

The Republic of The Sudan



Ministry of Justice



Laws of The Sudan

SUDAN CURRENCY PRINTING PRESS

Special English Edition Volume II

In the Name of Allah, The Gracious the Merciful

THE PASSPORTS AND IMMIGRATION ACT, 1994

CHAPTER I

PRELIMINARY PROVISIONS

Title
This Act may be cited as the, "Passports and Immigration Act 1994".

Repeal and Saving

The Passports and Immigration Act, 1960 shall be repealed; provided that the repeal thereof shall not entail the revocation of the regulations, rules and orders made under the provisions of the same, and such regulations, rules and orders shall remain in force, as if they have been made, under the provisions of this Act, and shall be amended, or revoked, in accordance thereof.

Interpretation

In this Act, unless the context otherwise requires, :-

"Alien",

means a non-Sudanese person;

"Competent authority",

means any person, to whom the Minister delegates any of his powers conferred thereupon, under the provisions of this Act;

"Entry",

includes return to the Sudan;

"Foreign Affairs Passport",

includes Diplomatic Passports, Special Passports and Mission Passports;

"Minister",

means the Minister of Interior;

"Ordinary Passport",

Passport;

includes a travel document of any type, issued by a state, or international authority, which authorizes, the holder thereof, to travel outside the boundaries of his state, or in case of a stateless person, which entitles him to travel;

"Sudanese",

means any Sudanese person, within the meaning set out in the Sudanese Nationality Act, 1993;

"Trade Passport",

means the ordinary passport, which is issued for businessmen;

"Transit passenger",

means any travelling person, who passes across the Sudan from a foreign country, to another foreign country, and his residence, in the Sudan, does not exceed the period prescribed by the Minister.

Chapter II

Passports

Types of Sudanese Passports

4. The types of Sudanese Passports shall be as follows :-

- (a) Diplomatic Passports;
- (b) Special Passports;
- (c) Mission Passports;
- (d) Ordinary Passports;
- (e) Trade Passports.

Foreign Affairs Passports

- 5.(1) The Ministry of Foreign Relations, upon the approval of the President of the Republic, may issue passports for foreign affairs, to Sudanese, any class, or classes thereof, as the regulations may prescribe.
- (2) The Minister of Foreign Relations may renew the Passports mentioned in sub-section (1), as the regulations may prescribe.
- (3) The Minister of Foreign Relations, upon the approval of the Minister of Finance, may levy, issue and renewal fees of the Passports mentioned in sub-section (1).

Ordinary Passports

- 6.(1) Subject to the provisions of this Chapter, every Sudanese, not holding a valid Foreign Affairs Passport, issued under the provisions of section 5, shall be entitled to obtain an Ordinary Passport, authorizing him to travel outside the borders.
- (2) The Minister shall issue Ordinary and Trade Passports, and specify the period of validity thereof.
- (3) The Minister may renew Ordinary and Trade Passports, for such period, as he may specify.

Endorsement of Passports

- 7.(1) Every Passport shall be endorsed, with the names of the foreign states, which the holder is prohibited to visit.

- 2) No holder of Passport shall visit any state, the name of which has been endorsed, even though such state, or another state, grants him a passport, or licence authorizing him, to visit the same.
- 3) The provisions of this section shall not preclude endorsement, with the names of additional states, onto a valid Ordinary Passport.

Refusal of issue, withdrawal and cancellation of Passport

- 1) The Minister of Foreign Relations, at any time, may withdraw, or cancel any Foreign Affairs Passport, where he deems that the holder thereof is no longer fit and worthy to hold the same.
- 2) The Minister may refuse the issue of an Ordinary, or Trade Passport, or renewal thereof. He may, at any time, withdraw, or cancel such Passports, where he deems that the applicant therefor, or holder thereof, as the case may be, is no longer fit, or worthy, to hold the same, due to any of the following grounds, that :-
 - (a) he is of bad conduct; or
 - (b) his travel abroad is likely to be prejudicial to the interests, or security of the country; or
 - (c) he has committed a contravention of section 7(2).
- 3) Wherever a decision, to withdraw, or cancel a Passport, has been issued, under this section, the holder thereof, or any other person, in whose possession the Passport is found, shall forthwith present the same, to the Minister of Foreign Relations, or the Minister, as the case may be, for the purpose of destruction thereof.

Chapter III

Entry Into, Departure From and Residence in the Sudan

Specified places of entry and departure

No person shall enter into, or depart from the Sudan, save across such places of entry and departure, as the Minister, by an order to be made thereby, from time to time, as he may specify.

Entry visas granted

- [1] No alien shall enter, into Sudan, unless he has obtained a valid entry visa.
- 2) Entry visa shall be granted by a competent authority, and it shall be endorsed, upon the alien's Passport, unless the same is not possible.
- 3) No entry visa shall be granted, unless the alien has a Passport :-

- (a) valid for the whole period, in which he intends to reside in the Sudan;
- (b) which enables him to return to the state which issued the Passport; where he is stateless, which enables him to travel to a state other than the Sudan.
- (4) Notwithstanding the provisions of sub-section (1), the President of the Republic may exempt the subjects of any state, from the condition of obtaining the entry visa to the Sudan.

Refusal or cancellation of entry visa

- 11.(1) The Minister may refuse to grant, or cancel the entry visa, as to his discretion, and without expressing any reasons.
- (2) Without affecting the generality of the provisions of sub-section (1), no entry visa shall be granted to any alien who :-
 - (a) in case of his presence in the Sudan, is a fugitive criminal, within the meaning set out in the Extradition Act, 1957; or
 - (b) has previously been deemed an undesirable alien, or has been deported from the Sudan; provided that the Minister, in any particular case, may grant an entry visa, to such alien; or
 - (c) is registered, with the Ministry of Interior, on the Non-Entry Control List; or
 - (d) has no apparent means of subsistence; or
 - (e) is suffering from a contagious disease, or a lunatic or mentally deficient, unless his entry is for the purpose of treatment; or
 - (f) is not in possession of such valid health certificates, as the health authorities may prescribe; or
 - (g) is likely to contravene the laws in force in the Sudan.

Exit visa

- 12.(1) Every person, who departs from the Sudan, shall have a valid exit visa.
- (2) The regulations shall specify the procedure and safeguards of granting the exit visa, to Sudanese and aliens and the period of validity thereof.
- (3) Exit visa shall not be granted to :-
 - (a) an alien, who holds a special, or temporary residence permit, and is accused of an offence, or indebted, to any person, with an amount of money;
 - (b) a Sudanese accused of an offence;
 - (c) a Sudanese, who is convicted, more than once, of the offence of smuggling;

- (d) a Sudanese, against whom there is reasonable suspicion that he practises an activity hostile to the Sudan, or defamatory thereof, by any of the acts;
 - (e) a Sudanese, who cannot pay the costs of his journey, to the place he intends to go to, and the costs of his stay therein, and return to the Sudan;
 - (f) a child, who does not attain 18 years of age, save upon the approval of his guardian.
- (4) No visa shall be required, for visitors, who do not stay in the Sudan, for more than three months.

Exemption

13. The Minister, by an order to be made thereby, may exempt any person, persons or class of persons, from application of the provisions of this Chapter, or any regulations made thereunder, as he may deem fit.

Residence in the Sudan

14. Subject to the provisions of Chapter IV, no alien shall reside, in the Sudan, unless he is in possession of a valid residence permit.

Types of residence permits

15. The regulations shall specify the types and period of residence permits and any other provisions relating thereto.

Chapter IV

Control of Aliens

Procedure of aliens control

16. Subject to the provisions of section 10, the regulations shall specify the procedure of control of aliens.

Reporting loss of Passport or identity certificate

17. Every alien, who loses his Passport, or identity certificate, shall report the same, to the police, or the competent authority, within two days, of the date of his discovery of the fact of loss.

Chapter V

Deportation of Aliens

Reasons of deportation

18. Subject to the provisions, set out in this Chapter, the Minister may deport any alien person, from the Sudan, where :-

- (a) he decides that such alien is undesirable; or
- (b) he commits a contravention of any conditions, under which residence permit has been granted; or
- (c) a court has, upon convicting him, recommended deporting him, from the Sudan, under the provisions of section 21.

Establishment and constitution of Aliens Committee

- 19.(1) There shall be established a committee, to be known as the, "Aliens Committee", to tender consultation, to the Minister, on such matters, as may relate to aliens, and referred thereto thereby.

- (2) The Aliens Committee shall be constituted as follows :-

- (a) the Police Forces Commissioner-General, or whoever may represent him, Chairman;
 - (b) a representative of the Ministry of Justice;
 - (c) a representative of the Ministry of Foreign Relations;
 - (d) the Director of the Passports, Nationality and Immigration Administration;
 - (e) a representative of the Public Security Organ;
 - (f) any such body, as the Minister may decide to be so represent.
- } members

- (3) The regulations shall specify the procedure of work of the Committee.

Recommendations of deportation presented by the court

- 20.(1) Any court, which convicts an alien, of an offence punishable with imprisonment, for a term of six months, or more may, in addition to any other penalty, it may order, present a recommendation, to the Minister, to deport such alien, from the Sudan.

- (2) The Minister may refer the recommendation, provided for in sub-section (1), to the Aliens' Committee, for consultation.

Decision of the Minister being final

21. The decision of the Minister deporting any alien shall be final, as of the date of the issue thereof, and shall not be contested, before the courts.

Procedure of deportation

- 2.(1) The Minister, or the court, may issue a warrant, for the arrest of the alien, against whom a decision of deportation has been issued, and remand him into custody, pending his deportation from the Sudan.
- (2) Notwithstanding the provisions of sub-section (1), the residence of an alien may by an order of the Minister, be restricted to a particular place, in lieu of his custody; provided that he shall present himself, at such time, as the Minister may specify, to the nearest police division, or station, until he is deported from the Sudan.
- (3) Expenditure, by an order of the Minister, may be made, out of any property, in the Sudan, owned by the alien, against whom a deportation order, from the Sudan, has been issued, to meet the expenses of his livelihood, and the livelihood of his dependents, and any other necessary expenses.

Chapter VI

Miscellaneous Provisions

Duties of the master, or pilot in charge

- (1) The master, or pilot in charge, upon arrival to the Sudan, shall present to the competent authority, a list of the crew members, and passengers, accompanied by the necessary detailed particulars.
- (2) The master, or pilot in charge shall report, to the competent authority, every passenger, who does not hold a Passport, or whom he suspects that the Passport thereof is invalid, or irregular.
- (3) Where one of the crew members, or any passenger in transit, who is to continue his journey, by the same vessel, or aircraft, fails to re-embark, the master, or pilot in charge shall report the same, to the competent authority, and deliver thereto the Passport of such person, where present therewith.

Entry by the competent authority

of the vessel or aircraft

The competent authority may enter any vessel, or aircraft, for the purpose of completing the inquiries concerning any alien.

Duty of the master or pilot in charge

to convey those not in possession of entry visas

The Master, or pilot in charge, upon the request of the competent authority, may admit any alien, who has no valid visa, to enter into the Sudan, aboard the vessel, or aircraft, and convey him, away from the Sudan.

Power to make regulations

26. The Minister may make such regulations, as may be necessary, for implementation of the provisions of this Act. Without prejudice, to the generality of the foregoing, such regulations may include :-
 - (a) laying down forms of Ordinary Passports, entry and exit visas and residence permits;
 - (b) levy of fees, upon the approval of the Minister of Finance, upon the issue, or renewal of any document;
 - (c) registration of aliens, the issue of identity certificates, for registered aliens, and exempting particular classes, from the obligation to register, and otherwise;
 - (d) exempting the crews of any vessel, or aircraft, and also transit passengers, from such provisions of this Act, as he may deem fit to exempt them therefrom, subject to the conditions, on the basis of which the exemption is granted, as he may deem fit, from time to time.

Personal exemptions

27. The Minister may grant a personal exemption, from all the provisions of this Act, or any provision thereof, or the provisions of any regulations made thereunder, to those hereinafter mentioned :-
 - (a) seekers of political asylum, from foreign states;
 - (b) any other person, or association of individuals, as the Minister may deem granting them such exemption fit, for any of the following reasons :-
 - (i) reciprocity;
 - (ii) efficiency and specialization;
 - (iii) any other special reasons.

Delegation of powers

- 28.(1) The Minister may delegate all, or part of his powers, under this Act, to the competent authority, with the exception of his powers, under the provisions of sections 8, 11(2), 13, 18, 19, 20(2), 22, 26, 27 and 29(3).
- (2) The Minister of Foreign Relations may delegate all his powers, relating to such matters, as may require achievement outside the Sudan, or part of such powers, to the head of the competent Sudanese diplomatic missions.

Chapter VII

Offences, Penalties and Procedure

Offences and penalties

- 29.(1) Without prejudice to any penalty, provided for by any other law, there shall be deemed, to have committed an offence, whoever delivers any false statements, in any material fact, whether he knows, or has reason to believe that they are false, or does not believe, in the truth thereof, with intent to obtain, for himself, or any other person, a Passport, entry, or exit visa, residence permit or any other document, issued under the provisions of this Act, or any renewal, or substitution thereof, shall be punished, with imprisonment, for a term not exceeding two years, or with fine, or with both.
- (2) There shall be deemed, to have committed an offence, whoever contravenes any of the provisions of this Act, or any regulations, made thereunder, and be punished with imprisonment, for a term, not exceeding six months, or with fine, or with both.
- (3) Whoever is convicted of a second offence, under the provisions of section 7(2), shall have his Passport cancelled, and be deprived of the right to obtain a new Passport, for a term of five years, or any lesser term, as the Minister may deem appropriate.

Penalty of entry by stealth

- 30.(1) Whoever enters the Sudan stealthily, enters the same secretly or remains therein illegally, shall be punished, with imprisonment, for a term, not less than one year, and not exceeding two years, or with fine, or with both, and the court shall order his deportation.
- (2) Whoever facilitates, for an alien, to enter into Sudan, illegally, or harbors him, shall be punished, with imprisonment, for a term, not exceeding six months or with fine, or with both.

Aliens who enter the Sudan without permit arrested

31. The competent authority, or any member of the Police Forces, may :-
- (a) arrest, without warrant, any alien, who enters the Sudan, or remains therein, without permit, and remand him, into custody; he may be released, in accordance with the provisions of the Criminal Procedure Act, 1991, pending his trial.
- (b) refuse to allow entry, into the Sudan, by any alien, who attempts to enter the same, without permit, and order deporting him outside the Sudan, and execute such order, in an appropriate manner, from the place he attempts to enter therefrom;

(c) arrest, without warrant, any transit passenger, who discontinues his journey, without permit, and remand him, into custody, or release him, in accordance with the provisions of the Criminal Procedure Act 1991, pending his trial, or deportation, or deport him, outside the Sudan, by the representative of the shipping line, or airline, or the vessel, or aircraft of which he has been passing in transit. In this case, the said representatives shall be bound to refund, to the Government, such expenses, as it may have incurred, through the arrest, detention and deportation thereof.