

TITLE 43.

CITIZENSHIP, IMMIGRATION AND EMIGRATION

CHAPTER 1.

IMMIGRATION AND EMIGRATION

ARRANGEMENT OF SECTIONS

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An Act to make provisions for controlling the entry into the Republic of persons other than citizens of the Republic, for regulating the departure from the Republic of citizens and persons other than citizens of the Republic, for removing from the Republic undesirable persons who are not citizens of the Republic, and for matters connected therewith or incidental thereto.

Commencement:	February 25, 1987
Source:	P.L. 1986-16
	P.L. 1987-27
	P.L. 1989-65
	P.L. 1991-106
	P.L. 1992-22
	P.L. 2001-29

PART I - PRELIMINARY

§101. Short title.

This Chapter may be cited as the Immigration and Emigration Act 1986. [P.L. 1986-16, §1.]

§102. Interpretation.

(1) In this Chapter, unless the context otherwise requires:

- (a) “appointed date” means the effective date of this Chapter appointed by the Minister;
- (b) “Assistant Controller” means any person appointed under Section 105 of this Chapter to be or to act as an Assistant Controller of Immigration and Emigration;
- (c) “authorized officer” means any person appointed to be or to act as an authorized officer;
- (d) “captain”, in relation to an aircraft, means the person, for the time being, in charge, command or control of that aircraft;
- (e) “citizen of the Republic” means a citizen of the Republic of the Marshall Islands under any law for the time being in force;
- (f) “Controller” means the person appointed under Section 105 of this Chapter to be or to act as the Controller of Immigration and Emigration;
- (g) “costs and charges”, in relation to any person who is not a citizen of the Republic, means any money expended out of public funds for securing or facilitating the departure therefrom of such person, and includes:
 - (i) any money expended out of public funds for his relief, maintenance, care

or treatment; and

(ii) the expenses of any such relief, maintenance, care or treatment in any hospital, almshouse or other institution for the relief of sick or destitute persons which is maintenance out of public funds, or by any charitable institution to the support of which the Government of the Marshall Islands contributes;

(h) “dependent” means a person who is wholly and directly dependent for maintenance and support upon any other person and is related to such other person as being his spouse and their children who are under eighteen (18) years of age and are not married;

(i) “Deputy Controller” means the person appointed under Section 105 of this Chapter to be or to act as the Deputy Controller of Immigration and Emigration;

(j) “entry permit” means an entry permit granted under Part III of this Chapter;

(k) “holder”, in relation to any visa, means the person to whom such visa is granted or issued;

(l) “master”, in relation to a ship, means any person, for the time being, in charge, command or control of that ship;

(m) “member of the crew”, in relation to a ship or aircraft, means any person employed in the working or service of that ship or aircraft;

(n) “Minister” means the Minister to whom the subject of Immigration and Emigration has been assigned by the President;

(o) “passenger” means any person traveling or seeking to travel on board a ship or aircraft who is not a member of the crew of the ship or aircraft;

(p) “ship” means anything made for the conveyance of human beings or of property by water;

(q) “valid passport”, in relation to any person who is not a citizen of the Republic, means a passport or other document of identity having the characteristics of a passport:

(i) which was issued to him by or on behalf of any Government recognized by the Government of the Marshall Islands;

(ii) which contains a personal description sufficient to identify him and to which is attached his photograph; and

(iii) which is for the time being in force;

(r) “visa” means a visa granted under regulations made under this Chapter.

(2) Any reference in this Chapter or in any regulation, order, direction, instructions or other instrument made or issued thereunder to a port shall be deemed to include a reference to an airport.

(3) A person who arrives at any airport in the Republic on board any aircraft shall not be deemed, for the purposes of this Chapter, to enter the Republic, until that person leaves the airport otherwise than by that aircraft.

(4) A person who arrives at any place in the Republic on board any ship shall not be deemed, for the purposes of this Chapter, to enter the Republic, until that person leaves the ship.

(5) Where, by virtue of any order under Part I of this Chapter for the time being in force, any person is exempted from only some of the provisions of any of the foregoing Parts III to VII of this Chapter, each of the provisions of such Part from which he is not exempted shall, in relation to that person, have effect as if for the expression “person to whom this Part applies” there were substituted the expression “person to whom this Section applies”. [P.L. 1986-16, §2, modified.]

§103. Exemption from operation of this Chapter.

(1) The following persons shall be exempt from the operation of Parts III, IV, V, VI and VII of this Chapter to such extent or subject to such conditions or restrictions as may be specified by order of the Minister:

(a) a member of the United States Navy, Military, Air Force or Coast Guard on active duty; or

(b) every person who is duly accredited to the Government of the Marshall Islands by the Government of any other country; or

(c) every person who is sent to the Republic on a special mission by the Government of any other country as agreed in writing by the Government of the Marshall Islands; or

(d) an expert, advisor, technician, or official whose salary or principal emolument is not payable by the Government of the Marshall Islands and who is brought to the Republic by the Government of the Marshall Islands through any specialized agency of the United Nations organization, or under any assistance program of the Government of the United States of America, or any similar program approved by the Minister; or

(e) a trainee from abroad who is sent to the Republic under any of the technical cooperation programs of the United Nations organization and its specialized agencies, or any similar program approved by the Minister; or

(f) every person who has entered or is under agreement to enter the service of the Government of the Marshall Islands; or

(g) a member of the official staff or household of any person referred to in any of the foregoing Paragraphs (a) to (f); or

(h) the spouse or any dependent child of any person referred to in any of the foregoing Paragraphs (a) to (g); or

(i) a member of the crew of a ship or aircraft authorized by the Government of the Marshall Islands to be in the territorial waters or air of the Republic.

Any order under this Subsection may be either a special order with respect to any person or group of persons, or a general order applicable to any class or description of persons, being in either case persons referred to in this Subsection.

(2) In accordance with any regulations made under this Chapter for the purpose of prescribing the classes or descriptions of persons, other than those specified in Subsection (1) of this Section, to whom exemption may be granted from any of the provisions of this Chapter, and the extent to which or the terms, conditions or restrictions subject to which such exemption may be granted, the Minister may by order exempt any prescribed class or description of persons or any person belonging to any such class or description, to the prescribed extent or subject to the prescribed terms, conditions or restrictions.

Provided, however, that in the absence of any such regulations or on the occurrence of any public emergency, the Minister may so exempt any person or class or description of persons from any of the provisions of this Chapter to such extent or subject to such terms, conditions or restrictions as may appear to him to be necessary in the national interest. [P.L. 1986-16, §3.]

PART II- ADMINISTRATIVE ARRANGEMENTS**§104. Ports of entry and departure.**

The Minister may, by order published in the Government Gazette or circulated in any local news media, declare any place in the Republic to be an approved port of entry or an approved port of departure for the purposes of this Chapter. [P.L. 1986-16, §4.]

§105. Officers and servants.

- (1) There may be appointed, for the purposes of this Chapter, whether by name or by office:
 - (a) a fit and proper person to be or to act as the Controller of Immigration and Emigration;
 - (b) a fit and proper person to be or to act as the Deputy Controller of Immigration and Emigration;
 - (c) a fit and proper person or persons to be or to act as an Assistant Controller or Controllers of Immigration and Emigration;and;
 - (d) a fit and proper person or persons to be or to act as an authorized officer or officers.
- (2) There may also be appointed such clerical and minor staff as may be necessary to assist the aforesaid officers referred to in Subsection (1) above in the administration of this Chapter. [P.L. 1986-16, §5.]

§106. Powers and duties of officers.

- (1) In the exercise, performance or discharge of the powers, duties and functions conferred, imposed or assigned by or under this Chapter:
 - (a) the Controller shall be subject to the general or special directions of the Attorney-General, or in his absence, the Deputy Attorney-General; and
 - (b) the Deputy Controller, each Assistant Controller and each authorized officer shall be subject to the general or special control of the Controller.
- (2) The Controller, the Deputy Controller and every Assistant Controller may exercise, perform or discharge any power, duty or function vested in or imposed or conferred upon, an authorized officer, by or under this Chapter.
- (3) The Attorney-General, or in his absence the Deputy Attorney-General, may exercise, perform or discharge any power, duty or function vested in, or imposed or conferred upon, the Controller or an authorized officer, by or under this Chapter. [P.L. 1986-16, §6.][amended by P.L. 2001-29, §2 October 18, 2001]

§107. Authorization by Minister to act on his behalf.

The Minister may either generally or specially authorize the Attorney-General, or in his absence, the Deputy Attorney-General, or the Controller to exercise, perform or discharge any power (other than the power conferred by Sections 103, 132 or 154 of this Chapter), duty or function vested in, or imposed or conferred upon, the Minister, by or under this Chapter. [P.L. 1986-16, §7.][amended by P.L. 2001-29, §2, Oct. 18, 2001]

§108. Authorization by Controller to act on his behalf.

The Controller may either generally or specially authorize the Deputy Controller or any Assistant Controller to exercise, perform or discharge any power, duty or function vested in, or imposed or conferred upon, the Controller, by or under this Chapter. [P.L. 1986-16, §8.]

**PART III - CONTROL OF ENTRY INTO THE REPUBLIC OF PERSONS OTHER
THAN CITIZENS OF THE REPUBLIC**

§109. Application of Part III.

This Part shall apply to every person seeking entry into or entering the Republic unless:

- (a) he is a citizen of the Republic; or
- (b) by virtue of any order under Part I of this Chapter for the time being in force, he is exempted from the provisions of this Part. [P.L. 1986-16, §9.]

§110. Entry to be at approved ports of entry only.

A person to whom this Chapter applies shall not enter the Republic at any place other than an approved port of entry. [P.L. 1986-16, §10.]

§111. Documents required at time of entry.

A person to whom this Part applies shall not enter the Republic unless he has in his possession:

- (a) a valid passport which bears an entry permit in the prescribed form granted to him by an authorized officer under this Part; and
- (b) if so required by regulations made under this Chapter, a visa granted or issued to him under such regulations. [P.L. 1986-16, §11.]

§112. Documents of entry not to be issued to certain persons.

(1) No entry permit under this Part shall be granted by an authorized officer to any person unless that person has in his possession:
and

- (a) a passport which is a valid passport;
- (b) if so required by regulations made under this Chapter, a visa granted or issued to him under such regulations.

(2) Except in such circumstances as may be prescribed, no entry permit or visa shall be granted to any person who:

- (a) in the opinion of the authority empowered to grant or issue any such document of entry, is unable to support himself and his dependents;
- (b) willfully furnishes false, incomplete, or misleading information in an application for an entry permit or visa;
- (c) is of unsound mind, or is mentally defective or irresponsible, or an incompetent, or a chronic alcoholic, or treated for serious mental or neurological disorders or for chronic alcoholism;
- (d) is addicted to the use of any narcotic drug;
- (e) is certified by a prescribed medical officer to be, for medical reasons, undesirable to admit into the Republic;

(f) has been convicted outside the Republic of an extraditable offense, or the following offenses under circumstances indicative of a criminal tendency potentially dangerous to peace and good order in the Republic, namely, arson, unlawful trafficking in drugs, espionage, sabotage, treason, murder, robbery, embezzlement, kidnapping, blackmail, or sex offenses or

perversion;

(g) is a member or sympathizer of or affiliated with any terrorist or subversive organization, whether domestic or international;

(h) is a fugitive from justice from any other country;

(i) is a prostitute, procurer or person living on the earnings of the prostitution of others;

(j) fails to fulfill such other requirements as the Minister may impose in the public interest by special or general instructions issued in that behalf;

(k) is the subject of a deportation order in force under this Chapter;

(l) is a stowaway; or

(m) is declared by order of the Minister under Section 113 of this Chapter to be a prohibited immigrant or a prohibited visitor.

(3) Any entry permit or visa granted or issued in contravention of the preceding provisions of this Section shall be deemed to be void and of no effect for the purposes of this Chapter. [P.L. 1986-16, §12.]

§113. Power of Minister to declare persons to be prohibited immigrants or prohibited visitors.

(1) The Minister may, by order, declare that any person to whom this Part applies shall be a prohibited immigrant or a prohibited visitor for the purposes of this Chapter, if such person:

(a) is deemed by the Minister, from information received by him through official or diplomatic sources, to be an undesirable person for the purposes of admission into the Republic;

(b) is shown by evidence which the Minister deems sufficient, to be likely to conduct himself so as to be dangerous to peace and good order in the Republic, or to excite feelings of disaffection to the Government of the Marshall Islands, or to intrigue against the authority of the Government of the Marshall Islands; or

(c) has been convicted in any country and has not received a free pardon with respect to an offense for which a sentence of imprisonment has been passed and, by reason of the circumstances connected therewith, is deemed by the Minister to be an undesirable person for admission into the Republic.

(2) An order made by the Minister under the preceding Subsection shall be final and conclusive and shall not be questioned in any court of law in any manner whatsoever. [P.L. 1986-16, §13.]

§114. Requirements as to entry permit.

(1) An endorsement under this Part by an authorized officer shall be required of a person to whom this Part applies in every case where, on his arrival by ship or aircraft at any place in the Republic, such person desires to enter the Republic and to remain therein for any period or purpose whatsoever.

(2) Every entry permit granted by an authorized officer under this Part to any person:

(a) shall be signed by such officer:

(b) shall be in the prescribed form; and

(c) shall, if such person is not the holder of a visa, specify the period for which and the terms and conditions subject to which such person may enter and remain in the Republic.

(3) An authorized officer may require as a condition precedent to the grant of an endorsement under this Part to any person that such person shall, or some other person resident in the Republic and approved by the authorized officer shall on behalf of such person, furnish security, either by deposit of such amount, not exceeding the prescribed sum, as the officer may deem fit or in such other manner as may be prescribed, for the repayment to the Government of the Marshall Islands of any costs and charges that may be incurred with respect to that person. All sums so deposited by way of security shall be disposed of in the prescribed manner. [P.L. 1986-16, §14.]

§115. Requirements as to visa.

(1) A visa may be granted by the prescribed authority for such period, not exceeding two (2) years, as may be specified in the visa.

(2) A visa may, with the approval of the Minister, be granted by the prescribed authority for such period, exceeding two (2) years but not exceeding five (5) years, as may be specified in the visa.

(3) The period specified in any visa may be extended by the prescribed authority from time to time, for such period and subject to such conditions as may be prescribed, upon application made to that authority in that behalf. Where the authority which granted the visa obtained (by reason of Subsection (2) of this Section) the approval of the Minister before making the grant, such authority shall, before extending the visa obtain in like manner the approval of the Minister.

(4) The fact that a person is in the Republic for the time being shall not prevent or be construed to prevent the grant or issue in his case of a visa or entry permit, or the extension in his case of the period specified in such visa or entry permit. [P.L. 1986-16, §15.]

§116. Stay in the Republic of persons to whom Part III applies.

No person to whom this Part applies and who enters the Republic shall remain in the Republic:

(a) if he is not the holder of a visa and the period for which he is authorized to remain in the Republic by the entry permit granted to him at the time of his entry has expired;

(b) if he is the holder of any visa and the period for which he is authorized to remain in the Republic by that visa or by virtue of any extension of that visa has expired; or

(c) if his entry into the Republic is in contravention of the provisions of Section 110 or 111 of this Chapter. [P.L. 1986-16, §16.]

§117. Terms and conditions of documents of entry to be complied with.

A person to whom this Part applies and who enters the Republic shall:

(a) if he is not the holder of a visa, comply, so long as he remains in the Republic, with the terms and conditions of the entry permit granted to him at the time of his entry; or

(b) if he is the holder of any such visa, comply, so long as he remains in the Republic, with the terms and conditions of the visa. [P.L. 1986-16, §17.]

§118. Documents of entry void in certain circumstances.

Where a deportation order or removal order is made under this Chapter with respect to any person, any entry permit or visa granted or issued to that person shall be deemed to be void and of no effect for the purposes of this Chapter. [P.L. 1986-16, §18.]

§119. Examination and medical examination upon arrival.

(1) A person to whom this Part applies may, if he desires to land at any approved port or to enter the Republic, be examined by an authorized officer or medically examined by a prescribed medical officer.

(2) Every such examination shall be held at the time of the arrival of such person at the port or as soon as may be convenient thereafter.

(3) For the purposes of such examination, any such person may be required by an authorized officer or the prescribed medical officer to disembark and present himself at any specified place.

(4) A person who disembarks and enters any specified place in the Republic for the purposes of compliance with any direction of an authorized officer or the prescribed medical officer as aforesaid, shall not be deemed by reason only of such entry to be guilty of any offense under any of the provisions of this Chapter.

(5) The master of any ship or captain of any aircraft arriving at any place in the Republic shall detain on board any person to whom this Part applies until such person is inspected or landed for inspection under this Section. [P.L. 1986-16, §19.]

§120. Inspection of letters.

A person to whom this Part applies shall, on being required so to do by an authorized officer, at the time of his entry into the Republic, make a declaration as to whether or not he is carrying or conveying any letters, written messages, memoranda or any written or printed matter, including plans, photographs and other pictorial representations, and if so required, shall produce to that officer any such letters, messages, memoranda or written or printed matter, and the officer may search any such person and any baggage belonging to him or under his control with a view to ascertaining whether such person is carrying or conveying any such letters, messages, memoranda or written or printed matter, and may examine and detain, for such time as that officer may think proper for the purposes of such examination, any letters, messages, memoranda or written or printed matter produced to him or found on such search. [P.L. 1986-16, §20.]

§121. Detention of persons for examination and inspection.

For the purposes of any examination or inspection under the preceding Sections, a person who is directed by an authorized officer to disembark and enter any place, may be detained at any place approved in that behalf by the Minister for such length of time as may be necessary for completing such examination or inspection. [P.L. 1986-16, §21.]

§122. Detention.

(1) The master of any ship or the captain of any aircraft arriving at any place in the Republic shall, at the request of an authorized officer, detain on board the ship or aircraft any person who has been refused an entry permit by that officer, or any person who enters the Republic from that ship or aircraft in contravention of the provisions of Section 111 of this Chapter.

(2) Where a person to whom this Part applies is refused an entry permit by an authorized officer or where a person enters the Republic in contravention of the provisions of Section 110 of this Chapter, he may be temporarily detained in such manner and such place as may be specified in any general or special directions of the Minister, if such person cannot for any reason be detained on board the ship or aircraft by which he traveled to the Republic, or when that ship or aircraft has

already left the Republic. [P.L. 1986-16, §22.]

§123. Removal.

(1) An authorized officer may by notice direct that any person to whom this Part applies and who has been refused an entry permit, or who enters the Republic in contravention of the provisions of Section 111 of this Chapter, shall be removed from the Republic by the master of the ship or the captain of the aircraft by which such person traveled to the Republic or by the owner or the agents of the owner of such ship or aircraft, to the territory of which such person is a national or from which such person embarked for the Republic.

The master of the ship or the captain of the aircraft and the owner or the agents of the owner of such ship or aircraft shall comply with such notice.

(2) The master of any ship or the captain of any aircraft who knowingly allows any person to whom this Part applies and who has been refused an entry permit, to enter the Republic in contravention of the provisions of this Chapter, or who knowingly allows any person to enter the Republic from that ship or aircraft in contravention of the provisions of Section 111 of this Chapter, or refuses to receive any such person on board his ship or aircraft, or neglects to take reasonable measures to keep any such person on board his ship or aircraft or in some place approved by an authorized officer, shall be guilty of an offense under this Chapter and shall upon conviction be liable to a fine not exceeding \$5,000.

When the whole or any part of a fine imposed on the master of a ship or the captain of an aircraft under this Section remains unpaid within seven (7) days from the date of the imposition of the fine, the court which imposed the fine may direct the amount remaining unpaid to be levied by the distress and sale of the ship or the aircraft.

(3) Where proceedings have been instituted in a court against the master of a ship or the captain of an aircraft for an offense under Subsection (2) of this Section, clearance of departure of the ship or the aircraft may be refused until the conclusion of such proceedings and until the fine, if any, has been paid.

(4) The master of any ship or the captain of any aircraft and the owner and the agents of the owner of such ship or aircraft from which a person to whom this Part applies and who has been refused an entry permit enters the Republic or from which a person enters the Republic in contravention of the provisions of Section 111 of this Chapter shall be jointly and severally liable to pay to the Government of the Marshall Islands all costs and charges incurred by the Government of the Marshall Islands with respect to that person.

(5) The master, the owner and the agents of the owner of any ship, or the captain, the owner and the agents of the owner of any aircraft shall be jointly and severally liable to pay to the Government of the Marshall Islands all costs and charges incurred by the Government of the Marshall Islands with respect to any transit passenger of that ship or aircraft who fails to rejoin the ship or the aircraft when it leaves the Republic. [P.L. 1986-16, §23.]

§124. Regulations.

(1) The Minister may make regulations for the purposes of this Part with respect to all or any of the following matters:

- (a) any matter stated or required in this Part to be prescribed;
- (b) the grant of entry permits under this Part, the form of such entry permits, the terms

and conditions subject to which they may be granted (including such terms and conditions as the Minister may deem necessary in the public interest), the cancellation, variation, or amendment of such entry permits or of any terms or conditions specified therein, whether in the absolute discretion of the prescribed authority or in the prescribed circumstances, and the particulars to be entered in such entry permits;

(c) the prohibition of the entry into the Republic of any person belonging to any such class or description of persons as may be prescribed unless such person has in his possession a visa;

(d) the making of applications for such visas, the form of such applications, the documents, including photographs, to be attached to such applications, and the particulars to be entered therein;

(e) the authority or authorities by whom such visas may be granted or issued,

(f) the grant or issue of such visas and the refusal of such visas, whether in the absolute discretion of the prescribed authority or in the prescribed circumstances;

(g) the furnishing as a condition precedent to the grant of such visas to any person, of security, the manner in which such security shall be furnished, whether by deposit of money or by hypothecation of immovable property or otherwise and the forfeiture of the whole or part of such security;

(h) the terms and conditions subject to which such visas may be granted or issued (including such terms and conditions as the Minister may deem necessary in the public interest), the cancellation, variation or amendment of such visas or of any terms or conditions specified therein, whether in the absolute discretion of the prescribed authority or in the prescribed circumstances;

(i) the form of such visas and the particulars to be entered therein;

(j) the imposition, recovery and disposal of fees with respect to the grant or issue of such visas, the exemption in the prescribed circumstances of persons from the payment of such fees and the refund of such fees in those circumstances;

(k) the returns to be furnished and the information to be supplied by persons for any of the purposes aforesaid;

(1) all matters incidental to or connected with the matters or subjects referred to in this Section. [P.L. 1986-16, §24.]

PART IV - SUPERVISION OF ACTIVITIES OF PERSONS OTHER THAN CITIZENS OF THE REPUBLIC.

§125. Application of Part IV.

This Part shall apply to every person unless:

(a) he is a citizen of the Republic; or

(b) by virtue of any order under Part I of this Chapter for the time being in force, he is exempted from the provisions of this Part. [P.L. 1986-16, §25.]

§126. Power to impose restrictions on persons by order.

(1) The Minister may by order (if he deems it expedient in the public interest) impose restrictions on the movements or activities, during their stay in the Republic, of persons to whom this

Part applies, and provisions may be made in the order with respect to all or any of the following matters:

(a) the circumstances in which and the purposes for which such person may be required to furnish returns to authorized officers, the form of such returns and the particulars to be entered therein;

(b) the information to be supplied by such persons relating to the occurrence of any circumstances affecting in any manner the accuracy of the particulars specified in returns made under the order;

(c) the compliance by such persons with such provisions as to place of residence, change of residence, traveling or otherwise, as may be made by the order;

(d) the imposition of such obligations, requirements, conditions or restrictions on the activities or associations of such persons, as the Minister may deem necessary in the public interest;

(e) the form of registers to be kept by authorized officers and the particulars to be entered therein;

(f) the circumstances in which authorized officers and police officers may exercise in relation to such persons, powers of arrest, detention, and search of premises or persons, and any other ancillary matters for which it appears expedient to provide, with a view to giving full effect to the order;

(g) all matters incidental to or connected with the matters referred to in this Subsection.

(2) An order under this Section may be either a special order with respect to any person or group of persons, or a general order applicable to any class or description of persons. [P.L. 1986-16, §26.]

§127. Register of persons.

(1) Every authorized officer shall keep and maintain a register of persons to whom this Part applies for the purposes of this Chapter. Such officer shall enter in the register, with respect to each person who is required by order made under Section 126 of this Chapter to furnish a return to such officer, such particulars relating to such person as are required to be entered in such register.

(2) The authorized officer aforesaid shall, upon his being informed by any person to whom this Part applies of the occurrence of any circumstances affecting in any manner the accuracy of the particulars previously furnished to such officer, make such alterations in the entries in the register relating to such person, as may be necessary for maintaining the accuracy of the register. [P.L. 1986-16, §27.]

PART V - RECIPROCAL RECOGNITION OF VISA REQUIREMENTS

§128. Declaration of Policy.

For the purpose of implementing general principles of comity among nations, emphasizing the lowering of international barriers to the free movement of people and ideas, and in accordance with provisions of the Vienna Convention on Diplomatic Relations establishing the legal principles of nondiscrimination and reciprocity, it shall be the general policy of the Republic to impose restrictions on travel into the Republic by citizens of another country only when the government of that country imposes restrictions on travel by citizens of the Republic within that country. [P.L. 1992-22, §2(9A).]

§129. Responsibility of Ministry.

(1) The Ministry of Foreign Affairs shall insure that this policy is clearly conveyed to any foreign government imposing travel restrictions on citizens of the Republic and shall seek the elimination, on a mutual and reciprocal basis, of travel restrictions imposed by such other governments and by the Government of the Republic on each other's citizens.

(2) Any reciprocal visa requirements promulgated pursuant to this Chapter shall as nearly as possible mirror those of the other nation. This shall include categories of Visas, costs of Visas, and procedures for obtaining Visas.

(3) The Ministry shall assure that all provisions of the Compact of Free Association and its related documents, as well as any other relevant international documents to which the Republic is a party, are observed. [P.L. 1992-22, §2(9B).]

§130. Report.

The Attorney-General, or in his absence, the Deputy Attorney-General shall prepare a report to be submitted to the Cabinet and the Speaker no later than 1 January 1993, and every other year thereafter. This report shall describe:

(a) the travel restrictions being placed on citizens of the Republic by:

(i) nations in the Pacific area,

(ii) other nations of the World;

(b) the progress of efforts to eliminate, on a mutual and reciprocal basis, restrictions on travel; and

(c) all measures and actions that have been taken by the Ministry since the last report with respect to reciprocal enforcement of Visa requirements. [P.L. 1992-22, §2(9C).] [P.L. 2001-29, §2 Oct. 18, 2001]

**PART VI- DEPORTATION FROM THE REPUBLIC OF PERSONS OTHER THAN
CITIZENS OF THE REPUBLIC.****§131. Application of Part VI.**

This Part shall apply to every person unless:

(a) he is a citizen of the Republic; or

(b) by virtue of any order under Part I of this Chapter for the time being in force, he is exempted from the provisions of this Part. [P.L. 1986-16, §31.]

§132. Power of Minister to deport.

(1) As used in this Part;

(a) "deportation order" means an order made in accordance with this Chapter by the Minister in the prescribed form requiring the person named in that order to leave the Republic of the Marshall Islands and not to return; and

(b) "person charged" means a person in respect of whom it is alleged that there are grounds for making a deportation order, and includes a person in respect of whom such an order has been made.

(2) The Minister may in any of the following cases where a person is shown, by evidence which the Minister deems sufficient, and after following all of the procedures specified in Section 133 of this Chapter, make a deportation order requiring any such person to whom this Part applies to leave the Republic of the Marshall Islands and remain thereafter out of the Republic of the Marshall Islands where that person:

(a) has had his visa canceled; has overstayed the period specified in the entry permit or visa; has willfully furnished false, incomplete or misleading information on an application for an entry permit or visa; or otherwise fails to comply with any other terms, conditions or restrictions imposed upon him by any entry permit or visa granted or issued to him;

(b) enters or remains in the Republic of the Marshall Islands in contravention of any provisions of this Chapter, any regulations made pursuant to this Chapter, or in violation of any other law of the Republic of the Marshall Islands;

(c) is unable to support himself and his dependents, by reason of mental or physical health or lack of economic means;

(d) is or has been conducting himself in a manner prejudicial to the peace, defense, public safety, public order, public morality, public health, security or good government of the Republic of the Marshall Islands;

(e) has been convicted of an offense under the provisions of any law of the Republic which would, in the opinion of the Minister, justify his deportation;

(f) has been convicted of an extraditable offense in any other country for which he has not received a pardon and which would, in the opinion of the Minister, justify his deportation; or;

(g) for any other reason in which the Minister deems it to be conducive to the public interest to make a deportation order. [P.L. 1986-16, §32; amended by P.L. 1989-65, §2, repealing and enacting Subsections (2) and (3); amended by P.L. 1991-106, repealing and enacting Section 32 in its entirety.]

§133. Procedure; detention; expenses; violation.

(1) In any case where the Minister intends to make a deportation order against any person under Section 132 of this Chapter, a notice signed by or under the authority of the Minister shall be served on the person charged. The notice shall specify the facts alleged against that person in sufficient detail as to give him reasonable notice of the grounds upon which it is alleged that the order may be made against him under this Chapter. The notice shall require the person charged to show cause, before a Justice of the High Court at a time stated in the notice, why such order should not be made against him.

(2) Where it is represented on oath or affidavit to a Justice of the High Court that a person falls within any of the categories specified in Subsection 132(2) of this Chapter, the Justice may issue a warrant for his arrest. If the notice required under Subsection (1) of this Section has not already been served upon that person, the notice shall be served upon him not later than twenty-four (24) hours after his arrest.

(3) Every witness whose evidence may be required before the Justice of the High Court in any proceedings taken under this Section, shall be issued a subpoena at the request of a police officer or of a person charged. Any such witness who fails to appear shall be deemed to be in contempt of court.

(4) The Attorney-General may certify to the High Court, or the person charged may request, that the proceedings be held in camera, in which case the court shall direct that the public shall not

have access to, or enter or remain in, any room, building or place in which such proceedings are taking place during the hearing.

(5) The person charged may be represented by legal counsel of his choosing at his own expense, or shall be appointed counsel upon a showing that he is indigent and is unable to pay for such counsel.

(6) In any proceedings in the High Court under this Section:

(a) pursuant to Section 151 of this Chapter, the burden of proof that the person charged is a citizen of the Republic of the Marshall Islands or is exempt from the provisions of this Part in accordance with Section 131 of this Chapter, shall be upon that person; and

(b) unless the contrary is proven, the following presumptions shall apply:

(i) any notice signed by or under the authority of the Minister under Subsection (1) of this Section shall be presumed to have been validly made;

(ii) the facts alleged in the notice of deportation shall be presumed to be true;

(iii) a document purporting to be a deportation order made under Section 132 of this Chapter shall be presumed to be such an order; and

(iv) any deportation order shall be presumed to have been made on the date upon which it purports to have been made.

(7) The Justice of the High Court, after considering the evidence presented before him shall set forth findings of fact and conclusions of law with respect to the issues presented.

(8) Upon receipt of the findings of fact and conclusions of law of the High Court and having regard to those findings and conclusions, the Minister may make a deportation order.

(9) Pending the decision of the Minister, a person charged under this Section may, when necessary, be detained in such manner as the Minister may direct for a period not exceeding fourteen (14) days. Such person shall be deemed to be in lawful custody while so detained.

(10) Pursuant to Article VI, Section 3(1) of the Constitution, a deportation order may not be appealed to the High Court. Any person wishing to question the legality of his detention, either before or after a deportation order has been made, may do so by filing a writ of habeas corpus with the High Court pursuant to Article II, Section 7 of the Constitution.

(11) Where a deportation order is made under Section 132 of this Chapter, a copy of the order shall, as soon as practicable, be served upon the person charged.

(12) A person against whom a deportation order is in force may be detained in such manner as may be directed by the Minister and may be placed on a ship or aircraft about to leave the Republic of the Marshall Islands, and shall be deemed to be in lawful custody while so detained and until the ship or aircraft leaves the Republic of the Marshall Islands.

(13) Where any person against whom a deportation order is in force has been placed on any ship or aircraft in accordance with Subsection (12) of this Section, the master of the ship or the commander of the aircraft shall, if so required by the Minister, take such steps as may be necessary for preventing such person from leaving the ship or aircraft before it leaves the Republic of the Marshall Islands and may for that purpose detain that person in custody on board the ship or aircraft.

(14) If a person against whom a deportation order is in force has been sentenced to any term of imprisonment, that person may, at the discretion of the Minister, be required to serve such sentence before the order is carried into effect.

(15) The person against whom a deportation order is in force shall be given the opportunity to pay the expenses of deportation. In the event that the person refuses or otherwise fails to pay such

expenses, either in whole or in part, the Minister may apply for a writ of attachment in the High Court, pursuant to Section 6 of the Enforcement of Judgments Act (30 MIRC, Chapter 1) against such property of the person reasonably expected to cover the costs incurred in the deportation.

(16) If a person in respect of whom a deportation order is in force is at any time found within the Republic or returns or attempts to return to the Republic in contravention of the provisions of such order, he shall be guilty of an offense and shall upon conviction be liable for the penalties provided under Section 147(1) of this Chapter. Any such conviction shall not affect the original deportation order and the person charged may be deported in accordance with such order without the necessity of complying with the provisions of Subsections (1) through (8) of this Section.

(17) Any person who knowingly or intentionally assists, harbors or conceals any person who is within the Republic of the Marshall Islands in contravention of the terms of a deportation order shall be guilty of an offense and shall upon conviction be liable for the penalties provided under Section 147(2) of this Chapter. [P.L. 1986-16, §33; amended by P.L. 1991-106, §2(2), repealing and enacting Section 33 in its entirety.]

PART VII- DEPARTURE OF PERSONS FROM THE REPUBLIC

§134. Application of Part VII.

This Part shall apply to every person unless, by virtue of any order under Part I of this Chapter for the time being in force, that person is exempted from the provisions of this Part. [P.L. 1986-16, §34.]

§135. Departure from the Republic.

No person to whom this Part applies shall leave the Republic from any place other than an approved port of departure. [P.L. 1986-16, §35.]

§136. Passports.

No person to whom this Part applies shall:

(a) if he is a citizen of the Republic, leave the Republic unless he has in his possession a passport of the Republic; or

(b) if he is not a citizen of the Republic, leave the Republic unless he has in his possession a valid passport issued by the competent authority of his country.

Provided, however, that any person to whom this Part applies and who belongs to any prescribed class or description of persons, shall not be deemed to contravene the preceding provisions of this Section if he leaves the Republic under the authority of a certificate in the prescribed form and issued to him by a prescribed officer. [P.L. 1986-16, §36.]

§137. Regulations.

(1) For the purpose of controlling the departure from the Republic of persons to whom this Part applies, the Minister may make regulations for or with respect to all, or any of the following matters:

(a) all matters stated in this Part to be prescribed;

(b) the authority or authorities by whom passports of the Republic are to be issued or renewed;

(c) the making of applications for the issue or renewal of passports of the Republic, the form of such applications and the particulars to be entered therein;

(d) the issuance, refusal, renewal, cancellation and suspension of such passports, whether in the absolute discretion of the prescribed authority or in the prescribed circumstances;

(e) the terms and conditions to be attached to such passports (including such terms and conditions as the Minister may deem necessary in the public interest);

(f) the form of such passports and the particulars to be entered therein;

(g) the furnishing as a condition precedent to the issue or renewal of such passports to persons to whom this Part applies and who are citizens of the Republic, of security for the repayment to the Government of the Marshall Islands of any expenses that may be incurred by the Government of the Marshall Islands in connection with the repatriation of such persons, the manner in which such security shall be furnished, whether by deposit of money or by hypothecation of immovable property or otherwise, the person or persons by whom such security shall be furnished and the disposal of the property so furnished;

(h) the imposition, recovery and disposal of fees with respect to the issue or renewal of such passport;

(i) the prohibition, regulation and control of the departure from the Republic of persons to whom this Part applies, and who are citizens of the Republic, for the service of any foreign state in any capacity whatsoever, the terms and conditions subject to which such persons may be allowed to depart from the Republic for the purpose aforesaid (including such terms and conditions as the Minister may deem necessary in the public interest);

(j) the prohibition of the departure from the Republic of such persons when recruited for employment as laborers outside the Republic, unless the recruitment of such persons has been carried out in accordance with such terms and conditions as may be laid down in the regulations;

(k) the exemption, whether unconditionally or subject to such terms and conditions as may be prescribed, of any person belonging to any such class or description of persons as may be prescribed, from all or any of the provisions of such regulations;

(l) all matters incidental to or connected with the matters and subjects referred to in this Subsection.

(2) For the purposes of this Section, "foreign state" includes any person or persons exercising or assuming to exercise the powers of Government in and over any country, territory, colony, province or people beyond the limits of the Republic. [P.L. 1986-16, §37.]

PART VIII- GENERAL

§138. Removal orders and deportation orders not to be defeated.

No order made under Section 132 of this Chapter for the deportation, of any person shall be defeated by reason of the fact that such person has contracted a marriage with a citizen of the Republic and has a child or children by such marriage or has made an application to the High Court under Article XI, Section 2 of the Constitution of the Marshall Islands for registration as a citizen of the Republic, which application has not been disposed of; and no such order shall be deemed or construed by that Court as an act of contempt committed in disrespect of its authority. [P.L. 1986-16, §38: amended by P.L. 1991-106, §3, deleting the words "under Section 29 this Act for the removal, or" following the words "No order made."]

§139. Identification of persons entering and leaving the Republic.

(1) Every person entering or leaving the Republic shall furnish to any authorized officer such information as that officer may require for the purpose of ascertaining whether that person is or is not a citizen of the Republic.

(2) The master of any ship or the captain of any aircraft arriving at any place in the Republic shall detain on board any passenger in, or any member of the crew of, the ship or the aircraft until an authorized officer has examined the passenger or member of the crew for the purpose of ascertaining whether he is or is not a citizen of the Republic. [P.L. 1986-16, §39.]

§140. Identification of persons in custody.

Where any person who is not a citizen of the Republic is in custody, having been arrested or detained in the exercise of any power conferred by or under this Chapter, any person authorized by the Controller to act under this Section may take all such steps as may reasonably be necessary for photographing, measuring or otherwise identifying that person in such manner as may be prescribed. [P.L. 1986-16, §40.]

§141. Power of authorized officers to enter and board ships and aircraft.

Every authorized officer is hereby empowered to enter or board any ship or aircraft, and to detain and examine any person arriving in or leaving the Republic, and to require the production of any documents by such person. [P.L. 1986-16, §41.]

§142. Powers of search and arrest.

The Controller, the Deputy Controller, any Assistant Controller, any authorized officer or any police officer may, whenever he has reasonable grounds to believe that an offense against this Chapter or any regulation made thereunder, is being committed in any premises, with or without a warrant, enter and search such premises, question any person and arrest any person concerned in the commission of such offense, and carry out such other and further investigations as may be necessary for the purpose of giving effect to the provisions of this Chapter. [P.L. 1986-16, §42.]

§143. Legal custody.

Any person who is detained in the exercise of any powers conferred by or under this Chapter shall, while so detained, be deemed to be in legal custody. [P.L. 1986-16, §43.]

§144. Manifest as to passengers and members of crews.

(1) The master of any ship or the captain of any aircraft entering or leaving any port in the Republic shall, upon demand made by any authorized officer, furnish to such officer a manifest containing the prescribed particulars relating to:

(a) the passengers embarking on or disembarking from the ship or aircraft at that port;

or

(b) the members of the crew of that ship or aircraft.

(2) The owner, or the agent of the owner, of every ship or aircraft which departs from any port in the Republic shall, if the Controller so requires, furnish to the Controller a list, in such form as may be prescribed, of all the members of the crew and of all the passengers who left the Republic on such

ship or aircraft. [P.L. 1986-16, §44.]

§145. Expenses of administration.

All expenses incurred in the administration of this Chapter shall, except insofar as they are defrayed as provided by or under this Chapter, be payable out of monies provided by the Nitijela for that purpose. [P.L. 1986-16, §45.]

§146. Proof of instruments, etc.

(1) Every document purporting to be an order, direction, instruction, permit or other instrument, made or issued by the Minister in pursuance of any provision contained in, or having effect under, this Chapter, and to be signed by him or on his behalf, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by him.

(2) Prima facie evidence of any such instrument as aforesaid may in any legal proceedings be given by the production of a document purporting to be certified to be a true copy of the instrument by, or on behalf of, the Minister. [P.L. 1986-16, §46.]

§147. Offenses and penalties.

(1) Any person who:

(a) enters or remains in the Republic in contravention of any provision of this Chapter or of any order or regulation made thereunder;

(b) leaves the Republic in contravention of any provisions of this Chapter or of any order or regulation made thereunder;

(c) in reply or in relation to the Minister, or any authorized officer, or other person lawfully acting in the execution of the provisions of this Chapter or of any order or regulation made thereunder, makes or causes to be made any false return, false statement or false representation;

(d) forges, alters or tampers with any passport, whether issued in the Republic or elsewhere, or any visa or entry permit thereon;

(e) forges, alters or tampers with any certificate;

(f) without lawful authority uses or has in his possession any forged, altered or irregular passport, or any passport with any forged, altered or irregular visa or entry permit;

(g) without lawful authority uses or has in his possession any forged, altered or irregular certificate;

(h) obstructs or impedes any person in the exercise of his powers and duties under this Chapter or under any order or regulation made thereunder; or

(i) otherwise contravenes or fails to comply with any provision of this Chapter or any order or regulation made thereunder, shall be guilty of an offense and shall upon conviction be liable to a fine not less than five hundred dollars (US \$500) and not exceeding three thousand dollars (US \$3,000) or to a term of imprisonment not less than six (6) months and not exceeding three (3) years, or both.

(2) Any person who:

(a) brings any other person into the Republic by any means whatsoever, knowing or having reasonable grounds for knowing that the entry into the Republic of that other person is or would be in contravention of any provision of this Chapter or under any order or

regulation made thereunder; or

(b) conceals or harbors any other person in any place whatsoever, or transports any other person or causes any other person to be transported by any means whatsoever, or employs any other person, knowing or having reasonable grounds for knowing that such other person has entered into the Republic or is remaining in the Republic in contravention of any provision of this Chapter or of any order or regulation made thereunder,

shall be guilty of an offense and shall upon conviction be liable to a fine not less than one thousand dollars (US \$1,000) not exceeding five thousand dollar (US \$5,000) or to a term of imprisonment not less than six (6) months and not exceeding five (5) years, or both.

(3) No prosecution for an offense under this Chapter shall be instituted except by the Controller or with his written sanction.

(4) If in any prosecution against any person for any offense under this Chapter other than an offense under Subsection (2)(a) of this Section, there is produced a certificate issued by the Controller, the Deputy Controller, any Assistant Controller, any authorized officer or any police officer not below the rank of lieutenant, after such investigation as he may deem necessary, to the effect that he believes that person to have entered the Republic or remained therein in contravention of any provision of this Chapter or of any order or regulation made thereunder, it shall be presumed that person entered or remained in the Republic in contravention of such provision, unless it is proved by that person that he:

(a) is a person to whom Part III of this Chapter does not apply;

(b) entered the Republic or remained in the Republic, as the case may be, in conformity with such provision;

(c) was in the Republic prior to the appointed date in conformity with the law then in force and did not leave the Republic thereafter; or

(d) was born in the Republic on or after the appointed date and did not leave the Republic thereafter.

(5) If in any prosecution for an offense under Subsection (2)(a) of this Section there is produced a certificate, issued by the Controller, the Deputy Controller, any Assistant Controller, any authorized officer or any police officer not below the rank of lieutenant, after such investigation as he may deem necessary, to the effect that he believes any person named in the certificate to be a person who has entered or remained in the Republic in contravention of any provision of this Chapter or of any order or regulation made thereunder, it shall be presumed that the person so named entered or remained in the Republic in contravention of such provision, unless it is proved by the accused that the person so named:

(a) is a person to whom Part III of this Chapter does not apply;

(b) entered the Republic or remained in the Republic, as the case may be, in conformity with such provision;

(c) was in the Republic prior to the appointed date in conformity with the law then in force and did not leave the Republic thereafter; or was born in the Republic on or after the appointed date and did not leave the Republic thereafter.

(6) The judgment of any court (against which no appeal has been taken or which has been affirmed on appeal) convicting any person of the offense of entering or remaining in the Republic in contravention of any provision of this Chapter or of any order or regulation made thereunder shall, notwithstanding anything to the contrary in the Rules of Evidence, be admissible, in any prosecution

for any other offense under this Chapter which may be instituted against the person so convicted or any other person, as proof of such conviction; and thereupon it shall be presumed that the person so convicted entered or remained in the Republic in contravention of such provision, unless the accused in such case proves that the person so convicted:

- (a) is a person to whom Part III of this Chapter does not apply;
- (b) entered the Republic or remained in the Republic, as the case may be, in conformity with such provision;
- (c) was in the Republic prior to the appointed date in conformity with the law then in force and did not leave the Republic thereafter; or
- (d) was born in the Republic on or after the appointed date and did not leave the Republic thereafter. [P.L. 1986-1 6, §47.]

§148. Offenses triable by High Court or District Court.

All offenses under this Chapter shall be triable summarily by the High Court or the District Court. It shall be lawful for any judge of the District Court to impose any punishment under this Chapter, notwithstanding such action exceeds the limits of his ordinary jurisdiction. [P.L. 1986-16, §48.]

§149. Non-bailable offenses.

Notwithstanding anything in any other law, every offense under Section 147(1)(a) or 147(2)(a) of this Chapter shall be non-bailable. [P.L. 1986-16, §49.]

§150. Detention of suspects.

Where any person is suspected of or charged with the commission of an offense under Section 147(1)(a) of this Chapter, any court which has power under the law relating to criminal procedure to authorize the detention of an accused in the custody of any designated officer or to remand the accused or commit him to custody may, in the exercise of such power, by warrant addressed to the officer in charge of any place of detention approved by the Minister for the purpose of this Section, authorize his detention in such place of detention in lieu of authorizing his detention or custody in a prison. [P.L. 1986-16, §50.]

§151. Burden of proof.

Where, with reference to any proceedings under this Chapter or under any regulation, order, direction, instructions or other instrument made or issued thereunder or with reference to anything done or proposed to be done under this Chapter or any such regulation, order, direction, instructions or other instrument, it is alleged by any person:

- (a) that he is not a citizen of the Republic;
- (b) that he belongs to any particular class or description of persons who are not citizens of the Republic;
- (c) that he is a citizen of the Republic;
- (d) that he belongs to any particular class or description of persons who are citizens of the Republic; or
- (e) that he is a national of any particular country,

the burden of proving that fact shall, notwithstanding anything in the law of evidence, lie upon that person. [P.L. 1986-16, §51.]

§152. Forfeiture of vehicles, etc.

Upon the conviction of any person of an offense under Section 147(2)(a) or (b) of this Chapter, the court may make an order for the forfeiture to the Republic of any vehicle, vessel or other means of transport together with any equipment or accessories thereof, which are proved to have been used in, or in connection with, the commission of the offense. [P.L. 1986-16, §52.]

§153. Seizure and detention of vehicles.

(1) When the Controller, the Deputy Controller, any Assistant Controller, any authorized officer, any police officer not below the rank of lieutenant, or other person authorized by this Chapter or any regulation made thereunder to exercise the powers and functions conferred by this Chapter or any regulation made thereunder, has reason to believe that any vehicle, vessel or other means of transport has been used in, or in connection with, the commission of any offense referred to in Section 147(2)(a) or (b) of this Chapter, he may seize and detain such vehicle, vessel or means of transport, together with any equipment and accessories thereof.

(2) Any vehicle, vessel or other means of transport or equipment or accessories seized under Subsection (1) of this Section shall, as soon as possible, be produced before or made available for inspection by any court of law by the officer making the seizure, and the court shall thereupon make such order as it may deem fit relating to the custody of the things so seized pending their disposal under Subsection (3) of this Section.

(3) Any vehicle, vessel or other means of transport, equipment; or accessories seized under Subsection (1) of this Section from the possession of any person:

(a) shall be returned to that person forthwith upon the expiration of fourteen (14) days after the seizure, unless a prosecution for the alleged offense is instituted before the end of that period; or

(b) shall be returned to that person forthwith after the final determination of the prosecution, unless duly declared forfeited to the Republic under Section 152 of this Chapter. [P.L. 1986-16, §51.]

§154. Regulations.

(1) The Minister may make all such regulations as may be necessary or convenient for the purpose of carrying out the provisions or giving effect to the principles of this Chapter.

(2) In particular and without prejudice to the powers conferred by Subsection (1) of this Section, the Minister may make regulations with respect to any or all of the following matters:

(a) all matters stated in this Chapter to be prescribed;

(b) all matters with respect to which regulations are required or authorized to be made under this Chapter;

(c) the classes or description of persons, other than those specified in Section 103(1) of this Chapter, to whom exemption may be granted from any of the provisions of this Chapter;

(d) the extent to which and the terms, conditions or restrictions subject to which such exemption may be granted (including such terms, conditions or restriction as the Minister may deem necessary in the public interest in any special circumstances);

(e) the examination of any person, the production, inspection and stamping of any document, for the purposes of this Chapter and;

(f) the taking of fingerprints from any person or from persons of any class or description specified in the regulations for the purposes of this Chapter.

(3) The Administrative Procedure Act 1979 (6 MIRC 1) shall not apply to any regulation or order made under the provision of this Chapter. Provided, however, that except in the case of an emergency, no new or amended regulation shall become effective prior to approval by the Cabinet. [P.L. 1986-16, §54: amended by P.L. 1987-27, §2; P.L. 1992-22, §3.]

§155. Chapter not to apply to journeys between places in the Republic.

Nothing in this Chapter or in any regulation, order, direction, instructions or other instrument made or issued under this Chapter shall be deemed or construed to prohibit or restrict in any manner whatsoever the entry into or departure from any place in the Republic of any person on a journey by ship or aircraft from or to, as the case may be, any other place in the Republic if that ship or aircraft has not called or will not call at any place outside the Republic in the course of his journey on that ship or aircraft. [P.L. 1986-16, §55.]

§156. Construction of Chapter.

The provisions of this Chapter shall be in addition to and not in derogation of the provisions of any written law relating to customs, quarantine, prevention of diseases or of any other written law relating to the entry of persons into, and departure of persons from the Republic; provided, however, that in the event of any conflict or inconsistency between the provisions of this Chapter and of any such other written law, the provisions of this Chapter shall prevail. [P.L. 1986-16, §56.]

§157. Transitional.

Notwithstanding the repeal of 53 TTC 1980, Chapter 2:

(a) any deportation order made under Section 62 of that law and in force on the day immediately preceding the appointed date, shall be deemed to be a deportation order made under this Chapter and may accordingly be varied or revoked under this Chapter and shall continue in force until it is so revoked;

(b) the regulations made under that law and in force on the day immediately preceding the appointed date shall, insofar as they are not inconsistent with this Chapter, continue in force in like manner as if they were made under this Chapter, and may be amended, varied or rescinded by regulations made under this Chapter; and

(c) any entry permits or other documents of entry issued before the appointed date and in force on the date immediately preceding the appointed date shall continue to be in force after that date for the duration of such permits or other documents of entry for the period therein specified; subject, however, to the power of the Minister under Part VI of this Chapter to take any action in conformity therewith with respect to the holders of such entry permits or other documents of entry. [P.L. 1986-16, §58.][Section originally numbered as §158, re-numbered as §157 as previous §157 was "Reserved" and had no provisionsz][Rev2003]

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