

Law on Immigration

CHAPTER ONE

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:

Any person who does not have Cambodian nationality shall be considered an alien, without discrimination as to the nationality, belief, religion or where he/she originated.

Article 3:

This law shall be applicable for all aliens, regardless of whether they have settled in their residences before this law is passed, except in cases involving international laws to which the Kingdom of Cambodia is a signatory.

Article 4:

Aliens seeking admission to stay in Cambodia shall be divided into 3 types according to the conditions for immigration:

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

Article 5:

The Ministry of the Interior is responsible for the administration of aliens. The Ministry of Interior shall organize an institution to be responsible for immigration affairs.

Article 6:

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

CHAPTER TWO

NON-IMMIGRANT ALIENS

Article 7:

Non-immigrant aliens are:

1. Agents, and their families and/or staff members, who are working in foreign consulates, Embassies or Foreign Mission representative bodies, or international experts and other persons who have come to Cambodia following the requests of or agreements made with the Royal Government of Cambodia.
2. Military members, officers, civil servants, foreign agents, students, and the families of these individuals who enter the Kingdom of Cambodia with the permission of the Royal Government of Cambodia.
3. Travellers who are only in transit or who are awaiting means of transport before continuing towards their final destinations. In such cases their stays must not be more than one week; the exception being in cases of force majeure.
4. Tourists who have their return tickets, and whose durations of sojourns shall be specified by sub-decree.
5. Commercial representatives, bankers, and other businessmen who enter the Kingdom of Cambodia for the purpose of establishing relationships in their respective businesses as above. In this case their stays may not be over three months. In other cases, where there are necessary reasonable grounds, they may be allowed to extend their stays for 3 more months maximum, according to the permission granted by the Royal Government of Cambodia.
6. Foreigners who are living along the borders connected with the provinces of the Kingdom of Cambodia, who have received permissions to cross the border repeatedly or instantly. Conditions for the application of this paragraph 6 of Article 7 shall be specified by a sub-decree.
7. Travellers, ships' crews, and air-pilots who berth in transit at sea-ports and airports to get food supplies.
8. Foreigners who come to fish along the seacoasts of Cambodia with permission of the Royal Government of Cambodia.

Article 8:

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

1. shall be required to get incoming visas beforehand from the Royal Government of Cambodia, through any diplomatic authorities or Consulates of the Kingdom of Cambodia; or through any foreign authority that represents the interests of the Kingdom of Cambodia for other countries without a consulate or embassy in the Kingdom of Cambodia. For those in transit and on the crews of ships and aircraft, this permission shall be delivered to them by the appropriate authority of the Kingdom of Cambodia when they disembark from their ships or when they leave the airport.
2. shall bring with them their own passports or any other equivalent document which bears incoming visas granted by the authorities thereon, as specified in paragraph 3 above.
3. shall pay charges for the visas, and airport and waterport fees. The conditions for these payments of the charges and 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, except when the Royal Government of Cambodia grants authorizations waiving these requirements.

CHAPTER THREE

IMMIGRANT ALIENS

Article 10:

Aliens who can be considered as immigrants are:

1. Aliens who are legally entering the Kingdom of Cambodia in order to perform their professions or conduct activities relating to industry, commerce, agriculture or services;
2. Those aliens who have not been included in any of the categories as related 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 in addition to the conditions in Article 8 they must also fulfill the following obligations:

1. to demonstrate an aptitude or talent which benefits the economy, social affairs, technical affairs or science, or culture of the Kingdom of Cambodia;
2. to deposit an appropriate amount of money as a bond/guarantee necessary to pay for the fares when returning to their home country or in case of eventual repatriation, and as an assurance that they have enough money to live on their own properties;

The amount of money to be deposited above shall be specified by a sub-decree.

3. to demonstrate sufficient physical aptitudes in performing their professions, proved by medical certificates issued by doctors in their native country; and to demonstrate written labor contracts as proof of their employment in the Kingdom of Cambodia;
4. to have letters of imputation granted by the appropriate authorities of their native countries;
5. Even if the immigrant aliens have completed all the conditions set forth in the preceding paragraphs, each of them must also meet conditions concerning the national security of the Kingdom of Cambodia.

Article 12:

The process of recognition of any alien as an immigrant alien shall be decided by a Prakas of the Ministry of the Interior.

Article 13:

All immigrant or non-immigrant aliens who have been authorized to come to the Kingdom of Cambodia must present themselves at Immigration Police checkpoints, both at time of arrival and departure. Every exit or entrance gateway for aliens shall be specified and governed by the Ministry of the Interior.

Article 14:

All immigrant aliens shall have to present themselves at the Alien Office of the Municipal or Provincial Police Commissariats in the city/province where they are going to stay within 48 hours of their arrival, in order to complete applications for Resident Cards. Receipts shall be given to immigrant aliens after receiving such applications.

Article 15:

If immigrant aliens change the city/province of their residence, they must request certification on their Resident Cards from the Alien Office of the Municipal/Provincial Police Commissariats in the city/province of their old residence before they move to their new residence. In addition, within 48 hours of arriving at their new residence, immigrant aliens shall have to complete the same process at the Municipal/Provincial Police Commissariat of the city/province of their new residence.

Article 16:

The Resident Card must be presented by the holder on demand from the appropriate authority of the Kingdom of Cambodia. This Resident Card may be removed from any holder if he or she fails to comply with the demand of the competent authority referred to above. If the Resident Card is seized by the competent authority, the immigrant alien formerly in possession must leave the territory of the Kingdom of Cambodia within 7 days. Under certain circumstances this time limit may be changed by the Minister of Interior, upon the requests of the appropriate Municipal/Provincial Commissariat. However, this time limit may not be extended beyond 3 months.

The procedure for ceasing to recognize any alien as an immigrant alien shall be established by a Prakas of the Ministry of Interior.

Article 17:

In principle, foreigners may freely travel in the territory of the Kingdom of Cambodia. However, in certain cases the Minister of Interior may prohibit the travel of foreigners, and ban all immigrant or non-immigrant aliens from entering in, residing in, or travelling far from a certain zone of or the entire territory of the Kingdom of Cambodia.

Article 18:

Owners or possessors of residences of all kinds shall inform the appropriate police institutions within 24 hours of the presence of immigrant or non-immigrant aliens who have come to stay in their residence.

Article 19:

When offering any job to any alien, one shall comply with the Labor Law of the Kingdom of Cambodia. The Ministry of Interior, in collaboration with the Ministry of Social Actions, Labor, and Veteran Affairs, shall have the power to conduct checks of and maintain controls on the labor/working cards of the foreign workers in every factory, enterprise, company and establishment.

Article 20:

The Municipal/Provincial Police Commissariats shall inform the Alien Department of the Ministry of the Interior of any deaths or disappearances of immigrant aliens who reside in their corresponding jurisdictions.

Article 21:

The initial Resident Card granted to the immigrant alien shall be valid for a period of two years and extended, upon the proper application, every two years. The completion of application forms for new or extended Resident Cards is to be done in the presence of the appropriate authorities as specified in Article 14 of this Law. Immigrant aliens who have failed to apply for extensions or for new Resident Cards shall be considered as staying in the Kingdom of Cambodia illegally. The Ministry of Interior shall specify by a ministerial proclamation the actions to be taken relating to the administration, the issuance of the Resident Cards, and the applications and conditions to be applied in this field.

Immigrant aliens shall pay fees/taxes for the issuance of the original Resident Cards or duplicates or equivalent documents in conformity with the specifications of the sub-decree.

Article 22:

The Municipal/Provincial Police Commissariats shall be responsible for the checks and controls of all foreigners who have established residences or are intending to establish residences in their appropriate jurisdiction.

Article 23:

Those immigrant aliens who intend to leave the Kingdom of Cambodia for a period of time shall request the permissions to leave and return from the Ministry of the Interior. In principle, this period of stay in foreign countries shall not exceed three months. But this period may be extended up to six months if there are reasonable grounds for such an extension. The fees/taxes to be levied when administering the entry and exit permits shall be specified by a sub-decree.

Article 24:

If the return of the immigrant alien is beyond the time frame permitted by the Ministry of Interior, the immigrant alien shall have to apply again for an entry

visa, and he/she shall be deemed as a new immigrant alien having just arrived, not as a resident immigrant alien having left the Kingdom of Cambodia for a period of time.

CHAPTER FOUR

IMMIGRANT ALIENS AS PRIVATE INVESTORS

Article 25:

Immigrant aliens who are private investors are foreigners who have entered the Kingdom of Cambodia in order to conduct investments under the provisions of the Law on Investment of the Kingdom of Cambodia.

Article 26:

Immigrant aliens who are private investors are divided into two types:

1. the foreigners who have come to the Kingdom of Cambodia to study the possibility or feasibility of investment;
2. the foreigners who have already received letters of authorization for investment from the Cambodian Development Council.

Article 27:

Those foreigners who come to the Kingdom of Cambodia to study the possibility or feasibility of investment shall comply with the conditions set forth in Chapter Three pertaining to immigrant aliens, except as those conditions apply to the period of temporary stay, which, in the case of foreigners studying the possibility or feasibility of investment, shall be for one year.

Upon staying for one year, if such potential investors cannot find the opportunity for investment in any field, they will be allowed to withdraw their money deposited as bonds or guarantees but they will not be allowed to stay in the Kingdom of Cambodia.

Article 28:

Those foreigners and their families who have received letters of authorization for investment from the Cambodian Development Council shall be allowed to stay either permanently in the Kingdom of Cambodia, or in conformity with the period specified in the letters of authorization granted by the Cambodian Development Council.

Such foreigners shall be entitled to hold the travel documents of the Kingdom of Cambodia.

The procedure for application of this Article 28 shall be specified in a sub-decree.

CHAPTER FIVE

PENALTIES

Article 29:

Any alien who has entered the Kingdom of Cambodia without authorization, by using fraud or clandestinity or any other forms of entry contrary to the provisions of this Law, shall be punished with three to six months imprisonment before he/she is expelled.

Those who have assisted in helping unauthorized foreigners enter the Kingdom of Cambodia or concealing foreigners as they enter the Kingdom of Cambodia shall be subject to the same punishment.

Any official with appropriate jurisdiction or an agent of the government who conspires or assists the offenses above shall be punished with six months to one year imprisonment.

Any official with appropriate jurisdiction or an agent of the government who, by negligence, lack of attention, or non-observance of regulation, fails to prevent the offenses above shall be subject to administrative penalties.

All types of transport and materials used for committing the above crimes or offenses shall be confiscated and kept as property of the state.

Article 30:

Foreigners who breach the provisions of Articles 14, 15, 16, 17, 21 and 23 of this Law shall be subject to a fine of 50,000 to 1,000,000 riel.

Repeat offenses against the above mentioned Articles by one foreigner shall be punished by a fine of 1,000,001 to 2,000,000 riel.

Article 31:

Anyone who breaches the provisions of Article 18 of this Law shall be subject to a fine of 10,000 to 30,000 riel.

Repeat breaches of Article 18 of this Law by one individual shall be punished by a fine of 30,001 to 60,000 riel.

Anyone who breaches the provisions of Article 19 of this Law shall be subject to a fine of 200,000 to 500,000 riel.

Repeat breaches of Article 19 of this Law by one individual shall be punished by one month to three months imprisonment.

Article 32:

Anyone who scratches, erases, makes a carbon copy of, fakes, lends, or writes false names on any Resident Card, or labor/employment contract; or uses documents with a name not his or her own; or files a fake application for above documents, shall be imprisoned from five to fifteen years.

Accomplices in any act mentioned in the first paragraph of this Article shall be subject to the same penalty.

Article 33:

The Ministry of Interior shall have jurisdiction over the imposition and collection of all fines as specified in this Law.

Article 34:

Besides principal punishments provided in this Law, there is the sub-punishment of expulsion from the Kingdom of Cambodia.

CHAPTER SIX

EXPULSION

Article 35:

The Minister of Interior shall order every immigrant alien who violates the provisions of this Law expelled from the Kingdom of Cambodia.

Article 36:

The Minister of Interior shall have power to order every alien expelled who:

- a. is participating in an activity or behavior dangerous to the national security of the Kingdom of Cambodia;
- b. is dissident to the national security of the Kingdom of Cambodia, according to specific evidence collected by the ministries with the appropriate jurisdiction;
- c. is working in the territory of the Kingdom of Cambodia without a labor or working card.

Article 37:

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

Article 38:

The expulsion must be carried immediately on the date of the signature of the Minister of Interior ordering the expulsion. The person to be expelled shall have the right to file a complaint to the court within two months after the date of the signature of the Minister of the Interior ordering the expulsion.

Article 39:

The expulsions shall be carried out within 7 days after an official decision is made by the Minister of Interior, the only exception being when there is a court decision to cease instantly the expulsion.

CHAPTER SEVEN

ENDING CLAUSES

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 as urgent.

This law has been adopted by the National
Assembly of the Kingdom of Cambodia.

Adopted on August 26th, 1994 during the Extraordinary Session of the
First Legislature.
Phnom Penh, on August 26th, 1994.

The Acting Chairman of the National Assembly.

Signature and Seal of SON SOUBERT.