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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERINTAH IMIGRESEN (PENGECCUALIAN) (PEMOHON SUAKA) 2011

IMMIGRATION (EXEMPTION) (ASYLUM SEEKERS) ORDER 2011



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AKTA IMIGRESEN 1959/63

PERINTAH IMIGRESEN (PENGECCUALIAN) (PEMOHON SUAKA) 2011

PADA menjalankan kuasa yang diberikan oleh seksyen 55 Akta Imigresen 1959/63 [Akta 155], Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Imigresen (Pengecualian) (Pemohon Suaka) 2011**.

(2) Perintah ini mula berkuat kuasa pada 8 Ogos 2011 sehingga 7 Ogos 2013.

Tafsiran

2. Dalam Perintah ini, melainkan jika konteksnya menghendaki makna yang lain–

“nexkod” ertinya nombor siri yang dikeluarkan oleh Jabatan Imigresen Malaysia kepada mana-mana orang yang memasuki Semenanjung Malaysia melalui “Arrangement between the Government of Malaysia and the Government of Australia on Transfer and Resettlement” yang ditandatangani pada 25 Julai 2011.

Pengecualian

3. (1) Mana-mana orang yang disenaraikan dengan nombor siri nexkod daripada 860787531249136 hingga 860787531048136 dalam Jadual adalah dikecualikan daripada apa-apa kehendak seksyen 6 Akta Imigresen 1959/63.

(2) Orang yang dikecualikan di bawah subperenggan 3(1) hanya boleh memasuki dan tinggal di Semenanjung Malaysia.

Pembatalan pengecualian

4. Perintah ini adalah terbatal dengan serta-merta ke atas mana-mana orang yang disenaraikan dalam Jadual sekiranya–

- (a) orang itu telah didaftarkan sebagai “pelarian” oleh Suruhanjaya Tinggi Bangsa-Bangsa Bersatu mengenai Pelarian;
- (b) orang itu telah diuruskan untuk dihantar pulang ke negara asalnya;
- (c) orang itu didapati terlibat dalam apa-apa kegiatan jenayah atau telah dituduh di mana-mana mahkamah di Malaysia;
- (d) orang itu didapati terlibat dalam apa-apa aktiviti yang bertentangan dengan undang-undang Malaysia; dan
- (e) orang itu telah disenaraikan sebagai imigran larangan di bawah subseksyen 8(1) Akta Imigresen 1959/63 [*Akta 155*].

Beban pembuktian

5. Beban pembuktian bahawa mana-mana orang adalah tertakluk kepada perintah pengecualian ini hendaklah terletak ke atas orang itu.

IMMIGRATION ACT 1959/63

IMMIGRATION (EXEMPTION) (ASYLUM SEEKERS) ORDER 2011

IN exercise of the powers conferred by section 55 of the Immigration Act 1959/63 [Act 155], the Minister makes the following order:

Name and commencement

1. (1) This order may be cited as the **Immigration (Exemption) (Asylum Seekers) Order 2011**.

(2) This Order comes into operation on 8 August 2011 until 7 August 2013.

Interpretation

2. In this Order, unless the context otherwise requires–

“nexcode” means serial numbers issued by the Department of Immigration Malaysia to any person who entered Peninsular Malaysia through the Arrangement between the Government of Malaysia and the Government of Australia on Transfer and Resettlement which has been signed on 25 July 2011.

Exemption

3. (1) Any person listed with nexcode serial number from 860787531249136 to 860787531048136 in the Schedule are exempted from any requirement of section 6 of the Immigration Act 1959/63.

(2) The persons exempted under subparagraph 3(1) can enter and stay in Peninsular Malaysia only.

Void of exemption

4. This exemption shall be void immediately upon any persons who is listed in the Schedule if–

- (a)* that person has been registered as “refugee” by United Nations High Commissioner for Refugees;
- (b)* that person has been arranged to be repatriated to his country of origin;
- (c)* that person was found to be involved in any criminal activities or has been charged in any court in Malaysia;
- (d)* that person was found to be involved in any activity contrary to Malaysian law; and
- (e)* that person has been listed as prohibited immigrant under subsection 8(1) of the Immigration Act 1959/63 [*Act 155*].

Burden of proof

5. The burden of proof that any person is subjected to this exemption order shall lie upon that person.