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THE REGISTRATION OF FOREIGNERS ACT, 1939

(XVI of 1939)

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TEXT

**THE REGISTRATION OF FOREIGNERS ACT, 1939
(XVI of 1939)**

[8th April, 1939]

**An
Act**

to provide for the Registration of Foreigners in ¹[Pakistan].

Whereas it is expedient to provide for the registration of foreigners entering, being present in, and departing from, ²[Pakistan].

It is hereby enacted as follows:—

1. Short title and extent.— (1) This Act may be called the Registration of Foreigners Act, 1939.

(2) It extends to ³[the whole of Pakistan].

2. Definitions.— In this Act—

(a) “foreigners” means a person who is not a Citizen of Pakistan.

(b) “prescribed” means prescribed & by rules made under this Act.

3. Power to make rules.— The Federal Government may, after previous publication, by notification in the official Gazette, make rules with respect the foreigners for any or all of the following purposes, that is to say—

(a) for requiring any foreigner entering, or being present in, ⁴[Pakistan] to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(b) for requiring any foreigner moving from one place to another place in ⁵[Pakistan] to report, on arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed ;

(c) for requiring any foreigner who is about to leave ⁶[Pakistan] to reopen the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed ;

¹Substituted by the Registration of Foreigners (Amendment) Act, 1949 (VIII of 1950), s.2, for “the Provinces and the Capital of the Federation” which was substituted, for “British India” by the Adaptation Order., 1949.

²ibid

³The original words “the whole of British India” have been amended by the A.O., 1949 and Act 8 of 1950, s.3, to read as above.

⁴Substituted by the Registration of Foreigners (Amendment) Act, 1949 (VIII of 1950), s.2, for “the Provinces and the Capital of the Federation” which was substituted, for “British India” by the A.O., 1949.

⁵ibid

⁶ibid

- (d) for requiring any foreigner entering, being present in, or departing from, ⁷[Pakistan] to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed ;
- (e) for requiring any person having the management of any hotel, boarding-house, sarai or any other premises of like nature to report the name of any foreigner residing therein for whether duration, to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;
- (f) For requiring any person having the management or control of any vessel or aircraft to furnish to a prescribed authority such information as may be prescribed regarding any foreigner entering, or intending to depart from, ⁸[Pakistan] in such vessel or aircraft, and to furnish to such authority such assistance as may be necessary or prescribed for giving effect to this Act;
- (g) for providing for such other incidental or supplementary matters as .may appear to the Federal Government necessary or expedient for giving effect to this Act.

4. Burden of proof.— If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner, or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of particular class or description, as the case may be, shall, notwithstanding anything contained in the Evidence Act, (I of 1872), lie upon such person.

5. Penalties.— Any person who contravenes, or attempts to contravene, or falls fails to comply with, any provision of any rule made under this Act shall be punished, if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, or if not a foreigner, with fine which may extend to five hundred rupees.

6. Power to exempt from application of Act.— The Federal Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner:

Provided that a copy of every such order shall be placed on the table of ⁹[* * *] the Federal Legislature as soon as may be after its promulgation.

7. Protection to persons acting under this Act.— No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this fact Act.

⁷Ibid

⁸Ibid

⁹The words "both houses of" omitted by the Adaptation of Central Acts and Ordinances Order 1949, w.e.f. 25.3.1949, entry No.231 of the Schedule.

8. Application of other laws not barred.— The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Foreigners Act, ¹⁰[1946], and any other law for the time being in force.

9. Application of Act to Acceding to states.— [Omitted by the Federal Law (Revision & Declaration) Ordinance XXVII of 1981].