



# THE FOREIGNERS ACT, 1946

Last Amended on 2016-04-28



## CONTENTS

---

### SECTIONS:

1. Short title and extent.
2. Definitions.
3. Power to make orders.
4. Internees.
5. Change of name.
6. Obligations of masters of vessels, etc.
7. Obligation of hotel keepers and others to furnish particulars.
8. Determination of nationality.
9. Burden of proof.
10. Power to exempt from application of Act.
11. Power to give effect to orders, directions, etc.
12. Power to delegate authority.
13. Attempts, etc., to contravene the provisions of this Act etc.
- 13 A. Prohibition of assisting illegal entry.
- 13 B. Prohibition to employ an illegal entrant.
14. Penalties.
- 14 A. Restriction on release on bail.
- 14 B. Deportation pending trial or undergoing sentence of imprisonment.
- 14 C. Custody pending deportation.
- 14 D. Registration of illegal immigrants.
15. Protection to persons acting under this Act.
16. Application of other laws not barred.
17. Repeal.

# THE FOREIGNERS ACT, 1946

<sup>1</sup>ACT NO. XXXI OF 1946

[23rd November, 1946]

**An Act to confer upon the <sup>2</sup>[Federal Government] certain powers in respect of foreigners.**

WHEREAS it is expedient to provide for the exercise by the <sup>2</sup>[Federal Government] of certain powers in respect of the entry of foreigners into <sup>3</sup>[Pakistan], their presence therein and their departure therefrom;

It is hereby enacted as follows:—

---

<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1946, Pt. V, p. 254.

This Act has been applied to Baluchistan, see Gazette of India, 1946, Pt. I, p. 1913; and also to all tribal areas with certain conditions, see *ibid.*, 1947, Pt. I, p. 343.

The Act has been extended to—

(a) the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950);

(b) the Baluchistan States Union, see the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953);

(c) the Khairpur State, see the Khairpur (Federal Laws) (Extension) Order, 1953 (G. G. O. 5 of 1953); and

(d) the State of Bahawalpur, see the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadar with effect from the 8th September, 1958, by the Gwadar (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

The Act, rules, notifications and orders made under it, have been applied to the Tribal Areas or to the parts of those areas to which they have not been already applied, see the Tribal Areas (Application of Acts) Reg., 1965, Gaz. of P., 1965, Ext., pp. 1016-1018.

<sup>2</sup>Subs. by the Preventive Detention Laws Amendment Act, 1975 (44 of 1975), s. 3, for “Central Government”

<sup>3</sup>Subs. by the Adaptation (Security Laws) Order, 1956 (P.O. No. 8 of 1956), Art. 2 and Sch. (with effect from the 23rd March, 1956), for “the Provinces and the Capital of the Federation” which had been subs. by A. O., 1949, for “British India”.

**1. Short title and extent.**—(1) This Act may be called the Foreigners Act, 1946.

<sup>1</sup>[(2)It extends to the whole of Pakistan.]

**2. Definitions.** In this Act—

<sup>2</sup>[(a) “foreigner” means a person who is not a citizen of Pakistan;]

(b) “prescribed” means prescribed by orders made under this Act;[4 & 5 GCO. 17.].

(c) “specified” means specified by direction of a prescribed authority.

**3. Power to make orders.**—(1) the <sup>3</sup>[Federal Government] may by order<sup>4</sup> make provision either generally or with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into <sup>5</sup>[Pakistan] or their departure there from or their presence or continued presence therein.

(2) In particular and without prejudice to the generally of the foregoing power orders made under this section may provide that the foreigner—

(a) shall not enter <sup>5</sup>[Pakistan] or shall enter <sup>5</sup>[Pakistan] only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed;

---

<sup>1</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for “the original sub-section (2) as amended by A. O. 1949 and P. O No. 8 of 1956.

<sup>2</sup>Subs by the Foreigners (Amdt) Act 1957 (35 of 1957) s. 2 for the original cl (a) as amended by A. O. 1949 and P. O. No. 8 of 1956.

<sup>3</sup>Subs by the Preventive Detention Laws (Amendment) Act, 1975 (44 of 1975), s. 3, for “Central Government”.

<sup>4</sup>For the Foreigners Order 1951, see Gaz of P. 1951; Pt I pp 611-614; for the Enemy Foreigners Order 1965, see ibid 1965. Ext. pp. 1019-1023; and for the Foreigners (Paroless) Order, 1965, see ibid 1965. Ext., pp. 1027-1029.

<sup>5</sup>Subs. by the Adaption (Security Laws) Order, 1956 (P. O No. 8 of 1956) Art. 2 and Sch. (with effect from 23<sup>rd</sup> March, 1956), for the “Provinces and the Capital of the Federation” which had been subs by A. O., 1949, for “British India”.

- (b) shall not depart from <sup>1</sup>[Pakistan], or shall depart only at such times and by such route and from such port or place and subject to the observance of such condition on departure as may be prescribed ;
- (c) shall not remain in <sup>1</sup>[Pakistan] or in any prescribed area therein;
- (d) shall remove himself to, and remain in, such area in <sup>1</sup>[Pakistan] as may be prescribed;
- (e) shall comply with such conditions as may be prescribed or specified—
- (i) requiring him to reside in particular places;
  - (ii) imposing any restrictions on his movements;
  - (iii) requiring him, to furnish such proof of his identity and to report such particular to such authority in such manner and at such time and place as may be prescribed or specified;
  - (iv) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his handwriting and signature to such authority and at such time and place as may be prescribed or specified;
  - (v) requiring him to submit himself to such medical examination by such authority and at such time and place as may be prescribed or specified description;
  - (vi) prohibiting him from association with persons of a prescribed or specified description;
  - (vii) prohibiting him from engaging in activities of a prescribed or specified description;
  - (viii) prohibiting him from using or possessing prescribed or specified articles;
  - (ix) otherwise regulating his conduct in any such particular as may be prescribed or specified;
- (f) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions;

---

<sup>1</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960) s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2) as amended by A.O. 1949 and P.O. No. 8 of 1956.

<sup>1</sup>[(g) shall be arrested and in the interest of the defence or the external affairs or the security of Pakistan, or any part thereof, detained or confined.]

<sup>2</sup>[(3) An order made under sub-section (2) may make provision for such incidental and supplementary matters as may, in the opinion of the <sup>3</sup>[Federal Government], be expedient or necessary for giving effect to the provisions of this Act.

(4) The provisions of <sup>4</sup>[clause (b) of sub-section (1) of sub-section 3 of the Security of Pakistan Act, 1952 ([XXXV of 1952](#)), and those of <sup>5</sup>[sub-section (2) of section 6 and] section 6A of that Act, shall *mutatis mutandis* apply in relation to a person detained under this Act as they apply in relation to a person detained under that Act.]

**4. Internees.**—(1) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (g) of sub-section (2) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such condition as to maintenance, discipline and the punishment of offences and breaches of discipline as the <sup>3</sup>[Federal Government] may from time to time determine<sup>6</sup>.

(2) Any foreigner (hereinafter referred to as a person on paid) in respect of whom there is in force an order under clause (e) of sub-section (2) of section 3 requiring him to reside at a place set apart for the residence under supervision of a number of foreigners, shall while residing therein be subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the <sup>3</sup>[Federal Government] may from time to time by order determine.

---

<sup>1</sup>Subs. by the Preventive Detention Laws (Amendment) Act, 1975 (44 of 1975), s. 3, for cl. (g). This clause was previously amended by various enactments.

<sup>2</sup>Sub-section (3) and (4) ins. by Act 4 of 1962, s. 3.

<sup>3</sup>Subs. by F. A. O., 1975, Art. 2 and Table, for "Central Government".

<sup>4</sup>Subs. by Act 44 of 1975, s. 3 for "sub-section" (2) of section 6".

<sup>5</sup>Ins. Ibid.

<sup>6</sup>For the Enemy Foreigners Order 1965, see Gaz., of P., 1965, Ext., pp. 1019-1023 and for the Internees (Discipline and offences) Regulation 1965, see Ibid, 1965, Ext., pp. 1024-1027.