

Immigration (Amendment) Bill

Bill No. 46/2017.

Read the first time on 6 November 2017.

A BILL

intituled

An Act to amend the Immigration Act (Chapter 133 of the 2008 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Immigration (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 38

2. Section 38(1) of the Immigration Act is amended by deleting the word “Every” and substituting the words “Except when exercising any powers under section 51AA, every”.

Amendment of section 51

10 3. Section 51 of the Immigration Act is amended by inserting, immediately after the word “arrest” in the section heading, the words “for offence under Act”.

New section 51AA

15 4. The Immigration Act is amended by inserting, immediately after section 51, the following section:

“Power of search and arrest for offences committed within authorised area, etc.

20 **51AA.**—(1) An immigration officer or a police officer may, without a warrant and with or without assistance, stop and search any vehicle, train, vessel or person, or search any aircraft, within or in the vicinity of an authorised area, if the immigration officer or police officer has reason to believe that —

25 (a) a relevant offence has been, or is likely to be, committed within or in the vicinity of the authorised area; and

(b) any evidence of the commission of the relevant offence is likely to be found on the person or in the vehicle, train, vessel or aircraft.

30 (2) An immigration officer or a police officer may seize any evidence so found under subsection (1).

(3) A woman must not be searched under this section except by a woman.

(4) An immigration officer or a police officer may require any person subject to a search under subsection (1) to undergo any form of security screening, including doing one or more of the following:

- (a) to walk through a walk-through detector; 5
- (b) to pass the person's personal property through an X-ray machine;
- (c) to allow the immigration officer or police officer to pass a hand-held scanner in close proximity to the person; 10
- (d) to allow the immigration officer or police officer to pass a hand-held scanner in close proximity to the person's personal property.

(5) If an immigration officer has reason to believe that a relevant offence has been committed within or in the vicinity of an authorised area, the immigration officer may examine orally any person who appears to be acquainted with the facts and circumstances of the relevant offence. 15

(6) The person mentioned in subsection (5) is bound to state truly the facts and circumstances with which the person is acquainted, except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture. 20

(7) A statement made by a person mentioned in subsection (5) must — 25

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted to the person in a language that the person understands; and 30
- (d) after correction (if necessary), be signed by the person.

(8) An immigration officer may arrest without warrant any person if the immigration officer has reason to believe that a

relevant offence (being also an arrestable offence) has been committed within or in the vicinity of an authorised area.

5 (9) An immigration officer may arrest any person who, within or in the vicinity of an authorised area, is accused of committing or commits in the view or presence of the immigration officer, a non-arrestable offence if, on the demand of the immigration officer —

(a) the person refuses to give his name and residential address; or

10 (b) the person gives a residential address outside Singapore, or a name or residential address which the immigration officer has reason to believe is false.

(10) In making the arrest under this section, the immigration officer —

15 (a) must touch or confine the body of the person to be arrested unless the person submits to arrest by word or action; and

(b) may use all reasonable means necessary to make the arrest if the person to be arrested forcibly resists or tries to evade arrest.

(11) The person arrested must not be restrained more than is necessary to prevent the person's escape.

(12) Where any person is arrested by an immigration officer under subsection (8) or (9), the immigration officer —

25 (a) must immediately inform a police officer of the arrest and await the arrival of a police officer to hand over the person to the police officer; and

(b) while awaiting the arrival of a police officer, may detain the person for a period not exceeding 24 hours in any suitable place of detention within or in the vicinity of an authorised area.

30 (13) An immigration officer, who has reasonable grounds to suspect that a relevant offence may be committed within or in the vicinity of an authorised area, may intervene for the purpose of

preventing and must, to the best of the immigration officer's ability, use all lawful means to prevent the commission of the relevant offence.

(14) Where a relevant offence is committed within or in the vicinity of an authorised area, an immigration officer may, for the purpose of preserving any crime scene, cordon off any area where the relevant offence is committed.

(15) Nothing in this section affects any other power exercisable by an immigration officer under any other written law.

(16) In this section —

“arrestable offence” and “non-arrestable offence” have the same meanings as in section 2(1) of the Criminal Procedure Code (Cap. 68);

“relevant offence” means an offence under any written law (other than this Act or the regulations).”

Amendment of section 55

5. Section 55(1) of the Immigration Act is amended —

(a) by deleting the word “or” at the end of paragraph (ga)(ii);

(b) by inserting, immediately after sub-paragraph (iii) of paragraph (ga), the following sub-paragraphs:

“(iv) any person (other than a citizen of Singapore) who transits through Singapore; or

(v) any applicant for, or holder of, a Singapore visa;”;

(c) by deleting the words “not exceeding imprisonment for 6 months or a fine of \$1,000” in paragraph (k) and substituting the words “of imprisonment for a term not exceeding 2 years or a fine not exceeding \$3,000”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Immigration Act (Cap. 133) —

- (a) to empower immigration officers to exercise certain powers in relation to offences (other than an offence under the Act or the regulations) committed within or in the vicinity of an authorised area;
- (b) to allow the Minister to make regulations providing for the taking or recording of any personal identifier of certain persons; and
- (c) to increase the penalty for breaches of the regulations.

Clause 1 relates to the short title and commencement.

Clause 2 makes a consequential amendment to section 38(1) arising from the insertion of the new section 51AA which confers powers of arrest, detention, etc., on immigration officers in certain circumstances.

Clause 3 makes a consequential amendment to the section heading of section 51 arising from the insertion of the new section 51AA.

Clause 4 inserts a new section 51AA. The new section 51AA empowers an immigration officer to exercise certain powers relating to search and seizure, arrest, security screening, etc..

An immigration officer or a police officer may without a warrant stop and search any vehicle, train, vessel or person, or search any aircraft, within or in the vicinity of an authorised area, if the immigration officer or police officer has reason to believe that a relevant offence (defined to mean an offence under any written law other than an offence under the Act or the regulations) has been, or is likely to be, committed within or in the vicinity of the authorised area, and any evidence of the commission of that offence is likely to be found on the person or in the vehicle, train, vessel or aircraft.

An immigration officer or a police officer may require any person subject to a search to undergo any form of security screening.

An immigration officer may also examine orally any person who appears to be acquainted with the facts and circumstances of a relevant offence.

An immigration officer may arrest without warrant any person if the immigration officer has reason to believe that a relevant offence (being also an arrestable offence) has been committed within or in the vicinity of an authorised area. An immigration officer may also arrest any person who, within or in the vicinity of an authorised area, is accused of committing or commits in the view or presence of the immigration officer, a non-arrestable offence in certain circumstances.

After a person is arrested by an immigration officer, the immigration officer —

- (a) must immediately inform a police officer of the arrest and await the arrival of a police officer to hand over the person to the police officer; and
- (b) while awaiting the arrival of a police officer, may detain the person for a period not exceeding 24 hours in any suitable place of detention within or in the vicinity of an authorised area.

An immigration officer who has reasonable grounds to suspect that a relevant offence may be committed within or in the vicinity of an authorised area may also intervene for the purpose of preventing the commission of the relevant offence.

Where a relevant offence is committed within or in the vicinity of an authorised area, an immigration officer may, for the purpose of preserving any crime scene, cordon off any area where the relevant offence is committed.

The powers conferred on an immigration officer under the new section 51AA do not affect any other power exercisable by an immigration officer under any other written law.

Clause 5 amends section 55(1) to allow the Minister to make regulations providing for the taking or recording of any personal identifier of any person (other than a citizen of Singapore) who transits through Singapore, or any applicant for, or holder of, a Singapore visa. The clause further makes an amendment to increase the penalty for breaches of the regulations.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
