

Immigration (Amendment) Bill

Bill No. 16/2012.

Read the first time on 9th July 2012.

A BILL

i n t i t u l e d

An Act to amend the Immigration Act (Chapter 133 of the 2008 Revised Edition) and to make related amendments to the Customs Act (Chapter 70 of the 2004 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Immigration (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2 of the Immigration Act is amended —

(a) by inserting, immediately before the definitions of
 ““authorised airport”, “authorised landing place”,
 “authorised train checkpoint”, “authorised point of entry”,
 10 “authorised departing place” and “authorised point of
 departure” ”, the following definitions:

““advance passenger information” means information
 relating to any passenger required to be furnished
 to the Controller prior to the arrival in Singapore
 15 of the vessel, aircraft or train, as the case may be,
 on which the passenger will be travelling to
 Singapore;

“arrive” means —

(a) in relation to an aircraft, the aircraft coming
 20 to a stop after landing;

(b) in relation to a vessel or ship, the securing
 of the vessel or ship for any purposes,
 including for the embarkation or
 disembarkation of its passengers or the
 25 loading or unloading of its cargo or stores
 or both; or

(c) in relation to a train, the train coming to a
 stop at a train checkpoint;”;

(b) by inserting, immediately after the definitions of
 30 ““authorised airport”, “authorised landing place”,
 “authorised train checkpoint”, “authorised point of entry”,
 “authorised departing place” and “authorised point of
 departure” ”, the following definition:

““authorised area” means an authorised airport, authorised landing place, authorised train checkpoint, authorised point of entry, authorised place of embarkation, authorised departing place, authorised point of departure or immigration control post declared as such under section 5;”;

(c) by inserting, immediately after the definition of “Director of Marine”, the following definitions:

““document” includes —

(a) any endorsement;

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

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

(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;

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

(e) any electronic record;

“electronic record” has the same meaning as in section 2(1) of the Electronic Transactions Act (Cap. 88);”;

(d) by deleting the word “and” at the end of paragraph (b) of the definition of “leave”;

(e) by inserting, at the end of paragraph (c) of the definition of “leave”, the word “and”, and by inserting immediately thereafter the following paragraph:

5 “(d) in the case of a vessel, an aircraft or a train leaving Singapore by sea, air or land, as the case may be, departing from any authorised departing place in Singapore by sea, or from any airport or train checkpoint in Singapore, for any place outside Singapore;”; and

(f) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

10 “(2) For the purposes of sections 8(6), 10(5), 11(6), 14(6), 29(7) or 33, any reference to the Minister shall include a reference to any of the following who is authorised by the Minister for the purposes of hearing an appeal under that provision:

15 (a) the Minister who has been designated by the Prime Minister as Second Minister for Home Affairs (if any);

(b) any Minister of State,

20 and any reference in section 39A to the Minister shall include a reference to a person so authorised by the Minister under this subsection.”.

Amendment of section 5

3. Section 5 of the Immigration Act is amended —

25 (a) by inserting, immediately after subsection (1), the following subsection:

30 “(1A) In declaring under subsection (1) any place to be an immigration control post, a landing place or an authorised point of entry, the Minister may specify that it or any part of the place is to be an immigration control post, a landing place or an authorised place of entry generally only for a fixed period or for fixed periods of time in any day, or only for the separate and exclusive immigration clearance of a particular person or class of persons.”;

(b) by inserting, immediately after subsection (3), the following subsection:

5 “(3A) In declaring under subsection (3) any place to be an authorised departing place or an authorised point of departure, the Minister may specify that it or any part of the place is to be an authorised departing place or an authorised point of departure generally only for a fixed period or for fixed periods of time in any day, or only for the separate and exclusive immigration clearance of a particular person or class of persons.”; and

(c) by inserting, immediately after subsection (5), the following subsections:

15 “(6) Without prejudice to subsection (1A) or (3A), where upon the application of any person (referred to in this section as the applicant), any place or any part of that place is declared under subsection (1) or (3), as the case may be, to be an immigration control post, a landing place, an authorised point of entry or an authorised departing place or authorised point of departure for the separate and exclusive immigration clearance of the applicant, or a particular person or class of persons associated with the applicant, the Controller may, with the approval of the Minister, require the applicant to pay to the Controller a rate, at such intervals and at such amount or rate as may be prescribed, for or in connection with immigration clearance performed by immigration officers at that place or part thereof.

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30 (7) The number of immigration officers to be deployed at any immigration control post, landing place, authorised point of entry, authorised departing place or authorised point of departure referred to in subsection (6) shall be determined at the discretion of the Controller.

(8) In this section, unless the context otherwise requires —

“immigration clearance”, in relation to any person, includes refusing the person entry into Singapore or exit from Singapore;

5 “separate and exclusive immigration clearance” includes immigration clearance carried out only during a particular period or periods in a day for a particular person or class of persons.”.

New section 5B

10 **4.** The Immigration Act is amended by inserting, immediately after section 5A, the following section:

“Facilities at authorised areas

15 **5B.**—(1) The Minister may, by notice in writing, require the owner or occupier of any premises within which an authorised area is or is to be located (referred to in this section as the relevant owner or occupier), but not the Government —

20 (a) to provide and maintain in the authorised area, at the relevant owner’s or occupier’s cost, such facilities and resources as the Minister considers necessary for the proper, secure and efficient functioning of the authorised area, including providing such facilities to the immigration officers whose duties require their presence within or at the perimeter of the authorised area; or

25 (b) to permit the establishment of immigration offices within the authorised area.

(2) The Minister may give to the relevant owner or occupier such written directions as may be necessary —

30 (a) to ensure compliance with the provisions of this Act and the regulations; or

(b) for the proper, secure and efficient functioning of the authorised area.

(3) The relevant owner or occupier shall comply with the written notice or direction served or given to him or it under subsection (1) or (2).

5 (4) Any relevant owner or occupier who or which fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine of not less than \$100,000 and not more than \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part thereof during which the offence continues after conviction.

10 (5) Where a body corporate is guilty of an offence under subsection (4) and that offence is proved to have been committed with the authority, consent or connivance of any director, manager, secretary or other similar officer of the body corporate or of any person purporting to act in any such capacity, he, as well as the body corporate, shall each be guilty of that offence and shall each be liable to be proceeded against and punished accordingly.

15 (6) In this section, “owner” means any person who has an estate or interest in the premises and whose permission to enter the premises is needed by another before that other may enter the premises.”.

Amendment of section 6

25 **5.** Section 6(2) of the Immigration Act is amended by deleting the words “complete an embarkation form and submit it together with his passport or other travel document for examination by an immigration officer” and substituting the words “, if so required by an immigration officer, complete an embarkation form and submit it for examination by that officer”.

Amendment of section 8

30 **6.** Section 8(3) of the Immigration Act is amended by deleting the words “suffering from mental disorder or being a mental defective, or” in paragraph (b).

Amendment of section 10

7. Section 10(4) of the Immigration Act is amended —

(a) by inserting, immediately after the word “varying”, the word “, revoking”; and

5 (b) by inserting, immediately after the word “varied”, the words “or revoked”.

Amendment of section 11

8. Section 11 of the Immigration Act is amended —

10 (a) by deleting the word “Upon” in subsection (2) and substituting the words “Subject to subsection (3), upon”; and

(b) by deleting subsection (3) and substituting the following subsections:

“(3) The Controller may, in his discretion —

15 (a) at the time of issuing a re-entry permit under subsection (2), impose any condition as he thinks fit; or

20 (b) at any time after the issue of a re-entry permit under subsection (2), vary or revoke any condition to which the re-entry permit is subject or impose any condition thereto.

25 (4) For the avoidance of doubt, the power of the Controller to vary, revoke or impose any condition under subsection (3)(b) may be exercised whether or not he is entitled to cancel the re-entry permit under this Act.

30 (5) Before varying, revoking or imposing any condition on a re-entry permit under subsection (3)(b), the Controller shall notify the holder of the re-entry permit of the Controller’s intention to do so and shall give the holder an opportunity to be heard as to why the condition of his re-entry permit should not be varied or revoked or the additional condition should not be imposed.

(6) Any person who is aggrieved by the decision of the Controller under this section may, within 30 days after being notified of the decision of the Controller, appeal by petition in writing to the Minister whose decision shall be final.”.

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Amendment of section 17

9. Section 17 of the Immigration Act is amended —

(a) by deleting subsection (3) and substituting the following subsection:

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“(3) The master of every vessel which arrives in or is about to leave Singapore shall, if ordered to do so by a police officer or an immigration officer, stop, anchor or tie up his vessel at such place as may be ordered, and shall remain there until a police officer or an immigration officer gives him permission to leave.”; and

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(b) by deleting the section heading and substituting the following section heading:

“Vessel to stop, proceed to immigration or departure anchorage or other place when ordered”.

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Amendment of section 22

10. Section 22 of the Immigration Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

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“(1) Subject to section 22A(4), the master, owner, agent or charterer of every vessel arriving at any authorised landing place for persons arriving in Singapore by sea from a place outside Singapore or leaving or due to leave from any authorised departing place for persons leaving Singapore by sea to a place outside Singapore shall —

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(a) within such time, in such form and manner and containing such particulars of the crew as may

5 be prescribed, furnish to an immigration officer a complete list of all the crew who are or will be on board the vessel at the time of its arrival at the authorised landing place or at the time of its departure from the authorised departing place, as the case may be;

10 (b) if so required by that immigration officer, produce to that immigration officer for inspection and interrogation every member of the crew, as directed, either generally or specifically, by that immigration officer;

15 (c) furnish to that immigration officer such evidence of identity of each member of the crew within such time and in such form and manner as may be prescribed;

(d) submit to such search of his vessel as may be necessary to establish the presence or absence of other persons on board;

(e) produce his vessel's papers; and

20 (f) before the vessel arrives at the authorised landing place or departs from the authorised departing place, as the case may be, report the presence on board of any stowaway or any unauthorised person or any person proceeding to any state or country on the person's removal from any other state or country by the competent authorities of that other state or country.”;

30 (b) by deleting paragraph (a) of subsection (2) and substituting the following paragraph:

35 “(a) within such time, in such form and manner and containing such particulars as may be prescribed, furnish a complete list of all passengers who are or will be on board the vessel at the time of its arrival at the authorised

landing place or departure from the authorised departing place, as the case may be;”;

(c) by deleting the words “such particulars in such form as may be prescribed” in subsection (2)(b) and substituting the words “such particulars in such form and manner and within such time as may be prescribed”;

(d) by deleting paragraph (c) of subsection (2) and substituting the following paragraph:

“(c) if so required by an immigration officer, produce every passenger for inspection and interrogation as directed, either generally or specifically, by that immigration officer.”; and

(e) by deleting the section heading and substituting the following section heading:

“Provision of passenger and crew information by master, etc., of vessel arriving in, leaving or due to leave Singapore”.

New section 22A

11. The Immigration Act is amended by inserting, immediately after section 22, the following section:

“Provision of passenger and crew information in advance by master, etc., of vessel due to arrive in Singapore

22A.—(1) The master, owner, agent or charterer of every vessel which is due to arrive at any authorised landing place for persons arriving in Singapore by sea from a place outside Singapore shall, upon being given reasonable prior notice in writing by the Controller to comply with this section —

(a) within such time prior to the arrival of the vessel at the authorised landing place, in such form and manner and containing such particulars of the crew as may be prescribed, furnish to the Controller a complete list of all the crew who are or will be on board the vessel at the time of its arrival at the authorised landing place;

5 (b) within such time prior to the arrival of the vessel at the authorised landing place and in such form and manner as may be prescribed, furnish to the Controller a complete list of all passengers who are or will be on board the vessel at the time of its arrival at the authorised landing place; and

(c) furnish to the Controller in relation to every passenger disembarking in Singapore, such particulars regarding one or both of the following:

10 (i) advance passenger information;

(ii) information recorded in the passenger reservation system for that vessel,

15 within such time prior to the arrival of the vessel at the authorised landing place and in such form and manner as may be prescribed.

(2) The Controller may at any time by notice in writing to the master, owner, agent or charterer of a vessel, revoke the notice given to him under subsection (1).

20 (3) The master, owner, agent or charterer of a vessel who contravenes subsection (1) shall be guilty of an offence.

(4) Any master, owner, agent or charterer of a vessel who is required to comply with this section need not comply with section 22(1)(a) and (2)(a) and (b) unless so required by an immigration officer.”.

25 **Amendment of section 23**

12. Section 23 of the Immigration Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

30 “(1) Subject to section 23AA(4), the captain, owner, agent or charterer of every aircraft arriving at any airport in Singapore from a place outside Singapore or leaving or due to leave any airport in Singapore to a place outside Singapore shall —

- 5 (a) within such time, in such form and manner and containing such particulars as may be prescribed, furnish to an immigration officer a complete list of all passengers who are or will be on board the aircraft at the time of its arrival at the airport or departure from the airport, as the case may be;
- 10 (b) furnish to that officer in relation to every passenger landing in or departing from Singapore such particulars in such form and manner within such time as may be prescribed;
- 15 (c) within such time, in such form and manner and containing such particulars of the crew as may be prescribed, furnish to that officer a complete list of all the crew of his aircraft who are or will be on board the aircraft at the time of its arrival at the airport or departure from the airport, as the case may be;
- 20 (d) if so required by an immigration officer, produce every member of the crew and every passenger of that aircraft for inspection and interrogation as directed, either generally or specifically, by the immigration officer;
- 25 (e) submit to such search of his aircraft as may be necessary to establish the presence or absence of other persons on board; and
- 30 (f) before the aircraft arrives at or departs from the airport, as the case may be, report the presence on board of any stowaway or any unauthorised person or any person proceeding to any state or country on the person's removal from any other state or country by the competent authorities of that other state or country.'; and
- 35 (b) by deleting the section heading and substituting the following section heading:

“Provision of passenger and crew information by captain, etc., of aircraft arriving in, leaving or due to leave Singapore”.

New section 23AA

- 5 **13.** The Immigration Act is amended by inserting, immediately after section 23, the following section:

“Provision of passenger and crew information in advance by captain, etc., of aircraft due to arrive in Singapore

10 **23AA.**—(1) The captain, owner, agent or charterer of every aircraft which is due to arrive at any airport in Singapore from a place outside Singapore shall, upon being given reasonable prior notice in writing by the Controller to comply with this section —

- 15 (a) within such time prior to the arrival of the aircraft at the airport, in such form and manner and containing such particulars of the crew as may be prescribed, furnish to the Controller a complete list of all the crew of his aircraft who are or will be on board the aircraft at the time of its arrival at the airport;
- 20 (b) within such time prior to the arrival of the aircraft at the airport and in such form and manner as may be prescribed, furnish to the Controller a complete list of all passengers who are or will be on board the aircraft at the time of its arrival at the airport; and
- 25 (c) furnish to the Controller in relation to every passenger landing in Singapore, such particulars regarding one or both of the following:
- (i) advance passenger information;
- (ii) information recorded in the passenger reservation system for that aircraft,
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within such time prior to the arrival of the aircraft at the airport and in such form and manner as may be prescribed.

(2) The Controller may at any time by notice in writing to the captain, owner, agent or charterer of an aircraft, revoke the notice given to him under subsection (1).

5 (3) The captain, owner, agent or charterer of an aircraft who contravenes subsection (1) shall be guilty of an offence.

(4) Any captain, owner, agent or charterer of an aircraft who is required to comply with this section need not comply with section 23(1)(a), (b) and (c) unless so required by an immigration officer.”.

10 **Amendment of section 23A**

14. Section 23A of the Immigration Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

15 “(1) Subject to section 23B(4), the master, owner, agent or charterer of every train arriving at any train checkpoint in Singapore from a place outside Singapore or leaving or due to leave any train checkpoint in Singapore to a place outside Singapore shall, at an authorised train checkpoint and if required to do so by an
20 immigration officer —

(a) within such time, in such form and manner and containing such particulars of the crew as may be prescribed, furnish to that officer a complete list of all the crew who are or will be on board the train at the time of its arrival at the train checkpoint or departure from the train checkpoint, as the case may be;

25 (b) if so required by that immigration officer, produce to that immigration officer for inspection and interrogation every member of the crew as directed, either generally or specifically, by that immigration officer;

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(c) submit to such search of his train as may be necessary to establish the presence or absence of other persons on board; and

5 (d) upon the arrival of the train at or before the departure of the train from the train checkpoint, as the case may be, report the presence on board of any stowaway or any unauthorised person or any person proceeding to any state or country on the person's removal from any
10 other state or country by the competent authorities of that other state or country.”;

(b) by deleting paragraph (a) of subsection (2) and substituting the following paragraph:

15 “(a) within such time, in such form and manner and containing such particulars as may be prescribed, furnish a complete list of all passengers who are or will be on board the train at the time of its arrival at the train
20 checkpoint or departure from the train checkpoint, as the case may be;”;

(c) by deleting the words “such particulars in such form as may be prescribed” in subsection (2)(b) and substituting the words “such particulars in such form and manner within
25 such time as may be prescribed”;

(d) by deleting paragraph (c) of subsection (2) and substituting the following paragraph:

30 “(c) if so required by an immigration officer, produce every passenger for inspection and interrogation as directed, either generally or specifically, by that immigration officer.”; and

(e) by deleting the section heading and substituting the following section heading:

“Provision of passenger and crew information by master, etc., of train arriving in, leaving or due to leave Singapore”.

New section 23B

- 5 **15.** The Immigration Act is amended by inserting, immediately after section 23A, the following section:

“Provision of passenger and crew information in advance by master, etc., of train due to arrive in Singapore

10 **23B.**—(1) The master, owner, agent or charterer of every train which is due to arrive at any train checkpoint in Singapore from a place outside Singapore shall, upon being given reasonable prior notice in writing by the Controller to comply with this section —

- 15 (a) within such time prior to the arrival of the train at the train checkpoint, in such form and manner and containing such particulars of the crew as may be prescribed, furnish to the Controller a complete list of all the crew who are or will be on board the train at the time of its arrival at the train checkpoint;
- 20 (b) within such time prior to the arrival of the train at the train checkpoint and in such form and manner as may be prescribed, furnish to the Controller a complete list of all passengers who are or will be on board the train at the time of its arrival at the train checkpoint; and
- 25 (c) furnish to the Controller in relation to every passenger disembarking in Singapore, such particulars regarding one or both of the following:
- (i) advance passenger information;
- (ii) information recorded in the passenger reservation system for that train,
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within such time prior to the arrival of the train at the train checkpoint and in such form and manner as may be prescribed.

(2) The Controller may at any time by notice in writing to the master, owner, agent or charterer of a train, revoke the notice given to him under subsection (1).

5 (3) The master, owner, agent or charterer of a train who contravenes subsection (1) shall be guilty of an offence.

(4) Any master, owner, agent or charterer of a train who is required to comply with this section need not comply with section 23A(1)(a) and (2)(a) and (b) unless so required by an immigration officer.”.

10 **Amendment of section 24**

16. Section 24 of the Immigration Act is amended —

(a) by inserting, immediately after the words “in Singapore” in subsection (1), the words “, whether or not he enters Singapore,”;

15 (b) by inserting, immediately after the words “re-embark him” in subsection (3), the words “and remove the person from Singapore by the same or such other vessel, to his place of embarkation, the country of his birth or citizenship or such other destination, as that immigration officer may direct”;

20 (c) by deleting the words “, or refuses to re-embark any person,” in subsection (4)(c) and substituting the words “or refuses to re-embark any person, or refuses or neglects to remove the person from Singapore in accordance with subsection (3),”; and

25 (d) by deleting subsection (5) and substituting the following subsection:

30 “(5) Where any person either disembarks in Singapore or refuses or neglects to return to his vessel in contravention of this section or to board such other vessel as may be directed by an immigration officer, the immigration officer or any police officer may require that person to return to his vessel or board such other vessel and may take such steps, including the use of force, as may be reasonably necessary to compel that person to

return or board, as the case may be, and the master, owner, agent or charterer of the relevant vessel shall be bound to re-embark or embark, as the case may be, that person and to remove him from Singapore.”.

5 **Amendment of section 25**

17. Section 25 of the Immigration Act is amended —

- (a) by inserting, immediately after the words “in Singapore” in subsection (1), the words “, whether or not he enters Singapore,”;
- 10 (b) by deleting the words “same aircraft” in subsection (3) and substituting the words “same or such other aircraft, to his place of embarkation, the country of his birth or citizenship or such other destination, as that immigration officer may direct”;
- 15 (c) by inserting, immediately after the words “from Singapore” in subsection (4)(d), the words “in accordance with subsection (3)”;
- (d) by inserting, immediately after the words “the immigration officer” in subsection (5), the words “or any police officer”.

20 **Amendment of section 25A**

18. Section 25A of the Immigration Act is amended —

- (a) by inserting, immediately after the words “in Singapore” in subsection (1), the words “, whether or not he enters Singapore,”;
- 25 (b) by deleting the words “same train” in subsection (3) and substituting the words “same or such other train, to his place of embarkation, the country of his birth or citizenship or such other destination, as that immigration officer may direct”;
- 30 (c) by inserting, immediately after the words “from Singapore” in subsection (4)(d), the words “in accordance with subsection (3)”;

(d) by inserting, immediately after the words “the immigration officer” in subsection (5), the words “or any police officer”.

Amendment of section 26

5 **19.** Section 26(1) of the Immigration Act is amended by inserting, immediately after the words “in such form”, the words “and manner and containing such particulars”.

Amendment of section 29

20. Section 29 of the Immigration Act is amended —

10 (a) by deleting the words “Government medical officer” in subsections (1), (2) and (3) and substituting in each case the words “registered medical practitioner”; and

(b) by deleting subsection (8) and substituting the following subsection:

15 “(8) In this section, “registered medical practitioner” means a medical practitioner registered under the Medical Registration Act (Cap. 174) who is employed in any hospital or medical institution and is designated by name or office by the Controller in writing for the purposes of this section.”.

20 Deletion and substitution of heading to Part VA

21. Part VA of the Immigration Act is amended by deleting the Part heading and substituting the following Part heading:

“OBLIGATIONS RELATING TO IDENTIFYING INFORMATION OR PASSENGER INFORMATION”.

25 Amendment of section 36A

22. Section 36A of the Immigration Act is amended —

30 (a) by deleting the words “, includes providing access to the identifying information” in the definition of “disclose” and substituting the words “or in relation to passenger information, includes providing access to the identifying information or passenger information”; and

(b) by deleting the full-stop at the end of the definition of “identifying information” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

5 ““passenger information” means the information relating to a passenger on board an aircraft, a vessel or a train provided to the Controller or any immigration officer pursuant to any provision of this Act.”.

Amendment of section 36B

10 **23.** Section 36B of the Immigration Act is amended —

(a) by inserting, immediately after the words “identifying information” in subsections (1)(a) and (b), (2)(f) and (3), the words “or passenger information”;

15 (b) by inserting, immediately after paragraph (i) of subsection (2), the following paragraph:

 “(ia) preventing, detecting or investigating criminal or terrorist activities or activities which may be prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services;”; and

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(c) by deleting the section heading and substituting the following section heading:

“Authorising access to or disclosure of identifying information and passenger information”.

Amendment of section 36C

25 **24.** Section 36C of the Immigration Act is amended —

(a) by inserting, immediately after the words “identifying information” wherever they appear in subsections (1) and (2), the words “or passenger information”; and

30 (b) by deleting the section heading and substituting the following section heading:

“Accessing or disclosing identifying information or passenger information”.

Amendment of section 46

25. Section 46(1) of the Immigration Act is amended —

- 5 (a) by deleting the word “or” at the end of paragraph (a);
- (b) by deleting the words “, aircraft or train” in paragraph (b);
- (c) by deleting the words “section 19, 20, 24, 25 or 25A,” in paragraph (b) and substituting the words “section 19, 20 or 24; or”; and
- 10 (d) by inserting, immediately after paragraph (b), the following paragraph:

15 “(c) arrives at any authorised airport or train checkpoint in Singapore from any aircraft or train, as the case may be, and is required to leave or depart from Singapore under section 25 or 25A, as the case may be,”.

Amendment of section 49

20 **26.** Section 49 of the Immigration Act is amended by deleting the words “76 tons” in subsection (1) and in the section heading and substituting in each case the words “200 tons”.

Amendment of section 55

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

- 25 (a) by deleting the words “or pass” in paragraph (j) and substituting the words “, pass, Singapore visa or document issued or to be issued under this Act or the regulations and the processing of any application for the issue of such entry permit, re-entry permit, certificate, pass, Singapore visa or document”;
- 30 (b) by inserting, immediately after paragraph (j), the following paragraph:

- 5 “(ja) prescribing different fees for different classes of applicants for any entry permit, re-entry permit, certificate, pass, Singapore visa or document issued or to be issued under this Act or the regulations, and any application fee so prescribed need not bear any relationship to the cost of issuing or processing the entry permit, re-entry permit, certificate, pass, Singapore visa or document;”; and
- 10 (c) by deleting the word “and” at the end of paragraph (k), and by inserting immediately thereafter the following paragraph:
- 15 “(ka) prescribing the penalties for the late payment of any fees prescribed under the regulations; and”.

Amendment of section 57

28. Section 57 of the Immigration Act is amended —

- (a) by deleting the word “or” at the end of subsection (1)(k);
- 20 (b) by deleting the comma at the end of paragraph (l) of subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:
- 25 “(m) makes or has in his possession, without lawful authority, or traffics in any electronic template, stamp, seal, plate, paraphernalia or other instrument knowing that the electronic template, stamp, seal, plate, paraphernalia or instrument is or is intended to be used for forging or unlawfully altering any endorsement made under this Act or the regulations on any
- 30 passport, entry or re-entry permit, pass, Singapore visa or certificate or other document issued or to be issued under this Act or the regulations; or

5 (*n*) makes or has in his possession, without lawful authority, or traffics in any device, machine, paper, material or other thing knowing that the device, machine, paper, material or thing is or has been specially designed or adapted for making a forged entry or re-entry permit, pass, Singapore visa or certificate or other document issued under this Act or the regulations,”;

(*c*) by deleting the word “and” at the end of subsection (1)(v);

10 (*d*) by deleting the full-stop at the end of paragraph (vi) of subsection (1) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

15 “(vii) in the case of an offence under paragraph (*m*) or (*n*), shall be liable on conviction to a fine not exceeding \$8,000 or to imprisonment for a term not exceeding 5 years or to both.”; and

(*e*) by inserting, immediately after subsection (12), the following subsections:

20 “(12A) Where, in any proceedings for an offence under subsection (1)(*m*) of possession without lawful authority of any electronic template, stamp, seal, plate, paraphernalia or instrument, it is proved —

25 (*a*) that the electronic template, stamp, seal, plate, paraphernalia or instrument was in the custody or under the control of the defendant when it was used for forging or unlawfully altering an endorsement referred to in that subsection; or

30 (*b*) that the defendant had in his possession the electronic template, stamp, seal, plate, paraphernalia or instrument which had been specially designed or adapted for forging or unlawfully altering an endorsement referred to in that subsection,

35 it shall be presumed, until the contrary is proved, that the defendant knew that the electronic template, stamp, seal,

plate, paraphernalia or instrument, as the case may be, was or would be used to forge or unlawfully alter an endorsement referred to in that subsection.

(12B) Where, in any proceedings for an offence under subsection (1)(n) of possession without lawful authority of any device, machine, paper, material or thing, it is proved —

(a) that the device, machine, paper, material or thing was in the custody or under the control of the defendant when it was used to make the forged entry or re-entry permit, pass, Singapore visa or certificate or other document issued under this Act or the regulations; or

(b) that the defendant had in his possession the device, machine, paper, material or thing which had been specially designed or adapted for making a forged entry or re-entry permit, pass, Singapore visa or certificate or other document issued under this Act or the regulations,

it shall be presumed, until the contrary is proved, that the defendant knew that the device, machine, paper, material or thing, as the case may be, was or had been specially designed or adapted for making a forged entry or re-entry permit, pass, Singapore visa or certificate or other document issued under this Act or the regulations.

(12C) For the purposes of subsection (1)(m) and (n), “traffic”, in relation to any thing, means —

(a) to sell, deliver or distribute that thing; or

(b) to offer to do or to cause to be done any act mentioned in paragraph (a) in relation to that thing.”.

New section 57C

29. The Immigration Act is amended by inserting, immediately after section 57B, the following section:

“Marriage of convenience

57C.—(1) Any person who contracts or otherwise enters into a marriage —

5 (a) knowing or having reason to believe that the purpose of the marriage is to assist one of the parties to the marriage to obtain an immigration advantage; and

10 (b) where any gratification, whether from a party to the marriage or another person, is offered, given or received as an inducement or reward to any party to the marriage for entering into the marriage,

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.

15 (2) Any person who arranges or otherwise assists in arranging a marriage between 2 other persons, with the intention of assisting one of the parties to the marriage to obtain an immigration advantage, 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.

20 (3) This section shall apply to a marriage entered into whether in Singapore or outside Singapore.

25 (4) In any proceedings for an offence under subsection (1) or (2), it shall be a defence for the person charged with the offence to prove that, although one purpose of the marriage was to assist a party to the marriage to obtain an immigration advantage, the defendant believed on reasonable grounds that the marriage would result in a genuine marital relationship.

30 (5) For the purposes of subsection (4), what constitutes a genuine marital relationship is a question of fact and the court shall have regard to all the circumstances of the case in determining the question.

(6) In this section —

“gratification” includes —

- (a) money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable;
- 5 (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability whatsoever, whether in whole or in part; and
- 10 (d) any other service, favour or advantage of any description whatsoever;
- “immigration advantage”, in relation to a party to a marriage, means the grant or extension of the validity of any visa, pass, permit or re-entry permit under this Act or the regulations or any order made thereunder for that party or for a child or parent of that party.”.
- 15

Amendment of section 61

30. Section 61 of the Immigration Act is amended —

- (a) by inserting, immediately before the word “fines”, the words “rates and”; and
- 20 (b) by inserting, immediately before the word “fines” in the section heading, the word “rates,”.

Related amendments to Customs Act

31. The Customs Act (Cap. 70) is amended —

- (a) by repealing section 98 and substituting the following section:
- 25

“Director-General may charge rates, etc.

- 98.**—(1) Where, upon the application of a person having the possession and management of any place (referred to in this section as the applicant), that place or any part thereof —
- 30

- 5 (a) is determined by the Director-General under section 31(1)(a)(ii) to be an authorised pier or place in Singapore reserved for the separate and exclusive import, export and transhipment by sea of goods by a particular person or class of persons associated with the applicant;
- 10 (b) is prescribed by regulations under section 143 to be a customs airport reserved for the separate and exclusive import, export and transhipment by air of goods by a particular person or class of persons associated with the applicant; or
- 15 (c) is prescribed by regulations under section 143 to be a customs office or a customs station reserved for the separate and exclusive import, export and transhipment of goods by a particular person or class of persons associated with the applicant,

20 the Director-General may, with the approval of the Minister, require the applicant to pay to the Director-General a rate at such intervals and at such amount or rate as may be prescribed, for or in connection with acts required by or under this Act to be done by officers of customs at that place or part thereof.

25 (2) The number of officers of customs to be deployed at any authorised pier or place or at any customs airport, customs office or customs station referred to in subsection (1) shall be determined at the discretion of the Director-General.

30 (3) In this section and section 143, any reference to the separate and exclusive import, export and transhipment of goods includes a reference to the separate and exclusive import, export and transhipment of goods carried out only during a particular period or periods in a day by a particular person or class of persons.

35

5 (4) Any sum purportedly determined and collected by
 the Director-General before the date of commencement
 of section 31(a) of the Immigration (Amendment) Act
 2012 at any customs airport reserved for the separate and
 exclusive import, export and transshipment by air of
 goods by a particular person or class of persons
 associated with the applicant shall be deemed to have
 been, by force of this section, validly imposed as a rate
 10 under this section as if this section was in force at the
 material time; and no legal proceedings shall be
 instituted on or after 9th July 2012 in any court on
 account of or in respect of any collection of these sums
 by the Director-General.”;

15 (b) by deleting paragraphs (d) and (e) of section 143(1) and
 substituting the following paragraphs:

“(d) to prescribe customs offices and customs
 stations, either generally or for the separate and
 exclusive import, export and transshipment of
 goods by a particular person or class of
 20 persons;

(e) to prescribe customs airports for the import,
 export and transshipment of dutiable goods by
 air, either generally or for the separate and
 exclusive import, export and transshipment by a
 25 particular person or class of persons;”;

(c) by deleting paragraph (sb) of section 143(1) and
 substituting the following paragraph:

“(sb) to prescribe the fees to be paid for any
 declaration, or any application for or grant of
 30 any licence, permit, authorisation, approval or
 registration, or for any other matter or thing
 done under this Act by officers of customs, and
 for any service rendered by officers of customs
 which is not required to be done under this Act,
 35 and to provide for the circumstances in which

such fees or any part thereof may be refunded;” and

(d) by deleting paragraph (w) of section 143(1).

Savings and transitional provision

- 5 **32.** For a period of 2 years after the date of commencement of this section, the Minister may by regulations prescribe such provisions of a savings or transitional nature consequent on the enactment of any provision of this Act as he may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Immigration Act (Cap. 133) for the following main purposes:

- (a) to provide that appeals to the Minister under certain sections of the Act may be heard by the Second Minister for Home Affairs (if any), or a Minister of State, whom the Minister has authorised to hear appeals under those sections in place of the Minister;
- (b) to empower the Minister, in his declaration of any immigration control post, landing place, authorised point of entry, authorised departing place or authorised point of departure, to specify that it is such for only certain hours in a day, and to require a rate to be paid, in certain circumstances, in connection with immigration clearance performed by immigration officers;
- (c) to empower the Minister to require the owner or occupier of any premises, within which an authorised area is located, to provide, at the latter’s cost, certain facilities and resources in the premises or to the immigration officers and to give written directions to such owner and occupier as may be necessary;
- (d) to confer a discretion on an immigration officer to require a person, not being a Singapore citizen or an exempted person, to submit a completed embarkation form to him when the person departs from Singapore;
- (e) to align section 8(3)(b) with Article 14 of the United Nations Convention on the Rights of Persons with Disabilities;
- (f) to empower the Controller of Immigration (the Controller) to impose any condition as he thinks fit when issuing a re-entry permit and to

vary or revoke any condition or impose further conditions after the issuance of the re-entry permit;

- (g) to criminalise the failure of a master of a vessel which arrives in or is about to leave Singapore to stop if so ordered by any immigration officer or police officer;
- (h) to provide for the time within and the manner in which particulars of information are required to be furnished by the captain, master, owner, agent or charterer of a relevant vessel, aircraft or train which is arriving at, leaving or due to leave Singapore to an immigration officer, to be prescribed;
- (i) to require the captain, master, owner, agent or charterer of a relevant vessel, aircraft or train which is due to arrive in Singapore to furnish such particulars of information within such time in advance of the arrival of the vessel, aircraft or train in Singapore in such form and manner as may be prescribed;
- (j) to empower the Minister to authorise specified persons to have access to or make disclosure of specified passenger information to other specified persons for specified purposes;
- (k) to empower the Minister to make regulations to prescribe certain fees;
- (l) to extend the power to seize, detain and forfeit vessels from vessels below 76 tons to vessels below 200 tons;
- (m) to criminalise the making or possession, without lawful authority, of or trafficking in any electronic template, stamp, seal, plate, paraphernalia or other instrument knowing that the item is or is intended to be used for forging or unlawfully altering any endorsement made under the Act or regulations on any passport, entry or re-entry permit, pass, Singapore visa or certificate or other document issued or to be issued under the Act or regulations;
- (n) to criminalise the making or possession, without lawful authority, of or trafficking in any device, machine, paper, material or other thing knowing that the item is or has been specially designed or adapted for making a forged entry or re-entry permit, pass, Singapore visa or certificate or other document issued under the Act or regulations; and
- (o) to criminalise marriages of convenience entered into for the purpose of assisting one of the parties to the marriage to obtain an immigration advantage.

The Bill also makes related amendments to the Customs Act (Cap. 70).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 —

- (a) to insert new definitions of “advance passenger information”, “arrive”, “authorised area”, “document” and “electronic record” and to amend the definition of “leave”; and
- (b) to provide that for the purposes of sections 8(6), 10(5), 11(6), 14(6), 29(7) and 33, any reference to the Minister is to include a reference to the Minister’s designates. This can be the Minister who has been designated by the Prime Minister as Second Minister for Home Affairs (if any) or any Minister of State, if authorised by the Minister to hear any appeal under any of those sections in place of the Minister. Section 39A is amended as a consequence.

Clause 3 amends section 5 to allow the Minister, when declaring any immigration control post, landing place, authorised point of entry, authorised departing place or authorised point of departure, to specify that it or any part thereof will be for such period or periods in any day, and also declare, upon the application of any person, that such place or any part thereof is for the separate and exclusive use of the applicant or any particular person or class of persons associated with or as permitted by the applicant. This is to allow for carrying out of immigration clearance on an exclusive basis, or on a general basis for a limited time. In the case of exclusive immigration clearance, the Controller, with the approval of the Minister, may further require that the applicant pay a rate for or in connection with immigration clearance performed by immigration officers at that place or part thereof. The clause further amends section 5 to insert a new subsection (7) which provides that the number of immigration officers to be deployed to such place or part thereof is at the discretion of the Controller.

Clause 4 introduces a new section 5B.

The new subsection (1) empowers the Minister to require the relevant owner or occupier of any premises within which an authorised area is located to provide, at the latter’s cost, facilities and resources in the premises necessary for the proper, secure and efficient functioning of the authorised area (including facilities to the immigration officers stationed within or at the boundary of the authorised area) and to permit the establishment of immigration offices within the premises.

The new subsection (2) empowers the Minister to give such written directions to the relevant owner or occupier as may be necessary to ensure compliance with the Act and regulations or for the proper, secure and efficient functioning of the authorised area.

The new subsection (3) provides that the relevant owner or occupier must comply with the written notices or directions referred to in subsections (1) and (2), respectively.

The new subsection (4) makes it an offence for any relevant owner or occupier to fail to comply with subsection (3).

The new subsection (5) provides that where a body corporate is found guilty of an offence under the new subsection (4), any director, manager, secretary or other similar officer of the body corporate or person who acted in any such capacity, who had approved the commission of such offence, will also be guilty of that offence.

The new subsection (6) provides the definition of “owner”.

Clause 5 amends section 6(2) to provide that every non-citizen of Singapore departing from Singapore, who is not exempt needs to submit a duly completed embarkation form to an immigration officer for examination when he departs from Singapore, only if he is so required by the immigration officer.

Clause 6 amends section 8(3) to remove any person suffering from mental disorder or being a mental defective as a prohibited immigrant. This is to align section 8(3)(b) with Article 14 of the United Nations Convention on the Rights of Persons with Disabilities.

Clause 7 amends section 10(4) to provide that before the Controller revokes any condition in an entry permit, the Controller must notify the holder of the entry permit of his intention to do so and must give the holder an opportunity to be heard as to why the condition of his entry permit should not be revoked.

Clause 8 amends section 11 by deleting subsection (3) and replacing it with new subsections (3) to (6) that set out the process of varying, revoking re-entry permit conditions or of imposing additional conditions.

The new subsection (3) empowers the Controller to impose any condition as he thinks fit when issuing a re-entry permit or varying or revoking any condition or imposing further conditions after the issuance of the re-entry permit.

The new subsection (4) states that the Controller’s power to vary, revoke or impose any condition under the new subsection (3)(b) may be exercised whether or not he is entitled to cancel the re-entry permit under the Act.

The new subsection (5) provides that before varying, revoking or imposing any condition on a re-entry permit under the new subsection (3)(b), the Controller must give the holder of the re-entry permit an opportunity to be heard as to why the condition of his re-entry permit should not be varied or revoked or the additional condition should not be imposed.

The new subsection (6) provides an avenue to any person aggrieved by the Controller’s decision under section 11 to appeal by petition in writing to the Minister, whose decision is final.

Clause 9 amends section 17 by replacing subsection (3) and making a consequential amendment to the section heading. The new subsection (3) provides that the master of every vessel which arrives in or is about to leave Singapore must, if ordered to do so by a police officer or an immigration officer, stop, anchor or tie up his vessel at such place as may be ordered, and must

remain there until a police officer or an immigration officer gives him permission to leave. The new subsection (3) in effect extends the powers of an immigration officer under existing subsection (3) to a police officer and makes clear that the master of a vessel may be ordered to stop his vessel (in addition to anchoring or tying up his vessel).

Clause 10 amends section 22(1) and (2) and the section heading to provide that the master, owner, agent or charterer of a vessel arriving at any authorised landing place for persons arriving in Singapore by sea or leaving or due to leave any authorised departing place for persons leaving Singapore by sea must furnish information relating to the members of the crew and passengers to an immigration officer within such time, in such form and manner and containing such particulars as may be prescribed.

Clause 11 introduces a new section 22A.

The new subsection (1) provides that the master, owner, agent or charterer of a vessel which is due to arrive at any authorised landing place in Singapore must, on being given reasonable prior notice in writing by the Controller to comply with the new section 22A, furnish information relating to the members of the crew and passengers to the Controller within such time prior to the arrival of the vessel at the authorised landing place, in such form and manner and containing such particulars as may be prescribed.

The new subsection (2) states that the Controller may, at any time, by notice in writing to the master, owner, agent or charterer of a vessel, revoke the notice given to him under subsection (1).

The new subsection (3) provides that the master, owner, agent or charterer of a vessel who contravenes the new subsection (1) is guilty of an offence.

The new subsection (4) provides that any master, owner, agent or charterer of a vessel who is required to comply with the new section 22A need not comply with certain provisions of section 22 unless so required by an immigration officer.

Clause 12 amends section 23(1) and the section heading to provide that the captain, owner, agent or charterer of an aircraft arriving at, leaving or due to leave any airport in Singapore must furnish information relating to the members of the crew and passengers to an immigration officer within such time, in such form and manner and containing such particulars as may be prescribed.

Clause 13 introduces a new section 23AA.

The new subsection (1) provides that the captain, owner, agent or charterer of an aircraft which is due to arrive at any airport in Singapore must, on being given reasonable prior notice in writing by the Controller to comply with the new section 23AA, furnish information relating to the members of the crew and passengers to the Controller within such time prior to the arrival of the aircraft at

the airport, in such form and manner and containing such particulars as may be prescribed.

The new subsection (2) states that the Controller may, at any time, by notice in writing to the captain, owner, agent or charterer of an aircraft, revoke the notice given to him under subsection (1).

The new subsection (3) provides that the captain, owner, agent or charterer of an aircraft who contravenes the new subsection (1) is guilty of an offence.

The new subsection (4) provides that any captain, owner, agent or charterer of an aircraft who is required to comply with the new section 23AA need not comply with certain provisions of section 23 unless so required by an immigration officer.

Clause 14 amends section 23A(1) and (2) and the section heading to provide that the master, owner, agent or charterer of a train arriving at, leaving or due to leave any train checkpoint in Singapore must, if so required by an immigration officer, furnish information relating to the members of the crew and passengers to that immigration officer within such time, in such form and manner and containing such particulars as may be prescribed.

Clause 15 introduces a new section 23B.

The new subsection (1) provides that the master, owner, agent or charterer of a train which is due to arrive at any train checkpoint in Singapore must, on being given reasonable prior notice in writing by the Controller to comply with the new section 23B, furnish information relating to the members of the crew and passengers to the Controller within such time prior to the arrival of the train at the train checkpoint, in such form and manner and containing such particulars as may be prescribed.

The new subsection (2) states that the Controller may, at any time, by notice in writing to the master, owner, agent or charterer of a train, revoke the notice given to him under subsection (1).

The new subsection (3) provides that the master, owner, agent or charterer of a train who contravenes the new subsection (1) is guilty of an offence.

The new subsection (4) provides that any master, owner, agent or charterer of a train who is required to comply with the new section 23B need not comply with certain provisions of section 23A unless so required by an immigration officer.

Clause 16(a) amends section 24(1) to provide that every person arriving by sea in Singapore, whether or not he is seeking to enter Singapore, must appear before an immigration officer at such time and place as that officer may direct.

Clause 16(b) amends section 24(3) to empower an immigration officer to require the master, owner, agent or charterer of the vessel in which a person arrived in Singapore, to remove that person from Singapore by the same vessel

to his place of embarkation or the country of his birth or citizenship or to such other destination or by such other vessel as that officer may direct, if that person is prohibited from entering Singapore. Further, clause 16(c) makes it an offence for the master, owner, agent or charterer to fail to remove the person in accordance with the direction of the immigration officer.

Clause 16(d) amends section 24(5) to provide that where any person disembarks in Singapore or refuses or neglects to return to his vessel in contravention of section 24 or another vessel as directed by an immigration officer, the immigration officer or any police officer may take steps as may be reasonably necessary to compel that person to return or board the vessel, and the master, owner, agent or charterer of the vessel will be bound to re-embark that person and to remove him from Singapore.

Clause 17(a) amends section 25(1) to provide that every person arriving by air at any authorised airport in Singapore, whether or not he is seeking to enter Singapore, must appear before an immigration officer at such time and place as that officer may direct.

Clause 17(b) amends section 25(3) to empower an immigration officer to require the captain, owner, agent or charterer of the aircraft in which a person arrived in Singapore, to remove that person from Singapore by the same aircraft to his place of embarkation or the country of his birth or citizenship or to such other destination or by such other aircraft as that officer may direct, if that person is prohibited from entering Singapore. Further, clause 17(c) makes it an offence for the captain, owner, agent or charterer to fail to remove the person in accordance with the direction of the immigration officer.

Clause 17(d) amends section 25(5) to provide that where any person leaves the precincts of an airport in contravention of section 25 or refuses to leave and depart from Singapore in accordance with the instructions of an immigration officer, the immigration officer or any police officer may take steps as may be reasonably necessary to compel that person to return to the precincts of the airport or to comply with those instructions.

Clause 18(a) amends section 25A(1) to provide that every person arriving by train at any authorised train checkpoint in Singapore, whether or not he is seeking to enter Singapore, must appear before an immigration officer at such time and place as that officer may direct.

Clause 18(b) amends section 25A(3) to empower an immigration officer to require the master, owner, agent or charterer of the train in which a person arrived in Singapore, to remove that person from Singapore by the same train to his place of embarkation or the country of his birth or citizenship or to such other destination or by such other train as that officer may direct, if that person is prohibited from entering Singapore. Further, clause 18(c) makes it an offence for the master, owner, agent or charterer to fail to remove the person in accordance with the direction of the immigration officer.

Clause 18(*d*) amends section 25A(5) to provide that where any person leaves the precincts of an authorised train checkpoint in contravention of section 25A or refuses to leave and depart from Singapore in accordance with the instructions of an immigration officer, the immigration officer or any police officer may take such steps as may be reasonably necessary to compel that person to return to the precincts of the checkpoint or to comply with those instructions.

Clause 19 amends section 26(1) to empower the Controller to prescribe the form, manner and particulars of the information required to be furnished by a person who enters Singapore by land to an immigration officer.

Clause 20 amends section 29 by replacing the words “Government medical officer” with the words “registered medical practitioner” and by defining the latter term.

Clause 21 amends the heading to Part VA of the Act as a consequence of amendments in clause 23 dealing with passenger information.

Clause 22 amends section 36A to amend the definition of “disclose” and to provide for the definition of “passenger information”.

Clause 23(*a*) amends subsections (1), (2)(*f*) and (3) of section 36B by inserting the words “passenger information” to empower the Minister to authorise a specified person to have access to or make disclosure of certain passenger information to another specified person for the purposes specified in section 36B(2).

Clause 23(*b*) inserts a new paragraph (*ia*) in section 36B(2) under which the Minister may authorise a specified person to have access to or make a disclosure of identifying information or passenger information for the purpose of preventing, detecting or investigating criminal or terrorist activities or activities which may be prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services.

Clause 23(*c*) amends the section heading of section 36B to better describe the matters covered by that section.

Clause 24(*a*) amends subsections (1) and (2) of section 36C to make it an offence for a person to access passenger information for a purpose without due authorisation or, by his conduct, to cause disclosure of passenger information for a purpose which is not specified in section 36B(2).

Clause 24(*b*) amends the section heading of section 36C to better describe the matters covered by that section.

Clause 25 amends section 46(1) to provide that in the event a person arrives at any authorised airport or train checkpoint in Singapore from any aircraft or train, as the case may be, and is required to leave or depart from Singapore under section 25 or 25A, the master, owner, agent and charterer of such aircraft or train, as the case may be, are jointly and severally liable for all expenses

incurred by the Government in respect of the detention and maintenance of the person and his removal from Singapore.

Clause 26(1) amends section 49(1) and the section heading thereto to extend the power to seize, detain and forfeit vessels under that section from vessels below 76 tons to vessels below 200 tons.

Clause 27(a) amends section 55(1)(j) to empower the Minister to make regulations prescribing the fees to be charged on the processing of any application for and the issue of any entry permit, re-entry permit, certificate, pass, Singapore visa and document under the Act or regulations.

Clause 27(b) and (c) amends section 55(1) by inserting new paragraphs (ja) and (ka) to, respectively, empower the Minister to make regulations —

- (a) prescribing different fees for different classes of applicants for any entry permit, re-entry permit, certificate, pass, Singapore visa and document issued or to be issued under the Act or regulations; and
- (b) prescribing the penalties for the late payment of any fees prescribed under the regulations.

Clause 28 amends section 57 —

- (a) by amending subsection (1) to criminalise the —
 - (i) making or possession, without lawful authority, of or trafficking in any electronic template, stamp, seal, plate, paraphernalia or other instrument knowing that the item is or is intended to be used for forging or unlawfully altering any endorsement made under the Act or regulations on any passport, entry or re-entry permit, pass, Singapore visa or certificate or document issued or to be issued under the Act or regulations; and
 - (ii) making or possession, without lawful authority, of or trafficking in any device, machine, paper, material or other thing knowing that the item is or has been specially designed or adapted for making a forged entry or re-entry permit, pass, Singapore visa or certificate or document issued under the Act or regulations;
- (b) by amending subsection (1) to set out the penalty to be imposed on any person who is convicted of committing any of the offences referred to in subsection (1)(m) and (n);
- (c) by inserting new subsections (12A) and (12B) which set out certain presumptions against a person in relation to the offences referred to in subsection (1)(m) and (n), respectively; and

(d) by inserting new subsection (12C) which defines “traffic” for the purposes of subsection (1)(m) and (n).

Clause 29 introduces a new section 57C to make it an offence to enter into a marriage of convenience, whether in Singapore or overseas, with the purpose of obtaining an immigration advantage for one party to the marriage or a child or parent of that party. One party to the marriage must have been offered or given or received gratuity as a reward or inducement for entering into the marriage. It is also an offence for a third party to arrange or assist in arranging a marriage of convenience. It is a defence for a person charged with an offence under the section to prove that, although one purpose of the marriage was to assist a party to obtain an immigration advantage, he believed on reasonable grounds that the marriage would result in a genuine marital relationship.

What constitutes a genuine marital relationship is a question of fact for the court to determine. The court will have regard to all the circumstances of the case in determining this question of fact. The court might, for example, take into account factors such as whether the marriage was consummated, whether the parties lived together after the marriage, the length and nature of the relationship between the parties before the marriage and whether the gratuity given or received is a genuine betrothal gift, or dowry or an expression of affection between the parties. In addition, other relevant factors that the court could consider may be the contributions made by each of the parties to the marriage or to the welfare of the family and the joint acquisition by the parties of any property or the matrimonial home.

Clause 30 makes consequential amendments to section 61 arising from the new section 5(1A) and (3A) inserted *vide* clause 3(a) and (b), respectively.

Clause 31 makes related amendments to the Customs Act (Cap. 70) that mirror substantially the amendments in clause 3. The clause repeals and re-enacts section 98 of the Customs Act to provide for the charging of a rate akin to that referred to in the new section 5(6) of the Immigration Act inserted *vide* clause 3(c). The new section 98 also validates past collections purportedly under the Customs Act. The clause also makes consequential amendments to section 143(1) of the Customs Act.

Clause 32 is a savings and transitional provision.

EXPENDITURE OF PUBLIC MONEY

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