheremovalordeportation ofapersonunderthisPart.Insuchinstancesheshallprovide thefollowinginformationassoonaspossible,butnolater thantwenty fourhoursbeforethescheduledtimeofdeparture oftheflight:-

|  |  |  |
| --- | --- | --- |
| 10 | (*a*) | acopyoftheRemovalorDeportationOrder; |
| (*b*) | ariskassessmentbytheControllerGeneralin |

consultation with oftheCivilAviationAuthority   
orotherrelevantauthoritiesandanyotherpertinent   
informationthatwouldhelptheaircraftoperatorto

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | assesstherisktothesecurityoftheflight;and |
| thenamesandnationalitiesofanyescorts. |

(2)TheControllerGeneral,whenpresentingapersonfor deportationorremoval,shallensurethatallofficialtravel documentationrequiredbyanytransitordestinationstateis 20 providedtotheaircraftoperator.

(3)TheControllerGeneral,whenmakingarrangements fortheremovalordeportationofaperson,may –

(i) takeintoconsiderationtheaircraftoperator’spolicy,   
 concerningthenumberofsuchpersonsthatmaybe

|  |  |  |
| --- | --- | --- |
| 25 | (ii) | transportedonagivenflight; and |
| usedirectnon-stopflightswheneverpracticable. |

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(4)Iftheowner,agentorchartererofanaircraftorthe captainoftheaircraftdecidestorefusetotransportaperson beingdeportedorremovedonaspecificflightwhen reasonableconcernsrelatingtothesafetyandsecurityof 5 theflight,thatdecisionshallbeinformedtotheController General.

(5)Uponthereceiptofinformationfromtheowner, agentorchartererofanaircraftorthecaptainoftheaircraft asmentionedinsubsection(4),theControllerGeneral

|  |  |  |
| --- | --- | --- |
| 10 | may – | takestepstofacilitatetheescortingofapersonbeing |
| (i) |

removedordeported;and

(ii) providetheitineraryincludingtransitstopsinan   
 intermediatestate;and

|  |  |  |
| --- | --- | --- |
| 15 | (iii) | ensurethattheescortremainswiththedeportee or |

the person being removed tohisfinaldestination,   
unlesssuitablealternativearrangementsareagreed,   
inadvanceofarrivalbytheauthoritiesandthe   
aircraftoperatorinvolvedatthetransitlocation.

20 PARTVII

TRAVEL DOCUMENTS

**102.**The provisions of this Part shall apply to every person Application unless such person is exempted from the application of this of this Part

Part by Order made under Part I.

|  |  |  |
| --- | --- | --- |
| 80 | *Immigration* | SriLanka  travel  documents |
| **103.**(1)ASriLankatraveldocument issued under this Act shallbethepropertyoftheGovernmentofSriLanka. | |

shall be the

|  |  |  |
| --- | --- | --- |
| 5 | (2)TherightconferredontheGovernmentofSriLanka | propertyof |
| Government |
| under subsection(1)shallnotbedefeatedoraffectedbyany |
| ofSriLanka |
| saleof,oranysecurity,pledge,depositorencumbrance |

given,madeoracceptedinrespectofaSriLankatravel document,bytheholderthereoforbyanyotherperson.

(3)Nopersonshallgive,makeoracceptasasecurity, pledge,depositorencumbrance,aSriLankatraveldocument,

10 andanytermofanagreementwhichwouldotherwisehave thateffectshallbevoid.

|  |  |
| --- | --- |
| **104.** (1)EverySriLankatraveldocumentshallbeissued bytheControllerGeneralforandonbehalfofthe GovernmentofSriLanka. | Issuing  authorityof SriLanka  travel |

documents

15 (2) Notwithstanding the provisions of subsection (1), the ControllerGeneralmaydelegatethisauthoritytothe Additional Controller General, Controllers, Deputy Controllers, Assistant Controllers and to adiplomaticor consularofficerattachedtoaSriLankaoverseasmission

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | abroad. | | Application |
| **105.** AnapplicationforaSriLankatraveldocumentshall- | |
| for a Sri |
| (*a*) | bemadetotheControllerGeneral or to a consular | Lankatravel |
| document |

officer attached to a Sri Lanka overseas mission in   
theprescribedform and manner; and

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | beaccompaniedbytheapplicant’sprescribed |

particularsincludingidentifyinginformation,and   
suchotherparticulars,informationanddocuments   
asmaybespecifiedbytheControllerGeneralor

*Immigration*  81

anyotherdelegatedauthorityinanyparticularcase;   
and

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | (*c*) | beaccompaniedbytheprescribedfee,ifany. | Acitizenof |
| **106.** AcitizenofSriLankaisentitled,onapplicationto | |
| theControllerGeneraltobeissued with aSriLankatravel | | SriLanka |
| entitledtoa |
| documentbytheControllerGeneral under thisAct or any | |
| SriLanka |
| 10 | regulation made thereunder. | | travel |
| document |
| **107.** (1)BeforeissuingaSriLankatravel document toa | |
| The |
| person,theControllerGeneralshallbesatisfied - | | Controller |
| Generaltobe |
| (*a*) | thatthepersonisacitizenofSriLanka;and | satisfiedofa |
| person’s |

citizenship

|  |  |  |
| --- | --- | --- |
| (*b*) | oftheidentityofthatperson. | andidentity |

(2)Theapplicantshallcomplywithanyrequirement specifiedinthisActand any regulationinrelationto the furnishingofmaterialfortheestablishmentofcitizenship

|  |  |  |
| --- | --- | --- |
| 15 | andidentity. | The |
| **108.** (1)AcitizenofSriLankaisentitled,onapplication |
| 20 | totheControllerGeneraltobeissuedwithaSriLanka | Controller |
| Generalto |
| emergencycertificatebytheControllerGeneraltotravelto |
| issue |
| IndiaandNepal or any other country specified by the |
| emergency |
| Minister by Order made in that behalf. | certificates |
| and identity |
| (2) The Controller General shall be satisfied that the | certificates |

person is a citizen of Sri Lanka and of the identity of that person before issuing a Sri Lanka emergency certificate to a person.

25 (3)Anypersonwho is not a citizenofSriLanka, and whoisunableforanyreasontoobtainanationalpassport withinareasonableperiodoftime due to the unavailability

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of relevant embassy or consular office in Sri lanka,on applicationtotheControllerGeneralmaybeissuedwithan identitycertificatebytheControllerGeneral,onlyforthe purposeofreturningtohiscountryofnationality.

5 (4)TheControllerGeneralshallbesatisfiedofthe identityofthat person beforeissuingaSriLankaidentity certificatetoaperson under subsection (3).

|  |  |  |
| --- | --- | --- |
| 10 | **109.** (1)Adiplomaticorofficialpassportshallbeissued | Issueof |
| onlytoapersonorcategoryofpersonsapprovedbythe | diplomaticor |
| official |
| Minister in accordance with such direction made by the |
| passportsand |
| Minister. | theirperiod |
| ofvalidity |

(2)Thedurationofvalidityofadiplomaticorofficial passportshallbe prescribed by the Minister and be subjected to such conditions as may be imposed by the Minister by 15 directions made in that behalf.

(3)TheControllerGeneralmayissueadiplomaticor anofficialpassporttoapersonentitledtoadiplomaticoran officialpassportundersubsection(1),whilethepersonis holdinganotherSriLankatravel documentotherthana 20 diplomaticoranofficialpassport.

(4) TheMinistermayissuedirectionstotheController General regarding the mannerandproceduresfor the issuing ofadiplomaticorofficialpassport.

|  |  |  |
| --- | --- | --- |
| 25 | **110.** ThevalidityperiodofaSriLankapassportshallbe | Validity |
| prescribed by the Minister. | periodofSri |
| Lanka |

passport

|  |  |
| --- | --- |
| **111.** (1)A person who applies for a Sri Lanka travel document shall allow identifying information to be collected from such person. | Capturing  identifying information |

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(2)The Controller General may analyze the identifying information collected under subsection (1) and decide whether such person to be issued with a Sri Lanka travel document or not.

5 (3) If that person fails to allow the identifying information to be collected, the Controller General may refuse to issue such person a Sri Lanka travel document.

(4) The provisions of subsection (1), shall not apply to a person who is exempted from providing such information

10 in accordance with the regulations made in that behalf.

(5) The persons who may collect identifying information may be prescribed by the Minister.

(6) After analyzing the identification information of a person under subsection (1), where the Controller General is 15 of the opinion that the identifying information may relate to any other person, the Controller General may proceed under the provisions of section 153.

|  |  |  |
| --- | --- | --- |
| 20 | **112.** (1)TheControllerGeneralmay,atanytimeendorse | Endorsement |
| onanySriLankatraveldocument. | ofSriLanka |
| travel |
| (2)TheControllerGeneralmayatanytimecancelany | documents |

endorsement madeundersubsection(1).

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | **113.**Itshallbeaconditionofevery Sri Lanka travel | | Conditions of |
| documentthattheControllerGeneralmay- | | Sri Lanka |
| travel |
| (*a*) | cancelorsuspendthetraveldocument;or | documents |
| (*b*) | restrictitsperiodofvalidity. |

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 84 | *Immigration* | Cancellation |
| **114.** (1) TheControllerGeneralshallcancelaSriLanka | |
| traveldocumentissuedtoanypersonif – | | or suspension |
| oftravel |
| (*a*) | theSriLankatraveldocumentisstillvalidatthe | documents |
| bythe |
| Controller |
| timewhenthepersonappliesfor,orisissuedwith | |
| General |
| another valid SriLankatraveldocument other than | |

diplomatic or official passports;

(*b*) theSriLankatraveldocumenthasbeenreported   
lostorstolen,orissodamagedordefacedasto   
renderit,intheopinionoftheControllerGeneral,

|  |  |  |
| --- | --- | --- |
| 10 | (*c*) | unsuitableforuse; |
| theholderoftheSriLankatraveldocumenthas |

beenreporteddead;

(*d*) theholderoftheSriLankatraveldocumentceases   
 tobeacitizenofSriLanka;

|  |  |  |
| --- | --- | --- |
| 15 | (*e*) | thecourthasorderedtocanceltheSriLankatravel |

document; or

(*f*) thereis a reasonablecausetobelievethatthe   
 particularsrecordedintheSriLankatravel   
 documentareincorrect.

|  |  |
| --- | --- |
| 20 | (2) Where information is submitted to the Controller General that a person who has signed a bond or agreement |

with the Government is preparing to leave the country without fulfilling the obligations under the provisions of the respective bond or the agreement, the Controller General 25 may temporarily suspend the travel document of that person until proceedings are instituted and the relevant court decides whether to make order to suspend the relevant travel document.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | *Immigration* | | 85 | The |
| **115.** (1)Where a person who has lost his Sri Lanka travel | | |
| document- | | | Controller |
| Generalmay |
| (*a*) | within Sri Lanka, such person shall immediately | | share |
| information |
| abouttravel |
| report such loss to the nearest police station and | | |
| documents |
| shall thereafter forthwith submit a declaration to | | |
| thatarelost, |
| that effect to the Controller General; or | | | stolen,or |
| (*b*) | outside Sri Lanka, such person shall immediately | | suspicious |

report about such loss to the relevent authorities of   
that country and shall thereafter forthwith inform

10 the Sri Lankan Consulate or Diplomatic Mission accredited to that country of the loss of the Sri Lanka travel document and shall apply for a temporary Sri Lanka travel document.

(2) Where a Sri Lankan Consulate or a Diplomatic 15 Mission receives any information regarding a loss of a Sri Lanka travel document, such Consulate or Diplomatic Mission shall thereafter forthwith inform the Controller General in that behalf.

(3) Where the Controller General receives any 20 information regarding a loss of a Sri Lanka travel document, the Controller General shall forthwith deactivate such travel document.

(4) Any person who finds a Sri Lanka travel document which has not been issued to that person, such person shall 25 forthwith surrender such travel document to the Controller General or to the nearest police station.

(5) TheControllerGeneralmayshareinformationof lost,stolenorsuspicious Sri Lanka traveldocumentswith otherlocallawenforcementagenciesorwithany 30 internationallawenforcementagencythat has entered into

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anagreementwiththeControllerGeneralregardingtheuse andprotectionofsuchinformation in accordance with the witten laws relating to data protection.

(6) Any person who contravenes the provisions of 5 subsections (1) and (4) commits an offence.

(7) For the purposes of this section "lost Sri Lanka travel document" shall include stolen Sri Lanka travel documents.

|  |  |  |
| --- | --- | --- |
| 10 | **116.** (1)TheControllerGeneralmay refuse to issueaSri | Reasons for |
| Lankatraveldocumenttoapersonifthepersonhasalready | refusal to |
| issue a Sri |
| beenissuedwithaSriLankatraveldocumentandthat |
| Lanka travel |
| documentisstillvalid and that Sri Lanka travel document |
| document |
| has not been produced for cancellation exceptinissuing |

diplomaticandofficialpassportsundersection109.

15 (2) The Controller General may refuse to issue a Sri Lanka travel document to a person if such person does not provide required information and the relevant documents.

(3)IftheControllerGeneralrefusestoissueatravel documentunderthissection,reasonsforsuchrefusalshall

|  |  |  |
| --- | --- | --- |
| 20 | becommunicated totheapplicant by the Controller General. | Procedure to |
| **117.**The procedure to be followed where a travel |
| document is cancelled or suspended shall be prescribed by | be followed |
| where a |
| the Minister. |
| travel |

document is   
cancelled or   
suspended

|  |  |  |
| --- | --- | --- |
| 25 | **118.** The procdure to be followed where a demand is made | Demandfor |
| for the surrender of a suspicious Sri Lanka travel document | surrenderof |
| suspiciousSri |
| or the seizure of suspicious travel document shall be |
| Lankatravel |
| prescribed by the Minister. | document or |
| the seizure of |

suspicious   
travel   
documents

|  |  |  |
| --- | --- | --- |
| *Immigration* | 87 | When a Sri |
| **119.** A Sri Lanka traveldocumentceasestobevalid - |

Lanka travel

|  |  |  |
| --- | --- | --- |
| (*a*) | onthedatespecified inthe travel document;or | document |
| ceasestobe |

valid (*b*) whencancelledunderthisPart,whicheveroccurs earlier.

|  |  |  |
| --- | --- | --- |
| 5 | **120.** (1)AnypersonwhoceasestobeacitizenofSriLanka | Surrendering |
| 10 | shallnotbeentitledtoholdavalid Sri Lanka traveldocument. | SriLanka |
| travel |
| (2)AnypersonwhoceasestobeacitizenofSriLanka | documentfor |
| cancellation |
| onorafterthecommencementofthisActshallforthwith | by a person |
| whoceases |
| informtheControllerGeneralofsuchfactand within six |
| tobe a |
| months of ceasing to be a citizen of Sri Lanka surrenderthe | citizenofSri |
| valid SriLankatraveldocumentissuedtohim without any | Lanka |

further use totheControllerGeneraloranySriLanka diplomaticmissionoverseasfor the cancelation of the Sri Lanka travel document andreturnthesame. Any person who 15 fails to surrender the valid Sri Lanka travel document for cancellation commits an offence.

(3)Apersonwhousesa valid SriLankatraveldocument afterceasingtobeacitizenofSriLanka,commitsanoffence underthisActandshallbeliableforafinenotexceeding

20 two hundred thousandrupees.

(4) Any person who ceases to be a citizen of Sri Lanka and who has lost his Sri Lanka travel document shall thereafter forthwith report such loss to the nearest police station and thereafter to the Controller General and where 25 such person has lost his Sri Lanka travel document outside Sri Lanka, to the Sri Lanka Diplomatic mission overseas.

|  |  |  |
| --- | --- | --- |
| 30 | **121.** (1)Ifaperson knowingly and intentionallyobtains | Dishonestly |
| aSriLankatraveldocument, in an dishonest and deceitful | obtaining a |
| SriLanka |
| manner suchpersoncommitsanoffenceandshallbeliable |
| travel |
| onconvictiontoafinenotexceedingonehundredthousand | document |

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rupeesortoimprisonmentforatermnotexceedingoneyear ortoboth such fine and imprisonment.

(2)For the purposes ofthissection, "obtain"includes –

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | obtainforanotherperson;and |
| (*b*) | induceathirdpersontodosomethingthatresults |

inanotherpersonobtaining.

(3) "Dishonestly",inrelationtoaperson’sconductshall havethe same meaninggiven undersection22ofthePenal Code (Chapter 19).

|  |  |  |
| --- | --- | --- |
| 10 | **122.** (1)If – | Offences |

relatingto

|  |  |  |
| --- | --- | --- |
| (*a*) | apersonmakesafalseforeigntraveldocumentin | foreign |
| travel |
| SriLanka,orfurnishesafalseforeigntravel |
| documents |

documenttoanotherpersoninSriLanka; and

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | byreasonoftheotherpersonsousingoraccepting |
| thefalseforeigntraveldocumentasgenuine,the |

persondishonestly -

(i) obtainsagainwhetherforhimselforsomeone   
 else;

|  |  |  |
| --- | --- | --- |
| 20 | (ii) | causesalosstotheotherpersonorsomeone |
| (iii) | else;or |
| influencestheexerciseofapublicduty, |

suchpersoncommitsanoffence.

(2)If apersonusesinSriLankaaforeigntravel documentinconnectionwithtraveloridentification 25 knowingthat –

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(*a*) suchforeigntraveldocumenthasbeencancelled; and such person oughtreasonablytohaveknown thattheforeigntraveldocumenthasbeencancelled; or

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | theforeigntraveldocumentwasnotissuedtothat |

personand such person oughtreasonablytohave   
knownthattheforeigntraveldocumentwasnot   
issuedtohim,

suchpersoncommitsanoffence.

10 (3)If apersonfurnishesanotherpersoninSriLanka withaforeigntraveldocumentthatwasissuedtothefirst- mentionedperson without lawful excuse andthe first mentionedpersonisnegligent as to whether thedocument isorwillbeusedbytheotherpersoninconnectionwith 15 traveloridentification,the first mentioned personcommits anoffence.

(4)If apersonwithoutlawfulauthority and without reasonable excuse hasorretains inpossessionorcontrolin SriLankaofaforeigntraveldocumentandthepersonknows 20 thattheforeigntraveldocumentwasnotissuedtohim,the personcommitsanoffence.

(5)If apersonhas in possessionorcontroladocument andthepersonknowsoroughtreasonablytohaveknown thatthedocumentisafalseforeigntraveldocument,the

25 personcommitsanoffence.

(6)If aperson –

(*a*) (i) forges,altersortamperswithanyforeigntravel   
 document,whetherissuedinSriLankaor   
 elsewhere,oranyvisaorendorsementthereon;

|  |  |  |
| --- | --- | --- |
| 90 | (ii) | *Immigration* |
| forges,altersortamperswithanycertificate |

endorsedinanyforeigntraveldocument   
referredtoin subparagraph(i);or

|  |  |  |
| --- | --- | --- |
| 5 | (iii) | withoutlawfulauthority,usesorhasinhis |
| possessionaforged,alteredortampered |

foreigntraveldocumentoraforeigntravel   
documentcontainingaforged,alteredor   
tamperedvisa,endorsementorcertificate; or

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | (*b*) | knowsoroughtreasonablytohaveknownthat | |
| the - | |
| (i) | foreigntraveldocumenthasbeenforged, |

alteredortampered;or

(ii) foreigntraveldocumentcontainsaforged, alteredortamperedvisa,endorsementor 15 certificate,

such person commitsanoffence.

(7) Ifanypersonaidsorabetsinthecommissionofany offence underthissection,suchpersoncommitsanoffence.

(8) Any person who commits an offence under this

|  |  |
| --- | --- |
| 20 | section shall be liable on conviction to a fine not exceeding two hundred thousand rupees or to imprisonment for a term |

not exceeding two years or to both such fine and imprisonment.

(9)For the purposes ofthissection, "foreigntravel

25 document"meansanypassport,oranyothertraveldocument issuedbyaforeigngovernmentinSriLankaorelsewhere.

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**123.** Regulations may be made in respect of all or any of Regulations the following matters:-

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | allmattersstatedinthisParttobeprescribed ; |
| (*b*) | themakingofapplicationfortheissueorrenewal |
| ofSriLankatraveldocuments,theformofsuch |

applicationsandtheparticularstobeentered   
therein;

(*c*) thetermsandconditionstobeattachedtosuchSri Lankatraveldocuments,includingsuchtermsand

|  |  |  |
| --- | --- | --- |
| 10 | (*d*) | conditionsastheMinistermaydeemnecessaryin |
| thepublicinterest; |
| theformofsuchSriLankatraveldocumentsand |

theparticularstobeenteredtherein;

|  |  |  |
| --- | --- | --- |
| 15 | (*e*) | feesinrespectoftheissueorrenewalofsuchSri |
| (*f*) | Lankatraveldocuments; |
| theprocessofuseofidentifyinginformationforthe |

purposesunderthisAct; and

(*g*) allmattersincidentaltoorconnectedwiththe mattersandsubjectsreferredtointhisPart.

20 PARTVIII

OFFENCES

**CHAPTER I**

**GENERALOFFENCES**

|  |  |  |
| --- | --- | --- |
| 25 | **124.** (1)(*a*)Anyperson other than a citizen of Sri Lanka | Unlawful |
| whoentersandremainsinSriLankaincontraventionofany | entryor |
| remainingin |
| provisionofthisAct or any regulation made thereunder, |
| SriLanka |

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commitsanoffenceandshallonconvictionaftersummary trialbyaMagistratebeliabletoafinenotexceedingfifty thousandrupeesortoimprisonmentofeitherdescription notexceedingsixmonthsortobothsuchfineand 5 imprisonment.

(*b*)Anypersonother than a citizen of Sri Lankawho entersSriLankainaccordancewiththeprovisionsofthis Act or any regulation made thereunder, butremainsinSri Lankaaftertheexpiryoftheperiodforwhichheisauthorised 10 toremainundertheprovisionsofthisAct,commitsanoffence and be liable to a fine not exceeding fifty thousand rupees or to an imprisonment of either description not exceeding three months or to both such fine and imprisonment.

(2)Anypersonwho,-

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) | attemptstocommit,aidsorabetsthecommission |

ofanoffenceundersubsection(1),or

(*b*) doesanyactpreparatorytothecommissionofan offenceundersubsection(1),

commitsanoffenceandshallonconviction after summary

20 trial by aMagistratebeliabletoafinenotexceedingone hundredthousandrupeesortoanimprisonmentofeither descriptionnotexceedingone yearortobothsuchfineand imprisonment.

|  |  |  |
| --- | --- | --- |
| 25 | **125.** (1)Anypersonwho enters Sri Lanka or departsfrom | Entry or |
| SriLankain contravention of the provisions of thisAct, | departure |
| without |
| commitsanoffenceandshallonconviction after summary |
| immigration |
| trial byaMagistratebeliabletoafinenotexceedingfifty | process |

thousandrupeesortoanimprisonmentofeitherdescription notexceedingsixmonthsortobothsuchfineand 30 imprisonment.

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(2)Anypersonwho attemptstocommitoraidsorabets thecommissionofanoffenceundersubsection(1), commits anoffenceandshallonconviction after summary trial bya Magistratebeliabletoafinenotexceedingone hundred 5 thousandrupeesortoanimprisonmentofeitherdescription notexceedingsixmonthsortobothsuchfineand imprisonment.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **126.** (1)Anypersonwho – | | Offences of |
| (*a*) | bringsorprocuresanyotherpersonintoSriLanka | bringing, |
| procuring, |
| concealing, |
| byanymeanswhatsoever,knowingthattheentry | | harbouring |
| intoSriLankaofthatotherpersonisorwouldbein | | or employing |
| persons |
| contraventionofanyprovisionofthisActorofany | |

Orderorregulationmadethereunder;

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | concealsorharboursanyotherpersoninanyplace |
| whatsoever,ortransportsanyotherpersonorcauses |

anyotherpersontobetransportedbyanymeans   
whatsoever,knowingthatsuchotherpersonhas   
enteredSriLankaorisremaininginSriLankain   
contraventionofanyprovisionofthisActorofany

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | Orderorregulationmadethereunder;or |
| employsanyotherperson,knowingthatsuchother |

personhasenteredSriLankaorisremaininginSri   
LankaincontraventionofanyprovisionofthisAct   
orofanyOrderorregulationmadethereunder,

25 commits anoffenceunderthisActandshallonconviction beliable toafinenotexceedingfivehundredthousand rupees or to animprisonmentforatermnot exceeding five yearsortobothsuchfineandimprisonment.

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(2)Anypersonwho –

(*a*) attemptstocommitoraidsorabetsthecommission ofanoffenceundersubsection(1);or

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | doesanyactpreparatorytothecommissionofan |
| offenceunderparagraph(a)orparagraph(b)of |

subsection(1),

commits anoffenceandshallonconvictionbeliableto a fine not exceeding five hundred thousand rupees or to a rigorousimprisonmentforatermofnotlessthantwoyears 10 andnotmorethanfiveyears or to both such fine and imprisonment.

**127.** (1) Any person who – Documentary offences

|  |  |  |  |
| --- | --- | --- | --- |
| 15 | (*a*) | prints,copies, fabricatesorprepares,anytravel | relatingto |
| general |
| documentorapartthereof,oranydocumentora | offences |
| partthereof,usedforissuingofvisawithoutlawful |

authority;

(*b*) prints, copies, fabricates or prepares any visa or   
part thereof as relates to the Sri Lankan Government   
or any other government without lawful authority;

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | forges,altersortamperswithanytraveldocument |

orapartthereof,whetherissuedinSriLankaor   
elsewhere,oranyvisaorendorsementthereon;

(*d*) forges,altersortamperswithanycertificate   
endorsedinanydocumentreferredtoinparagraph

|  |  |  |
| --- | --- | --- |
| 25 | (*e*) | (*a*), (*b*)or(*c*); |
| withoutlawfulauthority,usesorhasinhis |

possessionaforged,alteredortamperedtravel

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document or a part thereoforatraveldocument   
containingaforged,alteredortamperedvisaor   
endorsement;

|  |  |  |
| --- | --- | --- |
| 5 | (*f*) | withoutlawfulauthority,usesorhasinhis |
| possessionaforged,alteredortamperedtravel |

documentorapartthereof,containinganyforged,   
alteredortamperedcertificate;

(*g*) withoutlawfulauthority,orlawfulexcuse,hasin   
 hispossessionordealsinanymanner,travel

|  |  |  |
| --- | --- | --- |
| 10 | (*h*) | documentsofotherpersons; |
| inreplytoorinanymatterconnectedwiththe |

Minister or the Controller General,orany authorisedofficerorotherpersonlawfullyacting intheexecutionoftheprovisionsofthisActorof 15 anyOrderorregulationmadethereunder,orany airlineofficialoranyauthorisedtravelagent,makes orcausestobemadeanyfalsereturn,falsestatement orfalserepresentation;

|  |  |  |
| --- | --- | --- |
| 20 | (*i*) | withoutlawfulauthority,prints,copies,preparesor |
| keepsinhispossession,tendersorusesinany |

manner,anyairticket,crewdischargecertificate,   
boardingpassoranydocumentofsimilarnature;

(*j*) obstructsorimpedesanypersonintheexerciseor   
 performanceofhispowersanddutiesunder this Act

|  |  |  |
| --- | --- | --- |
| 25 | (*k*) | orunderanyregulationorOrdermadethereunder; |
| withoutlawfulauthority,hasinhispossession,more |

thanonetraveldocumentforthetimebeinginforce,   
whichhasbeenissuedtohim;

|  |  |  |
| --- | --- | --- |
| 96 | (*l*) | *Immigration* |
| whilebeinginpossessionofavalidtraveldocument |

whichhasbeenissuedtohim,andforthetimebeing   
inforce,appliesfortheissueofanothertravel   
document other than an official or diplomatic

|  |  |  |
| --- | --- | --- |
| 5 | (*m*) | passport issued under section 109 of this Act; |
| isnotacitizenofSriLankaandhasinhispossession |

a validSriLankatraveldocumentwithoutlawful   
authority or lawful excuse;

|  |  |  |
| --- | --- | --- |
| 10 | (*n*) | duringthesurrender of Sri Lanka traveldocument |
| issuedtosuchperson under section 118 appliesfor |

theissueofanothertraveldocument;

(*o*) submitsanyforgedorfalsedocumentsorfalse   
 information,forthepurposeofobtainingavisaor   
 anyothertraveldocumentforhimselforanyother

|  |  |  |
| --- | --- | --- |
| 15 | (*p*) | person; |
| sells a Sri Lanka travel document; |
| (*q*) | intentionally damages or destroys a Sri Lanka travel |

document;

|  |  |  |
| --- | --- | --- |
| 20 | (*r*) | induces another person to commit an offence under |
| (*s*) | this Act; or |
| otherwisecontravenesorfailstocomplywithany |

provisionofthisAct,

commitsanoffenceandshallonconvictionaftersummery trialbyaMagistratebeliable to a fine not exceeding two 25 hundred thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

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(2)Anypersonwhoattemptstocommit,ordoesany actpreparatorytothecommissionof,oraidsorabetsthe commissionofanoffenceundersubsection(1),commitsan offenceunderthisActandshallonconvictionbeliableto 5 thesamepunishmentasifhehasbeenguiltyofanoffence and been convictedundersubsection(1).

|  |  |
| --- | --- |
| **128.** (1)The Controller General may- | Authorisation  to keep, |

carry,

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | (*a*) | authorise a person or a body of persons who engages | dispatch or |
| transmit |
| in a lawful activity relating to organising foreign |
| travel |
| (*b*) | employment, foreign travels or foreign tours to keep | document |
| within or |
| or carry any Sri Lanka travel document within |
| outside Sri |
| Lanka |
| Sri Lanka; |
| authorise a person who reside outside Sri Lanka |

being the holder of a valid Sri Lanka travel 15 document to dispatch or transmit such travel document to a person residing in Sri lanka through the post or through another person;

(*c*) authorise a person residing in Sri Lanka being the holder of valid Sri Lanka travel document to 20 dispatch or transmit such travel document to a person residing outside Sri Lanka, through the post or through another person; or

(*d*) authorise a person or a body of persons who engages in a lawful activity relating to organizing travels or 25 tours in Sri Lanka for foreign nationals to keep or carry any foreign travel document within Sri Lanka:

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Provided however, such person shall not keep or carry or dispatch or transmit such Sri Lanka travel document without the prior written approval of the Controller General.

(2) Any person –

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | while residing outside Sri Lanka being the holder |

of a valid passport or a travel document issued by   
any foreign government shall not dispatch or   
transmit such travel document to a person residing   
in Sri Lanka through post or through another person;

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | or |
| while residing in Sri Lanka being the holder of a |

valid passport or travel document issued by any foreign government shall not dispatch or transmit such travel document to a person residing outside 15 Sri Lanka, through post or through another person,

without the lawful authority of the foreign government which has issued such passport or travel document.

(3) Any person who contravenes the provisions of subsection (1) or (2) commits an offence and shall on 20 conviction after summary trial by a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

|  |  |  |
| --- | --- | --- |
| 25 | **129.** (1)Anypersonwhopossessesmoneyorproperty | Possessionof |
| knowingthatthewholeoranypartofsuchmoneyorproperty | property |
| gainedby |
| wasobtainedorderiveddirectlyorindirectlyasaresultof | committing |
| thecommissionofanoffenceunderthisAct,commitsan | anoffence |
| underthis |
| offence. |
| Act |

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(2)Aperson who commits anoffenceundersubsection (1),shallonconvictionbytheHighCourtonindictment,be liabletoimprisonmentofeitherdescriptionforatermnot exceedingtwentyyearsortoafinenotexceedingfive 5 hundredthousandrupeesortobothsuchfineand imprisonment.

(3)Whereapersonisconvictedunderthissection,the courtmayinadditiontothepunishmentimposedforthat offence,orderthatanypropertyinrespectofwhichthe 10 offenceiscommittedbeforfeitedtotheState.

(4)Forthepurposeofthissection,propertyinrespect ofwhichtheoffenceiscommittedmayincludemoneyor propertyreferredtoinsubsection(1),anyvehicle,vessel, currencyoranyotherarticleorthingusedinconnection

|  |  |  |
| --- | --- | --- |
| 15 | withthecommissionofanyoffenceunderthisAct. | Offencesby |
| **130.** (1)Anypersonincludingapublicofficerwho- |

public

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | (*a*) | knowinglymakesorissuesanyfalsedocument | officers or |
| any other |
| (*b*) | contrarytotheprovisionsofthisAct; | person |
| endorses a Sri Lanka travel document knowingly |
| that such endorsement is contrary to the provisions |

of this Act;

(*c*) knowinglymakesorissuesafalsestatementin   
 connectionwiththeperformanceordischargeof   
 anydutyorfunctionentrustedtohimbythisAct;

|  |  |  |
| --- | --- | --- |
| 25 | (*d*) | knowinglyfailstoperformordischargeanydutyor |

functionentrustedtohimbythisAct;

|  |  |  |
| --- | --- | --- |
| 100 | (*e*) | *Immigration* |
| acceptsoragreestoacceptorsolicitabribe,toeither |

todooromittodoanactrequiredby him underthis   
Act;

|  |  |  |
| --- | --- | --- |
| 5 | (*f*) | otherwisecontravenesorfailstocomplywithany |
| oftheprovisionsofthisActorcommitsanoffence |

underthisAct;

(*g*) aidsorabetsanyotherpersontocommitanyact   
 specifiedinparagraph(*a*),(*b*),(*c*)or (*d*); or

|  |  |  |
| --- | --- | --- |
| 10 | (*h*) | knowingly induces another person to commit an |
| offence under this Act, |

commitsanoffence:

Provided that, no such person shall be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all 15 due diligence to prevent the commission of such offence.

(2)Apersonconvictedofanoffenceundersubsection (1),bytheHighCourtuponindictment,shallbeliableto imprisonmentofeitherdescriptionforatermnotexceeding twoyearsandtoafinenotexceedingtwohundredthousand

|  |  |  |
| --- | --- | --- |
| 20 | rupeesortobothsuchfineandimprisonment. | Impersonation |
| **131.** Anypersonwhoimpersonatesasapublicofficeror |
| 25 | byanactoromissionleadsanyotherpersontobelievethat | aspublic |
| officers |
| suchpersonisapublicofficer for the purposes of this Act, |
| commitsanoffenceandshallonconvictionbytheHigh |
| Courtuponindictmentbeliabletoimprisonmentofeither |

descriptionforatermnotexceedingfiveyearsortoafine notexceedingfivehundredthousandrupeesortobothsuch fineandimprisonment.

|  |  |  |  |
| --- | --- | --- | --- |
| *Immigration* | | 101 | Offencesby bodyof  persons |
| **132.** WhereanoffenceunderthisActiscommittedbya bodyofpersons,thenifthatbodyofpersonsis – | | |
| (*a*) | abodycorporate,everydirectorandofficerofthat | |

bodycorporate;

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | afirm,everypartnerofthatfirm;or |
| (*c*) | abodyunincorporatedotherthanafirm,everyofficer |

ofthatbodyresponsibleforitsmanagementand   
control,

shallbedeemedtobeguiltyofsuchoffence:

10 Providedthat,nosuchpersonshallbedeemedtobe guiltyofsuchoffenceifheprovesthatsuchoffencewas committedwithouthisknowledgeorthatheexercisedall duediligencetopreventthecommissionofsuchoffence.

|  |  |  |
| --- | --- | --- |
| 15 | **133.** Whereanypersoncontravenesanyprovisionofthis | Penaltiesfor |
| Act or any regulation or Order made thereunder andno | contraventions |
| penaltyhasbeenspecifiedundertheActinrespectofsuch | forwhichno |
| specific |
| contravention,suchpersonshall,onconvictionaftersummery |
| provisions |
| 20 | trialbyaMagistrate,accordingtotheprovisionsoftheCode | havebeen |
| made |
| of CriminalProcedureAct,No.15of1979,beliabletoafine |
| notexceedingfiftythousandrupeesortoanimprisonment |

ofeitherdescription for a termnotexceedingsixmonthsor tobothsuchfineandimprisonment.

|  |  |  |
| --- | --- | --- |
| 25 | **134.** (1)AlloffencesunderthisActshallbecognizable | Offencesto |
| offencesforthepurposeoftheapplicationoftheprovisions | be |
| cognizable, |
| oftheCodeofCriminalProcedureAct,No.15of1979 |
| the |
| notwithstandinganythingcontainedintheFirstSchedule | jurisdiction |
| ofthatAct. | and |
| prosecution |

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(2)Alloffences,otherthantheoffencesexpressly vestedbythisActtobetriedanddeterminedbytheHigh Courtonindictment,shallbetriablesummarilybya Magistrateand,itshallbelawfulforsuchMagistratetoimpose 5 anypunishmentprescribedbythisAct,notwithstandingthat suchpunishmentexceedsthelimitofhisordinarypowersof jurisdiction.

(3)NoprosecutionforanoffenceunderthisActshall beinstitutedexceptbytheControllerGeneralor by apolice 10 officerofaranknotbelowtherankofAssistant Superintendentorbyanyotherimmigrationofficerorpolice officerwiththewrittensanctionoftheControllerGeneralor apoliceofficernotbelowtherankofanAssistant SuperintendentofPolice,asthecasemaybe.

|  |  |  |
| --- | --- | --- |
| 15 | **135.** (1)Notwithstandinganythinginanyotherlaw**,**every | Grantingof |
| offenceundersection136, 137, 138 or 139shallbenon- | bail |

bailableandapersonaccusedofsuchanoffenceshall not be admittedtobail.

(2)Apersonaccusedofanoffenceundersection136, 20 137, 138 or 139maybeenlargedonbailbytheHighCourt uponproofofexceptionalcircumstances.

(3)Wherethereisnoexpressprovisionmadeinrespect ofgrantingofbailforanoffenceunderthisAct,bailshallbe grantedbytheMagistrate’sCourt.

25 CHAPTERII

HUMANSMUGGLING

|  |  |
| --- | --- |
| **136.** (1)Anypersonwho,inordertodirectlyorindirectly obtainfinancialormaterialbenefit,oranyother consideration- | Human  smuggling  intoSri  Lanka |

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(*a*) procurestheillegalentryintoSriLankaofaperson whoisnotacitizenofSriLanka;

(*b*) bringsorprocuresanyotherpersonintoSriLanka byanymeansknowingthattheentryintoSriLanka 5 ofthatotherpersonis in contravention of the provisions of this Act;

(*c*) concealsorharboursanyotherperson,inanyplace ortransportsanyotherpersonorcausesanyother persontobetransportedbyanymeansknowing 10 thatsuchotherpersonhasenteredSriLankaoris remaininginSriLanka in contravention of the provisions of this Act; or

(*d*) employsanyotherperson,knowingthatsuchother personhasenteredSriLankaorisremaininginSri

15 Lanka in contravention of the provisions of this Act,andhasnotbeenconvictedbylawforsuch contravention of the provisions of this Act,

commitstheoffence of human smuggling andshallon convictionbeliabletoimprisonmentofeitherdescription 20 foratermnotlessthanfiveyearsandnotexceedingtwenty yearsandtoafinenotexceedingonemillionrupees.

(2)Anypersonwho–

(*a*) attemptstocommitoraidsorabetsthe   
 commissionofanoffenceundersubsection

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | (1),or |
| doesanyactpreparatorytothecommission |

ofanoffenceundersubsection(1),

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commitstheoffence of human smugglingandshallon convictionbeliabletoanimprisonmentofeitherdescription foratermnotexceedingfiveyearsandtoafinenotexceeding fivehundredthousandrupees.

5 (3)Fortheavoidanceofdoubtitisherebydeclared thattheprovisionsofthissectionareintendedonlytodetect andpunishhumansmugglersandnottopunishthepersons smuggledorbeingsmuggled.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **137.** (1)Anypersonwhoorganisesanotherpersonin | | Human |
| ordertodirectlyorindirectlyobtainfinancialormaterial | | smuggling |
| fromSri |
| benefitoranyotherconsideration - | |
| Lanka |
| (*a*) | toleaveSriLankain contravention of the |

provisions of this Act,inordertoenteraforeign   
countryincontraventionofthelawsofthatcountry;

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | toleaveSriLankainconformitywiththelawsofSri |

Lankaandtoenteranyothercountryinconformity   
withthelawsofthatcountryandthereafterorganises   
suchotherpersontoenterathirdcountryillegally   
in contravention of the laws of that third country;

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | toleaveSriLankainconformitywiththelawsofSri |

Lankainordertoenteraforeigncountryin   
contraventionofthelawsofthatcountry;or

(*d*) toleaveSriLankain contravention of the provisions of this Act,inordertoenteraforeign 25 countryinconformitywiththelawsofthatcountry,

commitstheoffence of human smuggling.

(2)Forthepurposeofsubsection(1),theexpression "organises"includes–

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(*a*) therecruitmentofpersonsinordertodirectlyor indirectlyobtainfinancialormaterialbenefit makingfalsepromisesordisseminatingmisleading informationwiththeintentionofinducingpersons 5 toleaveSriLanka to anothercountry;

Forthepurposesofparagraph(*a*),falsepromisesor   
misleadinginformationincludespromisesor   
informationrelatingtoemployment,education,or   
betterstandardsofliving;

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | solicitingpecuniarybenefitsfrompersonswhether |

ornotanysuchbenefitwasrealized;

(*c*) thetransportationofpersonsbyanymeans, by air, byseaorland or any other means withoutobtaining alicenceorpermissiontothateffect;or

|  |  |  |
| --- | --- | --- |
| 15 | (*d*) | receivingandharbouringofpersonswhetherinSri |

Lankaorinaforeigncountry.

(3)Anypersonwhoattemptstocommitordoesanyact preparatorytothecommissionof,oraidsorabetsthe commissionofanoffenceundersubsection(1),commitsan 20 offence.

(4)Aperson who commitsanoffenceundersubsection (1)or(3),shallonconvictionbyaMagistrate’sCourtbe liabletoimprisonmentofeitherdescriptionforatermnot lessthanfiveyearsandnotexceedingtenyearsandtoafine 25 notexceedingonemillionrupees.

(5)Fortheavoidanceofdoubtitisherebydeclaredthat theprovisionsofthissection,areintendedonlytodetect andpunishhumansmugglersandnottopunishthepersons smuggledorbeingsmuggled.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 106 | *Immigration* | Aggravated |
| **138.** (1)Apersonwhohascommittedanoffenceofhuman | |
| smugglingundersections136 and 137ofthisAct,commits | | human |
| smuggling |
| anaggravatedhumansmugglingoffenceunderthisPartif- | |
| offences |
| (*a*) | suchpersonhasendangered or likely to have |
| endangered thelivesorthesecurityofthepersons | |

smuggledorbeingsmuggled;

(*b*) suchpersonsmuggledotherpersonsunder   
inhumaneanddegradingconditions;

|  |  |  |
| --- | --- | --- |
| 10 | (*c*) | suchpersonsolicitedunlawfulconsiderationfrom |
| thepersonssmuggledorbeingsmuggledor |

demandedconsiderationfromthepersonssmuggled   
orbeingsmuggled;

(*d*) suchpersonhasabusedthepersonssmuggledor   
 beingsmuggledinanymanner;

|  |  |  |
| --- | --- | --- |
| 15 | (*e*) | suchpersonhascommittedanoffenceundersection |

360CofthePenalCode(Chapter 19); or

(*f*) suchpersonhascommittedanyotheractwhich   
 constitutesagraveoffenceunderany other law,

whilecommittinganoffenceundersection136 or 137.

20 For the purposes of paragraph (*f*) of this section, a grave offence means an offence which is a cognizable, non-bailable, non compoundable and indictable offence under any other law.

(2)Apersonwhoisguiltyofanoffenceunder 25 subsection(1),shallonconvictionbeliable toimprisonment ofeitherdescription foratermnotlessthanfiveyearsand notexceedingtwentyyearsand toafine not exceeding one

*Immigration*  107

million and five hundred thousand rupees andwheresuch offenceiscommittedinrespectofachild,beliableto imprisonmentofeitherdescriptionforatermnotlessthan eightyearsandnotexceedingtwentyyearsand to afine not

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | exceeding two million rupees. | | Documentary |
| **139.** (1)Anypersonwho – | |
| offences |
| (*a*) | prints,copies, fabricatesorprepares,anytravel | relatingto |
| human |
| documentorpartthereof,asrelatestotheSriLankan | | smuggling |

Governmentortoanyotherforeigngovernment,or 10 anydocumentorapartthereofusedforissuingof visabyanysuchGovernment,withoutlawful authority;

(*b*) forges,altersortamperswithanytraveldocument,   
 whetherissuedinSriLankaorelsewhere,orany

|  |  |  |
| --- | --- | --- |
| 15 | (*c*) | visaorendorsementthereon; |
| forges,altersortamperswithanycertificateendorsed |

inanydocumentreferredtoinparagraph(*a*)or   
(*b*);

|  |  |  |
| --- | --- | --- |
| 20 | (*d*) | withoutlawfulauthority,usesorhasinhis |
| possessionaforged,alteredortamperedtravel |

documentoratraveldocumentcontainingaforged,   
alteredortamperedvisaorendorsement;

(*e*) withoutlawfulauthority,usesorhasinhis possessionaforged,alteredortamperedtravel 25 documentcontaininganyforged,alteredor tamperedcertificate;

(*f*) withoutlawfulauthorityorlawfulexcuse,hasin   
 hispossessionordealsinanymanner,travel   
 documentsofotherpersons;

|  |  |  |
| --- | --- | --- |
| 108 | (*g*) | *Immigration* |
| inreply to orinanymatterconnectedtothe |

Ministerorthe Controller Generallawfullyacting intheexecutionoftheprovisionsofthisActorof anyOrderorregulationmadethereunder,orany 5 airlineofficialoranyauthorisedtravelagent,makes orcausestobemadeanyfalsereturn,falsestatement orfalserepresentation;

(*h*) withoutlawfulauthorityprints,copies,preparesor keepsinhispossession,tendersorusesinany 10 manner,anyairticket,crewdischargecertificate, boardingpassoranydocumentofsimilarnature;

(*i*) procuresafraudulentdocumentforthepurposesof   
 facilitatingunlawfulentry,departure,orresidency   
 inSriLankaoraforeigncountry;

|  |  |  |
| --- | --- | --- |
| 15 | (*j*) | obstructsorimpedesanypersonintheexerciseor |
| performanceofhispowersanddutiesunderthisAct |

orunderanyregulationorOrdermadethereunder;

(*k*) whileresidingoutsideSriLankabeingtheholder ofa valid traveldocument or a valid passport, 20 dispatchesortransmitssuchtraveldocument or passporttoapersonresidinginSriLanka,through thepostorthroughanotherperson,withouttheprior approvalinwritingoftheControllerGeneral or the lawful authority or lawful excuse of a foreign

|  |  |  |
| --- | --- | --- |
| 25 | (*l*) | Government as the case may be.; |
| whileresidinginSriLankadispatchesortransmits |

atraveldocumenttoapersonresidinginany   
countryoutsideSriLanka,throughthepostor   
throughanotherperson,withoutthepriorapproval

30 inwritingoftheController General or the lawful

*Immigration*  109

authority or lawful excuse of a foreign government   
as the case may be.;

(*m*) withoutlawfulauthority,hasinhispossession,more thanonetraveldocumentforthetimebeinginforce,

|  |  |  |
| --- | --- | --- |
| 5 | (*n*) | whichhasbeenissuedtohim; |
| isnotacitizenofSriLankaandhasinhispossession |

validSriLankatraveldocument; or

(*o*) submitsanyforgedorfalsedocumentsorfalse information,forthepurposeofobtainingapassport, 10 avisaoranyothertraveldocumentforhimselfor anyotherperson,

commitsanoffence.

(2)Any person who commits an offence under subsection (1)shallonconvictionaftersummerytrialbyaMagistrate 15 beliable–

(*a*) inthecaseofanoffenceunderparagraph(*a*),(*b*),   
 (*c*),(*d*),(*e*),(*f*),(*g*),(*h*)or(*i*)beliableto   
 imprisonmentofeitherdescriptionforatermnot   
 exceedingfiveyearsandtoafinenotexceeding

|  |  |  |
| --- | --- | --- |
| 20 | (*b*) | twohundredthousandrupees;and |
| inthecaseofanoffenceunderparagraph(*j*),(*k*),(*l*), |

(*m*),(*n*) or(*o*) beliabletoimprisonmentofeither descriptionforatermnotexceedingtwoyearsand toafinenotexceedingtwohundredthousand 25 rupees.

(3)Anypersonwhoattemptstocommit,ordoesany actpreparatorytothecommissionof,oraidsorabetsthe commissionofanoffenceundersubsection(1),commitsan

110 *Immigration*

offenceunderthisActandshallonconvictionbeliableto thesamepunishmentasifhehasbeenguiltyofanoffence andbeenconvictedundersubsection(1).

(4)Anypersonwhocommitsanoffenceunder 5 subsection(1)tofacilitatetheentryofanotherpersoninto SriLankaor toaforeigncountry,wheretheentryoftheother personintotheforeigncountrywouldnotcomplywiththe requirementsunderthatcountry’slawforentryintothat countryshallonconvictionbeliabletoimprisonmentof 10   
 eitherdescriptionforatermnotexceedingfiveyearsandto afinenotexceedingfivehundredthousandrupees.

(5)Theprovisionsofthissectionshallapplytoany personifandonly if theyarerelatingtohumansmuggling offencesreferred toinsections136, 137 and 138.

15 CHAPTERIII

PROCEDURe

**140.** TheControllerGeneralmaycompoundanyoffence Compounding under sections 33, 117, 118, paragraphs (*h*) and (*o*) of ofoffences

subsection (1) of section 127, section 128 and section 133 20 acceptingfromthepersonwhoisallegedtohave,oris reasonablysuspectedofhaving,committedthatoffence,a sumofmoneynotexceedinghalftheamountofthemaximum finethatisliabletobeimposedunderthisActonsuchperson forthatoffence.

|  |  |  |
| --- | --- | --- |
| 25 | **141.** Anypersonwhoisdetainedintheexerciseofany | Persons |
| powersconferredbyorunderthisActshall,whilesodetained, | detained |
| bedeemedtobeinlegalcustody. | deemedtobe |
| inlegal |

custody

|  |  |  |
| --- | --- | --- |
| *Immigration* | 111 | Establishment ofdetention  centres |
| **142.** (1)TheMinistershallforthepurposeofthedetention ofpersonswhosedetentionhasbeenrequiredorauthorised underthisAct,establishdetentioncentres,insuitable | |

locationsappropriateforsuchpurpose by Order published 5 in the *Gazette*.

(2)Theconditionstobemaintainedinadetention centreandthemannerofadministrationofsuchcentresshall be asprescribed.

(3)Anypersonwhoviolatesadetentionorderand 10 escapesthedetentioncentre commits an offence under this Act and shallonapprehensionbesubjecttothegenerallaw ofthecountry.

|  |  |  |
| --- | --- | --- |
| 15 | **143.** (1) The Minister may for the purpose of the temporary | Establishment |
| holding of persons whose detention has been required or | of holding |
| facilities |
| authorised under this Act, establish holding facilities, in |

suitable locations appropriate for such purpose by Order published in the *Gazatte* inside a seaport or a airport unitl the detainee is handed over to the relevant agencies*.*

(2) The standards to be maintained at such holding 20 facilities and the manner of administration of such facilities may be as prescribed.

(3) Any person who escapes a holding facility commits an offence under this Act and shall on apprehension be subject to the general law of the country.

|  |  |  |
| --- | --- | --- |
| 25 | **144.** (1)AnyauthorisedmemberoftheForcesorany | Procedure |
| authorisedCoastGuard Officer of the Department of Coast | andpowers |
| inrelationto |
| Guard maytakeintocustodywithoutawarrant aperson who |
| thecustody |
| 30 | issuspectedofcommittinganyoffence under section 47, | ofaperson |
| who is not a |
| 136, 137, 138, 139, 142 or 143 and shallforthwithhand |
| citizen of Sri |
| oversuchpersontothenearestpolicestation. |
| Lanka |

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(2) Theofficerinchargeofthepolicestationshallwithin twenty-fourhoursproducesuchpersonbefore a Magistrate havingjurisdiction.

(3)TheMagistratemaynotwithstandingtheprovisionof 5 Code of CriminalProcedureAct,No.15of1979upona certificatebeingfiledby apoliceofficernotbelowtherank of a SuperintendentofPolicetotheeffectthatitisnecessary todetainsuchpersonincustodyforthepurposeofcarrying outinvestigations,orderthedetentionofsuchpersonfora

|  |  |  |
| --- | --- | --- |
| 10 | furtherperiodwhichshallnotexceedforty-eighthours. | Detention of |
| **145.** (1)An immigration officer or a police officer may |
| arrest a person who is not a citizen of Sri Lanka, suspected of | persons |
| committing an offence under subsection (1) of section 124 | suspected or |
| charged with |
| of this Act. |
| the |

commission

|  |  |  |
| --- | --- | --- |
| 15 | (2) Notwithstanding anything to the contrary in any | of the |
| offence |
| other written law, the Controller General or any police officer |
| under |
| 20 | not below the rank of an Assistant Superintendent of Police | subsection |
| may authorise in writing the detention of a person arrested | (1) of section |
| 124 |
| under subsection (1), in any place established under section |
| 142 or 143, until that person establishes his innocence or an |

Order is made by the Minister against that person under section 98 or 99:

Provided however, if such person remains in

|  |  |
| --- | --- |
| 25 | detention at the expiry of a period of two weeks from the date from which he was first detained, such person shall be |

produced forthwith before a Magistrate to make any appropriate order.

|  |  |  |
| --- | --- | --- |
| 30 | **146.** Anypoliceofficer,authorisedmemberoftheForces, | Controller |
| authorised Coast Guard Officerofthe Department of Coast | Generaltobe |
| Guard,oranyothermemberofalawenforcementauthority | informedof |
| takinginto |
| whotakesintocustodyaforeignnationalunder this Act or |
| custodyofa |

foreign   
national

*Immigration*  113

under any other written lawshallforthwithinformthe ControllerGeneral.

|  |  |  |
| --- | --- | --- |
| 5 | **147.** (1)Whereaperson who is not a citizenofSriLanka | Controller |
| Generalshall |
| isprosecutedorsentencedbyacourt,suchinformationshall |
| beinformed |
| bereferredtotheControllerGeneralbyaRegistrarofthe |
| whenany |
| relevantcourtalongwithacertifiedcopyoftheproceedings | person who |
| is not a |
| ofthecourt. |
| citizenofSri |

Lankais

|  |  |  |
| --- | --- | --- |
| 10 | (2)Wherea person who is not a citizenofSriLanka, | prosecuted, |
| sentencedor |
| whohasbeenimprisonedbycourtisduetobereleased,such |
| duetobe |
| informationshallbereferredtotheControllerGeneralby | released |

therelevantsuperintendentof the prisonbeforetwoweeks ofsuchreleasewiththerelevantcopyofsuchdetermination.

|  |  |  |
| --- | --- | --- |
| 15 | **148.** (1)Wheneverinanyproceedinginrespectofany | Courtmay |
| offenceunderanylaw,itappearstothecourtthatthe | impound |
| travel |
| attendanceofanaccusedorsuspectortheexaminationofa |
| documentor |
| witnessisnecessary,the court may- | imposea |

travelbanto

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | (*a*) | impoundanytraveldocumentissuedtosuch | procure |
| attendanceof |
| (*b*) | accused,suspectorwitness,asthecasemaybe,for | anaccused, a |
| suchperiodasitmaydeemnecessarytoprocurethe | suspector a |
| witnesswho |
| attendanceofsuchaccused,suspectorthewitness |
| hasbeen |
| whohasbeenservedwithawarrant;or | servedwitha |
| warrant |
| ordertheControllerGeneraltopreventsuchaperson |

fromleavingthecountryortraveling   
internationallyusingthetraveldocument.

25 (2)Acourtmakingan orderunderthissectionagainst anypersonundersubsection(1),shallcauseacopyofsuch ordertobetransmittedtotheControllerGeneral.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 114 | *Immigration* | Seizureof |
| **149.** (1)Acustomsofficermayseizeatraveldocument | |
| if – | | suspicious |
| travel |
| (*a*) | atraveldocumentisinthepossessionorcontrolof | documents |
| bycustoms |
| officers |
| anyindividualornot;and | |
| (*b*) | thetraveldocumentisinsideacontainer,and |

irrespectiveofwhetherthecontainerisinthe   
possessionorcontrolofanyindividual,thecustoms   
officermaysearchthecontainerforthepurposesof   
determiningwhethersuchdocumentisinside.

10 (2)Acustomsofficermayseizeatraveldocumentand arrestapersonifwithoutthepermissionoftheController GeneralunderthisAct, the said personcarriesatravel documentwhichhasbeenissuedtoanother person.

(3)Thecustomsofficershallproduce thetravel 15 documentseizedand thepersonarrestedundersubsections (1)and(2)totheControllerGeneralforthwith.

(4)Thissectiondoesnotauthoriseacustomsofficerto enter into anypremisesthatsuchofficerwouldnototherwise beauthorisedtoenter.

20 (5)For the purposes ofthissection -

(*a*) "container"includesbaggage,amailreceptacle,   
andanyotherthingthatcouldbeusedforthe   
carriageofgoodswhetherornotdesignedforthat   
 purpose ; and

|  |  |  |
| --- | --- | --- |
| 25 | (*b*) | "customsofficer"meansanofficerwithinthe |

meaningoftheCustomsOrdinance (Chapter 235).

|  |  |  |
| --- | --- | --- |
| *Immigration* | 115 | Burdenof  proof |
| **150.** Where,withreferencetoanyproceedingsunderthis Actorwithreferencetoanythingdoneorpurportedtobe | |

doneunderthisAct, if itisallegedbyanyperson–

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | thatheisnotacitizenofSriLanka; |
| (*b*) | thathebelongstoanyparticularclassordescription |

ofpersonswhoarenotcitizensofSriLanka;

(*c*) thatheisacitizenofSriLanka;

(*d*) thathebelongstoanyparticularclassordescription   
 ofpersonswhoarecitizensofSriLanka;

|  |  |  |
| --- | --- | --- |
| 10 | (*e*) | thatheisanationalofanyparticularcountry;or |
| (*f*) | thathewastravelingfromoneplace toanother place |

inSriLanka,

theburdenofprovingthatfactshall,notwithstanding anything contrary intheEvidenceOrdinance (Chapter 14),

|  |  |  |
| --- | --- | --- |
| 15 | lieuponthatperson. | Powerto |
| **151.** (1)(*a*)Anypoliceofficeroranyauthorisedmember |
| 20 | oftheForcesnotbelowtherankofcorporalorleadingseaman | enterand |
| searchany |
| oranauthorisedofficerofthe Department of CoastGuard,or |
| vesselor |
| animmigrationofficer,may enter and searchanyvesselnot |
| premisesto |
| beinganaircraftintheterritorialwatersofSriLankaorinthe | arrestorseize |

contiguouszoneandarrestandtakeintocustodyanyperson onboardsuchvesselwhoissuspectedofthecommissionof anyoffenceundersection46, 47, 51, 124, 126, 136, 137, 138 or 139 ofthisAct.

|  |  |
| --- | --- |
| 25 | (*b*)Forthepurposesofparagraph (a),contiguouszone means a contiguouszonespecifiedbyProclamationmade |

undertheMaritimeZonesLaw,No.22of1976.

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(2)Anyimmigrationofficerorpoliceofficerorany authorisedmemberoftheForcesnotbelowtherankofa corporalorleadingseamanoranauthorisedmemberofthe Department of CoastGuardmayforthwithseizeanddetain 5 anyvehicle,vesselorothermeansoftransport,togetherwith anyequipmentandaccessoriesthereof,whereanysuch officerhasreasonstobelievethatanyvehicle,vesselorother meansoftransporthasbeenusedin,orinconnectionwith, thecommissionofanyoffencereferredtoin section 46,47, 10 51, 124, 126, 136, 137, 138 or 139ofthisAct.

(3)Anyimmigrationofficerorpoliceofficerauthorised byanofficernotbelowtherankofAssistantSuperintendent ofPolicemayenterandsearchanypremiseswheretheyhave reasonstobelievethatsuchpremiseshasbeenusedin

15 connectionwiththecommissionofanyoftheoffencesunder thisActandmayarrestandtakeintocustodyanyperson thereinortakeintocustodyanymachinery,document, equipmentorthingconnectedwithorreasonablysuspected ofbeingconnectedwiththecommissionofanyoffenceunder 20 thisAct.

(4)Anyvehicle,vesselorothermeansoftransport equipmentoraccessoriesoranymachinery,documentor thingseizedundersubsection(2)or(3)shall,as soonas possiblebeproducedbeforeormadeavailableforinspection 25 byaMagistrateofcompetentjurisdictionbytheofficer makingtheseizureor,wheresuchofficerisanauthorised memberoftheForces, authorised officer of the Department of Coast Guard orbyanypoliceofficer,andthecourtshall thereuponmakesuchorderasitmaydeemappropriate 30 relatingtothecustodyofthe vehicle, vessel or other means of transport, equipment, accessories or any machinery, document or thing soseizedpendingtheirdisposalunder subsection(5).

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(5)Anyvehicle,vesselorothermeansoftransport, equipment, accessoriesoranymachinery,documentorthing seizedundersubsection(2)or(3)fromthepossessionofany person–

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | shallbereturnedtothatpersonforthwithuponthe |

expirationofsixweeksaftertheseizure,unlessa   
prosecutionfortheallegedoffenceisinstituted   
beforetheendofthatperiod;or

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | shallbereturnedtothatpersonforthwithafterthe |
| finaldeterminationoftheprosecution,unlessduly |

declaredtobeforfeitedtotheStateororderedtobe   
destroyedundersubsection(6).

(6)Whereanyvehicle,vesselorothermeansof transport,equipment, accessories,oranymachinery, 15 documentorthingproducedbeforeormadeavailablefor inspectionbyaMagistrateundersubsection(4)isprovedto havebeenusedin,orinconnectionwiththecommissionof anoffenceunderthisAct,suchcourtshallmakeorderforthe forfeituretotheStateorforthedestructionofallsuchmatters

|  |  |  |
| --- | --- | --- |
| 20 | orthingsasthecasemaybe. | Powerto |
| **152.** (1)TheControllerGeneralmay,beforetheissue or |
| 25 | extension ofavisaunderthisActmakesuchenquiriesor | investigate |
| bythe |
| requiretheproductionofsuchevidenceorconductany |
| Controller |
| investigationashemaythinkfitinordertosatisfyhimselfas | General |
| tothetruthofanystatementmadeintheapplicationfor a |

visa.

(2)TheControllerGeneralmay,beforetheissueofa Sri Lanka traveldocumentunderthisAct,makesuchenquiries orrequiretheproductionofsuchevidenceorconductany

30 investigationashemaythinkfitinordertosatisfyhimselfas

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tothetruthofanystatementmadeintheapplicationfora traveldocument.

(3) The Controller General may authorise an immigration officer under subsection (2) of section 5 of this 5 Act, to conduct any investigation against any offence committed or is believed to have committed by any person in contravention of this Act.

(4) For the purposes of any enquiry or any investigation held under subsection (1), (2) or (3), the 10 Controller General or any other authorised officer shall have all the powers-

(*a*) to summon and compel the attendance of   
witnesses;

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | to compel the production of travel documents |
| (*c*) | or any other document; |
| to administer any oath or affirmation to |

witnesses; and

(*d*) to seize travel documents or any other   
document.

20 (5) Any person summoned as a witness under subsection (1) or (2) who fails, without reasonable excuse, to attend at the time and place mentioned in the summons, or who, having attended, refuses to answer any question that may lawfully be put to him or to produce, any document 25 which is in his power to produce commits an offence under this Act.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 | *Immigration* | | 119 | Powerofthe |
| **153.** (1)TheControllerGeneral may- | | |
| Controller |
| (*a*) | directanypersontofurnish,withinsuchperiodas | | Generalto |
| enquire, |
| shallbespecifiedinsuchdirection,theController | | | summonor |
| require |
| Generalwithsuchinformationwithinhisknowledge | | |
| information |
| asshallbesospecifiedrelatingtoanyotherperson | | | frompersons |
| generally, |
| referredtoin such direction,beinginformation | | |
| including |
| whichisnecessaryforthefollowingpurposes:- | | |
| thosenot |

providedfor

|  |  |  |
| --- | --- | --- |
| (i) | thedisposalofanyapplicationmadebysuch | inthisAct |

otherpersonunderthisAct;

|  |  |  |
| --- | --- | --- |
| 10 | (ii) | fortheverificationofthecorrectnessofany |

particularsspecifiedinanysuchapplication;   
or

(iii) ofanyreturnorinformationmadeorfurnished   
 bysuchotherpersonunderthisAct;and

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | fromtimetotime,holdallsuchenquiriesashemay |

deemnecessaryforanysuchpurposeunderthisAct.

(2)Forthepurposesofanyenquiryheldundersubsection (1),theControllerGeneraloranyotherofficer authorised by the Controller General shallhaveallthepowers-

20 (*a*)tosummonandcompeltheattendanceofwitnesses;

(*b*)tocompeltheproductionofdocuments;and

(*c*)toadministeranyoathoraffirmationtowitnesses.

(3)Anypersonsummonedasawitnessundersubsection (1)whofails,withoutreasonableexcusetoattendatthetime 25 andplacementionedinthesummons,orwho,having attended,refusestoansweranyquestionthatmaylawfully

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beputtohimortoproduceanydocumentwhichisinhis powertoproduce,commits an offence under this Act.

|  |  |  |
| --- | --- | --- |
| 5 | **154.** Everypoliceofficershall,whensorequestedbyan | Dutyof |
| immigrationofficer,receiveandexecuteaccordingtothe | police |
| officersto |
| tenorthereofanywritten orderoftheControllerGeneralfor |
| assistand |
| 10 | thearrestofapersonwhoisactingincontraventionofthis | executeorder |
| Act,ordetentionorremovalofanypersonmadeunderthe | of |
| immigration |
| provisionsofthisAct. |
| officers |
| **155.** Acertificateissuedbyapoliceofficernotbelowthe |
| Presumption |
| rank ofanAssistantSuperintendentof Police oranofficer | withregard |
| tocertain |
| notbelowtherankofanAssistantControllerofImmigration |
| certificates |
| inrelationtotheenteringorremaininginSriLankaor |

leavingSriLanka of a person in contravention of any of the provisions of this Act, shallbepresumedas*primafacie*

15 evidenceofsuchfact,unlessitisprovidedbytheaccused, thatthepersonsonamed –

(*a*) is a person to whom Parts III, IV, V and VI of this   
Act does not apply or is exempted from such   
provision of this Act;

|  |  |  |
| --- | --- | --- |
| 20 | (*b*) | enteredSriLankaorremainedinSriLankaorleft |

SriLankaasthecasemaybe,inconformitywiththe   
provisions of this Act; or

(*c*) is a person who is exempted under section 3 of this   
 Act.

|  |  |  |
| --- | --- | --- |
| 25 | **156.** (1)Everydocumentdulysignedandissuedbythe | Proofof |
| Minister,theControllerGeneraloranaccredited | instrument |
| madeor |
| representativeorcompetentimmigrationauthorityofa |
| issuedbythe |
| foreigngovernment,asthecasemaybe, as prescribed,shall | Ministeror |
| foreign |
| beadmissibleinevidencewithoutproofofanyofthe |
| diplomats |

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signaturesthereinandwithoutcallingsuchofficersasa witnessandshallbesufficientevidenceofthefactsstated therein untilthecontraryisproved.

(2)Whereapersonallegesthatadocumentreferredtoin

5 subsection(1)isaforgery,theburdenofprovingthatitisa forgeryshall lie on thatperson.

(3)Forthepurposesofthissection,documentincludes anOrder,direction,instruction,permit,reportoranyother relatedmaterialofasimilarnature.

|  |  |  |
| --- | --- | --- |
| 10 | **157.** (1)ApersonwhoisabouttoleaveSri Lankamay,if | Evidencein |
| connection |
| that person sodesiresmakeaswornoraffirmedstatementin |
| withcertain |
| relationtoanypersonwhoisalleged to have committed an |
| offencesofa |
| offence undersection 46, 47, 51, 124, 126, 136, 137, 138 or | personabout |
| 15 |
| toleaveSri |
| 139 of this Act: |
| Lanka |
| Providedthat,suchstatementshall bemadeinthe |

presenceofthepersonalleged to have committed an offence andthatsuchstatementismadebeforeaJusticeofPeaceora policeofficernotbelowtherankofanAssistant SuperintendentofPolice.

20 (2)TheJusticeofPeaceorthepoliceofficerbefore whomthestatementismadeundersubsection(1),shall –

(*a*) recordsuchstatementinwritingorelectronically;

(*b*) readoversuchstatement to the person making the   
 statementinthepresenceofthe person alleged to

|  |  |  |
| --- | --- | --- |
| 25 | (*c*) | have committed an offence; |
| explainthestatementtothe person alleged to have |

committed an offence;

|  |  |  |
| --- | --- | --- |
| 122 | (*d*) | *Immigration* |
| affordthe person alleged to have committed an |

offencefullopportunityofaskinganyquestion   
relevanttothestatementfromthepersonmaking   
thestatement;

|  |  |  |
| --- | --- | --- |
| 5 | (*e*) | recordsuchquestions,togetherwiththeanswers |

givenbythepersonmakingthestatement;

(*f*) securethesignatureofthepersonmakingthe   
 statementtotherecordofthestatement;and

|  |  |  |
| --- | --- | --- |
| 10 | (*g*) | certify,ifsuchbethecase,thattherequirementsof |
| thissectionhavebeencompliedwith. |

(3)AnyJusticeofPeaceor a policeofficernotbelowthe rankofanAssistantSuperintendentofPolice,ishereby empoweredandrequired –

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) | toadministeranoathoraffirmationinmanner |
| authorisedforwitnessesundertheOaths and |

AffirmationsOrdinance (Chapter 17),toanyperson   
desiringtomakeastatementinaccordancewith   
thissection ; and

|  |  |  |
| --- | --- | --- |
| 20 | (*b*) | thereaftertotakeproceedingsundertheprovisions |
| ofsubsection(2). |

(4)Astatementpurportedtobemadeunderthissection may,notwithstandingtheprovisionsofanyotherlaw,be producedincourtandgiveninevidenceagainstanyperson allegedofanyoffenceundersection46, 47, 51, 124, 126, 25 136, 137, 138 or 139andshallbe*primafacie*evidenceof thefactsthereinstated.

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | *Immigration* | 123 | Proceedings |
| **158.** (1)Theproceedinginanycourtinrespectofan | |
| offenceallegedtohavebeencommittedbyanypersonunder | | undertheAct |
| tohave |
| thisActshallhavepriorityoverallotherbusinessofthat | |
| priorityin |
| court,exceptwhencircumstancesrenderitnecessaryforsuch | |
| court |
| otherbusinesstobedisposedofearlier. | |

(2)Wherethetrialofapersonaccusedofanoffence underthisActcannotbeconcludedonthedayof commencement,suchtrialshallbecontinuedontheworking dayimmediatelyfollowing,exceptwherecircumstances 10 rendersuchcontinuationimpracticableorrenderitnecessary forotherbusinesstobedisposedoftheworkingday immediatelyfollowing.

|  |  |  |
| --- | --- | --- |
| 15 | **159.** (1) TheMinistermayissuedirections in respect of | Methodsand |
| methods andtechnologiestobeusedforthe performance of | technologies |
| usedto |
| thefunctionsunderthisAct in consultation with the |
| perform |
| Controller General. | functions |
| (2) Nothing in subsection (1) shall be construed to | underthis |
| Act |

imply that methods or technologies not approved shall not be used for the performance of the functions under this Act.

20 (3) The process of use of such methods or technologies shall be prescribed by regulations.

|  |  |  |
| --- | --- | --- |
| 25 | **160.** (1)Classifiedinformationmaybereliedon,inmaking | Classified |
| decisionsordeterminingproceedingsunderthisAct,ifthe | information |
| relatingto |
| Ministerdeterminesthattheclassifiedinformationrelates |
| securityor |
| to the mattersofsecurityorcriminalconduct. |
| criminal |

conductmay

|  |  |
| --- | --- |
| (2) Where the provisions of subsection(1)applies,the MinistermayauthorisetheControllerGeneraltorelyonthe informationtomakeadecisionon the – | bereliedon indecision makingand such  information |

maynotbe   
disclosed

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 124 | (*a*) | *Immigration* |
| issuanceofvisa; |
| (*b*) | arrivalanddepartureprocessing; |
| (*c*) | removalanddeportationprocess; and |
| (*d*) | supervisionofactivitiesofpersons who are not |
| citizens of Sri LankawhileinSriLanka. |

(3)Classifiedinformationreliedonforthepurposeof makinganydecisionordetermininganyproceedingsunder thisAct shall bekeptconfidentialandshallnotbedisclosed.

(4)Allsuchclassifiedinformationshallbesecurely 10 recordedandmaintainedunderthecustodyoftheController General.

(5) (*a*) For the purposes of this Act, "classified information" means information that the head of a relevant agency certifies in writing as being information that cannot 15 be disclosed under the provisions of this Act, except as expressly provided for, because-

(i) the information is information of a kind   
 specified in paragraph (*b*); and

|  |  |  |
| --- | --- | --- |
| 20 | (ii) | disclosure of the information would be a |
| disclosure of a kind specified in paragraph |

(*c*).

(*b*) Information falls within this subsection if it-

(i) might lead to the identification or provide details of the source of the information, 25 the nature, content, or scope of the information, or the nature or type of the

*Immigration*  125

assistance or operational methods   
available to the relevant agency;

(ii) is about particular operations that have been undertaken, or are being or are 5 proposed to be undertaken, in pursuance of any of the functions of the relevant agency; or

(iii) has been provided to the relevant agency by the government of another country, an 10 agency of the government of another country, or an international organisation, and this information that cannot be disclosed by the relevant agency because the government, agency, or organisation 15 from which the information has been provided will not consent to the disclosure.

(*c*) Disclosure of information falls within this subsection if the disclosure would be likely-

|  |  |  |
| --- | --- | --- |
| 20 | (i) | to prejudice the national security or |
| defence of Sri Lanka or the international |

relations of Sri Lanka;

(ii) to prejudice the entrusting of information to the Government of Sri Lanka on a basis of confidence by the government of 25 another country, an agency of a government of another country, or an international organisation;

(iii) to prejudice the maintenance of the law,   
 including the prevention, investigation

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and detection of offences, and the right to   
a fair trial; or

(iv) to endanger the safety of any person.

PART IX

|  |  |  |
| --- | --- | --- |
| 5 | TRANSNATIONAL PROCEEDINGS | Extra- |
| **161.** (1)Whereapersoncommitsanoffenceunderthis |
| ActinanyplaceoutsidetheterritoryofSriLanka, | territorial |
| Jurisdiction |
| proceedingsinrespectofsuchoffencemaybeinstitutedin |

theHighCourtofSriLanka.

10 (2)TheHighCourtofSriLankaholdenatColomboor theHighCourtestablishedbytheArticle154Pofthe ConstitutionreadwiththeHighCourtoftheProvinces (SpecialProvisions)Act,No. 10of1996shallhavethe jurisdictiontotryanddeterminetheoffencesreferredtoin

|  |  |  |
| --- | --- | --- |
| 15 | subsection(1). | Provision |
| **162.** Wherethereisanextraditionarrangementinforce |
| 20 | betweentheGovernmentofSriLankaandthegovernment | regarding |
| extradition |
| ofanyotherstate,sucharrangementshallbedeemed,forthe |
| arrangements |
| purposesoftheExtraditionLaw,No.8of1977,toinclude |
| provisionforextraditioninrespectofanoffenceunderthis |

Actandattemptingorconspiringtocommitoraidingand abettingthecommissionofsuchoffence.

|  |  |  |
| --- | --- | --- |
| 25 | **163.** ThescheduletotheExtraditionLaw,No.8of1977 | Amendment |
| tothe |
| isherebyamendedbytheinsertionimmediatelybeforePart |
| Extradition |
| Bthereof,ofthefollowing:- | Law,No.8 |
| of1977 |

"( )AnoffencewithinthemeaningoftheImmigration Act,No…….of….."

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | *Immigration* | 127 | Interpretation |
| **164.** Notwithstandinganythingcontainedinthe | |
| ExtraditionLaw,No.8of1977,anoffenceintermsofthis | | inrelationto |
| the |
| Actshall,forthepurposeonlyofextraditionunderthatlaw, | |
| Extradition |
| bedeemednottobeafiscaloffence,oranoffenceofa | | Law |
| politicalcharacter,oranoffenceconnectedwithapolitical | |
| 10 | offenceoranoffenceinspiredbypoliticalmotives. | | Dutyofthe |
| **165.** WherearequestismadetotheGovernmentofSri | |
| Lankabyoronbehalfofthegovernmentofanothercountry | | Ministerto |
| notify |
| fortheextraditionofanypersonaccusedorconvictedofan | |
| requesting |
| offenceunderthisAct,theMinistershall,onbehalfofthe | | stateon |
| GovernmentofSriLankaforthwithnotifythegovernment | | measures |
| takenin |
| oftherequestingstateofthemeasuresthattheGovernment | |
| respectof |
| ofSriLankahastaken,orproposestotake,forthe | | persons |
| against |
| prosecutionorextraditionofthatpersonforthatoffence. | |
| whom |

extradition   
requestis   
made

|  |  |  |
| --- | --- | --- |
| 15 | **166.** WhereapersonwhoisnotacitizenofSriLankais | Rightsof |
| arrestedforanoffenceunderthisAct,suchpersonshallbe | persons who |
| are not |
| entitled – |
| citizens of |

Sri Lanka

|  |  |  |  |
| --- | --- | --- | --- |
| 20 | (*a*) | tocommunicatewithoutdelaywiththenearest | arrested |
| underthis |
| appropriaterepresentativeofthestateofwhichhe |
| Act |
| isanationalorwhichisotherwiseentitledtoprotect |

hisrightsorifheisastatelessperson,withthe

nearestappropriaterepresentativeofthestatein

theterritorywherehewashabituallyresident;and

|  |  |  |  |
| --- | --- | --- | --- |
| 25 | (*b*) | tobevisitedbyarepresentativeofthatstate. | Dutyof |
| **167.** TheGovernmentshallaffordsuchassistance, | |
| includingthesupplyofanyrelevantevidenceatitsdisposal, | | Government |
| totherelevantauthoritiesofanyforeignstateasmaybe | | toafford |
| assistanceto |
| necessaryinconnectionwithcriminalproceedingsinstituted | | otherstates |

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inthatstateagainstanyperson,inrespectofanoffenceunder thelawofthatstatecorrespondingtoanoffenceunderthis Act.

PARTX

|  |  |  |
| --- | --- | --- |
| 5 | GENERAL | Regulations |
| **168.** (1) The Minister may make regulations in respect of |

all matters for which regulations are required or authorised to be made under this Act or as may be necessary for the purpose of carrying out the provisions or giving effect to the 10 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:-

|  |  |  |
| --- | --- | --- |
| 15 | (*a*) | all matters stated in this Act to be prescribed; |
| (*b*) | the examination of any person, and the production, |

inspection and affixing of the seal to any document   
for the purposes of this Act;

(*c*) the taking of identifying information, from any   
 person or from persons of any class or description

|  |  |  |
| --- | --- | --- |
| 20 | (*d*) | for the purposes of this Act; |
| issuing of any form of temporary travel document; |

and

(*e*) establishment of detention centres and holding facilities for detention of people who are not citizens 25 of Sri Lanka, and the procedures and facilities of such holding centres and facilities.

*Immigration*  129

(3) Every such regulation shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any such regulation that is not so approved shall be deemed to be rescinded as from the date 5 of disapproval, without prejudice to anything previously done thereunder.

(4) Notification of the date of which a regulation deemed to be rescinded shall be published in the *Gazette*.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **169.** (1) Controller General may maintain and preserve | | Maintaining |
| records and documents in electronic form pertaining to – | | and |
| preserving |
| 15 | (*a*) | visa; | records and |
| documents in |
| electronic |
| (*b*) | entry and departure process; | form |
| (*c*) | removal and deportation; |
| (*d*) | supervision and investigation of activities of |
| persons other than citizens of Sri Lanka while such | |

persons are in Sri Lanka for the purposes of this   
Act;

|  |  |  |
| --- | --- | --- |
| 20 | (*e*) | Sri Lanka travel documents; and |
| (*f*) | any other duty or function relating to immigration |
| as imposed or assigned by or under this Act. |

(2) Every record or document referred to in subsection (1), shall be maintained and preserved according to the provisions of the Electronic Transaction Act, No. 19 of 2006 or any other relevant legislation. Such record or document

|  |  |
| --- | --- |
| 25 | shall be accepted as a *prima facie* evidence of a function mentioned in subsection (1). |

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(3) The hard copie**s** of records and documents held by the Controller General relating to a function referred to in subsection (1), shall be accepted as a *prima facie* evidence in case where no electronic record or document is kept, if 5 such record or document has been authenticated and certified by the Controller General.

|  |  |  |  |
| --- | --- | --- | --- |
| 10 | **170.** (1) ForthepurposesofthisActitshallbelawfulfor | | Collection, |
| anyofficer appointed under subsection (1) of section 4 and | | use, process |
| and storage |
| authorisedbytheControllerGeneraltotakeallsuchstepsas | |
| of |
| maybereasonablynecessaryforthecollection,the | | identifying |
| information |
| concurrentuse,processing and storage of anyidentifying | |
| tobelawful |
| informationof- | |
| (*a*) | anypersonwho is not a citizen of Sri Lanka;or |
| 15 |
| (*b*) | anypersonwhoissuspectedorallegedtohave |
| committedanoffenceunderthisAct. | |

(2) For the purposes of this Act, it shall be lawful for a police officer not below the rank of a sergeant or an authorized member of the Forces not below the rank of a corporal, leading seaman or Coast Guard Officer of the Department of Coast 20 Guard to take all such steps as may be reasonably necessary to take photographs, measurements, finger prints and any other identifying information of-

|  |  |  |
| --- | --- | --- |
| 25 | (*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. |

(3) All personal information collected under this Act shall be transmitted forthwith to the Controller General for the purpose of processing and storage.

|  |  |  |
| --- | --- | --- |
| *Immigration* | 131 | Scopeofuse of  identifying |
| **171.** (1)IdentifyinginformationcollectedunderthisAct maybeusedforthepurposesof – | |

information

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | (*a*) | assistingintheidentificationof,andauthenticating | collected |
| underthis |
| theidentityofanyapplicantsubmittingan |
| Act |
| applicationforaSriLankatravel documentor |

holderofaSriLankatraveldocument;

(*b*) facilitatingorotherwiseassistingtheinternational   
 travelofapersontowhomaSriLankatravel   
 documenthasbeenissued;

|  |  |  |
| --- | --- | --- |
| 10 | (*c*) | assistingintheidentificationof,andauthenticating |
| theidentityof,anyapplicantfororholderofaSri |

Lankavisa;

(*d*) assistingintheidentificationof,andauthenticating theidentityof,anypersonwhoisproposingto 15 boardavesselor an aircraftforthepurposesof travellingtoSriLanka;

(*e*) assistingintheidentificationof,andauthenticating   
 theidentityof,anypersonwhoappliesfor   
 permissiontoenterSriLanka;

|  |  |  |
| --- | --- | --- |
| 20 | (*f*) | assistingintheidentificationof,andauthenticating |

theidentityof,anypersondeparting fromSriLanka   
includingacitizenofSriLanka;

(*g*) assistingintheidentificationof,andauthenticating   
 theidentityof,anypersontoberemovedor

|  |  |  |
| --- | --- | --- |
| 25 | (*h*) | deportedfromSriLanka; |
| assistingintheidentificationof,andauthenticating |

theidentityof,anypersonwhohascommittedan   
offenceunderthisAct;

|  |  |  |
| --- | --- | --- |
| 132 | (*i*) | *Immigration* |
| preventing, detecting, or investigating criminal or |

terrorist activities or activities which may be   
prejudicial to the security of Sri Lanka or any part   
thereof or to the maintenance of public order or

|  |  |  |
| --- | --- | --- |
| 5 | (*j*) | essential services; |
| enforcementofthewrittenlaw,including the |

investigationorprosecution ofapersonforan   
offenceagainstanylaw;

|  |  |  |
| --- | --- | --- |
| 10 | (*k*) | combatingdocumentandidentityfraudin |
| (*l*) | immigrationmatters; |
| administeringormanagingtheidentifying |

information;

(*m*) updatingidentifyinginformationtoenableittobe reconciledwithotheridentifyinginformationorin 15 ordertocorrecterrorsorensurecompliancewith appropriatestandards;

(*n*) identifyingpersonswhomay be a threat to the   
nationalsecurity of Sri Lankorwhoareassociated   
 withactivitiesofacriminalnatureandwhose

|  |  |  |
| --- | --- | --- |
| 20 | (*o*) | detentionorsupervisionmaybenecessaryinthe |
| interestsofpublicsafety,peaceandgoodorder; |
| anyotherpurposetheuseofwhichisrequiredor |

authorisedbyorunderany other written law; and

|  |  |  |
| --- | --- | --- |
| 25 | (*p*) | makingdecisionsunderthisActorunderthe |
| regulationsmadeunderthisAct. |

(2)The Minister shall prescribe the authorized institutions which are touseidentifyinginformationforthe purposesmentionedinsubsection(1).

|  |  |  |  |
| --- | --- | --- | --- |
| *Immigration* | | 133 | Authorising disclosure of or access to  identifying  informationä |
| **172.** (1)TheMinistermay,by written Order,authorisea specifiedauthority - | | |
| (*a*) | toaccessidentifyinginformationofthekind | |

specified intheOrder in accordance with any

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | written law relating to data protection;or |
| onwrittenrequesttodisclose,identifying |

informationofthekindspecifiedintheMinister’s Order,toanotherinstitution authorized under subsection (2) of section 171 forthepurposeor 10 purposesspecifiedintheMinister’sOrder in accordance with any written law relating to data protection in of Sri Lanka.

(2)TheMinistermayspecifyoneormoreofthe followingpurposesintheOrder made underthissection,as 15 thepurposeorpurposesforwhichaccessordisclosureis authorised in accordance with any written law relating to data protection in Sri Lanka:-

(*a*) assistingintheidentificationofandauthenticating   
 theidentityof,anyapplicantfororholderofaSri

|  |  |  |
| --- | --- | --- |
| 20 | (*b*) | Lankatraveldocument; |
| infacilitatingorotherwiseassistingthe |

internationaltravelofapersontowhomaSriLanka   
traveldocumenthasbeenissued;

|  |  |  |
| --- | --- | --- |
| 25 | (*c*) | intheenforcementofthewrittenlaw,including |
| investigatingorprosecutingapersonforanoffence |

againstanylaw;

(*d*) incombatingdocumentandidentityfraudin   
 immigrationmatters;

|  |  |  |
| --- | --- | --- |
| 134 | (*e*) | *Immigration* |
| administeringormanagingthestorageof |

identifyinginformation;

(*f*) updateidentifyinginformationtoenableittobe reconciledwithotheridentifyinginformation,or 5 inordertocorrecterrorsorensurecompliancewith appropriatestandards;

(*g*) identifyingpersonswho may be a threat to the   
national security of Sri Lankaorwhoareassociated   
withactivitiesofacriminalnatureandwhose

|  |  |  |
| --- | --- | --- |
| 10 | (*h*) | detentionorsupervisionmaybenecessaryinthe |
| interestofpublicsecurity,peaceandgoodorder; |
| anyotherpurposeforwhichthedisclosureis |

requiredorauthorisedbyany writtenlaw;

|  |  |  |
| --- | --- | --- |
| 15 | (*i*) | investigating, detecting, or preventing criminal or |
| terrorist activities or activities which may be |

prejudicial to the security of Sri Lanka or any part   
thereof or to the maintenance of public order or   
essential services; and

|  |  |  |
| --- | --- | --- |
| 20 | (*j*) | makingdecisionsunderthisActorunderthe |
| regulationsmadeunderthisAct. |

(3)Forthepurposes of subsection(1),thespecified authoritymayincludethepolice,anylawenforcementbody, abordercontrolbodyofaforeigncountry or such like institution.

|  |  |  |
| --- | --- | --- |
| 25 | **173.** TheControllerGeneralmayshare identifying | Controller |
| 30 | information or any other information,withotherlocal or | Generalmay |
| share |
| internationallawenforcementagenciesthathas entered into |
| information |
| any bilateral agreementwiththeControllerGeneral |
| withother |
| regardingtheuse,methodologyofsharing of identifying | local or |
| information or any other information andprotectionofsuch | international |
| law |
| identifying information or any other information in |
| enforcement |

agencies

*Immigration*  135

accordance with such written law relating to personal data protection in Sri Lanka.

|  |  |  |
| --- | --- | --- |
| 5 | **174.** Anautomatedelectronicsystemthatappliescriteria | Automated |
| predeterminedinaccordancewithdirectionsoftheMinister, | decision |
| makingin |
| maybeusedbytheControllerGeneraltoprocessan |
| relationto |
| applicationorexecuteanoperationinrelationtoanyPartof |
| implementation |
| thisAct. | ofthe |
| provisionsof |

thisAct

|  |  |  |
| --- | --- | --- |
| 10 | **175.** (1)Thereshallbeestablishedafundtobeknownas | Immigration |
| theImmigrationOfficers’RewardFund (hereinafterinthis | Officers’ |
| Actreferredtoas"theFund"). | Reward Fund |

(2)ThereshallbepaidintotheFund asumequivalentto onepercentofthemoniescreditedtotheControllerGeneral asvisafeeorelectronictravelauthorizationfeeunderthis Actand any regulation made thereunder.

15 (3)ThereshallbepaidoutoftheFund –

(*a*) allpaymentsgivenasrewardstosuchimmigration officersasmaybeprescribed; and

(*b*) anyexpenseincurredintheadministrationofthe Fund.

20 (4)TheControllerGeneralshallberesponsibleforthe administrationoftheFund.

(5)TheprovisionsofArticle154oftheConstitutionshall applytotheauditoftheaccountsoftheFund.

(6)TheMinistermaymakeregulations -

|  |  |  |
| --- | --- | --- |
| 25 | (*a*) | prescribingthemannerinwhichtheFundtobe |
| (*b*) | administered;and |
| inrespectofmattersrequiredtobeprescribed. |

|  |  |  |  |
| --- | --- | --- | --- |
| 5 | 136 | *Immigration* | Controller |
| **176.** (1) TheControllerGeneral,AdditionalController | |
| General,aControllerofImmigration,aDeputyController | | Generaland |
| officers |
| ofImmigration,anAssistantControllerofImmigration, a | |
| deemedtobe |
| Chief ImmigrationOfficer andanimmigrationofficer,shall | | Peace |
| Officers |
| bedeemedtobePeaceOfficerswithinthemeaningofthe | |

CodeofCriminalProcedureAct, No. 15 of 1979forthe purposeofexercisinganypowerconferreduponaPeace OfficerbythatAct.

(2) TheMinisterinspecialcircumstances,takinginto 10 considerationthenecessitiesandexigenciesofdischarging dutiesasaPeaceOfficermaydirecttheabovementioned PeaceOfficerstobearmedwiththerelevantauthorisation receivedfromtheMinistryofDefence.

|  |  |  |
| --- | --- | --- |
| 15 | **177.** TheControllerGeneral,AdditionalController | Powerto |
| administer |
| General, every Controller,everyDeputyController,every |
| oaths |
| AssistantControllerofImmigration, every Chief Immigration |

Officer and every Immigration officershall,forthepurposes oftheAct,havethepowertoadministeroaths in accordance with the provisions of the Oath and Affirmations Ordinance

|  |  |  |
| --- | --- | --- |
| 20 | (Chapter 17). | Mannerof |
| **178.** AnynoticerequiredbyorunderthisActtobeserved |
| serving |
| onanypersonshallbedeemedtohavebeendulyservedon |
| notices |
| thatpersonifsuchnoticeisforwardedbypost,byregistered |

letter,orelectronically,totheaddressfurnishedbythat

|  |  |  |
| --- | --- | --- |
| 25 | person. | Expensesof |
| **179.** Allexpensesincurredintheadministrationofthis |
| 30 | Actshall,exceptinsofarastheyaredefrayedasprovidedby | administration |
| of the Act |
| orunderthisAct,bea charge on the Consolidated Fund. |
| Protection |
| **180.** (1) No suit or prosection shall be instituted against |
| the Controller General, Additional Controller General, a | fromsuitor |
| prosecution |
| Controller of Immigration, a Deputy Controller of |

*Immigration*  137

Immigration, an Assistant Controller of Immigration, a Chief Immigration Officer, an immigration officer, a police officer, an authorised member of the Forces or a Coast Guard Officer of the Department of Coast Guard for anything which in

5 good faith is done in the performance or exercise of any function or power imposed or conferred under this Act.

(2) Any expense incurred by a person referred to in subsection (1) in any suit or prosecution brought against him before any court in respect any act which is done or

|  |  |
| --- | --- |
| 10 | purported to be done by him under this Act, shall, if the court holds that the act was done in good faith, be paid out |

of the Consolidated Fund, unless such expenses is recovered by him is such suit or prosecution.

|  |  |  |
| --- | --- | --- |
| 15 | **181.** NothinginthisActorinanyregulation,Order, | Actnotto |
| direction,instructionorotherinstrumentsmadeorissued | applyto |
| underthisActshallbedeemedorconstruedtoprohibitor | journeys |
| between |
| restrictinanymannertheentryintoordeparturefromany |
| placesinSri |
| placeinSriLankaoranypersononajourneybyavessel or | Lanka |

aircraft fromorto,asthecasemaybe,anyotherplaceinSri

|  |  |
| --- | --- |
| 20 | Lankaifthatvessel or aircrafthasnotcalledorwillnotcall atanyplaceoutsideSriLankainthecourseofhisjourneyby |

thatvessel or aircraft.

|  |  |  |
| --- | --- | --- |
| 25 | **182.** TheprovisionsofthisActshallbeinadditiontoand | Construction |
| oftheAct |
| notinderogationoftheprovisionsoftheCustomsOrdinance |
| (Chapter 235) and theQuarantineandPreventionofDiseases |

Ordinance (Chapter 222), relatingtotheentryofpersons into,anddepartureofpersonsfromSriLanka:

Providedhoweverthat,intheeventofanyconflict orinconsistencybetweentheprovisionsofthisActandof 30 anysuchOrdinance,theprovisionsofthisActshallprevail.

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**183.** Unless the context otherwise requires, inthisAct Interpretation

andregulationsmade thereunder–

"advanced passenger information" means elements of data collected and transmitted through an 5 electronic communication system to the border control agencies prior to the arrival and departure of flights and made available on the primary line at the port of entry or departure;

10 "aidandabet"shallhavethesamemeaningasinsection 101ofthePenalCode(Chapter19);

"approvedport"means,a seaport or an airport declared   
as an approved port of entry or departure by   
the Minister undersection45 of this Act;

15 "approvedplaceofentry"and"approvedplaceof departure"mean,anapprovedairport or seaport,declaredassuchundersection45;

"biometric"meansuniquebiologicaldataspecificto   
a person including finger prints;

20 "border" consists of territorial seas and air of Sri Lanka;

"child"means, a person under the age of eighteen years;

"costandcharges"inrelationtoanypersonwhoisnot acitizenofSriLanka,meansanymoney expendedoutofpublicfundsforsecuringor 25 facilitatingthedeparturetherefromofsuch person,andincludes–

(*a*) anymoneyexpendedoutofpublic   
fundsforhisrelief,maintenance,care   
 ortreatment;and

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(*b*) theexpensesofanysuchrelief, maintenance,careortreatmentinany hospital,orotherinstitutionforthe reliefofsickordestitutepersonswhich 5 ismaintainedoutofpublicfundsorby anycharitableinstitutiontothesupport ofwhichtheGovernmentcontributes;

“captainofanaircraft”meansthepersonforthetime beingincharge thecommandorcontrolof 10 thataircraft;

“ carrier” means a person who engagges in the business of transporting passengers by water or air and includes any association of persons whether incorporated or not by whom the aircraft or 15 the ship is owned or chartered;

“Civil Aviation Authority” means the Civil Aviation   
Authority established by section 2 of the Civil   
Aviation Authority Act, No. 34 of 2002;

“CodeofCriminalProcedureAct”meanstheCodeof 20 CriminalProcedureAct,No.15of1979;

“crew” means the group of persons employed in the   
 work or service of a vessel or an aircraft;

“dangerous drug” means any drug falling within the   
Poisons, Opium and Dangerous Drugs

25 Ordinance (Chapter 218) or included in any law enacted in its place;

“dependant”meansapersonwhoiswhollyanddirectly   
dependantformaintenanceandsupportupon

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anyotherpersonandisrelatedtosuchother   
personasbeing–

|  |  |  |
| --- | --- | --- |
| 5 | (*a*) | hisspouse; |
| (*b*) | hisor hisspouse’sparentor |
| (*c*) | grandparent; |
| hisorhisspouse’sdaughter, |

granddaughter,sisterorniece,whois   
eitherunmarriedorawidowor a   
divorcee;or

|  |  |  |
| --- | --- | --- |
| 10 | (*d*) | hisorhisspouse’sson,grandson, |

brotherornephew,whoisundertheage   
oftwenty-oneyearsorbeingoverthat   
age,ispermanentlydisabledand   
incapableofsupportinghimself;

15“deportation”meansaforceddepartureofaperson who is not a citizen of Sri LankafromSri LankabyOrderissuedbytheMinisterfor remainingoutofSriLankasolongasthe Orderisinforce;

20“Director of Merchant Shipping” means the Director of Merchant Shipping appointed under section 3 of the Merchant Shipping Act, No.

52 of 1971;

“Director General of Civil Aviation” means the

|  |  |
| --- | --- |
| 25 | Director General of Civil Aviation appointed under section 11 of the Civil Aviation |

Authority of Sri Lanka Act, No. 34 of 2002;

*Immigration*  141

“directtransitpassenger”meansapassengerwho arrivesatanapprovedairportofSriLanka,by anaircraftandpassesthroughsuchapproved airportenroutetoanothercountrywithout 5 enteringSriLanka;

“disclose”includesprovidingaccesstothe   
identifyinginformation;

“document”includes –

|  |  |  |
| --- | --- | --- |
| 10 | (*a*) | anyendorsement; |
| (*b*) | anypaperorothermaterialwherethere |

iswriting;

(*c*) anypaperorothermaterialwherethere   
aremarks,figures,symbolsor   
perforations,thatare –

|  |  |  |
| --- | --- | --- |
| 15 | (i) | capableofbeinggivenameaning |

bypersonsqualifiedtointerpret   
them;or

(ii) capableofbeingrespondedtoby   
 acomputer,amachineoran

|  |  |  |
| --- | --- | --- |
| 20 | (*d*) | electronicdevice; |
| anyarticleormaterialfromwhich |

informationiscapableofbeing   
reproducedwithorwithouttheaidof   
anyotherarticleordevice;

|  |  |  |
| --- | --- | --- |
| 142 | (*e*) | *Immigration* |
| anyelectronicrecord; or |
| (*f*) | any thing or any article; |

“electronic device” means any electronic device   
that may contain any document referred

5 to in a written document in electronic form;

“endorsement”meansanendorsementgranted   
underPartIII, IV, V orPartVIIofthis   
Act;

10“entry”means –

(*a*) inthecaseofapersonarrivingbysea,   
 disembarkinginSriLankafromthe   
vesselinwhichhearrives;

|  |  |  |
| --- | --- | --- |
| 15 | (*b*) | inthecaseofapersonarriving 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

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | otherwise than by that aircraft; |
| inthecaseofachildborninSriLanka |

whoisnotacitizenofSriLanka,his   
birthinSriLanka;and

*Immigration*  143

(*d*) inanyothercase,anyentryintoSri Lankaby,seaorair,butshallnot includeinanycaseanentrymadefor thepurposeofcomplyingwiththisAct 5 oranentry,expresslyorimpliedly, sanctionedbyanimmigrationofficer forthepurposeofanyenquiryor detentionundertheprovisionsofthis Act;

10 “holder”inrelationtoanyvisameanstheperson towhomsuchvisaisissued;

“holdingcentre”meansatemporarydetention centrelocatedanywhereotherthanat anairport or seaport forpersonswhose 15 detentionhasbeenrequiredor authorisedunderthisAct;

“identifyinginformation”means –

|  |  |  |
| --- | --- | --- |
| 20 | (*a*) | anybiometricinformation; |
| (*b*) | anymeaningfulidentifierderivedfrom |
| (*c*) | anybiometricinformation; |
| anyrecordofaresultofanalysingany |

biometricinformationormeaningful   
identifierderivedfromanybiometric   
information;

|  |  |  |
| --- | --- | --- |
| 144 | (*d*) | *Immigration* |
| anyotherinformation,derivedfromany |

biometricinformationormeaningful   
identifierderivedfromanybiometric   
information,orfromanyrecordofakind

|  |  |
| --- | --- |
| 5 | referredtoinparagraph(c),thatcould beusedtodiscoveraparticularperson’s |

identityortogetinformationabouta   
particularperson; or

|  |  |  |
| --- | --- | --- |
| 10 | (*e*) | any other information which facilitate |
| the identification of a particular |

person;

"immigration" includes both immigration and   
 emigration;

"immigrationarea or zone"meansanarea or zone 15 designatedwithinanapprovedportto beutilizedforexercising,performing ordischargingofthepowers,dutiesor functionsconferred,imposedor

|  |  |
| --- | --- |
| 20 | assignedbyorunderthisActrelating toentryintoordepartureofpersons |

fromSriLanka;

"immigrationclearance"inrelationtoany person,includes allowing, accepting or refusingaperson’sentryintoSriLanka 25 ordeparturefromSriLanka;

"immigrationsignal"meanssuchsignalasmay   
beprescribedforvesselswhicharrive   
inSriLanka;

|  |  |
| --- | --- |
| 30 | "interactive advance passenger information" is an additional means of enhancing |

*Immigration*  145

border security and which allows

|  |  |  |  |
| --- | --- | --- | --- |
| border | control | authorities | to |

communicate an immediate response

|  |  |
| --- | --- |
| 5 | based on advanced passenger information data collected by the |

carrier. As a result of the immediate   
response of the border control authority,   
the carrier is able to decide to allow or

|  |  |
| --- | --- |
| 10 | prevent the passenger from boarding the aircraft or ship; |

"leave"means –

(*a*) inthecaseofapersonleavingSriLanka   
 bysea,embarkinginSriLankaona   
 vesselwhichisabouttoleaveSriLanka

|  |  |
| --- | --- |
| 15 | andremainingonboardsuchvesselat thetimeofitsdepartureforanyplace |

outsideSriLanka;

(*b*) inthecaseofapersonleavingSriLanka   
 byair,boardinganaircraftinSriLanka

|  |  |  |
| --- | --- | --- |
| 20 | (*c*) | whichisabouttodepartfromSriLanka; |
| inthecaseofadeathofapersonin |

SriLanka,whoisnotacitizenof   
SriLanka,hisdeathinSriLanka;

|  |  |  |
| --- | --- | --- |
| 25 | (*d*) | inthecaseofavessel,oranaircraft |
| leavingSriLankabysea,orairasthe |

casemaybe,departingfromany   
approvedportinSriLankabysea,or   
fromanyapprovedairportinSriLanka,   
foranyplaceoutsideSriLanka;

|  |  |
| --- | --- |
| 30 | "masterofvessel"meansthepersons,forthetime being,incharge,commandorcontrol |

ofthatvessel;

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"memberofthecrew"inrelationtoavesselor   
aircraftmeansanypersonemployedin   
theworkingorserviceofthatvesselor   
aircraftasthecasemaybe;

5 "minor" means a person who has not attained the age of eighteen years;

"narcotic drugs" shall include the drugs specified in the Third Schedule of the Convention Against Illicit Traffic in Narcotic Drugs 10 and Psychotropic Substances Act, No.

1 of 2008;

"overseas ex Sri Lankan" means a person   
registered as an overseas ex Sri Lankan   
under section 34;

15 "passenger"meansanypersontravelingor seekingtotravelonboardavesseloran aircraftwhoisnotamemberofthecrew ofthatvesselortheaircraft;

"passengerintransit"meansapassengerwho 20 arrivesatanapprovedportofSriLanka, byanaircraftorvesselandpasses throughsuchapprovedportenrouteto anothercountry,andtheterm“transit visa”shallbeconstruedaccordingly;

25 "Passenger Name Record Information" is the generic name given to records created by the carriers for each flight or ship based on their information provided by the passenger who booked the flight or

*Immigration*  147

the ship and the report contains information such as passenger name, travel itinerary, ticket information, contact details, means of payment 5 methods etc.;

"peaceofficer"hasthesamemeaningasinthe   
CodeofCriminalProcedureAct, No.

15 of 1979;

"person of full age"meansaperson who has 10 attained the age of eighteen years;

"prescribed"meansprescribedbyregulations;

"prescribedMedicalOfficer"meansamedical officerappointedbytheDirector GeneralofHealthServicesforthe 15 purposesofthisAct;

"preventfromtravellinginternationally"   
 include–

|  |  |  |
| --- | --- | --- |
| 20 | (*a*) | being requiredtoremaininSriLanka; |
| (*b*) | being requiredtosurrenderaSriLanka |
| (*c*) | passportoraSriLankatravel |
| document; |
| notpermittedtoapplyforaSriLanka |

passportoraSriLankatravel   
document;or

|  |  |  |
| --- | --- | --- |
| 25 | (*d*) | notpermittedtoobtainaSriLanka |

passportoraSriLankatravel   
document;

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"psychotropic substances" shall include the substances specified in the fourth Schedule of the Convention Against Illicit Traffic in Narcotic Drugs and 5 Psychotropic Substances Act, No. 1 of 2008;

"removal"meansanenforcementprocess initiatedbyimmigrationofficersto achievetheforceddepartureofaperson 10 who is not a citizen of Sri Lankaas specifiedin subsections (1) and (2) of section98;

" seaman" means a person employed or engaged in any capacity on board a vessel or the 15 business of the vessel other than the master of the vessel;

"separateandexclusiveimmigrationclearance"   
includesimmigrationclearancecarried   
outonlyduringaparticularperiodor

20 periodsinadayforaparticularperson orclassofpersons;

"shore pass"means a pass which permits a   
member of the crew to enter the city of   
the port as long as their vessel remains

25 in such port;

"SriLanka"includestheterritorialwatersofSri   
Lanka;

"SriLankapassport"meansapassportissued underthisActoranyregulationmade 30 thereunder;

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"SriLankatraveldocument"means a Sri Lanka passport, anemergencycertificate,an identificationcertificateoranyother temporarytraveldocumentthatpermits 5 apersontoenter or leaveSriLanka issuedbytheControllerGeneralora SriLankanOverseasMission issued under this Act or any regulation made thereunder;

10 "stowaway"meansapersonwhoissecretedina vessel,oranaircraftwithouttheconsent ofthemasterorotherpersonincharge ofthevessel,oraircraftandincludes suchapersonwhoisarrivinginor 15 departingfromSriLankaonboardany vessel,oraircraftwithouttheconsent ofthemasterorotherpersonincharge ofthevesseloraircraft;

"territorialwatersofSriLanka"shallhavethe 20 samemeaningasintheConstitution;

"traveldocument"meanseverydocumentthat facilitatesthemovementofpersons betweentwocountriesincluding a Sri Lanka travel document issued under 25 this Act or any travel document, passport **or** a laissez passer recognized by the Government of Sri Lanka or the United Nations;

"validpassportortraveldocument"meansa 30 passportorotherdocumentofidentity havingthecharacteristicsofapassport –

|  |  |  |
| --- | --- | --- |
| 150 | (*a*) | *Immigration* |
| whichwasissuedtoanypersonbyor |

onbehalfoftheGovernmentofSri   
LankaoranyGovernmentrecognised   
bytheGovernmentofSriLanka;

|  |  |  |
| --- | --- | --- |
| 5 | (*b*) | whichcontainsapersonaldescription |

sufficienttoidentifythe holder of such   
passportandtowhichis attached his   
photograph;and

(*c*) whichisforthetimebeinginforce,

10 includes a travel document.

"vessel"meansanytypeofwatercraft,including non-displacementcraftandseaplanes, usedorcapableofbeingusedasameans oftransportationonwater,excepta 15 warship,navalauxiliaryorothervessel ownedoroperatedbya State andused, forthetimebeing,onlyon State non- commercialservice;

"visa"includesavisagrantedunderthisActby 20 theGovernmentofSriLankaorvisa grantedbyanyotherGovernment recognisedbytheGovernmentofSri Lanka;

"voluntarydeparture"meansthedepartureofa 25 person who is not a citizen of Sri Lanka onhisownvolition,whohasnocurrent validvisa,withoutanenforcement processinitiatedbyimmigration officers.

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**184.** (1)ImmigrantsandEmigrantsAct(Chapter351) Repealsand and Passport (Regulation) and Exit Permit Act, No. 53 of savings

1971 areherebyrepealed.

(2)NotwithstandingtherepealofImmigrantsand 5 EmigrantsAct(Chapter351)and Passport (Regulation) and Exit Permit Act, No. 53 of 1971 (hereinafter referred to as the "repealed Acts")-

(*a*) allactions,mattersorproceedingsinstitutedunder   
 therepealed Acts inanycourtoflaworinany

|  |  |  |
| --- | --- | --- |
| 10 | (*b*) | otherinstitution; and |
| allappealsfromordersorjudgmentsmadeunder |

therepealed Acts andpendingonthedaypreceding   
thedateofcommencementofthisAct,

shallbeheardanddisposedof,inallrespectsunderthe 15 repealed Actsasthoughsuch Act havenotbeenrepealed.

(3)Allcertificates,licences,visas,passports,travel documents,andotherdocumentsissuedunder the repealed Acts andsubsistingonthedayprecedingthedateof commencementofthisAct, shallbedeemedwitheffectfrom 20 thedateofcommencementofthisAct,tobeissuedunder thisActandshallbeconstruedaccordingly.

(4)Allsubsidiarylegislationmadeunderthe repealed Acts andwhichareinforceontheappointeddateandwhich arenotinconsistentwiththeprovisionsofthisActshallbe 25 deemedtobesubsidiarylegislationmadeunderthisAct untiltheyarerepealedorrescindedbysubsidiarylegislation madeunderthisAct.

(5)(*a*)Notwithstandingtherepeal,rescission,or amendmentofanyprovisionsoflawrelatingtopermanent

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residencepermitsandtemporaryresidencepermits,anysuch permitissuedbeforethe6thdayofJune,1955,andinforce onthedayimmediatelyprecedingthatdate,shallcontinue inforceafterthatdateforthedurationofsuchpermitand 5 shallthereafterceasetohaveeffect;andtheprovisionsof lawapplicabletosuchpermitsbeforesuchdateshallapply tosuchpermitsafterthatdateduringtheperiodofthevalidity ofsuchpermitsinlikemannerastheywereapplicablebefore thatdate.

10 (*b*)Subsection(3)ofsection6oftheInterpretation Ordinance (Chapter 2) shallapplyinthecaseofany amendmentwhichhastheeffectofomittinganyprovisions oflawrelatingtoPermanentResidencepermitsand TemporaryResidencepermitsinlikemannerasthat

|  |  |  |
| --- | --- | --- |
| 15 | subsectionappliesinthecaseofanyrepeal. | Sinhalatext |
| **185.** IntheeventofanyinconsistencybetweentheSinhala |
| andTamiltextofthisAct,theSinhalatextshall prevail. | toprevailin |
| caseof |

inconsistencyä

|  |  |
| --- | --- |
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