



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**IMMIGRANTS AND EMIGRANTS
(AMENDMENT) ACT, No. 31 OF 2006**

[Certified on 26th September, 2006]

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*Immigrants and Emigrants (Amendment)
Act, No. 31 of 2006*

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L.D.—O. 43/2006.

AN ACT TO AMEND THE IMMIGRANTS AND EMIGRANTS ACT
(CHAPTER 351)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

- 1.** This Act may be cited as the Immigrants and Emigrants (Amendment) Act, No. 31 of 2006. Short title.
- 2.** Section 45 of the Immigrants and Emigrants Act, (Chapter 351) (hereinafter referred to as the “principal enactment”) is hereby amended as follows :—

 - (1) in subsection (1) thereof, by the substitution for the words from “paragraph (g), to imprisonment”, to the end of that paragraph, of the words “paragraph (g), paragraph (h), paragraph (i), paragraph (j), paragraph (k), paragraph (l), paragraph (m), paragraph (n) and paragraph (o), to imprisonment for a term not exceeding five years and to a fine not exceeding two hundred thousand rupees;”; and
 - (2) in subsection (6) thereof, by the repeal of paragraph (a) of that subsection.

3. The following new section is hereby inserted immediately after section 45B of the principal enactment and shall have effect as section 45c of that enactment :—

Insertion of new section 45c in the principal enactment.

“Facilitating persons to leave Sri Lanka.

45c. (1) Any person, who—

 - (a) organizes one or more persons to leave Sri Lanka in contravention of any of the provisions of this Act ; or

2 *Immigrants and Emigrants (Amendment)*
Act, No. 31 of 2006

- (b) attempts or does any act preparatory to, or aids and abets any other person to, so organize under paragraph (a),

shall be guilty of an offence.

(2) Any person guilty of an offence under subsection (1) shall, upon conviction by a Magistrate, be liable to imprisonment of either description for a term not less than one year and not more than five years.

(3) In this section, the expression “organize”, with its grammatical variations, includes—

- (a) the recruitment of a person on a promise of securing employment outside Sri Lanka ;
- (b) knowingly making false promises of employment in a foreign country or making any false representation or disseminating misleading information with the intention of inducing persons to leave Sri Lanka for foreign employment ;
- (c) soliciting pecuniary benefits from persons whether or not any such benefit was realized ;
- (d) the transportation of persons by sea, land or any other manner without obtaining valid travel documents ;
- (e) receiving and harbouring persons whether in Sri Lanka or in a foreign country.”.

Immigrants and Emigrants (Amendment) 3
Act, No. 31 of 2006

4. Section 47 of the principal enactment is hereby amended in subsection (1) of that section by the repeal of paragraphs (a) and (b) thereof and the substitution therefor of the following paragraph :—

Amendment of section 47 of the principal enactment.

“(a) every offence committed by persons to whom the provisions of Part III of this Act apply—

- (i) under paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e), paragraph (f) or paragraph (g) of subsection (1) of section 45 ; and
- (ii) under subsection (2) of section 45 in so far as it relates to paragraph (a), paragraph (b), paragraph (c), paragraph (d), paragraph (e), paragraph (f) or paragraph (g) of subsection (1) of that section ;”;

5. The following new section is hereby inserted immediately after section 47 of the principal enactment and shall have effect as section 47A of that enactment :—

Insertion of new section 47A in the principal enactment.

“Granting of bail. 47A. (1) Notwithstanding anything in any other law, no person accused of an offence under section 45c shall be enlarged on bail except by a High Court upon proof of exceptional circumstances.

(2) Where there is no express provision made in respect of the granting of bail for an offence under this Act, bail shall be granted by a Magistrate.

(3) Notwithstanding anything to the contrary in any other law, the application of the provisions of this section shall extend to every person who is in remand on the date of coming into operation of this section.”.

6. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

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