

A BILL

i n t i t u l e d

An Act to amend the Immigration Act 1959/63.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Immigration (Amendment) Act 2025.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 2

2. The Immigration Act 1959/63 [*Act 155*], which is referred to as the “principal Act” in this Act, is amended in subsection 2(1)—

(a) by inserting before the definition of ‘ “authorized airport”, “authorized landing place” and “authorized point of entry” ’ the following definition:

‘ “advance passenger information” means information relating to a crew and passenger collected and recorded by the master, captain, driver, owner, charterer, agent or consignee of a vessel, aircraft or train, as the case may be, before arriving in or leaving Malaysia;’;

- (b) by inserting after the definition of ‘ “authorized airport”, “authorized landing place” and “authorized point of entry” ’ the following definitions:

‘ “automated system” means an automated identification processing system for the purposes of examination of persons entering or leaving Malaysia;

“biometric data” means any personal data resulting from technical processing relating to the physical, physiological or behavioural characteristics of a person;’;

- (c) in the definition of “crew”—

(i) by inserting after the words “an aircraft or” the words “train or”; and

(ii) by substituting for the words “aircraft while in flight” the words “aircraft or train while in flight or in motion”;

- (d) in the definition of “passenger”, by substituting for the words “or aircraft” the words “, aircraft or train”;

- (e) by inserting after the definition of “passenger” the following definition:

‘ “passenger name record” means information relating to a passenger of a vessel, aircraft or train including the name, gender, date of birth, nationality, passport number, passport issuing country, voyage plan, flight details and train itinerary of the passenger, collected and recorded in the reservation system of the vessel, aircraft or train, as the case may be, before the vessel, aircraft or train arrives in or leaves Malaysia;’;

- (f) by inserting after the definition of “Permit” the following definition:

‘ “personal identifier” means any personal information of a person that can be used to identify the person;’; and

- (g) in the definition of “stowaway”, by substituting for the words “any aircraft who is on board without the consent of the captain” the words “any aircraft or train who is on board without the consent of the captain or driver”.

New section 18A

3. The principal Act is amended by inserting after section 18 the following section:

“Train arriving in Malaysia

18A. (1) The driver of every train which arrives in Malaysia shall stop the train at an authorized point of entry.

(2) The driver of a train who, without reasonable cause, contravenes or fails to comply with subsection (1) shall be guilty of an offence against this Act.”.

New section 21A

4. The principal Act is amended by inserting after section 21 the following section:

“Production of passenger name record and advance passenger information by masters of vessels, captains of aircraft and drivers of trains due to arrive in or leaving Malaysia

21A. (1) The master, owner, agent or charterer of every vessel, the captain of every aircraft and the driver of every train which is due to arrive at any authorized landing place, authorized airport or authorized point of entry in Malaysia from a place outside Malaysia or leaving Malaysia shall, in the form and manner and within the time as may be prescribed, furnish to the Director General—

- (a) the passenger name record in relation to the passenger who will be on board; and
- (b) the advance passenger information in relation to the crew and passenger who are on board.

(2) The master, owner, agent or charterer of every vessel, the captain of every aircraft or the driver of every train who fails to furnish the passenger name record or advance passenger information in accordance with subsection (1), or furnish false or misleading information relating to the passenger name record or advance passenger information shall be guilty of an offence against this Act.”.

Amendment of section 22

5. Section 22 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “**and captains of aircraft**” the words “**, captains of aircraft and drivers of trains**”;

(b) by substituting for subsection (1) the following subsection:

“(1) The master, owner, agent or charterer of a vessel, the captain of an aircraft or the driver of a train arriving in or leaving Malaysia shall—

(a) if so required by an immigration officer, produce any crew or passenger for inspection and interrogation to the immigration officer;

(b) submit to such search of the vessel, aircraft or train by an immigration officer as may be necessary to establish the presence or absence of other persons on board; and

(c) in the case of vessel, produce any document relating to the vessel as may be required by an immigration officer.”;

(c) by substituting for subsection (2) the following subsection:

“(2) The master, owner, agent or charterer of a vessel, the captain of an aircraft or the driver of a train arriving in or leaving Malaysia shall report to an immigration officer the presence on board of any stowaway or any unauthorized person or any person proceeding to any state or country on the person’s removal from any other state or country by the competent authorities of that other state or country.”;

(d) by substituting for subsection (3) the following subsection:

“(3) The master, owner, agent or charterer of any vessel, the captain of any aircraft or the driver of any train who contravenes or fails to comply with subsection (1) or (2); or any person who hinders or obstructs any examination of a vessel, aircraft or train, shall be guilty of an offence against this Act.”;

(e) in subsection (4)—

(i) by substituting for the words “or aircraft” the words “, aircraft or train”; and

(ii) by substituting for the words “or the captain of the aircraft” the words “, the captain of the aircraft or the driver of the train”; and

(f) by substituting for subsection (5) the following subsection:

“(5) In any proceedings under this section, the certificate in writing of an immigration officer who boarded or examined the vessel, aircraft or train to the effect that it carried on arrival in Malaysia a total number of crew corresponding in description to the advance passenger information furnished under paragraph 21A(1)(b) shall be conclusive proof that the vessel, aircraft or train did on arrival carry that number of crew.”.

New section 22A

6. The principal Act is amended by inserting after section 22 the following section:

“Providing personal identifier and biometric data

22A. (1) A person shall, before entering Malaysia, provide his personal identifier and biometric data to the Director General, in the form and manner as may be determined by the Director General.

(2) The Director General shall have the right to collect and record the personal identifier and biometric data of a person given under subsection (1), in the form and manner as may be determined by the Director General.

(3) An immigration officer may prohibit any person from entering Malaysia if the person refuses to provide his personal identifier and biometric data in accordance with subsection (1).

(4) Section 24 shall apply to a person who is prohibited from entering Malaysia under subsection (3).”.

Amendment of section 24

7. Section 24 of the principal Act is amended—

(a) by renumbering the existing subsection (1) as subsection (1c);

(b) by inserting before the renumbered subsection (1c) the following subsections:

“(1) Every person arriving by sea or by air at an authorized airport in Malaysia shall, before entering Malaysia, be subjected to an examination—

(a) by an immigration officer; or

(b) if so required by an immigration officer, through an automated system.

(1A) The examination under subsection (1) shall include the verification of personal identifier and biometric data provided under section 22A.

(1B) If examination under paragraph (1)(b) could not be completed, the person shall then appear before an immigration officer for examination.”;

(c) in the renumbered subsection (1c), by substituting for the words “Every person arriving by sea or by air at an authorized airport in Malaysia shall appear before an immigration officer at such time and place as the officer may direct; and the officer, after such examination as he

may consider necessary, shall inform any person whom he considers to be prohibited from entering Malaysia under this Act of his finding” the words “If upon examination an immigration officer finds that a person shall be prohibited from entering Malaysia, the immigration officer shall inform the person of his finding”;

(d) in subsection (2)—

(i) in paragraph (a), by substituting for the words “refuses or neglects to appear before an immigration officer as required by subsection (1)” the words “refuses or neglects to be examined under subsection (1)”;

(ii) in subparagraph (b)(ii), by substituting for the words “subsection (1)” the words “subsection (1c)”;

(e) in paragraph (3)(b), by substituting for the words “subsection (1)” the words “subsection (1c)”;

(f) in subsection (4), by substituting for the words “subsection (1)” the words “subsection (1c)”;

(g) in subsection (5), by substituting for the words “subsection (1)” the words “subsection (1c)”;

(h) in subsection (7), by substituting for the words “subsection (1)” the words “subsection (1c)”.

Amendment of section 26

8. Section 26 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) Every person who enters Malaysia by land, or who arrives by air or sea in Malaysia at any place other than an authorized airport or authorized landing place, shall enter at an authorized point of entry and shall proceed therefrom by an approved route, prescribed under section 5, to the nearest immigration control post and shall be subjected to an examination—

(a) by an immigration officer; or

(b) if so required by an immigration officer, through an automated system.”;

(b) by substituting for subsection (2) the following subsection:

“(2) The examination under subsection (1) shall include the verification of personal identifier and biometric data provided under section 22A.”; and

(c) by inserting after subsection (2) the following subsection:

“(2A) If examination under paragraph (1)(b) could not be completed, the person shall then appear before an immigration officer for examination.”.

Amendment of section 34

9. Subsection 34(2) of the principal Act is amended by substituting for the words “vessel or aircraft” wherever appearing the words “vessel, aircraft or train”.

Amendment of section 42

10. Subsection 42(3) of the principal Act is amended—

(a) by inserting after the words “captain,” wherever appearing the words “driver,”; and

(b) by substituting for the words “vessel or aircraft” the words “vessel, aircraft or train”.

Amendment of section 43

11. Section 43 of the principal Act is amended—

(a) by substituting for the words “the master or captain and the owner of a vessel or aircraft” the words “the master, captain or driver and the owner of a vessel, aircraft or train”; and

- (b) by substituting for the words “the vessel or aircraft” wherever appearing the words “the vessel, aircraft or train”.

Amendment of section 47

12. Section 47 of the principal Act is amended—

- (a) in the shoulder note, by inserting after the words “**captains,**” the words “**drivers,**”;
- (b) by substituting for the words “vessel or aircraft” wherever appearing the words “vessel, aircraft or train”; and
- (c) by substituting for the words “the master or captain” wherever appearing the words “the master, captain or driver”.

Amendment of section 48

13. Section 48 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by substituting for the words “or an aircraft” the words “, an aircraft or a train”;
 - (ii) by inserting after the words “captain,” wherever appearing the words “driver,”;
 - (iii) by substituting for the words “or aircraft” wherever appearing the words “, aircraft or train”; and
 - (iv) by substituting for the words “or flight” the words “, flight or ride”;
- (b) in subsection (2)—
 - (i) by inserting after the words “captain,” the words “driver,”; and
 - (ii) by substituting for the words “or aircraft” the words “, aircraft or train”; and

(c) in subsection (3)—

- (i) by inserting after the words “captain,” the words “driver,”; and
- (ii) by substituting for the words “or aircraft” the words “, aircraft or train”.

Amendment of section 48A

14. Paragraph 48A(1)(a) of the principal Act is amended by substituting for the words “or aircraft” the words “, aircraft or train”.

Amendment of section 49A

15. Section 49A of the principal Act is amended—

- (a) in the shoulder note, by substituting for the words “**or aircraft**” the words “, **aircraft or trains**”; and
- (b) by substituting for the words “or aircraft” wherever appearing the words “, aircraft or train”.

Amendment of section 51

16. Subsection 51(1) of the principal Act is amended—

- (a) by inserting after the words “any aircraft” the words “or train”; and
- (b) by substituting for the words “or aircraft” the words “, aircraft or train”.

Amendment of section 54

17. Subsection 54(1) of the principal Act is amended by inserting after paragraph (e) the following paragraph:

- “(ea) prescribing the form and manner of furnishing the passenger name record and advance passenger information and the time frame for furnishing the record and information;”.

Amendment of section 55A

18. Subsection 55A(1) of the principal Act is amended by substituting for the words “or aircraft” the words “, aircraft or train”.

Amendment of section 55E

19. Subsection 55E(7) of the principal Act is amended in the definition of “premises” by substituting for the words “or aircraft” the words “, aircraft or train”.

Amendment of section 72

20. Subsection 72(1) of the principal Act is amended by inserting after the words “shall produce to the immigration officer” the words “or provide through the automated system,”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Immigration Act 1959/63 (“Act 155”). The main objectives of this Bill are to introduce new provisions on the use of automated system and the control of entrance and exit of any person into or from Malaysia by train.

2. *Clause 1* contains the short title and the provisions on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 155 to introduce new definitions of “advance passenger information”, “automated system”, “biometric data”, “passenger name record” and “personal identifier”. This *clause* also seeks to amend the definitions of “crew”, “passenger” and “stowaway”.

4. *Clause 3* seeks to introduce a new section 18A into Act 155 to provide that the driver of every train which arrives in Malaysia shall stop the train at an authorized point of entry.

5. *Clause 4* seeks to introduce a new section 21A into Act 155 to provide for the master, owner, agent or charterer of every vessel, captain of every aircraft and driver of every train which is due to arrive at any authorized landing place, authorized airport or authorized point of entry in Malaysia from a place outside Malaysia or leaving Malaysia to furnish passenger name record and advance passenger information. This *clause* also seeks to provide that any master, owner, agent or charterer of a vessel, captain of an aircraft or driver of a train who fails to provide the passenger name record or advance passenger information or furnish false or misleading information relating to the passenger name record or advance passenger information shall be guilty of an offence.

6. *Clause 5* seeks to amend section 22 of Act 155 to provide that the master, owner, agent or charterer of a vessel, captain of an aircraft or driver of a train shall produce the relevant crew or passenger for inspection and interrogation, submit to such search of the vessel, aircraft or train to establish the presence or absence of other persons on board the vessel, aircraft or train and produce any document relating to the vessel. This *clause* also provides that the master, owner, agent or charterer of a vessel, captain of an aircraft or driver of a train to report to the immigration officer the presence of any stowaway or unauthorized person on board of the vessel, aircraft or train.

7. *Clause 6* seeks to introduce new section 22A into Act 155 to provide that any person shall, before entering Malaysia, provide his personal identifier and biometric data. This *clause* also empowers the immigration officer to prohibit any person from entering Malaysia if the person refuses to provide his personal identifier and biometric data.

8. *Clause 7* seeks to amend section 24 of Act 155 to provide that any person arriving in Malaysia by sea or air shall, before entering Malaysia, be subjected to the examination by an immigration officer or through an automated system.

9. *Clause 8* seeks to amend section 26 of Act 155 to provide that any person arriving in Malaysia by land shall, before entering Malaysia, be subjected to the examination by an immigration officer or through an automated system.

10. *Clauses 9, 10, 11, 12, 13, 14, 15, 16, 18 and 19* seek to amend sections 34, 42, 43, 47, 48, 48A, 49A, 51, 55A and 55E of Act 155 consequential to the introduction of provisions relating to the arrival and departure of any person into or from Malaysia by train.

11. *Clause 17* seeks to amend section 54 of Act 155 to empower the Minister to prescribe by way of regulations the form and manner of furnishing the passenger name record and advance passenger information and the time frame for furnishing the record and information.

12. *Clause 20* seeks to amend section 72 of Act 155 to provide that any person entering Peninsular Malaysia from East Malaysian State or entering East Malaysian State from Peninsular Malaysia shall provide through an automated system an internal travel document or the like passport or other travel document.

13. Other amendments not specifically dealt with in this Explanatory Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U2)3089]