

Proclamation No. 164 /2011

A Proclamation Issued to Amend Proclamation No. 24/1992 Enacted to Regulate the Provision of Travel Documents, the Entry Into and Exit from Eritrea and Residence of Foreigners in Eritrea.

Whereas, administrative fines may suffice to deter minor violations of immigration laws and play a decisive role in facilitating the immigration procedures, and

Whereas, when the immigration process becomes efficient, it may reduce public and private expenses and wastage,

Now, therefore, it is proclaimed as follows:

Article 1 Short title

This Proclamation may be cited as "Proclamation No.164/2011 to Amend Proclamation No.24/1992 Enacted to Regulate the Provision of Travel Documents, Entry Into and Exit from Eritrea and Foreigners' Residence in Eritrea.

Article 2 Amendments

The following amendments have been made to Proclamation No. 24/1992:

- 1) the following new Sub-Article (13) is inserted into Article 3 of Proclamation No. 24/1992:
 - 13) "Shore Pass" is a document issued to crew members of ships and boats by the Department of Immigration and Nationality allowing them entry into a port."
- 2) whenever payment of fine in Eritrean Nakfa (ERN) or US Dollar is provided for in this Proclamation, payment may be effected in a freely convertible foreign currency to be determined by the Bank of Eritrea.
- 3) the following new Sub-Articles (4) and (5) are inserted into Article 8 of Proclamation No.24/1992:
 - "4) The Department of Immigration and Nationality may impose the payment of fine provided for in this Proclamation on any foreigner who stays up to three months in Eritrea after his visa has expired."
 - "5) Any foreigner who continues to stay in Eritrea up to seven days after his visa has expired shall only be cautioned in writing. Where his stay exceeds seven days after expiry of visa, he shall be fined as provided

for in the following schedule to be reckoned for the period of three months as of the day of expiry of visa:

Initial fine	Additional fine per day
300 ERN	30 ERN

Where his stay exceeds three months after expiry of visa, his case shall be promptly referred to the competent court which shall give a prompt decision."

- 4) The following new articles 15 A and 15 B shall be inserted into Article 15 of Proclamation No. 24/1992:

"Article 15A: Failure to obtain Residence Permit or Renew or Replace it On Time

Foreigners who are required to obtain residence permit by applying to the Department of Immigration and Nationality but fail to do so, or fail to renew their expired residence permit or replace their lost residence permit on time shall, depending on the duration of three or six months residence permit, be fined initial and additional fines as provided for under Sub-Articles (1) and (2) of this Article, respectively, in accordance with the accompanying tables herein below:

- 1) In the case of 3 and 6 month residence permits, failure to obtain residence permit on time or failure to renew residence permit on time or failure to replace lost residence permit on time, a delay up to three months, punishment shall be reckoned and effected according to the table below:

Type of violation	Initial fine	Additional fine per day
Failure to obtain residence permit on time	1200 ERN	10 ERN
Failure to renew residence permit on time	800 ERN	10 ERN
Failure to replace lost residence permit	1200 ERN	10 ERN

Where delay exceeds three months, the case shall be promptly referred to the competent court which shall give a prompt decision.

- 2) In the case of the one year and more residence permits, failure to obtain residence permit on time or failure to renew residence permit on time or failure to replace lost residence permit on time, a delay up to six

months, punishment shall be reckoned and effected according to the table below:

Type of violation	Initial fine	Additional fine per day
Failure to obtain residence permit on time	1200 ERN	10 ERN
Failure to renew residence permit on time	800 ERN	10 ERN
Failure to replace lost residence permit	1200 ERN	10 ERN

Where delay exceeds six months, the case shall be promptly referred to the competent court which shall give a prompt decision.

"Article 15B: types and durations of residence permits

Notwithstanding the provisions of Article 14(4) of Proclamation No. 24/1992 and Article 19(1) of Legal notice No. 4/1992:

- A. depending on circumstances, the Department of Immigration and Nationality may issue resident permits for three or six months or for a year;
- B. a residence permit for more than one year may also be granted under special conditions;
- C. in the case of 3 and 6 month residence permit delay up to 10 days shall only be by passed with a caution in writing; and
- D. in the case of one year or more residence permit delay up to 20 days shall only be by passed with a caution in writing."

5) The following new Sub-Article (4) is inserted into Article 18 of Proclamation No. 24/1992

"4) Failure to inform, on time, the relevant authorities of any change to information given during registration, shall be punishable by initial fine of 200 (two hundred) ERN and an additional fine of 3 (three) ERN for each additional day."

6) The following provision shall be inserted into Article 19 of Proclamation No. 24/1992:

'Failure to inform on time the relevant authorities of any loss of travel document or residence permit shall be punishable with a fine of 300 (three hundred) ERN. "

7) The following new Sub-Articles (5), (6), (7) and (8) shall be inserted into Article 25 of Proclamation No. 24/1992:

- 5) any crew member of a ship or a boat who lands without obtaining a shore pass shall be fined 20 US dollars.
- 6) any crew member of a ship or a boat who merely enters with a shore pass into the country beyond the port shall be fined with an initial fine of 100 (one hundred) US Dollars and an additional fine of 20 US Dollars for each additional day.
- 7) violations committed by the captain of a ship or boat or a pilot of an airplane or a driver of a vehicle shall be fined in accordance with the penalties provided for in the following table according to their respective capacity or size.

Means of transport	Types of violations and amount of fine		
	Entry or departure carrying persons without valid visa or travel document	Failure to submit a complete list of passengers	Departure without clearance
Air planes with capacity of 180 passengers	1000 dollars	100 dollars	1000 dollars
Air planes with capacity of 70 to 180 passengers	800 dollars	75 dollars	800 dollars
Air planes with a capacity of less than 70 passengers	500 dollars	50 dollars	500 dollars
Cargo planes	1500 dollars	-	-
Large size ships with a length of 150 meters and more	3000 dollars	100 dollars	3000 dollars
Medium size ships with a length of 100-149 meters	2000 dollars	75 dollars	2000 dollars
Small size ships with a length of 50-100 meters	1000 dollars	50 dollars	1000 dollars
Boats less than 50 meters length	100 dollars	20 dollars	100 dollars

Vehicles	50 dollars	20 dollars	50 dollars
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• **Dollar means US Dollar.**

- 8) any means of transport which carries persons to and from Eritrea without a valid visa or fails to submit a correct list of passengers shall be punishable with an additional 10% of the total fine for each person.
- 8) The following new Sub-Article (3) shall be inserted into Article 27 of Proclamation No. 24/1992:

"3) Without prejudice to the provisions of Sub-Articles (1) and (2), the Department of Immigration and Nationality is empowered to impose the initial and additional fines mentioned in the preceding provisions of this Proclamation in cases involving the following violations:

- A. Foreigners who continue to stay in the country with an expired visa;
- B. Foreigners who are required to obtain a residence permit by applying to the Department of Immigration and Nationality but fail to do so, or to renew their residence permit, or to replace their lost residence permit on time and also continue to reside in the country for three or six months depending on the type of permit issued;
- C. Foreigners who fail to inform the concerned Immigration Authorities on changes of information given during registration as provided for by Proclamation No. 24/1992 and Legal Notice No. 4/1992; and
- D. Violations by the pilot of an airplane or captain of a ship or a boat or a driver of a vehicle stipulated under Article 25(7) hereof."

- 9) The following new Article 28A shall be inserted into Article 28 of Proclamation No. 24/1992:

Article 28 A Criminal Liabilities

The case of a person who fails to pay fines because of lack of resources or who refuses to pay fines shall be referred to a competent court for decision in accordance with the provisions of the Penal Code."

- 11) The following new Article 29A shall be inserted into Article 29 of Proclamation No. 24/1992:

Article 29A. Right of Appeal

1. Any person who is aggrieved by the penalties imposed by the concerned officer of the Department of Immigration and Nationality may appeal to the

head of the Department of Immigration and Nationality within seven working days of the decision.

2. Any person who is aggrieved by the decision of the head of the Department of Immigration and Nationality may further appeal to the High Court within 30 days of the decision.
3. The decision of the High Court shall be final.”

Article 3: Contradictions

All provisions of law which are inconsistent with the provisions of this Proclamation shall not apply to matters dealt with by this Proclamation.

Article 4: Entry into force

This Proclamation shall enter into force 60 days after the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 1st day of April 2011.

Government of Eritrea