



**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 Security on 20th of June, 2024

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Immigration

L.D.—O. 31/2018

AN ACT 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.

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

1. This Act may be cited as the Immigration Act, No. of 2024. Short title
and dates of
operation

5 (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

2. The objects of this Act shall be – Objects of
the Act

- 15 (a) to regulate immigration and emigration in a manner 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;

- (c) 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-
- (a) is a member of the Armed Forces of Sri Lanka; or
 - 10 (b) is duly accredited to the Government of Sri Lanka by the Government of any other country; or
 - (c) is sent to Sri Lanka on a special mission by the Government of any other country; or
 - 15 (d) is an expert, adviser, technician, or official of any organization whose salary or principal emolument is not payable by the Government of Sri Lanka and who is brought to Sri Lanka by the Government of Sri Lanka through any Specialized Agency of the United Nations Organization, or under the Point Four Assistance Programme of the Government of
 - 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

Power to
exempt from
the
provisions of
the Act

- (f) has entered or is under an agreement to enter the service of the Government of Sri Lanka; or
- 5 (g) is a member of the official staff or household of any person referred to in any of the foregoing paragraphs (a) to (f); or
- (h) is the wife or any 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 occurrence of any public emergency from any of the provisions of the Act to such extent or subject to such terms, conditions or restrictions 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 Act, whether by name or by office- Officers

- (a) 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 Additional Controller General of Immigration;
- (c) 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 functions vested in, conferred, imposed or assigned by or under this Act-

Powers,
duties and
functions of
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

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.

6. The Minister may either generally or specially authorise the Secretary to the Ministry, Additional Secretary to the Ministry or the Controller General to exercise, perform or discharge any power, duty or function other than -

Authorisation
by Minister
to act on his
behalf

25 (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

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

7. (1) The President may, upon request of the Minister, Authorised members of the Forces for the purposes of this Act, by Order published in the *Gazette*, designate all or any of-

- 5 (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.

15 (2) Within the area specified under subsection (4), an 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,

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 a warrant 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, for the purposes of this Act, by Order published in the *Gazette*, designate all or any of the Coast Guard Officers of the Department of Coast Guard, raised and maintained in accordance with the provisions of the Department of Coast
25 Guard Act, No. 41 of 2009, as authorised Coast Guard Officers of the Department of Coast Guard.

Certain powers under this Act may be exercised by the Coast Guard Officers of the Department of Coast Guard

(2) Within the area specified under subsection (4), an authorised Coast Guard Officer of the Department of Coast Guard 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,
 - 5 (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 -

- (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

9. This Part shall apply to every person other than –

Application
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 exempted from the provisions of this Part.

10

10. (1) Subject to the provisions of this Act, the Controller General or an officer authorised by him may issue to a person 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 during a specified period.

Sri Lankan
Visa

15

(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 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.

20

(3) Notwithstanding the time limits specified in subsection (2) a permanent residence visa may be issued by the Controller General to a person for a period as determined by the Minister.

25

(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 not travel to or remain in Sri Lanka without a valid visa unless he has been exempted from visa requirements under section 3 by the Minister by Order published in the *Gazette*.

To require a visa to travel to Sri Lanka or to remain in Sri Lanka

- 10 (2) A person to whom this Part applies and who enters Sri Lanka shall –

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

- 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 visa; or
- 30

- (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 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 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 endorsement.

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

A person may hold only one valid visa

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

Power of the Controller General to issue or refuse to issue a visa

- (2) Unless provided otherwise in this Act, the Controller General may, in determining a visa application, in his absolute discretion –

- (a) issue or refuse to issue a visa;
- (b) issue a visa of any class, subclass, category or subcategory notwithstanding the class and category of visa that was applied for;
- (c) impose such conditions on the visa issued, or vary or revoke conditions; or

- (d) issue an extension or refuse to issue an extension to a visa.

14. The Controller General may issue a visa to a person, Issuance of visa
if-

- 5 (a) such person has satisfied the requirements as are 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;
- 15 (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 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.

15. A person who seeks to obtain a visa shall apply to the Application for a visa
20 Controller General by submitting an application in the form and manner prescribed by regulations.

16. (1) Visa issued under this Act shall include the Classes of visa
following classes:-

- (a) residence visa;
- 25 (b) permanent residence visa;

(c) visit visa; and

(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.

17. (1) Subject to the provisions of section 10, the Controller General may issue – Validity
period of a
visa

10 (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:

20 Provided, the Controller General shall obtain the approval of the Minister under paragraph (b) of subsection (2) of section 10 where the period of the 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.

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

19. (1) The Controller General may, subject to Electronic Travel Authorization 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*.

20. (1) Every visa is subject to such conditions if any, as Conditions applicable for a visa may be determined by the Minister by Order published in 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 permanent residence visa.

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

- (i) 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 issuing the visa or the extension of the visa; or
- (o) is a stowaway.
- 20 (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 the Minister may, at the request of the Minister assigned the subject of Defence issue directions to the Controller General to obtain the recommendation of the Ministry of the Minister assigned the subject of Defence before a visa is issued to a specified person or persons arriving from countries specified by such Minister, considering any threat to the national security and
- 30 public interest.
- Recommendation of the Ministry of Defence to be obtained in certain circumstances

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

Requirement
to furnish
any
information

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

Power to
require
identifying
information
and
photographs

(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.

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

Visa shall
expire on a
date which is
at least two
months
before the
date of
expiry of the
travel
document

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

Power of
Controller
General to
cancel, vary
or amend a
visa

(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 obtained by any person in contravention of the provisions of this Act and on the basis of misrepresentation or suppression of material facts. Power to cancel visa obtained through misrepresentation

- (2) Any person who misrepresents or suppresses material 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.
- 10

- 15 **28.** (1) Subject to section 25, the Controller General may extend the validity of – Extension of validity of a visa

(a) a visit visa for such period not exceeding nine months from the date of arrival; and

(b) a residence visa, for a period of five years at a time.

- 20 (2) A transit visa shall not be extendable.

- 29.** Every visa shall cease to be valid – Cessation of the validity of a visa

(a) on the expiration of the period for which such visa was issued subject to such extension under subsection (1) of section 28;

- 25 (b) on the cessation of the purposes for which such visa was issued;

(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.

30. (1) A child who –

(a) is born in Sri Lanka; and

(b) is not a citizen of Sri Lanka at the time of his birth,

Requirement
of a visa for
a child who
is not a
citizen of Sri
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.

(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.

31. Where a residence visa issued to any person has ceased to be valid, any visa issued to the spouse, or a dependant of that person solely on the ground that, that person is the holder of a residence visa, shall cease to be valid.

Cessation of the validity of a visa issued to a spouse or a dependant

10 **32.** A residence visa issued to a child shall cease to be valid after that child attains eighteen years of age:

Cessation of the validity of a visa issued to a child

Provided however, subject to the provisions of 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.

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

Requirement of visa for persons ceasing to be citizens of 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

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

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

Registration
 of overseas
 ex-Sri
 Lankans

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).

(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
an overseas ex-Sri Lankan may- overseas ex-
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 service, local government service or a public corporation;
- 10 (c) inherit, transfer or alienate properties in Sri Lanka as may be provided under the relevant written laws; and
- 15 (d) engage in any lawful business or commercial activity.

36. (1) If any overseas ex-Sri Lankan of full age and capacity makes in the prescribed manner a declaration to the Minister renouncing his status of overseas ex-Sri Lankan, Renunciation
of status of
overseas ex-
Sri Lankan

20 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.

(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 overseas ex-Sri Lankan, shall cease to be valid.

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

Cancellation
of registering
as an
overseas ex-
Sri Lankan

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

(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.

- 10 (4) Upon the cancellation 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, 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 is subject to, such person is required to have in his possession 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.

Restriction
on issuing a
transit visa

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

Issue of visa
may be
conditional
on furnishing
of security

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

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

- (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 issued;
- (d) criteria for the the grant or issue of such visa and the refusal of such visa;
- 20 (e) the furnishing of a security, as a condition in such manner and in the form of deposit of a sum of money 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;

- (h) 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 the duration of stay and the manner in which such health insurance coverage shall be furnished; and
- 15 (l) all matters incidental to or connected to and relevant to the matters or subjects referred to in this Part.

PART IV**ENTRY AND DEPARTURE**

- 41.** The provisions of this Part shall apply to every person seeking entry into or who enters Sri Lanka unless such person is exempted from the provisions of this Part by virtue of an
- 25 Order made under Part I for the time being in force.

Application
of Part IV

- 42. (1)** A citizen of Sri Lanka shall be entitled to enter Sri Lanka without a visa.

Right of
entry

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

43. (1) A citizen of Sri Lanka shall produce his Sri Lanka travel document to an immigration officer at the port of entry, as evidence of his citizenship status in Sri Lanka.

Procedures to be followed when a citizen of Sri Lanka is unable to produce his Sri Lanka travel document at the port of entry

(2) A citizen of Sri Lanka who is unable to produce his Sri Lanka travel document shall be investigated by the Controller General to ascertain the citizenship status of such person in Sri Lanka.

(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.

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

Identification of persons entering and leaving Sri Lanka

45. (1) The Minister may, by an Order published in the *Gazette*, declare any place in Sri Lanka to be an approved port of entry or an approved port of departure (hereinafter referred to as an "approved port") for the purposes of this Act.

Approved ports of entry and departure

(2) 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 entry processing generally, or only for a fixed period or for fixed periods of time in any day.

(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 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 –

- (a) for entry or departure processing or entry and departure processing generally; or
- (b) 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, 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 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 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 administration fee at such intervals, and at such amounts or rates, as may be prescribed by the Minister by regulations.

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

- 5 (a) the purpose of separate and exclusive entry or departure processing of a person or class of persons referred to in subsection (4);
- (b) the entry or departure processing outside normal processing times; or
- 10 (c) in connection with immigration clearance performed by immigration officers at the place or part thereof.

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

15 (2) (a) The provisions of subsections (1) of this section 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.

20 (b) The immigration officer or the police officer referred 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.

47. (1) Where the Minister –

- 25 (a) has received information through official or diplomatic sources, that a person or a class of persons may be an undesirable person or a class of persons, as the case may be, for the purposes of admission into Sri Lanka;

Power to prohibit or limit entry into Sri Lanka

- (b) 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, that in 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 than a citizen of Sri Lanka;
- (b) 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;

- (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

- (a) 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
- (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 General.

49. (1) Every immigration officer shall exercise due diligence in placing either a manual or electronic endorsement on a valid passport or a travel document of a person at the point of entry or departure:

Requirements
as to
endorsements

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 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 conditions subject to which such person may enter and remain in Sri Lanka.

(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;

- 5 (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 or terrorism, either within or outside Sri Lanka;
- (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;
- 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 general instructions issued in that behalf;
- 15 (h) is the subject of a Deportation Order or a Removal Order in force under this Act;
- (i) is a stowaway;
- 20 (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;
- (k) does not hold a valid passport or a travel document;
- 25 (l) does not hold a valid visa unless exempted from the requirement of a visa;

- (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
port

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

52. (1) A person to whom this Part applies shall leave Sri Lanka –

Passports and
endorsements
required for
departure
from Sri
Lanka

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

15 (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 prescribed, in the valid passport or travel document of every person who leaves Sri Lanka from any approved port.

53. Except in such circumstances as may be prescribed, no departure endorsement shall be granted to any person –

Endorsement
of departure
not to be
granted to
certain
persons

- 20 (a) if such person does not hold a valid passport or travel document;
- (b) if there is any travel ban issued against such person by a court under section 148;
- 25 (c) who is a citizen of Sri Lanka and if such person has not been vaccinated against any disease or fulfilled any requirement under section 56 of this Act; or
- (d) 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.

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.

Power of the immigration officer to grant or refuse an entry endorsement at the entry

5 (2) In an examination under subsection (1), the immigration officer shall ensure that the person is eligible 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.

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

Power of the immigration officer to grant or refuse a departure endorsement

(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.

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

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

Restriction relating to the leave, entry, or remaining in Sri Lanka of persons 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 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 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 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*.

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

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

Power to
allow entry
in
exceptional
circumstances

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 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 any doubt as to such claim.

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:-

Regulations

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

- 5 (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 person has in his possession a visa;
- 10 (d) 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 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.

25 (2) For the purposes of this section, "foreign state" 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.

PART V

PROCEDURE ON ARRIVAL IN AND DEPARTURE FROM SRI LANKA

62. The provisions of this Part shall apply to every person seeking entry into or entering Sri Lanka unless by virtue of any Order made under Part 1, for the time being in force, is exempted from the provision of this Part.

Application
of this Part

63. (1) The master of every vessel which arrives in or is about to leave Sri Lanka shall hoist the prescribed immigration signal and shall exhibit that signal until authorised by an immigration officer to haul it down.

Immigration
signal

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

64. (1) The captain of every aircraft which arrives in or departs from Sri Lanka shall land his aircraft at an approved airport, or take off from an approved airport.

Aircraft
arriving in or
departing
from Sri
Lanka

(2) The captain of an aircraft who, without reasonable cause, contravenes subsection (1), commits an offence.

65. (1) The Minister may, issue a written notice requiring the owner or occupier of any approved port declared under section 45 as the relevant owner or occupier—

Immigration
and
emigration
area or zone

(a) to designate an area as an immigration area or zone as directed by the Minister;

(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 presence within or at the perimeter of the immigration area or zone; and

(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

 (b) for the proper, secure and efficient functioning of the immigration and
10 emigration area or zone.

(3) 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.

(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 area or zone shall present themselves to an immigration officer without delay.

Formalities to be followed by passengers entering the immigration area or zone

(2) All persons in the immigration area or zone shall comply with the directions of immigration officers.

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

A person applying for entry permission to allow capturing of identifying information

(2) The Controller General or an immigration officer may analyse the identifying information collected under subsection (1), and decide whether the person to be permitted
15 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.

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.

Persons including a citizen of Sri Lanka leaving Sri Lanka to allow identifying information to be captured for the purpose of identification

(2) The Controller General or an immigration officer may analyse the identifying information captured under subsection (1) and determine whether the person to be permitted to depart from Sri Lanka or not.

(3) The requirement in subsection (1) does not apply if the person referred to in subsection (1) is exempted from 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 person departure permission.

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

69. (1) The master, captain, owner, agent or charterer of every carrier which is due to arrive in or depart from Sri Lanka shall, upon being given reasonable prior notice in writing by the Controller General furnish to the Controller General, one or both of the following information:-

Provision of passengers and crew information of carriers due to arrive in or depart from Sri Lanka

(a) Advance Passenger Information or Interactive Advance Passenger Information; or

(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.

(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.

10 (4) Subsection (3) shall not prevent the Controller General 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 Passenger Information System, Interactive Advance Passenger Information System and a Passenger Name Record Information System for the purposes of subsection (2) of section 171 in accordance with such written laws relating to data protection.

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

30 (a) the categories of data to be included in the Advanced Passenger Information, Interactive Advance Passenger Information and Passenger Name Record Information; and

Advance
Passenger
Information,
Interactive
Advance
Passenger
Information
and
Passenger
Name Record
Information

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

5 **71.** (1) (a) A person to whom Part IV and this Part apply may, if he intends to land at any approved port to enter Sri Lanka, be examined by an immigration officer or be medically examined by a prescribed medical officer.

Examination
and medical
examination
upon arrival

- 10 (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.

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

- 20 (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 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.

- 25 (2) The captain of an aircraft or the master of any vessel arriving at any place in Sri Lanka shall detain in such aircraft 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 seaport, whether or not he intends to enter Sri Lanka, shall appear before an immigration officer for examination, at such time and place as that such officer may direct.

Procedure
for
examination
of persons
arriving at an
approved
seaport

(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 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.

(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, 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.

(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;
- (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
- (c) being the master, owner, agent or charterer of a vessel, permits any person to disembark in Sri Lanka

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

5 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) 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).

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

Provided however, a person who disembarks and enters 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.

(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 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.

(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 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 in accordance with the authorisation of that officer;
- (b) 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 remain at a place approved by that officer;
- (c) refuses or fails to leave Sri Lanka in accordance with the instructions of an immigration officer given under subsection (2); or
- (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),

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

75. (1) Except under and in accordance with any authority granted by an immigration officer, no person other than –

Persons not to board or leave vessel until examination completed

- (a) the person based at the port, who is responsible for giving guidance for the docking of the vessel;
- 5 (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.

76. (1) It shall be the duty of the master and the owner or charterer of every vessel which arrives in Sri Lanka to prevent

25 any person other than a person specified in paragraph (a), (b), (c) or (d) of subsection (1) of section 75 from disembarking from or boarding the vessel until the disembarkation or boarding has been authorised by an immigration officer, and for that purpose, any means reasonably necessary may

30 be used.

Prohibition on disembarking from or boarding vessels without permission of immigration officer

(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.

10 (4) Where the master of the vessel from which any person 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.

15 (5) Any person who commits an offence under this section 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, no article, document or a thing shall be removed or taken from, or put on board, any vessel until the vessel has been examined by an immigration officer under section 75.

Prohibition
of removal
of articles
before
examination

25 (2) Any person who contravenes subsection (1), commits an offence and 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.

- 5 **78.** Any immigration officer, any police officer not below the rank of a Sub-Inspector of Police authorised by a Superintendent of Police or any prescribed medical officer may enter or board any vessel or aircraft, as the case may be, 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 decide whether a person shall be entitled to enter Sri Lanka under the provisions of this Act, any Order or regulation made thereunder, an immigration officer may direct a person 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 this Act -
- (a) to control embarkation and disembarkation of passengers;
- (b) to control passengers in immigration areas or zones;
- 25 (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 ;

Power to enter and board a vessel or an aircraft

Detaining of persons for examination and inspection

Power of immigration officers at entry and departure processing

- (e) to interrogate and request additional documents in order to make entry and departure decisions;
- (f) to refer passengers for medical examinations;
- 5 (g) to refer passengers to other law enforcement agencies;
- (h) 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 documents;
- (j) to seize travel documents of a person impersonating the rightful holder of the travel document;
- (k) to remove a person who is being refused entry; or
- 15 (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 – Power to interrogate passengers

- 20 (a) answer all questions and inquiries put to him by an immigration officer or any other officer authorised 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

- (b) disclose and produce to any such officer referred to in paragraph (a) on demand all documents, articles or things in his possession.

5 (2) All such answers, documents, articles or things shall 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) –

- 5 (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 six months or to both such fine and imprisonment ; or
- 10 (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 imprisonment for a term not exceeding two years or to both such fine and imprisonment.

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

Power to refer arriving or departing passengers to other agencies

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

Stowaways

- 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

- (b) 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.

84. (1) The master, owner, agent or charterer of every vessel arriving at any approved port for persons arriving in Sri Lanka by sea from a place outside Sri Lanka or leaving or due to leave from any approved port for persons leaving Sri Lanka by sea to a place outside Sri Lanka shall –
- Provision of passengers and crew information by master of vessel arriving in, leaving or due to leave Sri Lanka
- (a) within such time, in such form and manner and containing such particulars of the crew as may be prescribed, furnish to an immigration officer a complete list of all the crew who are or will be on 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 interrogation every member of the crew, as directed, either generally or specifically, by that immigration officer;
 - (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;
 - (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 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.

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

- 5 (a) within such time, in such form and manner and containing such particulars as may be prescribed, 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
- 15 (c) if so required by an immigration officer, produce every passenger for inspection and interrogation as 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,

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) The captain, owner, agent or charterer of every aircraft arriving at any approved port in Sri Lanka from a place outside Sri Lanka or leaving or due to leave any approved port in Sri Lanka to a place outside Sri Lanka shall-
- 20 (a) within such time, in such form and manner and containing such particulars as may be prescribed, furnish to an immigration officer a complete list of all passengers who are or will be on board the aircraft at the time of its arrival at the approved port or departure from the approved port, as the case may be;
- 25 (b) furnish to that officer in relation to every passenger landing in or departing from Sri Lanka such particulars in such form and manner within such time as may be prescribed;
- (c) within such time, in such form and manner and containing such particulars of the crew as may be

Provision of passenger and crew information by captain of the aircraft arriving in, leaving or due to leave Sri Lanka

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

(d) if so required by an immigration officer, produce every member of the crew and every passenger of that aircraft for inspection and interrogation as directed, either generally or specifically, by the immigration officer;

(e) submit to such search of his aircraft as may be necessary to establish the presence or absence of other persons on board; and

(f) before the aircraft arrives at 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 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.

(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.

(3) The captain, owner, agent or charterer of an aircraft who contravenes subsection (1), and any person who hinders or obstructs any search of an aircraft under paragraph (e) of subsection (1), commits an offence and 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.

(4) If any person whose presence has not been reported under paragraph (f) of subsection (1), is found on board an aircraft, the captain, owner, agent and charterer of the aircraft commit an offence and be liable on conviction to a fine of
5 not less than one hundred thousand rupees and not more than five hundred thousand rupees in respect of each such person.

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

86. (1) Where a member of a crew of an aircraft or vessel is about to be or is discharged or paid off in Sri Lanka, the captain, master, owner, charterer or agent shall so notify the Controller General.

Restriction
on discharge
of members
of crew

20 (2) No member of a crew who has been discharged or paid off shall be left in Sri Lanka unless either –

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

(b) he is in possession of a valid visa to enter Sri Lanka as prescribed by regulations.

25 (3) Where there has been any contravention of subsection (2), the captain, master, owner, charterer or agent of the vessel or the aircraft in which the person concerned was employed, shall be liable for the maintenance of that person and for the cost of his repatriation to his place of birth or citizenship or,
30 if the captain, master, owner, charterer or agent so elects, to such other place as may be approved by the Controller General.

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 vessel at such approved port.

Issuance of
shore passes
to members
of the crew

5 (2) The Minister may prescribe 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 shore 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) If any person –

(a) enters Sri Lanka from any vessel, or aircraft in contravention of the provisions of this Act or any regulations made thereunder;

20 (b) disembarks from any vessel on which he has been re-embarked or to which he has been returned under sections 72, 75 and 76; or

(c) arrives at any approved port in Sri Lanka from any aircraft, and is required to leave or depart from Sri Lanka under section 73,

Master,
Captain and
owner liable
for expenses

25 the captain, master, owner, charterer and agent thereof shall be jointly and severally liable for all expenses incurred by the Government in respect of the holding, detention and maintenance of the person and his removal from Sri Lanka.

(2) The expenses shall be recoverable as a debt due to the Government, from the captain, master, owner, charterer or agent of the vessel, or aircraft jointly and severally.

5 **89.** (1) Where an Order of Removal is made under the provisions of this Act in respect of any person who has entered Sri Lanka contrary to the provisions of this Act or the regulations, and where the person was brought to Sri Lanka in a vessel or an aircraft, the master of the vessel or, the captain of the aircraft and also the master of any vessel or, 10 the captain of an aircraft belonging to the same owners or chartered by the same charterers, shall, if required in writing by the Controller General, receive the person on board his vessel or, aircraft and afford him free of charge a passage to the port or place at which the person has embarked for Sri 15 Lanka or to any other port or place designated by the Controller General and proper accommodation and maintenance during the voyage or flight.

Obligation to
afford free
passage

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

30 (3) A master of a vessel or a captain of an aircraft who fails to comply with the provisions of this section, commits an offence and shall on conviction be liable to a fine of not less than five hundred thousand rupees and not more than one million rupees in respect of each such person.

90. (1) Where any transit passenger or member of the crew of any vessel or aircraft fails to continue his journey in the vessel or aircraft in circumstances from which it may reasonably be inferred that the passenger or member of the crew has remained in Sri Lanka, the master of the vessel or the captain of the aircraft or the agent, as the case may be, shall notify to an immigration officer of the failure of the passenger or member of the crew to continue his journey.

Reports as to persons failing to continue their journey

(2) A master of a vessel or the captain of an aircraft or the agent who fails to comply with subsection (1), commits an offence and shall be jointly and severally liable on conviction to a fine of not less than one hundred thousand rupees and not more than five hundred thousand rupees.

91. (1) Every direct air side or sea side transit passenger arriving at an approved port in Sri Lanka is exempted from requirement of having visa or endorsement under this Part, Part III or Part IV, if the transit period is not exceeding eight hours or as may be prescribed by the Minister.

Provisions regarding control over direct transit passengers

For the purposes of this section-

“direct air side transit passenger” means a passenger who both arrives and departs the point (transits the point) as part of a continuous movement under a single air ticket or waybill, without a stopover, on the same or different aircraft 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 continuous movement 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.

(2) Every direct air side or sea side transit passenger shall have a travel document, air ticket and a valid visa or a transit visa as the case may be, if such visa or transit visa is required by the intended country of final destination or any country
5 of transit.

(3) Direct air side or sea side transit passengers shall not leave the transit area without undergoing entry processing.

(4) Direct air side or sea side transit passengers are subject to be examined by immigration officers when it is required.

10 (5) If it is required to remove a direct air side or sea side transit passenger under certain circumstances, responsibility and costs will be borne by the captain of the aircraft or the master of the vessel who brought the person to the country.

15 **92.** (1) The Controller General may by writing under his hand authorise the Director of Merchant Shipping to detain any vessel and the Director General of Civil Aviation to detain any aircraft in connection with which an offence under this Act is reasonably believed to have been or to be about to be committed, and the vessel or the aircraft may then be
20 detained either at the place where it is found or at any place to which the Controller General may order it to be brought.

Power to
detain vessel
or aircraft

(2) The Controller General shall give notice to the captain, master, owner, charterer or agent of the vessel or the aircrafts of the detention of the vessel or the aircraft.

25 (3) For the purposes of the detention and other lawful dealing with the vessel or the aircraft, the Director of Merchant Shipping or the Director General of Civil Aviation shall have power to muster the crew and may, if he considers it necessary to do so, place a police guard on board.

(4) The detention shall be for safe custody only, and shall cease if a bond with two sufficient sureties to the satisfaction of the Controller General is given by the captain, master, owner, charterer or agent of the vessel or the aircraft for the payment of any fine, costs, expenses or charges incurred under this Act in respect of any offence or default thereunder.

(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 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 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 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 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 liability incurred by the owner of an aircraft under this Act.

5 **93.** (1) Any vessel below two hundred tons that is used, or in respect of which there is reasonable cause to suspect that it has been or that it is about to be used, in the commission of any offence under this Act or the regulations, may be seized and detained at any place either on land or in the territorial waters of Sri Lanka-

Power to
seize, detain
and forfeit
vessels below
two hundred
tons

10 (a) by the Controller General, or any officer appointed under section 4 of this Act and authorised in that behalf by the Controller General in writing under his hand; or

(b) by any 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 and all such seizures shall be notified to the Controller General.

20 (2) The seizing officer shall immediately give notice in writing of the seizure and the grounds thereof to the owner, charterer or agent of the vessel so seized or detained, either by delivering the notice to him in person or by post at his place of office or abode, if known.

25 (3) The notice under subsection (2), shall not be required to be given where the seizure or detention is made in the presence of or with the knowledge of the offender or the owner or his agent, as the case may be.

(4) Any vessel liable to seizure or detention under subsection (1), shall be liable to forfeiture.

(5) An order for the forfeiture or for the release of any vessel liable to forfeiture under this section shall be made by

the court before which the prosecution with regard thereto has been held.

- (6) Where, upon an application made by the Attorney-General, it is proved to the satisfaction of the court that an offence under this Act or regulations has been committed and that the vessel was used in the commission of the offence, the court shall make an order for the forfeiture of the vessel, notwithstanding that no person may have been charged with or convicted of the offence.

10

PART VI

SUPERVISION OF ACTIVITIES OF PERSONS OTHER THAN
CITIZENS OF SRI LANKA

94. This Part shall apply to every person unless –

Application
of Part VI

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

- (b) by virtue of any Order under Part I for the time being in force, he is exempted from the provisions of this Part.

- 95.** (1) Any person who is not a citizen of Sri Lanka and who has exceeded the period permitted by the visa issued to him may voluntarily appear before the Controller General or an immigration officer for voluntary departure immediately.

Voluntary
departure

- (2) The persons referred to in subsection (1) shall be liable to pay a penalty if any, under this Act or any penalties as prescribed by the Minister from time to time by way of regulations.

(3) Upon the payment of the penalty, by such person referred to in subsection (1), the Controller General may order him to depart from Sri Lanka before the expiry of a period as determined and informed by the Controller General.

(4) Where such person referred to in subsection (1) fails to pay the penalty, the Controller General shall, take action to remove such person, and impose a travel ban against him to enter Sri Lanka until the date the penalty is paid.

- 5 (5) A person who voluntarily departs under this section shall not be liable for an offence under section 124.

10 **96.** (1) The Minister may, if he deems it expedient in the public interest, by Order impose restrictions on the movements or activities, during their stay in Sri Lanka, of persons to whom this Part applies, and provision may be made in the Order in respect of all or any of the following matters:-

Power to
impose
restrictions
on persons
by Order

- 15 (a) the circumstances in which and the purpose for which such persons may be required to furnish returns to immigration officers, the form of such returns and the particulars to be entered therein;
- 20 (b) the information to be supplied by such persons relating to the occurrence of any circumstances affecting in any manner, the accuracy of the particulars specified in returns made under the Order;
- (c) the compliance by such persons with such provisions as to place of residence, change of residence, traveling or otherwise, as may be made by the Order;
- 25 (d) the imposition of such obligations, requirements, conditions or restrictions on the activities or associations of such persons, as the Minister may deem necessary in the public interest;
- 30 (e) the form of registers to be kept by immigration officers and the particulars to be entered therein;

(f) the circumstances in which immigration officers and police officers may exercise in relation to such persons, powers of arrest, detention, search of premises or person and any other ancillary matters for which it appears expedient to provide with a view to giving full effect to the Order; and

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

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

97. (1) Every immigration officer shall maintain a register of persons to whom this Part applies for the purpose of this Act. Such officer shall enter in the register, in respect of each person who is required by an Order made under section 96 to furnish a return to such officer, such particulars relating to such person as are required to be entered in such register.

Registers to be kept by immigration officers

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

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

(a) of him having entered or remained in Sri Lanka in contravention of any provision of Part III, IV or V of this Act or of any regulation made under any such Part; or

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

(b) of his failure to comply with any of the terms, conditions or restrictions imposed upon him by any endorsement granted or visa issued to him; or

5 (c) of his failure to comply with any of the terms, conditions or restrictions imposed upon him by any Order made under Part VI,

the Minister may, by a Removal Order, direct a prescribed officer to arrest, detain and take on board an aircraft or vessel the person so convicted and may further direct by that Order
10 or by any subsequent Order that the captain of that aircraft or the master of that vessel shall remove such person from Sri Lanka.

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

15 (a) enters or remains in Sri Lanka in contravention of any provision of Part III, IV or V of this Act or of any regulation made under any such Part or any restriction imposed on such person by any Order made under section 96; or

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

(c) has overstayed the period specified in the visa or endorsement,

the Minister may by Order, direct a prescribed officer to arrest, detain and take on board an aircraft or vessel such person,
25 and escort where necessary and may further direct by that Order, or by any subsequent Order that the captain of the aircraft or master of that vessel shall remove such person from Sri Lanka.

(3) The Controller General may on his own motion or on the direction of the Minister inquire into the matters specified in subsection (2) and make recommendations thereon to the Minister.

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

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

(6) Subject to Articles 126 and 140 of the Consitution,
15 any Order made under this section shall be final and shall not be contested in any court in Sri Lanka.

(7) (a) Where a captain of an aircraft or the master of a vessel has been directed by any Order under this section to remove a person specified in that Order from Sri Lanka and that captain or master fails to do so, he commits an offence
20 under this Act and shall on conviction be liable to a fine not less than five hundred thousand rupees and not not more than one million rupees.

(b) Where the punishment imposed on the captain of the aircraft or the master of a vessel for the said offence consists
25 of or includes a fine and the whole or part of the fine remains unpaid within seven days from the date of the imposition of the fine, the court which imposed the fine may direct the amount remaining unpaid to be levied by the distress and sale of the aircraft or vessel.

(8) Where proceedings have been instituted in a court against the captain of an aircraft or the master of a vessel for an offence under subsection (7), court may order the relevant authorities to refuse the outward clearance of vessel or aircraft until the conclusion of such proceedings or until the fine, if any, imposed by the court has been paid.

(9) The Minister may impose a limited or a permanent travel ban to enter Sri Lanka against a person removed under this section.

10 **99.** (1) The Minister may on the recommendation of the Controller General in any of the following circumstances make an Order, in this Act referred to as a "Deportation Order" requiring any person to whom this Part applies to leave Sri Lanka and to remain thereafter out of Sri Lanka:-

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

15 (a) where that person has shown, by evidence which the Minister may deem sufficient, to be –

- (i) a person incapable of supporting himself and his dependants;
- (ii) a person of unsound mind who is a danger to himself and to the others;
- (iii) a person who has been convicted of prostitution or has been convicted for being a procurer, or a person living on the prostitution of others; or
- (iv) a person whom, for medical reasons, it is undesirable to be allowed to remain in Sri Lanka;

- 5 (b) where that person has been convicted in Sri Lanka or in any other country for any criminal offence particularly the offences relating to dangerous drugs, narcotic drugs, or psychotropic substances, child abuse, human smuggling, human trafficking or terrorism and has not received a free pardon in respect of an offence for which a sentence of imprisonment has been made and, by reason of the circumstances connected therewith, is deemed by
10 the Minister to be an undesirable person to be allowed to remain in Sri Lanka;
- 15 (c) where that person has been sentenced outside Sri Lanka for an extraditable offence within the meaning of any law which was or is in force in Sri Lanka relating to extradition; or
- (d) where the Minister deems it to be conducive to the public interest to make a Deportation Order against that person.
- 20 (2) The Minister may, by a Deportation Order, direct a 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) Where the Minister makes a Deportation Order under subsection (1), the Controller General shall take necessary action as provided for in the applicable laws, to deport such person.
- 30 (4) Any powers conferred by an Order made by the Minister under this section may be exercised, in relation to

any person, notwithstanding that such person is serving a sentence of imprisonment imposed by a court under this Act, or under any other law.

(5) Subject to Article 126 and 140 of the Constitution
5 any Order made under this section shall be final and shall not be contested in any court of law in Sri Lanka.

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

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

(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.

100. (1) Where a Deportation Order or Removal Order is made in the case of any person, the Minister may, if he thinks fit, apply any money or property of that person in payment of
20 the whole or any part of the costs and charges incurred by the Government in respect of that person.

(2) Where any money applied under subsection (1) is in excess of the total amount of expenses for which any person is liable under subsection (1), any balance of the
25 money remaining shall be returned to him.

(3) Where any money applied under subsection (1) is less than the total amount of expenses for which any person is liable under subsection (1), the balance shall be recorded as a debt to be repaid by the person. No future visa shall be
30 granted to the person while any debt to the Government under this section is outstanding.

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

101. (1) Where necessary, the Controller General may make arrangements to assign an officer appointed under section 4 of this Act or a police officer not below the rank of a Sub-Inspector of Police as a security escort with the owner, agent or charterer of an aircraft for the removal or deportation of a person under this Part. In such instances he shall provide the following information as soon as possible, but no later than twenty four hours before the scheduled time of departure of the flight:-

Arrangement
of security
escorts

- 10 (a) a copy of the Removal or Deportation Order;
- (b) a risk assessment by the Controller General in consultation with of the Civil Aviation Authority or other relevant authorities and any other pertinent information that would help the aircraft operator to
- 15 assess the risk to the security of the flight; and
- (c) the names and nationalities of any escorts.

(2) The Controller General, when presenting a person for deportation or removal, shall ensure that all official travel documentation required by any transit or destination state is

20 provided to the aircraft operator.

(3) The Controller General, when making arrangements for the removal or deportation of a person, may –

- (i) take into consideration the aircraft operator's policy, concerning the number of such persons that may be
- 25 transported on a given flight; and
- (ii) use direct non-stop flights whenever practicable.

(4) If the owner, agent or charterer of an aircraft or the captain of the aircraft decides to refuse to transport a person being deported or removed on a specific flight when reasonable concerns relating to the safety and security of the flight, that decision shall be informed to the Controller General.

(5) Upon the receipt of information from the owner, agent or charterer of an aircraft or the captain of the aircraft as mentioned in subsection (4), the Controller General may –

- (i) take steps to facilitate the escorting of a person being removed or deported; and
- (ii) provide the itinerary including transit stops in an intermediate state; and
- 15 (iii) ensure that the escort remains with the deportee or the person being removed to his final destination, unless suitable alternative arrangements are agreed, in advance of arrival by the authorities and the aircraft operator involved at the transit location.

20

PART VII

TRAVEL DOCUMENTS

102. The provisions of this Part shall apply to every person unless such person is exempted from the application of this Part by Order made under Part I.

Application
of this Part

103. (1) A Sri Lanka travel document issued under this Act shall be the property of the Government of Sri Lanka.

Sri Lanka travel documents shall be the property of Government of Sri Lanka

(2) The right conferred on the Government of Sri Lanka under subsection (1) shall not be defeated or affected by any sale of, or any security, pledge, deposit or encumbrance given, made or accepted in respect of a Sri Lanka travel document, by the holder thereof or by any other person.

(3) No person shall give, make or accept as a security, pledge, deposit or encumbrance, a Sri Lanka travel document, and any term of an agreement which would otherwise have that effect shall be void.

104. (1) Every Sri Lanka travel document shall be issued by the Controller General for and on behalf of the Government of Sri Lanka.

Issuing authority of Sri Lanka travel documents

(2) Notwithstanding the provisions of subsection (1), the Controller General may delegate this authority to the Additional Controller General, Controllers, Deputy Controllers, Assistant Controllers and to a diplomatic or consular officer attached to a Sri Lanka overseas mission abroad.

105. An application for a Sri Lanka travel document shall-

Application for a Sri Lanka travel document

(a) be made to the Controller General or to a consular officer attached to a Sri Lanka overseas mission in the prescribed form and manner; and

(b) be accompanied by the applicant's prescribed particulars including identifying information, and such other particulars, information and documents as may be specified by the Controller General or

any other delegated authority in any particular case;
and

(c) be accompanied by the prescribed fee, if any.

5 **106.** A citizen of Sri Lanka is entitled, on application to the Controller General to be issued with a Sri Lanka travel document by the Controller General under this Act or any regulation made thereunder.

A citizen of
Sri Lanka
entitled to a
Sri Lanka
travel
document

107. (1) Before issuing a Sri Lanka travel document to a person, the Controller General shall be satisfied -

The
Controller
General to be
satisfied of a
person's
citizenship
and identity

10 (a) that the person is a citizen of Sri Lanka; and

(b) of the identity of that person.

(2) The applicant shall comply with any requirement specified in this Act and any regulation in relation to the furnishing of material for the establishment of citizenship
15 and identity.

108. (1) A citizen of Sri Lanka is entitled, on application to the Controller General to be issued with a Sri Lanka emergency certificate by the Controller General to travel to India and Nepal or any other country specified by the
20 Minister by Order made in that behalf.

The
Controller
General to
issue
emergency
certificates
and identity
certificates

(2) The Controller General shall be satisfied that the 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) Any person who is not a citizen of Sri Lanka, and who is unable for any reason to obtain a national passport within a reasonable period of time due to the unavailability

of relevant embassy or consular office in Sri Lanka, on application to the Controller General may be issued with an identity certificate by the Controller General, only for the purpose of returning to his country of nationality.

- 5 (4) The Controller General shall be satisfied of the identity of that person before issuing a Sri Lanka identity certificate to a person under subsection (3).

- 10 **109.** (1) A diplomatic or official passport shall be issued only to a person or category of persons approved by the Minister in accordance with such direction made by the Minister.

Issue of diplomatic or official passports and their period of validity

- 15 (2) The duration of validity of a diplomatic or official passport shall be prescribed by the Minister and be subjected to such conditions as may be imposed by the Minister by directions made in that behalf.

- 20 (3) The Controller General may issue a diplomatic or an official passport to a person entitled to a diplomatic or an official passport under subsection (1), while the person is holding another Sri Lanka travel document other than a diplomatic or an official passport.

- (4) The Minister may issue directions to the Controller General regarding the manner and procedures for the issuing of a diplomatic or official passport.

- 25 **110.** The validity period of a Sri Lanka passport shall be prescribed by the Minister.

Validity period of Sri 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

(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.

112. (1) The Controller General may, at any time endorse on any Sri Lanka travel document.

Endorsement
of Sri Lanka
travel
documents

20 (2) The Controller General may at any time cancel any endorsement made under subsection (1).

113. It shall be a condition of every Sri Lanka travel document that the Controller General may-

Conditions of
Sri Lanka
travel
documents

(a) cancel or suspend the travel document; or

25 (b) restrict its period of validity.

114. (1) The Controller General shall cancel a Sri Lanka travel document issued to any person if –

Cancellation
or suspension
of travel
documents
by the
Controller
General

- 5 (a) the Sri Lanka travel document is still valid at the time when the person applies for, or is issued with another valid Sri Lanka travel document other than diplomatic or official passports;
- 10 (b) the Sri Lanka travel document has been reported lost or stolen, or is so damaged or defaced as to render it, in the opinion of the Controller General, unsuitable for use;
- (c) the holder of the Sri Lanka travel document has been reported dead;
- (d) the holder of the Sri Lanka travel document ceases to be a citizen of Sri Lanka;
- 15 (e) the court has ordered to cancel the Sri Lanka travel document; or
- (f) there is a reasonable cause to believe that the particulars recorded in the Sri Lanka travel document are incorrect.

- 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.

- 115.** (1) Where a person who has lost his Sri Lanka travel document-
- (a) within Sri Lanka, such person shall immediately report such loss to the nearest police station and shall thereafter forthwith submit a declaration to that effect to the Controller General; or
- (b) outside Sri Lanka, such person shall immediately report about such loss to the relevant authorities of that country and shall thereafter forthwith inform 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 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 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 forthwith surrender such travel document to the Controller General or to the nearest police station.
- (5) The Controller General may share information of lost, stolen or suspicious Sri Lanka travel documents with other local law enforcement agencies or with any international law enforcement agency that has entered into
- The Controller General may share information about travel documents that are lost, stolen, or suspicious

an agreement with the Controller General regarding the use and protection of such information in accordance with the witten laws relating to data protection.

(6) Any person who contravenes the provisions of 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.

116. (1) The Controller General may refuse to issue a Sri Lanka travel document to a person if the person has already been issued with a Sri Lanka travel document and that document is still valid and that Sri Lanka travel document has not been produced for cancellation except in issuing diplomatic and official passports under section 109.

Reasons for refusal to issue a Sri Lanka travel document

(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) If the Controller General refuses to issue a travel document under this section, reasons for such refusal shall be communicated to the applicant by the Controller General.

117. The procedure to be followed where a travel document is cancelled or suspended shall be prescribed by the Minister.

Procedure to be followed where a travel document is cancelled or suspended

118. The procedure to be followed where a demand is made for the surrender of a suspicious Sri Lanka travel document or the seizure of suspicious travel document shall be prescribed by the Minister.

Demand for surrender of suspicious Sri Lanka travel document or the seizure of suspicious travel documents

119. A Sri Lanka travel document ceases to be valid -

- (a) on the date specified in the travel document; or
- (b) when cancelled under this Part, whichever occurs earlier.

When a Sri Lanka travel document ceases to be valid

5 **120.** (1) Any person who ceases to be a citizen of Sri Lanka shall not be entitled to hold a valid Sri Lanka travel document.

(2) Any person who ceases to be a citizen of Sri Lanka on or after the commencement of this Act shall forthwith inform the Controller General of such fact and within six months of ceasing to be a citizen of Sri Lanka surrender the valid Sri Lanka travel document issued to him without any further use to the Controller General or any Sri Lanka diplomatic mission overseas for the cancellation of the Sri Lanka travel document and return the same. Any person who fails to surrender the valid Sri Lanka travel document for cancellation commits an offence.

Surrendering Sri Lanka travel document for cancellation by a person who ceases to be a citizen of Sri Lanka

(3) A person who uses a valid Sri Lanka travel document after ceasing to be a citizen of Sri Lanka, commits an offence under this Act and shall be liable for a fine not exceeding two hundred thousand rupees.

(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 such person has lost his Sri Lanka travel document outside Sri Lanka, to the Sri Lanka Diplomatic mission overseas.

121. (1) If a person knowingly and intentionally obtains a Sri Lanka travel document, in an dishonest and deceitful manner such person commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand

Dishonestly obtaining a Sri Lanka travel document

rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) For the purposes of this section, "obtain" includes –

- (a) obtain for another person; and
- 5 (b) induce a third person to do something that results in another person obtaining.

(3) "Dishonestly", in relation to a person's conduct shall have the same meaning given under section 22 of the Penal Code (Chapter 19).

10 **122.** (1) If –

- (a) a person makes a false foreign travel document in Sri Lanka, or furnishes a false foreign travel document to another person in Sri Lanka; and
- 15 (b) by reason of the other person so using or accepting the false foreign travel document as genuine, the person dishonestly –
 - (i) obtains a gain whether for himself or someone else;
 - 20 (ii) causes a loss to the other person or someone else; or
 - (iii) influences the exercise of a public duty,

Offences
relating to
foreign
travel
documents

such person commits an offence.

(2) If a person uses in Sri Lanka a foreign travel document in connection with travel or identification
25 knowing that –

- (a) such foreign travel document has been cancelled;
and such person ought reasonably to have known
that the foreign travel document has been cancelled;
or

- 5 (b) the foreign travel document was not issued to that
person and such person ought reasonably to have
known that the foreign travel document was not
issued to him,

such person commits an offence.

- 10 (3) If a person furnishes another person in Sri Lanka
with a foreign travel document that was issued to the first-
mentioned person without lawful excuse and the first
mentioned person is negligent as to whether the document
is or will be used by the other person in connection with
15 travel or identification, the first mentioned person commits
an offence.

- (4) If a person without lawful authority and without
reasonable excuse has or retains in possession or control in
Sri Lanka of a foreign travel document and the person knows
20 that the foreign travel document was not issued to him, the
person commits an offence.

- (5) If a person has in possession or control a document
and the person knows or ought reasonably to have known
that the document is a false foreign travel document, the
25 person commits an offence.

- (6) If a person –

- (a) (i) forges, alters or tampers with any foreign travel
document, whether issued in Sri Lanka or
elsewhere, or any visa or endorsement thereon;

- (ii) forges, alters or tampers with any certificate endorsed in any foreign travel document referred to in subparagraph (i); or
 - (iii) without lawful authority, uses or has in his possession a forged, altered or tampered foreign travel document or a foreign travel document containing a forged, altered or tampered visa, endorsement or certificate; or
- 5
- (b) knows or ought reasonably to have known that the -
- 10
- (i) foreign travel document has been forged, altered or tampered; or
 - (ii) foreign travel document contains a forged, altered or tampered visa, endorsement or certificate,
- 15

such person commits an offence.

(7) If any person aids or abets in the commission of any offence under this section, such person commits an offence.

(8) Any person who commits an offence under this 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.

20

(9) For the purposes of this section, "foreign travel document" means any passport, or any other travel document issued by a foreign government in Sri Lanka or elsewhere.

25

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

- (a) all matters stated in this Part to be prescribed ;
- 5 (b) the making of application for the issue or renewal of Sri Lanka travel documents, the form of such applications and the particulars to be entered therein;
- (c) the terms and conditions to be attached to such Sri Lanka travel documents, including such terms and conditions as the Minister may deem necessary in the public interest;
- 10 (d) the form of such Sri Lanka travel documents and the particulars to be entered therein;
- 15 (e) fees in respect of the issue or renewal of such Sri Lanka travel documents;
- (f) the process of use of identifying information for the purposes under this Act; and
- (g) all matters incidental to or connected with the matters and subjects referred to in this Part.

20

PART VIII

OFFENCES

CHAPTER I

GENERAL OFFENCES

- 124.** (1) (a) Any person other than a citizen of Sri Lanka who enters and remains in Sri Lanka in contravention of any provision of this Act or any regulation made thereunder, Unlawful entry or remaining in Sri Lanka

commits an offence and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either description not exceeding six months or to both such fine and
5 imprisonment.

(b) Any person other than a citizen of Sri Lanka who enters Sri Lanka in accordance with the provisions of this Act or any regulation made thereunder, but remains in Sri Lanka after the expiry of the period for which he is authorised
10 to remain under the provisions of this Act, commits an offence 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) Any person who,-

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

(b) does any act preparatory to the commission of an offence under subsection (1),

commits an offence and shall on conviction after summary
20 trial by a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to an imprisonment of either description not exceeding one year or to both such fine and imprisonment.

125. (1) Any person who enters Sri Lanka or departs from
25 Sri Lanka in contravention of the provisions of this Act, commits an offence and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding fifty thousand rupees or to an imprisonment of either description not exceeding six months or to both such fine and
30 imprisonment.

Entry or
departure
without
immigration
process

(2) Any person who attempts to commit or aids or abets the commission of an offence under subsection (1), commits an offence and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to an imprisonment of either description not exceeding six months or to both such fine and imprisonment.

126. (1) Any person who –

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

Offences of bringing, procuring, concealing, harbouring or employing persons

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

(c) employs any other person, knowing that such other person has entered Sri Lanka or is remaining in Sri Lanka in contravention of any provision of this Act or of any Order or regulation made thereunder,

25 commits an offence under this Act and shall on conviction be liable to a fine not exceeding five hundred thousand rupees or to an imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) Any person who –

- (a) attempts to commit or aids or abets the commission of an offence under subsection (1); or
- 5 (b) does any act preparatory to the commission of an offence under paragraph (a) or paragraph (b) of subsection (1),

commits an offence and shall on conviction be liable to a fine not exceeding five hundred thousand rupees or to a rigorous imprisonment for a term of not less than two years
 10 and not more than five years or to both such fine and imprisonment.

127. (1) Any person who –

Documentary
 offences
 relating to
 general
 offences

- 15 (a) prints, copies, fabricates or prepares, any travel document or a part thereof, or any document or a part thereof, used for issuing of visa without lawful 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, alters or tampers with any travel document or a part thereof, whether issued in Sri Lanka or elsewhere, or any visa or endorsement thereon;
- (d) forges, alters or tampers with any certificate endorsed in any document referred to in paragraph (a), (b) or (c);
- 25 (e) without lawful authority, uses or has in his possession a forged, altered or tampered travel

document or a part thereof or a travel document containing a forged, altered or tampered visa or endorsement;

- 5 (f) without lawful authority, uses or has in his possession a forged, altered or tampered travel document or a part thereof, containing any forged, altered or tampered certificate;
- 10 (g) without lawful authority, or lawful excuse, has in his possession or deals in any manner, travel documents of other persons;
- 15 (h) in reply to or in any matter connected with the Minister or the Controller General, or any authorised officer or other person lawfully acting in the execution of the provisions of this Act or of any Order or regulation made thereunder, or any airline official or any authorised travel agent, makes or causes to be made any false return, false statement or false representation;
- 20 (i) without lawful authority, prints, copies, prepares or keeps in his possession, tenders or uses in any manner, any air ticket, crew discharge certificate, boarding pass or any document of similar nature;
- 25 (j) obstructs or impedes any person in the exercise or performance of his powers and duties under this Act or under any regulation or Order made thereunder;
- (k) without lawful authority, has in his possession, more than one travel document for the time being in force, which has been issued to him;

- 5 (l) while being in possession of a valid travel document which has been issued to him, and for the time being in force, applies for the issue of another travel document other than an official or diplomatic passport issued under section 109 of this Act;
- (m) is not a citizen of Sri Lanka and has in his possession a valid Sri Lanka travel document without lawful authority or lawful excuse;
- 10 (n) during the surrender of Sri Lanka travel document issued to such person under section 118 applies for the issue of another travel document;
- 15 (o) submits any forged or false documents or false information, for the purpose of obtaining a visa or any other travel document for himself or any other person;
- (p) 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 this Act; or
- (s) otherwise contravenes or fails to comply with any provision of this Act,

25 commits an offence and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding two hundred thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

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

128. (1) The Controller General may-

- | | | |
|----|--|---|
| | | Authorisation
to keep,
carry,
dispatch or
transmit
travel
document
within or
outside Sri
Lanka |
| 10 | (a) authorise a person or a body of persons who engages in a lawful activity relating to organising foreign employment, foreign travels or foreign tours to keep or carry any Sri Lanka travel document within Sri Lanka; | |
| 15 | (b) authorise a person who reside outside Sri Lanka being the holder of a valid Sri Lanka travel document to dispatch or transmit such travel document to a person residing in Sri Lanka through the post or through another person; | |
| 20 | (c) authorise a person residing in Sri Lanka being the holder of valid Sri Lanka travel document to dispatch or transmit such travel document to a person residing outside Sri Lanka, through the post or through another person; or | |
| 25 | (d) authorise a person or a body of persons who engages in a lawful activity relating to organizing travels or tours in Sri Lanka for foreign nationals to keep or carry any foreign travel document within Sri Lanka: | |

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 or
- (b) 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) Any person who possesses money or property knowing that the whole or any part of such money or property was obtained or derived directly or indirectly as a result of the commission of an offence under this Act, commits an offence.

Possession of property gained by committing an offence under this Act

(2) A person who commits an offence under subsection (1), shall on conviction by the High Court on indictment, be liable to imprisonment of either description for a term not exceeding twenty years or to a fine not exceeding five hundred thousand rupees or to both such fine and imprisonment.

(3) Where a person is convicted under this section, the court may in addition to the punishment imposed for that offence, order that any property in respect of which the offence is committed be forfeited to the State.

(4) For the purpose of this section, property in respect of which the offence is committed may include money or property referred to in subsection (1), any vehicle, vessel, currency or any other article or thing used in connection with the commission of any offence under this Act.

- 130.** (1) Any person including a public officer who-
- (a) knowingly makes or issues any false document contrary to the provisions of this Act;
- (b) endorses a Sri Lanka travel document knowingly that such endorsement is contrary to the provisions of this Act;
- (c) knowingly makes or issues a false statement in connection with the performance or discharge of any duty or function entrusted to him by this Act;
- (d) knowingly fails to perform or discharge any duty or function entrusted to him by this Act;
- Offences by public officers or any other person

- (e) accepts or agrees to accept or solicit a bribe, to either to do or omit to do an act required by him under this Act;
- 5 (f) otherwise contravenes or fails to comply with any of the provisions of this Act or commits an offence under this Act;
- (g) aids or abets any other person to commit any act specified in paragraph (a), (b), (c) or (d); or
- 10 (h) knowingly induces another person to commit an offence under this Act,

commits an offence:

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) A person convicted of an offence under subsection (1), by the High Court upon indictment, shall be liable to imprisonment of either description for a term not exceeding two years and to a fine not exceeding two hundred thousand
20 rupees or to both such fine and imprisonment.

131. Any person who impersonates as a public officer or by an act or omission leads any other person to believe that such person is a public officer for the purposes of this Act, commits an offence and shall on conviction by the High
25 Court upon indictment be liable to imprisonment of either description for a term not exceeding five years or to a fine not exceeding five hundred thousand rupees or to both such fine and imprisonment.

Impersonation
as public
officers

132. Where an offence under this Act is committed by a body of persons, then if that body of persons is – Offences by
body of
persons

- (a) a body corporate, every director and officer of that body corporate;
- 5 (b) a firm, every partner of that firm; or
- (c) a body unincorporated other than a firm, every officer of that body responsible for its management and control,

shall be deemed to be guilty of such offence:

- 10 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 due diligence to prevent the commission of such offence.

- 133.** Where any person contravenes any provision of this Penalties for
contraventions
for which no
specific
provisions
have been
made
- 15 Act or any regulation or Order made thereunder and no penalty has been specified under the Act in respect of such contravention, such person shall, on conviction after summary trial by a Magistrate, according to the provisions of the Code of Criminal Procedure Act, No. 15 of 1979, be liable to a fine
- 20 not exceeding fifty thousand rupees or to an imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

- 134.** (1) All offences under this Act shall be cognizable Offences to
be
cognizable,
the
jurisdiction
and
prosecution
- 25 offences for the purpose of the application of the provisions of the Code of Criminal Procedure Act, No. 15 of 1979 notwithstanding anything contained in the First Schedule of that Act.

(2) All offences, other than the offences expressly vested by this Act to be tried and determined by the High Court on indictment, shall be triable summarily by a Magistrate and, it shall be lawful for such Magistrate to impose any punishment prescribed by this Act, notwithstanding that such punishment exceeds the limit of his ordinary powers of jurisdiction.

(3) No prosecution for an offence under this Act shall be instituted except by the Controller General or by a police officer of a rank not below the rank of Assistant Superintendent or by any other immigration officer or police officer with the written sanction of the Controller General or a police officer not below the rank of an Assistant Superintendent of Police, as the case may be.

15 **135.** (1) Notwithstanding anything in any other law, every offence under section 136, 137, 138 or 139 shall be non-bailable and a person accused of such an offence shall not be admitted to bail. Granting of bail

(2) A person accused of an offence under section 136, 137, 138 or 139 may be enlarged on bail by the High Court upon proof of exceptional circumstances.

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

136. (1) Any person who, in order to directly or indirectly obtain financial or material benefit, or any other consideration- Human smuggling into Sri Lanka

- (a) procures the illegal entry into Sri Lanka of a person who is not a citizen of Sri Lanka;
- 5 (b) brings or procures any other person into Sri Lanka by any means knowing that the entry into Sri Lanka of that other person is in contravention of the provisions of this Act;
- 10 (c) conceals or harbours any other person, in any place or transports any other person or causes any other person to be transported by any means knowing that such other person has entered Sri Lanka or is remaining in Sri Lanka in contravention of the provisions of this Act; or
- 15 (d) employs any other person, knowing that such other person has entered Sri Lanka or is remaining in Sri Lanka in contravention of the provisions of this Act, and has not been convicted by law for such contravention of the provisions of this Act,

commits the offence of human smuggling and shall on conviction be liable to imprisonment of either description
20 for a term not less than five years and not exceeding twenty years and to a fine not exceeding one million rupees.

(2) Any person who –

- 25 (a) attempts to commit or aids or abets the commission of an offence under subsection (1), or
- (b) does any act preparatory to the commission of an offence under subsection (1),

commits the offence of human smuggling and shall on conviction be liable to an imprisonment of either description for a term not exceeding five years and to a fine not exceeding five hundred thousand rupees.

- 5 (3) For the avoidance of doubt it is hereby declared that the provisions of this section are intended only to detect and punish human smugglers and not to punish the persons smuggled or being smuggled.

- 10 **137.** (1) Any person who organises another person in order to directly or indirectly obtain financial or material benefit or any other consideration - Human smuggling from Sri Lanka

- (a) to leave Sri Lanka in contravention of the provisions of this Act, in order to enter a foreign country in contravention of the laws of that country;
- 15 (b) to leave Sri Lanka in conformity with the laws of Sri Lanka and to enter any other country in conformity with the laws of that country and thereafter organises such other person to enter a third country illegally in contravention of the laws of that third country;
- 20 (c) to leave Sri Lanka in conformity with the laws of Sri Lanka in order to enter a foreign country in contravention of the laws of that country; or
- (d) to leave Sri Lanka in contravention of the provisions of this Act, in order to enter a foreign country in conformity with the laws of that country,
- 25

commits the offence of human smuggling.

(2) For the purpose of subsection (1), the expression "organises" includes –

- 5 (a) the recruitment of persons in order to directly or indirectly obtain financial or material benefit making false promises or disseminating misleading information with the intention of inducing persons to leave Sri Lanka to another country;

For the purposes of paragraph (a), false promises or misleading information includes promises or information relating to employment, education, or better standards of living;

- 10 (b) soliciting pecuniary benefits from persons whether or not any such benefit was realized;
- (c) the transportation of persons by any means, by air, by sea or land or any other means without obtaining a licence or permission to that effect; or
- 15 (d) receiving and harbouring of persons whether in Sri Lanka or in a foreign country.

(3) Any person who attempts to commit or does any act preparatory to the commission of, or aids or abets the commission of an offence under subsection (1), commits an
20 offence.

(4) A person who commits an offence under subsection (1) or (3), shall on conviction by a Magistrate's Court be liable to imprisonment of either description for a term not less than five years and not exceeding ten years and to a fine
25 not exceeding one million rupees.

(5) For the avoidance of doubt it is hereby declared that the provisions of this section, are intended only to detect and punish human smugglers and not to punish the persons smuggled or being smuggled.

138. (1) A person who has committed an offence of human smuggling under sections 136 and 137 of this Act, commits an aggravated human smuggling offence under this Part if-

- 5 (a) such person has endangered or likely to have endangered the lives or the security of the persons smuggled or being smuggled;
- (b) such person smuggled other persons under inhumane and degrading conditions;
- 10 (c) such person solicited unlawful consideration from the persons smuggled or being smuggled or demanded consideration from the persons smuggled or being smuggled;
- (d) such person has abused the persons smuggled or being smuggled in any manner;
- 15 (e) such person has committed an offence under section 360C of the Penal Code (Chapter 19); or
- (f) such person has committed any other act which constitutes a grave offence under any other law,

while committing an offence under section 136 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.

- 25 (2) A person who is guilty of an offence under subsection (1), shall on conviction be liable to imprisonment of either description for a term not less than five years and not exceeding twenty years and to a fine not exceeding one

million and five hundred thousand rupees and where such offence is committed in respect of a child, be liable to imprisonment of either description for a term not less than eight years and not exceeding twenty years and to a fine not
 5 exceeding two million rupees.

139. (1) Any person who –

Documentary
 offences
 relating to
 human
 smuggling

(a) prints, copies, fabricates or prepares, any travel document or part thereof, as relates to the Sri Lankan Government or to any other foreign government, or
 10 any document or a part thereof used for issuing of visa by any such Government, without lawful authority;

(b) forges, alters or tampers with any travel document, whether issued in Sri Lanka or elsewhere, or any
 15 visa or endorsement thereon;

(c) forges, alters or tampers with any certificate endorsed in any document referred to in paragraph (a) or (b);

(d) without lawful authority, uses or has in his possession a forged, altered or tampered travel document or a travel document containing a forged, altered or tampered visa or endorsement;
 20

(e) without lawful authority, uses or has in his possession a forged, altered or tampered travel document containing any forged, altered or tampered certificate;
 25

(f) without lawful authority or lawful excuse, has in his possession or deals in any manner, travel documents of other persons;

- 5 (g) in reply to or in any matter connected to the Minister or the Controller General lawfully acting in the execution of the provisions of this Act or of any Order or regulation made thereunder, or any airline official or any authorised travel agent, makes or causes to be made any false return, false statement or false representation;
- 10 (h) without lawful authority prints, copies, prepares or keeps in his possession, tenders or uses in any manner, any air ticket, crew discharge certificate, boarding pass or any document of similar nature;
- (i) procures a fraudulent document for the purposes of facilitating unlawful entry, departure, or residency in Sri Lanka or a foreign country;
- 15 (j) obstructs or impedes any person in the exercise or performance of his powers and duties under this Act or under any regulation or Order made thereunder;
- 20 (k) while residing outside Sri Lanka being the holder of a valid travel document or a valid passport, dispatches or transmits such travel document or passport to a person residing in Sri Lanka, through the post or through another person, without the prior approval in writing of the Controller General or the lawful authority or lawful excuse of a foreign Government as the case may be.;
- 25
- (l) while residing in Sri Lanka dispatches or transmits a travel document to a person residing in any country outside Sri Lanka, through the post or through another person, without the prior approval in writing of the Controller General or the lawful
- 30

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

- 5 (m) without lawful authority, has in his possession, more than one travel document for the time being in force, which has been issued to him;
- (n) is not a citizen of Sri Lanka and has in his possession valid Sri Lanka travel document; or
- 10 (o) submits any forged or false documents or false information, for the purpose of obtaining a passport, a visa or any other travel document for himself or any other person,

commits an offence.

(2) Any person who commits an offence under subsection (1) shall on conviction after summary trial by a Magistrate
15 be liable –

- 20 (a) in the case of an offence under paragraph (a), (b), (c), (d), (e), (f), (g), (h) or (i) be liable to imprisonment of either description for a term not exceeding five years and to a fine not exceeding two hundred thousand rupees; and
- (b) in the case of an offence under paragraph (j), (k), (l), (m), (n) or (o) be liable to imprisonment of either description for a term not exceeding two years and to a fine not exceeding two hundred thousand
25 rupees.

(3) Any person who attempts to commit, or does any act preparatory to the commission of, or aids or abets the commission of an offence under subsection (1), commits an

offence under this Act and shall on conviction be liable to the same punishment as if he has been guilty of an offence and been convicted under subsection (1).

- (4) Any person who commits an offence under subsection (1) to facilitate the entry of another person into Sri Lanka or to a foreign country, where the entry of the other person into the foreign country would not comply with the requirements under that country's law for entry into that country shall on conviction be liable to imprisonment of either description for a term not exceeding five years and to a fine not exceeding five hundred thousand rupees.

(5) The provisions of this section shall apply to any person if and only if they are relating to human smuggling offences referred to in sections 136, 137 and 138.

15

CHAPTER III

PROCEDURE

- 140.** The Controller General may compound any offence under sections 33, 117, 118, paragraphs (h) and (o) of subsection (1) of section 127, section 128 and section 133 accepting from the person who is alleged to have, or is reasonably suspected of having, committed that offence, a sum of money not exceeding half the amount of the maximum fine that is liable to be imposed under this Act on such person for that offence. Compounding
of offences
- 141.** Any person who is detained in the exercise of any powers conferred by or under this Act shall, while so detained, be deemed to be in legal custody. Persons
detained
deemed to be
in legal
custody

142. (1) The Minister shall for the purpose of the detention of persons whose detention has been required or authorised under this Act, establish detention centres, in suitable locations appropriate for such purpose by Order published
5 in the *Gazette*.

Establishment
of detention
centres

(2) The conditions to be maintained in a detention centre and the manner of administration of such centres shall be as prescribed.

(3) Any person who violates a detention order and
10 escapes the detention centre commits an offence under this Act and shall on apprehension be subject to the general law of the country.

143. (1) The Minister may for the purpose of the temporary holding of persons whose detention has been required or
15 authorised under this Act, establish holding facilities, in suitable locations appropriate for such purpose by Order published in the *Gazette* inside a seaport or a airport until the detainee is handed over to the relevant agencies.

Establishment
of holding
facilities

(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.

144. (1) Any authorised member of the Forces or any authorised Coast Guard Officer of the Department of Coast Guard may take into custody without a warrant a person who is suspected of committing any offence under section 47, 136, 137, 138, 139, 142 or 143 and shall forthwith hand
25 over such person to the nearest police station.

Procedure
and powers
in relation to
the custody
of a person
who is not a
citizen of Sri
Lanka

(2) The officer in charge of the police station shall within twenty-four hours produce such person before a Magistrate having jurisdiction.

(3) The Magistrate may notwithstanding the provision of
 5 Code of Criminal Procedure Act, No. 15 of 1979 upon a
 certificate being filed by a police officer not below the rank
 of a Superintendent of Police to the effect that it is necessary
 to detain such person in custody for the purpose of carrying
 out investigations, order the detention of such person for a
 10 further period which shall not exceed forty- eight hours.

145. (1) An immigration officer or a police officer may
 arrest a person who is not a citizen of Sri Lanka, suspected of
 committing an offence under subsection (1) of section 124
 of this Act.

Detention of
 persons
 suspected or
 charged with
 the
 commission
 of the
 offence
 under
 subsection
 (1) of section
 124

15 (2) Notwithstanding anything to the contrary in any
 other written law, the Controller General or any police officer
 not below the rank of an Assistant Superintendent of Police
 may authorise in writing the detention of a person arrested
 under subsection (1), in any place established under section
 20 142 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
 detention at the expiry of a period of two weeks from the
 25 date from which he was first detained, such person shall be
 produced forthwith before a Magistrate to make any
 appropriate order.

146. Any police officer, authorised member of the Forces,
 authorised Coast Guard Officer of the Department of Coast
 30 Guard, or any other member of a law enforcement authority
 who takes into custody a foreign national under this Act or

Controller
 General to be
 informed of
 taking into
 custody of a
 foreign
 national

under any other written law shall forthwith inform the Controller General.

5 **147.** (1) Where a person who is not a citizen of Sri Lanka is prosecuted or sentenced by a court, such information shall be referred to the Controller General by a Registrar of the relevant court along with a certified copy of the proceedings of the court.

Controller General shall be informed when any person who is not a citizen of Sri Lanka is

10 (2) Where a person who is not a citizen of Sri Lanka, who has been imprisoned by court is due to be released, such information shall be referred to the Controller General by the relevant superintendent of the prison before two weeks of such release with the relevant copy of such determination.

prosecuted, sentenced or due to be released

15 **148.** (1) Whenever in any proceeding in respect of any offence under any law, it appears to the court that the attendance of an accused or suspect or the examination of a witness is necessary, the court may-

Court may impound travel document or impose a travel ban to procure attendance of an accused, a suspect or a witness who has been served with a warrant

20 (a) impound any travel document issued to such accused, suspect or witness, as the case may be, for such period as it may deem necessary to procure the attendance of such accused, suspect or the witness who has been served with a warrant; or

(b) order the Controller General to prevent such a person from leaving the country or traveling internationally using the travel document.

25 (2) A court making an order under this section against any person under subsection (1), shall cause a copy of such order to be transmitted to the Controller General.

149. (1) A customs officer may seize a travel document if –

Seizure of
suspicious
travel
documents
by customs
officers

(a) a travel document is in the possession or control of any individual or not; and

5 (b) the travel document is inside a container, and irrespective of whether the container is in the possession or control of any individual, the customs officer may search the container for the purposes of determining whether such document is inside.

10 (2) A customs officer may seize a travel document and arrest a person if without the permission of the Controller General under this Act, the said person carries a travel document which has been issued to another person.

15 (3) The customs officer shall produce the travel document seized and the person arrested under subsections (1) and (2) to the Controller General forthwith.

(4) This section does not authorise a customs officer to enter into any premises that such officer would not otherwise be authorised to enter.

20 (5) For the purposes of this section -

(a) "container" includes baggage, a mail receptacle, and any other thing that could be used for the carriage of goods whether or not designed for that purpose ; and

25 (b) "customs officer" means an officer within the meaning of the Customs Ordinance (Chapter 235).

150. Where, with reference to any proceedings under this Act or with reference to anything done or purported to be done under this Act, if it is alleged by any person – Burden of proof

- (a) that he is not a citizen of Sri Lanka;
- 5 (b) that he belongs to any particular class or description of persons who are not citizens of Sri Lanka;
- (c) that he is a citizen of Sri Lanka;
- (d) that he belongs to any particular class or description of persons who are citizens of Sri Lanka;
- 10 (e) that he is a national of any particular country; or
- (f) that he was traveling from one place to another place in Sri Lanka,

the burden of proving that fact shall, notwithstanding anything contrary in the Evidence Ordinance (Chapter 14),
15 lie upon that person.

151. (1) (a) Any police officer or any authorised member of the Forces not below the rank of corporal or leading seaman or an authorised officer of the Department of Coast Guard, or an immigration officer, may enter and search any vessel not Power to enter and search any vessel or premises to arrest or seize
20 being an aircraft in the territorial waters of Sri Lanka or in the contiguous zone and arrest and take into custody any person on board such vessel who is suspected of the commission of any offence under section 46, 47, 51, 124, 126, 136, 137, 138 or 139 of this Act.

25 (b) For the purposes of paragraph (a), contiguous zone means a contiguous zone specified by Proclamation made under the Maritime Zones Law, No. 22 of 1976.

(2) Any immigration officer or police officer or any authorised member of the Forces not below the rank of a corporal or leading seaman or an authorised member of the Department of Coast Guard may forthwith seize and detain
5 any vehicle, vessel or other means of transport, together with any equipment and accessories thereof, where any such officer has reasons to believe that any vehicle, vessel or other means of transport has been used in, or in connection with, the commission of any offence referred to in section 46, 47,
10 51, 124, 126, 136, 137, 138 or 139 of this Act.

(3) Any immigration officer or police officer authorised by an officer not below the rank of Assistant Superintendent of Police may enter and search any premises where they have reasons to believe that such premises has been used in
15 connection with the commission of any of the offences under this Act and may arrest and take into custody any person therein or take into custody any machinery, document, equipment or thing connected with or reasonably suspected of being connected with the commission of any offence under
20 this Act.

(4) Any vehicle, vessel or other means of transport equipment or accessories or any machinery, document or thing seized under subsection (2) or (3) shall, as soon as possible be produced before or made available for inspection
25 by a Magistrate of competent jurisdiction by the officer making the seizure or, where such officer is an authorised member of the Forces, authorised officer of the Department of Coast Guard or by any police officer, and the court shall thereupon make such order as it may deem appropriate
30 relating to the custody of the vehicle, vessel or other means of transport, equipment, accessories or any machinery, document or thing so seized pending their disposal under subsection (5).

(5) Any vehicle, vessel or other means of transport, equipment, accessories or any machinery, document or thing seized under subsection (2) or (3) from the possession of any person –

- 5 (a) shall be returned to that person forthwith upon the expiration of six weeks after the seizure, unless a prosecution for the alleged offence is instituted before the end of that period; or
- 10 (b) shall be returned to that person forthwith after the final determination of the prosecution, unless duly declared to be forfeited to the State or ordered to be destroyed under subsection (6).

(6) Where any vehicle, vessel or other means of transport, equipment, accessories, or any machinery, document or thing produced before or made available for inspection by a Magistrate under subsection (4) is proved to have been used in, or in connection with the commission of an offence under this Act, such court shall make order for the forfeiture to the State or for the destruction of all such matters or things as the case may be.

152. (1) The Controller General may, before the issue or extension of a visa under this Act make such enquiries or require the production of such evidence or conduct any investigation as he may think fit in order to satisfy himself as to the truth of any statement made in the application for a visa.

Power to
investigate
by the
Controller
General

(2) The Controller General may, before the issue of a Sri Lanka travel document under this Act, make such enquiries or require the production of such evidence or conduct any investigation as he may think fit in order to satisfy himself as

to the truth of any statement made in the application for a travel document.

(3) The Controller General may authorise an immigration officer under subsection (2) of section 5 of this 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 Controller General or any other authorised officer shall have all the powers-

- (a) to summon and compel the attendance of witnesses;
- (b) to compel the production of travel documents or any other document;
- (c) to administer any oath or affirmation to witnesses; and
- (d) to seize travel documents or any other document.

(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 which is in his power to produce commits an offence under this Act.

153. (1) The Controller General may-

Power of the
Controller
General to
enquire,
summon or
require
information
from persons
generally,
including
those not
provided for
in this Act

5 (a) direct any person to furnish, within such period as shall be specified in such direction, the Controller General with such information within his knowledge as shall be so specified relating to any other person referred to in such direction, being information which is necessary for the following purposes:-

- (i) the disposal of any application made by such other person under this Act;
- 10 (ii) for the verification of the correctness of any particulars specified in any such application;
or
- (iii) of any return or information made or furnished by such other person under this Act; and

15 (b) from time to time, hold all such enquiries as he may deem necessary for any such purpose under this Act.

(2) For the purposes of any enquiry held under subsection (1), the Controller General or any other officer authorised by the Controller General shall have all the powers-

- 20 (a) to summon and compel the attendance of witnesses;
- (b) to compel the production of documents; and
- (c) to administer any oath or affirmation to witnesses.

(3) Any person summoned as a witness under subsection (1) who fails, without reasonable excuse to attend at the time
25 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 which is in his power to produce, commits an offence under this Act.

- 5 **154.** Every police officer shall, when so requested by an immigration officer, receive and execute according to the tenor thereof any written order of the Controller General for the arrest of a person who is acting in contravention of this Act, or detention or removal of any person made under the provisions of this Act.

Duty of police officers to assist and execute order of immigration officers

- 10 **155.** A certificate issued by a police officer not below the rank of an Assistant Superintendent of Police or an officer not below the rank of an Assistant Controller of Immigration in relation to the entering or remaining in Sri Lanka or leaving Sri Lanka of a person in contravention of any of the provisions of this Act, shall be presumed as *prima facie* evidence of such fact, unless it is provided by the accused, that the person so named –

Presumption with regard to certain certificates

- (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) entered Sri Lanka or remained in Sri Lanka or left Sri Lanka as the case may be, in conformity with the provisions of this Act; or
- (c) is a person who is exempted under section 3 of this Act.

- 25 **156.** (1) Every document duly signed and issued by the Minister, the Controller General or an accredited representative or competent immigration authority of a foreign government, as the case may be, as prescribed, shall be admissible in evidence without proof of any of the

Proof of instrument made or issued by the Minister or foreign diplomats

signatures therein and without calling such officers as a witness and shall be sufficient evidence of the facts stated therein until the contrary is proved.

(2) Where a person alleges that a document referred to in subsection (1) is a forgery, the burden of proving that it is a forgery shall lie on that person.

(3) For the purposes of this section, document includes an Order, direction, instruction, permit, report or any other related material of a similar nature.

10 **157.** (1) A person who is about to leave Sri Lanka may, if that person so desires make a sworn or affirmed statement in relation to any person who is alleged to have committed an offence under section 46, 47, 51, 124, 126, 136, 137, 138 or 139 of this Act:

Evidence in connection with certain offences of a person about to leave Sri Lanka

15 Provided that, such statement shall be made in the presence of the person alleged to have committed an offence and that such statement is made before a Justice of Peace or a police officer not below the rank of an Assistant Superintendent of Police.

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

- (a) record such statement in writing or electronically;
- (b) read over such statement to the person making the statement in the presence of the person alleged to have committed an offence;
- 25 (c) explain the statement to the person alleged to have committed an offence;

- (d) afford the person alleged to have committed an offence full opportunity of asking any question relevant to the statement from the person making the statement;
- 5 (e) record such questions, together with the answers given by the person making the statement;
- (f) secure the signature of the person making the statement to the record of the statement; and
- 10 (g) certify, if such be the case, that the requirements of this section have been complied with.

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

- 15 (a) to administer an oath or affirmation in manner authorised for witnesses under the Oaths and Affirmations Ordinance (Chapter 17), to any person desiring to make a statement in accordance with this section ; and
- 20 (b) thereafter to take proceedings under the provisions of subsection (2).

(4) A statement purported to be made under this section may, notwithstanding the provisions of any other law, be produced in court and given in evidence against any person alleged of any offence under section 46, 47, 51, 124, 126, 25 136, 137, 138 or 139 and shall be *prima facie* evidence of the facts therein stated.

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

Proceedings under the Act to have priority in court

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

159. (1) The Minister may issue directions in respect of methods and technologies to be used for the performance of the functions under this Act in consultation with the Controller General.

Methods and technologies used to perform functions under this Act

(2) Nothing in subsection (1) shall be construed to imply that methods or technologies not approved shall not be used for the performance of the functions under this Act.

(3) The process of use of such methods or technologies shall be prescribed by regulations.

160. (1) Classified information may be relied on, in making decisions or determining proceedings under this Act, if the Minister determines that the classified information relates to the matters of security or criminal conduct.

Classified information relating to security or criminal conduct may be relied on in decision making and such information may not be disclosed

(2) Where the provisions of subsection (1) applies, the Minister may authorise the Controller General to rely on the information to make a decision on the –

- (a) issuance of visa;
- (b) arrival and departure processing;
- (c) removal and deportation process; and
- (d) supervision of activities of persons who are not
5 citizens of Sri Lanka while in Sri Lanka.

(3) Classified information relied on for the purpose of making any decision or determining any proceedings under this Act shall be kept confidential and shall not be disclosed.

- 10 (4) All such classified information shall be securely recorded and maintained under the custody of the Controller General.

- 15 (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 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
- (ii) disclosure of the information would be a
20 disclosure of a kind specified in paragraph (c).

(b) Information falls within this subsection if it-

- (i) might lead to the identification or provide
25 details of the source of the information, the nature, content, or scope of the information, or the nature or type of the

assistance or operational methods available to the relevant agency;

5 (ii) is about particular operations that have been undertaken, or are being or are proposed to be undertaken, in pursuance of any of the functions of the relevant agency; or

10 (iii) has been provided to the relevant agency by the government of another country, an 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 from which the information has been
15 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

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

161. (1) Where a person commits an offence under this Act in any place outside the territory of Sri Lanka, proceedings in respect of such offence may be instituted in the High Court of Sri Lanka.

Extra-
territorial
Jurisdiction

10 (2) The High Court of Sri Lanka holden at Colombo or the High Court established by the Article 154P of the Constitution read with the High Court of the Provinces (Special Provisions) Act, No. 10 of 1996 shall have the jurisdiction to try and determine the offences referred to in
15 subsection (1).

162. Where there is an extradition arrangement in force between the Government of Sri Lanka and the government of any other state, such arrangement shall be deemed, for the purposes of the Extradition Law, No. 8 of 1977, to include
20 provision for extradition in respect of an offence under this Act and attempting or conspiring to commit or aiding and abetting the commission of such offence.

Provision
regarding
extradition
arrangements

163. The schedule to the Extradition Law, No.8 of 1977 is hereby amended by the insertion immediately before Part
25 B thereof, of the following:-

Amendment
to the
Extradition
Law, No. 8
of 1977

"() An offence within the meaning of the Immigration Act, No..... of....."

164. Notwithstanding anything contained in the Extradition Law, No. 8 of 1977, an offence in terms of this Act shall, for the purpose only of extradition under that law, be deemed not to be a fiscal offence, or an offence of a political character, or an offence connected with a political offence or an offence inspired by political motives.
165. Where a request is made to the Government of Sri Lanka by or on behalf of the government of another country for the extradition of any person accused or convicted of an offence under this Act, the Minister shall, on behalf of the Government of Sri Lanka forthwith notify the government of the requesting state of the measures that the Government of Sri Lanka has taken, or proposes to take, for the prosecution or extradition of that person for that offence.
166. Where a person who is not a citizen of Sri Lanka is arrested for an offence under this Act, such person shall be entitled –
- (a) to communicate without delay with the nearest appropriate representative of the state of which he is a national or which is otherwise entitled to protect his rights or if he is a stateless person, with the nearest appropriate representative of the state in the territory where he was habitually resident; and
 - (b) to be visited by a representative of that state.
167. The Government shall afford such assistance, including the supply of any relevant evidence at its disposal, to the relevant authorities of any foreign state as may be necessary in connection with criminal proceedings instituted
- Interpretation in relation to the Extradition Law
- Duty of the Minister to notify requesting state on measures taken in respect of persons against whom extradition request is made
- Rights of persons who are not citizens of Sri Lanka arrested under this Act
- Duty of Government to afford assistance to other states

in that state against any person, in respect of an offence under the law of that state corresponding to an offence under this Act.

PART X

5

GENERAL

168. (1) The Minister may make regulations in respect of Regulations
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:-

- (a) all matters stated in this Act to be prescribed;
- 15 (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 for the purposes of this Act;
- (d) 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.

(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*.

169. (1) Controller General may maintain and preserve
10 records and documents in electronic form pertaining to –

(a) visa;

(b) entry and departure process;

(c) removal and deportation;

15 (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;

(e) Sri Lanka travel documents; and

20 (f) any other duty or function relating to immigration as imposed or assigned by or under this Act.

Maintaining
and
preserving
records and
documents in
electronic
form

(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).

(3) The hard copies 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.

170. (1) For the purposes of this Act it shall be lawful for any officer appointed under subsection (1) of section 4 and authorised by the Controller General to take all such steps as
 10 may be reasonably necessary for the collection, the concurrent use, processing and storage of any identifying information of-
 Collection, use, process and storage of identifying information to be lawful

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

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

(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-

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

(b) any person who is suspected or alleged to have
 25 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.

171. (1) Identifying information collected under this Act may be used for the purposes of –

Scope of use
of
identifying
information
collected
under this
Act

- 5 (a) assisting in the identification of, and authenticating the identity of any applicant submitting an application for a Sri Lanka travel document or holder of a Sri Lanka travel document;
- (b) facilitating or otherwise assisting the international travel of a person to whom a Sri Lanka travel document has been issued;
- 10 (c) assisting in the identification of, and authenticating the identity of, any applicant for or holder of a Sri Lanka visa;
- (d) assisting in the identification of, and authenticating the identity of, any person who is proposing to board a vessel or an aircraft for the purposes of travelling to Sri Lanka;
- 15 (e) assisting in the identification of, and authenticating the identity of, any person who applies for permission to enter Sri Lanka;
- 20 (f) assisting in the identification of, and authenticating the identity of, any person departing from Sri Lanka including a citizen of Sri Lanka;
- (g) assisting in the identification of, and authenticating the identity of, any person to be removed or deported from Sri Lanka;
- 25 (h) assisting in the identification of, and authenticating the identity of, any person who has committed an offence under this Act;

- 5 (i) 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 essential services;
- (j) enforcement of the written law, including the investigation or prosecution of a person for an offence against any law;
- 10 (k) combating document and identity fraud in immigration matters;
- (l) administering or managing the identifying information;
- 15 (m) updating identifying information to enable it to be reconciled with other identifying information or in order to correct errors or ensure compliance with appropriate standards;
- 20 (n) identifying persons who may be a threat to the national security of Sri Lanka or who are associated with activities of a criminal nature and whose detention or supervision may be necessary in the interests of public safety, peace and good order;
- (o) any other purpose the use of which is required or authorised by or under any other written law; and
- 25 (p) making decisions under this Act or under the regulations made under this Act.

(2) The Minister shall prescribe the authorized institutions which are to use identifying information for the purposes mentioned in subsection (1).

172. (1) The Minister may, by written Order, authorise a specified authority -

Authorising
disclosure of
or access to
identifying
information

5 (a) to access identifying information of the kind specified in the Order in accordance with any written law relating to data protection; or

10 (b) on written request to disclose, identifying information of the kind specified in the Minister's Order, to another institution authorized under subsection (2) of section 171 for the purpose or purposes specified in the Minister's Order in accordance with any written law relating to data protection in of Sri Lanka.

15 (2) The Minister may specify one or more of the following purposes in the Order made under this section, as the purpose or purposes for which access or disclosure is authorised in accordance with any written law relating to data protection in Sri Lanka:-

20 (a) assisting in the identification of and authenticating the identity of, any applicant for or holder of a Sri Lanka travel document;

(b) in facilitating or otherwise assisting the international travel of a person to whom a Sri Lanka travel document has been issued;

25 (c) in the enforcement of the written law, including investigating or prosecuting a person for an offence against any law;

(d) in combating document and identity fraud in immigration matters;

- (e) administering or managing the storage of identifying information;
- (f) update identifying information to enable it to be reconciled with other identifying information, or in order to correct errors or ensure compliance with appropriate standards;
- (g) identifying persons who may be a threat to the national security of Sri Lanka or who are associated with activities of a criminal nature and whose detention or supervision may be necessary in the interest of public security, peace and good order;
- (h) any other purpose for which the disclosure is required or authorised by any written law;
- (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
- (j) making decisions under this Act or under the regulations made under this Act.

(3) For the purposes of subsection (1), the specified authority may include the police, any law enforcement body, a border control body of a foreign country or such like institution.

- 25 **173.** The Controller General may share identifying information or any other information, with other local or international law enforcement agencies that has entered into any bilateral agreement with the Controller General regarding the use, methodology of sharing of identifying information or any other information and protection of such identifying information or any other information in
- 30
- Controller General may share information with other local or international law enforcement agencies

accordance with such written law relating to personal data protection in Sri Lanka.

5 **174.** An automated electronic system that applies criteria predetermined in accordance with directions of the Minister, may be used by the Controller General to process an application or execute an operation in relation to any Part of this Act.

Automated decision making in relation to implementation of the provisions of this Act

10 **175.** (1) There shall be established a fund to be known as the Immigration Officers' Reward Fund (hereinafter in this Act referred to as "the Fund").

Immigration Officers' Reward Fund

(2) There shall be paid into the Fund a sum equivalent to one percent of the monies credited to the Controller General as visa fee or electronic travel authorization fee under this Act and any regulation made thereunder.

15 (3) There shall be paid out of the Fund –

- (a) all payments given as rewards to such immigration officers as may be prescribed; and
- (b) any expense incurred in the administration of the Fund.

20 (4) The Controller General shall be responsible for the administration of the Fund.

(5) The provisions of Article 154 of the Constitution shall apply to the audit of the accounts of the Fund.

(6) The Minister may make regulations -

- 25 (a) prescribing the manner in which the Fund to be administered; and
- (b) in respect of matters required to be prescribed.

176. (1) The Controller General, Additional Controller General, a Controller of Immigration, a Deputy Controller of Immigration, an Assistant Controller of Immigration, a Chief Immigration Officer and an immigration officer, shall
 5 be deemed to be Peace Officers within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979 for the purpose of exercising any power conferred upon a Peace Officer by that Act.

Controller
General and
officers
deemed to be
Peace
Officers

(2) The Minister in special circumstances, taking into
 10 consideration the necessities and exigencies of discharging duties as a Peace Officer may direct the above mentioned Peace Officers to be armed with the relevant authorisation received from the Ministry of Defence.

177. The Controller General, Additional Controller
 15 General, every Controller, every Deputy Controller, every Assistant Controller of Immigration, every Chief Immigration Officer and every Immigration officer shall, for the purposes of the Act, have the power to administer oaths in accordance with the provisions of the Oath and Affirmations Ordinance
 20 (Chapter 17).

Power to
administer
oaths

178. Any notice required by or under this Act to be served
 on any person shall be deemed to have been duly served on
 that person if such notice is forwarded by post, by registered
 letter, or electronically, to the address furnished by that
 25 person.

Manner of
serving
notices

179. All expenses incurred in the administration of this
 Act shall, except in so far as they are defrayed as provided by
 or under this Act, be a charge on the Consolidated Fund.

Expenses of
administration
of the Act

180. (1) No suit or prosecution shall be instituted against
 30 the Controller General, Additional Controller General, a Controller of Immigration, a Deputy Controller of

Protection
from suit or
prosecution

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 in such suit or prosecution.

181. Nothing in this Act or in any regulation, Order,
 15 direction, instruction or other instruments made or issued under this Act shall be deemed or construed to prohibit or restrict in any manner the entry into or departure from any place in Sri Lanka or any person on a journey by a vessel or aircraft from or to, as the case may be, any other place in Sri
 20 Lanka if that vessel or aircraft has not called or will not call at any place outside Sri Lanka in the course of his journey by that vessel or aircraft.

Act not to
 apply to
 journeys
 between
 places in Sri
 Lanka

182. The provisions of this Act shall be in addition to and
 not in derogation of the provisions of the Customs Ordinance
 25 (Chapter 235) and the Quarantine and Prevention of Diseases Ordinance (Chapter 222), relating to the entry of persons into, and departure of persons from Sri Lanka:

Construction
 of the Act

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

183. Unless the context otherwise requires, in this Act Interpretation
and regulations made thereunder—

- 5 "advanced passenger information" means elements of data collected and transmitted through an 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 "aid and abet" shall have the same meaning as in section 101 of the Penal Code (Chapter 19);
- "approved port" means, a seaport or an airport declared as an approved port of entry or departure by the Minister under section 45 of this Act;
- 15 "approved place of entry" and "approved place of departure" mean, an approved airport or seaport, declared as such under section 45;
- "biometric" means unique biological data specific to 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;
- 25 "cost and charges" in relation to any person who is not a citizen of Sri Lanka, means any money expended out of public funds for securing or facilitating the departure therefrom of such person, and includes –
- (a) any money expended out of public funds for his relief, maintenance, care or treatment; and

- 5 (b) the expenses of any such relief,
 maintenance, care or treatment in any
 hospital, or other institution for the
 relief of sick or destitute persons which
 is maintained out of public funds or by
 any charitable institution to the support
 of which the Government contributes;
- 10 “captain of an aircraft” means the person for the time
 being in charge the command or control of
 that aircraft;
- 15 “carrier” means a person who engages 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
 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;
- 20 “Code of Criminal Procedure Act” means the Code of
 Criminal Procedure Act, No. 15 of 1979;
- “crew” means the group of persons employed in the
 work or service of a vessel or an aircraft;
- 25 “dangerous drug” means any drug falling within the
 Poisons, Opium and Dangerous Drugs
 Ordinance (Chapter 218) or included in any
 law enacted in its place;
- “dependant” means a person who is wholly and directly
 dependant for maintenance and support upon

any other person and is related to such other person as being –

- (a) his spouse;
- 5 (b) his or his spouse's parent or grandparent;
- (c) his or his spouse's daughter, granddaughter, sister or niece, who is either unmarried or a widow or a divorcee; or
- 10 (d) his or his spouse's son, grandson, brother or nephew, who is under the age of twenty-one years or being over that age, is permanently disabled and incapable of supporting himself;
- 15 “deportation” means a forced departure of a person who is not a citizen of Sri Lanka from Sri Lanka by Order issued by the Minister for remaining out of Sri Lanka so long as the Order is in force;
- 20 “Director of Merchant Shipping” means the Director of Merchant Shipping appointed under section 3 of the Merchant Shipping Act, No. 52 of 1971;
- 25 “Director General of Civil Aviation” means the Director General of Civil Aviation appointed under section 11 of the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002;

“direct transit passenger” means a passenger who arrives at an approved airport of Sri Lanka, by an aircraft and passes through such approved airport en route to another country without entering Sri Lanka;

“disclose” includes providing access to the identifying information;

“document” includes –

- (a) any endorsement;
- (b) any paper or other material where there is writing;
- (c) any paper or other material where there are marks, figures, symbols or perforations, that are –
 - (i) capable of being given a meaning by persons qualified to interpret them; or
 - (ii) capable of being responded to by a computer, a machine or an electronic device;
- (d) any article or material from which information is capable of being reproduced with or without the aid of any other article or device;

(e) any electronic record; or

(f) any thing or any article;

5 “electronic device” means any electronic device
that may contain any document referred
to in a written document in electronic
form;

“endorsement” means an endorsement granted
under Part III, IV, V or Part VII of this
Act;

10 “entry” means –

(a) in the case of a person arriving by sea,
disembarking in Sri Lanka from the
vessel in which he arrives;

15 (b) in the case of a person arriving 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
20 that person leaves the aerodrome
otherwise than by that aircraft;

(c) in the case of a child born in Sri Lanka
who is not a citizen of Sri Lanka, his
birth in Sri Lanka; and

(d) in any other case, any entry into Sri Lanka by, sea or air, but shall not include in any case an entry made for the purpose of complying with this Act or an entry, expressly or impliedly, sanctioned by an immigration officer for the purpose of any enquiry or detention under the provisions of this Act;

“holder” in relation to any visa means the person to whom such visa is issued;

“holding centre” means a temporary detention centre located anywhere other than at an airport or seaport for persons whose detention has been required or authorised under this Act;

“identifying information” means –

- (a) any biometric information;
- (b) any meaningful identifier derived from any biometric information;
- (c) any record of a result of analysing any biometric information or meaningful identifier derived from any biometric information;

5 (d) any other information, derived from any biometric information or meaningful identifier derived from any biometric information, or from any record of a kind referred to in paragraph (c), that could be used to discover a particular person's identity or to get information about a particular person; or

10 (e) any other information which facilitate the identification of a particular person;

"immigration" includes both immigration and emigration;

15 "immigration area or zone" means an area or zone designated within an approved port to be utilized for exercising, performing or discharging of the powers, duties or functions conferred, imposed or assigned by or under this Act relating to entry into or departure of persons from Sri Lanka;

20 "immigration clearance" in relation to any person, includes allowing, accepting or refusing a person's entry into Sri Lanka or departure from Sri Lanka;

25 "immigration signal" means such signal as may be prescribed for vessels which arrive in Sri Lanka;

30 "interactive advance passenger information" is an additional means of enhancing

5 border security and which allows
border control authorities to
communicate an immediate response
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
prevent the passenger from boarding the
10 aircraft or ship;

"leave" means –

- 15 (a) in the case of a person leaving Sri Lanka
by sea, embarking in Sri Lanka on a
vessel which is about to leave Sri Lanka
and remaining on board such vessel at
the time of its departure for any place
outside Sri Lanka;
- 20 (b) in the case of a person leaving Sri Lanka
by air, boarding an aircraft in Sri Lanka
which is about to depart from Sri Lanka;
- (c) in the case of a death of a person in
Sri Lanka, who is not a citizen of
Sri Lanka, his death in Sri Lanka;
- 25 (d) in the case of a vessel, or an aircraft
leaving Sri Lanka by sea, or air as the
case may be, departing from any
approved port in Sri Lanka by sea, or
from any approved airport in Sri Lanka,
for any place outside Sri Lanka;

30 "master of vessel" means the persons, for the time
being, in charge, command or control
of that vessel;

"member of the crew" in relation to a vessel or aircraft means any person employed in the working or service of that vessel or aircraft as the case may be;

5 "minor" means a person who has not attained the age of eighteen years;

10 "narcotic drugs" shall include the drugs specified in the Third Schedule of the Convention Against Illicit Traffic in Narcotic Drugs 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" means any person traveling or seeking to travel on board a vessel or an aircraft who is not a member of the crew of that vessel or the aircraft;

20 "passenger in transit" means a passenger who arrives at an approved port of Sri Lanka, by an aircraft or vessel and passes through such approved port en route to another country, and the term "transit visa" shall be construed accordingly;

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

5 the ship and the report contains
information such as passenger name,
travel itinerary, ticket information,
contact details, means of payment
methods etc.;

"peace officer" has the same meaning as in the
Code of Criminal Procedure Act, No.
15 of 1979;

10 "person of full age" means a person who has
attained the age of eighteen years;

"prescribed" means prescribed by regulations;

15 "prescribed Medical Officer" means a medical
officer appointed by the Director
General of Health Services for the
purposes of this Act;

"prevent from travelling internationally"
include –

- (a) being required to remain in Sri Lanka;
- 20 (b) being required to surrender a Sri Lanka
passport or a Sri Lanka travel
document;
- (c) not permitted to apply for a Sri Lanka
passport or a Sri Lanka travel
document; or
- 25 (d) not permitted to obtain a Sri Lanka
passport or a Sri Lanka travel
document;

5 "psychotropic substances" shall include the substances specified in the fourth Schedule of the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, No. 1 of 2008;

10 "removal" means an enforcement process initiated by immigration officers to achieve the forced departure of a person who is not a citizen of Sri Lanka as specified in subsections (1) and (2) of section 98;

15 "seaman" means a person employed or engaged in any capacity on board a vessel or the business of the vessel other than the master of the vessel;

20 "separate and exclusive immigration clearance" includes immigration clearance carried out only during a particular period or periods in a day for a particular person or class of persons;

25 "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 in such port;

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

30 "Sri Lanka passport" means a passport issued under this Act or any regulation made thereunder;

- 5 "Sri Lanka travel document" means a Sri Lanka passport, an emergency certificate, an identification certificate or any other temporary travel document that permits a person to enter or leave Sri Lanka issued by the Controller General or a Sri Lankan Overseas Mission issued under this Act or any regulation made thereunder;
- 10 "stowaway" means a person who is secreted in a vessel, or an aircraft without the consent of the master or other person in charge of the vessel, or aircraft and includes
- 15 such a person who is arriving in or departing from Sri Lanka on board any vessel, or aircraft without the consent of the master or other person in charge of the vessel or aircraft;
- 20 "territorial waters of Sri Lanka" shall have the same meaning as in the Constitution;
- 25 "travel document" means every document that facilitates the movement of persons between two countries including a Sri Lanka travel document issued under this Act or any travel document, passport **or** a laissez passer recognized by the Government of Sri Lanka or the United Nations;
- 30 "valid passport or travel document" means a passport or other document of identity having the characteristics of a passport
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- (a) which was issued to any person by or on behalf of the Government of Sri Lanka or any Government recognised by the Government of Sri Lanka;
 - 5 (b) which contains a personal description sufficient to identify the holder of such passport and to which is attached his photograph; and
 - (c) which is for the time being in force,
 - 10 includes a travel document.
- "vessel" means any type of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a
- 15 warship, naval auxiliary or other vessel owned or operated by a State and used, for the time being, only on State non-commercial service;
- "visa" includes a visa granted under this Act by
- 20 the Government of Sri Lanka or visa granted by any other Government recognised by the Government of Sri Lanka;
- "voluntary departure" means the departure of a
- 25 person who is not a citizen of Sri Lanka on his own volition, who has no current valid visa, without an enforcement process initiated by immigration officers.

184. (1) Immigrants and Emigrants Act (Chapter 351) and Passport (Regulation) and Exit Permit Act, No. 53 of 1971 are hereby repealed. Repeals and savings

5 (2) Notwithstanding the repeal of Immigrants and Emigrants Act (Chapter 351) and Passport (Regulation) and Exit Permit Act, No. 53 of 1971 (hereinafter referred to as the "repealed Acts")-

10 (a) all actions, matters or proceedings instituted under the repealed Acts in any court of law or in any other institution; and

(b) all appeals from orders or judgments made under the repealed Acts and pending on the day preceding the date of commencement of this Act,

15 shall be heard and disposed of, in all respects under the repealed Acts as though such Act have not been repealed.

20 (3) All certificates, licences, visas, passports, travel documents, and other documents issued under the repealed Acts and subsisting on the day preceding the date of commencement of this Act, shall be deemed with effect from the date of commencement of this Act, to be issued under this Act and shall be construed accordingly.

25 (4) All subsidiary legislation made under the repealed Acts and which are in force on the appointed date and which are not inconsistent with the provisions of this Act shall be deemed to be subsidiary legislation made under this Act until they are repealed or rescinded by subsidiary legislation made under this Act.

(5) (a) Notwithstanding the repeal, rescission, or amendment of any provisions of law relating to permanent

residence permits and temporary residence permits, any such permit issued before the 6th day of June, 1955, and in force on the day immediately preceding that date, shall continue in force after that date for the duration of such permit and
5 shall thereafter cease to have effect; and the provisions of law applicable to such permits before such date shall apply to such permits after that date during the period of the validity of such permits in like manner as they were applicable before that date.

10 (b) Subsection (3) of section 6 of the Interpretation Ordinance (Chapter 2) shall apply in the case of any amendment which has the effect of omitting any provisions of law relating to Permanent Residence permits and
15 subsection applies in the case of any repeal.

185. In the event of any inconsistency between the Sinhala and Tamil text of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency

