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THE NATIONAL ASSEMBLY
KINGDOM OF CAMBODIA

LAW ON IMMIGRATION

*This law has been adopted by the National Assembly of the Kingdom of Cambodia
on August 26th, 1994, during the Extraordinary Session of its First Legislature.*

CHAPTER I: GENERAL PROVISIONS

ARTICLE 1:

This law is for the purpose of administering all the aliens who come to stay in the territory of the Kingdom of Cambodia.

ARTICLE 2:

Shall be considered as alien any person who does not have a Cambodian nationality, without discrimination to his nationality, belief, religion or his place of origine.

ARTICLE 3:

This law shall be applicable for all aliens, except only for the case where it is required to comply with the norms of international treaties of which the Kingdom of Cambodia is a signatory party thereof, even though those aliens have establish their residences prior to this law coming into force.

ARTICLE 4:

For the purposes of the immigration and the admission to stay in Cambodia, aliens shall be divided into 3 types:

1. The non-immigrant aliens.
2. The immigrant aliens.
3. The immigrant aliens as private investors.

ARTICLE 5:

The administration of aliens falls within the competence of the Ministry of Interior. The Ministry of Interior shall organize a department to implement the immigration affairs.

ARTICLE 6:

The Ministry of Interior shall specify a procedure for the registration, the issuance and check and control of resident cards, the outgoing and incoming visas, laissez-passez and passports and other equivalent documents for aliens.

CHAPTER II : NON-IMMIGRANT ALIENS

ARTICLE 7:

Non-immigrant aliens are:

1. Officials working for foreign consulates or embassies or representatives of foreign missions, international experts and other persons coming to the Kingdom of Cambodia following the requests or agreements made with the Royal Government of Cambodia, including their families and staff members during their sojourns in Cambodia.
2. Military members, officers, civil servants, and foreign officials, students, and their families entering the Kingdom of Cambodia with the permission from the Royal Government of Cambodia.
3. Travelers in transit while awaiting for their means of transports before continuing their ways towards their final destinations. In such cases, their stays must not exceed one week except in the event of force majeure.
4. Tourists with their return tickets, and whose duration of sojourns shall be specified by a Sub-Decree.
5. Commercial representatives, bankers, and other businessmen entering the Kingdom of Cambodia for the purpose of establishing relationships in their respective businesses. In this above case their stays may not exceed 3 months. In other cases where justified by reasonable grounds, they may be allowed to extend their stays for a maximum of another 3 months, with the permission from the Royal Government of Cambodia.
6. Foreigners living along the borders connecting with the provinces of the Kingdom of Cambodia, who have received multiple permissions to cross the border. Conditions for the application of this paragraph 6 of the article 7, shall be specified by a Sub-Decree.
7. Travelers, ships' crews, and airline pilots in transit at sea-ports and airports, while getting their food supplies.
8. Foreigners fishing along the sea-coasts of Cambodia, with the permission from the Royal Government of Cambodia.

ARTICLE 8:

Non- immigrant aliens allowed to stay in the Kingdom of Cambodia:

1. shall be required to get incoming visas before hand from the Royal Government of Cambodia, either through any diplomatic authorities or Consulates of the Kingdom of Cambodia; or through any foreign authority which represents the interests of the Kingdom of Cambodia abroad. For persons in transit and ships' and aircraft's' crews, this permission shall be delivered to them by the competent authority of the Kingdom of Cambodia, at the time when they exit out of their ships or out of the airports.
2. shall bring with them their own passports or any other equivalent travel documents bearing incoming visas granted by the authorities specified in Sub-Paragraph 1 above.
3. shall pay visa fees, and airport's and maritime port's fees. The conditions for the payments of these fees shall be specified by a Sub-Decree.

ARTICLE 9:

Any non-immigrant alien who fails to fulfill the conditions as stipulated in article 8 of this Law, shall not be allowed to enter the Kingdom of Cambodia unless otherwise an authorization has been granted by the Royal Government.

For national security reasons, the competent authority may still forbid the entry into the country of non-immigrant aliens, even though all the conditions mentioned in Article 8 were all satisfied.

CHAPTER III: IMMIGRANT ALIENS

ARTICLE 10:

Aliens who could be considered as immigrants are:

1. Aliens who have legally reached the Kingdom of Cambodia in order to perform their professions or conduct activities relating to an industry, commerce, agriculture or services.
2. Those aliens who have not been included in any of the categories as mentioned in Article 7 of this Law.

ARTICLE 11:

Those immigrant aliens who have fulfilled the conditions mentioned in Article 8 of this law shall be allowed to stay in the Kingdom of Cambodia, but shall fulfill also the following obligations:

1. to show an aptitude which can provide economic, social, technical, scientific, or cultural benefits to the Kingdom of Cambodia.
2. to deposit an appropriate amount of money as a bond/guarantee necessary to pay for their return travel in the event of any eventual repatriation, and they shall have enough money to assure a self-sustained livelihood. The amount of money to be deposited above shall be specified by a Sub-Decree.
3. to have adequate physical capabilities to perform their own professions. Medical certificates issued by doctors of the countries from which the persons have emigrated must be provided along with written labor contracts.
4. to have certifications granted by the competent authorities of the countries they have come from.
5. For national security reasons, each immigrant alien shall also fulfill other necessary conditions as required by the Kingdom of Cambodia, even though he has already completed all the conditions as set forth in the above paragraphs.

ARTICLE 12:

The recognition of any alien as an immigrant alien, shall be decided by a Proclamation (Prakas) of the Ministry of Interior.

ARTICLE 13:

All immigrant or non-immigrant aliens authorized to come into the Kingdom of Cambodia, shall present themselves at the Immigration Police check points, both during their arrival and their departure. Every exit or entrance gateways for aliens shall be specified and governed by the Ministry of Interior.

ARTICLE 14:

All immigrant aliens shall present themselves at the Alien Office of the Municipal or Provincial Police Commissariats at the place where they are planning to stay, within 48 hours after their arrivals, to complete their Resident-Cards applications. Receipts shall be given to concerned persons after the submission of such applications.

ARTICLE 15:

In the event of a change of residence, immigrant aliens shall request, before moving out, for certification on their Resident-Cards from the Alien Office of the Municipal or Provincial Police Commissariats, at their initial place of residence. Furthermore, within 48 hours upon arrival at their new place of residence, alien immigrants shall fulfill the same formalities as set above.

ARTICLE 16:

This Resident Card must be shown during any search conducted by the competent authority of the Kingdom of Cambodia. This Resident Card may be removed from any holder, when he fails to comply with the provisions of this Law. In the event of such removal from any immigrant alien, such alien shall leave the territory of the Kingdom of Cambodia within 7 days. Depending on circumstances, this time-limit may be changed but not to exceed 3 months, by the Minister of Interior, upon the requests from the competent Municipal or Provincial Police Commissariat.

The withdrawal of the recognition of the alien as immigrant alien, shall be decided by a Proclamation (Prakas) of the Ministry of Interior.

ARTICLE 17:

In principles, foreigners may freely travel in the territory of the Kingdom of Cambodia. But, in necessary cases, the Minister of Interior may pronounce provisions prohibiting the traveling of foreigners, and to ban all immigrant or non-immigrant aliens from entering or residing in certain areas, or to leave away from those areas, or any other places within the Kingdom of Cambodia.

ARTICLE 18:

Owners or occupiers of all types of place of abode shall inform the competent authority within 24 hours, of the presence of any immigrant or non-immigrant aliens.

ARTICLE 19:

When accepting to offer job to any alien, employers are required to comply with the Labor Law of the Kingdom of Cambodia. The Ministry of Interior shall be empowered to conduct checks and controls, in collaboration with the Ministry of Social Welfare, Labor and Veteran Affairs, of the labor/working cards of foreign workers in every factory, enterprise, company and establishment .

ARTICLE 20:

The Municipal and Provincial Police Commissariats shall inform the Alien Department, of deaths and disappearances of immigrant aliens who residing within their respective jurisdictions.

ARTICLE 21:

The initial grant of the resident card shall be valid for a period of two years, and an extension may be applied for once every two years. The filling of the application forms for new resident cards or for the extension thereof, are to be done in front of the authorities as specified in Article 14 of this Law.

If the stay exceed the above period, the holders of the Resident-Cards who failed to apply for new resident cards, or for the extension thereof, shall then be considered as staying in an illegal conditions. The Ministry of Interior shall specify by a ministerial proclamation, of the actions to be taken relating to the administration, the issuance of the resident cards, and the applications and the conditions to be applied. Immigrant aliens shall pay fees/taxes for the issuance of the original resident cards or duplicates or equivalent documents in conformity with the specificities of the Sub-Decree.

ARTICLE 22:

The Municipal/Provincial Police Commissariats shall be responsible for the supervision of all foreigners who set up their residences or intend to settle down in areas within their respective jurisdictions.

ARTICLE 23:

Those immigrant aliens who intend to leave the Kingdom of Cambodia for some period of time shall request the permissions to leave and to return from the Ministry of Interior. In principles, this period of stay in foreign countries shall not exceed three months. But this period may be extended up to 6 months upon proof of reasonable grounds. The fees/taxes to be levied when delivering the exit and entry permits shall be specified in a Sub-Decree.

ARTICLE 24:

In the event of a return exceeding beyond the permitted period, the concerned person must reapply for an entry visa, and he shall be deemed for this purpose as a new arrival immigrant alien.

CHAPTER IV: IMMIGRANT ALIENS AS PRIVATE INVESTORS

ARTICLE 25:

Immigrant aliens as private investors are those foreigners entering into the Kingdom of Cambodia for the purpose of conducting investments under the provisions of the Law on Investment of the Kingdom of Cambodia.

ARTICLE 26:

Immigrant aliens as private investors are divided into two types, namely:

1. foreigners coming into Cambodia for conducting feasibility studies for their investments,
and

2. foreigners who have already received the "letters of investment approval" from the Cambodian Development Council.

ARTICLE 27:

Foreigners coming to Cambodia to conduct feasibility studies for their investments shall comply with the conditions as set forth in Chapter 3 on "Immigrant Aliens"; except their period of stay is for one year. Upon completion of the one year stay, if their investments in any particular field are not feasible, then they shall be allowed to withdraw their money so far deposited as bonds/guarantees. The withdrawal of such deposits terminates their rights to stay any further in the country.

ARTICLE 28:

Foreigners who have already received the "letters of investment approval" from the Cambodian Council of Development, including their own families, shall be allowed to stay in the Kingdom of Cambodia in conformity with the period stated in the "letters of investment approval"; Furthermore, such foreigners shall be entitled to hold the travel documents of the Kingdom of Cambodia.

The procedure for the application of this Article 28 shall be specified in a Sub-Decree.

CHAPTER V: PENALTIES

ARTICLE 29:

Any alien who without authorization, entered the Kingdom of Cambodia clandestinely or fraud or by any other illegal means whatsoever, contrary to the provisions of this Law, shall be subjected to imprisonment for three to six months prior to his being expelled out of the country.

Shall be subjected to the same jail sentence, those who assisted, or helped concealing, in order to bring those illegal foreigners entered without authorization into the Kingdom of Cambodia.

Any competent official or agent of the Royal Government who conspires or help facilitate the commission of the above offense/crime, shall be subjected to imprisonment from six (6) months to one (1) year.

Any competent official or agent of the Royal Government guilty of negligence or non-observance of this regulation, shall be subjected to administrative penalties.

All means of transports and materials used for the commission of the above offense/crime shall be confiscated by the court and kept as state's properties.

ARTICLE 30:

Shall be subjected to fines from 50,000 to 1,000,000 Riels, for those foreigners who breached the provisions of Articles 14, 15, 16, 17, 21 and 23 of this Law. In the event of repeated breaches, the fines shall be increased from 1,000,001 to 2,000,000 Riels.

ARTICLE 31:

Shall be subjected to fines from 10,000 to 30,000 Riels, for any person who breached the Articles 18 of this Law. In the event of repeated offenses, the fines shall be increased from 30,001 to 60,000 Riels.

Shall be subjected to fines from 200,000 to 500,000 Riels, for any person who breached the Article 19 of this Law. A one (1) to three (3) months jail sentence shall be imposed for the person who continues to perpetuate the offense.

ARTICLE 32:

Anyone who scratches, erases, makes carbon copy, fakes, lends, or writes false name on the resident card, labor/working card, labor/employment contract, or uses those documents with a name different than his own, or files a fake application for these above documents, shall be subjected to imprisonment for a term of five (5) to fifteen (15) years.

The accomplices in such above acts shall be subjected to the same penalty.

ARTICLE 33:

The imposition of all fines as specified in the provisions of this Law shall be the competence of the Ministry of Interior.

ARTICLE 34:

Besides the main punishments as provided for in this Law, there shall be respectively additional other sub-punishments including the expulsion from the territory of the Kingdom of Cambodia.

CHAPTER VI: EXPULSION

ARTICLE 35:

The Minister of Interior shall order for expulsion from the Kingdom of Cambodia of every immigrant alien, who violates the provisions of this Immigration Law.

ARTICLE 36:

The Minister of Interior shall have the power to order the expulsion from the Kingdom of Cambodia of any alien:

- a. whose behavior or activity is dangerous to the national security of the Kingdom of Cambodia; or
- b. proven to be a dissident to the national security of the Kingdom of Cambodia, after the competent ministries have collected all specific evidences; or
- c. working in the Kingdom of Cambodia without a labor/working card.

ARTICLE 37:

The Minister of Interior shall expel from the Kingdom of Cambodia, every alien who entered illegally in the Kingdom of Cambodia.

ARTICLE 38:

Decision for the expulsion must be carried out immediately from the date of signature of the Minister of Interior. The concerned person shall have rights to file complaint to the court within a period of two (2) months.

ARTICLE 39:

The expulsion shall be carried out within 7 days, after an official decision is made by the Minister of Interior; except when there is a court decision ordering the instant suspension of such implementation.

CHAPTER VII: FINAL PROVISIONS

ARTICLE 40:

Any other provisions stipulated otherwise contrary to this Law shall be considered as null and void.

ARTICLE 41:

This law shall be proclaimed urgently.

This law has been adopted by the National Assembly of the Kingdom of Cambodia on August 26th, 1994, during the Extraordinary Session of its First Legislature.

Phnom Penh, on August 26th, 1994.

The Acting Chairman of the National Assembly.

Signature and Seal
SON SOUBERT