

Immigration (Amendment) Bill

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Bill No: 35/1998

Read the first time: 31st July 1998

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Explanatory Statement

Expenditure of Public Money

Immigration (Amendment) Bill

Bill No. 35/1998

Read the first time on 31st July 1998.

An Act to amend the Immigration Act (Chapter 133 of the 1997 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Immigration (Amendment) Act 1998 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Immigration Act is amended by deleting the definition of “prohibited immigrant” and substituting the following definition:

“ “prohibited immigrant” means any person who is a prohibited immigrant as defined in section 8;”.

Amendment of section 5

3. Section 5 of the Immigration Act is amended —

- (a) by inserting, immediately after the word “enter” in subsection (2), the words “or attempt to enter”; and
- (b) by inserting, immediately after the word “leave” in subsection (4), the words “or attempt to leave”.

Amendment of section 6

4. Section 6 of the Immigration Act is amended —

- (a) by inserting, immediately after the word “enter” in the first line of subsection (1), the words “or attempt to enter”; and
- (b) by inserting, immediately after subsection (3), the following subsections:
 - “(4) In any proceedings for an offence under subsection (1), it shall be presumed, until the contrary is proved, that the defendant attempted to enter Singapore in contravention of subsection (1)(c) if

the defendant was found within the waters of the port and it is proved to the satisfaction of the court that —

- (a) he was unable, or refused, to produce when requested to do so by a police officer or an immigration officer a valid passport, or other valid travel document, issued by the competent authority of any State or territory;
- (b) he has no visible means of subsistence; or
- (c) he had taken precautions to conceal his identity or presence from any police officer or immigration officer.

(5) For the purposes of this section, “port” means any place declared to be a port under section 3 of the Maritime and Port Authority of Singapore Act (Cap. 170A).”.

Amendment of section 8

5. Section 8 of the Immigration Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:

“(1) Any person, not being a citizen of Singapore, who is a member of any of the prohibited classes as defined in subsection (3) or who, in the opinion of the Controller, is a member of any of the prohibited classes, is a prohibited immigrant.”;

- (b) by inserting, immediately after paragraph (b) of subsection (3), the following paragraph:

“(ba) any person suffering from Acquired Immune Deficiency Syndrome or infected with the Human Immunodeficiency Virus;”;

- (c) by deleting paragraph (c) of subsection (3) and substituting the following paragraph:

“(c) any person desiring to enter Singapore who refuses to submit to an examination after being required to do so under section 29(1);”.

Amendment of section 14

6. Section 14 of the Immigration Act is amended —

- (a) by inserting, immediately after the word “entered” in the first line of subsection (4), the words “or remains in”;
- (b) by inserting, immediately after the word “permit” wherever it appears in subsection (4)(c), the words “or certificate”;
- (c) by deleting the words “declare at any time after the date of the entry,” in the penultimate line of subsection (4) and substituting the words “cancel the permit or certificate issued to that person, and may declare at any time after the date of the entry or date of the issue of the permit or certificate”; and
- (d) by deleting the words “subsection (2) or (3)” in the first line of subsection (5) and substituting the words “subsection (2), (3) or (4)”.

Amendment of section 29

7. Section 29 of the Immigration Act is amended —

- (a) by deleting the words “to submit to” and substituting the words “, or to whom a permit, pass or certificate has been issued, to submit to an”; and
- (b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) The Government medical officer shall, upon completion of an examination of a person under subsection (1), submit a copy of the results of the examination to the Controller.

(3) Notwithstanding the provisions of any other written law or rule of law, a Government medical officer shall, if required by the Controller for the purposes of exercising his powers and carrying out his functions and duties under this Act or the regulations, furnish the Controller with a copy of any medical record relating to a person who has been examined pursuant to subsection (1) as the Controller may require.

(4) Any person to whom a permit, pass or certificate has been issued who, without reasonable excuse, refuses to submit to an examination when required by an immigration officer under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) The Controller may cancel the permit, pass or certificate of any person who refuses to submit to any examination when required

to do so by an immigration officer under subsection (1).

(6) On making any cancellation under subsection (5), the Controller shall, by notification which, if the address of the person is known, shall be sent to him at that address and otherwise shall be published in such manner as the Controller thinks fit, inform the person affected of the grounds on which the cancellation has been made.

(7) A person whose permit, pass or certificate is cancelled under subsection (5) may, within such time and in such manner as may be prescribed, appeal against the cancellation to the Minister whose decision shall be final.”.

Amendment of section 38

8. Section 38 of the Immigration Act is amended by inserting, immediately after subsection (2), the following subsection:

“(3) In any case relating to the commission of an offence under this Act or the regulations, an immigration officer shall have all the powers of a police officer under the Criminal Procedure Code (Cap. 68) in relation to an investigation into a seizable offence.”.

Amendment of section 49

9. Section 49 of the Immigration Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) Any vehicle or vessel below 76 tonnes 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 Singapore —

(a) by the Controller, or any immigration officer authorised in that behalf by the Controller in writing under his hand; or

(b) by any police officer authorised in that behalf by a Deputy Commissioner of Police in writing under his hand.”; and

(b) by inserting, immediately after the word “been” in the last line of subsection (6), the words “charged with or”.