

PASSPORT BRANCH.

(THE REGISTRATION OF FOREIGNERS RULES, 1940.)

No.10

Rangoon, the 5th January 1940.

[Amendment : 18.06.1989]

No.10.- In exercise of the powers conferred by section 3 of the Registration of Foreigners Ordinance, 1940 (Ordinance No. 1 of 1940), the Governor makes the following rules:-

Definitions and interpretation.

1. (1) These rules may be called the Registration of Foreigners Rules, 1940.
(2) They shall come into force at once.
2. In these rules unless there is anything repugnant in the subject or context-
 - (a) "Ordinance" means the Registration of Foreigners Ordinance, 1940;
 - (b) "Certificate of Registration" means a Certificate of Registration issued in pursuance of rule 6;
 - (c) "Form" means one of the Forms appended to these rules;
 - (d) "master of the vessel" includes the pilot of an aircraft and any person authorised by such master or pilot to discharge on his behalf any of the duties imposed upon him by these rules;
 - (e) "passenger" means any person travelling or seeking to travel on board a vessel who is not a bona fide seaman;
 - (f) "registered address" means a foreigner's address in British Myanmar as reported under rule 5 and recorded in item 11 of his Certificate of Registration;
 - (g) "Registration Officer" means a Registration Officer appointed by the Governor under the provisions of rule 3 of these Rules;
 - (h) "residence" means ordinary dwelling place in British Myanmar;
 - (i) "seaman" means a person employed on, or engaged in the working of, a vessel;
 - (j) "tourist" means a foreigner having no residence or occupation in Myanmar whose stay in Myanmar does not exceed three months, who has no other object in visiting Myanmar than recreation or sight-seeing and whose Certificate of Registration has been endorsed "Tourist" in accordance with the provisions of rule 7.

<Amendment 18.06.1989>

Registration Officers.

3. The Governor may appoint Registration Officers for the purposes of these rules for such areas as he thinks fit.

Passengers on vessels to report arrival in British Myanmar.

4. Every passenger who arrives in British Myanmar on board any vessel shall, on being required so to do by, or on behalf of, the master of the vessel, furnish true particulars as to his name and nationality and, if he is a foreigner, his age, sex, place of birth and address or intended address in British Myanmar, the purpose of his visit and the proposed length of his stay in Myanmar.

<Amendment 18.06.1989>

Report by foreigner of his address in British Myanmar, etc.

5. (1) Every foreigner entering or being present in, British Myanmar shall present in person to the appropriate Registration Officer prescribed by rule 6 a report (hereinafter referred to as a registration report) of his arrival or presence, as the case may be, in British Myanmar.

(2) Every registration report shall be made in writing, in the English language and in triplicate and shall contain a true statement of the foreigner's address in British Myanmar and of the other particulars specified in items 2 to 10 of Form A and, in the case of a foreigner entering British Myanmar, such of the particulars specified in items 12 to 15 thereof as may be appropriate.

(3) For the purposes of sub-rule (2) a foreigner's address in British Myanmar shall be-

(a) the place of his residence, or

(b) if he has no residence, the place at which, at the time of making his registration report he is for the time being living or at which he first intends to live after his arrival in British Myanmar:

Provided that, subject to the approval of the Registration Officer, any foreigner who has no residence in

British Myanmar may, with the consent previously obtained of a British subject residing in British

Myanmar, being a banker or a person having the management of a hotel or of a tourist or travel

agency, report as his address in British Myanmar the name and address of the said British subject and

thereupon the name and address of that British subject shall, for so long as the provisions of sub-rule

(4) are complied with, be deemed to be the foreigner's address in British Myanmar.

(4) In any case to which the proviso to sub-rule (3) applies, it shall be the duty-

(a) of the foreigner to keep the British subject informed of his current address; and

- (b) of the British subject to furnish all such information in his possession relating to the foreigner as may be demanded for any of the purposes of the Ordinance or of these Rules by any Registration Officer, magistrate or police officer not below the rank of head constable and to report to the Registration Officer without delay any failure of the foreigner to supply him with any of the information required by the provisions of this Rule.

<Amendment 18.06.1989>

Procedure for registration.

6. (1) The registration report shall be presented-

- (a) by a foreigner who is present in British Myanmar on the date on which these Rules come into force, within fifteen days of the said date to the Registration Officer of the district or area in which his address in British Myanmar is situated, or, if on the said date and for a period of fourteen days thereafter the foreigner is absent from that district or area, to the Registration Officer of the district or area in which the foreigner is for the time being present;
- (b) by a foreigner who enters British Myanmar on board a vessel, at such time and place and to such authority as may be appointed for the purpose by general or special direction of the Registration Officer of the port or other place of arrival;
- (c) by a foreigner who enters British Myanmar by land, within twenty-four hours of his arrival in British Myanmar to a Registration Officer.

- (2) Every foreigner presenting a registration report shall furnish to the Registration Officer such information as may be in his possession for the purpose of satisfying the said officer as to the accuracy of the particulars specified therein and shall, on being required so to do, sign the registration report in the presence of the said officer and shall thereupon be entitled to receive from the said officer a Certificate of Registration in Part III of Form A:

Provided that, in any case in which the registration report is presented by a foreigner who enters British Myanmar on board any vessel to the Registration Officer of the port or other place of arrival and the foreigner's address in British Myanmar is not within the jurisdiction of that Registration Officer, a temporary certificate in Form B shall be issued and the said foreigner shall thereafter comply with the conditions set out in Form B.

- (3) If, in pursuance of clause (a) of sub-rule (1), a foreigner has presented a registration report to the Registration Officer of a district or area other than the district or area of his registered address, then,

for so long as the said foreigner does not return to the district or area of his registered address, that Registration Officer shall, for the purposes of rules 10, 11 and 12, be deemed to be the Registration Officer of the district or area in which his registered address is situated.

<Amendment 18.06.1989>

Period of validity of Certificates of Registration.

7. (1) If the Registration Officer is satisfied that any foreigner entering British Myanmar is a bona fide tourist, he may endorse on the Certificate of Registration the word "Tourist" together with the date on which the said certificate shall expire.
- (2) Where a tourist enters British Myanmar on the authority of the transit visa issued to him under the Myanmar Passport Rules, 1938, this date shall be the date of expiry of the transit visa. In the case of any other tourist, the date shall be the date named by him for the end of his stay in Myanmar, subject in all cases to a maximum period of three months.
- (3) The Certificate of Registration issued in respect of any foreigner other than a tourist shall be valid for so long as the foreigner does not depart from Myanmar.
- (4) Any tourist who is in British Myanmar after the date of the expiry of his Certificate of Registration shall cease to be a tourist within the meaning of these rules.

<Amendment 18.06.1989>

Production of proof of identity.

8. (1) Every foreigner shall, within twenty-four hours of demand being made of him by any Registration Officer, magistrate, or police officer not below the rank of head constable, produce at such place as may be specified his passport and such other proof of his identity as may be required for any purpose connected with the enforcement of these rules:
- Provided that the said Registration Officer, magistrate, or police officer may, on sufficient cause being shown, extend the aforesaid period of twenty-four hours to such period as, in the circumstances, may be necessary for the production of the said passport or other proof of identity.
- (2) Every foreigner entering British Myanmar shall, on demand being made of him by the Registration Officer, deliver his passport or other proof of identity to that officer and shall thereafter attend at such time and place as the Registration Officer may direct for the purpose of receiving back his passport.
- (3) Where in pursuance of sub-rule (2) a foreigner surrenders his passport or other proof of identity he shall be entitled to receive a receipt for it from the Registration Officer.

<Amendment 18.06.1989>

Production of Certificate of Registration.

9. Every foreigner who is by these Rules required to have a Certificate of Registration shall, within twenty-four hours of demand being made of him by any Registration Officer, any magistrate or any police officer not below the rank of head constable, produce or cause to be produced such Certificate for the inspection of such Registration Officer, magistrate or police officer:

Provided that the Registration Officer, magistrate or police officer may, on sufficient cause being shown, extend the aforesaid period of twenty-four hours to such period as, in the circumstances, may be reasonably necessary for the production of the said certificate.

Report of temporary absence from registered address.

10. (1) If at any time a foreigner is absent from his registered address for a continuous period of one month he shall report to the Registration Officer of the district or area in which his registered address is situated his current address and every subsequent change of address including his return to his registered address.
- (2) Every foreigner who stays for a period of more than twenty-four hours at any place in any other district or area than the district or area in which his registered address is situated shall report his presence in that other district or area to the Registration Officer of that district or area:

Provided that any such foreigner as aforesaid who has made a report in Form C in accordance with the provisions of rule 14 shall be deemed to have complied with this sub-rule.

- (3) The requirements of sub-rule (1) shall be deemed to have been fulfilled if the foreigner, either before leaving his registered address or on, or before the expiry of one month from the date of, so leaving, furnishes to the Registration Officer an itinerary in writing setting out his current address during every day of his absence from his registered address and the date on which he intends to return to his registered address:

Provided that if any change in the itinerary is made, intimation shall be sent to the Registration Officer.

- (4) The report prescribed by sub-rule (2) may be made in writing and the requirements of the said sub-rule shall be deemed to have been fulfilled if, prior to his arrival in a district or area other than that in which his registered address is situated, the foreigner furnishes to the Registration Officer of the said district or area intimation of the dates of his proposed arrival in, and departure from, the said district or area:

Provided that where any foreigner who has furnished intimation as aforesaid does not arrive in or depart from the said district or area on the dates specified in the intimation, he shall report the dates of his arrival and departure within twenty-four hours thereof to the Registration Officer.

Report of change of registered address.

11. (1) Every foreigner who is about to change his registered address shall furnish to the Registration Officer of the district or area in which his registered address is situated particulars of his new address and the date of the change.
- (2) Every foreigner who effects any change of his address in British Myanmar to any district or area other than the district or area of his registered address shall, within twenty-four hours of his arrival in that other district or area, report his arrival to the Registration Officer of that district or area.
- (3) A foreigner shall be deemed to change his registered address-
- (a) if he departs from British Myanmar;
 - (b) if he changes his residence from one place to another place in British Myanmar;
 - (c) if, having no residence, he leaves his registered address knowing that he is not likely thereafter to return thereto within six months of leaving it, or
 - (d) in any case to which the proviso to sub-rule (3) of rule 5 applies, if either he or the British subject whose address is deemed to be his registered address applies to the Registration Officer to be absolved from, or fails at any time to discharge, the obligations laid upon them by sub-rule (4) of that rule.

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Reports of changes other than of address.

12. Without prejudice to the provisions of rules 10 and 11 every foreigner shall furnish to the Registration Officer of the district or area in which his registered address is situated particulars of any circumstance affecting in any manner the accuracy of the particulars recorded in his Certificate of Registration within fourteen days after the circumstance has occurred, and generally shall supply to the Registration Officer all such information as may be necessary for maintaining the accuracy of that Certificate.

Saving for tourists, etc.

13. (1) Nothing in rules 10, 11 and 12 shall apply to any tourist for so long as the period of validity of his Certificate of Registration has not expired:

Provided that any Registration Officer may, in relation to any tourist, at any time cancel the said period of validity any thereupon the tourist shall cease to be a tourist within the meaning of these rules.

(2) Nothing in sub-rule (1) of rule 10 shall apply to the case of any foreigner in respect of whom, in pursuance of the proviso to sub-rule (3) of rule 5, the address of a British subject is deemed to be his registered address.

Report to be made to and by hotel keepers.

14. (1) Every keeper of a hotel shall require every visitor to the hotel to record legibly, or furnish the particulars necessary for recording, and sign, on his arrival at the hotel, his name and nationality in a register maintained for the purpose and, if any such visitor is a foreigner, shall further require him-
- (a) on his arrival at such hotel to complete, or furnish the particulars necessary for the completion of, Form C, and
 - (b) at the time of his departure from such hotel to record, or cause to be recorded, in the said register, the date and time of his departure and the address to which he is proceeding.
- (2) The register prescribed by sub-rule (1) shall at all times be made available for inspection on the demand of any Registration Officer, any magistrate or any police officer not below the rank of head constable.
- (3) Every visitor to any hotel shall, on being required so to do by the keeper of the hotel, record legibly or furnish the particulars necessary for recording, and sign, his name and nationality, in the register prescribed by sub-rule (1) and, if such visitor is a foreigner, shall also-
- (a) on his arrival at such hotel complete, or furnish the particulars required for the completion of, Form C;
 - (b) at the time of his departure from such hotel, record, or furnish the particulars necessary for recording, in the said register, the date and time of his departure and the address to which he is proceeding.
- (4) Every particular, other than the signature of the keeper of a hotel or a visitor, which is required by this rule to be recorded in the said register or in Form C, shall be recorded in English or Myanmar.
- (5) If a visitor does not understand the English or Myanmar languages, it shall be the duty of the keeper of the hotel, if so requested, to explain to the visitor the requirements of this rule and Form C.
- (6) The keeper of the hotel shall, as soon as may be, but not more than twenty-four hours, after the arrival of any foreigner, transmit a copy of Form C to the Registration Officer.

(7) For the purposes of this rule-

- (a) "hotel" includes any boarding-house, club, dak-bungalow, rest-house, or other premises of like nature;
- (b) "keeper of a hotel" means the person having the management of a hotel and includes any person authorized by him, and competent, to perform the duties of the keeper of the hotel under this rule;
- (c) "Sign" includes, in respect of a visitor who is unable to write, the making of a thumb impression;
- (d) "visitor" means a person for whom accommodation is provided at a hotel.

(8) Copies of Form C may be obtained on application from any Registration Officer.

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Surrender of Certificate of Registration on departure.

15. (1) Every foreigner who is about to depart from British Myanmar on board a vessel shall, on making the report required by rule 11, produce his Certificate of Registration before the Registration Officer of the district or area in which his registered address is situate and the said Registration Officer shall make, sign and seal on the said Certificate an endorsement to the effect that the said report has been duly made, and the foreigner shall surrender his certificate so endorsed to the Registration Officer of the place from which the vessel leaves British Myanmar or to such authority as the said Officer may appoint in this behalf.
- (2) Every foreigner who is about to depart from British Myanmar by land shall on making the report required by rule 11 surrender his Certificate of Registration to the Registration Officer of the district or area in which his registered address is situate.
- (3) Every passenger other than a passenger for whom a berth has been engaged by or on behalf of Government who is about to depart from British Myanmar on board any vessel shall, on the request of a person having the management of such vessel, furnish or cause to be furnished in writing a true statement of the particulars set out in items 1, 2 and 10 and, if he is a foreigner, items 3 to 9 of Form D.
- (4) Nothing in sub-rule (1) or sub-rule (2) shall require any foreigner who departs from British Myanmar to a State or to a Leased or Administered Area in Myanmar to surrender his Certificate of Registration but in every such case, except in the case of a tourist, the report prescribed by sub-rule (1) of rule 11 shall be made to the Registration Officer of the district or area of the foreigner's registered address.

- (5) Any foreigner who surrenders his Certificate of Registration in accordance with sub-rule (2) shall receive from the Registration Officer a licence to travel through British Myanmar to the place from which he proposes to leave British Myanmar. Every such licence shall specify the route by which the foreigner will travel and the period for which it is valid and shall for the purposes of these rules be deemed to be a Certificate of Registration for so long as its conditions as to the period and route for which it is expressed to be valid are not contravened.
- (6) Copies of Form D may be obtained, on application, from any Registration Officer.

<Amendment 18.06.1989>

Obligations of master of vessels, tc.

16. (1) The master of any vessel arriving at or leaving any place in British Myanmar shall-
- (a) before any passenger disembarks or embarks, supply to the Registration Officer of the place of arrival in, or departure from, British Myanmar a schedule of passengers in Form E or Form F as the case may be ;
 - (b) require every foreign passenger who is about to disembark in British Myanmar to complete, or furnish the particulars required for the completion of items 2 to 15 of Form A, and direct him to attend at such place and time as may be specified by the Registration Officer for the purpose of giving him the direction prescribed by clause (b) of sub-rule (1) of rule 6;
 - (c) if so requested by the Registration Officer, require any foreign passenger about to depart from British Myanmar to surrender his Certificate of Registration, and deliver such Certificate together with the schedule in Form F to the Registration Officer;
 - (d) if so required by the Registration Officer, furnish on arrival at the said place a true statement in writing showing the name and nationality of every seaman employed on such vessel, and at the time of departing from such place take such steps as the Registration Officer may specify to ascertain whether or not any such seaman as aforesaid who is a foreigner is about to depart on board such vessel; and
 - (e) generally, render to the Registration Officer such assistance as he may reasonably require for carrying out the purposes of the Ordinance and these rules .
- (2) Every particular, other than the signature of a foreign passenger, which is required by this rule to be recorded in Form A, shall be recorded in English or Myanmar.

- (3) If a foreign passenger does not understand the English or Myanmar languages, it shall be the duty of the master of the vessel, if so requested to explain to the foreign passenger the requirements of this rule and Form A.
- (4) The person having the management of any vessel shall-
- (a) require any person who intends to embark on that vessel for the purpose of leaving British Myanmar to furnish in writing a true statement of the particulars set out in items 1, 2 and 10 and, if he is a foreigner, items 3 to 9, of Form D;
 - (b) cause Form D when so completed to be delivered together with the schedule in Form F to the Registration Officer of the place of departure; and
 - (c) take steps to ensure that no foreigner embarks until authorised so to do by the Registration Officer.
- (5) Forms D, E and F shall be completed in the English language; provided that in any case in which there is no seaman on board a vessel who is able to write in the English language, Form E may be completed in Myanmar.

<Amendment 18.06.1989>

Duplicate Certificates of Registration.

17. (1) If any Certificate of Registration issued under these rules is lost or destroyed, the foreigner to whom it was issued shall make or send to the Registration Officer of the district or area of his registered address a report of the circumstances in which it was so lost or destroyed together with an application in writing for the issue of a duplicate copy of the Certificate of Registration.
- (2) There shall be paid for every duplicate copy of a Certificate of Registration a fee of two rupees.

----- Footnote -----

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----- Attachment -----

- [ATTACH LIST 1] 01 THE REGISTRATION OF FOREIGNERS RULES, 1940. Form A.
- [ATTACH LIST 2] 02 THE REGISTRATION OF FOREIGNERS RULES, 1940. Form B.
- [ATTACH LIST 3] 03 THE REGISTRATION OF FOREIGNERS RULES, 1940. Hotel Arrival Report. Form C.
- [ATTACH LIST 4] 04 THE REGISTRATION OF FOREIGNERS RULES, 1940. Form D.

[ATTACH LIST 5] 05 THE REGISTRATION OF FOREIGNERS RULES, 1940. Form E.

[ATTACH LIST 6] 06 THE REGISTRATION OF FOREIGNERS RULES, 1940. Form F.

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