

IMMIGRATION ACT (CHAPTER 17) IMMIGRATION (PROHIBITION OF ENTRY) ORDER

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(CHAPTER 17)

IMMIGRATION (PROHIBITION OF ENTRY) ORDER

S 79/56

Amended by

S 99/59

REVISED EDITION 2002

(15th March 2002)

SUBSIDIARY LEGISLATION

IMMIGRATION (PROHIBITION OF ENTRY) ORDER

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Order

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SUBSIDIARY LEGISLATION

Order of prohibition and limitation of entry into Brunei Darussalam under section 9

IMMIGRATION (PROHIBITION OF ENTRY) ORDER

Commencement: 1st July 1958

[S 41/58]

Citation.

1. This Order may be cited as the Immigration (Prohibition of Entry) Order.

Interpretation.

2. In this Order, "Commonwealth citizen" has the same meaning as in the British Nationality Act.

Prohibition of entry into Brunei Darussalam of certain classes of persons.

3. (1) The entry into Brunei Darussalam from any place outside Brunei Darussalam of the following classes of persons is hereby prohibited —

- (a) subject to section 7 persons who are not Commonwealth citizens; or
- (b) persons who are Commonwealth citizens, and in the opinion of the Controller, are not within any of the categories of persons set out in the Schedule.

- (2) No person described in sub-paragraph (a) or (b) of paragraph (1), who is in possession of a valid Pass entitling him to enter and remain temporarily in Brunei Darussalam, shall remain in Brunei Darussalam after the expiration or cancellation of such Pass.

Nothing in Order to entitle prohibited persons to enter Brunei Darussalam.

4. Nothing in this Order shall be construed to entitle any person to enter Brunei Darussalam who is a member of any of the prohibited classes defined in any of the paragraphs (a) to (o) both inclusive of subsection (2) of section 8 of the Act or is prohibited by name from entering Brunei Darussalam under any order made under section 9 of the Act.

Onus of proof.

5. The burden of proof that any person is not a person prohibited from entering Brunei Darussalam by this order shall lie upon that person.

Issue of certificates to be at discretion of Controller.

6. The issue of any certificate referred to in the Schedules shall be at the absolute discretion of the Controller or the Minister, as the case may be.

Person entitled to enter Brunei Darussalam.

7. Nothing in this Order shall be deemed to prohibit the entry of—

- (a) any person specified in subsection (1) of section 7 of the Act;
- (b) any person seeking to enter Brunei Darussalam under and in accordance with any Pass lawfully issued to such person;
- (c) any person entitled to apply under the provisions of subsection (1) of section 11 of the Act for a Re-entry Permit or whose name has been or may be lawfully endorsed on any Re-entry Permit under the provisions of section 12 thereof;
- (d) any person who is exempted from the provisions of section 6 of the Act by an order made under the provisions of section 54 thereof;
- (e) any person who, in the opinion of the Controller, should be permitted to enter Brunei Darussalam on special compassionate grounds;
- (f) the wife or natural born child under 12 years of age of any person lawfully resident in Brunei Darussalam otherwise than on a Pass or by virtue of an order made under section 54 of the Act, who has the means to provide for their maintenance; or
- (g) any person described in sub-paragraph (a) of paragraph (1) of section 3 who —
 - (i) is within any of the categories of persons set out in the Schedule; and
 - (ii) should, in the opinion of the Controller, be permitted to enter and remain in Brunei Darussalam.

SCHEDULE

CATEGORIES OF PERSONS NOT PROHIBITED

(regulation 3(1))

Any person who —

(a) has professional or specialist qualifications which would enable him to follow his profession or occupation in Brunei Darussalam without prejudicing the interests of persons already resident in Brunei Darussalam and possessing corresponding or similar qualifications;

(b) is an employee of the owner of a substantial or well-established business and holds a contract of service with such owner providing for his employment in Brunei Darussalam on such terms and conditions as to the minimum period of engagement and minimum remuneration as the Minister may from time to time approve;

(c) is in possession of a skilled artisan's certificate issued by the Controller, certifying that —

(i) he is a skilled artisan;

(ii) his entry into Brunei Darussalam is in the economic interest of Brunei Darussalam; and

(iii) there are not available for employment in his trade or occupation sufficient skilled artisans already resident in Brunei Darussalam;

(d) is in possession of a certificate issued by the Minister certifying that his admission would be in the economic interest of Brunei Darussalam;

(e) is a member of the family of any person permitted to enter Brunei Darussalam under paragraph (a), (b), (c) or (d);

(f) is a member of the family of a person lawfully resident in Brunei Darussalam otherwise than on a Pass or by virtue of an order made under section 54 of the Act, who has the means to provide for his maintenance.