

Foreigners Order, 1951

In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (XXXI of 1946) and in super session of the Foreigners Order, 1939, published in Notification No. 21/84/39 Poll, dated the 26th August, 1939 by the Home Department of the late Government of India and all notifications amending the same, the Central Government has been pleased to make the following order:-

1.Short title, commencement and extent

(1)This Order may be called Foreigner's Order, 1951.

(2)It extends to the whole of Pakistan.

(3)It shall come into force at once.

2.Definition.

In this Order-

(a)"Registration Officer" means Registration Officer appointed by the Central Government under rule 3 of the Registration of Foreigners Rules, 1939 and includes an authority authorised by a Registration Officer in writing to perform the duties of Registration Officer under this Order,

(b)"Civil authority" means such authority as may be appointed by the Central Government in this behalf for such area as it thinks fit, and

(c)"Port" includes and airport.

3.Power to grant or refuse permission to enter Pakistan

(1)No foreigner shall enter Pakistan otherwise than at a port or such place of entry on the borders of Pakistan as a Registration Officer having jurisdiction at such port or place may appoint in this behalf, or without the leave of the civil authority having jurisdiction at such port or place.

(2)Leave or enter shall be refused if the civil authority is satisfied that:-

(a)the foreigner is not in possession of a passport or visa valid for Pakistan or has not been exempted from the possession of passport or visa; or

(b)he is of unsound mind or is mentally defective;

(c)he is suffering from a loathsome or infectious disease in consequence of which, in the opinion of the medical officer of the port or the place of entry, as the case may be, his entry is likely to prejudice the public health: or

(d)he has been sentenced in a foreign country for an extradition offence within the meaning of the Extradition Act, 1903 (XV of 1903); or

(e)his entry is prohibited under an order issued by a competent authority or under the specific orders of the Central Government.

(3)The civil authority may attach such conditions as it thinks fit to the grant of leave to enter and such conditions may be varied in such a manner or cancelled as the Central Government deems fit.

(4)(a)Notwithstanding anything contained in sub-clause (1) to (3) or in the Passport Act, 1920 (XXXIV of 1920). or in the clauses made thereunder a civil authority may, in the interests of the public safety, prohibit the entry of any foreigner into Pakistan.

(b)Whenever the civil authority issues an order under clause (a) it shall report the matter forthwith to the Central Government which may cancel or modify the order in such manner as it thinks fit.

(5)Where leave or enter is refused to a foreigner, he may be detained at some place approved by the civil authority and may if he has come by sea, be placed temporarily on shore for that purpose, and whilst he is so detained he shall be deemed to be in legal custody and not to have entered Pakistan.

4.Landing of seamen, etc

(1)No seaman or member of the crew of an aircraft, being a foreigner shall land in Pakistan without a special permit from the Superintendent of Police or any other police-officer not below the rank of a Sub-Inspector or Sergeant:

Provided that if a member of the crew of an Air Line flight possessing a licence in the prescribed form or a valid Crew Member Certificate is allowed on a reciprocal basis entry in Pakistan without a passport or visa, he shall not require such permit for an initial stay of 72 hours, but if he stays beyond that period he shall obtain a special permit from the authorities concerned on completion of necessary formalities.

(2)No special permit shall be granted unless the owners or agents of the vessel or aircraft have undertaken either generally in respect of all members of the crews of vessels or aircraft belonging to or managed by them, or in respect of an individual case responsibility for the maintenance of such seaman or member of the crew as long as he is in Pakistan and for the expenses of his departure from Pakistan.

(3)For the purpose of this clause, "Seaman" means a person employed in, or engaged in working of a vessel.

(4)The provisions of this clause are in addition to, and not in derogation of, the provisions of rule 3.

5.Power to grant permission to depart from Pakistan.

(1) No foreigner shall leave Pakistan otherwise than at a port of such recognised place of departure on the borders of Pakistan as a Registration Officer having jurisdiction at such a port or place may appoint in this behalf, or without the leave of the civil authority having jurisdiction at such port or place.

(2) Leave shall be refused if the civil authority is satisfied that-

(a) the foreigner has failed to comply with the formalities of departure prescribed under the Registration of Foreigners Rules, 1939; or

(b) his presence is required in Pakistan to answer a criminal charge; or

(c) his departure will prejudice the relations of the Central Government with a foreign power; or

(d) his departure has been prohibited under an order issued by a competent authority.

(3) Notwithstanding anything contained in sub-clause (2) a civil authority may by an order prohibit the departure of a foreigner where it is satisfied that such departure would be contrary to the public interest.

(4) Whenever a civil authority makes prohibitory order under sub-clause (3) it shall send a copy thereof forthwith to the Central Government which may cancel or modify the order in such manner as it thinks fit.

6. Liability of master of vessel, etc, to remove a foreigner.

(1) permission A civil authority may require the master of the vessel or pilot of the aircraft in which a foreigner has arrived, or the owners or agents of that vessel or aircraft, as may be appropriate in the opinion of such civil authority, to remove a foreigner who has been refused permission to enter, who has entered Pakistan, without its permission; and the master, pilot, owner or agent, as the case may be, shall comply with such requisition.

(2) The master of a vessel or the pilot of an aircraft scheduled to call at any port outside Pakistan shall, if so required by the Central Government, receive a foreigner in respect of whom an order directing that he shall not remain in Pakistan has been made and his dependent, if any, on board the vessel or aircraft, as the case may be, and afford him then a passage to that part and proper accommodation and maintenance during the passage.

7. Restrictions on sojourn in Pakistan.

Every foreigner, not being a Commonwealth citizen other than a Citizen of India as defined in the British Nationality Act, 1948 (11, Geo. 6, Ch 56) or a tourist as defined in rule 2 of the Registration of Foreigners Rules, 1966, who enters or has entered Pakistan on the authority of a visa issued in pursuance of the Passport Act, 1920 (XXXIV of 1920.) shall obtain from the Registration Officer having jurisdiction at the place at which the said foreigner enter or has entered Pakistan a permit indicating the period during which he is authorised to remain in Pakistan and shall unless the period indicated in the permit is extended by the Central Government depart from Pakistan before the expiry of the said period and at the time of

foreigners departure from Pakistan the permit shall be surrendered by him to the Registration Officer having jurisdiction at the place from which he departs. The following classes of Indian Citizens shall be exempted from the provisions of clause 7 of the Foreigners Order, 1951, namely:

- (i) Persons visiting Pakistan on the authority of 'A' category visas of Pakistan.
- (ii) Persons visiting Pakistan on the authority of 'D' category visas for Pakistan.
- (iii) Transport workers visiting Pakistan on the authority of 'B' category visas for Pakistan.
- (iv) Persons visiting Pakistan for a period not exceeding 15 days.
- (v) Persons granted gratis or courtesy visas.

8. Prohibited Places.

(1) No foreigner shall, without the permission of the civil authority having jurisdiction at such place, visit or reside in any prohibited place as defined in the Official Secrets Act (XIX of 1923).

(2) Where any foreigner is at the commencement of this order residing in any prohibited place and is not permitted under sub-clause (1) to continue to reside there, he shall within such time as may be specified by the civil authority remove himself from such place.

(3) The civil authority impose on any, house-holder or other person in such prohibited place the obligation to report to the police or to any naval, military or airforce authority the presence of any foreigner in his house-hold or in any premises occupied by him or under his control and the departure of any such foreigner and such other particulars with respect to such foreigner as may be prescribed by such authority.

9. Protected areas.

(1) The Central Government or with prior sanction, a civil authority may by order declare any area to be a protected area for the purposes of this order.

(2) On such declaration, the civil authority may, as to any protected area, by order:-

(a) prohibit any foreigner or any class of foreigners from entering or remaining in the area.

(b) impose on any foreigner or class of foreigners from entering or being in the area such conditions or restrictions as it may think fit as to-

(i) reporting to the police or any naval, military or airforce authority;

(ii) surveying or making sketches or photographs;

(iii) the use or possession of any machine, apparatus, or other article of any description;

(iv)the acquisition of land or any interests in land within the area;

(v)any other matter or thing as to which it may deem it necessary in the interests of the public safety to impose conditions or restrictions;

(c)impose on any house-holder or other person the obligation to report to the police or any naval, military or airforce authority the presence of any foreigner in his house-hold or in any premises occupied by him or under his control and the departure of any such foreigners and such other particulars with respect to any such foreigner as may be prescribed by the Order:

Provided that the civil authority may, subject to any general or specified the direction of the Central Government grant to an individual foreigner a special permit exempting him from any or all of the conditions or restrictions imposed under this sub-clause.

10.Restrictions on employment.

No foreigner shall without the general or special permission in writing of the civil authority, enter any premises relating to, or be employed in, or in connection with-

(1)any undertaking for the supply to Government or to the public of light, petroleum, powers or water, or-

(2)Any other undertaking which may be specified by the Central Government in this behalf.

11.Powers to impose restrictions on movements, etc.

The civil authority may, by order in writing, direct that any foreigner shall comply with such condition as may be specified in the order in respect of-

(1)his place of residence,

(2)his movements,

(3)his association with persons of a description specified in the order, and

(4)his possession of such articles as may be specified in the order.

12.Power to remove foreigners from cantonments.

The military officer for the time being in command of the forces in a cantonment may by order in writing, direct any foreigner to remove himself from the cantonment within such time as may be specified in the order.

13.Power to close clubs and restaurants.

(1)A civil authority may direct that any premises in Its jurisdiction which in its opinion are used for the sale of refreshment to be consumed on the premises or as a place of public resort or entertainments, or as a club and which are or have recently been frequented by foreigners

shall be closed altogether or kept open only during such hours and for such purposes as may be permitted by the authority, if it was opinion either-

(a)the foreigner so frequently the premises are criminal or subversive association or otherwise undesirable; or

(b)the premises are conducted in a disorderly or improper manner prejudicial to the public order or interest and if any premises are kept open in contravention of any such direction the occupier or person having control of the premises shall be deemed to have acted in contravention of this order.

(2)Where any premises have been closed altogether or permitted to open only during such hours and for such purposes as aforesaid under this clause the occupier or person having control of the premises shall not occupy any other premises which are used for the sale of refreshments, or as a public resort or entertainment, or as a club without the consent of civil authority of the area in which the premises are situate,

(3)Any police officer if authorised by the civil authority, may, for the purposes of enforcing the provisions of this clause enter, if necessary, by force, and search or occupy any premises in respect of which an order under this clause has been made by the civil authority.

(4)Any action taken by a civil authority under sub-clause (1) to (3) above shall be reported forthwith to the Central Government which may cancel or modify such order in such manner as it deems fit.

14.Expenses of deportation.

Where an order is made in the case of any foreigner directing that he shall not remain in Pakistan or where a foreigner is refused permission to enter Pakistan or has entered Pakistan without permission the Central Government may, if it thinks fit, apply any money or property of the foreigner in payment of the who or part of the expenses of or incidental to the voyage from Pakistan and the maintenance until departure of the foreigner and his dependents, if any.

15.Power to arrest and detain.

If, in the opinion of the civil authority, it is necessary in the interest of the security of Pakistan so to do, the civil authority may arrest any foreigner without warrant, and, subject to the provisions of section 3, sub-section (2) clause (g), sub-section (3) and sub-section (4) Section 3 of the Foreigners Act, 1946, detain him for such time in such manner and at such place as the civil authority may consider suitable:

Provided that a report of such arrest and detention shall be forthwith forwarded to the Central Government with a statement of reasons therefor and the Central Government may cancel such order or modify the manner of such detention in such manner as it may deem fit.

15A.

A civil authority may order that a foreigner shall enter into a bond with or without sureties for the due observation of or as an alternative to the enforcement of any or all prescribed or specified restrictions and conditions.

15B.

Notwithstanding anything contained in order the Central Government or any authority authorised by them in that behalf may itself exercise all the powers and functions of a civil authority in a particular case or classes of cases.

16. Appearance in Court by persons on parole.

(1) No foreigner in respect of whom there is in force an order under clause (e) of sub-section (2) of Section 3 of the Foreigners Act, 1946 (XXXI of 1946) requiring him to reside in a place set apart for the residence under supervision of a number of foreigner shall be removed from such place for the purpose of appearance in any Civil Court or unless his attendance is required for the purpose of answering charge of an offence in any Criminal Court.

(2) If any Court the attendance of such foreigner is required for the purpose of answering a charge of an offence, the provisions of Section 37, 38, 40 and 41 of the Prisoners Act, 1900 (III of 1900), shall apply as if references in the said sections, to a prison, the officer in charge of a prison and the Provincial Government were references to such place, the commandant of such place and the Central Government respectively.

(3) If In any case the evidence of such foreigner is required for the purposes of any proceeding in any Civil Court, the provisions of Sections 44, 45 and 46 of the Prisoners Act, 1900 (III of 1900) shall apply as if references in the said sections to a prison and the officer in charge of a prison were reference to such place and the commandant of such place respectively, and as if in Section 44 the words and figures "who, for any of the causes mentioned in Section 42 or Section 43, cannot be removed" in clause (a) and clauses (b) and (c) were omitted.

(4) If any case the evidence of such foreigner is required in connection with any proceeding in a Criminal Court it may be obtained by the issue of a commission in accordance with the provision of Chapter XL of the Code of Criminal Procedure, 1898 (V of 1898).

(5) The provisions of Sections 47 to 51 of the Prisoners Act, 1900 (III of 1900), shall apply as if references in the said sections to a prison, the officers in charge of a prison and the Provincial Government were references to such place, the commandant of such place, and the Central Government respectively:

Provided that unless the Central Government makes rule of the nature described in the said Section 51, the rules in force in the Province in which such place is situated, shall *mutatis* and *mutandis* be applicable.