

Government of Bahrain

Announcement

Issue 3 / 1965

Aliens (Immigration and Residence) Act, 1965

We, Issa Bin Salman Al Khalifa, the Governor of Bahrain and its Territories, on this day, 2nd Rabie Awal, 1385 H, corresponding to July 11th 1965, Order the issuance of the Decree concerning immigration and residence of foreigners in Bahrain which reads as follows:

Preamble

1. This law shall be called “Aliens (Immigration and Residence) Act, 1965” and shall be put into force on 17th Rabie Thani 1385 H, corresponding to 15th August 1965.
2. In this Act the following terms shall have the meanings designated for them in this article:-

Alien: Means any person who is not a Bahraini national in accordance with the Bahraini Citizenship Act of 1963, as amended by the amending act for 1963.

Bahrain: includes Bahrain and its territories.

Immigration Functionary: Means the employee who is appointed or who is working in this capacity in accordance with article (32) herein.

Health inspector: Means a health functionary in a port or any other person authorized to perform the duties of a health functionary in accordance with the Bahrain Ports Health Regulations for 1952.

Port: Includes any place where a person lands to enter or depart Bahrain.

Governor: Means His Majesty the Governor of Bahrain and includes any person whom His Majesty may appoint to act on his behalf for the purposes of this act.

Vessel: Includes all types of ships and boats used for navigation.

Immigration

3. (1) Pursuant to the provisions of this act, an alien is not permitted to land or leave the territory of Bahrain except with a permission issued by immigration functionary, and such person is not allowed to enter or leave as stated above, except through a specified port or other specified and permitted place identified by immigration functionary in any special case.
(2) Immigration functionary shall appoint, with an order, “ports”, which are considered ports for the purpose of this ordinance and the said order may also specify the limits of any port.
4. Permission to land in the territory of Bahrain by virtues of article 3 herein, is not applicable in the case of alien who is landing from an airplane in a specified port to take another airplane in the same airport, and who will stay all the period, from his landing to departure, in the specified buildings, and within the limits specified by immigration functionary for this purpose.
5. (1) Except with permission from immigration Director, the immigration functionary may not grant an alien a permission to land in the territory of Bahrain unless that alien has a valid passport or another satisfactory traveling document with valid entry visa to Bahrain. In case of certain aliens who receive permission, from time to time, from Immigration Director, with the approval of the Governor, immigration functionary has not to forbid them to enter only because of absence of such visa.
(2) Except for the case of permission as stated above, immigration functionary may not permit any alien to land in the territories of Bahrain in the following cases:
 - (A) If an alien is an insane or an imbecile; or

- (B) If the Health Inspector decides that a person has not to enter Bahrain for health reasons; or
 - (C) If the immigration functionary decides that the person has been convicted in Bahrain or outside Bahrain before and it is not desirable to give him a permission to enter Bahrain.

- 6. Immigration Director, with the approval of the Governor, may not give an alien permission to land on the territories of Bahrain, if he deems that alien as one of the undesirable immigrants, based on information or advice received through diplomatic channels or other official sources.

- 7. (1) Permission to land on territories of Bahrain, granted to an alien by virtues of this act, may be suspended based on any conditions informed to him by immigration functionary.
 - (2) If the authority, which gives an alien an entry visa to Bahrain adds words specifying the period during which an alien may stay legally in Bahrain, and such alien is given permission to land on territories of Bahrain accordingly, these words are deemed, pursuant to the next subsection, a condition for permission to land on the territories of Bahrain.
 - (3) The immigration functionary may, at any time, change or cancel any of the conditions mentioned above by a written notification given to the alien.
 - (4) Writing or marking on the passport of the alien, or on his other traveling documents, is considered a notification given to the alien in this regard.
 - (5) An alien may not stay at Bahrain after the expiry of the validity date of his visa, which mentioned on that visa.

- 8. (1) Immigration functionary, prior to granting an alien a permission to land on the territories of Bahrain, by virtues of this act, may make the following conditions:
 - (A) Ask the alien to deposit an amount, as the immigration functionary deems satisfactory, to deport the alien to his country, but not exceeding One Thousand Rubies.
 - (B) In case of an alien who wants to work or continue on work in Bahrain, to ask the work owner to deposit an amount as mentioned above or to submit an undertaking to the Immigration Director to pay any amounts

that the Government of Bahrain may incur in connection with deporting that alien. In case of submission of such undertaking, the amount will be considered as due loan.

(2) The Government of Bahrain may use all or part of the deposited or collected amount for paying the necessary expenses connected with deporting the alien.

(3) If immigration functionary is satisfied that the alien will leave Bahrain finally on his own expenses, he has to give back that amount to its owner or cancel the undertaking, as the case may be.

9. (1) Any person who lands or leaves the territories of Bahrain must show to the immigration functionary, if the latter requests, a valid passport or other traveling document and a landing or departure card, by the manner prescribed by the order, issued by the Immigration Director filed as proper.

(2) Immigration functionary may interrogate any person who intends to land or leave the territories of Bahrain in order to check whether that person is an alien or not an alien. In case of an alien person, to decide whether to grant him a permission to land or he has to leave the territories of Bahrain in virtue of this Act. Such person, has to submit to the immigration functionary all necessary information to perform his duties by virtue of this article.

(3) Notwithstanding what is stated in article 3 herein, an alien may land to the territories of Bahrain without granting him advance permission in order to be interrogated by virtue of the provisions of this subsection in accordance to preparations taken for this purpose with the approval of the immigration functionary. An alien who lands to be interrogated, is not deemed granted permission to land; and may, with the instructions of immigration functionary, be detained in the territories of Bahrain during all period of interrogation.

(4) Health Inspector may also practice the rights of immigration functionary by virtue of subsection (3) in connection with an alien who intends to land on the territories of Bahrain, and any reference in that subsection or in subsection (3) of this article will be construed in accordance of that in connection with interrogation.

10. (1) If an alien is not granted a permission to land, the immigration functionary may, pursuant to subsection (3), give the instructions:

- (A) To the captain of the vessel or the airplane to transport the alien from Bahrain on that vessel or airplane.
- (B) To the owners or agents of vessel or airplane asking them to take preparations to transport the alien from Bahrain on any vessel or airplane they own or they are agent of.
- (C) To the owners or agents of a vessel or airplane asking them to take preparations to transport the alien from Bahrain on any vessel or airplane, mentioned in the instructions, which is going to the following countries:
 - (1) The country of which the alien is a national or from which he comes to Bahrain, or
 - (2) To the country, which thought for a reason that it will accept the alien and to secure his travel to that country.

(2) Instructions in accordance with this article, concerning an alien shall not be issued after eight weeks from the date of his arrival to Bahrain for the last time.

(3) If instructions are issued regarding any alien under subsection (1) of this article, that alien may be put on board of any vessel or airplane on which he will be deported according to the instructions.

(4) Any alien who has not received permission to land on the territories of Bahrain, may be detained by order issued by immigration functionary until instructions are issued in accordance with subsection (1) of this article and until he will be deported as accordance with issued regulations. If the said alien is on board a vessel, or airplane, he may be taken from such vessel or airplane with a similar order issued in accordance with this subsection.

11. The provisions of article (10) are applicable to any alien found in Bahrain after landing in its territories without permission in contradiction to the provisions of this Act, as if he is an alien not permitted to land in Bahrain.

12. (1) Any captain of a vessel or an airplane in any port in Bahrain shall submit a report to immigration functionary, if the later so requests, consisting of a list of the names and nationalities of all passengers or crews entering Bahrain or who are intending to travel on the vessel or an airplane.

(2) Any passenger on board of a vessel or an airplane shall submit to its captain any information the later may require in order to submit the required list under this article.

13. (1) Any captain of any vessel or an airplane entering any port in Bahrain, shall take all necessary preparations to prevent any person who will be interrogated by virtues of article (9) herein from landing to the territories of Bahrain from the vessel or airplane until that person is interrogated in virtue of that article, or during his landing for interrogation in accordance with the instructions therefore.

(2) Any captain of any vessel or an airplane entering any port in Bahrain shall take all necessary preparations, as per the request of immigration functionary, to prevent the following persons from landing on the territories of Bahrain during the stay of the vessel or the airplane in a port:

(A) Any alien comes on board of a vessel or an airplane and does not receive permission to land on the territories of Bahrain.

(B) Any alien put on board of a vessel or an airplane in accordance with subsection (3) of article (10) or by virtue of that subsection, when implemented, in accordance with article (11) of this act.

(3) Any captain of any vessel or an airplane entering any port in Bahrain, shall take all necessary preparations to prevent any foreign member of the crew from landing in the territories of Bahrain during the stay of the vessel or airplane in the port except with permission.

(4) For the purpose of preventing any person from landing in the territories of Bahrain, as per this article, the captain of vessel or an airplane may put such person under custody on board of that vessel or airplane.

14. (1) Any member of the crew of a vessel or an airplane lands on a port in Bahrain, (not by virtue of release from work), with permission by immigration functionary in accordance to this law, at any time during the stay of vessel or airplane on port, and does not leave the port on that vessel, such person is deemed as entering territories of Bahrain without permission.

(2) If the Government of Bahrain incurs any expenses pertaining to detention, feeding, medical care or transportation of any alien, as per the provisions of

subsection (1) of this article, these expenses shall be paid by the captain of the vessel or its agent mutually and jointly.

Residence

15. Pursuant to the provisions of this law, any alien of sixteen years of age or above, may not reside in Bahrain unless he holds a written license (referred to in this law as “residence license”, issued from immigration director or on behalf of him, qualifying such alien to reside in Bahrain.

16. (1) Application for acquiring residence license shall be submitted to Immigration Department in the manner specified by immigration director.
(2) The said application shall be presented during the following dates:
 - (A) In case of an alien residing in Bahrain on the date on which this Act comes into force, during four weeks from the said date.
 - (B) In case of an alien who reaches sixteen years of age during his stay in Bahrain, within four weeks from reaching the said age.
 - (C) In case of alien entering Bahrain after the date of issuance of this act and entering into force, during four weeks from the date of entry.

17. If an alien intending to stay in Bahrain after the expiry of the date of his residence license, if any, wants to renew that residence license, he must present an application to the Immigration Department in Bahrain in the form specified by the immigration director for renewing residence licenses.

18. (1) Unless with permission from the Governor, no residence license of an alien, shall be given or renewed except in the following cases:
 - (a) An alien is able to support his living and the living of his dependants;
 - (b) If an alien intends to work or to continue on work in Bahrain, he shall present, while submitting his application for residence license, or renewal of residence license, as the case may be, a written permission to work in Bahrain, issued for him or for the work owner from Labor Department.

(2) Except by permission as stated above, an alien may not be given residence license or his residence license may be renewed, if immigration director finds that, such alien has been convicted in Bahrain or outside Bahrain of a crime, which makes it undesirable to grant him a residence license or renew the same as the case may be.

19. If an alien appeals under article (24) of this law against the decision of refusal of his application for residence license or renewal of the same, and his appeal is accepted, the immigration director has to issue for him a residence license or renew his residence license, as the case may be.

20. Granting residence license or renewal may be conditioned upon any terms, and its validity or renewal may be limited to a certain duration, which considered by immigration director to be suitable. The alien should be informed of such conditions and terms and the duration which should be written in his residence license or its renewal, as the case may be.

21. Residence license under this article (15) of this law is not applicable for alien, whose residence in Bahrain does not exceed four months in any one visit.

22. (1) Notwithstanding what stated in article (15) of this law, an alien, who is residing in Bahrain legally at the time of his submitting his application for residence license or renewal of residence license or submitting an appeal in accordance with article (24) herein against rejection of his application, shall continue residing in Bahrain without having residence license until he is informed of the result of his application or appeal.

(2) Notwithstanding what stated in article (15) of this law, if the application is approved or the appeal, mentioned above, is accepted, an alien, may continue residing in Bahrain without having residence license, until the residence license, which is issued as a result to his application or appeal, becomes valid.

(3) Notwithstanding what stated in article (15) of this law, if the application is refused or the appeal, mentioned above, is not accepted, an alien, may continue residing in Bahrain without having residence license for fourteen days immediately after being informed of rejection of application or not acceptance of

appeal, or for longer period, if exists, which immigration director deems necessary for the alien in order to settle his affairs and leave Bahrain.

23. (1) The Governor may cancel any residence license of any alien whose residence in Bahrain is deemed dangerous for the public interest.
- (2) If an order is issued under subsection (1) of this article, the immigration director shall immediately cancel the residence license of the alien and informs him of such cancellation.
- (3) Notwithstanding what stated in article (15) an alien, whose residence in Bahrain is cancelled by virtues of the provisions of this article, may continue residing in Bahrain without having residence license for fourteen days immediately after been informed of cancellation of his residence license, or for other period, if exists, which immigration director deems necessary for the alien to settle his affairs and leave Bahrain.
- (4) An alien whose residence license is cancelled under the provisions of this article shall not submit an application for residence license, for fifty two weeks commencing from the date of informing him of such cancellation.

Council of Appeal

24. (1) For the purposes of this law, a council will be established called “Council of Appeal for Immigration and Residence Claims” (referred herein as “Council of Appeal”) and consists of three members appointed by the Governor, one of whom shall be the Chairman and shall be of legal or juridical experience, and one of the other two shall be of experience in labor issues.
- (2) (A) Pursuant to subsection (5) of this article, any alien who applies under this law for a residence license or renewal of a residence license and his application is rejected,
- (B) And any alien or work owner who applies for a license from Labor Department, as mentioned in (B) of subsection (1) of article (18) of this law, and his application is rejected,
- May, within fourteen days after receipt of written notice of such rejection, appeal against the decision of rejection to the Council of Appeal and the resolution of the Council shall be final.

(3) The Council of Appeal shall have all authorities, rights and privileges of Governor's courts or any judge therein regarding the following issues:

(A) Compelling witnesses to attend and interrogate them on oath or declaration or otherwise.

(B) Presenting documents compulsorily; and any order of attendance signed by the Chairman of Council of Appeal has the same powers as any other official order that may be issued in any case to compel witnesses to attend and present documents.

(4) The Council of Appeal may establish certain rules pertaining to submission and hearing of appeal and its resolving by virtues of the provisions of this article which shall not contradict with the provisions of this law.

(5) Appealing by virtue of this article shall not be sustained if:

(A) The reason for rejection of an application for residence license or its renewal, is that such rejection will benefit public interest; and

(B) The Governor has approved that reason in written.

Deportation

25. (1) General Director of Police and Public Security may, with the approval of the Governor in any of the two former cases mentioned in subsection (2) of this article, issue an order (referred to for the purpose of this law as ("Deportation Order")), requesting the alien to leave Bahrain or stay outside Bahrain.

(2) Deportation Order may be issued by the approval mentioned above for an alien in the following circumstances:

(A) If any court issues a certificate to the General Director of Police and Public Security stating that an alien has been convicted by that court or by a court of less level, against which decision the alien has appealed on a case the penalty of which is imprisonment, and that court issued deportation order for that alien.

(B) If the General Director of Police and Public Security decides that deportation of an alien is for the public benefit.

(3) For the purposes of any jurisprudence connected with appealing against penal judgment, a recommendation for deportation is considered as a decision of conviction, and shall not require appealing against its validity,

except by appealing against that recommendation or decision of conviction from which it is resulted.

- (3) No recommendation of deportation shall be issued connected with any conviction in any crime, except for crimes committed against the provisions of laws cancelled by this law before its coming into force.

26. (1) Any alien against whom a deportation order is issued may be put, with an order from General Director of Police and Public Security, on board of any vessel or airplane leaving Bahrain. The captain of the vessel or the airplane, if requested by immigration functionary, shall take all necessary preparations to prevent the alien from landing on the territories of Bahrain from the vessel or the airplane before its leaving. For fulfilling this purpose, an alien may be put into custody on board of the vessel or airplane.

(2) General Director of Police and Public Security or immigration functionary may issue instructions to the captain of any vessel or an airplane, leaving Bahrain, requesting him to take the alien and his dependants (if available) to any port indicated in the instructions, from among the ports which are on the route of the vessel or the airplane and to give them lodging and necessary expenses in the trip.

(3) The General Director of Police and Public Security may, if deems necessary, pay from any money or amounts owned by the alien mentioned before, all or part of the necessary expenses connected with transportation of that alien and his dependants (if available) from Bahrain until their departure.

(4) Any alien against whom a deportation order is issued may be detained, by an order from General Director of Police and Public Security, until dealt with in accordance with subsection (1) of this article. An alien, against whom a valid deportation recommendation has been issued, shall be detained in accordance with article (24) of this law (except if a court orders otherwise in case the judgment does not include imprisonment), until the General Director of Police and Public Security issues an order of deportation against him or orders his release.

Exemptions

27. The Governor may exempt any certain person or persons of certain category, either totally or partially, according to the conditions issued by the Governor, from all or part of the provisions of this law.

Violations

28. (1) Any person violates any provision of this law or does not work in accordance to, or who does not work in accordance with any order or term or an instruction levied or issued accordingly, commits a crime against this law.
- (2) Any person helps, or urges someone to commit a crime under this law, or lodges, knowingly, any person whom he knows or has sound reasons to know that has committed such crime, is committing a crime against this law. If an alien lands or leaves the territories of Bahrain against the provisions of this law, the captain of the vessel or the airplane, whatever the case may be, from which that alien lands or leaves the territories of Bahrain, is considered as helping and urging on such crime unless proved otherwise.
- (3) A person is deemed committing a crime if:
- (A) He gives, or causes giving, any officer or a person duly performing the provisions of this law, any list or speeches or information which are not true.
 - (B) He refuses to present any document to the officer or the person mentioned above, or refuses to provide him with any information, which may be reasonably necessary for the purposes of this law; or counters in any other way any officer or person during performing his duties subject to this law.
 - (C) He changes, without legal permission, any certificate or document, issued or written in by virtues of this law, or uses for the purpose of this law, or found in his position for such purpose, any certificate, document, passport, visa, residence license or any other document, proved to be falsified or changed or not true.
- (4) All powers permitted by this law, may be practiced in case of an alien even if other procedures have been applied against him connected with his committing a crime against this law.

29. Any person convicted for committing a crime under this law, may be liable to imprisonment with a period not exceeding three months or with fine or with both.

Additional Provisions

30. Immigration functionary or any policeman in his official uniform may arrest, without order, any person who has committed or suspected for a sound reason to have committed a crime under this law or may arrest a person liable to arrest in accordance with any provision of this law.

31. Authorities which are given in virtues of the provisions of this law to issue orders or rules or instructions shall include also nullification or change of these orders or rules or instructions.

32. (1) The immigration director shall appoint immigration functionaries for the purposes of this law; and they shall practice their duties in accordance with this law as per the instructions given to them by the immigration director.

(2) Health inspectors shall practice their duties in accordance with this law as per instructions, which are given to them by the Public Health Director.

(3) Immigration functionary or health inspector, for the purposes of fulfilling his duties under this law, may enter into any vessel or airplane.

33. Pursuant to the provisions of article (34) of this law, the following laws are to be nullified:

(1) Residence Act of 1955 and Immigration Act of 1957.

(2) All provisions, which are contradicting to the provisions of this law, stated in any law or other declaration, which have been published before, connected with immigration or residence of aliens, to the extend that such provisions are contradicting to the provisions of this law.

34. (1) Any ticket or license for entering Bahrain, which has been valid before the date on which this law immediately enters into force, and has been issued or given under the provisions of the nullified laws, and all conditions which have issued or

granted such tickets or licenses, are deemed as if issued or granted or levied in accordance with the provisions of this law.

(2) Any alien found to be living or has entered Bahrain after the date on which this law entered into force, in contradiction to the provisions of nullified laws, deemed as if has entered Bahrain or lived in Bahrain, as the case may be, in contradiction to the provisions of this law.

(3) This law does not affect any criminal procedures, which have started or ended before the date on which this law entered into force or any resulting procedures later on connected with the execution or reduction of the penalty, or connected with appeal or otherwise.

Isa Bin Salman Al Khalifah
Governor of Bahrain and its Territories

Issued on 2nd Rabie Awal 1385
Corresponding 1st July 1965

**Decree-Law No (21) for 1980 Amending Article (29) of Aliens
Immigration and Residence Act - 1965**

We, Issa Bin Salman Al Khalifah, the Emir of the State of Bahrain

Having reviewed the Constitution,
The Emiri Order No (4) for 1975,
The Aliens Immigration and Residence Act for 1965
The Decree – Law No (15) for 1976 promulgating the Penal Law,
Based on the submittals by the Minister of Interior
And upon the approval of the Council of Ministers

Decree as follows :-

Article 1

The text of article 29 of the Aliens Immigration and Residence Act - 1965 shall be replaced by the following text:

"Article 29 – 1: Any person who enters Bahrain illegally will be punished by imprisonment for a period of not less than six months.

Any person who helps or instigates the commitment of the same crime, mentioned in the above subsection, shall be punished with the same punishment.

In all cases the means of transportation, used in committing the crime, shall be confiscated.

No judge may order a stay-of-execution of such sentence.

2- A repeater who has been convicted of committing another crime against this law, shall be punished with imprisonment for a period not exceeding six months and a fine not exceeding Five Hundred Dinars or by either one.

Article 2

The Ministers shall implement "each in his sphere of competence" this law and it which shall be put into force on the date of its publication in the Official Gazette.

The Emir of the State of Bahrain

Issa Bin Salman Al Khalifah

Issued at Riffa' Palace

On 5th Dhul Qudda 1400 H

Corresponding to 15 September, 1980