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ENFORCEMENT SECTION DEPARTMENT OF IMMIGRATION & NATIONAL REGISTRATION



TABLE OF CONTENTS

- Introduction
- Enforcing Law
- Offences under Immigration Act & Regulation



INTRODUCTION

DEPARTMENT MISSION

To provide quality services to the public and to ensure the department's workforce are committed in carry out their responsibilities in accordance to the laws, regulations and policies pertaining to the Immigration and National Registration

DEPARTMENT VISION

Towards a Dynamic and Credible Service

RESPONSIBILITIES OF ENFORCEMENT SECTION

Responsible in enforcing the laws to eradicate immigration offenders in ensuring and safeguarding the continuous harmony, well-being and safety of Brunei Darussalam



ENFORCING LAW

- Immigration Act and Regulations, Chapter 17
- Passports Act and Regulation, Chapter 146
- Brunei Nationality Act and Regulation, Chapter 15
- National Registration Act and Regulations, Chapter 19
- Births and Deaths Registration Act, Chapter 79
- Registration of Adoption Act, Chapter 123
- Prevention of People Smuggling Act, Chapter 229
- Anti-Trafficking In Persons Act, Chapter 230
- Criminal Asset Recovery Order, 2012





OFFENCES UNDER IMMIGRATION ACT CHAPTER 17

Offences	Definition	Sentences
Sec 5(1)	No person shall, unless compelled by accident or other reasonable cause, enter Brunei Darussalam from any place outside Brunei Darussalam except at an authorised landing place, airport or point of entry.	Guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both.
Sec 5(2)	No person shall, unless compelled by accident or other reasonable cause, leave Brunei Darussalam except at an authorised place of embarkation, airport, point of departure or place of departure.	Compound the offence by collecting from that person a sum not exceeding \$600 under Section 58(1)(a)
Sec 6 (1)(c)	No person other than a citizen of Brunei Darussalam shall enter Brunei Darussalam from any place outside Brunei Darussalam unless: (i) he is in possession of a valid pass lawfully issued to him to enter Brunei Darussalam	Liable on conviction to imprisonment for a term of not less than 3 months and not more than 2 years and whipping with not less than 3 strokes cumulatively:



OFFENCES UNDER IMMIGRATION ACT CHAPTER 17

Offences	Definition	Sentences
Sec 15 (1)	It shall be unlawful for any person to remain in Brunei Darussalam after the expiration or cancellation of any pass relating to or issued to him/her	<p>In the case where he remains unlawfully for a period not exceeding 90 days, is liable on conviction to a fine not exceeding \$4,000, imprisonment for a term not exceeding 6 months or both under Chapter 15 (2)(a).</p> <p>In the case where he remains unlawfully for a period exceeding 90 days, is liable on conviction to imprisonment for a term of not less than 3 months and not more than 2 years and whipping with not less than 3 strokes cumulatively,</p> <p>Compound the offence by collecting from that person a sum not exceeding \$600 under Section 58 A (1)(a)</p>
Sec 28 (3)(d)	Any such person who knowingly produces any false or misleading document is guilty of an offence	Any person guilty of an offence against this Act for which no special penalty is provided is liable on conviction to a fine of \$2,000 and imprisonment for 6 months under Section 58



OFFENCES UNDER IMMIGRATION ACT CHAPTER 17

Offences	Definition	Sentences
Sec 36	Any person who, having been removed or otherwise lawfully sent out of Brunei Darussalam under the provisions of this Act and any person, other than a person entitled to enter Brunei Darussalam under the provisions of section 7(1), having been removed or otherwise lawfully sent out of any territory within the Commonwealth, enters or resides in Brunei Darussalam without the written authority of the Controller under this section is guilty of an offence.	Liable on conviction to a fine of \$6,000 and imprisonment for not less than one year and not more than 3 years, and shall, in addition to any penalty for such offence, be liable to be removed or again removed, as the case may be, from Brunei Darussalam.
Sec 55(1)(a)	Any person who attempts unlawfully to enter Brunei Darussalam .	In the case of an offence against paragraph (a), a fine not exceeding \$4,000 and imprisonment for a term of not less than 3 months and not more than 2 years and cumulatively.



OFFENCES UNDER IMMIGRATION ACT CHAPTER 17

Offences	Definition	Sentences
Sec 55(1)(b)	Any person who abets any person to enter or leave Brunei Darussalam in contravention of the provisions of this Act or of any regulations made thereunder	In the case of an offence against paragraph (b) or (c), imprisonment for a term of not less than 2 years and not more than 7 years and whipping with not less than three strokes cumulatively.
Sec 55(1)(c)	Any person who engages in the business or trade of conveying to Brunei Darussalam in or on any vessel, aircraft or vehicle any person whom he knows or has reasonable grounds for believing is a prohibited immigrants	
Sec 55(1)(d)	Any person who harbours any person who has acted in contravention of the provisions of this Act or of any regulations made thereunder	In the case of an offence against paragraph (d) or (e), in respect of each person harboured or employed, a fine of not less than \$3,000 but not exceeding \$6,000, imprisonment for a term not exceeding 2 years or both, and in the case of a second or subsequent offence, a fine of not less than \$6,000 but not exceeding \$12,000 imprisonment for a term not exceeding 4 years or both;
Sec 55(1)(e)	Any person who employs any person who has acted in contravention of the provisions of section 6, 15 or 36 or of any regulations made under this Act	



OFFENCES UNDER IMMIGRATION ACT CHAPTER 17

Offences	Definition	Sentences
Sec 55(1)(k)	Any person who by making a false statement obtains or attempts to obtain an Entry Permit, Re-entry Permit, pass or certificate for himself or for any other person	In the case of an offence against paragraph (k) or (l), a fine not exceeding \$4,000, imprisonment for a term not exceeding one year or both.
Sec 55(1)(l)	Any person who uses or without lawful authority has in his possession any forged, unlawfully altered or irregular Entry Permit, Re-entry Permit, pass or certificate or other document issued under this Act or any regulations made thereunder, or any permit, pass or certificate or other document so issued on which any endorsement has been forged or unlawfully altered,	
Sec 55B(1)	No occupier of a work place who has control of access to the work place shall permit any immigration offender to enter or remain at the work place.	Any person who contravenes subsection (1) is guilty of an offence and is liable on conviction to a fine of not less than \$6,000 and not more than \$12,000, imprisonment for a term not exceeding one year or both for each immigration offender found at the work place, and in the case of a second or subsequent conviction, to a fine of not less than \$12,000 and not more than \$24,000, imprisonment for a term not exceeding 2 years and or both for each immigration offender found at the work place.



OFFENCES UNDER IMMIGRATION REGULATION CHAPTER 17

Offences	Definition	Sentences
Reg 9(4)	<p>Every Visit Pass issued to any person as a tourist or for the purpose of a social visit shall be subject to the condition that the holder shall not engage in any form of employment, paid or unpaid, during the validity of the pass without the consent in writing of the Controller.</p>	<p>A fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both (Regulation 35 (2))</p> <p>Compound the offence by collecting from that person a sum not exceeding \$600 under Section 58(1)(a)</p>
Reg 15(2)	<p>Subject to the conditions stated in the pass and to these Regulations, an Employment Pass shall authorise the holder thereof to enter Brunei Darussalam within the period stated in the pass and to remain therein for the purpose of working or engaging in employment in Brunei Darussalam as specified in the pass for such period not exceeding 5 years as shall be stated in the pass, and the pass may specify the employer or proposed employer by whom such person may only be employed:</p> <p>Provided that the Controller may, in his discretion extend the period of validity of an Employment Pass for any period not exceeding 5 years at any one time.</p>	<p>A fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both (Regulation 35 (2))</p> <p>Compound the offence by collecting from that person a sum not exceeding \$600 under Section 58(1)(a)</p>



OFFENCES UNDER IMMIGRATION REGULATION CHAPTER 17

Offences	Definition	Sentences
Reg 15(3)	Every Employment Pass issued to any person under this regulation shall be subject to the conditions that the holder shall take up the work or employment specified in the pass and shall continue therein during the validity of the pass.	A fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both (Regulation 35 (2)) Compound the offence by collecting from that person a sum not exceeding \$600 under Section 58(1)(a)
Reg 15(4)	Where a person is specified in an Employment Pass as the employer or proposed employer of the holder, that person shall: (a)ensure that the holder of such pass shall only take up the work or employment specified in the pass during the validity of the pass ; and (b)forthwith inform the Controller if the holder: (i) fails to take up employment ; or (ii) is discharged from, or leaves, the employment.	A fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both (Regulation 35 (2)) Compound the offence by collecting from that person a sum not exceeding \$600 under Section 58(1)(a)



OFFENCES UNDER IMMIGRATION REGULATION CHAPTER 17

Offences	Definition	Sentences
Reg 16(3)	Every Dependent's Pass issued under sub-regulation (1) shall be subject to the condition that the wife or child in respect of whom it is issued shall not engage in any form of paid employment in Brunei Darussalam without the consent in writing of the Controller.	A fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both (Regulation 35 (2)) Compound the offence by collecting from that person a sum not exceeding \$600 under Section 58(1)(a)
Reg 35(1)	Any person who without reasonable cause contravenes or fails to comply with or abets the contravention or failure to comply by any person of any provision of Regulation 9, 11, 15 or 16.	Guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both.
Reg 35(2)	Any: (a) holder of any pass issued under these Regulations who without reasonable cause contravenes or fails to comply with — (i) provisions of the Act or of these Regulations; (ii) any condition imposed in respect of, or instruction endorsed on, such pass; or (b) person who abets such contravention or failure.	Guilty of an offence and liable on conviction to a fine not exceeding \$2,000, imprisonment for a term not exceeding 6 months or both.



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