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My thanks to the Commandant of the Somaliland Immigration Branch for providing me with a more legible copy of the 1995 Law, and to the Somaliland Chief State Counsel for tracking down another copy of the same law.

SOMALILAND IMMIGRATION LAW 1995

Law No. 72 of 27 November 1995

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THE REPUBLIC OF SOMALILAND
SOMALILAND IMMIGRATION LAW 1995
Law No. 72 of 27 November 1995

THE PRESIDENT OF THE REPUBLIC OF SOMALILAND¹

Having Seen: Article 1(2) of the the Law on the Structure of the Police Force, No. GW 54,² setting out that the Immigration Branch is part of the Police Force;

Having Seen: Article 2 of the Law on the Structure of the Ministry of Internal Affairs³ setting out the responsibilities of the Ministry of Internal Affairs for the security and order in the country;

Having Considered: Article 30(1) of the National Charter;

Having Seen: The Immigration Law No. 9 of 27 June 1966 which cannot meet the circumstances of the country;

Having Heard: The proposals of the Minister of Internal Affairs;

Having Received: The approval of the House of Representatives;

Has promulgated the following Law
Law No. 72 of 27 November 1995
Immigration Law

PART ONE: GENERAL PROVISIONS

Article 1 - Immigration Officers

The Minister of Internal Affairs is responsible for all matters relating to the arrival and stay⁴ of foreigners entering Somaliland, and the Immigration Branch of the Police⁵ acts on behalf of the Minister.

¹ This version of the Law which is identical to the one passed by the House of Representatives includes the Presidential Decree preamble at the top and the President's signature at the end, both replacing the preamble and the signatures of the House version. The practice, since 1997, is that the President's short decree implementing the Law is drafted and signed separately whilst the body of the law remains the as passed and signed by the House of Representatives. There are a few laws passed between 1993 and 1996 which are in this format.

The House preamble relating to this Law was as follows:

"THE SOMALILAND HOUSE OF REPRESENTATIVES

Having Considered: The proposals of the President and the Council of Ministers;

Having Debated: At the House of Representatives;

Having Seen: Articles 11 and 30 of the National Charter and its Annexure.

Has, after re-arrangements of the text, approved the following Law"

² Law No. 54GW of 3 November 1994.

³ This Law came into force on 1 December 1993.

⁴ The Italian word 'soggiorno', meaning stay or residence is left in brackets next to the Somali word 'joogitaanka' in the Somali text of the Law. Although I have not seen (yet) its full text, I understand that the Italian language Somali Republic Immigration Law, Law No. 9 of 27 June 1966, which is repealed

Employees of the government who, because of pressing needs, are appointed by a Decree of the Minister of Internal Affairs shall be recognised as immigration officers referred to in the preceding paragraph.⁶

The Somaliland diplomatic and consular officials in foreign countries shall have the power to undertake the duties of the immigration officers set out in this Law.

Article 2 - Powers of the Immigration Officers

In order to fulfil his duties, any person who is an immigration officer shall have the power -

- a. to detain, without out a warrant, vessels, aircraft or vehicles present in the territory of Somaliland when urgent circumstances require and whilst complying the provisions of Article 58 of the Criminal Procedure Code⁷;
- b. to question or take temporarily travel documents from any person who wishes to enter or leave the country⁸ of Somaliland or any person held for reasons that may indicate that he has committed an offence under this Law or its implementing regulations, and to question any person appearing to him to have knowledge about the offence;
- c. to ask anyone entering or any one desiring to enter or leave the territory of Somaliland to provide the evidence required under the law; and to verify, where required, medical examination certificates, or photographs and fingerprints;

under Article 46 of this Law, is the model followed by this Law. It was common in the mid-1990s, prior to the 1997 Somaliland Interim Constitution, for some essential pre 1991 laws to be re-produced, with some modifications to conform to the 1993 Somaliland National Charter.

⁵ As far as I can ascertain, the Republic of Somaliland Immigration Branch (*Laanta*) which was formed in 1992 as a branch of the Police Force became part of the Intelligence Agency in 2003 during President Rayaale's first year of office and has, since the election of the current President in 2010, been moved back to the Ministry of Internal Affairs, as a Directorate, and is headed by a Chief Immigration Officer, or as he is referred to, Head of the Immigration Branch. The changes were likely to have been effected by presidential administrative decrees.

⁶ This is not a clearly drafted paragraph and appears to relate mainly to the circumstances at the time of the re-establishment of the Somaliland Immigration branch in the early 1990s.

⁷ Article 58 - Search and Seizure without Warrant – Confirmation by the Judge

1. A Police Officer in charge of investigations in accordance with Article 24 may undertake a search or seizure, without warrant, in case of urgent necessity, when ere are grounds to believe that during the time required to obtain such warrant:
 - a) material evidence may be destroyed or altered;
 - b) the wanted person may abscond.
2. A Police officer who has undertaken a search or seizure without warrant shall forthwith so inform the competent Judge or a Judge of the Court nearest to where the search or seizure took place, and also the Office of the Attorney General, stating:
 - a) the reasons necessitating, and
 - b) the results of
 - c) such search or seizure.
3. If such search or seizure without warrant is not confirmed by a Judge within 8 days, such search and seizure shall be deemed to have been unauthorized and shall be null and void.
4. Insofar as applicable, the provisions of article 32 and of paragraph 7 of Article 39 shall be observed in regard to searches or seizures undertaken without a warrant.

⁸ Throughout this Law, the Somali term 'dhulka' (meaning territory) is normally used, but occasionally the term 'dalka' (meaning country) is used interchangeably as can be seen in this clause.

- d. to arrest, without a warrant, any person held for reasons relating to the offences referred to in this Law, if there is an urgent need brought about by the fact that a warrant of arrest cannot be obtained immediately or that the person would not be seen again if he is not arrested. The person arrested without a warrant must then be brought before the competent court or the court nearest to where he has been arrested, in accordance with the provisions of Article 39 of the Criminal Procedure Code⁹.
- e. To ask for the production of any evidence that he deems necessary for the verification of verbal or written statements made with the aim of obtaining the (*relevant*) permit referred to in this Law.

Article 3 - Duty to report to Immigration Officers

Any person entering or leaving Somaliland must report to an immigration officer. The immigration officer shall verify every (*such*) person's documents or statements so that he can confirm that they are in accord with the permit to enter the territory of Somaliland.

It is the duty of any person who enters the territory of Somaliland by crossing the border at a place where there is no immigration officer to report promptly to an immigration officer at the nearest location within a period not exceeding seven (7) days beginning from the date of his entry at the border.

PART TWO: CONDITIONS FOR ENTRY AND STAY IN THE TERRITORY OF SOMALILAND

Article 4 - Conditions for entering the territory of Somaliland

A foreigner¹⁰ may be allowed enter into the territory of Somaliland if he has:

- a. A valid passport or a similar travel document or possession of a document showing his correct name and which was issued to the person in the document.

⁹ 'Article 39: Person Arrested without Warrant to be taken before a Judge

1. A person arrested without warrant shall be taken immediately, and in any case not later than 48 hours from the time of his arrest, before the competent Court or before the Court nearest to the place of arrest: ~~provided that the time necessary to travel to the Court from the place of arrest shall not be included in the 48 hours~~ (*this was superseded, in my view, by the strict 48 hour limit set in Article 27(2) of the Somaliland Constitution*).
2. A Police Officer [*in this case, presumably, An Immigration Officer*] taking an arrested person before a Judge shall, at the same time, prepare and submit to him a summary report showing:
 - a) the facts of the case and the reasons for the arrest;
 - b) details of the evidence obtained;
 - c) when possible, the personal details of:
 - i) the arrested person,
 - ii) the injured party,
 - iii) any person having information concerning the circumstances of the offence.'

The remaining 5 clauses of this article deal with the Judge's action in these cases.

¹⁰ I have translated the Somali word 'ajnabi' as a 'foreigner' and not the commonly used 'alien' in immigration laws which is usually meant to distinguish foreigners subject to full immigration controls from the others who may be subject to a different control regime. Persons of Somali ethnic origin from the neighbouring Somali inhabited countries of Djibouti, Ethiopia, Somalia and Kenya are currently informally not treated as other 'foreigners' and it is likely that any revision of this old Law will cover the different immigration regime applicable to them.

- b. A valid permit of entry and stay in the territory of Somaliland in accordance with this Law.

Article 5 - Entry and stay permits

A foreigner may enter or stay if he has one of the following permits:

- a. A tourism entry permit.
- b. A single transit entry permit.
- c. An education or research entry permit.
- d. A special reason entry permit.
- e. A temporary residence permit.
- f. A permanent residence permit.
- g. A business visit permit.
- h. A work visit permit.

2. The permit referred to in the preceding clause may, on receipt of the request from the applicant, be granted by the immigration officer who has the power to do so in accordance with Article 1 of this Law and shall be issued as a document or a visas setting out the permit which shall also be indicated in the travel document of the applicant.

3. The permit may (*alternatively*) also be issued as a stamp affixed by the immigration officer on the document, in which case, the stamp must indicate the permit as set out in this Law.

4. A special permit may be issued only by the Minister of Internal Affairs.

Article 6 - Tourism entry permit

A tourism permit may be granted to any foreigner who wishes to come to the territory of Somaliland –

- a. for tourism purposes or
- b. for any other reason involving a specified period which appears to the immigration officer as meriting the granting of an entry permit.

The granting of a tourism entry permit may be conditional on possession of a valid return ticket or one for an onward journey to another country, or a bond guaranteeing the foreign person's sustenance during the period of the stay in Somaliland that he has requested.

Where the tourism entry permit does not specify any special conditions in respect of the entry and the temporary stay at the territory of Somaliland, the period of stay shall not exceed three (3) months beginning from the date of entry.

The Minister of Internal Affairs may, on his consideration of a request from a person wishing to extend his tourist stay, increase the period of stay twice (2), with each extension amounting to three (3) months. The Minister has also the power to change the conditions.

Article 7 - Transit entry permit

A transit entry permit may be granted to a foreigner –

- a. whose purpose for arriving at Somaliland is to continue with his journey to a place outside the territory of Somaliland;
- b. and has valid documents required for the entry of the country to which he is travelling.

The granting of a transit entry permit is conditional on the possession of a valid ticket showing the onward journey to the country where the person is heading or an appropriate mode of continuing that journey. Without prejudice to any specific conditions relating to the grant of a transit entry permit and the right to enter the territory of Somaliland for a transit journey, where a person is asked for a bond¹¹ or a surety guaranteeing that he can meet his needs during his stay in Somaliland, the period of (*transit*) stay granted shall, with the exception of circumstances beyond the control of the person, not exceed 14 (fourteen) days beginning from the date of entry.

Article 8 - Entry permit for educational purposes

The permit for educational purposes may be granted to the foreigners wishing to enter or stay in the territory of Somaliland for the purposes of attending educational courses and training in schools situated in the territory of Somaliland, such courses having been verified as being registered in the country. A foreigner may also be granted an entry permit for research purposes or for exchange of knowledge.

The granting of the permit for educational purposes may be conditional on the possession of a valid return ticket and a bond or guarantee confirming that the needs of the foreigner during the period of his requested stay in the territory of Somaliland shall be met.

With the exception of educational courses where the foreign person has sufficient funds to meet his needs during his stay in the territory of Somaliland, these conditions¹² or some of them may be referred to the Head of the Immigration Office.

The permit for educational purposes shall confer the right of entry and stay in the territory during the period required for the education and shall be accompanied by the conditions of the permit.

Article 9 - Entry Permit for visit and work

With the exception of foreigners that have been declared undesirable in accordance with Article 30, a foreigner may be issued an entry permit for a visit or an entry permit for work.

The period and conditions for granting an entry permit for visit or for work shall be set by the Minister of Internal Affairs.

¹¹ The Somali (Arabic) term ‘rahan’ actually means ‘mortgage’, for example, in Book IV of the Civil Code (1973), but, in this context, it is used to mean a ‘bond’. The term appears in other articles of this Law, such as Articles 8, 10 and 20.

¹² Referred to in the first paragraph of this Article.

Article 10 - Permit for temporary residence

1. With the exception of an undesirable foreigner¹³, the right to enter and stay accorded by a permit may be granted to any foreigner who fulfils the following requirements –
 - a. Where person meets the provisions of Article 4 of this Law.
 - b. Where the person provides, or someone else acting in his name, furnishes a surety and forwards it to the relevant immigration officer who has the power to assess the expenses, and the Head of the Immigration Office confirms that the surety is sufficient to cover a return ticket to the person's country. The Head of the Immigration Office has the power to ask (*instead*) for a ticket enabling the person to travel to the nearest country that he is permitted to enter, as well as an amount of money not exceeding 25%¹⁴ or to furnish a surety of one or more persons resident in the territory of Somaliland who shall declare to the Head of the Immigration Office that they are able to provide a surety equivalent to the amounts set out above.
2. The Minister of Internal Affairs, after having heard the Head of the Immigration Office, may waive, in respect of a foreigner requesting a temporary residence permit, the conditions referred to in clause 1(b) of this Article where it becomes clear that the foreigner has other ways of meeting his needs during the period of his permitted stay in the country and can also cover the costs of his return ticket or the costs of travel to another country.
3. Any residence permit which is not permanent¹⁵ must specify the period the foreigner might stay in the country. Unless a foreigner holds a permit in accordance with Article 24 of this Law, he shall not be engaged in any gainful activities inside the country. The period of a temporary residence permit shall not exceed three (3) years.

Article 11- Official permit for permanent residence

An official (*permanent*) residence permit may be granted to any for foreign person who requests it after he has stayed legally in the territory of Somaliland for a period of no less than five (5) years.

The same provision shall also apply to the married couple and the children aged less than 18 (eighteen) years who live with the foreigner who has been granted a permanent residence permit.

The permit shall not remain valid where the relevant person absents himself from the country of Somaliland for a period exceeding three (3) consecutive years.

Article 12 - Addition of family members to entry and residence permit

¹³ See Articles 30 to 32 of this Law for the provisions relating to undesirable foreigners.

¹⁴ The clause does not state clearly what the percentage of this bond is based on, but it could be 25% of the total sum of expenses the person requires to meet his needs during his stay.

¹⁵ The term 'unofficial' residence is used here in contrast to the permanent residence covered by the following article which is also termed 'official' residence.

A foreigner may request that his entry and residence permit should include his spouse or his children aged less than 18 years, who live with him and for which he is responsible.

Article 13 - Alteration and revocation of residence

The Minister of Internal Affairs has the power, at all times, to alter or revoke, on his own initiative or on the proposal of the Head of the Immigration Office, a permit for entry and residence granted to a foreign person in accordance with this Law, and shall issue a reasoned decision.

Article 14 - Power of the Minister of Internal Affairs to stop entry into the territory of Somaliland

The Minister of Internal Affairs may stop the entry of any foreigner into the territory of Somaliland.¹⁶

Article 15 - The duty of foreigners to declare their addresses

It is the duty of every foreign person granted, for any reason, residence in the territory of Somaliland to inform in writing the Head of the Immigration Office his address in the territory of Somaliland and of any changes, at any time, to his address.

Article 16 - Parts of the territory which cannot be visited by foreigners

The Minister of Internal Affairs shall have the power, on agreement with the Minister of Defence and after wide publication, to issue provisions banning foreigners from entering secure areas in the territory of Somaliland for reasons relating to the security of the nation.

PART THREE: SPECIAL PROVISIONS RELATING TO VESSELS, PASSENGERS OF AIRCRAFT AND VEHICLES

Article 17 - The lists of passengers of vessels, aircraft and vehicles entering or leaving the territory of Somaliland

The captain or the person in charge of any vessel, aircraft or vehicle, not owned by the armed forces, entering the territory of Somaliland shall provide the immigration officers, on request, a signed list consisting of two copies and setting out all the passengers, crew and any other persons (*on board*), and shall also furnish them with any other information they are asked to provide.

¹⁶ Note also that under Article 9(6) of the Maintenance of the Public Order and Security Law (Law No. 51/2012), the Attorney General or the Police may seek from a court an 'order banning a person, a group or an association suspected of posing a threat to security from entering the country for a specified period. The order shall be reviewed once every three months and the court may lift the banning order if there is evidence to indicate that the reasons for the imposition of the ban on the person, group or association are no longer present'.

The maritime, air or land travel agents must supply the Head of the Immigration Office a correct list consisting of two signed copies setting out all the passengers travelling on the transport and who have either embarked on or disembarked from the vessel, aircraft or vehicle.

The commander responsible for a vessel, aircraft or vehicle of foreign armed forces entering the country must furnish the Head of the Immigration Office a signed list of two copies setting out the passengers of the transport, and indicating those who wish to disembark at the country, those who wish to stay in the country and those who wish to leave.

Article 18 - Temporary disembarkation

Immigration officers have the power to issue an entry permit to travelling persons or the staff of a vessel, aircraft or vehicle so that they can enter the country on a temporary basis.

Article 19 - Emergency disembarkation

Any foreign persons aboard a vessel or aircraft landing momentarily or on transit in the country shall not disembark unless they are allowed to do so by the immigration officers or there is an emergency or a serious situation necessitating disembarkation, such as matters relating to health, accident or any other reason based on travelling protocols.

PART FOUR: [SURETY AND BOND]¹⁷

Article 20 - Standing for surety and bonds

The bonds (*and surety*) referred to in Article 10 (*of this Law*) may be provided by a foreign person or by an employer who wishes to engage him in paid employment in the territory of Somaliland. The employer may meet the bond condition in a different way by standing as a surety in writing to the Minister of Internal Affairs and undertaking the responsibility for returning the foreign employee to his country and bearing any such costs.

Article 21 - Renewing sureties

Where the residence permit granted to a foreigner is being renewed, the relevant surety and the period specified previously by the Head of the Immigration Office are also being re-considered for renewal.

Article 22 - Release of bond

When a foreign person is granted residence in the territory of Somaliland as referred to in Article 10 and then granted permanent residence, the bond entered into by him or, in his name, by another person shall be released.

¹⁷ The heading of this Part 'surety and bonds' is stated under the heading of Article 20.

The final stage of the exit of the foreigner shall be brought about by the release of the bond entered into by him or by his lawful representative, after he secures or has secured for him transport for leaving the country.

Article 23 – Payment of travel expenses for release of bond

If a foreign person granted permanent residence on condition of a surety finally leaves the territory of Somaliland and at the same time pays for his departure expenses for returning to his country, he shall be repaid any bond amounts which he has entered into previously.

PART FIVE: PERMIT FOR ACTIVITIES FOR GAIN

Article 24 - Permit for work

A foreign person shall not undertake any activities for gain in the territory of Somaliland unless he has been granted a work permit by the Ministry of Internal Affairs.

On granting a work permit to a foreign person, the Minister of Internal Affairs shall consider whether a citizen, who can suitably undertake the work for which the foreign person is sought for, can be found. This will be ascertained by the Ministry of Health and Labour and the relevant ministry that deals with the activities the foreign person would undertake.

Article 25 - Termination of work undertaken by a foreigner

Where the work undertaken by a foreign person in the country terminates for any reason whatsoever, the employer is required to inform the Ministry of Internal Affairs within seven (7) days beginning from (*the date of*) the termination of the work.

Article 26 - Foreigner changing work

Where the foreign person undertaking work in the country is given another job, the provisions of Article 20 and Article 24 of this Law must be followed.

Article 27 - Termination of a foreigner's work for reasons relating to the foreigner

Where a foreign person terminates completely his work in the country in an expected manner, he must inform the Ministry of Internal Affairs within seven (7) days beginning from the date of the termination of the work.

Article 28 - Self-employed foreign person in the country

A self-employed foreign person who changes his occupation to one which was not previously approved must inform the Ministry of Internal Affairs in writing within seven (7) days beginning from the date his previous occupation ended.

Article 29 - Exception

The provisions of this Part shall not apply to foreigners who are employed directly by the government (*or*) governmental agencies or to foreigners working for international organisations or other organisations which provide beneficial assistance to the government as indicated in international agreements and international relations (*practices*); or similarly to foreigners granted permanent residence.

PART SIX: UNDESIRABLE FOREIGNERS

Article 30 - Definition of an undesirable foreigner

A foreigner may be declared undesirable, in accordance with this Law, in the following circumstances:

- a. if he is served with a deportation order in accordance with the law.
- b. If he has insufficient means to support himself.
- c. If a medical certificate confirms that he suffers from an infectious disease or from a physical disease and, for health purposes and having due regard to the current health conditions in the country, his entry and stay in the territory of Somaliland cannot be approved.
- d. If he enters the territory of Somaliland unlawfully without possession of legal travel documents and a permit as required by law.
- e. If the presence or the activities of the (*foreign*) person in the territory of Somaliland are contrary to the public order, national security, the morals of the nation and religion.

The declaration that a foreign person is undesirable in the country shall be issued as a decision of the Minister of Internal Affairs.¹⁸

Article 31 - The role of Immigration Officers in relation to undesirable foreigners

Immigration officers or members of the police force shall have the power –

- a. to stop the undesirable foreigner and, if necessary, use force so that he does not enter the territory of Somaliland;
- b. to prevent the undesirable foreigner from disembarking a vessel, airplane or vehicle in the territory of Somaliland;
- c. to detain, without a warrant of arrest, any such undesirable foreigner who is found, in contravention of the provisions of this Law, in the territory of Somaliland; and to inform the competent court in accordance with the Criminal Procedure Code¹⁹.

Article 32 - Removal of returning undesirable foreigners

Where an undesirable foreigner returns to the territory of Somaliland, an immigration officer has the power to order the captain or the person in charge of a vessel, airplane or vehicle conveying the undesirable foreigner or its agent in Somaliland, to take him, without any arguments, to a place outside the territory of Somaliland and the foreigner shall be put on board the same vessel, airplane or vehicle at the earliest opportunity. The costs shall be borne by the person or by the transport.

¹⁸ See Article 34 below for the procedures for the execution of such decisions by means of deportation orders.

¹⁹ Principally Article 39 of the Code – see footnote 7 above relating to Article 2(d) of this Law.

Where the captain, proprietor or the agent of the vessel, airplane or vehicle facilitates the entry of an undesirable foreigner into the territory of Somaliland, the vessel, airplane or vehicle shall pay the costs incurred by the government.

PART SEVEN: DEPORTATION FROM THE COUNTRY

Article 33 - Persons to be deported

A foreigner shall be deported from the country where:

1. A competent judge orders his deportation²⁰ within a specified legal²¹ period.
2. The Minister of Internal Affairs, in a decision, orders his deportation in accordance with Article 34 of this Law.

Article 34 - Procedure for implementing a declaration of undesirable foreigner

The decision of the Minister of Internal Affairs declaring a foreigner undesirable shall be communicated to the foreigner in writing.

The decision must be accompanied by a deportation order from the country within a specified period, as well as the necessary procedures.

A foreigner who does not comply with the order shall be expelled from the country.

Article 35 – Revocation of deportation order

In the Minister of Internal Affairs shall have the power, on his own initiative or on the recommendation of the Head of the Immigration Office, to revoke the deportation order made, in accordance with Article 34 of this Law, against a foreigner.

Article 36 - The costs of the execution of a deportation from the country order

The costs incurred by the government of Somaliland in executing the deportation order against a foreigner shall amount to a debt in favour of the government and shall be recoverable on the submission of the implementation of the order to the foreigner or his representative.

PART EIGHT: PENAL PROVISIONS

Article 37- No heading

As set out in this Law, any person who contravenes the following provisions or fails to comply with them shall be considered as an accused person and shall (*on conviction*) incur the punishment set out in this Law:

²⁰ Note also that under Article 9(5) of the Maintenance of the Public Order and Security Law (Law No. 51/2012), a court, may, on the application of the Attorney General, issue ‘an order deporting a foreign person or persons who are suspected of posing a serious threat to security regardless of whether these persons have been previously granted a residence permit’. This is a new procedure and is separate from deportation under Immigration Law which deals with issues wider than threats to security – see Article 30, above.

²¹ The word ‘legal’ appears redundant as it does not refer to any period set by law.

- a. Providing, within the territory of Somaliland or outside²², false statements or presenting false documents so as to obtain, or assist another person in obtaining, a permit referred to in this Law.
- b. Altering a permit or any other document, or written material, issued to him in accordance with this Law or altering a copy thereof.
- c. Giving, selling, or handing over to another person a permit or any document which was issued to him in accordance with this Law, or using the permit or any document issued to any other named person.
- d. Aiding intentionally or allowing any person to enter or leave the territory of Somaliland in contravention of the provisions of this Law.
- e. Failing or refusing to reply to any question put to him lawfully or reasonably by Immigration Officers; or intentionally provides a (*an untruthful?*)²³ reply to a question that, under the law, he is not compelled to reply to as it incriminates him in an offence.
- f. Refusing deliberately to report to an immigration officer when requested to do so.
- g. Knowingly using or possessing a false or invalid permit or other similar documents or written materials which have been forged, or using or possessing an altered permit or one which has not been issued lawfully.
- h. Obstructing an immigration officer in the execution of his duties.
- i. Evading or attempting to evade the questions put to him by an immigration officer in the performance of his duties.
- j. Failing to furnish the list or other particulars requested in accordance with Article 2 of this Law.
- k. Entering or being found illegally in the territory of Somaliland and in contravention of this Law.
- l. As an undesirable foreigner, failing to observe the lawful requests by an immigration officer or the police *in being released into the territory*.²⁴
- m. Failing to comply with the conditions of any permit issued under this Law or the provisions of its implementing regulations.
- n. As a foreigner, engaging in any activities involving gain²⁵ without complying with the permit referred to in this Law.

²² This is one of those exceptions where an offence committed outside the territory of Somaliland is punishable under Somaliland Law. It falls under both the exemption in Article 6(2)(b) of the Penal Code relating to offences committed abroad whose consequences occur in the territory on the presentation of the false statements or documents and also under Article 7(e) of the Code which allows any offence in respect of which Somaliland law is made applicable by a statute.

²³ This part of the clause is difficult to comprehend and reads in Somali '*amase si ula kac ah u bixiyey jawaab aanu ku qasbaneyn si waafaqsan sharciga in uu ku jawaabo su'aal u keenaysa dembi*'. Having examined, however, the identical Italian clause (Article 37(d)) of the 1966 Somali Republic Immigration Law on which this law is based, this part of the clause, roughly translated, reads as follows: '*or intentionally provides an untruthful reply to such a question, provided that no one may, under this provision, have to reply to a question that tends to incriminate him*' - (*ovvero intenzionalmente fornisce risposta non veritiera a una tale domanda, fermo restando che nessuno e tenuto, in forza della presente norma, a rispondere ad una domanda che tenda ad incriminarlo*). Having checked this clause with the Somaliland Immigration Branch, there has been no textual correction to this clause, and so the words in parenthesis are simply my questioning remarks on this part of the clause.

²⁴ This line is also unclear, and the comparable 1966 Law provision relates to failure to comply with lawful requests regarding leaving the territory. Again, having checked with the Immigration Branch, there have been no later textual corrections or amendments and so the assumption is that it relates to undesirable persons who are released from custody prior to their deportation.

- o. Engaging a foreign person in employment without possession of the permit referred to in this Law.
- p. Attempting to commit any offence meriting punishment under this Law.
- q. Committing a criminal offence by aiding the commission of one of the offences referred to above (in *this article*).
- r. Contravening any article of this Law.
- s. Any person who commits the offences²⁶ referred to in this Law shall be punished, if the act does not amount to a more serious offence, with imprisonment of twelve (12) months or a fine of Sh. SL 10,000²⁷ (ten thousand) or both.

Where the person named in a permit commits one of the offences referred to in the preceding clause of this Article, the judge may, in addition to the imposition of the punishment, order the revocation of the permit previously granted to the person.

Article 38 - Punishment of deported foreigner re-entering the territory of Somaliland

Any foreigner deported from the territory of Somaliland in accordance with this Law who re-enters the country whilst the deportation order is still in force shall be punished, if the act does not amount to a more serious offence, with imprisonment of up to 3 years or a fine of up to Sh. SL 30,000 (thirty thousand) or both, and shall also be deported again.

Article 39 - Punishment of proprietor, agent or person in charge of a vessel, aircraft or vehicle

Where an undesirable foreigner enters the territory of Somaliland by means of a vessel, airplane or vehicle without the knowledge of the proprietor or agent or the person in charge of the vessel, airplane or vehicle, the proprietor, agent or the person in charge shall each be punished, if the act does not amount to a more serious offence, with a fine of SL. Sh. 3,000. This article does not apply to where the undesirable foreigner holds a valid permit granted in accordance with this Law.

Article 40 - Power of a Judge to detain a vessel, aircraft or vehicle

Where an undesirable person enters the territory of Somaliland by means of vessel, airplane or vehicle, a judge may order that the vessel, airplane or vehicle be detained until the proprietor, agent or the person in charge of the vessel, airplane or vehicle fulfils the directions that the immigration officer considers to be necessary for the deportation of the undesirable foreign officer.

²⁵ This clause included the term 'dhoof' meaning foreign travel, but having checked with the Immigration Branch, it was confirmed that this was a spelling mistake and the word intended was 'dheef' which means gain, usually of a financial nature.

²⁶ As a special law, these criminal offences shall prevail over any similar provisions in the Penal Code, but do not replace the Penal Code provisions which either make the acts a more serious offence or deal with broader issues – Articles 13 and 14 of the Penal Code.

²⁷ The amount of uplift of these 1995 Law fines is not clear. The practice with regard to the 1960s criminal laws fines is to add an uplift of three zeros (000) at the end i.e. a thousand fold.

Where the proprietor, agent or the person in charge of the vessel, aircraft or vehicle has been sentenced to a fine in accordance with this Law, the judge may order that the vessel, aircraft or vehicle be detained until the proprietor, agent or the person in charge pays the fine imposed on him, and the judge may order its execution against the vessel, aircraft or vehicle.

Article 41 - Permit fees

The grant and renewal of the permits referred to in Articles 6, 7, 10, and 11 of this Law is conditional on payment of fees set out in regulations issued by the Minister of Finance.

The grant and the renewal of the permits referred to in Articles 6, 7, 10, and 11 of this Law is conditional on the payment of the following fees²⁸ to be paid by the person to whom they are issued –

- a. Permanent residence permit.
- b. Temporary residence permit.
- c. Tourist entry permits.
- d. Transit permit for a period exceeding 48 hours
- e. Business visit permit.
- f. Work visit permit.

The fees for the permits (by the government) referred to in the preceding paragraph shall be collected by means of stamps²⁹ which will be cancelled by the relevant senior official.

The fees shall be waived in respect of foreigners working directly for the government of Somaliland or for public agencies; foreigners who work for international organisations or foreigners engaged in activities which are of benefit to the government and are based on international agreements or international co-operation bringing about reciprocal relations with their governments also waiving fees for Somaliland citizens.

²⁸ The fees are not set out in the Law but are, as confirmed in the preceding paragraph set out in regulations issued by the Minister of Finance and are often updated, like other public fees and duties, at the annual budget Ministerial statements.

²⁹ Fees for immigration related permits are collected, as confirmed by the Immigration Branch, through normal payments. Although stamp duty is nowadays associated with property or commercial transactions, it was (and is still used in some cases) for collecting public fees (and duties) through official stamps of various denominations which are paid for and then affixed to the relevant official documents. Article 6(2) of The Somaliland Stamp Duty Law (Law No. 85/96) dealing with fixed (rather than proportional) stamp tax for 'administrative acts' states that these apply to '*petitions, appeals and relevant memoranda filed through administrative channels, and not through a court, before any organ of the State or local administration*' and include '*original and copies of certificates, testimonials, declarations, minutes, attested affidavits, licences, permits, authorisation concessions, diplomas, school reports, driving licences issued by State offices and local administrations or by public bodies in charge of public registers*'. The stamps came in either single stamps or were on watermarked sheets of paper. Article 14 deals with the procedures for affixing the stamps on the documents and their 'cancellation' and, as set out in Article 14(5), '*where a document is issued by a State Office, Regional Office or a District Office, or executed before them, the stamps may be affixed on any part of the paper and cancelled with the office stamp*'. The 1996 Stamp Law, which is based on old 1960s Law, also deals with civil, commercial and judicial acts on which a stamp duty is payable. The collection of stamp duties has been recently re-emphasised by Presidential Decree No. 1052/042012 of 25/04/2012, followed by Finance Minister Decree WM/02/08-01/673/12 of 06/05/2012 which set the re-commencement date of collection of stamp duties as 12 May 2012.

Article 42 - Exemptions for immunities and privileges granted by law and under international agreements

The provisions of this Law shall not affect exemptions relating to the privileges and immunities under international law which are generally accepted and those which arise under agreements or international conventions which are to be observed by the Republic of Somaliland.

Article 43 - Centres for political refugees

The Minister of Internal Affairs shall have the power to order that designated places be turned into temporary centres for the settlement of foreign and stateless persons who enter the territory of Somaliland, after having fled for political reasons, and presented the documents and the permit referred to in Article 4 of this Law.

Article 44 - Transitional provisions

The permanent residence permit and other permits granted under any law repealed by this Law shall, if issued in accordance with the law, remain valid.

On entry into force of this Law, the foreigners who were resident in the territory of Somaliland for a period of five (5) years shall be granted permanent residence in accordance with this Law.

Article 45 - Regulations

The Minister of Internal Affairs may issue Regulations³⁰ for the proper implementation of this Law.

Article 46 - Repeals

Law No. 9 of 27 June 1966 and any provisions inconsistent with this Law are repealed.

Article 47 - Coming into force

This Law shall come into force on its signature by the President of the Republic of Somaliland and publication in the news media.

PRAISE BE TO ALLAH

Mohamed Ibrahim Egal
PRESIDENT

(Translated by Ibrahim Hashi Jama - ibrahim@somalilandlaw.com - 30/12/2012)

³⁰ No such regulations have, so far (as at December 2012), been issued. No amendments have been made to this Law since its promulgation in 1995.