

Luther.

# Myanmar News:

New Visa Regulations

(Draft) Law Concerning Foreigners

(Draft) Foreign Worker Law

December 2016

# Table of Content

- I. New Visa Regulations
- II. (Draft) Law Concerning Foreigners
- III. (Draft) Foreign Worker Law
- Annex 1: Unofficial English Translation of the (Draft) Law Concerning Foreigners
- Annex 2: Unofficial English Translation of the (Draft) Foreign Worker Law

## I. New Visa Regulations

On 2 December 2016, the Ministry of Labour, Immigration and Population published yet another notification concerning the issuance of visas (the last notification dates back to 9 January 2016). With effect from 1 December 2016, foreigners may apply for twelve (12) different types of visas.

Of these types, business visa, social visa, religious visa, crew visa, education visa and official visa may be granted as multiple re-entry visas.

With the anticipated introduction of the *Law Concerning Foreigners and the Foreign Worker Law* (please find further information on the current drafts below), this may be a further step towards the implementation of a modern immigration- and work permit system.

Please find below a short summary of the most important changes.

### 1. Visa policy of Myanmar

With the exception of citizens of Brunei, Cambodia, Indonesia, Laos, the Philippines, Singapore, Thailand and Vietnam, every foreigner wishing to enter Myanmar must obtain a valid visa.

### 2. Types of visa

With effect from 1 December 2016, foreigners may choose between twelve (12) types of visas:

- (i) Diplomatic/official courtesy visa (GDC/GOC);
- (ii) Official visa;
- (iii) Tourist visa;
- (iv) Business visa;
- (v) Employment visa;
- (vi) Social visa;
- (vii) Religious visa;
- (viii) Education visa;
- (ix) Journalist visa;
- (x) Crew visa;
- (xi) Workshop/seminar/meeting/research visa; and
- (xii) Transit visa.

Visas shall generally be applied for at the respective Embassies and Consulates of Myanmar. Business visa, social visa, religious visa, crew visa, education visa and official visa may be issued for multiple re-entry.

As in the past, certain citizens may also apply for single-entry visas on arrival or e-visas.

### 3. Changes for foreigners residing or working in Myanmar

Most foreigners currently working in Myanmar are holding a business visa only.

While by law, foreigners residing in Myanmar for more than 90 days are required to apply for a Foreigner Registration Certificate, this requirement is rarely enforced by the immigration authorities. As a consequence, most foreigners residing in Myanmar even on a long term basis refrain from applying for a Foreigner Registration Certificate and Long Term Stay Permit due to the rather cumbersome application process.

Foreigner Registration Certificates are primarily applied for by foreigners requiring a Long Term Stay Permit or working for enterprises established under the Foreign Investment Law, 2012. The additional issuance of a Long Term Stay Permit, which is only available to persons holding a Foreigner Registration Certificate, allows foreigners to reside in Myanmar without having to leave the country after expiry of the visa's validity (e.g. 70 days for business visa).

### 3.1. Validity of new visa

Pursuant to the new visa regulations, some visas, such as multiple re-entry business visa, will be valid and allow foreigners to stay in Myanmar for more than 70 days. – A one year multiple re-entry business visa obtained at the Myanmar embassy this week did indeed provide for a duration of more than 70 days (i.e. for the full term of the visa for twelve (12) months).

Even if the new visas now allow for longer stays, it should be noted that such visa will not relieve the foreigner from the requirement to apply for a Foreigner Registration Certificate, should he or she intend to stay in Myanmar for more than 90 consecutive days.

### 3.2. Employment visa

Pursuant to the new visa regulations, a foreigner may apply for an employment visa, which is valid for up to 70 days.

For the application of an employment visa, the foreigner (i) shall submit an invitation letter or appointment letter from the employer and (ii) must hold a labour card from the Ministry of Labour, Immigration and Population. While the term labour card is unclear and we are not aware of such cards currently being issued to foreigners, it is our understanding that this may already refer to the work permits introduced in the (*Draft*) Foreign Worker Law (please find further information below). Pursuant to the (*Draft*) Foreign Worker Law, every foreign employee

shall apply for a work permit within 30 days of his or her arrival in Myanmar.

The introduction of the employment visa may be yet another step towards the creation of a comprehensive visa and work permit system with a stricter enforcement of Myanmar's immigration, labour and tax laws.

Please find below an unofficial translation of the notification of the Ministry of Labour, Immigration and Population. For further clarification or assistance with the application of Foreigner Registration Certificates, Long Term Stay Permits or re-entry visas please do not hesitate to contact us.

#### 4. Notification of the Ministry of Labour, Immigration and Population (Unofficial Translation)

	<i>Type of Visa</i>	<i>Visa Fees</i>	<i>Duration of Stay</i>
(i)	<i>Diplomatic / Official courtesy visa</i>	<i>Free</i>	<i>- Duration of Assignment</i>
(ii)	<i>Tourist Visa</i>	<i>USD 40,00</i>	<i>- 28 days</i>
(iii)	<i>Business Visa (single)</i>	<i>USD 50,00</i>	<i>- 70 days</i> <i>- Application for stay extension according to the rules and regulations</i>
	<i>Business Visa (multiple)</i>	<i>USD 200,00</i>	<i>- 3 months</i> <i>- Allows multiple entries and stays</i> <i>- Application for stay extension according to the rules and regulations</i> <i>- An exit after staying for 70 days is not necessary</i>
		<i>USD 400,00</i>	<i>- 6 months</i> <i>- Allows multiple entries and stays</i> <i>- Application for stay extension according to the rules and regulations</i> <i>- An exit after staying for 70 days is not necessary</i>
		<i>USD 600,00</i>	<i>- 1 year</i> <i>- Allows multiple entries and stays</i> <i>- Application for stay extension according to the rules and regulations</i> <i>- An exit after staying for 70 days is not necessary</i>
(iv)	<i>Social Visa (single)</i>	<i>USD 50,00</i>	<i>- 70 days</i> <i>- Application for stay extension according to the rules and regulations</i>
	<i>Social Visa (multiple)</i>	<i>USD 150,00</i>	<i>- 3 months</i> <i>- Allows multiple entries and stays</i> <i>- Application for stay extension according to the rules and regulations</i> <i>- An exit after staying for 70 days is not necessary</i>
		<i>USD 300,00</i>	<i>- 6 months</i> <i>- Allows multiple entries and stays</i> <i>- Application for stay extension according to the rules and regulations</i> <i>- An exit after staying for 70 days is not necessary</i>
		<i>USD 450,00</i>	<i>- 1 year</i> <i>- Allows multiple entries and stays</i> <i>- Application for stay extension according to the rules and regulations</i> <i>- An exit after staying for 70 days is not necessary</i>

	<i>Type of Visa</i>	<i>Visa Fees</i>	<i>Duration of Stay</i>
(v)	<i>Religious Visa (single)</i>	<i>USD 50,00</i>	- 70 days - Application for stay extension according to the rules and regulations
	<i>Religious Visa (multiple)</i>	<i>USD 150,00</i>	- 3 months - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 70 days is not necessary
		<i>USD 300,00</i>	- 6 months - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 70 days is not necessary
		<i>USD 450,00</i>	- 1 year - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 70 days is not necessary
(vi)	<i>Transit Visa</i>	<i>USD 20,00</i>	- 24 hours
(vii)	<i>Official Visa (single)</i>	<i>USD 50,00</i>	- 70 days - Application for stay extension according to the rules and regulations
	<i>Official Visa (multiple)</i>	<i>USD 200,00</i>	- 3 months - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 70 days is not necessary
		<i>USD 400,00</i>	- 6 months - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 70 days is not necessary
		<i>USD 600,00</i>	- 1 year - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 70 days is not necessary
(viii)	<i>Employment Visa</i>	<i>USD 50,00</i>	- 70 days - Application for stay extension according to the rules and regulations

	<i>Type of Visa</i>	<i>Visa Fees</i>	<i>Duration of Stay</i>
(ix)	<i>Education Visa (single)</i>	<i>USD 50,00</i>	- 90 days - Application for stay extension according to the rules and regulations
	<i>Education Visa (multiple)</i>	<i>USD 200,00</i>	- 3 months - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 90 days is not necessary
		<i>USD 400,00</i>	- 6 months - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 90 days is not necessary
		<i>USD 600,00</i>	- 1 year - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 90 days is not necessary
(x)	<i>Journalist Visa</i>	<i>USD 40,00</i>	- 28 days
(xi)	<i>Crew Visa (single)</i>	<i>USD 50,00</i>	- 90 days - Application for stay extension according to the rules and regulations
	<i>Crew Visa (multiple)</i>	<i>USD 200,00</i>	- 3 months - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 90 days is not necessary
		<i>USD 400,00</i>	- 6 months - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 90 days is not necessary
		<i>USD 600,00</i>	- 1 year - Allows multiple entries and stays - Application for stay extension according to the rules and regulations - An exit after staying for 90 days is not necessary
(xii)	<i>Workshop / Seminar/ Meeting / Re- search Visa</i>	<i>USD 40,00</i>	- 28 days - Application for stay extension according to the rules and regulations (only for the purpose of research)

## II. (Draft) Law Concerning Foreigners

A draft of the Law Concerning Foreigners was recently published, containing – inter alia – provisions on Foreigner Registration Certificate, temporary travel and re-location, obligations of foreigners and landlords providing private accommodation to foreigners and the duties and powers of Registrars and Immigration Officers.

While these provisions shall not be applicable to foreign diplomats, embassy staff, consular officials and their family members as well as United Nations officials, persons from United Nations Agencies having diplomatic status and their family members, they will have considerable impact on all other foreigners working and residing in Myanmar.

Upon enactment, the Law Concerning Foreigners will repeal the Foreigners Act, 1864, the Registration Of Foreigners Act, 1940, the Foreigners (Extension) Act, 1949 and the Registration Of Foreigners (Extension) Act, 1949.

Please find below a short summary of the draft.

### 1. Foreigner Registration Certificate

Non-permanent resident foreigners (e.g. a person who is neither a citizen nor an associate citizen nor a naturalized citizen) who are desirous of staying in Myanmar for more than 90 consecutive days shall apply for a Foreigner Registration Certificate.

The foreigner shall at all times bear the travel authorization and other stipulated approvals as well as the Foreigner Registration Certificate on his person.

### 2. Departing from Myanmar

When departing for abroad (e.g. at Yangon International Airport), the bearer of a Foreigner Registration Certificate shall return the original hardcopy of the Foreigner Registration Certificate to the immigration authorities and may within 30 days of re-entry into the country collect it from the immigration authorities in downtown Yangon.

### 3. Travelling and Re-Location within Myanmar

Amongst other details, the Foreigner Registration Certificate contains the residential address of the foreigner.

If the bearer of a Foreigner Registration Certificate is desirous of travelling temporarily from this address to another location within Myanmar in excess of 24 hours, he shall apply for approval with the relevant Registrar and travel only when the Registrar's approval has been received.

Further, the foreigner shall apply for approval with the relevant Registrar if he is re-locating to another address within Myanmar. Upon arrival at the new location, the foreigner shall report within 24 hours to the relevant Registrar in person, and complete and submit the prescribed form.

### 4. Obligations of Landlords

Any landlord providing private accommodation to a foreigner shall furnish the foreigner's personal, passport and travel details to the relevant Registrar. Upon entry and inspection of the accommodation by a Registrar or Immigration Officer, the landlord shall present the data and particulars of record.



## 5. Offenses and Penalties

Any person convicted of failing to comply with provisions of this Law and/or violating any condition in the rules, regulations, bylaws, notifications, orders or directives issued under this Law, shall be punished, depending on the violation, with imprisonment extending to a maximum of five (5) years or with a fine or with both penalties.

## 6. Deportation and Incarceration

The Union Minister of the Ministry of Labour, Immigration and Manpower may further order the incarceration and deportation of a foreigner.

# III. (Draft) Foreign Worker Law

The Myanmar government further published a draft of the Foreign Worker Law, aiming to enable protection of rights of foreign workers, raise the skills and technical standards of local workers, support improvement of productivity and enable systematic administration and supervision of foreign workers.

The draft contains – inter alia – provisions on rights and duties of foreign workers and their employers, the establishment of a foreign workers fund, as well as prohibitions and penalties.

While the new law will not be applicable to foreign diplomats, staff of the United Nations and its agencies, staff discharging functions pursuant to treaties between the Government of the Union of Myanmar and governments of foreign countries or international organizations as well as foreign tourists and trainees coming for academic purposes, it will have considerable impact on all other foreigners working in Myanmar.

Please find below a short summary of the draft.



## 1. Foreign Worker

Pursuant to the (Draft) Foreign Worker Law, a foreign worker shall – inter alia –:

- undergo medical examination at hospitals/clinics within seven (7) days of arrival to Myanmar;
- apply for a work permit within 30 days of arriving in Myanmar;
- work only in the permitted job, workplace, type of enterprise, location and employer;
- present work experience evidence or a work skills certificate recognized by an internationally recognized body or recognized through a regional programme of mutual skills recognition;
- enter into an employment contract with his employer within 30 days from the date of employment; and
- work in the Union of Myanmar consecutively for four (4) years only.

## 2. Rights & Duties of Employers

An employer shall – inter alia –:

- employ a foreign worker only after applying with relevant documents to the Township Registrar or to the Labour Department's representative in the Myanmar Investment Commission's Departmental Coordination Working Group, and receiving approval;
- arrange for medical examination of foreign worker within seven (7) days of arrival in Myanmar at hospitals/clinics;
- arrange to enable application as prescribed for work permit for the foreign worker desired within 30 days of his arrival in Myanmar;
- exclusively employ persons who possess work experience or work skills certificate recognized by an internationally recognized body or recognized through regional programme of mutual recognition of skills;
- give priority to appointing citizen workers in case of equal skills qualifications between citizen workers and foreign workers, and also pay a citizen worker the same rate of remuneration as a foreign worker;
- not employ a foreign worker beyond the term allowed in the work permit;
- conclude an employment contract with foreign workers appointed by him within 30 days of appointment;
- send biannual report seven (7) days in advance to the relevant Township-Registrar on continued employment of foreign workers with work permits; and
- limit consecutive employment of foreign workers to four (4) years.

## 3. Foreign Worker Fund

The Ministry of Labour, Immigration and Population shall establish a foreign worker fund financing expenditures in foreign worker related matters (e.g. connected to the processes of issuance of work permits to foreign workers).

## 4. Prohibitions

A foreign worker shall not:

- work in any type of enterprise, factory, workplace or location not allowed in the work permit;
- continue working after expiry of the work permit term;
- arbitrarily change the type of job or work location allowed in the work permit;
- engage in any type of enterprise without a work permit;
- falsify documents or evidence related to job/occupation, skills certificates and work permit;
- refuse inspection by persons authorized by the Chief-Registrar;
- fail to conclude an employment contract with the employer; or
- fail to comply with the provisions of this Law, and orders, directives and procedures issued by the Committee and the Department.

An Employer shall not:

- fail to send biannual report to the Township Registrar on continued employment of a foreign worker appointed by him;
- appoint a foreign worker who has not undergone medical examination or who is medically disqualified;
- cause a foreign worker to work in a type of enterprise or factory, workshop, workplace or location not allowed in the work permit;
- employ a foreign worker who has not renewed his or her work permit or whose stay permit has expired;
- fail to conclude an employment contract with the foreign worker;
- appoint foreign workers who do not have work permits; or
- fail to comply with the provisions of this Law, and orders, directives and procedures issued by the Committee and the Department.

## 5. Penalties

A foreign worker convicted of violating the prohibitions of this Law, shall be punished with a fine or imprisonment or with both penalties. In addition, the work permit may be revoked.

An employer convicted of violating the prohibitions of this Law, shall be punished with a fine or imprisonment or with both penalties. In addition, the right to employ new foreign workers may be suspended for one (1) year.

Unofficial Translation

# (DRAFT) Law Concerning Foreigners

## Chapter 1. Title and Definitions

1. This Law shall be called the Law Concerning Foreigners.
2. The following expressions contained in this Law shall have the meanings given hereunder:
  - a. The Union means the Republic of the Union of Myanmar.
  - b. Government means the Union Government Cabinet.
  - c. Ministry means the Union Government Ministry of Labour, Immigration and Manpower.
  - d. Union-Minister means the Union Minister of the Ministry of Labour, Immigration and Manpower.
  - e. Department means the Immigration Department.
  - f. Director-General means the director general of the Immigration Department.
  - g. Registrar means an officer of a rank no lesser than a township chief of a township immigration and manpower office under the Ministry of Labour, Immigration and Manpower.
  - h. Immigration-Officer means an officer of rank no lesser than an assistance immigration officer from the Ministry of Labour, Immigration and Manpower, Immigration Department, or the Union Territory Office, Region/state office related to immigration and manpower.
  - i. Foreigner means a person who is neither a citizen nor an associate citizen nor a naturalized citizen.
  - j. Domestic Eligible Foreigner means a foreigner who has applied for and holds a Foreigner Registration Certificate under any law repealed herewith, subsequent to having settled within the Union of Myanmar for an uninterrupted period of no less than eight years in one of the two 10-year long periods, which are one from the date of 4-1-1938 to the date of 4-1-1948, and another

from the date of 4-1-1948 to the date of 4-1-1958, as well as his family members.

- k. Permanent Resident Foreigner means a foreigner who has received permission for permanent residence of limited duration under the Foreigner Permanent Residence Rules.
- l. Travel Document means passport or identity papers issued for purpose of international travel to staff and family of the United Nations or its Agencies or any internationally recognized similar entity, or passes issued in lieu of passports by a country to persons who are not its citizens, allowing them to travel to another country.
- m. Foreigner Registration Certificate means a foreigner registration certificate or card issued under this Law to a foreigner within the age of 10-18 years, or of age 18-years or above.
- n. Fees means the fees required to be paid by a foreigner for issuance, or for annual renewal, or for re-confirmation of validity of term, or for replacement due to loss or damage.
- o. Registered Address means the address of residence within the Union of Myanmar as stated on the application form for registration by a foreigner under Section (3) of this Law.
- p. Accommodation means a house or club that allows a foreigner to stay therein with or without consideration. The expression includes hotels, motels, inns, lodgings, boarding place or building.
- q. Landlord means the owner of the Accommodation, or a person appointed by him to manage the affairs of the Accommodation in accordance with his bylaws.

## Chapter 2. Foreigner Registration Certificate

3. The following Non-Permanent-Resident Foreigners shall, in accordance with the provisions of this Law, apply as stipulated to the relevant Registrar to procure a Foreigner Registration Certificate prescribed according to age, and bear the same on his person:

- a. Domestic Eligible Foreigner;
  - b. a person born of parents who are both Foreigners;
  - c. a person born as per Section (43) of the Myanmar Citizenship Law, who is not desirous of applying for naturalization upon attaining 18-years of age;
  - d. a Foreigner who is desirous of staying more than ninety consecutive days, after having entered the country with an entry visa.
4. The following persons are required to procure and bear Foreigner Registration Certificate upon losing the relevant eligibility:
- a. a person from whom the status of citizenship or associate citizenship or naturalized citizenship is withdrawn or terminated;
  - b. a person born as per Section (43) of the Myanmar Citizenship Law, who fails to apply within prescribed period for naturalization upon attaining 18-years of age;
  - c. a person whose status of chief of consular mission, consul or deputy consul has been terminated, or a Foreigner spouse or offspring of such person;
  - d. a Foreigner who has returned after expiry of valid term of re-entry visa, thus losing his eligibility to stay within the country;
  - e. a Foreigner whose Permanent Resident status has been withdrawn.
5. A person required to apply for and bear Foreigner Registration Certificate as per Section (4) shall, within 90-days of losing eligibility, apply as prescribed to the relevant Registrar to obtain a Foreigner Registration Certificate, and bear the same on his person.
6. A Foreigner bearing Foreigner Registration Certificate while incarcerated or imprisoned after being judged guilty for any offense under any prevailing law, shall be exempted from annual renewal of his Foreigner Registration Certificate.
7. A Foreigner who was exempted from annual renewal as per Section (6), shall, within 30-days after his lawful release from respective incarceration or imprisonment, apply as prescribed to the relevant Registrar for renewal.
8. Upon receiving an application for Foreigner Registration Certificate from a Foreigner as per Section (3), Section (5) or Section (7), the Registrar shall cause the payment of stipulated fees, and issue the Foreigner Registration Certificate as prescribed.
9. A Foreigner Registration Certificate expires on November 30th each year. Hence, a Foreigner Registration Certificate bearer shall apply as prescribed for renewal to the relevant Registrar within 30-days of such expiry.
10. A Foreigner Registration Certificate bearer:
- a. shall return his Foreigner Registration Certificate to the relevant Registrar when departing for abroad.
  - b. may, within 30-days of re-entry into the country, apply as prescribed to the relevant Registrar for re-confirmation of validity of term.
11. A Foreigner Registration Certificate bearer shall apply as prescribed to the relevant Registrar for issuance of a replacement for loss or damage of his Foreigner Registration Certificate.

### Chapter 3. Temporary travel and relocation

12. A Foreigner Registration Certificate bearer:
- a. desirous of travelling temporarily from the address stated on the Foreigner Registration Certificate to another location within the Union in excess of 24-hours, shall apply as prescribed to the Registrar at his place of residence, and travel only when the Registrar's approval has been received.
  - b. desirous of re-locating to an address other than that stated on the Foreigner Registration Certificate shall do so [only] with the approval of the Department.
  - c. shall, if suddenly re-located from the address stated on the Foreigner Registration Certificate to another locality within the Union through force majeure, report to the relevant Registrar of that locality in person, and complete and submit the prescribed form.

13. A Foreigner:
- a. shall, on arrival at the location permitted to travel or re-locate to, report within 24-hours to the relevant Registrar in person, and complete and submit the prescribed form.
  - b. shall, in case of being a Domestic Eligible Foreigner desirous of travelling abroad, do so only after applying for travel authorization to the Department through the Registrar at his place of residence, and receiving the approval of the Department.
  - c. shall comply with provisions of Foreigner Permanent Residency Rules, in case of being a Permanent Resident Foreigner.
14. A Foreigner shall, in travelling, working or residing within the Union, procure and bear travel authorizations and other stipulated approvals, and present them to responsible-person for inspection.
15. A Foreigner Registration Certificate bearer who had re-located to a place other than the Registered Address without the approval of the Department, shall, subsequent to penalties under Section (25), report to the Registrar at the township he had re-located in order to formalize the change of Registered-Address.
16. A Foreigner shall, upon arrival at an Accommodation, provide the Landlord with personal details, passport details and travel details.
17. A Foreigner shall notify the relevant Registrar within 72-hours in case of loss of travel authorization or Foreigner Registration Certificate.
18. A Foreigner shall comply as prescribed in matters of renewal, re-confirmation of valid term, request for replacement of Foreigner Registration Certificate.
19. A Foreigner shall return to the relevant township department the Foreigner Registration Certificate issued under this Law, in case of receiving Permanent Resident status.
20. A Foreigner shall comply with this Law, and the rules, regulations, bylaws, notifications, orders and directives issued under this Law.
21. A Foreigner shall respect the sovereignty of the Union and comply with prevailing laws, and also discharge statutory obligations.
17. A Foreigner Registration Certificate bearing Foreigner shall regularly and without fail pay stipulated fees to the Department or relevant township department.

## Chapter 4. Obligations of Foreigner

16. A Foreigner:
- a. shall provide truthful answers to questions on person details by a Registrar or Immigration-Officer.
  - b. shall at all times bear the travel authorization and other stipulated approvals as well as the Foreigner Registration Certificate on his person.
  - c. shall without fail present the travel authorization, other stipulated approvals and the Foreigner Registration Certificate for inspection when requested by a Registrar or Immigration-Officer.
  - d. shall submit within prescribed period to the Registrar for any change in personal details.
  - e. shall apply for and bear a Foreigner Registration Certificate within the period prescribed in Section (5), if

## Chapter 5. Obligations of Landlord of Accommodation

18. A Landlord:
- a. shall request from and write down, endorse and keep records of personal details, passport details and travel details of Foreigner staying at his Accommodation.
  - b. shall forward as prescribed the data and particulars of record compiled as per sub-section (a) to the relevant Registrar.
19. Upon entry and inspection of the Accommodation by a Registrar or Immigration-Officer, the Landlord shall present the data and particulars of record compiled as per Section (18) sub-section (a).

## Chapter 6. Duties and Powers of Registrar and Immigration Officer

20. The duties of a Registrar and Immigration-Officer are as follows:

- a. registration of Foreigners and their offspring, who apply for foreigner registration under Section (3) or Section (5) or Section (7) of this Law;
- b. registration of Foreigners and their spouse, offspring and dependants, desirous of staying within the Union beyond consecutive 90-days of permitted stay duration, subsequent to arrival with entry visa;
- c. carrying out compliance and recording in accordance with procedures and directives in respect of Foreigner's change in personal status, change in address, renewal of Foreigner Registration Certificate, re-confirmation of valid term of Foreigner Registration Certificate, issuing of replacement copies;
- d. granting permission in accordance with procedures and directives for Foreigners to travel, and reporting to the Department;
- e. properly collecting stipulated fees from Foreigners, and depositing them in accordance with directives of the Department;
- f. taking legal action against a Foreigner who violates or fails to comply with any provision of this Law or any rule issued under this Law, or any prevailing law.

21. The powers of a Registrar and Immigration-Officer are as follows:

- a. investigating and taking action against Foreigners who travel to restricted areas prescribed by Presidential Notification;
- b. investigating without need for warrant on finding a Foreigner in suspicious circumstances at any location;
- c. entering any location, building or vehicle to arresting without need for warrant a foreigner who is suspected of violating or having violated or may violate any provision of this Law or any condition contained in rules,

regulations, bylaws, notifications, orders and directives issued under this Law.

22. If a Foreigner as per Section (3) or a person required to apply for and bear Foreigner Registration Certificate under Section (4) or a Foreigner exempted from annual renewal under Section (6), applies for Foreigner Registration Certificate after the prescribed period, the Registrar shall, in the following circumstances, issue Foreigner Registration Certificate to the applicant after causing him to pay double the stipulated fees:

- a. the lateness in applying for Foreigner Registration Certificate is not more than one month;
- b. late application as per sub-section (a) is the first instance.

23. Upon receiving the address change submission of a Foreigner Registration Certificate bearer who has undergone punishment as per Section (2) for formal re-location from the original address of residence, the relevant township officer may permit continued residing subsequent to putting up to and obtaining the approval of the Department.

## Chapter 7. Offenses and Penalties

24. Any Foreigner convicted of failing to apply for a Foreigner Registration Certificate at the relevant Registrar and to bear the same as per Section (3) or Section (5) or Section (7), shall be punished with imprisonment extending from minimum six months to maximum five years, or with a fine extending from minimum Kyats fifty thousand to maximum Kyats five hundred thousand, or with both penalties.

25. Any Foreigner convicted of re-locating from his Registered Address to another place within the Union, or of travelling abroad or re-locating abroad with a permit from the Registrar or the Department, failing to apply for a Foreigner Registration Certificate at the relevant Registrar and to bear the same as per Section (3) or Section (5) or Section (7), shall be punished with imprisonment extending from minimum six months to maximum one year, or with a fine extending from minimum Kyats fifty thousand to maximum Kyats one hundred thousand, or with both penalties.

26. Any Foreigner convicted of failing to comply with any obligation in Chapter (4), shall be punished with imprisonment extending from minimum six months

to maximum two years, or with a fine extending from minimum Kyats fifty thousand to maximum Kyats one hundred thousand, or with both penalties.

27. Any Landlord convicted of failing to comply with any condition in Chapter (5), shall be punished with imprisonment extending from minimum six months to maximum one year, or with a fine extending from minimum Kyats fifty thousand to maximum Kyats one hundred thousand, or with both penalties.

28. Any person convicted of fraudulently assisting or attempting to assist any person to be registered as a Foreigner, shall be punished with imprisonment extending from minimum three months to maximum one year, or with a fine extending from minimum Kyats thirty thousand to maximum Kyats one hundred thousand, or with both penalties.

29. Any person violating any condition in the rules, regulations, bylaws, notifications, orders or directives issued under this Law, shall be punished with imprisonment extending from minimum six months to maximum five years, or with a fine extending from minimum Kyats fifty thousand to maximum Kyats five hundred thousand, or with both penalties.

30. A Foreigner sentenced under this Law if ordered to be deported under Section (32b), shall most speedily depart for abroad in accordance with such order, after undergoing the stipulated punishment.

31. Any person convicted of failing to comply with a deportation order, or of re-entering the Union while the deportation order still stands valid, shall be punished with imprisonment extending from minimum one year to maximum five years, or with a fine extending from minimum Kyats one hundred thousand to maximum Kyats five hundred thousand, or with both penalties, and also ordered to be deported again.

## Chapter 8. Deportation and Incarceration

32. The Union Minister:

a. may order the immediate deportation or deportation after a specified interval of a Foreigner who infringes the sovereignty of the Union or purports to do so.

b. may order a Foreigner convicted under any prevailing law of the Union to be deported on the date of his release from incarceration.

c. may order a Foreigner to be deported without being charged, if he violates any provision of this Law, of any rule, regulation, bylaw, notification, order or directive issued under this Law.

33. The Union Minister may assign the issuance under this Law of deportation order to the Director-General.

34. A deportation order shall remain valid until rescinded by the Union Minister.

35. A Foreigner may be incarcerated in accordance with law, while his hand-over to the relevant country is under processing prior and subsequent to being ordered deported under this Law, with submission to a District Penal Judge by an Immigration-Officer of rank no less than a Chief Immigration Officer , assigned by the Director-General.

36. For incarceration under Section (35) while deporting is under processing, the Immigration-Officer may by writing, incarcerate at any police department, police lockup, police station, jail, prison or prison branch, for no more than fifteen days per incarceration.

## Chapter 9. Suspension, withdrawal or revocation of deportation order and granting of bail

37. Upon sound grounds, the Union Minister may suspend, withdraw or revoke a deportation order.

38. While a deportation order is being prepared, or subsequent to a deportation order being issued, the Union Minister or his assignee, may release the Foreigner under sufficient bail to stay un-incarcerated in accordance with terms imposed under this Law.

## Chapter 10. Exemption of Diplomats and Members of the United Nations

39. The provisions of this Law shall not be applicable to duly accredited foreign diplomats, embassy staff and personnel, consular officials and their family members.
40. The provisions of this Law shall also be not applicable to United Nations officials, persons from United Nations Agencies having diplomatic status and their family members.
46. The rules, notifications, orders, directives and procedures issued under the Foreigners Act and the Foreigners Registration Act may continue to be applied in so far as they are not contrary to this Law.
47. In the implementation of the provisions of this Law:
  - a. the Ministry may, with the approval of the Government, issue rules, regulations and bylaws.
  - b. the Department, with the approval of the Ministry, may issue notifications, orders, directive and procedures.

## Chapter 11. Miscellaneous

41. The Department:
  - a. may announce through Notification that any provision of this Law or of any rule issued under this Law, or of any prevailing law, shall not be applicable to any one Foreigner, or a specific class of Foreigner, or that it shall be applicable only under conditions.
  - b. may prescribe by Notification restricted areas unsuitable for Foreigners to visit or reside in.
  - c. may authorize an Immigration-Officer to investigate compliance of any Foreigner in respect of any provision of this Law or rules issued under this Law.
  - d. may prescribe through Notification rates and methods of collection of fees and fines, imposable on Foreigners in respect of registration.
42. In case of a dispute on whether or not a person is a Foreigner, the Director-General may authorized an Immigration-Officer of no less rank than an Assistant Chief Immigration Officer to conduct scrutiny.
43. Prior sanction of the Ministry is required to bring charges against any person carrying out a duty imposed by this Law.
44. If a question shall arise whether a person is a Foreigner or not, the onus of proving such person is not a Foreigner shall lie upon such person, notwithstanding any provision the Law of Evidence.
45. The onus of proving identity to the inspecting Registrar or Immigration-Officer shall lie upon the Foreigner who arrives at and desires entry to the Union, or who is in the Union, or who wishes to depart abroad.
48. Matters relevant to this Law may be decided only by the Ministry, except in matters of judicial proceedings.
49. Notwithstanding provisions of the Law of Evidence, a statement or interrogation transcript duly made in accordance with this Law in the presence of a Registrar or Immigration-Officer constitute admissible evidence.
50. The following Acts are repealed herewith:
  - a. THE FOREIGNERS ACT
  - b. THE REGISTRATION OF FOREIGNERS ACT
  - c. THE FOREIGNERS (EXTENSION) ACT – 1949
  - d. THE REGISTRATION OF FOREIGNERS A(EXTENSION) ACT – 1949



Unofficial Translation

# (DRAFT) Foreign Worker Law

## Chapter 1. Title and Definitions

1. This Law shall be known as the **Foreign Worker Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
  - a. **Foreigner** means a person who is not a citizen nor an associate citizen nor a naturalized citizen.
  - b. **Foreign Worker** means a foreigner who, possessing work-skills, comes and works under a permit of limited term for wages or remuneration in an Enterprise within the Republic of the Union of Myanmar, pursuant to an Employment Contract with the relevant Employer, or in accordance with any prevailing law.
  - c. **Employer** means the person who hires one or more Foreign Workers for remuneration agreed under an Employment Contract to work in an Enterprise in the Republic of the Union of Myanmar, and is liable for payment of wages to the workers, or who directly or indirectly administers the workers.
  - d. **Enterprise** means any enterprise in manufacturing activity, repair activity, construction activity, renovation activity, industrial activity, transport activity, services activity and other occupational activity, in factories, workshops and workplaces of Union-owned, Cooperatives-Owned, Private-Owned or Joint-Ventures.
  - e. **Work Permit** means a permit for engaging in work issued to Foreign Workers under this Law.
  - f. **Committee** means the Foreign Workers Administration Committee formed under this Law.
  - g. **Supervisory-Body** means the Foreign Workers Supervisory-Body, formed under this Law.
  - h. **Chief-Registrar** means the Director-General of the Labour Department.
  - i. **Region/state, Union Territory Registrar** means Chiefs of Labour Department in Union Territory and Region/states.

- j. **Township Registrar** means Officer of Township Labour Department and the In-Charge of the Labour Department's Representative Office in Special Economic Zones.
- k. **Ministry** means the Ministry of Labour, Immigration and Population.
- l. **Department** means the Labour Department.
- m. **Minister** means the Union Minister of the Ministry of Labour, Immigration and Population.

## Chapter 2. Objectives

3. The objectives of this Law are as follows:
  - a. to enable protection of rights of Foreign Workers;
  - b. to raise the skills and technical standards of local workers;
  - c. to support improvement of productivity;
  - d. to enable systematic administration and supervision of Foreign Workers.

## Chapter 3. Formation and Functions of the Committee

4. The Ministry shall with the approval of the Union Government Cabinet formed the Foreign Workers Administration Committee as follows:
  - a. form with representatives from relevant ministries, governmental organizations and non-governmental organizations.
  - b. in forming the Committee as per sub-section (a), prescribe and assign duties to the Chairperson and the Secretary.
  - c. in forming as per sub-section (a) and (b), a Vice-Chairperson and a Joint-Secretary may also be included.
  - d. the members of the Committee may also be re-constituted as needed.
5. The functions of the Committee are as follows:
  - a. laying down of policy, regulations and bylaws related to permitting Foreign Workers to work;
  - b. approval of permitting as prescribed of Foreign Workers to work;
  - c. providing decisions on issuance, revocation,

determination of valid term, renewal of Work Permits, change of workplace, return to home country in respect of Foreign Workers;

- d. stipulation of fee rates to be collected for issuance of Work Permits to Foreign Workers;
- e. deciding on prosecution under relevant laws against Foreign Workers and Employers who are not compliant of regulations and bylaws prescribed by the Committee;
- f. discharging of functions that may be assigned from time to time by the Union Government Cabinet.

## Chapter 4. Formation and Functions of the Supervisory-Body

- 6. The Committee, with the approval of the Ministry, shall form the Foreign Workers Supervisory-Body as follows:
  - a. with representatives from relevant ministries, governmental organizations and non-governmental organizations.
  - b. in forming the Foreign Workers Supervisory-Body as per sub-section (a), prescribe and assign duties to the Chair and the secretary.
  - c. in so forming, the Director-General of the Department shall act as the Chair.
  - d. a Vice-Chair and a joint-secretary may also be included, if needed.
  - e. the members may also be re-constituted as needed.
- 7. The functions of the Supervisory-Body are as follows:
  - a. implementation and carrying out in accordance with the regulations and bylaws as laid down by the Committee, in respect of employment of Foreign Workers;
  - b. conducting scrutiny of the medical certificate on absence of infectious diseases and on being healthy, issued prior to coming to the Union of Myanmar by a recognized physician in the home country of Foreign Workers, as well as scrutiny of medical certificate from repeat check on arrival in the Union of Myanmar;
  - c. granting of approval for issuance of Work Permit by the relevant Township-Registrar, subsequent to scrutiny of entry visa and stay permit;
  - d. scrutinizing and approving as prescribed, applications related to loss or damage of Work Permits;

- e. carrying out supervision on whether or not Foreign Workers are in compliance of their duties and whether or not they are in full enjoyment of their rights;
- f. supervising the Foreign Worker related functions of Union Territory, Region/state and Township Registrars;
- g. carrying out duties assigned from time to time by the Committee.

## Chapter 5. Functions of the Chief-Registrar, Region/state, Union Territory and Township-Registrars

- 8. The functions of the Chief-Registrar are as follows:
  - a. carrying out scrutiny for issuance of Work Permit in accordance with this Law in respect of Foreign Workers to be employed;
  - b. carrying out with the approval of the Committee, the allowing and issuing of Work Permits for Foreign Workers; refusal for issuance of Work Permits; renewal and revocation of Work Permits; and change of job, workplace or location of Foreign Workers;
  - c. arranging for collection from Employers and workers by the Township-Registrar, with the approval of the Committee and under the supervision of the Union Territory, Region/state Registrars, of stipulated fees in respect of issuance, renewal or replacement of Work Permits; and change of workplace and location of Foreign Workers;
  - d. carrying out duties assigned from time to time by the Committee.
- 9. The functions of a Union Territory, Region/state Registrar is as follows:
  - a. scrutiny and submission to the Chief-Registrar of matters of issuance, rejection, renewal, revocation of Work Permits for Foreign Workers; change of job, workplace or location of Foreign Workers as put up by Township-Registrars;
  - b. supervising of Township-Registrars for systematic collection of stipulated fees in respect of persons for whom approvals have been received from the Chief-Registrar;
  - c. scrutinizing and submitting monthly to the Chief-Registrar the lists of Foreign Workers compiled and forwarded by relevant Township-Registrars;

- d. supervising Foreign Worker related functions of Township-Registrars;
- e. carrying out duties assigned from time to time by the Chief-Registrar.

10. The functions of a Township-Registrar are as follows:

- a. scrutinizing as prescribed the Work Permit applications under this Law from Employers in the relevant township and applications to the Labour Department's representative to the Departmental Coordination Working-Group of the Myanmar Investment Commission for Foreign Workers to work in the Union of Myanmar, then submitting to the Union Territory, Region/state Registrar;
- b. scrutinizing the applications for Work Permit renewal, revocation and change of job, workplace or location of Foreign Workers, and submitting to the Union Territory, Region/state Registrar;
- c. collection of stipulated fees from persons who have received the approval of the Chief-Registrar, and issuing or renewing Work Permits, and allowing the changes of job, workplace or location;
- d. depositing collected fees to the relevant account in accordance with prescribed regulations and bylaws;
- e. carrying out to obtain approval in case of matter requiring the return of a Work Permit holding Foreign Worker to his home country;
- f. scrutinizing and carrying out as needed biannual reports of continued employment of Foreign Worker in current job;
- g. compiling lists of Foreign Workers employed within the area under his purview and forwarding to the relevant Union Territory or Region/state Registrar;
- h. conducting, with the approval of the Chief-Registrar, inspections as needed in workplaces of Foreign Workers in any enterprise;
- i. resolving in accordance with relevant domestic laws, complaints lodged by Foreign Workers in respect of failure by Employer to fulfil terms in the Employment Contract;
- j. inspection of compliance to terms contained in the Work Permit at workplaces and locations permitted to Foreign Workers;
- k. prosecuting under this Law, Foreign Workers and

Employers who are not in compliance of prescribed regulations and bylaws;

- l. carrying out duties assigned from time to time by the Chief-Registrar, Union Territory or Region/state Registrars.

## Chapter 6. Rights and Duties of Foreign Workers

11. A Foreign Worker:

- a. shall be a person who has received a stay permit and a Work Permit in accordance with the provisions of this Law, and prescribed regulations and bylaws.
- b. shall undergo medical examination at hospitals, clinics approved by the Ministry of Health and recognized by the Ministry, within seven days of arrival to the Union of Myanmar, If found under such examination to be medically unqualified, [the Foreign Worker] shall return to his home country within seven days.
- c. shall have applied for a Work Permit within thirty days of arriving in the Union of Myanmar.
- d. shall respect and abide by prevailing laws, customs and cultural traditions of the Union of Myanmar, and refrain from interfering in the internal affairs of the Union of Myanmar. [The Foreign Worker] shall also be responsible for similar respect and abiding by his family members.
- e. shall allow inspection by persons authorized by the Chief-Registrar.
- f. shall be responsible to renew the Work Permit on the expiry of its term, and shall undergo medical examination for each renewal. In case of medical disqualification, [the Foreign Worker] shall return to his home country within three days.
- g. who holds Work Permit, shall work only in the permitted job, workplace, type of enterprise, location and Employer. If desirous of changing job, workplace, type of enterprise or location, [the Foreign Worker] shall procure the documentary evidence of agreement of the original Employer and the potential Employer, and apply to the relevant Township-Registrar.
- h. shall through his Employer request prior consent of the relevant Township-Registrar if needed to return to his home country due to completion of term of Employment Contract or due to health condition (other than medical emergencies).

- i. shall, for inspection of the relevant Township-Registrar, present work experience evidence or work-skills certificate recognized by an internationally recognized body or recognized through a regional programme of mutual skills recognition.
- j. shall comply with prevailing social security law.
- k. shall enter into an Employment Contract with his Employer within thirty days from the date of employment.
- l. shall abide by workplace rules prescribed by his employer.
- m. shall work in the Union of Myanmar consecutively for four years only.
- n. shall enjoy rights according to prevailing labour laws of the Union of Myanmar.
- o. is entitled to put up to the relevant Township-Registrar, matters of failure by Employer to abide by terms in the Employment Contract concluded with him.
- e. shall give priority to appointing citizen worker in case of equal skills qualifications between citizen worker and Foreign Worker, also pay [a citizen worker] the same rate of remuneration as a Foreign Worker.
- f. shall not employ a Foreign Worker beyond the term allowed in the Work Permit.
- g. shall arrange to enable application, for renewal of a Foreign Worker's Work Permit within thirty days of its expiry of term, to the Township-Registrar or to the Labour Department's representative in the Myanmar Investment Commission's Departmental Coordination Working-Group.
- h. shall arrange for medical examination of Foreign Worker on renewal of Work Permit. If medically disqualified, [the Employer] shall transport [the Foreign Worker] within seven days.
- i. shall carry out in accordance with prevail laws, matters of extension or termination of stay permit of a Work Permit holding Foreign Worker.

## Chapter 7. Rights and Duties of Employers

### 12. An Employer:

- a. shall employ an Foreign Worker only after applying with relevant documents to the Township-Registrar or to the Labour Department's representative in the Myanmar Investment Commission's Departmental Coordination Working-Group, and receiving approval.
- b. shall carry out for medical examination of Foreign Worker within seven days of arrival in the Union of Myanmar, at hospitals, clinics approved by the Ministry of Health and recognized by the Ministry. In case of medical disqualification, [the Employer] shall transport [the Foreign Worker] back to [his] home country within seven days, subsequent to informing the Township-Registrar.
- c. shall arrange to enable application as prescribed for Work Permit for the Foreign Worker desired within 30-days of his arrival in the Union of Myanmar, to the Township-Registrar or to the Labour Department's representative in the Myanmar Investment Commission's Departmental Coordination Working-Group.
- d. shall employ only persons who possess work experience or work-skills certificate recognized by an internationally recognized body or recognized through regional programme of mutual recognition of skills.
- j. shall inform Foreign Workers in advance of appointment about prevailing laws, customs and cultural traditions of the Union of Myanmar, of which they should be aware.
- k. shall notify the Township-Registrar in advance as prescribed of change of job, workplace or location or return to home country of a Foreign Worker employed by him.
- l. shall abide by the prevailing social security law in respect of Foreign Workers.
- m. shall conclude an Employment Contract with Foreign Workers appointed by him within 30-days of appointment.
- n. shall be responsible to provide Foreign Workers with their benefits entitled under relevant labour laws.
- o. shall carry out to enable payment of income tax on Foreign Worker's income in accordance with relevant provisions of law.
- p. shall carry out to enable transportation and also request prior consent of the relevant Township-Registrar if any Foreign Worker needs to depart the Union of Myanmar for any reason including completion of term of Employment Contract or health condition (other than medical emergencies).
- q. shall send biannual report seven days in advance to the relevant Township-Registrar on continued employment of a Work Permit holding Foreign Worker.

- r. shall, in case of being a foreigner, respect and abide by prevail laws, customs and cultural traditions of the Union of Myanmar, and also refrain from interfering in the internal affairs of the Union of Myanmar. [The Employer] shall also be responsible for similar respect and abiding by his family members.
- s. shall limit consecutive employment of Foreign Workers to four years.
- t. shall prescribe workplace rules for Foreign Workers.
- u. is entitled to appoint Foreign Workers as prescribed according to needs of his enterprise.

## Chapter 8. Establishment of and Expenditure from a Fund

13. The Ministry with the approval of the Union Government Cabinet may establish a Foreign Workers Fund in accordance with financial procedures for making expenditure in the following Foreign Worker related matters:
  - a. matters connected to the processes of issuance of Work Permits to Foreign Workers;
  - b. matters connected to office functions of the Committee and the Supervisory-Body;
  - c. matters of rescue and relief in case of natural disaster;
  - d. matters of emergency medical treatment;
  - e. matters of necessary assistance at times of winding up or insolvency of the Employer's company;
  - f. matters determined as meriting assistance to Foreign Workers;
14. The fees collected in respect of application, renewal, damage, loss of Work Permits, and in respect of change of job, workplace or location shall be deposited to the Foreign Workers Fund.
15. A fund management panel shall be formed to carry out management of the fund under the supervision of the Ministry.
16. The funds shall be deposited in a current account at a Union-owned bank.
17. Aid/assistance towards the Foreign Workers Fund from Employers or workers or domestic/foreign entities may be accepted.
18. The Fund Management Panel shall undergo auditing by the Office of the Union Auditor General of its accounts.

## Chapter 9. Prohibitions

19. A Foreign Worker:
  - a. shall not work in any type of enterprise or factory or workplace or location not allowed in the Work Permit.
  - b. shall not continue working upon expiry of the Work Permit term.
  - c. shall not arbitrarily change the type of job or work location allowed in the Work Permit.
  - d. shall not engage in any type of enterprise without a Work Permit.
  - e. shall not falsify documents, evidences related to job/ occupation, skills certificates and Work Permit.
  - f. shall not refuse inspection of persons authorized by the Chief-Registrar.
  - g. shall not fail to conclude an Employment Contract with the Employer.
  - h. shall not fail to comply with the provisions of this Law, and orders, directives and procedures issued by the Committee and the Department.
20. An Employer:
  - a. shall not fail to send biannual report to the Township-Registrar on continued employment of a Foreign Worker appointed by him.
  - b. shall not appoint a Foreign Worker who has not underwent medical examination or who is medically disqualified.
  - c. shall not cause a Foreign Worker to work in a type of enterprise or factory, workshop, workplace or location not allowed in the Work Permit.
  - d. shall not employ a Foreign Worker who has not renewed his Work Permit or whose stay permit has expired.
  - e. shall not fail to conclude an Employment Contract with the Foreign Worker.
  - f. shall not appoint Foreign Worker who do not have Work Permits.
  - g. shall not fail to comply with the provisions of this Law, and orders, directives and procedures issued by the Committee and the Department.



## Chapter 10. Penalties

21. A person convicted of violating the prohibition contained in Section (19) sub-section (a) shall be sentenced to a fine of minimum Kyats five lakhs to maximum Kyats ten lakhs.
22. A person convicted of violating the prohibition contained in Section (19) sub-section (b) shall be sentenced to a fine of Kyats ten thousand per day of working past expiry of term. If such period of working without renewal of term exceeds than one month but is less than three months, a sentence of a fine of Kyats ten lakhs shall be imposed. If in excess of three months, Work Permit shall be revoked in addition to the fine of Kyats ten lakhs.
23. A person convicted of violating the prohibition contained in Section (19) sub-section (c) shall be sentenced to imprisonment extending to three months, or to a fine not exceeding Kyats ten lakhs, or to both penalties.
24. A person convicted of violating the prohibition contained in Section (19) sub-section (d) shall be sentenced to imprisonment extending to six months, or to a fine of minimum Kyats fifteen lakhs to maximum Kyats thirty lakhs, and also be sent back to his home country.
25. A person convicted of violating the prohibition contained in Section (19) sub-section (e) shall be sentenced to imprisonment extending to seven years, and also a fine not exceeding Kyats fifty lakhs.
26. A person convicted of violating prohibitions contained in Section (19) sub-sections (f), (g) and (h) shall be sentenced to imprisonment extending to one month or a fine not exceeding Kyats five lakhs.
27. A person convicted of violating the prohibition contained in Section (20) sub-section (a) shall be sentenced to a fine of minimum Kyats one lakh to maximum Kyats three lakhs.
28. A person convicted of violating the prohibition contained in Section (20) sub-section (b) shall be sentenced to a fine of minimum Kyats five lakh to maximum Kyats ten lakhs.
29. A person convicted of violating the prohibition contained in Section (20) sub-section (c) shall be sentenced to a fine at the rate of minimum Kyats three lakhs to maximum Kyats five lakhs per person depending on the number of Foreign Workers.
30. A person convicted of violating the prohibition contained in Section (20) sub-section (d) shall be sentenced to a fine at the rate of Kyats ten thousand per day depending on the number of Foreign Workers. If such period of allowing to

work without renewal of term exceeds than one month but is less than three months, a sentence of a fine at the rate of Kyats ten lakhs per Foreign Worker shall be imposed. If in excess of three months, a fine shall be imposed at the rate of Kyats ten lakhs per Foreign Worker, and the right to employ new Foreign Workers shall be withheld for one year.

31. A person convicted of violating prohibitions contained in Section (20) sub-sections (e) shall be sentenced to imprisonment extending to six month, or to a fine of minimum Kyats thirty lakhs to maximum Kyats fifty lakhs, or to both penalties.
32. A person convicted of violating the prohibition contained in Section (20) sub-section (f) shall be sentenced to imprisonment extending to one year, or to a fine at the rate of minimum Kyats ten lakhs to maximum Kyats twenty lakhs per Foreign Worker.
33. A person convicted of violating prohibitions contained in Section (20) sub-sections (g) and (h) shall be sentenced to imprisonment extending to three months or a fine not exceeding Kyats thirty lakhs.

## Chapter 11. Miscellaneous

34. The following foreigners shall not be relevant to this Law:
  - a. foreign diplomats;
  - b. staff of the United Nations and its Agencies;
  - c. staff discharging functions pursuant to treaties between the Government of the Union of Myanmar and governments of foreign countries or international organizations.
  - d. foreign tourist visiting the Union of Myanmar and trainees coming for academic purposes.
35. Foreigner who will be working at any location in any enterprise within the Union of Myanmar shall submit applications in accordance with this Law to procure Work Permits.
36. Foreign workers working in the Union of Myanmar prior to the enactment of this Law, and the Employers who employed such Foreign Workers shall comply with this Law commencing from the date of enactment of this Law. Furthermore, Work Permit shall be applied for within thirty days after undergoing medical examination commencing from the date of enactment of this Law, and being found qualified under prescribed medical criteria. If disqualified under prescribed medical criteria, [the Foreign Worker concerned] shall depart for to home country within fourteen days.

37. In prosecuting any person violating any prohibition contained in this Law, the Township-Registrar shall act as the officer bringing charges.
38. Prior sanction of the Chief-Registrar is required to bring charges for any offense under this Law.
39. In the implementation of the provisions of this Law:
  - a. the Ministry has the power to issue necessary rules, regulations and bylaws with the approval of the Union Government Cabinet.
  - b. the Committee and the Department have the power to issue necessary notifications, orders, directives and procedures.



**Alexander Bohusch**

Rechtsanwalt/Attorney-at-law (Germany)

Luther Law Firm Limited

Myanmar

Phone +95 1 513 307

[alex.bohusch@luther-lawfirm.com](mailto:alex.bohusch@luther-lawfirm.com)



#### Imprint

Luther Rechtsanwaltsgesellschaft mbH, Anna-Schneider-Steig 22,  
50678 Cologne, Phone +49 221 9937 0, Fax +49 221 9937 110,  
[contact@luther-lawfirm.com](mailto:contact@luther-lawfirm.com)

*Editor:* Alexander Bohusch, Rechtsanwalt/Attorney-at-law (Germany),  
Luther Law Firm Limited, Luther Corporate Services Limited, Uniteam Marine  
Office Building, Level 8, Unit #1, 84 Pan Hlaing Street, Sanchaung Township  
11111 Yangon, Myanmar, Phone +95 1 500 021, Fax +95 1 502 852,  
HP (MM): +95 9 425 0136 00, HP (SG): +65 9 829 1829, [alexander.bohusch@luther-lawfirm.com](mailto:alexander.bohusch@luther-lawfirm.com)

*Copyright:* These texts are protected by copyright. You may make use of the  
information contained herein with our written consent, if you do so accurately and  
cite us as the source. Please contact the editors in this regard  
[contact@luther-lawfirm.com](mailto:contact@luther-lawfirm.com)

#### Disclaimer

Although every effort has been made to offer current and correct information,  
this publication has been prepared to provide information on recent regulatory  
and legal developments in Myanmar only. It is not exhaustive and thus does not  
cover all topics with which it deals. It will not be updated and cannot substitute  
individual legal and/or tax advice. This publication is distributed with the  
understanding that Luther, the editors and authors cannot be held responsible for  
the results of any actions taken on the basis of information contained herein or  
omitted, nor for any errors or omissions in this regard.

Luther Rechtsanwaltsgesellschaft mbH advises in all areas of business law. Our clients include medium-sized companies and large corporations, as well as the public sector.

Berlin, Brussels, Cologne, Dusseldorf, Essen, Frankfurt a. M., Hamburg, Hanover, Leipzig,  
London, Luxembourg, Munich, Shanghai, Singapore, Stuttgart, Yangon

Luther Corporate Services: Delhi-Gurgaon, Kuala Lumpur, Shanghai, Singapore, Yangon

Your local contacts can be found on our websites [www.luther-lawfirm.com](http://www.luther-lawfirm.com) and [www.luther-services.com](http://www.luther-services.com).



**Hits the mark. Luther.**

