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**THE IMMIGRATION ACT
OF
THE KINGDOM OF BHUTAN, 2007**

Table of Contents

Title	Page No.
PREAMBLE	1
CHAPTER 1	1
PRELIMINARY	1
TITLE, COMMENCEMENT AND EXTENT.....	1
REPEAL	2
CHAPTER 2	2
GENERAL PROVISIONS	2
ENABLING AUTHORITY	2
CHAPTER 3	3
POWERS AND DUTIES OF IMMIGRATION OFFICER.....	3
POWERS OF IMMIGRATION OFFICER	3
DUTIES OF IMMIGRATION OFFICER.....	5
DUTIES OF PERSON SEEKING ADMISSION OR ENTRY	5
CHAPTER 4	6
IMMIGRANTS	6
IMMIGRANTS.....	6

CHAPTER 5	8
NON-IMMIGRANTS	8
NON-IMMIGRANTS	8
EMPLOYMENT VISA FOR HIGHLY SKILLED, PROFESSIONAL AND TECHNICAL EXPERTS .	9
EMPLOYMENT VISA FOR SKILLED AND TECHNICAL WORKERS	10
CHAPTER 6	11
REQUIREMENTS FOR ADMISSION ..	11
REQUIREMENTS FOR PERSONS ARRIVING IN THE KINGDOM.....	11
REQUIREMENTS FOR A VISITOR.....	12
ENTERING AS VISITOR IN TRANSIT TO ANOTHER COUNTRY	13
ENTERING AS STUDENT	14
ENTERING AS SKILLED WORKER	16
ENTERING AS OVERSEAS EMPLOYEE.....	17
ENTERING AS MEMBER OF THE GROUND STAFF OF FOREIGN OWNED AIRLINE	17
ENTERING TO ESTABLISH AND OPERATE BUSINESS IN THE KINGDOM	18
REQUIREMENT FOR RIGHT OF ENTRY	19
CHAPTER 7	20
REGISTRATION.....	20
REGISTRATION	20
PROCEDURE FOR REGISTRATION.....	20

NOTICE OF CHANGE OF ADDRESS.....	22
CHAPTER 8	22
INADMISSIBILITY AND REFUSAL OF ENTRY.....	22
GROUNDS FOR REFUSAL	22
REPORT ON INADMISSIBILITY	30
CHAPTER 9	31
PASSPORTS AND VISAS	31
PASSPORTS.....	31
VISA.....	31
REQUIREMENT FOR VISA.....	31
CATEGORIES OF VISA	32
TYPES OF VISA	35
DURATION OF VISA	36
EXTENSION OF VISA	37
ORDER OF CONSIDERATION	37
DENIAL OF ADMISSION OR ENTRY	38
VISA FEE	38
CHAPTER 10	38
INSPECTION, SUSPENSION, CANCELLATION AND REVOCATION ...	38
INSPECTION	38
SUSPENSION OF PERMISSION TO ENTER IN THE KINGDOM.....	39
CANCELLATION	40

REVOCATION	40
BURDEN OF PROOF	40
CHAPTER 11	41
REMOVAL AND DETENTION	41
REMOVAL OR DEPORTATION.....	41
REMOVAL PROCEEDING	42
CONDUCT OF PROCEEDING.....	43
VOLUNTARY DEPARTURE	43
DETENTION	44
CHAPTER 12	46
OFFENCES AND PENALTIES.....	46
FINES.....	51
CHAPTER 13	52
MISCELLANEOUS.....	52
OBLIGATIONS OF AGENCIES/INDIVIDUALS OF THE KINGDOM.....	52
OBLIGATIONS AND RIGHTS OF FOREIGNER	52
MAINTENANCE OF INFORMATION	53
RULE MAKING POWER.....	53
RULE OF CONSTRUCTION	53
AUTHORITATIVE TEXT.....	53
AMENDMENT	54
DEFINITIONS	54

PREAMBLE

To ensure that the Kingdom remains free from illegal immigrants and to retain control on the immigration of foreigners for the security and prosperity of the nation; and

To regulate the entry of foreigners to, their residence in, and their departure from the Kingdom;

The National Assembly of Bhutan in its 86th Session held on 17th Day of 11th Month of the Fire Dog Year of Bhutanese Calendar corresponding to 5th January 2007, hereby enacts the Immigration Act of the Kingdom of Bhutan as follows:

CHAPTER 1 PRELIMINARY

Title, commencement and extent

1. This Act shall:
 - (a) be called the Immigration Act of the Kingdom of Bhutan, 2007;

- (b) come into force on the 3rd Day of the 1st Month of the Fire Pig Year, which corresponds to the 20th Day of 2nd Month of the Year 2007; and
- (c) apply to all the citizens of Bhutan and persons seeking admission or entry, stay and exit in and out of the Kingdom.

Repeal

- 2. The provisions of all existing laws relating to immigration, which are inconsistent with this Act, are hereby repealed.

CHAPTER 2 GENERAL PROVISIONS

Enabling Authority

- 3. There shall be a Department of Immigration under the Ministry of Home and Cultural Affairs, for the implementation and administration of this Act.
- 4. The Department shall empower all immigration offices with full operational immigration powers and authority to effectively implement the provisions of this Act.

5. The Ministry may designate any person or class of persons as immigration officers to carry out any provision of this Act.
6. All law enforcement agencies, such as Ministry of Foreign Affairs, Royal Bhutan Police, Ministry of Labour and Human Resources, Bhutan Agriculture and Food Regulatory Authority, Department of Forestry, Department of Revenue and Customs, Department of Civil Aviation and Bhutan Narcotic Control Agency shall support, coordinate and cooperate with the Department of Immigration in the enforcement of this Act.

CHAPTER 3

POWERS AND DUTIES OF IMMIGRATION OFFICER

Powers of immigration officer

7. An immigration officer appointed under this Act shall have the full authority to implement the provisions of this Act
8. An immigration officer is authorized to proceed with an examination where a person makes an application for entry to the officer in accordance with this Act, provided an examination of whether the foreigner fulfills the required criteria shall be conducted solely on the basis of documents submitted by the foreigner requesting for admission or entry into the Kingdom.

9. An immigration officer shall have the authority and powers of a law enforcement officer to enforce any provisions of this Act relating to arrest, detention and deportation of any foreigner or to investigate the commission of an immigration offence.
10. An immigration officer shall have the authority to appear in the court of law and conduct any prosecution in respect of any offence under this Act or the rules and regulations made thereunder.
11. An immigration officer shall have the power to enter any private or official premises for search, arrest, seizure, detention, interrogation or forfeiture of any vehicles, trains, vessels, aircrafts, or goods in accordance with the laws of the Kingdom.
12. An immigration officer may board and inspect any means of transportation bringing a foreigner to the Kingdom, examine any person carried by that means of transportation and any record or document pertaining to that person, seize and remove the record or document or obtain copies or extracts thereof and hold the means of transportation until the inspection and examination are completed.

13. An immigration officer may require or obtain from a foreigner who is arrested, detained or subjected to a removal order, any evidence such as photographic, fingerprint or otherwise that may be used to establish his identity in compliance with this Act.
14. While acting in the position of an immigration officer, the officer is not liable for any act done or omitted in good faith and in pursuance of the provisions of this Act.

Duties of immigration officer

15. It shall be the duty of an immigration officer to perform all acts as may be deemed necessary for effectively enforcing the provisions of this Act.
16. It shall be the duty of an immigration officer to conduct examination in accordance with rules and regulations of this Act.
17. It shall be the duty of an immigration officer to conduct investigations into cases of violations of the provisions of this Act.

Duties of person seeking admission or entry

18. A person who makes an application shall answer truthfully all questions put to him for the purpose of examination and shall produce all relevant evidences and documents that an immigration officer reasonably requires.

CHAPTER 4 IMMIGRANTS

Immigrants

19. Following categories of foreigners living in the Kingdom are immigrants whose conditions for stay in the Kingdom are as defined against each category:

- (a) A foreigner who is married to a Bhutanese man and is the holder of Special Residence Permit;
- (b) The son or daughter of a Bhutanese woman married to a foreigner and is the holder of Special Residence Permit;

Terms of stay:

- (i) persons with Special Residence Permit as in (a) and (b) above shall have the right to reside in the Kingdom;
- (ii) such persons shall be given free movement in the Kingdom.

- (c) A foreigner who is married to a Bhutanese or the son or daughter of such parentage and is the holder of an Immigration Card;

Terms of stay:

- (i) persons holding an immigration card shall be provided with stay permit on periodical basis as may be decided by the Government from time to time;
- (ii) such persons shall register themselves at the nearest police station each time they change their place of residence;
- (iii) they shall obtain route permits to travel outside the designated areas.

- (d) A holder of green card or refugee card;

Terms of stay:

- (i) holders of cards as stated under sub clause (d) above shall be entitled to stay in the Kingdom until such time as they leave the Kingdom or as may be decided by the Government;
- (ii) they shall enjoy free movement in the Kingdom.

- (e) A holder of trader card who is permitted to reside and conduct business in the Kingdom.

Terms of stay:

- (i) the holders of such cards shall be permitted to stay and conduct business in the designated commercial centers;
 - (ii) they shall obtain route permit for movement outside their designated place of residence.
20. An employment visa may not be issued to an immigrant until the consular officer is in receipt of a determination made by the relevant organization.

CHAPTER 5

NON-IMMIGRANTS

Non-immigrants

21. The admission of any foreigner into the Kingdom as a non-immigrant shall be for such duration and under such conditions as the Department may prescribe by rules and regulations. However, the normal duration shall not exceed three years.

22. The period of authorized status as a non-immigrant shall be for such period as prescribed in the rules and regulations to this Act.
23. Every foreigner applying for entry shall be presumed to be an immigrant until he establishes to the satisfaction of the consular/immigration officer, at the time of application for a visa/entry permit that he is entitled to a non-immigrant status.
24. The Department shall provide a process for reviewing and acting upon application under this Act with respect to non-immigrants within fifteen days after the date of filing a complete application.

Employment visa for highly skilled, professional and technical experts

25. Employment visa may be given to a foreigner who:
 - (a) has extraordinary ability in the field of science, art, education, business, or sports which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

- (b) seeks to enter the Kingdom to continue work in the area of extraordinary ability; or
- (c) is a skilled worker, professional, or other worker, who will substantially benefit the Kingdom.

Terms of stay:

- (i) they may be allowed to stay and work in the Kingdom for a maximum period of three years.

Employment visa for skilled and technical workers

26. Employment visa may be given to a foreigner who:

- (a) is a skilled or technical worker;
- (b) will benefit the Kingdom.

Terms of stay;

- (i) they shall be allowed to stay and work in the Kingdom for a maximum period of one year.

CHAPTER 6

REQUIREMENTS FOR ADMISSION

Requirements for persons arriving in the Kingdom

27. A person shall, on arrival in the Kingdom or when seeking entry, produce on demand by the immigration officer:
- (a) a valid national passport or other document satisfactorily establishing his identity and nationality; and
 - (b) such information as may be required to establish whether he requires permission to enter the Kingdom and, if so, on what terms and conditions permission to enter may be given.
28. Entry clearance takes the form of a visa (for visa nationals) and an entry permit (for non-visa nationals). These documents are to be taken as evidence of the holder's eligibility for entry into the Kingdom.
29. An applicant seeking entry clearance shall be outside the Kingdom at the time of the application.

30. An application for entry clearance shall be considered in accordance with the provisions of this Act and the rules and regulations made thereunder.
31. An entry clearance may be revoked, if the immigration officer is satisfied that:
 - (a) it was obtained through false representations or material facts were not disclosed; or
 - (b) the holder's exclusion from the Kingdom would be in the interest of the public good and national security.
32. The time limit and other conditions shall be made known to the person concerned either by written notice given to him or endorsed by the immigration officer in his passport or travel document or in any other manner permitted by rules and regulations under this Act.

Requirements for a visitor

33. A person seeking permission to enter the Kingdom as a visitor shall fulfill the following requirements, that he:

- (a) is genuinely seeking entry as a visitor for a limited period;
- (b) intends to leave the Kingdom at the end of the period of the visit as stated by him;
- (c) does not intend to take employment in the Kingdom;
- (d) does not intend to produce or sell goods or services within the Kingdom; and
- (e) shall meet the cost of the return or onward journey.

34. A person seeking permission to enter the Kingdom as a visitor may be admitted for a period not exceeding ninety days, subject to a condition prohibiting employment, provided the immigration officer is satisfied that each of the requirements enshrined under this Act is met.

Entering as visitor in transit to another country

35. Any person, who as a visitor in transit to another country needs to fulfill the following requirements that he:

- (a) is in transit to another country;

- (b) has both the means and the intention of proceeding at once to another country;
- (c) is assured of entry there; and
- (d) intends and is able to leave the Kingdom within forty eight hours.

Entering as student

36. Any person seeking permission to enter the Kingdom as a student needs to fulfill the following requirements that he:
- (a) has been accepted for a course of study in an academic institution recognized by the Government;
 - (b) shall leave the Kingdom at the end of his studies;
 - (c) does not intend to engage in business or to take any employment; and
 - (d) is able to meet the costs of his course and accommodation and the maintenance of himself without taking employment or engaging in business or having recourse to public funds.

37. A person seeking permission to enter the Kingdom as a student shall be admitted for an approved period depending on the length of his course of study and his means.
38. Extension of student visa may be approved if the applicant:
- (a) was last admitted to the Kingdom in possession of a valid student entry clearance, or valid prospective student entry clearance in accordance with rules and regulations under this Act;
 - (b) meets the requirements for admission as a student;
 - (c) has produced evidence of his enrolment acceptance for the course;
 - (d) can produce satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past; and
 - (e) can show evidence of satisfactory progress in his course of study including the taking and passing of any relevant examinations.

Entering as skilled worker

39. A person coming to the Kingdom to seek or take employment shall:
- (a) hold a valid employment visa or employment clearance from the relevant organization;
 - (b) not be of an age which puts him outside the limits for employment;
 - (c) be capable of undertaking the employment specified in the work permit;
 - (d) not intend to take employment except as specified in his employment visa/permit;
 - (e) leave the Kingdom on expiry of the permit;
 - (f) be physically and mentally sound as certified by a relevant organization; and
 - (g) possess valid identity documents or certificate of nationality.
40. A person seeking permission to enter the Kingdom as skilled worker under this category may be admitted for a period not exceeding one year.

Entering as overseas employee

41. A person may be granted permission to enter the Kingdom as an overseas employee, if he:
- (a) is able to produce either a valid entry clearance for entry or satisfactory documentary evidence of his status as an overseas employee;
 - (b) does not take up any other employment; and
 - (c) will leave the Kingdom upon the closure of his office or on the expiry of his tenure.

Entering as member of the ground staff of foreign owned airline

42. A person may be granted permission to enter the Kingdom as a member of the operational ground staff of a foreign owned airline, if he:
- (a) has been transferred to the Kingdom by a foreign owned airline operating services to and from the Kingdom to take up duty at an international airport as station manager or technical manager;
 - (b) intends to work full time for the airline concerned;

- (c) does not take up any other employment;
- (d) holds valid immigration documents for entry in this capacity; and
- (e) will leave the Kingdom upon the closure of his office or on the expiry of his tenure.

Entering to establish and operate business in the Kingdom

43. A person may be granted permission to enter the Kingdom to establish business, if:
- (a) he fulfills the requirements mentioned under this Act or in any other laws of the Kingdom ;
 - (b) he holds valid immigration documents for entry in this capacity;
 - (c) he establishes with documentary evidences of having received Government approval for establishment of business in the Kingdom as per prevailing policies and laws;

- (d) he will be actively involved full time in trading or providing services on his own account or in partnership, or in the promotion and management of the company; and
- (e) there is a genuine need for his investment and services in the Kingdom.

Requirement for right of entry

44. A person claiming to be a Bhutanese citizen shall prove that he has the right of abode in the Kingdom by producing either:
- (a) the Bhutanese citizenship identity card;
 - (b) Bhutanese passport describing him as a Bhutanese citizen; or
 - (c) any certificate duly issued by or on behalf of the Government certifying that he is a citizen of the Kingdom.

CHAPTER 7 REGISTRATION

Registration

45. No visa/stay permit shall be extended to any person until such person has been registered in accordance with this Act, other laws and rules and regulations made under this Act.
46. Every foreigner in the Kingdom shall have the duty to be registered at the nearest police station within ten days and thereafter with every change of address, except for tourist.
47. Every parent or legal guardian of a foreigner residing in the Kingdom shall have the duty to register their wards at the nearest police station within ten days and thereafter with every change of address, except for tourist.

Procedure for registration

48. The Department shall provide registration form to the foreigners and such form shall include:
 - (a) the date and place of entry into the Kingdom;

- (b) visa/entry permit/work permit number and date of issue;
 - (c) activities in which the person has been and intends to be engaged;
 - (d) the length of time the person expects to remain in the Kingdom;
 - (e) the place of stay and work;
 - (f) police and criminal record, if any; and
 - (g) any additional information as may be prescribed.
49. All registration records shall be confidential, and shall be made available only to such persons or agencies as may be designated by the Government.
50. Every person who is required to apply for the registration of self or another shall submit all the required information.
51. Every foreigner in the Kingdom who has been registered shall be issued a foreigner registration card prescribed under rules and regulations made under this Act.

Notice of change of address

52. All foreigners who have been registered under this Act or other laws or rules and regulations made under this Act shall notify the Department in writing of the change of address within ten working days from the date of such change.
53. Every parent or legal guardian of a foreigner shall have the duty to notify the change of address for their ward.

CHAPTER 8 INADMISSIBILITY AND REFUSAL OF ENTRY

Grounds for refusal

54. The entry or permission to enter the Kingdom shall be refused if:
 - (a) the person seeking entry to the Kingdom is currently the subject of a deportation order;

- (b) the person fails to produce a valid national passport or other travel documents satisfactorily establishing his identity and nationality;
- (c) the person fails to provide any information, documents, copy of documents or medical report requested by an immigration officer;
- (d) the person fails to furnish the immigration officer with any additional information as may be required for the purpose of deciding whether he requires permission to enter and, if so, on what terms permission should be given;
- (e) a previous permission to enter or remain was obtained by deception;
- (f) the Government has specifically directed the exclusion of that person from the Kingdom; or
- (g) the information available to the immigration officer justifies the refusal of entry on the ground that exclusion from the Kingdom is conducive to public good and national security.

55. A foreigner may be denied admission to enter into the Kingdom, if there exists reasonable ground to believe that the admission of such a person would have serious adverse foreign policy consequences for the Kingdom.
56. A foreigner who holds an entry clearance which was duly issued to him may be refused entry where the immigration officer is satisfied that:
- (a) the entry clearance is obtained through false representation;
 - (b) material facts were not disclosed;
 - (c) there is a change in circumstances;
 - (d) refusal is justified on grounds of restricted return ability on medical grounds or on grounds of criminal record;
 - (e) the person seeking permission to enter is the subject of a deportation order; or
 - (f) it is in the interest of public good and national security.

57. The cancellation of a person's permission to enter or remain which is in force on his arrival in, or whilst he is outside the Kingdom shall apply if:
- (a) there has been such a change in the circumstances whereby the given permission should be cancelled;
 - (b) the permission was obtained as a result of false information; or by that person's failure to disclose material facts;
 - (c) it is undesirable to admit that person for medical reasons;
 - (d) it seems right to cancel permission on the ground that exclusion from the Kingdom is conducive to the public good; or
 - (e) the person fails to provide any information, documents, copy of documents or medical report requested by an immigration officer.
 - (f) it is in the interest of public good and national security.
58. The arrival of a foreigner is illegal if he enters the Kingdom at any place other than as designated by the Government.

59. A foreigner shall be inadmissible into the Kingdom on security grounds for:
- (a) engaging in an act of espionage or an act of subversion against the Kingdom;
 - (b) engaging in or instigating subversion by force of any Government;
 - (c) engaging in terrorism;
 - (d) posing threat to the security of the Kingdom;
 - (e) engaging in acts of violence that would or might endanger the lives or safety of people in the Kingdom; or
 - (f) being a member of an organization against which there are reasonable grounds to believe that it engages, has engaged or may engage in acts referred to in paragraph (a), (b) or (c).
60. A foreigner shall be inadmissible into the Kingdom on grounds of:
- (a) violating human or international rights for committing an act outside the Kingdom that constitutes an offence of the crimes against humanity and war crimes; or

- (b) being a prescribed senior official in the service of a foreign Government that, in the opinion of the Royal Government, engages or has engaged in terrorism, human rights violations or genocide, a war crime or a crime against humanity.
61. A foreigner shall be inadmissible into the Kingdom on grounds of serious criminality for:
- (a) having been convicted in the Kingdom of an offence of felony under the laws of the Kingdom;
 - (b) having been convicted of an offence outside the Kingdom that, if committed in the Kingdom would constitute an offence of felony under the laws of the Kingdom; or
 - (c) committing an act outside the Kingdom that is an offence in the place where it was committed and that, if committed in the Kingdom, would constitute an offence of felony under the laws of the Kingdom.
62. A foreigner shall be inadmissible into the Kingdom on grounds of organized criminality for:

- (a) being a member of an organization that is believed on reasonable grounds to be or to have been engaged in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of an offence punishable under an Act of Parliament; or
 - (b) engaging, in the context of trans-national crime, in activities such as human or drug trafficking, or money laundering.
- 63. A foreigner shall be inadmissible into the Kingdom on health grounds if his health condition:
 - (a) is likely to be a danger to public health or safety; or
 - (b) might reasonably be expected to cause excessive demand on health or social services.
- 64. A foreigner shall be inadmissible into the Kingdom, if he is or will be unable or unwilling to support himself and has not satisfied an immigration officer that adequate arrangements for care and support, other than those that involve social assistance, have been made.

65. A foreigner shall be inadmissible into the Kingdom for misrepresentation on account of:
- (a) directly or indirectly withholding material facts relating to a relevant matter that induces or could induce an error in the administration of this Act; or
 - (b) a final determination to cancel the earlier decision allowing the claim for admission.
66. A foreigner shall be inadmissible into the Kingdom for engaging in:
- (a) proselytization or showing disrespect to the religions of the Kingdom;
 - (b) religious congregation which may create communal disharmony; and
 - (c) any other undesirable practices including political activities.
67. Any foreigner who has engaged, is engaging, or seeks to enter the Kingdom to engage in an offence or who aids, abets, assists, conspires, or colludes in the commitment of an offence shall be ineligible for admission in the Kingdom.

68. Any foreigner who obtains the status of a non-immigrant and violates a term or condition mentioned under this Act or rules and regulations shall be refused re-entry and other immigration permits until the person has been outside the Kingdom for a continuous period of five years.

Report on inadmissibility

69. An immigration officer, who is of the opinion that a person, who is in the Kingdom is inadmissible may prepare a report setting out the relevant facts and reasons justifying his opinion and submit it to the Department.
70. If the Department is of the opinion that the report is well founded, the Department may impose any conditions, including the payment of a deposit or the posting of a guarantee for compliance with the conditions or removal of the person.

CHAPTER 9

PASSPORTS AND VISAS

Passports

71. All foreigners visiting the Kingdom shall carry valid passports issued by their respective countries except as may be otherwise mentioned by law.
72. A passport has to be valid for a minimum of six months beyond the date of intended departure from the Kingdom.

Visa

73. All foreigners intending to visit the Kingdom are required to obtain Bhutanese visa prior to departure from their respective countries except the nationals of those countries exempted by the Government.
74. The Bhutanese visa shall be issued by the Department of Immigration, Royal Bhutanese Embassies or Consular offices abroad.

Requirement for visa

75. The visa applicant shall state the following when making an application:

- (a) the purpose of visit;
- (b) the duration of stay; and
- (c) proof of residence outside the Kingdom as well as other binding ties ensuring return abroad at the end of the visit.

Categories of visa

76. The categories of visa shall be:

- (a) diplomatic visa;
- (b) official visa;
- (c) ordinary/tourist visa; and
- (d) gratis visa

77. The diplomatic visa shall be issued to:

- (a) members of reigning houses of Kings and Queens; Presidents and Prime Ministers whether on official/private visit;
- (b) members of diplomatic service of foreign states and Consular Officers traveling/visiting on official business;

- (c) Cabinet Ministers and important salaried officials of Foreign Governments on official missions;
- (d) members of the diplomatic missions accredited to the Kingdom;
- (e) officials of United Nation and International Organizations holding diplomatic passports, when traveling on duty; and
- (f) accompanying spouse and family members of above persons.

78. The official visa shall be issued to:

- (a) guests of the Royal Family;
- (b) ambassadors of foreign states on holiday/tourism purpose;
- (c) officials of foreign Governments on duty/guests of the Government;
- (d) foreigners coming to attend conferences, meetings, seminars, symposia, etc. sponsored by the Government; and

- (e) professionals working for Government, United Nation agencies, their spouse and children.

79. The ordinary/tourist visa shall be issued to:

- (a) tourists;
- (b) diplomats of foreign states on holiday/tourism;
- (c) relatives/guests of foreigners working in the Kingdom including United Nation agencies and missions etc.;
- (d) private visitors, students, business persons, journalists;
- (e) consultants/experts of private firms on assignment with bilateral and multilateral projects;
- (f) skilled and qualified professionals or persons who are engaged or appointed by companies, organizations, economic undertakings as technicians, contractors, technical experts, senior executives; and

- (g) others not falling under the diplomatic and official/gratis types.

Types of visa

- 80. Single entry visa means that the visitor can enter the Kingdom only once irrespective of duration of his visa.
- 81. Double entry visa means that the visitor is permitted to enter the Kingdom only twice, if his visa and passport are valid.
- 82. Triple entry visa means that the visitor is permitted to enter the Kingdom only three times if his visa and passport are valid.
- 83. Multiple entry visa means that the visitor is permitted to enter the Kingdom many times if his visa and passport are valid.

Duration of visa

84. The duration of visa depends upon the purpose of the visit. The visa shall be issued for a maximum period of ninety days at the entry points for diplomatic, official/gratis and thirty days for ordinary visa.
85. The foreigners working in the Kingdom shall be issued visa with validity depending upon the terms of their assignment in the Kingdom.
86. The visa for tourist shall be given for a maximum period of ninety days.
87. The visa for student shall be issued for the duration of the academic course of study or for a period of five years which ever is less, on the basis of firm letters of admission from an academic institution recognized by the Government;
88. The visa on transit shall be issued for a maximum period of forty eight hours with single entry facility to bona-fide transit passenger only.

89. The visa for business persons shall be issued for one year or more with multiple entries.

Extension of visa

90. Extension of visa may be granted only on the grounds of illness as an exceptional case for a period not exceeding 15 days at a time.
91. No extension shall be granted to the foreigners who have not registered according to Chapter 7 of this Act.

Order of consideration

92. Visas made available under this Act shall be issued in the order in which an application is filed with the concerned authority.
93. In issuance of visa/entry permit to a foreigner, the concerned authority shall consider any credible evidence relevant to the issuance of the visa/entry permit.
94. A visa/entry permit shall not be issued until the concerned authority is fully satisfied that the person is eligible under this Act.

Denial of admission or entry

95. Applicants should be aware that a visa/entry permit does not guarantee entry into the Kingdom. Immigration authorities may deny admission or entry in accordance with this Act.

Visa Fee

96. The visa fee shall be revised from time to time in accordance with the rules and regulations made under this Act.

CHAPTER 10 INSPECTION, SUSPENSION, CANCELLATION AND REVOCATION

Inspection

97. Where a person has arrived in the Kingdom with permission to enter or remain, which is in force but which was given to him before his arrival, may be examined by an immigration officer.

98. All foreigners who are applicants for admission or otherwise seeking admission or re-admission to or transit through the Kingdom shall be inspected by an immigration officer.
99. An applicant for admission shall be required to state any information sought by an immigration officer regarding the purposes and intentions of the applicant in seeking admission to the Kingdom, including the applicant's intended length of stay.
100. There shall be spot checking in all public places as well as regular field inspections in all residential, commercial, private and official premises to expose illegal immigrants and unauthorized foreign workers from the Kingdom.

Suspension of permission to enter in the Kingdom

101. During the examination process, if the examining immigration officer has reasonable grounds to deny the person's entry, the immigration officer may suspend such permission to enter the Kingdom until the examination is completed.

Cancellation

102. The power to cancel permission to enter or remain, which is already in force, is not to be exercised by any immigration officer acting on his own except upon the order of the Department.

Revocation

103. The Ministry may, at any time, for reasonable and sufficient cause, revoke the approval of any application approved by the Department.
104. The Department may, at any time, for reasonable and sufficient cause, revoke the approval of any application approved by the Regional Immigration Office.
105. The revocation shall be effective as of the date of approval of any such application. However, such revocation shall not have effect unless a notice of revocation is mailed to the applicant's last known address.

Burden of proof

106. Whenever any person makes application for a visa or entry permit for entry into the Kingdom, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or any immigration permit.

CHAPTER 11

REMOVAL AND DETENTION

Removal or deportation

107. If an immigration officer determines that a person who is arriving in the Kingdom is inadmissible on any ground under this Act, the officer shall effect the removal of such person from the Kingdom without further hearing or review unless otherwise provided in other laws of the Kingdom.
108. A person shall be subject to deportation or removal if he:
 - (a) does not enter the Kingdom through a designated port of entry; or
 - (b) is found unlawfully present in the Kingdom.
109. A person who arrives or enters the Kingdom illegally shall be removed to the country in which the person has boarded the aircraft or vehicle on which he arrived in the Kingdom or the last country before he entered the Kingdom.

110. An illegal immigrant or an unauthorized foreign worker exposed during field inspection shall be subject to deportation after imposing fines as per the provisions of this Act or rules and regulations made thereunder.
111. Owners and operators of all modes of carriers and individuals who bring a foreigner into the Kingdom unlawfully shall be liable to bear all transportation and related costs for the deportation of that foreigner.

Removal proceeding

112. An authorized authority shall conduct proceedings for deciding the inadmissibility or deportability of a person.
113. A notice shall be served in person or, if personal service is not practicable, the notice shall be served upon the person through registered mail. However, if the person to be served cannot by the exercise of due diligence be found, it may be served by leaving a copy with:
 - (a) an adult member of his family; or
 - (b) a person living with him at that time.

114. The notice shall specify:

- (a) the name and address of the person;
- (b) the nature of charges and statutory provisions alleged to have been violated; and
- (c) that a person produce any evidences to justify his stand.

Conduct of proceeding

115. All proceedings shall be conducted in accordance with the Civil and Criminal Procedure Code of Bhutan.

Voluntary departure

116. The Government may permit the person unlawfully present in the Kingdom to voluntarily depart the Kingdom at his own expense before trial, if the Government is satisfied and enters an order granting voluntary departure in lieu of removal by deportation.

117. The voluntary departure may be granted, if the person:

- (a) has established that the person has not been involved in any criminal activities;
- (b) has established that the person has no financial dues payable;

- (c) has established by clear and convincing evidence that the person has a means to depart the Kingdom;
 - (d) intends to depart from the Kingdom; and
 - (e) has no any court cases pending against him.
- 118. Permission to depart voluntarily under this Act shall not be valid for a period exceeding fifteen days.
- 119. The person permitted to depart voluntarily shall be required to execute a bond of surety to ensure that he will depart within the specified time.

Detention

- 120. The Department may detain a person in the immigration detention center for a maximum period of one week. Where the detention exceeds more than one week, the immigration officer shall comply with the provisions of the Civil and Criminal Procedure Code of the Kingdom of Bhutan.
- 121. The Department shall detain a foreigner on grounds of established facts that the foreigner:
 - (a) was inadmissible for entry into the Kingdom

- (b) has entered illegally and has been residing illegally in the Kingdom
- (c) was illegally working or transacting business without valid work permit and immigration document
- (d) has refused to leave the Kingdom after serving removal or deportation order

122. A foreigner shall be detained for the purpose of:

- (a) conducting examination;
- (b) deportation proceeding;
- (c) awaiting the host, relative or employer to appear for questioning;
- (d) paying fines by the host, relative, employer or guarantor as the case may be.

CHAPTER 12

OFFENCES AND PENALTIES

123. The Penal Code of Bhutan shall apply in case of any immigration offences mentioned under the Penal Code.
124. Any foreigner or his parent/legal guardian who willfully fails or refuses to register within the stipulated period in accordance with Chapter 7 of this Act shall be guilty of the offence of violation.
125. A person shall be liable for petty misdemeanour if he:
 - (a) knowingly and without any reasonable cause obstructs the immigration officers in execution of lawful duties; or
 - (b) knowingly reports false information to the immigration authority with intent to deceive the authority.

126. A person who enters or obtains entry or stays in the Kingdom by false or misleading representation or by concealment of a material fact or without a valid immigration documents shall be liable for the offence of petty misdemeanour and the person shall be deported.
127. A person shall be liable for the offence of the felony of the fourth degree , if he:
- (a) hires or recruits for employment a foreigner knowing that such person is unauthorized to be in the Kingdom;
 - (b) hires or recruits for employment a foreigner without complying with the requirements under this Act;
 - (c) knowingly aids, abets, assists any foreigner to depart or enter the Kingdom with invalid travel documents;
 - (d) knowingly aids, abets, assists any foreigner by furnishing false documents or other means to facilitate unlawful departure or entry into the Kingdom; or
 - (e) harbours an inadmissible foreigner.

128. A person shall be liable for the offence of misdemeanour if he:
- (a) falsely represents, or has falsely represented himself to be a citizen of the Kingdom for any purpose or benefits;
 - (b) fraudulently or willfully misrepresents a material fact and procures a visa or any immigration documents for admission into the Kingdom; or
 - (c) conceals the presence of an unauthorized person in the Kingdom.
129. A person shall be liable for an offence of misdemeanour, if he brings any unauthorized foreigner into the Kingdom despite having exercised due diligence in ascertaining the person's admissibility.
130. A person shall be liable for the offence of misdemeanour, if he willfully fails or refuses to:
- (a) make timely application in good faith for travel or other documents necessary for his departure; or

- (b) present himself for removal at the time and place as required by the authority pursuant to the removal order.
- 131. A person shall be liable for the offence of fourth degree felony, if he:
 - (a) knowingly brings or attempts to bring to the Kingdom a foreigner in any manner whatsoever through a place other than a designated port of entry or place;
 - (b) willfully disregards the fact that a foreigner has entered, or remained in the Kingdom in violation of laws and transports, or moves such person within the Kingdom by means of transportation or otherwise, in furtherance of such violation of laws; or
 - (c) willfully disregards the fact that a foreigner has not received prior official authorization to enter, or reside in the Kingdom and brings such person to the Kingdom in any manner whatsoever.

132. A person shall be liable for the offence of fourth degree felony, if he tampers with the immigration documents knowing that he does not have the authority to do so and removes, mutilates, destroys, conceals, makes a false entry in, or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of immigration office.
133. A person shall be liable for the offence of third degree felony, if he:
- (a) makes, completes, executes, authenticates or issues immigration document using the authority of another, who did not authorize the person to use the authority; or
 - (b) causes any circumstance to exist or make any false entry in any book or record, or makes any document containing false statement, intending that such circumstances may appear in evidence in a judicial proceeding, or in any other proceeding conducted by lawful authority.
134. The court may for good cause suspend the sentence of a person convicted under this Act and order the person's release under such conditions as the court may prescribe. In determining whether good cause has been shown to justify releasing the person, the court shall take into account such factors as:

- (a) the age, health, and period of detention of the person;
- (b) the effect of the person's release upon the national security and public peace or safety;
- (c) the likelihood of person's resuming or following a course of conduct which made or would make him deportable;
- (d) the efforts made by such person and by representatives of the country or countries to which the person's removal is directed to expedite the person's departure from the Kingdom; and
- (e) the reason for the inability of the Government to secure passports, other travel documents, or removal facilities from the country or countries to which the person has been ordered to be removed.

Fines

135. The imposition, variation of the amount of fine shall be as specified in the rules and regulations to this Act.

CHAPTER 13

MISCELLANEOUS

Obligations of agencies/individuals of the Kingdom

136. Hoteliers, tour operators, contractors, employers of foreign workers, and any other individual shall be bound by this law to consciously adhere to and apply the provisions of this Act.
137. It shall be the duty of all employers/managements to maintain records of foreigners staying in their hotels, arriving through their agencies, working or transacting business with them. The record shall be produced to the immigration officer on request or may be examined periodically by him.

Obligations and rights of foreigner

138. A foreigner shall comply with any conditions imposed under the rules and regulations of this Act.
139. A foreigner shall abide by the laws of the Kingdom, and shall respect the social norms, tradition, customs, culture and religion of the Kingdom.
140. A foreigner has the right to be protected by the law of the Kingdom.

Maintenance of information

141. The Department shall maintain a record of immigrants and non-immigrants within the Kingdom.
142. Arrival forms retained at the time of entry shall be preserved until the receipt of departure forms, for counter check.
143. Every visitor shall be recorded in accordance with the arrival or departure forms in a register/data.

Rule making power

144. Except as otherwise provided, the Ministry may make any rules and regulations regarding any matter for the purpose of giving effect to the provisions of this Act.

Rule of construction

145. In this Act, unless the context indicates otherwise, the singular shall include the plural and the masculine shall include feminine.

Authoritative Text

146. The Dzongkha text shall be the authoritative text and shall prevail over the English text in the event of any difference in the meaning.

Amendment

147. The amendment of this Act by way of addition, variation or repeal shall be effected only by Parliament.
148. Any action pertaining to major immigration matters outside the provisions of this Act shall be effected by two third majority of Parliament.

Definitions

149. In this Act unless the context otherwise requires:
- (a) “**Authorized authority**” means any authority authorized to enforce this Act and it includes the Royal Court of Justice of the Kingdom of Bhutan.
 - (b) “**Citizenship Act**” means the Citizenship Acts of Bhutan.
 - (c) “**Consular officer**” means any consular, diplomat, or other officer or employee of the Kingdom of Bhutan designated under regulations prescribed under authority contained in this Act, for the purpose of issuing immigrant or non-immigrant visas.

- (d) **“Department”** means the Department of Immigration.
- (e) **“Foreign national”** means a person who is not a Bhutanese citizen and includes a stateless person.
- (f) **“Government”** means the Royal Government of Bhutan
- (g) **“Green Card”** means the resident card issued to Tibetans who opted to stay in the country.
- (h) **“immigration officer”** means an official of the Royal Government appointed to exercise the functions, powers and duties under this Act.
- (i) **“Immigration Card”** means the stay permit issued to the foreigners married to Bhutanese after 10th June 1985 and their children.
- (j) **“Immigrant”** means a foreigner who has entered the country legally with permission to stay in the Kingdom with the intention of abandoning his former country of domicile and excludes the following classes:

- (i) an ambassador, diplomat, consular officer or any officials who has been accredited by a foreign Government to the Kingdom;
- (ii) a foreigner having residence in a foreign country which he has no intention of abandoning and who is visiting the Kingdom temporarily for business or temporarily for pleasure;
- (iii) a foreigner in immediate and continuous transit through the Kingdom;
- (iv) a foreign crewman serving in a capacity required for normal operation and service on board of an aircraft, vessel, etc.;
- (v) a foreigner entitled to enter the Kingdom under and in pursuance of the provisions of a treaty of trade and commerce between the Kingdom and the foreign state of which he is a national, and the spouse and children of any such foreigner if accompanying or following to join him;

- (vi) a foreigner having residence in a foreign country which he has no intention of abandoning, and who seeks to enter the Kingdom temporarily and solely for the purpose of pursuing study or temporary service or labour or any other profession and his spouse and minor children;
 - (vii) officers, or employees of such international organizations, and the members of their immediate families and personal employees of any such officer; or
 - (viii) any other person falling under non-immigrant category and not intending to reside permanently.
- (k) **“Kingdom”** means the Kingdom of Bhutan.
- (l) **“Ministry”** means Ministry of Home and Cultural Affairs.
- (m) **“Overseas employee”** means a person coming for employment from an overseas Government or employee of the United Nations Organization or other international organizations of which the Kingdom of Bhutan is a member.

- (n) **“Refugee Card”** means the resident card issued to the Tibetans who opted to remain as refugee.
- (o) **“Special Residence Permit”** means the resident card issued to the foreigners married to Bhutanese before 10th June 1985 and their children
- (p) **“Visitor”** a person living and working outside the Kingdom, who is visiting the Kingdom.