

# Passports Bill

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**Bill No. 21/2007.**

*Read the first time on 21st May 2007.*

## PASSPORTS ACT 2007

(No.     of 2007)

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A BILL

*i n t i t u l e d*

An Act to provide for the issue of Singapore passports and other travel documents to be used as evidence of identity and citizenship by citizens of Singapore who are travelling internationally and for matters connected therewith, to repeal the Passports Act (Chapter 220 of the 1985 Revised Edition) and to make consequential and related amendments to the Immigration Act (Chapter 133 of the 1997 Revised Edition).

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

## PART I

## PRELIMINARY

**Short title and commencement**

1. This Act may be cited as the Passports Act 2007 and shall come into  
5 operation on such date as the Minister may, by notification in the *Gazette*,  
appoint.

**Interpretation**

2.—(1) In this Act, unless the context otherwise requires —

10 “applicant”, in relation to an application for a Singapore passport or a  
Singapore travel document, means the person who will be the  
holder of the Singapore passport or Singapore travel document if  
the application is granted;

“approved form” means any form approved by the Controller for the  
purposes of any of the provisions of this Act;

15 “authorised officer”, in relation to any provision in this Act or the  
regulations, means —

(a) the Controller;

(b) any immigration officer authorised in that behalf by the  
Minister for the purposes of that provision;

20 (c) any diplomatic or consular officer of the Government in any  
foreign country, or any Trade Commissioner of Singapore in  
any foreign country, authorised in that behalf by the Minister  
for the purposes of that provision; or

25 (d) any other public officer authorised in that behalf by the  
Minister for the purposes of that provision;

“biometric passport” means a passport which contains unique  
biological data specific to the holder;

“child” means a person who is below 16 years of age;

30 “conduct” means an act, an omission to perform an act or a state of  
affairs;

“Controller” means the Controller of Immigration appointed under section 3 of the Immigration Act (Cap. 133);

“customs officer” has the same meaning as “officer of customs” in the Customs Act (Cap. 70);

5 “document” includes —

(a) any paper or other material where there is writing;

(b) any paper or other material on which there are marks, figures, symbols or perforations that are —

10 (i) capable of being given a meaning by persons qualified to interpret them; or

(ii) capable of being responded to by a computer, a machine or an electronic device; or

15 (c) any article or material from which information is capable of being reproduced with or without the aid of any other article or device;

“engage in conduct” means do an act or omit to perform an act;

“fingerprint”, in relation to an individual, means a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of any of his thumbs or fingers;

20 “foreign travel document” means —

(a) a passport; or

(b) a document issued for travel purposes (whether or not also issued for another purpose),

25 that is issued by or on behalf of the government of a foreign country or such international organisation as the Minister may approve;

“holder”, in relation to a Singapore passport or a Singapore travel document, means the person in whose name the Singapore passport or Singapore travel document has been issued;

30 “immigration officer” means an immigration officer appointed under section 3 of the Immigration Act;

“public authority” means any board or authority established by or under any written law to perform or discharge any public function;

“regulations” means the regulations made under this Act;

“repealed Act” means the Passports Act (Cap. 220) repealed by this Act;

5 “Singapore document of identity” means a document issued under section 16 to any person who is a citizen of Singapore for the purposes of urgently facilitating the person’s entry into or exit from any country, and purporting to establish the identity and nationality of that person;

“Singapore passport” means —

- 10 (a) a Singapore ordinary passport;  
 (b) a Singapore diplomatic passport; or  
 (c) a Singapore official passport,

issued by or on behalf of the Government under this Act;

15 “Singapore temporary travel document” means a Singapore temporary travel document issued under section 13 to any person who is a citizen of Singapore for the purposes of facilitating the person’s entry into or exit from any country, and purporting to establish the identity and nationality of that person;

“Singapore travel document” means —

- 20 (a) a Singapore temporary travel document;  
 (b) a Singapore document of identity or other emergency travel document issued under section 16; or  
 (c) a Singapore travel document of the kind prescribed under section 18.

25 (2) A reference in this Act to a false Singapore passport or a false Singapore travel document shall be a reference —

- (a) to a document —
- 30 (i) that is not a Singapore passport but purports to be a Singapore passport; or  
 (ii) that is not a Singapore travel document but purports to be a Singapore travel document; or
- (b) to a document that is a Singapore passport or a Singapore travel document that has been altered by a person who is not authorised

to alter that document, or that purports to have been altered on a date on which, or at a place at which, or otherwise in circumstances in which, it was not in fact made or altered.

5 (3) A reference in this Act to a false foreign travel document shall be a reference —

(a) to a document that purports to be a passport, or a document for travel purposes, issued by or on behalf of —

(i) the government of a foreign country; or

10 (ii) such international organisation as the Minister may approve for the purposes of the definition of “foreign travel document” under subsection (1),

but that was not issued by or on behalf of that government or international organisation; or

15 (b) to a document that is a foreign travel document that has been altered by a person who is not authorised to alter that document.

(4) For the purposes of this Act, a person has parental responsibility for a child if, and only if —

(a) the person is the child’s parent;

(b) under any order of court, the child is to live with the person; or

20 (c) the person is entitled to guardianship or custody of the child under any written law.

### **Meaning of “personal identifier”**

**3.—**(1) In this Act, “personal identifier” means any of the identifiers specified in the First Schedule (including any in digital form).

25 (2) The Minister may, by order published in the *Gazette*, amend the First Schedule, except that any other personal identifier so prescribed in the order must —

(a) be an image of, or a measurement or recording of, an external part of the human body or a person’s voice; and

30 (b) not be an identifier the obtaining of which would involve the taking of an intimate sample within the meaning of section 13A of the Registration of Criminals Act (Cap. 268).



### **Extra-territorial operation of Act**

4. Except as otherwise expressly provided in this Act, this Act extends —

(a) to acts, omissions, matters and things outside Singapore; and

5 (b) to all persons, irrespective of their nationality or citizenship.

### **Controller and authorised officers**

10 5.—(1) The Controller shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act and may perform such duties as are imposed and may exercise such powers as are conferred upon him by this Act.

(2) The Minister may from time to time give the Controller directions of a general character, and not inconsistent with the provisions of this Act, as to the exercise of the powers and discretions conferred on the Controller by, and the duties required to be discharged by the Controller under, this Act; and the Controller shall give effect to all such directions given.

(3) The Controller may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as set out in this Act or as the Controller may specify by directions; and any reference in this Act to the Controller shall include a reference to such an authorised officer.

(4) In exercising any powers or functions under a delegation under subsection (3), an authorised officer must comply with the directions of the Controller.

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## **PART II**

### **ISSUE OF SINGAPORE PASSPORTS AND TRAVEL DOCUMENTS**

#### *Division 1 — Singapore passports*

### **Application for Singapore passport**

30 6. An application for a Singapore passport shall —

(a) be made to the Controller in the approved form;

(b) be accompanied by the applicant's prescribed particulars (which may include personal identifiers), and such other particulars, information and documents as may be specified by the Controller in any particular case; and

5 (c) be accompanied by the fee prescribed (if any).

### **Issue of Singapore passport**

7.—(1) Before issuing a Singapore passport to an applicant, the Controller must be satisfied —

10 (a) that the applicant is a citizen of Singapore in the case of a Singapore ordinary passport;

(b) that the applicant is a citizen of Singapore who is travelling for diplomatic or official purposes, or is a dependent of a person who is travelling for diplomatic or official purposes, in the case of a Singapore diplomatic passport or a Singapore official passport; and

15

(c) of the identity of the applicant in all cases.

(2) Every Singapore passport shall be issued by the Controller for and on behalf of the Government.

(3) A Singapore passport may be issued under this section subject to —

20 (a) such conditions as may be prescribed for that class of Singapore passport; and

(b) such other conditions as the Controller may specify in any particular case.

(4) The Controller may, before issuing a Singapore passport, require the applicant to furnish to the Controller a monetary deposit or such other security (by bond or otherwise) as the Controller may think sufficient to secure the performance or due observance by the applicant of any conditions imposed under subsection (3).

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### **Validity of Singapore passport**

30 **8.**—(1) Subject to subsection (2) or unless earlier cancelled, every Singapore ordinary passport shall be valid —

(a) for a period not exceeding 11 years for Singapore ordinary passports issued before 1st April 2005; or

(b) for a period not exceeding 6 years for Singapore ordinary passports issued on or after 1st April 2005.

(2) Unless earlier cancelled, every Singapore diplomatic passport or Singapore official passport shall be valid for such period as may be specified therein.

(3) Notwithstanding subsection (1), the Minister may, in any particular case, if satisfied that good reasons exist and that it would be in the interests of the proper administration of this Act to do so, direct that any Singapore ordinary passport shall be issued for a period shorter than that stated in that subsection.

(4) The Minister may, by notification published in the *Gazette*, increase the validity period specified in subsection (1)(b) for all Singapore ordinary passports issued on or after such date as is specified in the notification.

#### **Extension of non-biometric Singapore passport**

**9.**—(1) Singapore passports that are biometric passports shall not be extended.

(2) The Controller may, on the application of the holder of a Singapore passport that is not a biometric passport, extend that passport, but so that the original period for which that Singapore passport was issued plus the extension period does not exceed —

(a) 11 years in total for Singapore ordinary passports issued before 1st April 2005; or

(b) 6 years in total for Singapore ordinary passports issued on or after 1st April 2005 but before 15th August 2006.

(3) A Singapore passport that is not a biometric passport may be extended under this section subject to —

(a) such conditions as may be prescribed for that class of Singapore passport; and

(b) such other conditions as the Controller may specify in any particular case.

(4) The Controller may, before extending a Singapore passport that is not a biometric passport, require the holder thereof to furnish to the Controller a monetary deposit or such other security (by bond or otherwise) as the Controller may think sufficient to secure the

performance or due observance by the holder of any conditions imposed under subsection (3).

### **Endorsement of Singapore passport**

10 **10.**—(1) The Controller may at any time endorse on any Singapore passport —

- (a) such alterations or additions as may be necessary to render accurate the particulars recorded therein regarding the identity or status of the holder of that Singapore passport; and
- 10 (b) such conditions as may be prescribed for that class of Singapore passport or such other conditions as the Controller may specify in that particular case.

(2) The Controller may at any time delete any endorsement made under subsection (1).

### *Division 2 — Singapore temporary travel document*

#### 15 **Purpose of Singapore temporary travel document**

**11.** Subject to section 13 and Part III, the Controller may issue a Singapore temporary travel document for and on behalf of the Government to a citizen of Singapore where —

- 20 (a) for reasons of passport security and integrity, the Controller considers that it is not desirable to issue that citizen with a Singapore passport; or
- (b) the Controller is satisfied that there are other exceptional circumstances where the citizen is already the holder of a Singapore passport.

#### 25 **Application for Singapore temporary travel document**

**12.** An application for a Singapore temporary travel document shall —

- (a) be made to the Controller in the approved form;
- 30 (b) be accompanied by the applicant's prescribed particulars (which may include personal identifiers), and such other particulars, information and documents as may be specified by the Controller in any particular case; and

(c) be accompanied by the fee prescribed (if any).

### **Issue of Singapore temporary travel document**

**13.**—(1) Before issuing a Singapore temporary travel document to any person, the Controller must be satisfied —

- 5       (a) that the applicant is a citizen of Singapore; and  
      (b) of the identity of the person.

(2) Every Singapore temporary travel document shall be issued by the Controller for and on behalf of the Government.

10       (3) A Singapore temporary travel document may be issued under this section subject to —

- (a) such conditions as may be prescribed for temporary travel documents; and  
      (b) such other conditions as the Controller may specify in any particular case.

15       (4) The Controller may, before issuing a Singapore temporary travel document, require the applicant to furnish to the Controller a monetary deposit or such other security (by bond or otherwise) as the Controller may think sufficient to secure the performance or due observance by the applicant of any conditions imposed under subsection (3).

### **Validity of Singapore temporary travel document**

20       **14.**—(1) A Singapore temporary travel document shall be valid for one year.

25       (2) Notwithstanding subsection (1), the Minister may, in any particular case, if satisfied that good reasons exist and that it would be in the interests of the proper administration of this Act to do so, direct that any Singapore temporary travel document shall be issued for a period shorter than that stated in that subsection.

30       (3) The Minister may, by notification published in the *Gazette*, increase the validity period stated in subsection (1) for all Singapore temporary travel documents issued on or after such date as is specified in the notification.

## **No extension of Singapore temporary travel document**

**15.** Singapore temporary travel documents shall not be extended.

### *Division 3 — Emergency and other travel documents*

## **Issue of Singapore document of identity, etc.**

5 **16.**—(1) Except as otherwise provided in Part III, the Controller may issue a Singapore document of identity or other emergency travel document to any person where —

- (a) the Controller has reasonable cause to believe that the person is a citizen of Singapore;
- 10 (b) the Controller has reasonable cause to believe that —
  - (i) the person's Singapore passport has been lost or stolen or destroyed or is temporarily unavailable; or
  - (ii) an emergency has affected the availability of the information necessary to ascertain whether or not that
  - 15 person is already the holder of a Singapore passport; and
- (c) the person wishes to travel immediately, but, for reasons of passport security and integrity, the Controller considers that it is not desirable to issue that person with a Singapore passport.

20 (2) An application for any Singapore document of identity or other emergency travel document shall —

- (a) be made to the Controller in the approved form;
- (b) be accompanied by the applicant's prescribed particulars (which may include personal identifiers), and such other particulars, information and documents as may be specified by the Controller
- 25 in any particular case; and
- (c) be accompanied by the fee prescribed (if any).

## **Validity of Singapore document of identity, etc.**

30 **17.** A Singapore document of identity or other emergency travel document in section 16 shall be valid for such a time as, in the opinion of the Controller, will be sufficient to enable the person —

- (a) to leave and return to Singapore;

- (b) to return to Singapore; or
  - (c) to complete his specified journey,
- as the case may require.

### **Issue of other Singapore travel documents**

5     **18.**—(1) Subject to subsection (2) and Part III, the Controller may, on application to him in circumstances prescribed, issue the applicant with a Singapore travel document of a kind prescribed, being a document issued for the purposes of travel.

10     (2) Before issuing a Singapore travel document under subsection (1) to any person, the Controller must be satisfied of the identity of the person.

(3) A Singapore travel document may be issued under this section subject to —

- (a) such conditions as may be prescribed for Singapore travel documents of that kind; and
- 15     (b) such other conditions as the Controller may specify in any particular case.

(4) The Controller may, before issuing a Singapore travel document, require the applicant to furnish to the Controller a monetary deposit or such other security (by bond or otherwise) as the Controller may think  
20     sufficient to secure the performance or due observance by the applicant of any conditions imposed under subsection (3).

(5) An application for any Singapore travel document in subsection (1) shall —

- (a) be made to the Controller in the approved form;
- 25     (b) be accompanied by the applicant's prescribed particulars (which may include personal identifiers), and such other particulars, information and documents as may be specified by the Controller in any particular case; and
- (c) be accompanied by the fee prescribed (if any).

## PART III

REFUSING OR CANCELLING SINGAPORE PASSPORTS  
AND TRAVEL DOCUMENTS*Division 1 — General*5 **When Singapore passport may be refused**

**19.**—(1) The Controller may, by notice in writing, refuse a Singapore passport to any citizen of Singapore.

(2) Without prejudice to subsection (1), the Controller may, by notice in writing, refuse a Singapore passport to any citizen of Singapore if —

- 10 (a) the citizen of Singapore is the holder of another Singapore passport or a Singapore travel document that is still valid at the time when the Singapore passport applied for is to be issued;
- (b) a competent authority makes a request under section 24(1) to the Controller to refuse the Singapore passport, and section 24(4) does not apply;
- 15 (c) the Controller believes on reasonable grounds that the citizen —
- (i) is a person mentioned in section 23(1) or 24(5); or
- (ii) has, in the 10 years before the application for the Singapore passport is made, been convicted of an offence under this Act or the repealed Act, or of a seizable offence against any
- 20 written law which is prescribed; or
- (d) the Controller is aware of a circumstance in section 25, 26 or 27 whereby it would be lawful for the Controller to refuse to issue the Singapore passport to the citizen.

25 **When Singapore travel document may be refused**

**20.**—(1) The Controller may refuse a Singapore travel document to any person.

(2) Without prejudice to subsection (1), the Controller may, by notice in writing, refuse a Singapore travel document to any person if —

- 30 (a) the person is the holder of another Singapore travel document of the same kind and that Singapore travel document is still valid at



the time when the Singapore travel document applied for is to be issued;

- 5 (b) a competent authority makes a request under section 24(1) to the Controller to refuse the Singapore travel document, and section 24(4) does not apply;
- (c) the Controller believes on reasonable grounds that the person —
- (i) is a person mentioned in section 23(1) or 24(5); or
  - (ii) has, in the 3 years before the application for the Singapore travel document is made, been convicted of an offence under this Act or the repealed Act, or of a seizable offence
- 10 against any written law which is prescribed; or
- (d) the Controller is aware of a circumstance in section 27 whereby it would be lawful for the Controller to refuse to issue the Singapore travel document to the person.

15 **When Singapore passport, etc., may be cancelled**

**21.**—(1) The Controller may, by notice in writing, cancel a Singapore passport or a Singapore travel document that has been issued to any person.

20 (2) Without prejudice to subsection (1), the Controller may, by notice in writing, cancel a Singapore passport or a Singapore travel document that has been issued to any person if —

- (a) the Singapore passport or Singapore travel document has been reported lost or stolen, or is so damaged or defaced as to render it, in the opinion of the Controller, unsuitable for use;
  - 25 (b) the Singapore passport or Singapore travel document is still valid at the time when the person applies for, or is issued with, another Singapore passport or Singapore travel document;
  - (c) there is reasonable cause to believe that the particulars recorded in the Singapore passport or Singapore travel document are
- 30 incorrect;
- (d) the holder of the Singapore passport or Singapore travel document is convicted of —

- (i) in the case of the holder of a Singapore passport, a seizable offence against any written law which is prescribed for the purposes of section 19(2)(c);
- (ii) in the case of the holder of a Singapore travel document, a seizable offence against any written law which is prescribed for the purposes of section 20(2)(c); or
- (iii) in any case, an offence under this Act or the repealed Act;
- (e) a competent authority makes a request under section 24(1) to the Controller to cancel the Singapore passport or Singapore travel document, and section 24(4) does not apply;
- (f) the Controller believes on reasonable grounds that the holder is a person mentioned in section 23(1) or 24(5);
- (g) the Controller becomes aware of a circumstance that would have required or permitted the Controller to refuse to issue a Singapore passport or a Singapore travel document to the person because of section 7(1) or 13(1) or of any provision in this Part, had the Controller been aware of the circumstance immediately before issuing the Singapore passport or Singapore travel document, as the case may be; or
- (h) in the case of a Singapore passport or a Singapore temporary travel document — the holder has ceased to be a citizen of Singapore.

(3) The Controller may, without notice, cancel a Singapore passport or a Singapore travel document that has been issued to any person if the person dies, or the Singapore passport or Singapore travel document has expired.

(4) Every Singapore passport or Singapore travel document that is cancelled under subsection (1), (2) or (3) shall thereupon be invalid.

### **Cancellation of Singapore document of identity, etc.**

**22.**—(1) Without prejudice to section 21, the Controller may, by notice in writing, recall any Singapore document of identity and cancel it or retain possession of it where —

- (a) a Singapore passport is issued to the holder of the Singapore document of identity;

- (b) another Singapore document of identity is issued under section 16 to the holder thereof in substitution for the first one;
- (c) there is reasonable cause to believe that the particulars recorded in the Singapore document of identity are incorrect;
- 5 (d) there is reasonable cause to believe that the Singapore document of identity has been obtained by means of any false statement or any statement that is false in a material particular;
- (e) the Singapore document of identity has expired;
- 10 (f) the Singapore document of identity is so damaged or defaced as to render it, in the opinion of the Controller, unsuitable for use; or
- (g) the Singapore document of identity has been reported lost or stolen.

15 (2) Every Singapore document of identity that is cancelled under subsection (1) shall thereupon be invalid.

(3) A reference to a Singapore document of identity in this section shall include a reference to any other emergency travel document issued under section 16.

20 *Division 2 — Law enforcement reasons for refusing or cancelling*

**Reasons relating to law enforcement**

25 **23.**—(1) The Controller may cancel any Singapore passport or Singapore travel document that has been issued to a person, or refuse to issue any Singapore passport or Singapore travel document to a person, if the Controller believes on reasonable grounds that —

- (a) the person is the subject of a warrant of arrest issued in Singapore in respect of a seizable offence against any written law which is prescribed; or
- 30 (b) the person (including a person who is in prison) is prevented from travelling internationally by force of —
  - (i) a condition of parole, or of a recognisance, surety, bail bond or licence for early release from prison, granted under any written law; or

(ii) any written law, or an order or other direction (however described) under any written law.

(2) In this section, “prevented from travelling internationally” includes being —

- 5           (a) required to remain in Singapore;
- (b) required to surrender a Singapore passport or a Singapore travel document;
- (c) not permitted to apply for a Singapore passport or a Singapore travel document; or
- 10          (d) not permitted to obtain a Singapore passport or a Singapore travel document.

**Reasons relating to potential for harmful conduct**

**24.**—(1) If a competent authority believes on reasonable grounds that —

- 15          (a) if a Singapore passport or a Singapore travel document were issued to a person, the person would be likely to engage in conduct that —
  - (i) might prejudice the security of Singapore or any other country;
  - (ii) might endanger the health or physical safety of other persons (whether in Singapore or another country);
  - 20           (iii) might constitute an offence under this Act; or
  - (iv) might constitute a seizable offence against any written law which is prescribed; and
- 25          (b) the person should be refused a Singapore passport or a Singapore travel document in order to prevent the person from engaging in the conduct,

the competent authority may make a written request to the Controller —

- (A) to cancel any Singapore passport or Singapore travel document that has been issued to the person; or
- 30          (B) to refuse to issue any Singapore passport or Singapore travel document to the person.

(2) A competent authority may make a written request to the Controller under subsection (1) —

- (a) whether or not the person has applied for a Singapore passport or a Singapore travel document;
- 5 (b) whether or not a Singapore passport or a Singapore travel document has been issued to the person; and
- (c) whether or not the person is a citizen of Singapore.

(3) If a competent authority makes a written request to the Controller under subsection (1) in relation to any person, the Controller may, as the  
10 case may be —

- (a) cancel the Singapore passport or Singapore travel document of the person; or
- (b) refuse to issue a Singapore passport or a Singapore travel document to the person.

15 (4) Notwithstanding subsection (3), where a competent authority makes a written request to the Controller under subsection (1) in relation to any person, the Controller shall not —

- (a) cancel the Singapore passport or Singapore travel document of the person; or
- 20 (b) refuse to issue a Singapore passport or a Singapore travel document to the person,

if that request relating to the person has been withdrawn by the competent authority or is no longer considered by the Controller to be current.

25 (5) Without prejudice to subsection (1), the Controller may cancel any Singapore passport or Singapore travel document that has been issued to a person, or refuse to issue any Singapore passport or Singapore travel document to a person, if the Controller believes on reasonable grounds that —

- 30 (a) if a Singapore passport or a Singapore travel document were issued to the person, the person would be likely to engage in conduct that —
  - (i) might prejudice the security of Singapore or any other country;

- (ii) might endanger the health or physical safety of other persons (whether in Singapore or another country);
- (iii) might constitute an offence under this Act; or
- (iv) might constitute a seizable offence referred to in subsection (1)(a)(iv); and

(b) the person should be refused a Singapore passport or a Singapore travel document in order to prevent the person from engaging in the conduct.

(6) In this section, “competent authority”, in relation to a circumstance mentioned in subsection (1) or (5) that relates to Singapore, means such public authority or public officer as is prescribed by the regulations to be a competent authority in relation to that circumstance.

### *Division 3 — Other reasons for refusing or cancelling*

#### **Repeated loss or thefts of Singapore passports**

25 **25.** The Controller may refuse to issue a Singapore passport to a person if, before the passport application under consideration is made, 2 or more Singapore passports issued to the person have been lost or stolen and for reasons of passport security and integrity, the Controller considers that it is not desirable to issue that person with another Singapore passport.

#### **20 Concurrently valid Singapore passports, etc.**

**26.—**(1) The Controller shall not issue a Singapore passport to a person if the person has already been issued with a Singapore passport or a Singapore travel document and that document is still valid.

(2) Subsection (1) shall not prevent the Controller from issuing a Singapore passport to the person in such circumstances as are specified in the Minister’s directions under section 5(2).

#### **Children**

**27.** The Controller shall not issue a Singapore passport or a Singapore travel document to a child unless —

- (a) a person who has parental responsibility for the child consents to the child travelling internationally; or
- (b) an order of a court permits the child to travel internationally.

*Division 4 — Appeals against refusals and cancellations*

**Appeal to Minister**

**28.**—(1) If a person is aggrieved by the Controller’s decision under this Act —

- 5       (a) to refuse to issue a Singapore passport or a Singapore travel document;
- (b) to refuse to extend a Singapore passport or a Singapore travel document; or
- (c) to cancel a Singapore passport or a Singapore travel document,

10   other than a decision made because of a warrant of arrest issued in Singapore against the person, the person may, within 14 days after being notified of the decision (or such longer period as the Minister allows in exceptional circumstances, whether before or after the end of the 14 days), appeal to the Minister, whose decision shall be final.

15   (2) An appeal must be in writing, and specify the grounds on which it is made.

         (3) After receiving an appeal under subsection (1), the Minister shall consider the appeal and —

- (a) reject the appeal and confirm the Controller’s decision;
- 20       (b) allow the appeal in whole or in part and vary the Controller’s decision; or
- (c) set aside the Controller’s decision,

and the appellant shall be notified in writing of the Minister’s decision in respect of his appeal accordingly.

25   (4) In this section, any reference to the Minister shall include a reference to any Minister of State designated by the Minister to hear any appeal under this section in place of the Minister.

## PART IV

## POWERS OF ENFORCEMENT

**Demand for surrender of suspicious Singapore passports, etc.**

29.—(1) An authorised officer or a police officer may demand that a  
5 person surrender a document to the officer if —

(a) the document is a Singapore passport or a Singapore travel  
document that has been obtained, or that the authorised officer or  
police officer suspects on reasonable grounds has been obtained,  
by means of a false or misleading statement, any false or  
10 misleading information or a false or misleading document;

(b) the document is a Singapore passport or a Singapore travel  
document, or other document that has been used or that the  
authorised officer or police officer suspects on reasonable  
grounds has been used, in the commission of any offence under  
15 this Act; or

(c) the document is —

(i) a false Singapore passport or a false Singapore travel  
document; or

(ii) a false foreign travel document.

20 (2) Any person having possession or control of any document that an  
authorised officer or a police officer demands to be surrendered to the  
officer under subsection (1) shall be guilty of an offence and shall be  
liable on conviction to a fine not exceeding \$5,000 or to imprisonment for  
a term not exceeding 6 months or to both if the person fails to  
25 immediately comply with the demand of the authorised officer or police  
officer made under that subsection.

**Demand for surrender of cancelled Singapore passports, etc.**

30 30.—(1) An authorised officer may demand that a person surrender a  
Singapore passport or a Singapore travel document to the authorised  
officer if —

(a) the document has been cancelled under section 21 or 22; or

(b) the document has otherwise ceased to be valid.



(2) Any person having possession or control of any document that an authorised officer demands to be surrendered to the officer under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both if the person fails to immediately comply with the demand of the authorised officer made under that subsection.

**Search and seizure of cancelled Singapore passports, etc.**

**31.**—(1) Any authorised officer, police officer or customs officer may seize a document if —

- (a) the document is not in the possession or control of any person; and
- (b) the officer suspects on reasonable grounds that the document is a false Singapore passport, a false Singapore travel document or a false foreign travel document, or a document that has been used in the commission of an offence under this Act.

(2) If —

- (a) any authorised officer, police officer or customs officer suspects on reasonable grounds that a false Singapore passport, a false Singapore travel document or a false foreign travel document, or a document that has been used in the commission of an offence under this Act, is in a container (whether on board any train, vehicle, vessel or aircraft, or in any premises); and
- (b) the container is not in the possession or control of any person, the officer may search the container for the purposes of determining whether the document is inside the container.

(3) If any authorised officer, police officer or customs officer suspects on reasonable grounds that a false Singapore passport, a false Singapore travel document or a false foreign travel document, or a document that has been used in the commission of an offence under this Act, is in any premises, or in any train, vehicle, vessel or aircraft, the officer may, for the purposes of determining whether the document is inside the train, vehicle, vessel, aircraft or premises, as the case may be —

- (a) without warrant, enter and search the premises, or stop, board and search the train, vehicle, vessel or aircraft in or on which he reasonably suspects that such a document is to be found;
- (b) search any person found in such premises, train, vehicle, vessel or aircraft;
- (c) remove by force any obstruction to such entry or search; and
- (d) seize, remove and detain any document referred to in this subsection found in the premises, train, vehicle, vessel or aircraft.
- (4) For the purpose of exercising his power under subsection (2) or (3), an authorised officer, a police officer or a customs officer may, with such assistance as he thinks necessary, break open any door, window, lock, fastener, compartment, box, container or any other thing.
- (5) Any search of a person under this section shall be conducted by an officer of the same sex as the person.
- (6) Nothing in this section shall prevent any authorised officer, police officer or customs officer conducting a search of a person from requiring a person to remove any of the person's clothing.
- (7) In this section —
- “container” includes baggage, a mail receptacle, and any other thing that could be used for the carriage of goods (whether or not designed for that purpose);
- “train” means —
- (a) a railway locomotive, wagon or carriage; and
- (b) a track vehicle or railway maintenance machine, such as a trolley or crane,
- and includes a part of any of the above;
- “vehicle” means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes any trailer, bicycle or other pedal-powered vehicle, but does not include any train;
- “vessel” means any kind of craft used in navigation by sea or water, however propelled or moved, and includes —
- (a) a barge, lighter or other floating vessel;

- (b) an air-cushion vehicle, or other similar craft, used wholly or primarily in navigation by water;
  - (c) a vessel engaged in a towing operation or in any dredging, surveying or underwater operations; and
  - 5 (d) an installation capable of being attached to the seabed and that is bound for, or is at, a port,
- and includes a part of any of the above.

### **Powers of arrest and prosecution**

10 **32.**—(1) The Controller, an immigration officer, or a police officer may arrest without warrant any person committing or attempting to commit, or whom he reasonably suspects of being engaged in committing or attempting to commit, any offence under this Act.

15 (2) Where any person is arrested under subsection (1), the Controller, immigration officer or police officer making the arrest shall comply with sections 35 and 36 of the Criminal Procedure Code (Cap. 68) as if he were a police officer.

20 (3) In any case relating to the commission of an offence under this Act, an immigration officer shall have all the powers of a police officer under the Criminal Procedure Code in relation to an investigation into a seizable offence.

(4) The Controller and an immigration officer who is an authorised officer shall have the authority to appear in court and conduct any prosecution in respect of any offence under this Act.

### **Identification to be produced during enforcement**

25 **33.**—(1) When exercising any powers under this Act, every immigration officer, police officer and customs officer shall —

- (a) if not in uniform, declare his office; and
- 30 (b) on demand, produce to any person affected by the exercise of those powers such identification card as the Controller, the Commissioner of Police or the Director-General of Customs, respectively, may direct to be carried by the immigration officers, police officers or customs officers.

(2) Notwithstanding any provision in this Act, it shall not be an offence for any person to refuse to comply with any request, demand or order

made or given by any immigration officer, police officer or customs officer, not in uniform who fails to declare his office and refuses to produce his identification card on demand being made by that person.

## PART V

### 5 OFFENCES RELATING TO SINGAPORE PASSPORTS AND TRAVEL DOCUMENTS

#### *Division 1 — Application and definitions*

#### **Geographical application of this Part**

34. This Part (except section 47) shall apply —

- 10 (a) whether or not the conduct constituting the alleged offence occurred within Singapore; and
- (b) whether or not a result of the conduct constituting the alleged offence occurred in Singapore.

#### **Interpretation of this Part**

15 35.—(1) In this Part, unless the context otherwise requires —

“gain” means —

- (a) a gain in property or a supply of services (whether temporary or permanent); or
- 20 (b) an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of remuneration;

“loss” means —

- (a) a loss of property or a supply of services (whether temporary or permanent); or
- 25 (b) any deprivation of an opportunity to earn remuneration or greater remuneration or an opportunity to gain a financial advantage otherwise than by way of remuneration;

“public duty” means a function that is given to —

- (a) a public officer;
- (b) an employee or a member of a public authority, board or tribunal established by or under written law for the purposes of a public function; or
- (c) a contractor who exercises a function or performs work for the Government or public authority referred to in paragraph (b),

as such, and includes every person who is in actual possession of the situation of a person referred to paragraph (a), (b) or (c), whatever legal defect there may be in his right to hold that situation.

(2) A person shall be treated for the purposes of this Part as making a false Singapore passport, a false Singapore travel document or a false foreign travel document if he alters a document so as to make it false in any respect (whether or not it was already a false document before the alteration or is false in some other respect apart from that alteration).

(3) In this Part, any reference to inducing a person to accept a false document as genuine, or a copy of a false document as a copy of a genuine one, includes a reference to inducing a machine to respond to the document or copy as if it were a genuine document or copy of a genuine one.

### *Division 2 — Offences*

#### **Falsifying Singapore passports, etc.**

**36.**—(1) If a person —

- (a) makes a false Singapore passport or a false Singapore travel document; or
- (b) makes a copy of a document which he knows, or ought reasonably to know, to be a false Singapore passport or a false Singapore travel document,

with the intention of dishonestly inducing another person to accept it as genuine, and by reason of the other person so accepting it as genuine, dishonestly —

- (i) obtains a gain (whether for himself or someone else);
- (ii) causes a loss to the other person or someone else; or
- (iii) influences the exercise of a public duty,

5 the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(2) If a person —

- 10 (a) uses a false Singapore passport or a false Singapore travel document which he knows, or ought reasonably to have known, to be a false Singapore passport or a false Singapore travel document; or
- (b) uses a copy of a document which he knows, or ought reasonably to have known, to be a copy of a false Singapore passport or a false Singapore travel document,

15 with the intention of dishonestly inducing another person to accept it as genuine, and by reason of the other person so accepting it as genuine, dishonestly —

- (i) obtains a gain (whether for himself or someone else);
- (ii) causes a loss to the other person or someone else; or
- 20 (iii) influences the exercise of a public duty,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(3) If a person —

- 25 (a) makes or adapts; or
- (b) has in his possession or under his control,

a device, machine, paper, material or other thing —

- 30 (i) knowing that the device, machine, paper, material or other thing is or has been specially designed or adapted for the making of a false Singapore passport or a false Singapore travel document; and
- (ii) with the intention that the person or someone else will use the device, machine, paper, material or other thing, to make a false

Singapore passport or a false Singapore travel document, or a copy of a Singapore passport or a Singapore travel document,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(4) If a person —

(a) makes or adapts; or

(b) has in his possession or under his control,

a device, machine, paper, material or other thing knowing that the device, machine, paper, material or other thing is or has been specially designed or adapted for the making of a false Singapore passport or a false Singapore travel document, or a copy of a Singapore passport or a Singapore travel document, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(5) Subsections (3)(b) and (4)(b) shall not apply if the person has a reasonable excuse.

(6) In this section, any reference to a machine shall include a reference to any disk, tape, drive or other device on or in which a program is recorded or stored by mechanical, electronic or other means, being a program designed or adapted to enable a document to be made or to assist in its making.

### **Possessing false Singapore passports, etc.**

**37.**—(1) If —

(a) a person has possession or control of a false Singapore passport or a false Singapore travel document; and

(b) the person knows or ought reasonably to have known that the document is a false Singapore passport or a false Singapore travel document,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(2) Subsection (1) shall not apply if the person has a reasonable excuse.

**Bringing, taking or sending false Singapore passports, etc., across international borders**

**38.—(1) If —**

(a) a person —

- (i) brings a document into a country;
- (ii) takes a document out of a country; or
- (iii) sends a document to or from a country; and

(b) the person knows or ought reasonably to have known that —

- (i) the document is a false Singapore passport or a false Singapore travel document; or
- (ii) the document is a Singapore passport or a Singapore travel document that is not issued to that person,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(2) Subsection (1) shall not apply if the person has a reasonable excuse.

**Making or giving false or misleading statements or information**

**39.—(1) If —**

(a) a person makes a statement (whether orally, in writing or any other way) or gives information to another person;

(b) the statement or information —

- (i) is false or misleading; or
- (ii) omits any matter or thing without which the statement or information, as the case may be, is misleading;

(c) the person knows that the statement or information is as described in paragraph (b); and

(d) the statement is made or the information is given in, or in connection with —

- (i) an application for a Singapore passport or a Singapore travel document (whether for that person or for another);



(ii) an application for an endorsement or extension of a Singapore passport or a Singapore travel document (whether for that person or for another); or

5 (iii) a report of the loss, theft or destruction of a Singapore passport or a Singapore travel document (whether or not belonging to that person),

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

10 (2) Subsection (1) shall not apply —

(a) if the statement or information is not false or misleading in a material particular; or

(b) if the statement or information did not omit any matter or thing without which the statement or information, as the case may be,  
15 is misleading in a material particular.

(3) In this section, “information” includes any personal identifier.

### **Furnishing false or misleading documents**

**40.**—(1) If —

(a) a person furnishes a document to another person;

20 (b) the document is false or misleading;

(c) the person knows that the document is false or misleading; and

(d) the document is furnished in, or in connection with, an application for a Singapore passport or a Singapore travel document (whether for that person or for another),

25 the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(2) Subsection (1) shall not apply if the document is not false or misleading in a material particular.

### **Improper use or possession of Singapore passports, etc.**

30 **41.**—(1) If —

- (a) a person uses a Singapore passport or a Singapore travel document in connection with travel or identification;
- (b) the Singapore passport or Singapore travel document has been cancelled; and
- 5 (c) the person knows or ought reasonably to have known that the Singapore passport or Singapore travel document has been cancelled,

10 the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(2) If —

- (a) a person uses a Singapore passport or a Singapore travel document in connection with travel or identification;
- 15 (b) the Singapore passport or Singapore travel document was not issued to that person; and
- (c) the person knows or ought reasonably to have known that the Singapore passport or Singapore travel document was not issued to him,

20 the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(3) If —

- 25 (a) a person furnishes another person with a Singapore passport or a Singapore travel document that was issued to the first-mentioned person; and
- (b) the person is reckless as to whether the document is or will be used by the other person in connection with travel or identification,

30 the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) If —

- (a) a person has or retains possession or control of a Singapore passport or a Singapore travel document; and

(b) the person knows that the Singapore passport or Singapore travel document was not issued to him,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding  
5 10 years or to both.

(5) Subsections (1), (2), (3) and (4) shall not apply if the person has a reasonable excuse.

### **Selling Singapore passports, etc.**

42.—(1) A person who sells a Singapore passport or a Singapore travel  
10 document shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(2) A person who engages in the business or trade of selling Singapore  
15 passports or Singapore travel documents shall be guilty of an offence and shall be punished with imprisonment for a term of not less than 2 years but not more than 15 years and shall also be punished with a fine not exceeding \$20,000.

(3) In this section, “sell” includes barter and exchange, offering or  
20 attempting to sell, exposing for sale, or receiving or sending or delivering for sale.

### **Damaging Singapore passport, etc.**

43. If a person, without reasonable excuse, damages or destroys a  
Singapore passport or a Singapore travel document, the person shall be  
25 guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years or to both.

### **Dishonestly obtaining Singapore passport, etc.**

44.—(1) If a person —

(a) buys or offers to buy a Singapore passport or a Singapore travel  
30 document; or

(b) obtains a Singapore passport or a Singapore travel document dishonestly, or by threats,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(2) In this section —

5 “obtain” includes —

- (a) obtain for another person; and
- (b) induce a third person to do something that results in another person obtaining;

10 “threat” includes a threat that is express or implied, conditional or unconditional.

#### **Failure to notify loss of Singapore passport, etc.**

**45.**—(1) A person to whom a Singapore passport or a Singapore travel document is issued shall be guilty of an offence if —

- 15 (a) the Singapore passport or Singapore travel document issued to the person is lost, stolen or destroyed;
- (b) the person knows that the Singapore passport or Singapore travel document has been either lost, stolen or destroyed; and
- 20 (c) the person fails to report the loss, theft or destruction to an authorised officer within 14 days after the first time the person knows that the Singapore passport or Singapore travel document has been either lost, stolen or destroyed.

(2) In the case where the person to whom a Singapore passport or a Singapore travel document is issued is a child, any person who has parental responsibility for the child shall be guilty of an offence if —

- 25 (a) the Singapore passport or Singapore travel document issued to the child is lost, stolen or destroyed;
- (b) the person who has parental responsibility for the child knows that the Singapore passport or Singapore travel document has been either lost, stolen or destroyed; and
- 30 (c) the person who has parental responsibility for the child fails to report the loss, theft or destruction to an authorised officer within 14 days after the first time the person knows that the Singapore passport or Singapore travel document has been either lost, stolen or destroyed.

(3) Any person who is guilty of an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years or to both.

5 (4) Subsections (1) and (2) shall not apply if the person, or the person who has parental responsibility for the child, as the case may be, has a reasonable excuse.

**Failure to surrender cancelled or invalid Singapore passport, etc.**

**46.—(1) If —**

- 10 (a) the person to whom a Singapore passport or a Singapore temporary travel document ceases to be a citizen of Singapore;
- (b) the person knows that he has ceased to be a citizen of Singapore; and
- 15 (c) the person fails to surrender his Singapore passport or Singapore temporary travel document to an authorised officer within 24 hours after the first time the person knows that he ceased to be a citizen of Singapore,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years or to both.

20 (2) In the case where the person to whom a Singapore passport or a Singapore temporary travel document is issued is a child, any person who has parental responsibility for the child shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years or to both if —

- 25 (a) the child ceases to be a citizen of Singapore;
- (b) the person knows that the child has ceased to be a citizen of Singapore; and
- 30 (c) the person fails to surrender the child's Singapore passport or Singapore temporary travel document to an authorised officer within 24 hours after the first time the person knows that the child ceased to be a citizen of Singapore.

(3) Subsections (1) and (2) shall not apply if the person, or the person who has parental responsibility for the child, as the case may be, has a reasonable excuse.

## Offences relating to false foreign travel documents

### 47.—(1) If —

- 5 (a) a person makes a false foreign travel document in Singapore, or furnishes a false foreign travel document to another person in Singapore;
- (b) the person does so with the intention of dishonestly inducing another person to use or accept the false foreign travel document as if it were a genuine foreign travel document; and
- 10 (c) by reason of the other person so using or accepting the false foreign travel document as genuine, the person dishonestly —
  - (i) obtains a gain (whether for himself or someone else);
  - (ii) causes a loss to the other person or someone else; or
  - (iii) influences the exercise of a public duty,

15 the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

### (2) If —

- 20 (a) a person uses in Singapore a foreign travel document in connection with travel or identification;
- (b) the foreign travel document has been cancelled; and
- (c) the person knows or ought reasonably to have known that the foreign travel document has been cancelled,

25 the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

### (3) If —

- 30 (a) a person uses in Singapore a foreign travel document in connection with travel or identification;
- (b) the foreign travel document was not issued to that person; and
- (c) the person knows or ought reasonably to have known that the foreign travel document was not issued to him,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(4) If —

5 (a) a person furnishes another person in Singapore with a foreign travel document that was issued to the first-mentioned person; and

10 (b) the person is reckless as to whether the document is or will be used by the other person in connection with travel or identification,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(5) If —

15 (a) a person has or retains possession or control in Singapore of a foreign travel document; and

(b) the person knows that the foreign travel document was not issued to him,

20 the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

(6) If —

(a) a person has possession or control of a document; and

25 (b) the person knows or ought reasonably to have known that the document is a false foreign travel document,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both.

30 (7) Subsections (2) to (6) shall not apply if the person has a reasonable excuse.

### **Unauthorised issue of Singapore passports, etc.**

48. If —

(a) the Controller; or

(b) an authorised officer to whom the Controller has delegated the function of issuing Singapore passports or Singapore travel documents,

5 does any of the following acts, the Controller or authorised officer, as the case may be, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 10 years or to both:

- 10 (i) issuing a Singapore passport or a Singapore travel document or part thereof knowing that the issue of the Singapore passport or Singapore travel document or that part thereof is contrary to a provision of this Act; or
- (ii) endorsing a Singapore passport or a Singapore travel document knowing that the endorsement of the Singapore passport or Singapore travel document is contrary to a provision of this Act.

15 **Obstructing authorised officer, etc.**

**49.** Any person who refuses to give access to, or obstructs, hinders or delays any authorised officer, police officer or customs officer in the performance and execution of his duty or of anything he is required to do by virtue or in consequence of or under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

20

*Division 3 — General provisions*

**Offences by bodies corporate, etc.**

**50.**—(1) Where an offence under this Act committed by a body corporate is proved —

25

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any act or default on his part,

30 the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection.



(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

5 (b) to be attributable to any act or default on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or  
10 connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where an offence under this Act committed by an unincorporated  
15 association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

20 (b) to be attributable to any act or default on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) In this section —

25 “body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

30 (a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(7) The regulations may provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

### **Jurisdiction of court**

**51.** Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

### **Composition of offences**

**52.**—(1) The Controller may, in his discretion, compound such offence under this Act as may be prescribed as being an offence which may be compounded by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

(2) On payment of such sum of money under subsection (1), no further proceedings shall be taken against that person in respect of the offence.

(3) All sums collected under this section shall be paid into the Consolidated Fund.

## **PART VI**

### **OBLIGATIONS RELATING TO IDENTIFYING INFORMATION**

#### **Interpretation of this Part**

**53.** In this Part, unless the context otherwise requires —

“disclose”, in relation to identifying information that is a personal identifier, includes providing access to the identifying information;

“identifying information” means —

- (a) any personal identifier;
- (b) any meaningful identifier derived from any personal identifier;
- 5 (c) any record of a result of analysing any personal identifier or meaningful identifier derived from any personal identifier; or
- (d) any other information, derived from any personal identifier or meaningful identifier derived from any personal identifier, or from any record of a kind referred to in paragraph (c), that  
10 could be used to discover a particular person’s identity or to get information about a particular person.

### **Methods and technologies for travel documents**

**54.**—(1) The Minister may approve the methods and technologies (including biometric technologies) to be used by the Controller —

- 15 (a) for the purposes of confirming the validity of evidence of the identity of an applicant for a Singapore passport or a Singapore travel document or to whom a Singapore passport or a Singapore travel document has been issued;
- (b) for the purposes of issuing biometric passports and travel  
20 documents under this Act; or
- (c) for performing other functions in connection with this Act.

(2) Subsection (1) does not imply that methods or technologies not approved shall not be used for performing functions in connection with this Act.

### **Authorising disclosure of or access to identifying information**

**55.**—(1) The Minister may, in writing, authorise a specified person, or any person included in a specified class of persons —

- (a) to access identifying information of the kind specified in the Minister’s authorisation; or
- 30 (b) to disclose, on written request, identifying information of the kind specified in the Minister’s authorisation, to another specified person, or another person included in a specified class of persons, in the Minister’s authorisation,

for the purpose or purposes specified in the Minister's authorisation.

(2) The Minister shall specify in an authorisation under this section, as the purpose or purposes for which access or disclosure is authorised, one or more of the following purposes, and no other:

- 5       (a) assisting in the identification of, and authenticating the identity of, any applicant for or holder of a Singapore passport or a Singapore travel document;
- (b) facilitating or otherwise assisting the international travel of a person to whom a Singapore travel document has been issued;
- 10       (c) enforcement of the criminal law, including investigating or prosecuting a person for an offence against any written law;
- (d) combating document and identity fraud in immigration matters;
- (e) administering or managing the storage of identifying information;
- 15       (f) modifying identifying information to enable it to be matched with other identifying information, or in order to correct errors or ensure compliance with appropriate standards;
- (g) identifying persons who are of national security concern, or who are associated with activities of a criminal nature and whose
- 20       detention or supervision may be necessary in the interests of public safety, peace and good order;
- (h) any other purpose the disclosure of which is required or authorised by or under written law;
- (i) making decisions under this Act or the Immigration Act
- 25       (Cap. 133) or under the regulations made under either Act.

(3) For the purposes of subsection (1)(b), the specified person or specified class of persons to whom identifying information may be disclosed may include a police force, a law enforcement body or a border control body of a foreign country.

### 30 **Accessing or disclosing identifying information**

**56.**—(1) If a person accesses identifying information, and the person —

- (a) is not authorised under section 55 to access any identifying information; or

(b) is not authorised under section 55 to access the identifying information for the purpose for which the person accessed it,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) If a person's conduct causes disclosure of identifying information, and the disclosure is not a disclosure that is for any of the purposes specified in section 55(2), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

## PART VII

### MISCELLANEOUS

#### **Singapore passports, etc., are property of Government**

57.—(1) Every Singapore passport and every Singapore travel document, whether issued before, on or after the commencement of this Act, shall be the property of the Government.

(2) The right in a Singapore passport or a Singapore travel document conferred on the Government by subsection (1) shall not be defeated or affected by any sale of, or any security, pledge, deposit or encumbrance given, made or accepted in respect of the Singapore passport or Singapore travel document, by the holder thereof or by any other person.

(3) No person shall give, make or accept as a security, pledge, deposit or encumbrance, a Singapore passport or a Singapore travel document, and any term of an agreement which would otherwise have that effect shall be void.

#### **Power to exempt**

58. The Minister may, by order published in the *Gazette*, with or without conditions, exempt any person or class or description of persons from the operation of any or all of the provisions of this Act.

#### **Service of documents, etc.**

59.—(1) Subject to subsection (3), any document required or authorised to be served under this Act may be served —

(a) in the case of an individual —

(i) by delivering it to the individual personally;

(ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;

(iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;

(iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of residence or business of the individual;

(v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to the Controller or an authorised officer by the individual as the fax transmission number for the service of documents on the individual; or

(vi) by electronic communication, by sending an electronic communication of the document to the last email address given to the Controller or an authorised officer by the individual as the email address for the service of documents on the individual;

(b) in the case of a partnership other than a limited liability partnership —

(i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;

(ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore;

(iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; or

- (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Controller or an authorised officer by the partnership as the email address for the service of documents on the partnership; and
- 5
- (c) in the case of any limited liability partnership or any other body corporate —
- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;
- 10
- (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore;
- (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore; or
- 15
- (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Controller or an authorised officer by the limited liability partnership or body corporate as the email address for the service of documents on the limited liability partnership or body corporate.
- 20
- (2) Where any notice or other document to be served by the Controller or the Minister is —
- 25
- (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be;
- 30
- (b) sent by electronic communication to an email address in accordance with subsection (1), it shall be deemed to have been
- 35

duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and

- 5 (c) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

10 (3) Service of any document under this Act on a person by electronic communication may be effected only if the person gives as part of his or its address for service an email address.

(4) This section shall not apply to notices and documents to be served in proceedings in court.

### **Regulations**

15 **60.**—(1) The Minister may make regulations necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- 20 (a) the form or particulars of application for the issue or extension of a Singapore passport or a Singapore travel document, or for an endorsement thereon;
- (b) the conditions subject to which a Singapore passport or a Singapore travel document may be issued or extended;
- 25 (c) the powers of inspection and examination of authorised officers in relation to Singapore passports or Singapore travel documents;
- (d) the procedure as regards the lodging of an appeal under section 28 and the practice and procedure upon the hearing of such an appeal;
- 30 (e) the fees to be paid in respect of any matter or anything done, or any services rendered, by the Controller under or by virtue of this Act, including —
- (i) fees in respect of applications for Singapore passports and Singapore travel documents; and



- (ii) fees in respect of endorsements on Singapore passports and Singapore travel documents;
  - (f) the waiver or refund, in whole or in part, by authorised officers of any such fees in the circumstances of any particular case; and
  - 5 (g) the prescribing of anything that is required or permitted to be prescribed under this Act.
- (3) The regulations may —
- 10 (a) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 3 years or with both;
  - 15 (b) prescribe different fees for different classes of applicants for Singapore passports or Singapore travel documents, and for different classes of Singapore travel documents, and any application fee so prescribed need not bear any relationship to the cost of issuing a Singapore passport or a Singapore travel document or endorsing on a Singapore passport or a Singapore travel document; and
  - 20 (c) provide for such transitional, savings and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient.
- (4) All regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Repeal**

- 25 **61.** The Passports Act (Cap. 220) is repealed.

### **Consequential and related amendments to Immigration Act**

**62.** The provisions of the Immigration Act (Cap. 133) specified in the first column of the Second Schedule are amended in the manner set out in the second column thereof.

### **Savings and transitional provisions**

30 **63.**—(1) Without prejudice to section 16 of the Interpretation Act (Cap. 1), every visa, passport, certificate of identity, document of identity or other travel document issued, granted or made under the repealed Act

before the appointed day, and every renewal or endorsement thereof made under the repealed Act before that day, shall —

5 (a) continue in full force and effect as if it were issued, granted or made under the corresponding provisions of this Act, and in the case of visas, under the provisions of the Immigration Act as amended by this Act; and

(b) continue to be valid for the unexpired part of the term it would have had if the repealed Act had not been repealed.

10 (2) If any application for a visa or a Singapore passport, certificate of identity, document of identity or other travel document made under the provisions of the repealed Act before the appointed day has not been granted before that day, the application shall, where applicable, be deemed to be an application for —

15 (a) a Singapore visa under the provisions of the Immigration Act as amended by this Act; or

(b) a Singapore passport or certificate of identity, certificate of status, document of identity or other travel document, as the case may be, under the corresponding provisions of this Act,

as the case may be.

20 (3) Every person who, immediately before the appointed day, is an authorised officer under the repealed Act shall continue in such appointments as if he is an authorised officer under this Act, and his appointment shall expire on the day his appointment would have expired if this Act had not been enacted.

25 (4) Any subsidiary legislation made under the repealed Act and in force immediately before the appointed day shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act until it is revoked or repealed.

30 (5) Any written law or document referring to the repealed Act or any provision thereof shall, as far as may be necessary for preserving its effect, be construed as referring or as including a reference to this Act or the corresponding provision in this Act, as the case may be.

35 (6) For a period of 2 years after the appointed day, the Minister may make regulations prescribing additional matters of a transitional nature (including prescribing any saving or application provisions) arising out of the repeal of the repealed Act and the commencement of this Act.

(7) In this section, “appointed day” means the date of commencement of this Act.

## FIRST SCHEDULE

Section 3

### PERSONAL IDENTIFIERS

1. Fingerprints or handprints of a person (including those taken using paper and ink or digital liveness scanning technologies).
2. A photograph or other image of a person’s face and shoulders.
3. A person’s signature.

## SECOND SCHEDULE

Section 62

### CONSEQUENTIAL AND RELATED AMENDMENTS TO IMMIGRATION ACT

<i>First column</i>	<i>Second column</i>
(1) Section 2	<p>(a) Insert, immediately after the definition of “master”, the following definition:</p> <p style="padding-left: 40px;">“ “non-citizen” means any person who is not a citizen of Singapore;”.</p> <p>(b) Delete the definition of “personal identifier” and substitute the following definition:</p> <p style="padding-left: 40px;">“ “personal identifier” means any of the identifiers specified in the Schedule (including any in digital form);”.</p> <p>(c) Insert, immediately after the definition of “seaman”, the following definition:</p> <p style="padding-left: 40px;">“ “Singapore visa” means a Singapore visa granted under Part IIA;”.</p>
(2) —	<p>Insert, immediately after section 5, the following section:</p>

*First column**Second column***“Person entering or leaving Singapore to produce passport, etc.**

**5A.**—(1) Subject to subsection (3), every person, whether a citizen of Singapore or a non-citizen, who is arriving in Singapore (by air, sea or land) from a place outside Singapore, or is leaving Singapore (by air, sea or land) to a place outside Singapore, shall present to an immigration officer at the authorised airport, authorised landing place, authorised train checkpoint, authorised point of entry, authorised departing place or authorised point of departure, as the case may be —

- (a) if the person is a citizen of Singapore (whether or not the person is also the national of a country other than Singapore) — the person’s Singapore passport that is valid, and any other prescribed evidence of the person’s identity and Singapore citizenship; or
- (b) if the person is a non-citizen —
  - (i) the person’s foreign passport or other foreign travel document that is valid, and such other evidence of the person’s identity as the immigration officer may require; and
  - (ii) where a Singapore visa is required by section 9B, evidence of a Singapore visa that is in effect and is held by the person.

(2) The immigration officer may waive —

- (a) the requirements of a passport or travel document if the person is a citizen of Singapore and in prescribed circumstances; or
- (b) the requirements of a passport, travel document or Singapore visa in the case of any person entering Singapore from a place outside Singapore and holding a valid entry permit, re-entry permit or certificate of status issued in accordance with this Act.

*First column**Second column*

(3) Any person who enters or leaves Singapore in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) Subsection (1) shall not apply to such categories of persons as the Minister may prescribe.”.

(3) —

Insert, immediately after section 9, the following Part:

“PART IIA

SINGAPORE VISAS FOR NON-CITIZENS

**Singapore visas**

**9A.**—(1) Subject to the provisions of this Act, the Controller may grant a non-citizen permission, to be known as a Singapore visa, to travel to and enter Singapore.

(2) Without limiting the generality of subsection (1), a Singapore visa to travel to and enter Singapore may be one to travel to and enter Singapore during a specified period.

**Visas essential for travel**

**9B.**—(1) Subject to subsection (2), a non-citizen shall not travel to Singapore without a Singapore visa that is in effect.

(2) Subsection (1) shall not apply to a non-citizen in relation to travel to Singapore if the travel is by a non-citizen who holds and produces a valid passport from a territory that is approved by the Minister.

**Effect of Singapore visa**

**9C.**—(1) A Singapore visa that is in effect is not a pass or other permission for, and does not confer any right on, the holder to enter Singapore.

*First column**Second column*

(2) Subject to section 5(2) and any regulations made under section 55, the holder of a Singapore visa that is in effect shall enter Singapore at an authorised airport, authorised landing place, authorised train checkpoint or authorised point of entry.”.

(4) — Insert, immediately after section 36, the following Part:

“PART VA

OBLIGATIONS RELATING TO IDENTIFYING INFORMATION

**Interpretation of this Part**

**36A.** In this Part, unless the context otherwise requires —

“disclose”, in relation to identifying information that is a personal identifier, includes providing access to the identifying information;

“identifying information” means —

- (a) any personal identifier;
- (b) any meaningful identifier derived from any personal identifier;
- (c) any record of a result of analysing any personal identifier or meaningful identifier derived from any personal identifier; and
- (d) any other information, derived from any personal identifier or meaningful identifier derived from any personal identifier, or from any record of a kind referred to in paragraph (c), that could be used to discover a particular person’s identity or to get information about a particular person.

**Authorising disclosure of or access to identifying information**

**36B.**—(1) The Minister may, in writing, authorise a specified person, or any person included in a specified class of persons —

*First column**Second column*

- (a) to access identifying information of the kind specified in the Minister's authorisation; or
- (b) to disclose, on written request, identifying information of the kind specified in the Minister's authorisation, to another specified person, or another person included in a specified class of persons, in the Minister's authorisation,

for the purpose or purposes specified in the Minister's authorisation.

(2) The Minister shall specify in an authorisation under this section, as the purpose or purposes for which access or disclosure is authorised, one or more of the following purposes, and no other:

- (a) combating document and identity fraud in immigration matters;
- (b) assisting in the identification of, and authenticating the identity of, any person who may be required by or under this Act to provide a personal identifier;
- (c) improving the efficiency and integrity of immigration processing at authorised landing places, airports, train checkpoints or points of entry;
- (d) assisting in the identification of, and authenticating the identity of, any applicant for or holder of a Singapore visa, and facilitating his entry into Singapore;
- (e) enforcement of the criminal law, including investigating or prosecuting a person for an offence against any written law;
- (f) administering or managing the storage of identifying information;
- (g) modifying identifying information to enable it to be matched with other identifying information, or in order to correct errors or ensure compliance with appropriate standards;

*First column**Second column*

- (h) identifying non-citizens who are prohibited immigrants, who are of national security concern or who are associated with activities of a criminal nature and whose detention or supervision may be necessary in the interests of public safety, peace and good order;
- (i) making decisions under this Act, or under the Passports Act 2007 or the regulations made under either Act;
- (j) any other purpose the disclosure of which is required or authorised by or under written law.

(3) For the purposes of subsection (1)(b), the specified person or specified class of persons to whom identifying information may be disclosed may include a police force, a law enforcement body or a border control body of a foreign country.

**Accessing or disclosing identifying information**

**36C.**—(1) If a person accesses identifying information, and the person —

- (a) is not authorised under section 36B to access any identifying information; or
- (b) is not authorised under section 36B to access the identifying information for the purpose for which the person accessed it,

the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) If the person's conduct causes disclosure of identifying information, and the disclosure is not a disclosure that is for any of the purposes specified in section 36B(2), the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years or to both.”.

(5) Section 55(1)

(a) Insert, immediately after paragraph (e), the following paragraphs:



*First column**Second column*

- “(ea) providing for the circumstances for granting Singapore visas and the conditions subject to which a Singapore visa may be granted;
- (eb) providing for the manner in which personal identifiers (within the meaning of Part VA) are obtained and kept;”.
- (b) Delete paragraphs (gb) and (gc).
- (6) Section 57(1) Insert, immediately after the word “pass” wherever it appears in paragraphs (i), (j), (k) and (l), the words “, Singapore visa”.
- (7) Section 61A Repeal section 61A and substitute the following section:
- “Amendment of Schedule**
- 61A.** The Minister may, by order published in the *Gazette*, amend the Schedule, except that any other personal identifier so prescribed in the order must —
- (a) be an image of, or a measurement or recording of, an external part of the human body or a person’s voice; and
- (b) not be an identifier the obtaining of which would involve the taking of an intimate sample within the meaning of section 13A of the Registration of Criminals Act (Cap. 268).”.
- (8) The Schedule Repeal the Schedule and substitute the following Schedule:

**“THE SCHEDULE**

Sections 2 and 61A

**PERSONAL IDENTIFIERS**

1. Fingerprints or handprints of a person (including those taken using paper and ink or digital livescanning technologies).
2. A photograph or other image of a person’s face and shoulders.
3. A person’s signature.”.

## EXPLANATORY STATEMENT

This Bill seeks to repeal and re-enact with amendments the Passports Act (Cap. 220) for the following purposes:

- (a) to combat identity fraud and possible misuse of Singapore passports and other Singapore travel documents, in Singapore and elsewhere, particularly by creating new offences and widening the scope of old offences, and significantly increasing penalties for those offences;
- (b) to introduce measures against the misuse of foreign travel documents in Singapore;
- (c) to introduce measures to minimise problems caused by lost or stolen Singapore passports and other Singapore travel documents, such as power to refuse to issue a new passport or travel document, issuing limited validity Singapore passports or Singapore travel documents, compulsory notification of lost or stolen Singapore passports or Singapore travel documents, penalties for not reporting such lost or stolen passports or travel documents, and additional fees;
- (d) to set out a modernised regime for the issue and administration of Singapore passports and Singapore travel documents; and
- (e) to set out a framework for the adoption of particular methods or technologies, like biometric technologies, for purposes such as identification.

The Bill also makes consequential and related amendments to the Immigration Act (Cap. 133).

### PART I

#### PRELIMINARY

Part I contains the preliminary provisions of the Bill.

Clause 1 relates to the short title and commencement.

Clause 2 defines a range of standard terms used throughout the Bill.

An “authorised officer” refers to public officers with direct responsibilities for the issuing of Singapore passports and Singapore travel documents, being the Controller of Immigration (the Controller), immigration officers duly authorised as such and public officers in the diplomatic staff of Singapore diplomatic missions and consular officers at Singapore consulates. The Minister may, in future and appropriate circumstances, allow other public officers to be authorised officers under the Bill; for example, civil defence officers during natural disasters.

A “document” has been defined to include any article or material from which information is capable of being reproduced with or without the aid of any other article or device. The International Civil Aviation Organisation (known as ICAO) has developed standards for international travel documents that include documents with machine readable zones and integrated circuit chips.

A “false Singapore passport” or a “false Singapore travel document” will include a genuine Singapore passport or Singapore travel document that has been altered without authorisation. A “false foreign travel document” has been similarly defined.

A “foreign travel document” is defined to mean a foreign passport or a document issued for travel purposes by or on behalf of the government of a foreign country (whether or not also issued for another purpose). The Minister can expand the definition to apply to travel documents issued by international organisations by approving the extension to such organisations.

A “Singapore passport”, as defined, can be a Singapore ordinary passport, a Singapore diplomatic passport or a Singapore official passport.

Finally, clause 2(4) defines who has parental responsibility for a child under the Bill, as these persons will have certain responsibilities in connection with applications for a Singapore passport or a Singapore travel document under clause 27, and the custody of such documents under clauses 45 and 46. These would be a child’s parent, a person who under any order of court, the child is to live with (which can include a person to whose care a child has been committed under the Children and Young Persons Act (Cap. 38)) or the person entitled to guardianship or custody of the child under any written law.

Clause 3 defines the expression “personal identifier” to mean any of the following, specified in the First Schedule, including any of the following in digital form: fingerprints and handprints of a person (including those taken using paper and ink or digital liveness scanning technologies); a photograph or other image of a person’s face and shoulders; and a person’s signature. By clause 3(2), the Minister is empowered to amend the Schedule and prescribe by subsidiary legislation other identifiers, being an image, measurement or recording of, an external part of the human body or human voice. Allowing new types of personal identifiers to be prescribed by subsidiary legislation will permit the adoption of new technologies in a rapidly developing environment for example, video or audio recordings or an iris scan may be included in future. However, clause 3(2) specifically prohibits a type of personal identifier the obtaining of which would involve the taking of an intimate sample within the meaning of section 13A of the Registration of Criminals Act (Cap. 268). For example, the taking of a sample of blood cannot be prescribed as a personal identifier in the subsidiary legislation.

Clause 4 provides that the provisions of the Bill have extra-territorial application. The clause extends the Bill, unless the contrary intention appears, to acts, omissions, matters and things outside Singapore and to all persons, irrespective of their nationality or citizenship.

Clause 5 provides that the Controller is to be responsible for the administration of the Bill, subject to any general or special directions of the Minister. The Controller may delegate the exercise of all or any of his powers or duties under the Bill (except the power of delegation) to any authorised officer, who must then exercise those delegated powers subject to the Controller’s directions.

## PART II

## ISSUE OF SINGAPORE PASSPORTS AND TRAVEL DOCUMENTS

Part II deals with the issue of Singapore passports and Singapore travel documents.

Clause 6 requires an application for a Singapore passport to be made to the Controller and establishes the formalities for such an application; it must be in the approved form and be accompanied by the prescribed fee and prescribed particulars. The applicant may be required to provide personal identifiers together with his application.

Clause 7 requires the Controller to be satisfied of an applicant's identity and citizenship before issuing a Singapore passport. In the case of a Singapore diplomatic passport or a Singapore official passport, the Controller has to be satisfied that the applicant is a citizen travelling for diplomatic or official purposes or is a dependent of such a person. A Singapore passport may be issued subject to conditions, including furnishing a monetary deposit or such other security (by bond or otherwise) for the performance or due observance by the applicant of any conditions imposed.

Clause 8 deals with the lifespan of a Singapore ordinary passport. A Singapore ordinary passport issued on or after the Bill is in force will be ordinarily valid for 6 years from the date of its issue. Shorter validity periods may be imposed if this is necessary in the interests of proper administration of the Bill. Singapore ordinary passports which are issued before the Bill is in force will continue with the original lifespan of 11 years (where issued before 1st April 2005) and 6 years (where issued on or after 1st April 2005), respectively. The 6-year lifespan will allow the Government to incorporate new technologies into the Singapore passport and deter criminal elements from forging or abusing these passports. As future technologies may be more durable, the Minister has power, by notification published in the *Gazette*, to subsequently vary the validity period in the Bill for all Singapore ordinary passports issued on or after such date as is specified in the notification.

Clause 9 provides for the extension of non-biometric Singapore passports, which will be those issued before 15th August 2006. No extensions will, however, be allowed if the extension will result in the validity period exceeding 11 years (for passports issued before 1st April 2005) or 6 years (for passports issued on or after 1st April 2005 but before 15th August 2006) in total. All biometric Singapore passports can never be extended. This is because the chip containing the holder's personal identifiers and other particulars and the validity period of the passport is, following international guidelines, a write-once only device. The information stored in the chip cannot be changed once the biometric Singapore passport has been issued.

Clause 10 allows the Controller to endorse on a Singapore passport such alterations or additions as may be necessary to render accurate the particulars recorded therein, as well as to delete any such endorsements made.

Clause 11 describes the purpose of a Singapore temporary travel document, which is a new category of travel document that may be issued to citizens. All Singapore temporary travel documents will be biometric documents with a machine-readable

component. A Singapore temporary travel document may be issued in lieu of or in addition to a Singapore passport. The Controller may issue a Singapore temporary travel document to a citizen where for reasons of passport security and integrity, the Controller considers that it is not desirable to issue that citizen with a Singapore passport. It is also possible for a citizen to be a holder of a Singapore passport and a Singapore temporary travel document concurrently. The Controller may also issue a Singapore temporary travel document to a citizen who is already the holder of a Singapore passport if he is satisfied that there are other exceptional circumstances.

Clause 12 requires an application for a Singapore temporary travel document to be made to the Controller and establishes the formalities for such an application; it must be in the approved form and be accompanied by the prescribed fee and prescribed particulars. The applicant may be required to provide personal identifiers together with his application.

Clause 13 requires the Controller to be satisfied of an applicant's identity and citizenship before issuing a Singapore temporary travel document. Like a Singapore passport, a Singapore temporary travel document may be issued subject to conditions, including furnishing a monetary deposit or such other security (by bond or otherwise) as the Controller may think sufficient to secure the performance or due observance by the applicant of any conditions imposed.

Clause 14 deals with the lifespan of a Singapore temporary travel document. A Singapore temporary travel document will be ordinarily valid for a year. Shorter validity periods may be imposed if this is necessary in the interests of proper administration of the Bill. As future technologies may be more durable, the Minister has power, by notification published in the *Gazette*, to subsequently vary the validity period in the Bill for all Singapore temporary travel documents issued on or after such date as is specified in the notification.

Clause 15 provides that a Singapore temporary travel document cannot be extended, because the chip containing the holder's personal identifiers and other particulars and the validity period of the Singapore temporary travel document is a write-once only device. The information stored in the chip cannot be changed once the Singapore temporary travel document has been issued.

Clause 16 allows the Controller to issue a Singapore document of identity or other emergency travel document to a person whom he reasonably believes to be a citizen of Singapore. The Singapore document of identity or other emergency travel document may be issued where the person wishes to travel immediately, but, for reasons of passport security and integrity, the Controller considers that it is not desirable to issue that person with a Singapore passport. This would be situations where the person's Singapore passport may either have been stolen or lost or destroyed, or an emergency has affected the availability of the information necessary to ascertain whether or not that person is already the holder of a Singapore passport.

Clause 17 provides that a Singapore document of identity or other emergency travel document will be valid only for such a time as, in the opinion of the Controller, will be sufficient to enable the person to leave and return to Singapore, to return to Singapore, or to complete his or her specified journey, as the case may require.

Clause 18 will allow the Controller to issue a range of other documents for the purposes of travel. The nature of these documents and the circumstances in which they may be issued will be prescribed by the Minister in the regulations. As the circumstances in which these documents are issued will vary significantly and new types of documents may be created over time, it is appropriate to specify these documents in subsidiary legislation. An example of these other documents issued for the purposes of travel is the certificate of identity. A certificate of identity may be issued to a person who is stateless, or is unable for any reason to obtain a travel document from the government or other appropriate authority in the country of his or her nationality. There is no entitlement to a certificate of identity.

### PART III

#### REFUSING AND CANCELLING SINGAPORE PASSPORTS AND TRAVEL DOCUMENTS

Part III seeks to remove the existing ambiguity in relation to refusals and cancellations of Singapore passports and Singapore travel documents by setting out the grounds for the Controller to do so, and the necessary mechanisms to refuse or cancel Singapore passports and Singapore travel documents for reasons connected with law enforcement. The grounds for refusal of a Singapore passport or a Singapore travel document have been elaborated on to include the instance where there are grounds to believe the person is likely to engage in conduct that would constitute a specified seizable offence.

Clause 19 describes the situations where the Controller may refuse a Singapore passport, such as when the applicant is already a Singapore passport holder, or the applicant falls within the specific circumstances in clause 23 or 24. The Controller may refuse a Singapore passport to an applicant who, in the 10 years preceding the application, has been convicted of an offence under the Bill or the repealed Act, or of a seizable offence prescribed in the regulations. The Controller retains a general discretion to cancel a Singapore passport independent of the power to refuse based on specified conduct in Part III.

Clause 20 describes the situations where the Controller may refuse a Singapore travel document, many of which are similar to those in clause 19. The Controller may, however, refuse a Singapore travel document to an applicant who, in the 3 years preceding the application, has been convicted of an offence under the Bill or the repealed Act, or of a seizable offence prescribed in the regulations. As in clause 19, the Controller retains a general discretion to cancel a Singapore travel document independent of the power to refuse based on specified conduct in Part III.

Clause 21 describes the situations in which the Controller may cancel a Singapore passport or a Singapore travel document.

Clause 21(2)(a) to (c) sets out the administrative reasons, covering documents that have been reported lost or stolen, the issue of a new Singapore passport or a Singapore travel document, and where the particulars recorded in the Singapore passport or a Singapore travel document are incorrect. Clause 21(2)(d) to (f) parallels the specific reasons for refusing a Singapore passport or a Singapore travel document described in

clauses 23 and 24. Clause 21(2)(g) allows the Controller to cancel a Singapore passport or a Singapore travel document if the Controller becomes aware of circumstances that would have required or permitted the Controller to refuse to issue the Singapore passport or Singapore travel document had he been aware of the circumstances immediately before issuing the Singapore passport or Singapore travel document. This will be used when information is obtained, for example, that a false statement had been provided with an application such that the Controller would not have been satisfied as to identity or citizenship. Clause 21(2)(h) allows the Controller to cancel a Singapore passport or a Singapore temporary travel document when the holder of which ceases to be a citizen of Singapore. However, no notice needs to be given by the Controller before cancelling a Singapore passport or a Singapore travel document the holder of which has died, or a Singapore passport or a Singapore travel document which has expired. The Controller retains a general discretion to cancel a Singapore passport or a Singapore travel document independent of the power to cancel based on specified conduct above.

Clause 22 describes the peculiar situations applicable to Singapore documents of identity or other emergency travel documents and in which the Controller may recall and cancel them.

The reasons for refusal of a Singapore passport or a Singapore travel document for law enforcement reasons are set out in Division 2 (clauses 23 and 24). The Division recognises that the Controller has the primary responsibility for the issue of Singapore passports and Singapore travel documents, whereas law enforcement agencies and others have the primary legal responsibility in relation to preventing a person from travelling internationally.

Clause 23 empowers the Controller to refuse to issue a Singapore passport or a Singapore travel document, or to cancel a Singapore passport or a Singapore travel document if he believes, on reasonable grounds, that the applicant for or holder of the Singapore passport or Singapore travel document is the subject of a warrant of arrest issued in Singapore for a prescribed seizable offence, or is prevented from leaving Singapore by force of a Singapore law enforcement order or direction.

“Prevented from travelling internationally” has been defined in clause 23(2) to include 4 situations; when the order or other direction indicates that the person is required to remain in Singapore, the person is required to surrender his Singapore passport or Singapore travel document, the person is not permitted to apply for a Singapore passport or a Singapore travel document, or the person is not permitted to obtain a Singapore passport or a Singapore travel document. A supervision order under the Misuse of Drugs Act (Cap. 185) would be an example of such a direction preventing a person from travelling internationally.

Clause 24 allows the Controller to refuse to issue a Singapore passport or a Singapore travel document to a person if the Controller receives a request from a competent authority which believes, on reasonable grounds, that the person is likely to engage in harmful conduct. The types of harmful conduct are (i) conduct that might prejudice the security of Singapore or a foreign country, (ii) conduct that might endanger the health or physical safety of other persons (whether in Singapore or a foreign country), (iii) conduct which might constitute an offence against the Bill or (iv)

conduct which might constitute a seizable offence against any written law which is prescribed in the regulations. The offences to be prescribed may include offences which have an extended geographical jurisdiction, such as terrorism.

The term “likely to engage” is used in clause 24 to ensure that a competent authority can only make a request to the Controller where there is a real, and not remote, possibility of a person engaging in the specified conduct. A competent authority may not know whether a Singapore passport or a Singapore travel document has been issued to the person at the time of making the request. To limit the persons who can make a request under clause 24, clause 24(6) defines a “competent authority” as a public authority or public officer prescribed by the regulations to be a competent authority in relation to the circumstance. The persons to be prescribed would be the police and local security and public health agencies.

The reasons for refusal of Singapore passports or Singapore travel documents for administrative and other reasons are set out in Division 3 (clauses 25, 26 and 27).

Clause 25 will allow the Controller to refuse to issue a Singapore passport to a person where 2 or more passports issued to the person have been lost or stolen and for reasons of passport security and integrity, the Controller considers that it is not desirable to issue that person with another Singapore passport. This will enable the Controller to act where there are reasonable grounds to believe that the person is allowing others to use the Singapore passport for identity fraud or other criminal activity, or that the person is simply not adequately protecting his or her Singapore passport.

Clause 26 will prohibit the Controller from issuing a new Singapore passport to a person who has already been issued with a valid Singapore passport or a valid Singapore travel document. This is to prevent potential abuse by the holder of multiple Singapore passports. However, the Controller may do so in exceptions which are prescribed or specified in the Minister’s directions issued under clause 5(2). Examples include holders of Singapore diplomatic or official passports.

Clause 27 provides that the Controller must not issue a Singapore passport or a Singapore travel document to a child unless a person with parental responsibility for a child consents to the child travelling internationally or an order of a court permits the child to travel internationally.

Clause 28 provides for an appeal to the Minister against any decision of the Controller relating to the issuing (including reduced validity) and cancellation of a Singapore passport or a Singapore travel document. The Minister may designate a Minister of State to hear such appeals in his place. An appeal must be made within 14 days of being notified of the Controller’s decision, and the Minister’s decision is final. There is power for the Minister to extend the time for appeal in exceptional circumstances.

However, any decision to refuse to issue a Singapore passport or a Singapore travel document cannot be appealed against if it is based on the existence of a warrant of arrest. This matter is more appropriately dealt with through the court which made the order.



## PART IV

## POWERS OF ENFORCEMENT

Part IV outlines the powers of the Controller and authorised officers in the discharge of functions under the Bill. It also includes offences relating to failure to obey lawful demands of the Controller or such officers. The offences in this Part will carry the penalty of a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both.

Clause 29 empowers an authorised officer or a police officer to demand the surrender of a Singapore passport or a Singapore travel document that the officer suspects on reasonable grounds has been obtained by means of a false or misleading statement, information or document. An authorised officer or a police officer is also conferred the power to demand a Singapore passport or a Singapore travel document or other document which the officer reasonably suspects has been used in the commission of an offence against the Bill. It will be an offence for a person to fail to immediately surrender the person's Singapore passport or Singapore travel documents in the person's possession or control to an authorised officer or police officer if demanded to do so.

Clause 30 empowers an authorised officer to demand the surrender of a Singapore passport or a Singapore travel document that has been cancelled or is invalid. It will also be an offence for a person to fail to immediately surrender the person's Singapore passport or Singapore travel documents in the person's possession or control to an authorised officer if demanded to do so.

Clause 31 empowers any authorised officer, police officer or customs officer to seize a document that is not in the possession or control of any person where the officer suspects on reasonable grounds that the document has been used in the commission (or attempted commission) of an offence against the Bill. Such an officer may also search a container (including baggage) not in the possession or control of any person where the officer suspects on reasonable grounds that the container contains a document used in the commission of an offence against the Bill. This is to address the circumstances where suspicious travel documents are being sent through airports or in the mail. An authorised officer, a police officer or a customs officer is also conferred powers to forcibly enter without warrant any premises, or stop, board and search any train, vehicle, vessel or aircraft, in or on which he reasonably suspects that there is to be found a false Singapore passport, a false Singapore travel document, a false foreign travel document or other document that has been used in the commission of an offence against the Bill.

Clause 32 empowers the Controller, any authorised officer who is an immigration officer or any police officer to arrest without warrant any person committing or attempting to commit, or whom he reasonably suspects of being engaged in committing or attempting to commit, any offence under the Bill. An immigration officer who is an authorised officer will have all the powers of a police officer under the Criminal Procedure Code (Cap. 68) in relation to an investigation into a seizable offence.

Clause 33 provides that a person will only be guilty of an offence, such as failing to comply with the lawful demands of an immigration officer, a police officer or a customs officer under this Part, if the documents are in the person's possession or control, and the immigration officer, police officer or customs officer declares his office if he is not in uniform and identifies himself.

## PART V

### OFFENCES RELATING TO SINGAPORE PASSPORTS AND TRAVEL DOCUMENTS

Part V contains offences. It seeks to combat identity fraud and possible misuse of Singapore passports and other Singapore travel documents in Singapore and elsewhere, by creating new offences and widening the scope of old offences, and significantly increasing penalties for those offences. It also creates offences for the misuse of foreign travel documents in Singapore. Penalties have been significantly increased from a maximum fine of \$1,000 and/or a maximum of 6 months' imprisonment to a maximum fine for most offences of \$10,000 and/or a maximum for most offences of 10 years' imprisonment or both.

Clause 34 provides that these offences will apply with extended geographical jurisdiction. That is, a person may be liable for prosecution for an offence against the Bill regardless of whether or not the conduct constituting the alleged offence occurs within Singapore and whether or not a result of the conduct constituting the alleged offence occurs in Singapore.

Clause 35 defines various expressions used in this Part, such as "gain", "loss" and "public duty".

Clause 36 makes it an offence for a person to make a false Singapore passport or a false Singapore travel document, or make a copy of such a passport or travel document, with the dishonest intention that it is to be used to induce another person to accept it as genuine and, by reason of so accepting it, to dishonestly obtain a gain (whether for himself or someone else), to cause a loss to the other person or someone else, or influences the exercise of a public duty. It also makes it an offence to make or have in one's possession or control a device, machine, paper, material or other thing, with the knowledge that it is or has been specially designed or adapted for the making of a document and with the intention that it would be used in the making of a false Singapore passport or a false Singapore travel document. The clause also provides for a defence of reasonable excuse to the offence of being in possession of such devices, machines, papers, materials or other things.

Clause 37 makes it an offence for a person to have possession or control of a false Singapore passport or a false Singapore travel document, where the person knows or ought reasonably to have known that the document was false. There is a defence of reasonable excuse.

Clause 38 is a new offence of bringing, taking or sending across international borders a false Singapore passport or a false Singapore travel document or a Singapore passport or Singapore travel document issued to someone else. The clause will cover

situations where a person is involved in trafficking of documents, but where it is difficult to prove that the person has had possession of the documents. The person will be guilty if he knows or ought reasonably to have known that the document is a false Singapore passport or a false Singapore travel document, or the Singapore passport or Singapore travel document is not his. There is a defence of reasonable excuse.

Clause 39 provides that in a statement or given information (which includes any personal identifier like a photograph) that relates to an application for a Singapore passport or a Singapore travel document, an application for an extension or endorsement thereof or a report of any loss, theft or destruction of a Singapore passport or a Singapore travel document, it will be an offence to omit any matter or thing which makes the statement or given information false or misleading in a material particular. The clause provides a defence where the statement or information is not false or misleading in a material particular. Recklessness will apply to the circumstance that the statement is misleading or omits any matter or thing without which the statement is misleading.

Clause 40 is in similar terms to clause 39, but will cover furnishing of false or misleading documents in connection with an application for a Singapore passport or a Singapore travel document. This includes supplying false or misleading documents with an application for a Singapore passport or a Singapore travel document submitted through deposit boxes or other forms of remote applications.

Clause 41 sets out the offences of using a cancelled Singapore passport or Singapore travel document, of using, having possession or control of a Singapore passport or a Singapore travel document that was not issued to the person, and allowing another person to use a Singapore passport or a Singapore travel document that was issued to the person. The clause also provides for a defence of reasonable excuse.

Clause 42 sets out the offence of selling a Singapore passport or a Singapore travel document. In addition to making unlawful an outright sale of a Singapore passport or a Singapore travel document, transactions like barter and exchange, offering or attempting to sell, exposing for sale, or receiving or sending or delivering for sale, of a Singapore passport or a Singapore travel document are also unlawful. The penalty is a maximum fine of \$10,000 and/or a maximum of 10 years' imprisonment or both.

Clause 42(2) also makes it an offence to engage in the business or trade of selling Singapore passports or Singapore travel documents. This offence carries a mandatory jail term of not less than 2 years and up to 15 years and a mandatory fine of up to \$20,000.

Clause 43 deals with the situation where a person intentionally damages or destroys a Singapore passport or a Singapore travel document. This can include damaging or deleting data from a storage device contained in a Singapore passport or a Singapore travel document.

Clause 44 creates a new offence of obtaining a Singapore passport or a Singapore travel document through dishonesty or threat. This offence will cover situations in which it may not be possible to establish a person's possession of a Singapore passport or a Singapore travel document.

Clause 45 states the offence of failing to report a lost, stolen or destroyed Singapore passport or Singapore travel document. It will require that the person knows that the Singapore passport or Singapore travel document is lost, stolen or destroyed before an offence can be made out. The clause also provides for a defence of reasonable excuse.

Clause 46 makes it an offence for the holder of a Singapore passport or a Singapore temporary travel document to fail to surrender the cancelled or invalid Singapore passport or Singapore temporary travel document within 24 hours of such cancellation or ceasing to be valid. Where the holder is below 16 years of age, any parent of his or his legal guardian, has to surrender the cancelled or invalid Singapore passport or Singapore temporary travel document. The clause requires that the holder, parent or guardian, as the case may be, knows that the Singapore passport or Singapore temporary travel document is cancelled or invalid before an offence can be made out. The clause further provides for a defence of reasonable excuse.

Clause 47 is in similar terms to clauses 36, 37 and 41, but will cover foreign travel documents and the misuse of these in Singapore. The clause also provides for a defence of reasonable excuse.

Clause 48 applies to the Controller and authorised officers who issue a Singapore passport or a Singapore travel document contrary to the requirements set out in the Bill.

Clause 49 makes it an offence to hinder, delay or obstruct any authorised officer, police officer or customs officer in the performance and execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of or under the Bill.

Clause 50 deals with offenders which are corporations or unincorporated associations.

Clause 51 provides that a District Court will have jurisdiction to try any offence under the Bill and will have power to impose the full penalty or punishment in respect of the offence.

Clause 52 empowers the Controller to compound certain offences by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500.

## PART VI

### OBLIGATIONS RELATING TO IDENTIFYING INFORMATION

Part VI sets out a framework to allow the Government to take advantage of technologies (such as facial biometrics) for passport controls. In May 2003, the International Civil Aviation Organisation (known as ICAO) adopted a global, harmonised blueprint for the integration of biometric identification into passports and other Machine Readable Travel Documents (MRTDs). ICAO's blueprint relies on facial recognition as the "globally interoperable biometric for machine-assisted identity confirmation with MRTDs". The proposed measures will align Singapore with similar travel measures in place in Canada, the United Kingdom, the United States of America and the European Union. While the collection of identifying information (which

includes personal identifiers) from citizens under this Part will allow authorised officers to better identify, or confirm the claimed identity, of an applicant or holder of a Singapore passport or a Singapore travel document, there are also provisions in this Part which will protect the privacy of such persons by placing limits on the access and disclosure of such identifying information.

Clause 53 inserts definitions of “disclose” and “identifying information” for the purposes of Part VI. “Identifying information” is defined broadly to include any personal identifier, any meaningful identifier derived from any personal identifier, any record of a result of analysing any personal identifier or meaningful identifier derived from any personal identifier, or any other information, derived from any personal identifier, any meaningful identifier derived from any personal identifier or any record of a kind referred to above that could be used to discover a particular person’s identity or to get information about a particular person.

Clause 54 provides that the Minister may approve particular methods and technologies (including the adoption of biometric technologies) that are to be used to confirm the validity of evidence of the identity of an applicant for a Singapore passport or a Singapore travel document or the holder of such a document, or for performing other functions connected with the Bill. This can include the introduction of facial biometric technology (being measurements of a person’s face that can allow a computer to verify the identity of a person) or fingerprinting or the use of genetic information (such as DNA testing and comparison) as an effective means of verifying identity. Methods or technologies not approved may still be used for performing such functions.

Clause 55 sets out who may be authorised to access or disclose identifying information, and for what purposes. The Minister may, in writing, authorise a specified person, or any person included in a specified class of persons, to access or disclose identifying information of the kind specified in the Minister’s authorisation. The Minister must specify, in the authorisation, the purpose or purposes for which access to or disclosure of identifying information is authorised. The purposes must be one or more of the following:

- (a) assisting in the identification of, and authenticating the identity of, any applicant for or holder of a Singapore passport or a Singapore travel document;
- (b) facilitating or otherwise assisting the international travel of a person to whom a Singapore travel document has been issued;
- (c) enforcement of the criminal law, including investigating or prosecuting a person for an offence against any written law;
- (d) combating document and identity fraud in immigration matters;
- (e) administering or managing the storage of identifying information;
- (f) modifying identifying information to enable it to be matched with other identifying information, or in order to correct errors or ensure compliance with appropriate standards;

- (g) identifying persons who are of national security concern, or who are associated with activities of a criminal nature and whose detention or supervision may be necessary in the interests of public safety, peace and good order;
- (h) any other purpose the disclosure of which is required or authorised by or under written law;
- (i) making decisions under the Bill or the Immigration Act (Cap. 133) or the regulations made under either law.

The specified persons may comprise public officers, employees of public authorities and persons contracted by the Government or public authority to perform certain public functions.

Clause 56 makes it an offence for a person to access identifying information where that person is not authorised under clause 55 to access the identifying information for the purpose for which the person accessed it. The clause also makes it an offence for a person to engage in conduct that causes disclosure of identifying information if the disclosure is not a disclosure that is for any of the purposes specified in clause 55(2). The penalty for these offences is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 years or both.

## PART VII

### MISCELLANEOUS

Part VII contains general provisions.

Clause 57 states that every Singapore passport and every Singapore travel document, whether issued before, on or after the commencement of the Bill, will be the property of the Government. This reflects established international practice. The provision is important to buttress the Singapore Government's claim for the return of a travel document from a foreign government which has taken custody of the document.

Clause 58 enables the Minister to exempt any person or class or description of persons from the operation of any or all of the provisions of the Bill. The exemption will be by way of an order published in the *Gazette*.

Clause 59 relates to the service and sending of any document required or authorised to be served under the Bill, but not documents to be served in court proceedings. In addition to the usual modes of service, such as personal delivery, post and facsimile transmission, service of documents by electronic communication by email is also allowed. For documents sent by electronic communication to an email address, these will be deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address.

Clause 60 empowers the Minister to make regulations for the purposes of the Bill. There is specific power for the Minister to prescribe fees in respect of applications for Singapore passports or Singapore travel documents, and for endorsements thereon. The relationship between the fees charged and the actual cost may vary so as to respond to the reasonable demands of Singapore travellers. For example, different fees may be set

for those who repeatedly lose Singapore passports. Variations in fees may come about with the introduction of new technologies. This is to address the constitutional uncertainty whether such fees are a tax if these are not cost recovery.

Clause 61 repeals the Passports Act (Cap. 220).

Clause 62 (read with the Second Schedule) makes consequential and related amendments to the Immigration Act (Cap. 133).

Clause 63 provides various savings and transitional provisions consequential on the repeal of the Passports Act, and allows the Minister, within 2 years, to prescribe by regulations such other transitional and savings provisions as he may consider necessary or expedient.

The First Schedule sets out various personal identifiers. By clause 3(2), the Minister is empowered to amend the First Schedule and prescribe by subsidiary legislation other identifiers, an image, measurement or recording of an external part of the human body.

The Second Schedule sets out the related and consequential amendments to the Immigration Act. The amendments in the Second Schedule —

- (a) provide for the grant of Singapore visas to non-citizens as a consequence of the repeal and re-enactment of the Passports Act; and
- (b) set out a framework for the adoption of similar methods or technologies, like biometric technologies, as under the Passports Bill 2007 for purposes such as identification of persons entering and leaving Singapore accompanied by suitable privacy-related measures and limits on the purposes to which identifying information collected from non-citizens under the Bill may be applied.

The present definition of “personal identifier” in the Immigration Act is amended to be consistent with the definition in the Passports Bill 2007. A new definition of “Singapore visa” is introduced. It is defined as one granted under the new Part IIA.

A new section 5A also requires every person, whether a citizen of Singapore or a non-citizen, who arrives in Singapore from outside the country, or is leaving Singapore for a country outside, to produce his or her valid passport or travel document to an immigration officer. There is provision for waiver of and exemption from this requirement.

The new Part IIA covers the grant of Singapore visas for non-citizens. The issue of Singapore visas is dealt with by the Passports Act which the Passports Bill 2007 seeks to repeal. The new Part IIA of the Immigration Act provides for the grant of Singapore visas to non-citizens to travel to and enter Singapore. However, a Singapore visa that is in effect is not a pass or other permission for, and does not confer any right on, the holder to enter Singapore.

A new Part VA, which is similar to Part VI of the Passports Bill 2007, is also inserted into the Immigration Act. While technological advances will be used to ensure the accurate identification of non-citizens seeking to enter Singapore and to facilitate quick and unobtrusive immigration entry processes, Part VA sets out obligations on the Controller of Immigration concerning identifying information collected by or under the

Immigration Act (Cap. 133) and the permitted uses of such information. The provisions in Part VA place clearer limits on the access and disclosure of such identifying information, than what is presently prescribed in the Immigration Regulations (Cap. 133, Rg 1).

Section 55(1) is also amended to confer on the Minister additional powers in making regulations in connection with new Parts IIA and VA. The Minister may make regulations providing for the circumstances for granting Singapore visas and the conditions subject to which a Singapore visa may be granted, and providing for the manner in which personal identifiers (within the meaning of Part VA) are obtained and kept.

Certain offences in section 57(1) are amended to extend their scope to include Singapore visas.

Section 61A, which relates to the power of the Minister to vary the Schedule specifying the personal identifiers, is also replaced by a new section 61A, under which the Minister is empowered to amend the Schedule and prescribe by subsidiary legislation other identifiers, being an image, measurement or recording of an external part of the human body. Allowing new types of personal identifiers to be prescribed by subsidiary legislation will permit the adoption of new technologies in a rapidly developing environment; for example, video or audio recordings or an iris scan may be included in future. Like the Passports Bill 2007, the new section 61A specifically prohibits a type of personal identifier the obtaining of which would involve the taking of an intimate sample within the meaning of section 13A of the Registration of Criminals Act (Cap. 268).

## EXPENDITURE OF PUBLIC MONEY

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

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