

KRAM DATED SEPTEMBER 22, 1994

ON IMMIGRATION

We,

His Majesty Norodom Sihanouk,

King of Cambodia,

- having seen the 1993 Constitution of the Kingdom of Cambodia;
- having seen Kret dated November 1, 1993 on the appointment of the Royal Government of Cambodia;

upon the proposal of the Council of Ministers;

promulgate;

the Law on Immigration adopted by the National Assembly of the Kingdom of Cambodia on August 26, 1994, the text of which is as follows:

CHAPTER 1

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 got no Cambodian nationality, without discrimination as to whether what nationality, belief, religion or what he/she has originated from.

Article 3:

This law shall be applicable for all the aliens, except only for the case where it is required to comply with the norms of International Laws, which the Kingdom of Cambodia is a signing party thereof, even though those aliens have come to settle their residences since before this law comes into force.

Article 4:

According to the conditions for the immigration and for the admission to stay in Cambodia of 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 the aliens is the competence of the Ministry of Interior. The Ministry of Interior shall organize an institution to be responsible for the immigration affairs.

Article 6:

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

CHAPTER 2

NON-IMMIGRANT ALIENS

Article 7:

Non-immigrant aliens are:

1. Agents who are working in the foreign Consulates or Embassies or Foreign Mission Representative bodies, international experts and other persons who come 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 agents, students, and their families who enter the Kingdom of Cambodia with the permission from the Royal Government of Cambodia.
3. Travelers who are only in transit, who are awaiting for the means of transports before continuing their ways towards their final destinations. For such case, their stays must not be more than one week; except only for the case of force majeure.
4. Tourists who have their return tickets, and whose durations of sojourns shall be specified by a Anukret.
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 above case their stays may not be over 3 months. In other cases where there are necessary reasonable grounds, they may be allowed to extend their stays for 3 more months in maximum, according to the permission granted by the Royal Government of Cambodia.
6. Foreigners who are living along the borders connecting with the provinces of the Kingdom of Cambodia, who have received permissions to cross the border for several times, or for instantly. Conditions for the application of this paragraph 6 of the Article 7 shall be specified by an Anukret.
7. Travelers, ships' crews, air-pilots, who berth in transit at seaports and airports, to get food supplies.
8. Foreigners who come to do fishing along the seacoasts of Cambodia, who got permissions from the Royal Government of Cambodia.

Article 8:

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

1. shall be required to get incoming visas before hand from the Royal Government of Cambodia, through any diplomatic authorities or Consulates of the Kingdom of Cambodia; or either through any foreign authority which represents the interests of the Kingdom of Cambodia in the out-countries. For the persons who are in transit and the ship and aircraft crews, this permission shall be delivered to them by the competent authority of the Kingdom of Cambodia, at the time when they get out of their ships or out of the airport.
2. shall have to bring with them their own passports or any other equivalent document which bear incoming visas granted by the authorities thereon, as specified in paragraph 1 above.
3. shall have to pay charges for the visas, and airport and water-port' fees. The conditions for these payments of the charges and fees, shall be specified by an anukret .

Article 9 :

Any non-immigrant alien who fails to fulfil the conditions as stipulated in Article 8 of this Law, shall not be allowed to enter the Kingdom of Cambodia; except only when the Royal Government granted authorizations other than this.

In case if it effects to the national security, the competent authority may then forbid non-immigrant aliens from entering the country, even though upon those non-immigrant aliens had completed all the conditions mentioned in Article 8.

CHAPTER 3

IMMIGRANT ALIENS

Article 10 :

Aliens, who could be considered as immigrants are:

1. Aliens who are legally reaching the Kingdom of Cambodia in order to perform their professions or conduct activities relating to the 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, and but beside this they shall have to fulfil also the following obligations:

1. to show up an aptitude which benefits to the economy or social affairs or technique and sciences, or culture for the Kingdom of Cambodia.
2. to deposit an appropriate amount of money as a bond/guarantee necessary to pay for the fares when travelling back home, or when in case of any eventual repatriation, and besides they shall have to have enough money to assure that they can live by their own properties. The amount of money to be deposited above, shall be specified by an Anukret.
3. to have sufficient physical aptitudes for performing their own professions, which proved by medical certificates issued by doctors of the countries from which the persons have emigrated; and labor contracts in written.
4. to have letters of imputation granted by the competent authorities of the countries they are originated.
5. Even though the immigrant aliens have already completed all the conditions set forth in above paragraphs, but still each of them shall also have to necessarily fulfil the conditions concerning the national security, as required by the Kingdom of Cambodia.

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 who have been authorized to come to the Kingdom of Cambodia, shall have to present themselves at the Immigration Police check points, both during their arrival and when leaving. Every exit or entrance gateways of the aliens shall be specified and governed by the Ministry of Interior.

Article 14 :

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

Article 15 :

In case of changing of their residences, immigrant aliens shall have to request for certification on their Resident - Cards from the Alien office of the Municipal or Provincial Police Commissariats, at the places of their residences, before moving out. Beside this, alien immigrants within 48 hours after reaching to their new residences, shall have to fulfil the same formality as above.

Article 16 :

This Resident -Card must be shown, when during any search conducted by the competent authority of the Kingdom of Cambodia. This Resident- Card may be removed from any holder, when he/she fails to comply with the provisions of this law. In the case when upon the Resident-Card is removed from any immigrant alien, such alien shall have to leave the territory of the Kingdom of Cambodia within 7 days. But in real circumstances this time limit may be changed by the Minister of Interior, upon the requests from the competent Municipal or Provincial Police Commissariat. But this period must not be extended over 3 months.

The ceasing to recognize any alien as immigrant alien, shall be decided by a Proclamation (Prakas) of the ministry of Interior.

Article 17 :

In principle, foreigners may freely travel in the territory of the Kingdom of Cambodia. But, in necessary cases, the Minister of Interior may proclaim provisions to prohibit the travelling of foreigners, and to ban all immigrant or non-immigrant aliens from entering or residing in the zone, or to leave far from the zone, or any place within the Kingdom of Cambodia.

Article 18 :

Owners or possessors of residences of all kind, shall inform the competent police institutions within 24 hours, of the presence of the immigrant or non-immigrant aliens who came to stay.

Article 19 :

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

Article 20 :

The Municipal and Provincial Police Commissariats shall have to inform the Alien Department, of the deaths and the disappearances of the immigrant aliens who stay in the area within their respective competencies.

Article 21 :

The initial Resident-Card granted, shall be valid for a period of two years, and may be applied for extension 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 over this 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 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 what specified in the Anukret.

Article 22 :

The Municipal/Provincial Police Commissariats shall be responsible for the checks and controls of all the foreigners who set up their residences or intending to settle down in the area under their respective competencies.

Article 23 :

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

Article 24 :

In case when the return is beyond the delay permitted, the concerned person shall have to apply anew for an entry visa, and he/she shall be deemed as a new immigrant alien who just come.

CHAPTER 4

IMMIGRANT ALIENS AS PRIVATE INVESTORS

Article 25 :

Immigrant aliens who are private investors, are those foreigners who are entering into the Kingdom of Cambodia for 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 that are :

- 1- the foreigners who come to Cambodia for studying the possibility/feasibility for their investments, and
- 2- the foreigners whom already received the " letters of authorization for investment", from the Cambodian Development Council.

Article 27 :

Those foreigners who come to Cambodia for studying the possibility/feasibility for their investments, shall have to comply with the conditions as set forth in the chapter 3 about the "Immigrant aliens"; except only for the validity of the period to stay for temporary , is for one year. Upon staying for one year, if they could not have possibility to make investment in any field, such foreigners shall then be allowed to withdraw their money so far deposited as bonds/ guarantees as above, but they are not allowed to stay any longer.

Article 28 :

Those foreigners who have already received the "letters of authorization for investment", from the Cambodian Council of Development, including their own families, shall be allowed to stay permanently in the Kingdom of Cambodia, or in conformity with the period stated in the letters of authorization for investment which have been granted; and besides, 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 an Anukret.

CHAPTER 5

PENALTIES

Article 29 :

Any alien who without authorization, entered the Kingdom of Cambodia by clandestine means or fraud or by any other forms whatsoever, contrary to the provisions of this law, shall be subjected to condemnation from three to six months imprisonment, before he/she is expelled.

Shall be subjected to the same term of condemnation, for those that assisted, or helped concealing, in order to bring those foreigners who got no authorization into the Kingdom of Cambodia.

Any competent official or agent of the royal government, who conspires or helps facilitating to commit the offense/crime above, shall be subjected to imprisonment from six (6) months to one (1) year.

Any competent official or agent of the government, who by negligence or by lack of attention or by non-observance of the regulation, shall be subjected to administrative penalties.

All kinds of means of transport and materials used for committing such above offenses/crimes, shall be confiscated and kept as state's property by the court.

Article 30 :

Shall be subjected to a transactional fine penalty from 50,000 to 1,000,000 Riels, for those foreigners who breached the provisions of the Articles 14, 15, 16, 17, 21 and 23, of this law.

In case of not giving up such above abuses, shall pay a transactional fine penalty from 1,000,001 to 2,000,000 Riels.

Article 31 :

Shall be subjected to a transactional fine penalty from 10,000 to 30,000 Riels, for any person who abused the Articles 18 of this law.

In case of not giving up such above abuses, shall pay transactional fine penalty from 30,001 to 60,000 Riels.

Shall be subjected to a transactional fine penalty from 200,000 to 500,000 Riels, for any person who breached the Article 19, of this law.

In case of not giving up, shall be penalized from one (1) to three (3) months imprisonment.

Article 32 :

Anyone who scratches, erases and makes carbon copy, fakes, or lends, or writes false name in 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 condemned to imprisonment for a term from 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 the transactional fine penalties as specified in the provisions of this law, shall be the competence of the Ministry of Interior.

Article 34 :

Beside the principal punishments as provided for in this law, there shall be also sub-punishments in addition to them respectively, which will be the expulsion from the territory of the Kingdom of Cambodia.

CHAPTER 6

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 power to order for expulsion from the Kingdom of Cambodia of every alien who :

- a) have his/her behavior or activity which is dangerous to the national security of the Kingdom of Cambodia, or
- b) that the competent ministries have collected all specific evidences, which prove that the person is dissident to the national security of the Kingdom of Cambodia, or
- c) such is working in the Kingdom of Cambodia with no 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 have to be carried out within 7 days, after an official decision is made by the Minister of Interior; except only when upon there is a court decision to cease instantly such implementation.

CHAPTER 7

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 Extra-ordinary Session of its First Legislature.

Phnom Penh, on August 26th, 1994.

The Acting Chairman of the National Assembly.

Son Soubert.