

No. S 44

**IMMIGRATION ACT
(CHAPTER 17)**

IMMIGRATION (AMENDMENT) REGULATIONS, 2007

ARRANGEMENT OF REGULATIONS

Regulation

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**IMMIGRATION ACT
(CHAPTER 17)**

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In exercise of the power conferred by section 53 of the Immigration Act, the Minister of Home Affairs, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation and commencement.

1. These Regulations may be cited as the Immigration (Amendment) Regulations, 2007 and shall commence on the same day as the Immigration Act (Amendment) Order, 2007.

Amendment of regulation 12 of Chapter 17 Rg 1.

2. Regulation 12 of the Immigration Regulations, in these Regulations referred to as the principal Regulations, is amended —

(a) in sub-regulation (1), by deleting "arriving in Brunei Darussalam" from the first two lines;

(b) in sub-regulation (2), by deleting "and" from the first line and by substituting "or" therefor;

(c) in sub-regulation (3), by deleting "the Form 12 in the First Schedule" from the first line and by substituting "such form" therefor;

(d) in sub-regulation (5), by deleting "Form 12 aforesaid" from the first line and by substituting "such form" therefor.

Amendment of regulation 15.

3. Regulation 15 of the principal Regulations is amended by repealing sub-regulation (4) and by substituting the following new sub-regulation therefor —

"(4) Where a person is specified in an Employment Pass as the employer or proposed employer of the holder, that person shall —

(a) ensure that the holder of such pass shall only take up the work or employment specified in the pass during the validity of the pass; and

(b) forthwith inform the Controller if the holder —

- (i) fails to take up employment; or
- (ii) is discharged from, or leaves, the employment."

Amendment of regulation 19.

4. Regulation 19 of the principal Regulations is amended by inserting the following 3 new sub-regulations immediately after sub-regulation (1) —

"(1A) Notwithstanding sub-regulation (1) and any other written law, the Controller may, for any reason, cancel any pass issued under these Regulations and in such case, any security which has been deposited under regulation 18 shall be returned.

(1B) Any person aggrieved by the decision of the Controller under sub-regulations (1) or (1A) may within 7 days of such decision appeal to the Minister, whose decision thereon shall be final.

(1C) Any appeal made under sub-regulation (1B) shall not in itself be a bar for the repatriation of the aggrieved person from Brunei Darussalam."

Substitution of regulation 22.

5. Regulation 22 of the principal Regulations is repealed and the following new regulation substituted therefor —

"Surrender of travel documents.

22. (1) For the purpose of exercising his powers and carrying out his functions and duties under the Act or any regulations made thereunder, the Controller may by written notice order any person to forthwith surrender any travel documents in his possession or any permit or pass which has been issued to him.

(2) A notice under sub-regulation (1) shall be served personally on the person to whom it is addressed.

(3) A person on whom a notice has been served under sub-regulation (1) shall comply with such notice forthwith.

(4) If a person on whom a notice under sub-regulation (1) has been served fails to comply with the notice forthwith, he is guilty of an offence.

(5) A travel document which is surrendered to the Controller under this regulation may be detained for such period as he may require.

(6) Any person aggrieved by any order under sub-regulation (1) may, within 7 days from service of such order on him appeal to the Minister, whose decision shall be final.

(7) Any appeal made under sub-regulation (6) shall not in itself be a bar for the repatriation of the aggrieved person from Brunei Darussalam.

(8) In this regulation, "travel document" means a passport or other document establishing the identity or nationality of a holder."

Amendment of regulation 26.

6. Regulation 26 of the principal Regulations is amended —

(a) by deleting the heading and by substituting "Appeal." therefor;

(b) in sub-regulation (1), by deleting —

(i) "(4)" from the second line and by substituting "(5)" therefor;
and

(ii) "His Majesty the Sultan and Yang Di-Pertuan in Council"
from the last line and by substituting "the Minister" therefor;

(c) in sub-regulation (2), by deleting "by petition in writing to His Majesty the Sultan and Yang Di-Pertuan in Council" from the last two lines and by substituting "to the Minister" therefor.

Amendment of regulation 35.

7. Regulation 35 of the principal Regulations is amended —

(a) in sub-regulation (1), by inserting "or abets the contravention or failure to comply by any person of" immediately after "with" in the first line;

(b) in sub-regulation (2), by inserting "or any person who abets such contravention or failure" immediately after "Pass" in the second last line.

Made this 9th. day of Syaaban, 1428 Hijriah corresponding to the 22nd. day of August, 2007.

PEHIN ORANG KAYA JOHAN PAHLAWAN DATO SERI SETIA
HAJI AWANG ADANAN BIN BEGAWAN PEHIN SIRAJA KHATIB
DATO SERI SETIA HAJI AWANG MOHD. YUSOF
Minister of Home Affairs,
Brunei Darussalam.