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Notification No. B 26 — The Immigration (Amendment) Bill is published for general information. It was introduced in Parliament on 2 August 2023.

Immigration (Amendment) Bill

Bill No. 26/2023.

Read the first time on 2 August 2023.

A BILL

intituled

An Act to amend the Immigration Act 1959, to repeal the Banishment Act 1959 and to make consequential and related amendments to certain other Acts.

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 is the Immigration (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. In the Immigration Act 1959 (called in this Act the principal Act), in section 2 —

(a) in the definition of “advance passenger information”, replace “or train” with “, train or bus”;

10 (b) after the definition of “advance passenger information”, insert —

““arrestable offence” and “non-arrestable offence” have the meanings given by section 2(1) of the Criminal Procedure Code 2010;”;

15 (c) in the definition of “arrive”, in paragraph (b), delete “or” at the end;

(d) in the definition of “arrive”, after paragraph (c), insert —

“(d) in relation to a bus, the bus reaching an authorised point of entry;

20 (e) in relation to any mode of land transport other than a train or a bus, the mode of land transport reaching an authorised point of entry; or

25 (f) in relation to a person who travels to Singapore on foot, the person proceeding to an immigration control post;”;

(e) after the definition of “authorised area”, insert —

30 ““auxiliary police officer” means a person appointed as such under Part 9 of the Police Force Act 2004;”;

(f) after the definition of “Controller of Work Passes”, insert —

““country” includes a State or territory;”;

- (g) in the definition of “crew”, replace “an aircraft or a train” with “an aircraft, a train or a bus”;
- (h) in the definition of “crew”, replace “a train in motion” with “a train, or a bus, in motion”; 5
- (i) in the definition of “entry permit”, delete “to enter or remain in Singapore”;
- (j) in the definition of “leave”, replace paragraphs (c) and (d) with —
- “(c) in the case of a person leaving Singapore by land — 10
- (i) boarding and remaining in a train or a bus which is about to leave Singapore; or
- (ii) departing from an authorised point of departure by any other mode of land transport or on foot, for any place outside Singapore; or 15
- (d) in the case of a vessel, an aircraft, a train or a bus leaving Singapore by sea, air or land (as the case may be), departing from any authorised departing place in Singapore by sea, or from any authorised airport, authorised train checkpoint or authorised point of departure in Singapore, for any place outside Singapore;”;
- 25
- (k) in the definition of “master”, in paragraph (b), delete “and” at the end;
- (l) in the definition of “master”, in paragraph (c), insert “or” at the end; 30
- (m) in the definition of “master”, after paragraph (c), insert —
- “(d) in relation to a bus, means the driver of the bus;”;

(*n*) after the definition of “occupier”, insert —

““omnibus” means a bus which is used on a scheduled service and in which passengers are charged separate and distinct fares, and in respect of which a public service vehicle licence is in force under Part 5 of the Road Traffic Act 1961 (or an equivalent licence is in force in Malaysia) authorising the use of the bus as an omnibus;”;

(*o*) in the definition of “passenger”, replace “or a train” with “, a train or a bus”;

(*p*) after the definition of “passenger”, insert —

““permanent resident of Singapore” means the holder of a valid entry permit;”;

(*q*) in the definition of “re-entry permit”, delete “to re-enter Singapore”;

(*r*) in the definition of “stowaway”, replace “or a train” with “, a train or a bus”;

(*s*) in the definition of “stowaway”, replace “or train” wherever it appears with “, train or bus”; and

(*t*) in the definition of “transportation company”, replace “railway, highway” with “train, bus”.

Amendment of section 5A

3. In the principal Act, in section 5A —

(*a*) in subsection (1), replace “subsection (2)” with “subsections (1A) and (2)”;

(*b*) in subsection (1), after “an immigration officer”, insert “or an automated clearance system (if available)”;

(*c*) in subsection (1)(*a*), replace “country other than Singapore” with “foreign country”;

(*d*) in subsection (1)(*b*)(*i*), after “immigration officer”, insert “or the automated clearance system (as the case may be)”;

(e) after subsection (1), insert —

“(1A) Despite an automated clearance system being made available to a person mentioned in subsection (1), the person may be required by an immigration officer or the automated clearance system to appear before an immigration officer for immigration clearance.

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(1B) To avoid doubt, a person may be required under subsection (1A) to appear before an immigration officer for immigration clearance even after the person has used an automated clearance system for immigration clearance.

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(1C) If a person mentioned in subsection (1) is required under subsection (1A) to appear before an immigration officer for immigration clearance, the person must present to the immigration officer —

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(a) in the case of a citizen of Singapore (whether or not the person is also the national of a foreign country) — the person’s Singapore passport that is valid, and any prescribed evidence of the person’s identity and Singapore citizenship; or

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(b) in the case of a non-citizen —

(i) the person’s foreign passport or other foreign travel document that is valid, and such other evidence of the person’s identity as the immigration officer may require; and

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(ii) where a Singapore visa is required by section 9B, evidence of a Singapore visa that is in effect and is held by the person.”;

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(f) replace subsection (3) with —

“*(3)* Any person who contravenes subsection *(1)* or *(1C)* 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.”;

(g) in subsection *(4)*, replace “Subsection *(1)* does” with “Subsections *(1)* and *(1A)* do”; and

(h) after subsection *(4)*, insert —

“*(5)* In this section —

“automated clearance system” means an automated identification processing system for the immigration clearance of persons registered in the system;

“immigration clearance” has the meaning given by section 5(8).”.

New section 5AA

4. In the principal Act, after section 5A, insert —

“Matters relating to child prevented from leaving or being taken out of Singapore

5AA.—*(1)* Subsection *(2)* applies when —

(a) a court order is issued restraining any parent of a child, or any other person, from taking the child out of Singapore;

(b) the Controller is notified of the court order; and

(c) pursuant to the court order, an immigration officer prevents the child from leaving or being taken out of Singapore.

(2) An immigration officer may do any one or more of the following in relation to the child:

(a) inform a specified person for the child;

(b) keep the child in an authorised area until any of the following persons accompanies the child out of the authorised area (but without leaving Singapore):

(i) the specified person who is informed under paragraph (a), or a person authorised by that specified person;

(ii) a police officer;

(c) if the child is kept in an authorised area under paragraph (b) — allow any person travelling with the child to remain with the child in the authorised area.

(3) No liability shall lie personally against any immigration officer who, acting in good faith and with reasonable care, does or omits to do anything —

(a) in compliance or purported compliance with a court order mentioned in subsection (1); or

(b) in the exercise or purported exercise of a power under subsection (2).

(4) In this section, “specified person”, for a child, means —

(a) the child’s parent; or

(b) a person who is lawfully appointed by deed or will or by the order of a competent court to be the guardian of the child.”

Amendment of section 6

5. In the principal Act, in section 6 —

(a) in subsection (3)(a), delete “, subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010,”;

(b) in subsection (3)(a), replace “that section” with “section 325(1)(a) or (b) of the Criminal Procedure Code 2010”; and

(c) in subsection (4)(a), replace “State or territory” with “country”.

Amendment of section 6A

6. In the principal Act, in section 6A —

(a) in subsection (3), replace paragraph (a) with —

“(a) may be made by —

(i) a specified person for a child mentioned in that subsection; or

(ii) any person allowed by the Controller to make the application; and”;

(b) replace subsection (5) with —

“(5) Every specified person for a child mentioned in subsection (1) must ensure that the child does not remain in Singapore —

(a) after the expiry or cancellation of the special pass for the child; or

(b) if a permit or pass has been issued for the child under subsection (4) — after the expiry or cancellation of the permit or pass.”;

(c) in subsection (6), after “Any person who”, insert “, without reasonable cause,”; and

(d) after subsection (6), insert —

“(7) In this section, “specified person”, for a child, means —

(a) in the case of a legitimate child — the father of the child; or

(b) in the case of any child —

(i) the mother of the child; or

(ii) a person who is lawfully appointed by deed or will or by the order of a competent court to be the guardian of the child.”.

Amendment of section 8

7. In the principal Act, in section 8 —

- (a) in subsection (3)(d)(i), delete “or state”;
- (b) in subsection (3)(l), replace “country or state by the government of that country or state” with “country by the competent authority of that country”; 5
- (c) in subsection (3)(o), after “Singapore”, insert “, unless the person is exempted from this paragraph by an order made under section 56”; and
- (d) delete subsections (4A), (6) and (7). 10

Amendment of section 9

8. In the principal Act, in section 9 —

- (a) in subsection (1)(a), after “public security”, insert “or public health,”;
- (b) in subsection (1)(a)(i), replace “entry or re-entry into” with “arrival in, or entry or re-entry into,”; 15
- (c) in subsection (1)(a)(ii), replace “enter” with “arrive in, or enter or re-enter,”;
- (d) in subsection (1A), replace “, applies to any person” with “or public health, applies to any person who is”; 20
- (e) in subsection (1A), after “re-entry permit”, insert “or pass”;
- (f) replace subsection (2) with —
 - “(2) An order made under subsection (1) does not apply to a citizen of Singapore.”; 25
- (g) in subsection (3), after “public security”, insert “or public health”;
- (h) in subsection (5), replace “enters or” with “arrives in, enters,”; and
- (i) after subsection (6), insert — 30

“*(7)* If a person convicted of an offence under subsection *(6)* cannot be caned because section 325(1)*(a)* or *(b)* of the Criminal Procedure Code 2010 applies, the court may, in addition to any other punishment to which the person is sentenced for that offence, impose a fine not exceeding \$6,000 in lieu of the caning which the court could, but for that provision, have ordered for that offence.”.

New section 9AA

9. In the principal Act, after section 9, insert —

“No-boarding directive

9AA.—(1) Subject to subsections (2) and (3), the Controller may issue a directive (called in this section no-boarding directive) that a person (called in this section the subject person) who intends to board (whether as a passenger or a member of the crew, and whether for the purpose of entering or transiting through Singapore) an in-bound conveyance must not board the in-bound conveyance if —

- (a)* the subject person is a prohibited immigrant;
- (b)* an order is made under section 9(1)*(a)*(i) prohibiting the subject person (or any class of persons to which the subject person belongs) from arriving in, or entering or re-entering, Singapore;
- (c)* an order is made under section 9(1)*(a)*(ii) limiting the number of persons of any class who may arrive in, or enter or re-enter, Singapore and the subject person belongs to that class; or
- (d)* the Controller is satisfied that —
 - (i)* the subject person poses, or is likely to pose, a risk to the safety or health of persons in Singapore, or of persons in the in-bound conveyance;
 - (ii)* the presence of the subject person in Singapore would be undesirable; or

(iii) the subject person would not be issued a permit or pass to enter Singapore.

(2) The Controller must not issue a no-boarding directive —

(a) against a citizen of Singapore;

(b) on the ground mentioned in subsection (1)(d)(ii) against a person who holds a valid permit or pass issued to that person under this Act or the regulations; or

(c) on the ground mentioned in subsection (1)(d)(iii) against a person who intends to board an in-bound conveyance for the purpose of transiting through Singapore.

(3) The Controller may issue a no-boarding directive on the ground mentioned in subsection (1)(b) or (c) against a person who intends to board an in-bound conveyance for the purpose of transiting through Singapore only if the order mentioned in that provision prohibits or limits arrival in Singapore.

(4) If the Controller issues a no-boarding directive against the subject person, the Controller may give notice of the no-boarding directive to any one or more of the following persons:

(a) the master of the in-bound conveyance;

(b) the operator of the in-bound conveyance;

(c) the owner of the in-bound conveyance;

(d) the agent of the in-bound conveyance;

(e) the charterer of the in-bound conveyance.

(5) The Controller may designate an electronic service for the giving of notices under subsection (4) in respect of all or any class of in-bound conveyances.

(6) The Controller is not required to serve the no-boarding directive on the subject person, or otherwise inform the subject person of the issue of the no-boarding directive.

(7) If the in-bound conveyance arrives in Singapore with the subject person on board —

(a) every person who is given notice of the no-boarding directive under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000; and

(b) any related individual for the in-bound conveyance who, despite knowing that a no-boarding directive has been issued against the subject person, enables (whether by act or omission) the subject person to board the in-bound conveyance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(8) The offence under subsection (7)(a) is a strict liability offence.

(9) In this section —

“in-bound conveyance” means a vessel, an aircraft, a train or a bus (excluding an omnibus) that is bound for Singapore (whether or not as a final destination);

“related individual”, for an in-bound conveyance, means —

(a) the master of the conveyance; or

(b) an officer or employee of the operator, owner, agent or charterer of the in-bound conveyance.”.

Amendment of section 9A

10. In the principal Act, in section 9A —

(a) in subsection (1), replace “and enter Singapore” with “Singapore (for the purpose of seeking entry under a valid permit or pass)”; and

(b) replace subsection (2) with —

“(2) Without limiting subsection (1), a Singapore visa may grant the holder of the visa permission to travel to Singapore during a specified period only.”.

Amendment of section 9B

11. In the principal Act, in section 9B —

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(a) in subsection (1), after “to Singapore”, insert “(for the purpose of seeking entry under a valid permit or pass)”; and

(b) replace subsection (2) with —

“(2) Subsection (1) does not apply to a non-citizen who —

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(a) holds and produces a valid passport from a foreign country that is approved by the Minister; and

(b) is travelling to Singapore for a visit not exceeding a period specified by the Minister for that foreign country.

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(3) If, after entering Singapore, the non-citizen mentioned in subsection (2) intends to extend his or her visit to Singapore beyond the period mentioned in subsection (2)(b), the non-citizen must apply for a Singapore visa (in addition to applying for an extension of a pass, or a new pass, to temporarily remain in Singapore beyond that period).”.

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Amendment of section 10

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12. In the principal Act, in section 10 —

(a) replace subsection (1) with —

“(1) A non-citizen who wishes to be a permanent resident of Singapore must apply for an entry permit in such form and manner as the Controller requires.”;

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(b) after subsection (1), insert —

“(1A) An entry permit authorises the holder of the permit —

(a) in the case where the entry permit is issued when the holder is outside Singapore — to enter Singapore once within the period specified in the conditions of the entry permit; and

(b) in any case where the holder has entered or is in Singapore — to remain in Singapore.”;

(c) in subsection (2), replace “by the provisions of any written law relating to passports for the time being in force in Singapore to have a visa to enter Singapore, issue a visa” with “by section 9B(1) to have a Singapore visa, grant a Singapore visa under section 9A(1)”;

(d) in subsection (2), replace “fee prescribed by that written law” with “prescribed fee”;

(e) in subsection (2), delete “expiry or”;

(f) replace subsection (4) with —

“(4) The Controller must —

(a) give notice of any variation or revocation of any condition of, or imposition of any condition on, an entry permit under subsection (3)(b), to the holder of the entry permit; and

(b) specify in the notice the date on which the variation, revocation or imposition of the condition takes effect.

(4A) If the Controller varies, revokes or imposes any condition under subsection (3)(b) for a class of entry permit holders —

(a) the Controller may, where the Controller assesses that it is not practicable to give notice to each entry permit holder in that

class under subsection (4), publish the variation, revocation or imposition of the condition, and the date mentioned in subsection (4)(b), on a prescribed website or in the *Gazette*; and

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(b) the requirements of subsection (4) are taken to be satisfied upon such publication.”; and

(g) delete subsection (5).

Amendment of section 11

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13. In the principal Act, in section 11 —

(a) replace subsection (1) with —

“(1) Subject to subsection (1A), a permanent resident of Singapore may at any time apply for a re-entry permit.

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(1A) Subject to subsection (1D), a permanent resident of Singapore who is outside Singapore without a valid re-entry permit must apply for a re-entry permit within the prescribed period.

(1B) An application for a re-entry permit must be made in such form and manner as the Controller requires.

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(1C) The obligation of a permanent resident of Singapore mentioned in subsection (1A) to apply for a re-entry permit under that subsection continues even if the permanent resident re-enters Singapore under a pass during the prescribed period mentioned in that subsection.

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(1D) Subsection (1A) does not apply to a permanent resident of Singapore mentioned in that subsection if —

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(a) the permanent resident has applied for a re-entry permit before the first day of the

prescribed period mentioned in that subsection; and

(b) the application is pending on that day, or is rejected on or after that day.

5 (1E) The first day of the prescribed period mentioned in subsection (1A) for a permanent resident of Singapore is —

10 (a) in the case where the permanent resident leaves Singapore before the date of commencement of section 13(a) of the Immigration (Amendment) Act 2023 and remains outside Singapore without a valid re-entry permit on that date — that date; or

15 (b) in any other case — the date on which the permanent resident is first outside Singapore without a valid re-entry permit.

(1F) The first day and last day of the prescribed period mentioned in subsection (1A) includes a Sunday or public holiday in Singapore.”;

20 (b) in subsection (2), replace “Subject to subsection (3), upon an application made under subsection (1)” with “Upon an application made for a re-entry permit”;

25 (c) in subsection (2), replace “by the provisions of any written law relating to passports for the time being in force in Singapore to have a visa to enter Singapore, issue a visa” with “by section 9B(1) to have a Singapore visa, grant a Singapore visa under section 9A(1)”;

(d) in subsection (2), replace “fee prescribed by that written law” with “prescribed fee”;

30 (e) after subsection (2), insert —

“(2A) To avoid doubt, the Controller may refuse to issue a re-entry permit or a pass to a permanent resident of Singapore.”;

(f) replace subsection (5) with —

“(5) The Controller must —

(a) give notice of any variation or revocation of any condition of, or imposition of any condition on, a re-entry permit under subsection (3)(b), to the holder of the re-entry permit; and

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(b) specify in the notice the date on which the variation, revocation or imposition of the condition takes effect.

(5A) If the Controller varies, revokes or imposes any condition under subsection (3)(b) for a class of re-entry permit holders —

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(a) the Controller may, where the Controller assesses that it is not practicable to give notice to each re-entry permit holder in that class under subsection (5), publish the variation, revocation or imposition of the condition, and the date mentioned in subsection (5)(b), on a prescribed website or in the *Gazette*; and

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(b) the requirements of subsection (5) are taken to be satisfied upon such publication.”; and

(g) delete subsection (6).

New section 11AA

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14. In the principal Act, after section 11, insert —

“Validity of re-entry permit, etc.

11AA.—(1) The Controller may, at the time of issuing a re-entry permit, specify its validity period.

(2) A person who is issued a re-entry permit is authorised to re-enter Singapore at any one or more times during the validity period of the re-entry permit.

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(3) A re-entry permit issued to a person ceases to be valid when —

- (a) the validity period of the re-entry permit expires;
- (b) the re-entry permit is cancelled under this Act; or
- (c) the entry permit issued to that person is cancelled under this Act,

whichever occurs first.”.

Amendment of section 11A

15. In the principal Act, in section 11A —

- (a) in subsection (1), after “subsection (4)”, insert “and section 33A(1)”;
- (b) in subsection (4), replace “Any” with “Subject to section 33A(1), any”;
- (c) in subsection (6)(b), delete “, subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010,”; and
- (d) in subsection (6)(b), replace “that section” with “section 325(1)(a) or (b) of the Criminal Procedure Code 2010”.

Amendment of section 14

16. In the principal Act, in section 14 —

- (a) in the section heading, replace “**Cancellation**” with “**Controller’s cancellation of**”;
- (b) in subsection (4)(c), replace “condition stated in” with “provision of this Act or the regulations or any condition of”;
- (c) replace subsection (5) with —

“(5) If the Controller cancels a person’s re-entry permit under subsection (4)(c) for the contravention of any condition of the re-entry permit, the Controller may cancel that person’s entry permit (whether or not

that person has contravened any condition of the entry permit).

(5A) If the Controller cancels a person’s permit or certificate under subsection (2), (3), (4) or (5), or makes a declaration against the person under subsection (4), the Controller must give notice of the cancellation or declaration to the person.”; and

(d) delete subsection (6).

New section 14A

17. In the principal Act, after section 14, insert —

“Automatic cancellation of entry permit

14A.—(1) An entry permit issued to a person is cancelled if —

(a) the person is required by section 11(1A) to apply for a re-entry permit within the prescribed period mentioned in that provision, but does not comply with that provision;

(b) the person, in compliance with section 11(1A), applies for a re-entry permit within the prescribed period mentioned in that provision, and the Controller rejects the application; or

(c) section 11(1A) does not apply to the person by reason of section 11(1D), and the Controller rejects the person’s application (mentioned in section 11(1D)) for a re-entry permit.

(2) The cancellation of a person’s entry permit under subsection (1) takes effect —

(a) for subsection (1)(a) — on the date immediately after the last day of the prescribed period mentioned in section 11(1A) for that person; or

(b) for subsection (1)(b) or (c) — on the date immediately after the Controller’s rejection of that person’s application mentioned in that provision.”.

Amendment of section 15

18. In the principal Act, in section 15(3)(b) —

(a) delete “, subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010,”; and

5 (b) replace “that section” with “section 325(1)(a) or (b) of the Criminal Procedure Code 2010”.

Amendment of section 19

19. In the principal Act, in section 19(1)(c), before “owner”, insert “operator,”.

Amendment of section 20

20. In the principal Act, in section 20(1) to (4), before “owner”, insert “operator,”.

Amendment of section 22

21. In the principal Act, in section 22 —

15 (a) in subsection (1), replace “Subject to section 22A(4), the master,” with “The master, operator,”;

(b) in subsection (1), after “must”, insert “, if required to do so by an immigration officer”;

20 (c) in subsection (1)(a), replace “an immigration officer a complete list” with “the immigration officer (or another immigration officer) a complete and accurate list”;

(d) in subsection (1), replace paragraph (b) with —

25 “(b) produce to the immigration officer (or another immigration officer) for inspection and interrogation every member of the crew as directed (either generally or specifically) by the immigration officer;”;

30 (e) in subsection (1)(c), replace “that immigration officer” with “the immigration officer (or another immigration officer)”;

- (*f*) in subsection (1)(*d*), insert “and” at the end;
- (*g*) in subsection (1)(*e*), replace “; and” at the end with a full-stop;
- (*h*) in subsection (1), delete paragraph (*f*);
- (*i*) in subsections (2) and (4), after “master,”, insert “operator,”; 5
- (*j*) in subsection (2), after “addition”, insert “, if required to do so by an immigration officer”;
- (*k*) in subsection (2)(*a*), replace “a complete list” with “to the immigration officer (or another immigration officer) a complete and accurate list”; 10
- (*l*) in subsection (2), replace paragraphs (*b*) and (*c*) with —
- “(b) within such time, in such form and manner and containing such particulars as may be prescribed, furnish to the immigration officer (or another immigration officer) a complete and accurate list of all passengers disembarking in or embarking from Singapore; and 15
- (c) produce to the immigration officer (or another immigration officer) for inspection and interrogation every passenger as directed (either generally or specifically) by the immigration officer.”; 20
- (*m*) replace subsection (3) with — 25
- “(3) Before the vessel arrives at the authorised landing place or departs from the authorised departing place (as the case may be), the master, operator, owner, agent or charterer must report to an immigration officer the presence on board of any stowaway, any unauthorised person, or any person proceeding to any country on that person’s removal from any other country by the competent authority of that other country. 30

(3A) Any person who contravenes subsection (1)(a) or (2)(a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

5 (3B) The offence under subsection (3A) is a strict liability offence.

10 (3C) Any person who contravenes subsection (1) (except paragraph (a)) or (2)(c) 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.

15 (3D) Any person who hinders or obstructs any search of a vessel under subsection (1)(d) 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.”; and

(n) in subsection (4), replace “subsection (1)(f)” with “subsection (3)”.

Amendment of section 22A

20 **22.** In the principal Act, in section 22A —

(a) in subsections (1) and (2), after “master,”, insert “operator,”;

(b) in subsection (1)(a) and (b), after “complete”, insert “and accurate”;

25 (c) in subsection (1)(c), replace “in relation to every passenger disembarking in Singapore,” with “a complete and accurate list of all passengers disembarking in Singapore, containing”; and

(d) replace subsections (3) and (4) with —

30 “(3) Any person who contravenes subsection (1)(a), (b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) The offence under subsection (3) is a strict liability offence.”.

Amendment of section 23

23. In the principal Act, in section 23 —

- (a) in subsection (1), replace “Subject to section 23AA(4), the captain,” with “The captain, operator,”; 5
- (b) in subsection (1), after “must”, insert “, if required to do so by an immigration officer”;
- (c) in subsection (1)(a), replace “an immigration officer a complete list” with “the immigration officer (or another immigration officer) a complete and accurate list”; 10
- (d) in subsection (1), replace paragraph (b) with —
 - “(b) within such time, in such form and manner and containing such particulars as may be prescribed, furnish to the immigration officer (or another immigration officer) a complete and accurate list of all passengers landing in or departing from Singapore;”; 15
- (e) in subsection (1)(c), replace “that officer a complete list” with “the immigration officer (or another immigration officer) a complete and accurate list”; 20
- (f) in subsection (1), replace paragraph (d) with —
 - “(d) produce to the immigration officer (or another immigration officer) for inspection and interrogation every member of the crew and every passenger as directed (either generally or specifically) by the immigration officer; and”; 25
- (g) in subsection (1)(e), replace “; and” at the end with a full-stop; 30
- (h) in subsection (1), delete paragraph (f);
- (i) replace subsection (2) with —

“(2) Before the aircraft arrives at or departs from the airport (as the case may be), the master, operator, owner, agent or charterer must report to an immigration officer the presence on board of any stowaway, any unauthorised person, or any person proceeding to any country on that person’s removal from any other country by the competent authority of that other country.

(2A) Any person who contravenes subsection (1)(a), (b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(2B) The offence under subsection (2A) is a strict liability offence.

(2C) Any person who contravenes subsection (1)(d) or (e) 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.

(2D) Any person who hinders or obstructs any search of an aircraft under subsection (1)(e) 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.”;

(j) in subsection (3), replace “subsection (1)(f)” with “subsection (2)”; and

(k) in subsection (3), after “captain,” insert “operator.”.

Amendment of section 23AA

24. In the principal Act, in section 23AA —

(a) in subsections (1) and (2), after “captain,” insert “operator,”;

(b) in subsection (1)(a) and (b), after “complete”, insert “and accurate”;

(c) in subsection (1)(c), replace “in relation to every passenger landing in Singapore,” with “a complete and accurate list of all passengers landing in Singapore, containing”; and

(d) replace subsections (3) and (4) with —

“(3) Any person who contravenes subsection (1)(a), (b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) The offence under subsection (3) is a strict liability offence.”.

Amendment of section 23A

25. In the principal Act, in section 23A —

(a) in subsection (1), replace “Subject to section 23B(4), the master,” with “The master, operator,”;

(b) in subsection (1)(a), replace “that officer a complete list” with “the immigration officer (or another immigration officer) a complete and accurate list”;

(c) in subsection (1), replace paragraph (b) with —

“(b) produce to the immigration officer (or another immigration officer) for inspection and interrogation every member of the crew as directed (either generally or specifically) by the immigration officer; and”;

(d) in subsection (1)(c), replace “; and” at the end with a full-stop;

(e) in subsection (1), delete paragraph (d);

(f) in subsection (2), after “master”, insert “, operator, owner, agent or charterer”;

(g) in subsection (2), after “addition”, insert “, if required to do so by an immigration officer”;

(h) in subsection (2)(a), replace “a complete list” with “to the immigration officer (or another immigration officer) a complete and accurate list”;

(i) in subsection (2), replace paragraphs (b) and (c) with —

5 “(b) within such time, in such form and manner
and containing such particulars as may be
prescribed, furnish to the immigration
officer (or another immigration officer) a
complete and accurate list of all passengers
10 disembarking in or embarking from
Singapore; and

 (c) produce to the immigration officer (or
another immigration officer) for
inspection and interrogation every
15 passenger as directed (either generally or
specifically) by the immigration officer.”;

(j) replace subsection (3) with —

 “(3) Before the train arrives at or departs from the
train checkpoint (as the case may be), the master,
20 operator, owner, agent or charterer must report to an
immigration officer the presence on board of any
stowaway, any unauthorised person, or any person
proceeding to any country on that person’s removal
from any other country by the competent authority of
25 that other country.

 (3A) Any person who contravenes subsection (1)(a)
or (2)(a) or (b) shall be guilty of an offence and shall
be liable on conviction to a fine not exceeding
\$10,000.

30 (3B) The offence under subsection (3A) is a strict
liability offence.

 (3C) Any person who contravenes subsection (1)(b)
or (c) or (2)(c) 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.

(3D) Any person who hinders or obstructs any search of a train under subsection (1)(c) 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.”;

(k) in subsection (4), replace “subsection (1)(d)” with “subsection (3)”; and

(l) in subsection (4), after “master,”, insert “operator,”.

Amendment of section 23B

26. In the principal Act, in section 23B —

(a) in subsections (1) and (2), after “master,”, insert “operator,”;

(b) in subsection (1)(a) and (b), after “complete”, insert “and accurate”;

(c) in subsection (1)(c), replace “in relation to every passenger disembarking in Singapore,” with “a complete and accurate list of all passengers disembarking in Singapore, containing”;

(d) replace subsections (3) and (4) with —

“(3) Any person who contravenes subsection (1)(a), (b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) The offence under subsection (3) is a strict liability offence.”.

New sections 23C, 23D, 23E and 23F

27. In the principal Act, after section 23B, insert —

“Provision of passenger and crew information by driver, etc., of bus arriving in, leaving or due to leave Singapore

5 **23C.**—(1) The driver, operator, owner, agent or charterer of every bus arriving at any authorised point of entry in Singapore from a place outside Singapore, or leaving or due to leave any authorised point of departure in Singapore to a place outside Singapore, must, if required to do so by an immigration officer —

10 (a) within such time, in such form and manner and containing such particulars of the crew as may be prescribed, furnish to the immigration officer (or another immigration officer) a complete and accurate list of all the crew who are or will be on board the bus at the time of its arrival at the authorised point of entry, or departure from the authorised point of departure, as the case may be;

15 (b) within such time, in such form and manner and containing such particulars as may be prescribed, furnish to the immigration officer (or another immigration officer) a complete and accurate list of all passengers who are or will be on board the bus at the time of its arrival at the authorised point of entry, or departure from the authorised point of departure, as the case may be;

20 (c) within such time, in such form and manner and containing such particulars as may be prescribed, furnish to the immigration officer (or another immigration officer) a complete and accurate list of all passengers disembarking in or embarking from Singapore;

25 (d) produce to the immigration officer (or another immigration officer) for inspection and interrogation every member of the crew and every passenger as directed (either generally or specifically) by the immigration officer; and

30

35

(e) submit to such search of the bus as may be necessary to establish the presence or absence of other persons on board.

(2) Subsection (1)(b) and (c) does not apply to an omnibus.

(3) Before the bus arrives at the authorised point of entry or departs from the authorised point of departure (as the case may be), the driver, operator, owner, agent or charterer must report to an immigration officer the presence on board of any stowaway, any unauthorised person, or any person proceeding to any country on the person's removal from any other country by the competent authority of that country.

(4) Any person who contravenes subsection (1)(a), (b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(5) The offence under subsection (4) is a strict liability offence.

(6) Any person who contravenes subsection (1)(d) or (e) 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.

(7) Any person who hinders or obstructs any search of a bus under subsection (1)(e) 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.

(8) If any person whose presence in a bus has not been reported under subsection (3) is found on board the bus, the driver, operator, owner, agent and charterer of the bus shall each be guilty of an offence and shall each be liable on conviction to a fine of not less than \$5,000 and not more than \$10,000 in respect of each such person.

(9) In any proceedings under this section, the certificate in writing of an immigration officer who boarded or examined any particular bus to the effect that the bus carried, on arrival in Singapore, a total number of crew corresponding in description to the particulars on the list furnished under subsection (1)(a) is

conclusive proof that the bus did on arrival carry that number of crew.

Provision of passenger and crew information in advance by driver, etc., of bus due to arrive in Singapore

5 **23D.**—(1) The driver, operator, owner, agent or charterer of every bus which is due to arrive at any authorised point of entry in Singapore from a place outside Singapore must, upon being given reasonable prior notice in writing by the Controller to comply with this section —

10 (a) within such time prior to the arrival of the bus at the authorised point of entry, in such form and manner and containing such particulars of the crew as may be prescribed, furnish to the Controller a complete and accurate list of all the crew who are or will be on board the bus at the time of its arrival at the authorised point of entry;

15 (b) within such time prior to the arrival of the bus at the authorised point of entry and in such form and manner as may be prescribed, furnish to the Controller a complete and accurate list of all passengers who are or will be on board the bus at the time of its arrival at the authorised point of entry; and

20 (c) furnish to the Controller a complete and accurate list of all passengers disembarking in Singapore, containing such particulars regarding one or both of the following:

25 (i) advance passenger information;

 (ii) information recorded in the passenger reservation system for that bus,

30 within such time prior to the arrival of the bus at the authorised point of entry and in such form and manner as may be prescribed.

(2) Subsection (1)(b) and (c) does not apply to an omnibus.

(3) The Controller may at any time, by notice in writing to the driver, operator, owner, agent or charterer of the bus, revoke the notice given to that person under subsection (1).

(4) Any person who contravenes subsection (1)(a), (b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(5) The offence under subsection (4) is a strict liability offence.

Offence by employee, etc., of operator, etc., of vessel, aircraft, train or bus

23E.—(1) If a person (called in this section the offender) contravenes a relevant provision in respect of a conveyance, a related individual who (whether by act or omission) intentionally or knowingly causes or enables the offender to contravene the relevant provision shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) In this section —

“conveyance” means a vessel, an aircraft, a train or a bus;

“related individual”, for an offender, means —

(a) the master of the conveyance in respect of which the offender contravenes a relevant provision; or

(b) an officer or employee of the offender;

“relevant provision” means —

(a) for a vessel — section 22(1)(a) or (2)(a) or (b) or 22A(1)(a), (b) or (c);

(b) for an aircraft — section 23(1)(a), (b) or (c) or 23AA(1)(a), (b) or (c);

(c) for a train — section 23A(1)(a) or (2)(a) or (b) or 23B(1)(a), (b) or (c); or

(d) for a bus — section 23C(1)(a), (b) or (c) or 23D(1)(a), (b) or (c).

Provision in advance by person due to arrive in or due to leave Singapore by land

23F.—(1) This section applies to a person (called in this section the subject person) who —

5 (a) is due to arrive at any authorised point of entry in Singapore from a place outside Singapore, or is due to leave any authorised point of departure in Singapore to a place outside Singapore, by land (using any mode of land transport or on foot); and

10 (b) is, by reasonable prior notice given by the Controller, required to comply with this section.

(2) The subject person must, within such time prior to the subject person’s arrival at the authorised point of entry or departure from the authorised point of departure (as the case may be), furnish to the Controller such particulars of the subject person, in such form and manner, as may be prescribed.

15

(3) The Controller may at any time, by notice to the subject person, revoke the notice given to the subject person under subsection (1)(b).

20 (4) The Controller may (instead of giving a notice directly to the subject person under subsection (1)(b) or (3)) publish the notice generally, in such form and manner as the Controller considers appropriate in the circumstances, and the requirements of subsection (1)(b) or (3) (as the case may be) are taken to be satisfied upon such publication.

25

(5) Any person who contravenes subsection (2) shall be guilty of an offence.”.

Amendment of section 24

28. In the principal Act, in section 24 —

30 (a) after subsection (1), insert —

“(1A) A person who appears before an immigration officer under subsection (1) must furnish such

particulars about the person, in such form or manner, as that officer may require.”;

(b) in subsection (2), delete “, and the person, if still aboard the vessel, must not disembark in Singapore or, if the person has disembarked for the purposes of the examination, must return immediately to the vessel and remain on the vessel”;

(c) after subsection (2), insert —

“(2A) The person mentioned in subsection (2) —

(a) if still on board the vessel that conveyed the person to Singapore — must not disembark in Singapore; or

(b) if the person has disembarked for the purposes of the examination mentioned in that subsection — must immediately comply with any direction given by an immigration officer under subsection (2B).

(2B) An immigration officer may direct the person mentioned in subsection (2A)(b) to —

(a) re-embark, and remain on, the vessel that the person disembarked from;

(b) embark, and remain on, another vessel specified by the immigration officer; or

(c) proceed to, and remain in, an immigration depot or a place designated by the Controller, until arrangements are made for the person to leave Singapore, and leave Singapore in accordance with those arrangements.”;

(d) in subsections (3), (4)(c) and (5), after “master,” wherever it appears, insert “operator,”;

(e) in subsection (4), replace paragraph (b) with —

“(b) contravenes subsection (1A) or (2A)(a) or (b); or”;

(f) in subsection (5), replace “Where any person either disembarks in Singapore or refuses or neglects to return to his or her vessel in contravention of this section or to board such other vessel as may be directed by an immigration officer, the immigration officer or any police officer may require that person to return to the person’s vessel or board such other vessel and” with “If any person contravenes subsection (2A)(a) or (b), an immigration officer, a police officer or an auxiliary police officer acting under the directions of an immigration officer or a police officer,”;

(g) in subsection (5), replace “return or board (as the case may be)” with “comply with that provision,”; and

(h) delete subsection (6).

Amendment of section 25

29. In the principal Act, in section 25 —

(a) after subsection (1), insert —

“(1A) A person who appears before an immigration officer under subsection (1) must furnish such particulars about the person, in such form or manner, as that officer may require.”;

(b) in subsection (2), delete “, and the person must not leave the precincts of the airport except for a place approved by that officer, and must leave and depart from Singapore by the first available means in accordance with the instructions of that officer”;

(c) after subsection (2), insert —

“(2A) The person mentioned in subsection (2) must immediately comply with any direction given by an immigration officer under subsection (2B).

(2B) An immigration officer may direct the person mentioned in subsection (2A) to —

- (a) leave Singapore by the first available means; or
- (b) proceed to, and remain in, an immigration depot or a place designated by the Controller, until arrangements are made for the person to leave Singapore, and leave Singapore in accordance with those arrangements.”; 5
- (d) in subsections (3) and (4)(d), after “captain,”, insert “operator,”; 10
- (e) in subsection (4), replace paragraphs (b) and (c) with —
 - “(b) contravenes subsection (1A) or (2A); or”;
 - and
- (f) replace subsection (5) with —
 - “(5) If any person contravenes subsection (2A), an immigration officer, a police officer or an auxiliary police officer acting under the directions of an immigration officer or a police officer, may take such steps, including the use of force, as may be reasonably necessary to compel that person to comply with that provision.”. 15

Amendment of section 25A

30. In the principal Act, in section 25A —

- (a) after subsection (1), insert —
 - “(1A) A person who appears before an immigration officer under subsection (1) must furnish such particulars about the person, in such form or manner, as that officer may require.”; 25
- (b) in subsection (2), delete “, and the person must not leave the precincts of the checkpoint except for a place approved by that officer, and must leave and depart from Singapore by the first available means in accordance with the instructions of that officer”; 30

(c) after subsection (2), insert —

“(2A) The person mentioned in subsection (2) must immediately comply with any direction given by an immigration officer under subsection (2B).

5 (2B) An immigration officer may direct the person mentioned in subsection (2A) to —

(a) leave Singapore by any mode of land transport or on foot; or

10 (b) proceed to, and remain in, an immigration depot or a place designated by the Controller, until arrangements are made for the person to leave Singapore, and leave Singapore in accordance with those arrangements.”;

15 (d) in subsections (3) and (4)(d), after “master,”, insert “operator,”;

(e) in subsection (4), replace paragraphs (b) and (c) with —

“(b) contravenes subsection (1A) or (2A); or”;
and

20 (f) replace subsection (5) with —

“(5) If any person contravenes subsection (2A), an immigration officer, a police officer or an auxiliary police officer acting under the directions of an immigration officer or a police officer, may take such steps, including the use of force, as may be reasonably necessary to compel that person to comply with that provision.”.

25

Amendment of section 26

31. In the principal Act, in section 26 —

30 (a) in subsection (1), replace paragraph (c) with —

“(c) furnish such particulars about the person, in such form or manner, as that officer may require.”;

(b) in subsection (3), delete “and that person must in accordance with the instructions of that officer immediately leave and depart from Singapore”;

5

(c) after subsection (3), insert —

“(3A) The person mentioned in subsection (3) must immediately comply with any direction given by an immigration officer under subsection (3B).

10

(3B) An immigration officer may direct the person mentioned in subsection (3A) to —

(a) leave Singapore in accordance with the instructions of the immigration officer; or

(b) proceed to, and remain in, an immigration depot or a place designated by the Controller, until arrangements are made for the person to leave Singapore, and leave Singapore in accordance with those arrangements.”; and

15

20

(d) after subsection (4), insert —

“(5) If any person contravenes subsection (3A), an immigration officer, a police officer or an auxiliary police officer acting under the directions of an immigration officer or a police officer, may take such steps, including the use of force, as may be reasonably necessary to compel that person to comply with that provision.”.

25

Amendment of section 28

32. In the principal Act, in section 28(1)(a), delete “state or”.

30

Amendment of section 29

33. In the principal Act, in section 29 —

(a) replace subsection (6) with —

5 “(6) If the Controller cancels a person’s permit, pass
or certificate under subsection (5), the Controller
must give notice of the cancellation to the person.”;
and

(b) delete subsection (7).

Amendment of section 30

10 34. In the principal Act, in section 30(1), replace “no passenger or
member of a crew” with “no person who arrives in, or is leaving,
Singapore”.

Amendment of section 31A

15 35. In the principal Act, in section 31A(2)(b), after “same owner”,
insert “, operated by the same operator”.

Amendment of section 32

36. In the principal Act, in section 32, after subsection (1), insert —

20 “(1A) If a person is ordered to be removed from Singapore
under subsection (1), the Controller may repatriate the person
to —

(a) the person’s place of embarkation;

(b) the country of the person’s birth or citizenship; or

(c) any other place designated by the Controller.”.

Amendment of section 33

25 37. In the principal Act, in section 33 —

(a) delete subsections (2), (3) and (4);

(b) in subsection (5), replace “ceases to be valid” with
“is cancelled on the date of the order”;

(c) after subsection (5), insert —

“(5A) If a person is ordered to be removed from Singapore under subsection (1), the Controller may repatriate the person to —

- (a) the person’s place of embarkation;
- (b) the country of the person’s birth or citizenship; or
- (c) any other place designated by the Controller.”; and

(d) in subsection (6), replace “the Minister, the Controller or any other public officer” with “the Controller”.

New section 33A

38. In the principal Act, after section 33, insert —

“Removal of persons ceasing to be citizens of Singapore

33A.—(1) The Controller may order that a person mentioned in section 11A(1) be removed from Singapore if the Controller is satisfied that —

- (a) the person is a prohibited immigrant; or
- (b) the presence of the person in Singapore is undesirable or would be prejudicial to public security in Singapore.

(2) If an order of removal is made under subsection (1) in respect of a person, any permit or pass issued to the person under section 11A(3) is cancelled on the date of the order.”.

Amendment of section 34

39. In the principal Act, in section 34 —

- (a) delete subsection (2);
- (b) in subsection (3), replace “Subject to the determination of any appeal under section 33, any” with “Any”; and
- (c) in subsection (3), replace “or train” wherever it appears with “, train or bus”.

Replacement of section 36

40. In the principal Act, replace section 36 with —

“Unlawful return after removal

5 **36.**—(1) A person who is removed from or otherwise lawfully sent out of Singapore must not enter or reside in Singapore without the prior written permission of the Controller.

10 (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be punished with imprisonment for a presumptive minimum term of not less than one year and not more than 3 years and shall also be liable to a fine not exceeding \$6,000.

15 (3) Any person who is convicted of an offence under subsection (2) is liable to be removed from Singapore by order of the Controller.

20 (4) If a person is ordered to be removed from Singapore under subsection (3), the Controller may repatriate the person to —

 (a) the person’s place of embarkation;

 (b) the country of the person’s birth or citizenship; or

 (c) any other place designated by the Controller.”.

Amendment of section 36A

41. In the principal Act, in section 36A —

(a) before the definition of “disclose”, insert —

25 ““crew information” means the information relating to any person who is or will be on board any vessel, aircraft, train or bus as a member of its crew at the time of its arrival in or departure from Singapore, which is provided to the Controller or any immigration officer by the master, operator, owner, agent or charterer of the vessel, aircraft, train or bus (as the case may be) pursuant to any provision of this Act;”;

30 and

(b) replace the definition of “passenger information” with —

““passenger information” means the information relating to any person who is or will be on board any vessel, aircraft, train or bus as its passenger at the time of its arrival in or departure from Singapore, which is provided to the Controller or any immigration officer by the master, operator, owner, agent or charterer of the vessel, aircraft, train or bus (as the case may be) pursuant to any provision of this Act.”.

5

10

Amendment of section 36B

42. In the principal Act, in section 36B —

(a) in the section heading, after “**identifying information**”, insert “, **crew information**”;

15

(b) in subsections (1)(a) and (b), (2)(f) and (3), after “identifying information”, insert “, crew information”;

(c) in subsection (2), after paragraph (b), insert —

“(ba) assisting in the locating and identification of passengers within any part of an authorised airport;”;

20

(d) in subsection (2), after paragraph (c), insert —

“(ca) improving the efficiency, integrity and security of operations and processes relating to authorised airports and aircraft at authorised airports;

25

(cb) improving the efficiency and integrity of processes relating to the purchase of duty free goods and the tourist refund scheme established under the Goods and Services Tax Act 1993;”.

30

Amendment of section 36C

43. In the principal Act, in section 36C —

(a) in the section heading, after “**identifying information**”, insert “, **crew information**”; and

5 (b) in subsections (1) and (2), after “identifying information” wherever it appears, insert “, crew information”.

Amendment of section 38

44. In the principal Act, in section 38 —

10 (a) in subsection (1), after “section 51AA”, insert “, 51AB, 51AC or 51AD”; and

(b) in subsection (3), replace “a seizure offence” with “an arrestable offence”.

Replacement of section 39B

45. In the principal Act, replace section 39B with —

15 **“Opportunity to be heard not required to be given**

39B. To avoid doubt, before making any decision under this Act or the regulations, the Controller or the Minister (as the case may be) is not required to give any person who may be affected by the decision an opportunity to be heard.”.

Amendment of section 41

46. In the principal Act, in section 41 —

(a) in subsections (1) and (3), after “master,” wherever it appears, insert “operator,”; and

(b) in subsection (3), replace “or train” with “, train or bus”.

Amendment of section 42

47. In the principal Act, in section 42 —

(a) replace “and the owner of” with “, operator and owner of”; and

(b) replace “or train” wherever it appears with “, train or bus”.

Amendment of section 43

48. In the principal Act, in section 43 —

- (a) in subsections (1), (1A) and (3), after “master,”, insert “operator,”; and
- (b) in subsections (1) and (2), replace “or train” wherever it appears with “, train or bus”.

5

Amendment of section 46

49. In the principal Act, in section 46 —

- (a) in subsections (1)(a) and (2), replace “or train” with “, train or bus”;
- (b) in subsection (1), replace paragraph (c) with —
 - “(c) arrives at any authorised airport, authorised train checkpoint or authorised point of entry in Singapore in any aircraft, train or bus (as the case may be) and is required to leave Singapore under section 25, 25A or 26, as the case may be,”; and
- (c) in subsections (1) and (2), after “master,”, insert “operator,”.

10

15

Amendment of section 47

20

50. In the principal Act, in section 47 —

- (a) in subsections (1) and (3), replace “or a train” with “, a train or a bus”;
- (b) in subsection (1), replace “or train” wherever it appears with “, train or bus”; and
- (c) in subsection (1), replace “same owners or chartered by the same charterers” with “same owner, operated by the same operator or chartered by the same charterer”.

25

Amendment of section 47A

51. In the principal Act, in section 47A —

(a) in subsections (1) to (6), replace “prohibited immigrant” with “specified immigrant”; and

(b) after subsection (6), insert —

“(7) In this section, “specified immigrant” means —

(a) a prohibited immigrant; or

(b) a person who is ordered to be removed from Singapore under section 32(1), 33(1), 33A(1), 36(3) or 57(3).”.

Amendment of section 48

52. In the principal Act, in section 48(1A) and (3), after “master,” insert “operator.”.

Amendment of section 49

53. In the principal Act, in section 49 —

(a) in subsection (2), before “owner” wherever it appears, insert “operator,”; and

(b) in subsection (3), replace “or the owner or the agent of the offender or owner” with “, or the operator or owner, or the agent of the offender, operator or owner”.

Amendment of section 51AA

54. In the principal Act, in section 51AA —

(a) delete subsections (10), (11) and (12); and

(b) in subsection (16), delete the definitions of “arrestable offence” and “non-arrestable offence”.

New sections 51AB, 51AC, 51AD and 51AE

55. In the principal Act, after section 51AA, insert —

“Power to arrest other persons within authorised area, etc.

51AB.—(1) This section applies to a person within or in the vicinity of an authorised area who —

- (a) has an arrest warrant issued against him or her;
- (b) may be arrested by a police officer without a warrant under section 64(1) of the Criminal Procedure Code 2010; or
- (c) is concerned in a specified offence.

(2) For the purposes of subsection (1)(c) and section 51AD, a person who is concerned in a specified offence includes the following:

- (a) a person who is reasonably suspected of having been involved in the specified offence;
- (b) a person against whom a reasonable complaint has been made or credible information has been received, of the person having been concerned or involved in the specified offence.

(3) Despite any other written law, an immigration officer may —

- (a) arrest a person mentioned in subsection (1)(a) even though the arrest warrant issued against that person is not directed to the immigration officer; or
- (b) arrest a person mentioned in subsection (1)(b) or (c) without a warrant.

(4) Despite any other written law, if any vehicle within or in the vicinity of an authorised area —

- (a) is driven by, or under the control of, a person mentioned in subsection (1); or
- (b) is owned by, and includes as its passenger, that person,

an immigration officer may, without a warrant and with or without assistance, stop, search and detain the vehicle.

(5) In this section and section 51AD —

“prescribed law enforcement agency” means any authority or person, charged with the duty of investigating offences or charging offenders under any written law (other than this Act or the regulations), prescribed for the purposes of this section and section 51AD by the Minister;

“specified offence” means any offence under any written law (other than this Act or the regulations) by or under which an officer of, or a person appointed by, a prescribed law enforcement agency may arrest the person without a warrant.

Power to detain stolen vehicle within authorised area, etc.

51AC.—(1) This section applies to a vehicle that —

(a) is within or in the vicinity of an authorised area; and

(b) satisfies either or both of the following conditions:

(i) the Commissioner of Police or a police officer is satisfied that the vehicle has been stolen or illegally taken or used;

(ii) the vehicle is liable to be seized by a police officer under section 95(1) of the Road Traffic Act 1961.

(2) Despite any other written law, an immigration officer may, without warrant and with or without assistance —

(a) stop and seize the vehicle; and

(b) detain the vehicle for a period not exceeding 24 hours in any suitable place of detention within or in the vicinity of an authorised area.

(3) If an immigration officer seizes and detains the vehicle under subsection (2), the immigration officer must —

(a) immediately inform a police officer of the seizure;

(b) hand over the vehicle to a police officer; and

(c) inform the driver or person in charge of the vehicle of the basis on which the vehicle is seized and detained.

(4) Despite any other written law, if —

(a) the vehicle satisfies the condition mentioned in subsection (1)(b)(i); and

(b) the driver or person in charge of the vehicle is within or in the vicinity of an authorised area,

an immigration officer may, without warrant, arrest the driver or person.

Procedure for arrest

51AD.—(1) An officer who makes an arrest under this Act —

(a) must touch or confine the body of the person to be arrested unless the person submits to arrest by word or action;

(b) may use all reasonable means necessary to make the arrest if the person to be arrested forcibly resists or tries to evade arrest; and

(c) may search the person.

(2) A person arrested must not be restrained more than is necessary to prevent the person's escape.

(3) A woman must not be searched under subsection (1)(c) except by a woman.

(4) If an immigration officer arrests a person under section 51AA, 51AB or 51AC, the immigration officer —

(a) must immediately inform an authorised officer of the arrest;

(b) must hand over the person to an authorised officer; and

(c) may detain the person for a period not exceeding 24 hours in any suitable place of detention within or in the vicinity of an authorised area pending the handing over of the person under paragraph (b).

(5) When a person is handed over to an authorised officer under subsection (4)(b), the authorised officer must re-arrest the person if —

5 (a) in the case of an arrest under section 51AA(8) — the authorised officer has reason to believe that a relevant offence mentioned in section 51AA(8) has been committed;

10 (b) in the case of an arrest under section 51AA(9) — the authorised officer has reason to believe that the person has committed the non-arrestable offence mentioned in section 51AA(9) and the person —

(i) refuses to give his or her name and residential address when required by the authorised officer;
or

15 (ii) gives a residential address outside Singapore, or a name or residential address that the authorised officer has reason to believe is false;

20 (c) in the case of an arrest under section 51AB(3) read with section 51AB(1)(a) — the authorised officer is satisfied that an arrest warrant has been issued against the person;

25 (d) in the case of an arrest under section 51AB(3) read with section 51AB(1)(b) — the authorised officer has reason to believe that the person is a person mentioned in section 64(1) of the Criminal Procedure Code 2010;

30 (e) in the case of an arrest under section 51AB(3) read with section 51AB(1)(c) — the authorised officer has reason to believe that the person is concerned in a specified offence; or

(f) in the case of an arrest under section 51AC(4) — the authorised officer has reason to believe that the vehicle in question has been stolen or illegally taken or used.

(6) If the authorised officer does not re-arrest under subsection (5) a person handed over to the authorised officer under subsection (4)(b), the person must be released.

(7) In this section, “authorised officer”, in relation to a person arrested by an immigration officer, means —

(a) if the person is arrested under section 51AA(8) or (9) or 51AC(4) — a police officer;

(b) if an arrest warrant has been issued against the person and the person is arrested under section 51AB(3) read with section 51AB(1)(a) — a person who may execute the arrest warrant under section 69 of the Criminal Procedure Code 2010;

(c) if the person may be arrested by a police officer without a warrant under section 64(1) of the Criminal Procedure Code 2010 and the person is arrested under section 51AB(3) read with section 51AB(1)(b) — a police officer; or

(d) if the person is concerned in a specified offence and the person is arrested under section 51AB(3) in relation to the specified offence —

(i) a police officer; or

(ii) an officer of, or a person appointed by, a prescribed law enforcement agency,

who is empowered by or under any written law (other than this Act or the regulations) to arrest the person without a warrant in relation to the specified offence.

Power to search person in immigration depot

51AE.—(1) An immigration officer may search a person who is detained, or required to remain, in an immigration depot under this Act or any other written law.

(2) A woman must not be searched under subsection (1) except by a woman.”.

Amendment of section 55

56. In the principal Act, in section 55(1) —

(a) replace paragraph (c) with —

5 “(c) providing for and regulating matters relating to permits, passes (including classes of passes) and certificates, including (without limitation) the Controller’s powers —

10 (i) relating to an application for and the issue of a permit, pass or certificate, and the cancellation of a pass;

(ii) to decide the validity period for, and vary the validity period of, a pass or certificate;

15 (iii) to impose conditions on a pass or certificate at the time of or after the issue of the pass or certificate, and vary or revoke any condition of the pass or certificate; and

20 (iv) to apply section 11(5A) with the necessary modifications for a class of pass holders or certificate holders;

(ca) prescribing the duties and responsibilities of a holder of a permit, pass or certificate;”;

25 (b) delete paragraph (h); and

(c) after paragraph (ka), insert —

30 “(kb) providing for the maintenance and management of any immigration depot, including the care, control, discipline and medical examination of any person in an immigration depot, and making different provisions for different immigration depots;”.

Amendment of section 57

57. In the principal Act, in section 57 —

(a) in subsections (1)(e) and (13), replace “36” with “36(1)”;

(b) in subsection (1), replace paragraph (k) with —

“(k) obtains or attempts to obtain any entry permit, re-entry permit, pass, Singapore visa or certificate for himself or herself, or for any other person, by giving information (whether in or outside Singapore) which the firstmentioned person knows — 5
10

(i) is false or misleading in a material particular; or

(ii) omits any matter or thing without which the information is misleading in a material particular; 15

(ka) obtains or attempts to obtain any entry permit, re-entry permit, pass, Singapore visa or certificate for himself or herself, or for any other person, by giving information (whether in or outside Singapore) that — 20

(i) is false or misleading in a material particular; or

(ii) omits any matter or thing without which the information is misleading in a material particular;” 25

(c) after subsection (1), insert —

“(1AAA) An offence under subsection (1)(ka) is a strict liability offence.”;

(d) in subsections (1AA)(b)(i) and (d) and (1A), delete “, subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010,”; 30

(e) in subsection (1AA)(g), delete “, (k)”;

(f) in subsection (1AA)(g), delete “and” at the end;

(g) in subsection (1AA), after paragraph (g), insert —

“(ga) in the case of an offence under subsection (1)(k), shall be liable on conviction to a fine not exceeding \$8,000 or to imprisonment for a term not exceeding 12 months or to both;

(gb) in the case of an offence under subsection (1)(ka), shall be liable on conviction to a fine not exceeding \$4,000; and”;

(h) in subsection (1B), replace “sections 325(1) and 330(1)” with “section 325(1)(a) or (b)”;

(i) after subsection (3), insert —

“(3A) If a person is ordered to be removed from Singapore under subsection (3), the Controller may repatriate the person to —

(a) the person’s place of embarkation;

(b) the country of the person’s birth or citizenship; or

(c) any other place designated by the Controller.”; and

(j) replace subsection (14) with —

“(14) A reference to a permit or pass in subsections (7D) and (10) in relation to a person is a reference to —

(a) the original permit or pass issued (in a physical or an electronic form) to that person under this Act or the regulations; or

(b) an electronic copy, or a prescribed electronic record displaying the details, of that permit or pass which —

- (i) is made available to that person on any prescribed electronic service; or
- (ii) satisfies the prescribed requirements.”.

New section 58A

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58. In the principal Act, after section 58, insert —

“When sentence of caning is prevented from being carried out

58A.—(1) If a sentence of caning imposed on a person under section 6(3)(a), 9(6), 11A(6)(b) or 15(3)(b) for an offence, or section 57(1A) for an offence under section 57(1)(e), is wholly or partially prevented from being carried out under section 331 of the Criminal Procedure Code 2010, that person must be kept in custody until the court that imposed the sentence revises the sentence.

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(2) The court that imposed the sentence mentioned in subsection (1) may —

- (a) remit the sentence; or
- (b) impose, instead of as much of the sentence of caning as was not carried out —
 - (i) where the sentence of caning was imposed under section 6(3)(a), 9(6), 11A(6)(b) or 15(3)(b) — a fine not exceeding \$6,000; or
 - (ii) where the sentence of caning was imposed under section 57(1A) — a fine not exceeding \$10,000.

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(3) The fine that the court may impose under subsection (2)(b) for an offence is in addition to any other punishment to which the person has been sentenced for the offence.”.

Amendment of section 59

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59. In the principal Act, in section 59, replace “\$500” with “\$2,000”.

Amendment of section 60

60. In the principal Act, in section 60(2), replace “12 months” with “3 years”.

Repeal of Banishment Act 1959

5 **61.** Repeal the Banishment Act 1959.

Related amendments to Building Control Act 1989

62. In the Building Control Act 1989 —

(a) in section 2(1), after the definition of “owner”, insert —

10 ““permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;”; and

(b) in section 29Q(1)(a) and (2)(a), after “citizen”, insert “of Singapore”.

Related amendments to Casino Control Act 2006

15 **63.—**(1) In the Casino Control Act 2006 —

(a) in section 2(1), after the definition of “owner”, insert —

20 ““permanent resident of Singapore” means a person who is granted an entry permit under section 10 of the Immigration Act 1959 or a re-entry permit under section 11 of that Act, which allows the person to remain in Singapore indefinitely without restriction;”;

(b) in sections 108(7)(a) and (8) and 110(1), delete “(as defined in section 116(12))”;

25 (c) in section 116(1), (7), (8) and (9), after “citizen”, insert “of Singapore”; and

(d) in section 116, delete subsection (12).

(2) In the Casino Control Act 2006, in section 2(1), replace the definition of “permanent resident of Singapore” (as inserted by
30 subsection (1)(a)) with —

““permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;”.

Related amendments to Central Provident Fund Act 1953

64. In the Central Provident Fund Act 1953 —

(a) in section 2(1), after the definition of “payout benchmark applicable to the member”, insert — 5

““permanent resident” or “permanent resident of Singapore” means a permanent resident of Singapore as defined by section 2 of the Immigration Act 1959;”; and 10

(b) in the First Schedule, in paragraph 5, delete sub-paragraph (*eb*).

Consequential amendments to Criminal Procedure Code 2010

65. In the Criminal Procedure Code 2010 —

(a) in section 332(2), replace “That court may” with “Subject to any other written law, that court may”; 15

(b) in section 424, after “226”, insert “(as in force immediately before the date of commencement of section 77 of the Immigration (Amendment) Act 2023)”; 20

(c) in the First Schedule, in the item relating to section 226 of the Penal Code 1871, in the first column, after “226”, insert “(as in force immediately before the date of commencement of section 77 of the Immigration (Amendment) Act 2023)”; and 20

(d) in the Second Schedule, replace item 2A with — 25

“2A. Banishment Act 1959 (as in force immediately before the date of commencement of section 61 of the Immigration (Amendment) Act 2023)”.

Related amendments to Employment of Foreign Manpower Act 1990

66. In the Employment of Foreign Manpower Act 1990 —

(a) in section 2, in the definition of “foreigner”, after “citizen”,
insert “of Singapore”;

(b) in section 2, after the definition of “occupier”, insert —

““permanent resident of Singapore” has the
meaning given by section 2 of the
Immigration Act 1959;”;

(c) in section 6A(3)(b), after “citizen”, insert “of Singapore”;
and

(d) in section 25(5), in the definition of “act or omission”, after
“citizen”, insert “of Singapore”.

Related amendment to Enlistment Act 1970

67. In the Enlistment Act 1970, in section 2, replace the definition
of “permanent resident” with —

““permanent resident” means a permanent resident of
Singapore as defined by section 2 of the Immigration
Act 1959;”.

Related amendment to Executive Condominium Housing Scheme Act 1996

68. In the Executive Condominium Housing Scheme Act 1996, in
section 2(1), replace the definition of “permanent resident” with —

““permanent resident” means a permanent resident of
Singapore as defined by section 2 of the Immigration
Act 1959;”.

Related amendments to Foreign Employee Dormitories Act 2015

69. In the Foreign Employee Dormitories Act 2015, in
section 2(1) —

(a) in the definition of “foreigner”, after “citizen”, insert “of Singapore”; and

(b) after the definition of “operate”, insert —

““permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;”.

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Related amendments to Gambling Control Act 2022

70. In the Gambling Control Act 2022 —

(a) in section 3(1), after the definition of “send”, insert —

““Singapore permanent resident” means a permanent resident of Singapore as defined by section 2 of the Immigration Act 1959;”; and

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(b) in section 124, delete subsection (3).

Related amendment to Home Team Corps Act 2017

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71. In the Home Team Corps Act 2017, in section 2, replace the definition of “permanent resident” with —

““permanent resident” means a permanent resident of Singapore as defined by section 2 of the Immigration Act 1959;”.

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Related amendment to Human Organ Transplant Act 1987

72. In the Human Organ Transplant Act 1987, in section 4, replace subsection (3) with —

“(3) In this section, “permanent resident” means a permanent resident of Singapore as defined by section 2 of the Immigration Act 1959.”.

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Related amendment to Legal Aid and Advice Act 1995

73. In the Legal Aid and Advice Act 1995, in section 5, replace subsection (6) with —

“(6) In this section, “permanent resident” means a permanent resident of Singapore as defined by section 2 of the Immigration Act 1959.”.

Related amendment to Maintenance of Religious Harmony Act 1990

74. In the Maintenance of Religious Harmony Act 1990, in section 2, replace the definition of “Singapore permanent resident” with —

““Singapore permanent resident” means a permanent resident of Singapore as defined by section 2 of the Immigration Act 1959.”.

Related amendment to Misuse of Drugs Act 1973

75. In the Misuse of Drugs Act 1973, in section 2, replace the definition of “permanent resident of Singapore” with —

““permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;”.

Related amendment to National Cadet Corps Act 1972

76. In the National Cadet Corps Act 1972, in section 2, replace the definition of “permanent resident” with —

““permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;”.

Related amendment to Penal Code 1871

77. In the Penal Code 1871, delete section 226.

Related amendment to Public Defenders Act 2022

78. In the Public Defenders Act 2022, in section 2(1), replace the definition of “permanent resident” with —

““permanent resident” means a permanent resident of Singapore as defined by section 2 of the Immigration Act 1959;”.

Related amendments to Road Traffic Act 1961

79. In the Road Traffic Act 1961 —

- (a) in section 2(1), after the definition of “participate”, insert —
- ““permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;”;
- (b) in section 12(3)(a), replace “has been granted the status of a permanent resident of Singapore by the competent authority” with “is a permanent resident of Singapore”;
- (c) in section 25(5), replace “person who holds a valid entry permit or re-entry permit issued by the Controller of Immigration under the Immigration Act 1959” with “permanent resident of Singapore”;
- (d) in the following provisions, after “citizen”, insert “of Singapore”:
- Section 35(10)(a) and (b)
- Section 38(2)(a) and (3)(a);
- (e) in section 35, delete subsection (20); and
- (f) in section 38(5), delete the definition of “permanent resident of Singapore”.

Related amendments to Silver Support Scheme Act 2015

80. In the Silver Support Scheme Act 2015, in section 2 —

- (a) after the definition of “means information”, insert —
- ““permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;”;
- (b) in the definition of “public scheme”, in paragraph (b), after “citizens”, insert “of Singapore”.

Related amendments to Women’s Charter 1961

81. In the Women’s Charter 1961 —

(a) in section 2(1), replace the definition of “permanent resident of Singapore” (as inserted by section 2(f) of the Women’s Charter (Amendment) Act 2022) with —

““permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;”;

(b) in section 16(2)(b) (as inserted by section 10 of the Women’s Charter (Amendment) Act 2022), after “citizen”, insert “of Singapore”;

(c) in section 18(1)(c) (as inserted by section 10 of the Women’s Charter (Amendment) Act 2022), after “citizen”, insert “of Singapore”;

(d) in section 21(2A)(c) (as inserted by section 13(a) of the Women’s Charter (Amendment) Act 2022), after “citizen”, insert “of Singapore”; and

(e) in section 29(2)(b) (as inserted by section 19 of the Women’s Charter (Amendment) Act 2022), after “citizen”, insert “of Singapore”.

Related amendments to Workforce Singapore Agency Act 2003

82. In the Workforce Singapore Agency Act 2003 —

(a) in section 2, after the definition of “member”, insert —

““permanent resident of Singapore” has the meaning given by section 2 of the Immigration Act 1959;”;

(b) in section 11(1)(a), replace “and residents” with “of Singapore and permanent residents”.

Saving and transitional provisions

83.—(1) Where a person in possession of a permit issued to the person under the principal Act is refused permission before the date of commencement of section 7(d) of this Act to enter Singapore on

the ground that the holder is a prohibited immigrant, section 8(4A), (6) and (7) of the principal Act as in force immediately before that date continues to apply to and in respect of that person as if not deleted by this Act.

(2) Where the Controller makes any decision mentioned in section 10(5) of the principal Act (as in force immediately before the date of commencement of section 12(g) of this Act) in respect of a person before that date, section 10(5) of the principal Act as in force immediately before that date continues to apply to and in respect of that person as if not deleted by this Act.

(3) Where the Controller makes any decision mentioned in section 11(6) of the principal Act (as in force immediately before the date of commencement of section 13(g) of this Act) in respect of a person before that date, section 11(6) of the principal Act as in force immediately before that date continues to apply to and in respect of that person as if not deleted by this Act.

(4) Where the Controller cancels a person's permit or certificate under section 14(2), (3) or (4), or makes any declaration against the person under section 14(4), of the principal Act before the date of commencement of section 16(d) of this Act, section 14(6) of the principal Act as in force immediately before that date continues to apply to and in respect of that person as if not deleted by this Act.

(5) Where the Controller cancels a person's permit, pass or certificate under section 29(5) of the principal Act before the date of commencement of section 33(b) of this Act, section 29(7) of the principal Act as in force immediately before that date continues to apply to and in respect of that person as if not deleted by this Act.

(6) Where an order of removal is made against a person under section 33(1) of the principal Act before the date of commencement of section 37(a) of this Act —

(a) section 33(2), (3) and (4) of the principal Act as in force immediately before that date continues to apply to and in respect of that person as if not deleted by this Act;

(b) section 33(6) of the principal Act as in force immediately before the date of commencement of section 37(d) of this

Act continues to apply to and in respect of that person as if not amended by this Act;

5 (c) section 34(2) of the principal Act as in force immediately before the date of commencement of section 39(a) of this Act continues to apply to and in respect of that person as if not deleted by this Act; and

10 (d) section 34(3) of the principal Act as in force immediately before the date of commencement of section 39(b) of this Act continues to apply to and in respect of that person as if not amended by this Act.

(7) Section 39B of the principal Act as in force immediately before the date of commencement of section 45 of this Act continues to apply to or in relation to the following as if not deleted by this Act:

15 (a) an appeal made before, on or after the date of commencement of section 7(d) of this Act under section 8(6) of the principal Act (as in force immediately before the date of commencement of section 7(d) of this Act);

20 (b) an appeal made before, on or after the date of commencement of section 12(g) of this Act under section 10(5) of the principal Act (as in force immediately before the date of commencement of section 12(g) of this Act);

25 (c) an appeal made before, on or after the date of commencement of section 13(g) of this Act under section 11(6) of the principal Act (as in force immediately before the date of commencement of section 13(g) of this Act);

30 (d) an appeal made before, on or after the date of commencement of section 16(d) of this Act under section 14(6) of the principal Act (as in force immediately before the date of commencement of section 16(d) of this Act);

35 (e) an appeal made before, on or after the date of commencement of section 33(b) of this Act under

section 29(7) of the principal Act (as in force immediately before the date of commencement of section 33(b) of this Act);

(f) an appeal made before, on or after the date of commencement of section 37(a) of this Act under section 33(2) of the principal Act (as in force immediately before the date of commencement of section 37(a) of this Act). 5

(8) Section 39B(2) of the principal Act as in force immediately before the date of commencement of section 45 of this Act continues to apply to a reference to the Minister in section 39A of the principal Act in relation to any appeal mentioned in subsection (7) as if not deleted by this Act. 10

(9) Any regulation relating to appeals made under the principal Act and in force immediately before the date of commencement of section 56(b) of this Act continues to apply to an appeal mentioned in subsection (7) despite the revocation of that regulation on or after that date. 15

(10) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient. 20

EXPLANATORY STATEMENT

This Bill seeks to amend the Immigration Act 1959 (the Act) mainly to —

- (a) enable the Minister to prohibit or limit the arrival of transit passengers in Singapore in certain situations;
- (b) prevent certain persons from boarding conveyances bound for Singapore;
- (c) clarify when permanent residents of Singapore must apply for a re-entry permit;

- (d) provide for automatic cancellation of entry permits in certain situations, and cessation of re-entry permits upon cancellation of entry permits;
- (e) enhance requirements relating to the provision of passenger and crew information;
- (f) enhance procedures relating to the examination of persons arriving in Singapore and removal of persons from Singapore;
- (g) expand the purposes for which access to or disclosure of certain information may be authorised by the Minister;
- (h) expand immigration officers' enforcement powers within or in the vicinity of authorised areas;
- (i) remove appeals to the Minister and certain processes relating to decisions;
- (j) enhance penalties for offences in the Act; and
- (k) improve the administration of the Act.

The Bill also seeks to repeal the Banishment Act 1959, and to make consequential and related amendments to certain other Acts.

Clause 1 relates to the short title and commencement.

Clause 2 amends certain current definitions in the Act and introduces definitions of certain expressions used in the Bill.

Clause 3 amends section 5A to provide that a person's duty under that section to present his or her passport or other travel document may be fulfilled by presenting the travel document to an automated clearance system (if available). However, if that person is required by an immigration officer (before or after presenting the travel document to an automated clearance system) or by the automated clearance system (used by that person) to appear before an immigration officer for immigration clearance, that person must comply. The clause also increases the current penalty for the offence of contravening the section.

Clause 4 inserts a new section 5AA.

The new section 5AA deals with matters relating to a child after the child is prevented by an immigration officer (pursuant to a court order) from leaving or being taken out of Singapore. The new section also protects an immigration officer from liability in certain situations mentioned in the section.

Clause 5 makes a consequential amendment to section 6 because of the new definition of "country" (inserted by clause 2), and also aligns section 6(3)(a) with the new section 9(7) (inserted by clause 8).

Clause 6 amends section 6A to allow a guardian (as described in the section) of a child, or a person allowed by the Controller of Immigration (the Controller), to apply for the renewal of a special pass for the child.

Clause 7 amends section 8 to remove a person's right to appeal to the Minister (against the Controller's refusal to allow the person to enter Singapore on the ground that the person is a prohibited immigrant) and delete related provisions.

Clause 7 also amends section 8(3)(o) (on a person being a member of a prohibited class if the Minister makes an order under section 9 prohibiting the person from entering Singapore) to state expressly that the Minister may exempt the person from the provision. Where the person is so exempted from the provision, the person is not a prohibited immigrant even though an order has been made against the person under section 9.

Clause 8 amends section 9 to —

- (a) clarify that the Minister may make an order under that section on the grounds of public health;
- (b) extend the application of the section to transiting passengers (by enabling the Minister to make an order prohibiting or limiting arrivals in Singapore);
- (c) empower the Minister to make an order under the section against pass holders; and
- (d) empower a court to impose a fine in lieu of caning against a person convicted of an offence under section 9(6) if the person cannot be caned because the person is a person mentioned in section 325(1)(a) or (b) of the Criminal Procedure Code 2010 (namely, a woman or a man who is more than 50 years of age at the time of infliction of the caning).

Clause 9 inserts a new section 9AA.

The new section 9AA deals with the Controller's power to issue a no-boarding directive against a person (the subject person) if a ground mentioned in the section is satisfied in respect of the subject person. This is intended to prevent the subject person from boarding a conveyance that is bound for Singapore (in-bound conveyance).

The Controller will give notice of the no-boarding directive to one or more persons (relevant persons) for the in-bound conveyance (such as the operator or owner of the in-bound conveyance). A relevant person who is given such notice is guilty of a strict liability offence if the in-bound conveyance arrives in Singapore with the subject person on board.

The new section also imposes criminal liability on certain other persons (such as an employee of a relevant person) if they enable (by an act or omission) the

subject person to board the in-bound conveyance, despite knowing that a no-boarding directive has been issued against the subject person.

A no-boarding directive cannot be issued against a citizen of Singapore.

Clause 10 makes editorial amendments to section 9A.

Clause 11 amends section 9B to empower the Minister to limit the visa-free travel given under the section to a non-citizen (with a valid passport from a foreign country approved by the Minister) to a visit not exceeding a period specified by the Minister for that foreign country. If, after entering Singapore in accordance with the requirements of the section (as amended by the clause), the non-citizen intends to extend his or her visit beyond the period specified by the Minister for the visa-free travel to Singapore, the non-citizen must apply for a Singapore visa.

Clause 12 amends section 10 to clarify that a person who wishes to be a permanent resident of Singapore (PR) must apply for an entry permit, and makes related amendments.

Clause 12 also removes the current provisions requiring the Controller to give a PR notice of the Controller's intention to vary the conditions, etc., of the PR's entry permit, and an opportunity to the PR to make representations against that, before varying the conditions, etc. With the amendments, the Controller will only be required to give the PR notice of the variation of conditions, etc., and specify in the notice the date on which the variation, etc., will take effect.

If the Controller makes a variation of conditions, etc., for a class of PRs, and the Controller assesses that it is not practicable to give notice to each of the affected PRs, the Controller may publish the variation, etc., in the *Government Gazette* or on a website prescribed in subsidiary legislation.

Clause 12 also removes a person's right to appeal to the Minister against the Controller's decision under section 10.

Clause 13 amends section 11 mainly to clarify that a PR who is outside Singapore without a valid re-entry permit must apply for a re-entry permit within a period to be prescribed in subsidiary legislation (prescribed period), and to make related amendments. The PR is not required to make an application for a re-entry permit within the prescribed period if the PR has already applied for a re-entry permit before the first day of the prescribed period, and the PR's application is pending on that day or rejected by the Controller on or after that day.

If a PR (mentioned in the amendments) does not apply for a re-entry permit within the prescribed period, or if the application of a PR (mentioned in the amendments) for a re-entry permit is rejected by the Controller, the PR's entry permit is automatically cancelled under the new section 14A (inserted by clause 17) and upon such cancellation, he or she ceases to be a PR.

Clause 13 also makes the same amendments for the variation of the conditions, etc., of a re-entry permit as clause 12 does in relation to entry permits.

Clause 13 also removes a person's right to appeal to the Minister against the Controller's decision under section 11.

Clause 14 inserts a new section 11AA that deals with the validity period of a re-entry permit, what a re-entry permit authorises its holder to do, and when a re-entry permit ceases to be valid.

Clause 15 makes consequential amendments to section 11A because of the new section 33A (inserted by clause 38), and also aligns section 11A(6)(b) with the new section 9(7) (inserted by clause 8).

Clause 16 amends section 14 to empower the Controller to cancel a person's entry permit if the Controller cancels the person's re-entry permit (on the ground that the person has contravened any condition of the re-entry permit).

Clause 16 also amends section 14 to enable the Controller to cancel a permit or certificate if the holder of that permit or certificate has contravened any provision of the Act or the regulations.

Further, clause 16 removes a person's right to appeal to the Minister against the cancellation of the person's permit or certificate or a declaration that the person's presence in Singapore is unlawful, and makes related amendments.

Clause 17 inserts a new section 14A.

The new section 14A provides for the automatic cancellation of an entry permit in certain situations.

Clause 18 aligns section 15(3)(b) with the new section 9(7) (inserted by clause 8).

Clauses 19 and 20 amend sections 19 and 20, respectively, to include an operator of a vessel.

Clauses 21, 22, 23, 24, 25 and 26 amend sections 22, 22A, 23, 23AA, 23A and 23B, respectively, mainly to enhance the requirements relating to the provision of passenger and crew information, to make certain contraventions strict liability offences, and to increase the penalties for offences.

Clause 27 inserts the new sections 23C, 23D, 23E and 23F.

The new sections 23C and 23D are based on the existing sections 23 and 23AA (as amended by clauses 23 and 24, respectively) but apply in relation to buses.

The new section 23E makes it an offence for a person mentioned in the section to intentionally or knowingly cause or enable an offender to contravene a relevant provision in sections 22, 22A, 23, 23AA, 23A and 23B and new sections 23C and 23D.

The new section 23F requires a person who is due to arrive in Singapore or due to leave Singapore by land to provide his or her particulars if required by the Controller to do so. A person who contravenes the new section is guilty of an offence.

Clauses 28, 29, 30 and 31 amend sections 24, 25, 25A and 26, respectively, to enhance the procedures relating to the examination of persons arriving in Singapore and the removal of persons from Singapore.

Clause 32 makes a consequential amendment to section 28 because of the new definition of “country” (inserted by clause 2).

Clause 33 amends section 29 to remove a person’s right to appeal to the Minister against the cancellation of the person’s permit, pass or certificate under section 29(5), and to make related amendments.

Clause 34 clarifies that section 30 applies to any person who arrives in or is leaving Singapore.

Clause 35 amends section 31A to make reference to an operator of a vessel, etc.

Clause 36 amends section 32 to provide that the Controller may repatriate a person ordered to be removed from Singapore under that section to the person’s place of embarkation, the country of the person’s birth or citizenship, or any other place designated by the Controller.

Clause 37 amends section 33 to remove a person’s right to appeal to the Minister against an order of removal made under that section. The clause also makes the same amendments to the section as clause 36 does to section 32 (in relation to repatriation).

Clause 38 inserts a new section 33A.

The new section 33A empowers the Controller to order a person who ceases to be a citizen of Singapore to be removed from Singapore if the Controller is satisfied that the person is a prohibited immigrant or the presence of the person in Singapore is undesirable or would be prejudicial to public security in Singapore.

Clause 39 makes consequential amendments to section 34 because of the removal of the right of appeal in section 33 (by clause 37), and also extends the section to a bus.

Clause 40 makes the same amendments to section 36 as clause 36 does to section 32 (in relation to repatriation).

Clause 41 amends section 36A to insert a new definition of “crew information” and replace the definition of “passenger information”.

Clauses 42 and 43 amend sections 36B and 36C, respectively, to expand these provisions to include references to crew information.

Clause 42 also expands the list of purposes for which the Minister may authorise access to or disclosure of identifying information, crew information or passenger information.

Clause 44 makes a consequential amendment to section 38 because of the new sections 51AB, 51AC and 51AD (inserted by clause 55). The clause also updates the term “seizable offence” to “arrestable offence”.

Clause 45 replaces section 39B (on the hearing of appeals) as the Bill removes appeals to the Minister under the Act.

The new section 39B clarifies that before making any decision under the Act or the regulations, the Controller or the Minister (as the case may be) is not required to give any person who may be affected by the decision an opportunity to be heard.

Clauses 46, 47, 48, 49 and 50 amend sections 41, 42, 43, 46 and 47, respectively, to extend the sections to a bus and an operator of a vessel, etc.

Clause 51 expands the scope of section 47A to include a person who is ordered to be removed from Singapore under section 32(1), 33(1), 33A(1), 36(3) or 57(3).

Clause 52 amends section 48 to extend the section to an operator of a vessel.

Clause 53 amends section 49 to extend the section to an operator of a vehicle or vessel.

Clause 54 makes consequential amendments to section 51AA arising from the new section 51AD (inserted by clause 55).

Clause 55 inserts the new sections 51AB, 51AC, 51AD and 51AE.

The new section 51AB expands the power of an immigration officer to arrest a person within or in the vicinity of an authorised area to include a person who has an arrest warrant issued against him or her, may be arrested by a police officer without a warrant under section 64(1) of the Criminal Procedure Code 2010 or is concerned in a specified offence (as defined in the new section).

The new section 51AC empowers an immigration officer to stop, seize and detain a vehicle that is within or in the vicinity of an authorised area if (a) the Commissioner of Police or a police officer is satisfied that the vehicle has been stolen or illegally taken or used, or (b) the vehicle is liable to be seized by a police officer under section 95(1) of the Road Traffic Act 1961. In the case of (a), an immigration officer may arrest the driver or person in charge of the vehicle if that person is within or in the vicinity of an authorised area.

The new section 51AD deals with the procedure for arrest and related matters.

The new section 51AE empowers an immigration officer to search a person who is detained, or required to remain, in an immigration depot under the Act or any other written law.

Clause 56 amends section 55 to update the Minister's regulation-making powers.

Clause 57 makes several amendments to section 57. These are mainly as follows:

A strict liability offence is introduced for obtaining or attempting to obtain an entry permit, or a re-entry permit, pass, Singapore visa or certificate, by giving false or misleading information. It is also clarified that the offences relating to the giving of information apply whether the information is given in or outside Singapore.

Section 57(1B) is amended to align with the new section 9(7) (inserted by clause 8).

A new subsection (3A) is inserted to replicate the new section 32(1A) (inserted by clause 36) for section 57.

Section 57(14) is amended to enable the duty of a person in section 57(7D) or (10) to inspect or check a permit or pass to be satisfied if the person inspects or checks an electronic copy of the permit or pass, or an electronic record (to be prescribed in subsidiary legislation) displaying the details of the permit or pass, which is made available on an electronic service (to be prescribed in subsidiary legislation) or satisfies certain requirements (to be prescribed in subsidiary legislation).

Clause 58 inserts a new section 58A.

If a sentence of caning imposed for certain offences under the Act is wholly or partially prevented from being carried out under section 331 of the Criminal Procedure Code 2010, the new section 58A empowers the court to remit the sentence of caning or impose a fine instead of the caning that was not partially or at all carried out.

Clause 59 amends section 59 to increase the maximum amount for composition of offences to \$2,000.

Clause 60 amends section 60(2) to raise the maximum sentence of imprisonment that a Magistrate's Court may impose for an offence under the Act or the regulations, from 12 months to 3 years.

Clause 61 repeals the Banishment Act 1959.

Clauses 62 to 82 make consequential and related amendments to certain other Acts.

Clause 83 sets out saving and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
