

LAWS OF BRUNEI

CHAPTER 146

PASSPORTS

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LAWS OF BRUNEI

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CHAPTER 146

PASSPORTS

ARRANGEMENT OF SECTIONS

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SCHEDULE — PASSPORTS REGULATIONS

PASSPORTS ACT

An Act to provide for the admission of persons into and their departure from Brunei Darussalam

Commencement: 14th December 1983

Citation

1. This Act may be cited as the Passports Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“ABTC” has the meaning assigned to it in the Immigration (APEC Business Travel Card) Regulations, 2003;

“Controller” means the Controller of Immigration appointed under section 3 of the Immigration Act (Chapter 17);

“enter” means to enter by land, sea or air;

“entry” means entry by land, sea or air;

“immigration officer” has the meaning assigned to it in the Immigration Act (Chapter 17);

“master” includes the pilot of an aircraft;

“officer of customs” has the meaning assigned to it in the Customs Order, 2006 (S 39/2006);

“owner” in relation to a vessel includes a charterer;

“passport” means a valid passport which has been issued to a person by or on behalf of the government of which he is a citizen and includes any form of valid document of identity issued for the purpose of travel by any government and recognised as a travel document by the Government of Brunei Darussalam;

“Passports Regulations” means the regulations contained in the Schedule;

“vessel” includes an aircraft.

Production of passports upon entry into or departure from Brunei Darussalam

3. (1) Every person entering Brunei Darussalam from any place beyond Brunei Darussalam shall produce to an immigration officer a passport; and that passport shall, in the case of a person other than a citizen of Brunei Darussalam have a valid visa for Brunei Darussalam issued on the authority of and by or on behalf of the Government of Brunei Darussalam.

(1A) In the case of an ABTC holder who is not a citizen of Brunei Darussalam, entry into Brunei Darussalam is subject to subsection (1) and to a multiple entry visa valid for a period of 5 years issued under the same.

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(2) Every person leaving Brunei Darussalam for a place beyond Brunei Darussalam shall, if required to do so by an immigration officer produce to that officer a passport.

(3) An immigration officer may, in relation to any passport produced under this section, put to any person producing that passport such questions as he thinks necessary; and the person shall answer the questions truthfully.

(4) An immigration officer may make, on any passport produced under this section, such endorsement as he thinks fit.

Exemption

4. His Majesty the Sultan and Yang Di-Pertuan may by order exempt any person or class of persons from section 3 and any such exemption may be subject to such conditions as he may direct and may be permanent or for a limited period.

Removal of persons unlawfully entering Brunei Darussalam

5. (1) Without prejudice to any penalty that may be imposed upon him by this Act, a person entering Brunei Darussalam contrary to this Act shall be liable, upon an order in that behalf being made by the Controller, to be removed from Brunei Darussalam:

Provided that no such order applies to a citizen of Brunei Darussalam.

(2) An order made by the Controller under subsection (1) may provide for the detention in custody, for such period as may be necessary for the

purpose of making arrangements for his removal, of the person to whom the order applies; and that person may pursuant to the order be detained either in a prison or in any other place appointed by the Controller for that purpose.

(3) Any person to whom an order under subsection (1) applies may be conducted across the frontier or placed on board a suitable vessel by an immigration officer, police officer or officer of customs, and may be lawfully detained on board the vessel during the period that the vessel is within Brunei Darussalam or the territorial waters thereof.

Expenses of removal

6. (1) Where an order made under section 5(1) applies to a person who was brought into Brunei Darussalam in a vessel, the master of the vessel and the master of any other vessel belonging to the same owner shall, if required by the Controller and subject to subsection (2), receive that person on board his vessel and afford him free of charge a passage to the port or place at which the person embarked, and proper accommodation and maintenance during the voyage.

(2) A requirement mentioned under subsection (1) shall have no effect unless it is made within 2 years of the date of which the person aforesaid enters Brunei Darussalam.

(3) The master of a vessel failing to comply with subsection (1) is guilty of an offence and liable on conviction to a fine of \$1,000 and imprisonment for 6 months.

Owners and masters of vessels liable for expenses

7. The master and the owners and agents of any vessel from which any person enters Brunei Darussalam contrary to this Act shall be jointly and severally liable for all expenses incurred by the Government in detaining and maintaining that person pending deportation; and the expenses shall be recoverable as a debt due to the Government from the master, owner and agents.

Master of vessel may prevent unlawful entry into Brunei Darussalam

8. The master of a vessel may use all reasonable and proper means (including force if necessary) to prevent any person from entering Brunei Darussalam contrary to this Act.

Onus of proof

9. If any question arises in any proceedings under this Act or with references to anything done or proposed to be done under this Act as to whether a person —

(a) is a citizen of Brunei Darussalam or not; or

(b) belongs to any particular class of persons exempted from any of the provisions of this Act,

the onus of proving that the person is a citizen of Brunei Darussalam or that he belongs to such class, as the case may be, shall lie upon that person.

Powers of arrest

10. (1) Any person who enters or attempts to enter or is reasonably suspected of having entered Brunei Darussalam in contravention of this Act may be arrested without warrant by any immigration officer, police officer or officer of customs.

(2) In any case relating to the commission of an offence against this Act or the Passports Regulations, an immigration officer shall have all the powers of a police officer under the Criminal Procedure Code (Chapter 7) in relation to an investigation into a seizable offence.

Power to make regulations

11. (1) His Majesty the Sultan and Yang Di-Pertuan may by regulations amend the Passports Regulations and make regulations for all or any of the following purposes —

(a) appointing authorised officers who may issue, renew or endorse a passport;

(b) empowering officers to issue, renew and endorse a passport and to grant a visa on any travel document requiring a visa for Brunei Darussalam;

(c) empowering the authority who may approve forms to be used for the issue, renewal and endorsement of a passport and also forms to be used for the grant of a visa;

(d) prescribing the fees to be charged in relation to the issue, renewal or endorsement of a passport or for the grant of a visa for Brunei Darussalam;

(e) empowering officers to grant exemption from the payment of fees under the provisions of any regulations made under this Act;

(f) prescribing the terms and conditions subject to which any person may be granted a passport;

(g) empowering officers who may invalidate, cancel, withdraw and repossess a passport which has been invalidated or cancelled;

(h) empowering officers who may cancel any visa, renewal or endorsement of a passport;

(i) empowering officers to demand the delivering up of a cancelled or invalidated passport bearing any visa, renewal or endorsement which has been cancelled or invalidated;

(j) prescribing the procedure to impound, repossess or recover any passport;

(k) providing for the arrest, detention and prosecution of any person who contravenes the provisions of any regulations made under this Act;

(l) prescribing for the search of any person, premises, vessel, aircraft or vehicle and to seize or recover any evidence of the commission of any offence committed under any regulations made under this Act;

(m) prescribing the prohibition for any person or class or persons from entering or leaving Brunei Darussalam by land, sea or air without the production of a passport and for enforcing such prohibitions by requiring answers to enquiries and for the delivering up of any passport;

(n) governing the procedure to be followed and the fees and costs to be paid on appeal under the provisions of any regulations made under this Act;

(o) prescribing penalties to a fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both, such fine and imprisonment for the breach of any regulations made under this Act.

(2) All regulations made under subsection (1) shall be published in the *Government Gazette*.

Offences

12. (1) Any person who —

(a) forges, alters or tampers with any passport or internal travel document, or any visa or endorsement thereon, or without lawful authority uses or attempts to use, or has in his possession, any passport or internal travel document which has been so forged, altered or tampered with;

(b) makes any false document intending to use the document as a passport for the purpose of this Act or uses the document for that purpose;

(c) personates or falsely represents himself to be or not to be a person to whom a passport or internal travel document has been duly issued;

(d) with intent to obtain for himself or any other person a passport, internal travel document, or an endorsement or visa on a passport, knowingly makes any false statement or produces any document which is to his knowledge false in any particular;

(e) without lawful authority, has in his possession any passport or internal travel document which has been obtained as a result of making any material statement which was false or misleading, or as a result of the production of false evidence;

(f) allows any person to have possession of any passport issued for his use alone, intending or knowing that the passport may be used by any other person;

(g) without lawful authority, has in his possession any passport or internal travel document issued for the use of some person other than himself;

(h) wilfully assists any person to enter Brunei Darussalam contrary to this Act;

(i) wilfully assists any person to contravene this Act;

(j) obstructs or hinders any immigration officer, police officer or officer of customs in the discharge of his duty under this Act;

(k) attempts to commit or abets the commission of any offence against this Act,

is guilty of an offence and liable on conviction to a fine of \$10,000 and imprisonment for 5 years.

(2) Any person contravening any of the provisions of this Act is guilty of an offence and shall, where no other penalty is provided by this Act, be liable on conviction to a fine of \$5,000 and imprisonment for 3 years.

Transitional provisions

13. A passport (including a British Passport) or any visa or endorsement issued or granted under any written law or arrangements relating to passports prior to the coming into operation of this Act shall continue in force unless cancelled under the provisions of any regulations under this Act.

Saving

14. The provisions of this Act shall be in addition to and not in derogation of the provisions of any law for the time being in force relating to immigration.

SCHEDULE

(section 2)

PASSPORTS REGULATIONS

*Commencement: 1st September 2005
[S 54/2005]*

Citation

1. These Regulations may be cited as the Passports Regulations.

Interpretation

2. In these Regulations —

“authorised officer”, in relation to any matter, means an officer authorised in that behalf by the Minister and includes an overseas representative;

“Brunei Darussalam passport” means a passport issued by the Government to a person who has the status of a citizen of Brunei Darussalam and includes a Brunei Darussalam Diplomatic or Official Passport and a Passport Haji;

“leave” means to leave by land, sea or air;

“overseas representative” means a diplomatic or consular officer of the government in any foreign country;

“travel document” includes a document of identity whether issued by the Government of Brunei Darussalam or the government of any other country, and having the characteristics of a passport.

Authorised officers

3. The exercise of any power or function of an authorised officer under these Regulations shall in all cases be subject to any direction of the Minister.

Application for passports

4. (1) An application for a Brunei Darussalam passport or Certificate of Identity or General Certificate of Identity or Emergency Certificate for travel purposes, or for the renewal or endorsement of a Brunei Darussalam passport, or for a visa for Brunei Darussalam shall be made to an authorised officer in accordance with a form approved by the Controller.

SCHEDULE — *(continued)*

(2) An authorised officer may require an applicant to furnish such further evidence in relation to any application under these Regulations as the officer deems necessary.

Issue of passports

5. (1) Subject to these Regulations and any specific or general instruction issued by the Minister, an authorised officer may issue Brunei Darussalam passports.

(2) Brunei Darussalam passports shall be issued in the name of His Majesty the Sultan and Yang Di-Pertuan and shall be valid for a period not exceeding 10 years.

Renewal of Brunei Darussalam passports

6. (1) An authorised officer may renew a Brunei Darussalam passport for further consecutive periods not exceeding 5 years from the date of expiry:

Provided that the period of validity of the passport shall not in any case exceed 10 years from the date of original issue.

(2) A Brunei Darussalam passport shall not be renewable in any case where the space thereon for visas is exhausted.

Passport Haji

6A. (1) An authorised officer may issue a Passport Haji in the form approved by His Majesty the Sultan and Yang Di-Pertuan to a pilgrim who is a citizen of Brunei Darussalam.

(2) A Passport Haji shall be issued in the name of His Majesty the Sultan and Yang Di-Pertuan and shall be valid only for the purpose of proceeding to Mecca on pilgrimage within the period of validity specified by the authorised officer.

Cancellation of passports previously issued

7. Where an applicant for a Brunei Darussalam passport has previously been issued with a passport, he shall, on demand by an authorised officer, produce that passport for cancellation before a new passport is issued.

SCHEDULE — *(continued)***Appeal against refusal to issue Brunei Darussalam passport**

8. Any person aggrieved by the refusal of the authorised officer to issue him a Brunei Darussalam passport under regulation 5(1) may, within 30 days of the notification of such refusal, appeal by petition in writing to the Minister whose decision thereon is final.

Power to cancel Brunei Darussalam passport

9. (1) The Controller may cancel any Brunei Darussalam passport if so instructed by the Minister and such passport shall thereupon become void, and the person having in his possession or under his control any such passport shall, on demand by an immigration officer or a police officer not below the rank of Inspector or an authorised officer, forthwith deliver it up to such officer.

(2) Any visa, renewal or endorsement of a Brunei Darussalam passport granted or made in pursuance of or before the date of the coming into operation of these Regulations may be cancelled by an authorised officer and thereupon the visa, renewal or endorsement shall be void.

(3) Any person aggrieved by the decision of an authorised officer for the cancellation of his passport or of any visa, renewal or endorsement made therein may, within 30 days of the notification of such cancellation, appeal by petition in writing to the Minister whose decision thereon is final.

Certificate of Identity

10. (1) An authorised officer may issue a Certificate of Identity in the form approved by His Majesty the Sultan and Yang Di-Pertuan for travel purposes to any person who is stateless or unable to obtain a passport from a consular representative of the country of which he claims to be a national.

(2) Where a Certificate of Identity is issued under sub-regulation (1) for a specified period, an authorised officer may renew that certificate or document of identity for such consecutive periods as the authorised officer thinks fit:

Provided that the period of validity of such Certificate of Identity shall not in any case exceed 10 years from the date of original issue.

SCHEDULE — *(continued)***General Certificate of Identity**

11. (1) An authorised officer may issue a General Certificate of Identity in the form approved by His Majesty the Sultan and Yang Di-Pertuan for travel purposes to a person who is a citizen of Brunei Darussalam in any case where, in the opinion of the authorised officer, it is unnecessary or undesirable to issue a Brunei Darussalam passport to that person.

(2) Where a General Certificate of Identity is issued under sub-regulation (1) for a specified period, an authorised officer may renew that document of identity for a further period as the authorised officer thinks fit:

Provided that the period of validity of such General Certificate of Identity shall not in any case exceed 10 years from the date of original issue.

Endorsement of passport etc.

12. An authorised officer may endorse a Brunei Darussalam passport, Certificate of Identity or General Certificate of Identity after the issue of such passport or certificate —

(a) to make it valid for travel to countries for which it is not valid;

(b) to include particulars of the holder's children, if any, or such other particulars as the officer sees fit to insert.

Power to take possession of passports

13. Any immigration officer or police officer not below the rank of Inspector or overseas representative may take possession of any Brunei Darussalam passport which has been cancelled or any passport bearing a visa, renewal or endorsement which has been cancelled, and any person having in his possession or under his control any such passport shall, on demand by such officer or representative, forthwith deliver up the passport to him.

Power to search and take possession of cancelled passport

14. (1) Any immigration officer or a police officer not below the rank of Inspector may without a warrant and with or without assistance —

(a) enter and search any premises;

SCHEDULE — *(continued)*

(b) stop and search any vessel, vehicle, person or premises or search any aircraft whether in a public place or not,

if he has reasonable grounds to believe that any cancelled Brunei Darussalam passport or any passport bearing a visa, renewal or endorsement which has been cancelled may be found on such vessel, vehicle, person, premises or aircraft.

(2) No woman shall be searched under this regulation except by a woman.

Power to order passport to be delivered

15. (1) Any person who holds a Brunei Darussalam passport or Certificate of Identity or General Certificate of Identity or Emergency Certificate which has been obtained or is reasonably suspected by an immigration officer or police officer not below the rank of Inspector or overseas representative of having been obtained by means of any false or misleading statement, shall on demand by such officer or representative forthwith deliver it up to him.

(2) Any person entering or leaving Brunei Darussalam who is in possession of a Brunei Darussalam passport shall, if required by an immigration officer or police officer not below the rank of Inspector, deliver his passport up to such officer before he enters or leaves Brunei Darussalam.

(3) If any person specified in sub-regulation (2) is allowed to retain his passport on entering Brunei Darussalam, he shall, if required by an immigration officer or police officer not below the rank of Inspector, at any time, deliver it up to such officer.

(4) A passport delivered up to an immigration officer or police officer not below the rank of Inspector or overseas representative in accordance with the provisions of this regulation may, subject to any direction by the Minister, be retained by such officer or returned to the issuing authority or be returned to the person who delivered it up, as such officer or representative thinks fit.

Taking of security

16. An authorised officer may, as a condition of the issue of a Brunei Darussalam passport, Certificate of Identity or General Certificate of Identity for travel purposes, require such security, whether by cash deposit or otherwise, as he thinks fit, to be furnished by or on behalf of the applicant, as a guarantee that the person to whom such passport, Certificate of Identity or General Certificate of Identity is issued shall return to Brunei Darussalam on or before the expiry of such passport, Certificate of Identity or General Certificate of Identity or shall comply with any other conditions subject to which it is issued.

SCHEDULE — *(continued)***Forfeiture of security**

17. (1) If an authorised officer is satisfied that the holder of any Brunei Darussalam passport, Certificate of Identity or General Certificate of Identity for travel purposes issued under the provisions of these Regulations has contravened or failed to comply with any condition subject to which the Brunei Darussalam passport, Certificate of Identity or General Certificate of Identity was issued, he may direct the forfeiture of such security or any part thereof.

(2) Notice of the forfeiture of any security or part thereof shall be served on the holder of such Brunei Darussalam passport, Certificate of Identity or General Certificate of Identity.

(3) Any notice referred to in sub-regulation (2) required to be served on any person may be served by forwarding the same by post in a prepaid registered letter addressed to such person at his usual or last known address and such person is deemed to have received such notice.

Form of bond

18. Where an authorised officer requires security by bond under this regulation, such bond shall be in a form approved by the Controller.

Visas

19. An authorised officer may endorse a visa on any passport requiring a Brunei Darussalam visa.

Validity of visas

20. The visa referred to in these Regulations shall, unless otherwise stated therein, be valid for a single journey within the period of its validity.

Particulars required in passports

21. (1) Every passport or travel document shall state the name and nationality of the person to whom it relates and shall contain his photograph.

(2) An immigration officer may, in any case and subject to such conditions as he may think fit to impose, dispense with the need for the passport or travel document to contain a photograph.

SCHEDULE — *(continued)***Offences**

22. Any person who contravenes the provisions of regulation 9, 13 or 15 is guilty of an offence.

Entry contrary to Regulations

23. Any person who enters Brunei Darussalam contrary to the provisions of these Regulations is guilty of an offence.

Penalty

24. Any person guilty of an offence against these Regulations is liable on conviction to a fine of \$2,000 and imprisonment for 6 months.

Attempt to commit or abet

25. Any person who attempts to commit or abet the commission of any offence punishable under these Regulations shall be punished in like manner as if he had committed the offence.

Fees

26. (1) Subject to sub-regulation (2), fees in accordance with the Appendix to these Regulations shall be payable in advance in respect of the several matters mentioned therein.

(2) An authorised officer may with the approval of the Minister grant exemptions from the payment of fees under these Regulations in respect of the following persons —

(a) persons in respect of whom the authorised officer is of the opinion that in view of the special circumstances it is not desirable that any fees shall be charged;

(b) persons who are being repatriated or removed from Brunei Darussalam or any other country at public expense.

Powers of arrest

27. (1) Any immigration officer or a police officer not below the rank of Inspector may arrest without a warrant any person whom he reasonably believes to have committed an offence against these Regulations.

SCHEDULE — *(continued)*

(2) Any person who enters or attempts to enter or is reasonably suspected of having entered Brunei Darussalam in contravention of these Regulations may be taken into custody by an immigration officer or a police officer not below the rank of Inspector.

(3) Where any person is arrested by an immigration officer under the provisions of sub-regulation (1) or (2), the officer making the arrest shall comply with the provisions of the Criminal Procedure Code (Chapter 7) as if he were a police officer.

Authority of immigration officer to arrest and prosecute

28. (1) Every immigration officer shall have the authority and powers of a police officer not below the rank of Inspector to enforce any of the provisions of these Regulations or any other regulations made under the Act relating to arrest and detention.

(2) Every senior immigration officer shall have the authority to appear in court and conduct any prosecution in respect of any offence against these Regulations or any other regulations made under the Act.

Saving

29. Nothing in these Regulations shall be construed in diminution of any powers conferred by any other written law affecting the entry and landing of any person in Brunei Darussalam.

APPENDIX

(regulation 26(1))

FEES

1. Brunei Darussalam Passport (valid for 5 years)	\$60
2. Diplomatic or official passport	Gratis
3. Certificate of Identity (valid for not more than 5 years)	\$50
4. Renewal of Certificate of Identity	\$10 per year
5. General Certificate of Identity (valid for 10 years)	\$35

SCHEDULE

APPENDIX — (continued)

6.	Emergency Certificate	\$20
7.	Passport Haji (valid for one pilgrimage)	\$10
8.	Form of Affidavit or Declaration of Identity issued <i>in lieu</i> of passport	\$5
9.	Replacement of Brunei Darussalam Passport, Certificate of Identity or General Certificate of Identity —	
	(a) first replacement	\$150
	(b) second replacement	\$300
	(c) third and subsequent replacement	\$450
10.	Single entry visa	\$20
11.	Multiple entry visa for —	
	(a) less than 3 months	\$30
	(b) 3 to 12 months	\$50
	(c) more than 12 months	\$50 per year or part thereof
12.	Multiple entry for ABTC holder (valid for not more than 5 years)	Gratis
13.	Transit visa	\$5
14.	Collective or group visa	\$50
15.	Diplomatic, official or courtesy visa	Gratis.

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