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**Myanmar News:
New policies for the
occupation of
residential premises
by foreigners**

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I. Registration of Foreigners

Pursuant to the Registration of Foreigners Act (1940) and the Registration of Foreigners Rules (1948), every foreigner entering Myanmar shall report his presence to the relevant authorities (please refer to our memorandum on Visa Regulations, Foreigner's Registration Certificates and Long Term Stay Permits).

In October 2016, notifications were published and circulated in Yangon's residential areas, informing the owners of houses and apartments, foreigners and companies employing foreigners about the relevant legal registration requirements and consequences of non-compliance.

Please find below a short overview of the published notifications concerning the registration requirements for the occupation of residential premises, as well as the legal basis.

1. Foreigners staying in hotels

Sec. 3 (e) of the Registration of Foreigners Act (1940) stipulates that the management of hotels, boarding houses or other similar premises shall:

- record the particulars of any person residing therein; and
- in case of foreigners, report such particulars to the relevant authority.

Pursuant to sec. 14 (1) Registration of Foreigners Rules (1948) and the applicable Hotel Arrival Report/Form C (may be obtained from any Registration Office), the following particulars shall be recorded and submitted:

- Name of hotel;
- Name of foreign visitor;
- Passport number;
- Nationality;
- Visa number;
- Address in Myanmar;
- Date of arrival;
- Place of origin;
- Business in Myanmar;
- Date of proposed departure;
- Probable destination; and
- Number, date and office of the Foreigner's Registration Certificate.

Both the manager and the visitor must sign the document.

Pursuant to sec. 14 (6) of the Registration of Foreigners Rules (1948), the management shall within 24 hours after the arrival transmit a copy of the Hotel Arrival Report/Form C to the relevant Ward Administration Office and the relevant Township Office of the Department of Labour, Immigration and Population.

2. Foreigners staying in residential premises

Neither the Registration of Foreigners Act (1940) nor the Registration of Foreigners Rules (1948) contain any provisions on the occupation of residential premises by foreigners.

The terms and conditions for business visa as published by the Ministry of Labour, Immigration and Population do however provide, that:

[The foreigner may] stay at hotels, motels and guest houses holding legal licenses issued by Myanmar Government, and factories and workshops legally permitted as well as human dwellings; and exactly mention the address he will stay at.

Upon enquiry, various immigration offices confirmed verbally, that holders of a business visa are eligible to occupy residential premises. According to the immigration offices, the apartment should however be rented by an entity registered in Myanmar, and may then be provided to a foreigner employed by such entity.

Further, in an analogous application of sec. 3 (e) of the Registration of Foreigners Act (1940) and sec. 14 (1) of the Registration of Foreigners Rules (1948), any landlord shall:

- record the particulars of any person residing in his premises; and
- and in case of foreigners, report such particulars to the relevant authority.

Both the landlord and the foreigner must sign Form C, and the landlord shall transmit a copy to the relevant Ward Administration Office and Township Office of the Department of Labour, Immigration and Population within 24 hours after the arrival of the foreigner.

Foreigners are instructed to keep a copy of the registered Form C. If landlords do not comply with the legal requirements, foreigners may obtain copies of Form C from the relevant authorities.

Please note that the above is based on verbal advice by the immigration office, and could not yet be confirmed in writing. We would however strongly recommend complying with the new policies to avoid difficulties with the relevant authorities.

3. Non-Compliance / Penalties

Pursuant to sec. 5 (1) of the Registration of Foreigners Act (1940):

- any person who contravenes;
- attempts to contravene; or
- fails to comply with any provision of this Act or of any rule made thereunder shall be punished with imprisonment and/or a fine.

In addition, a foreigner convicted under sec. 5 (1) of the Registration of Foreigners Act (1940) may be deported. Pursuant to sec. 5 (3) of the Registration of Foreigners Act (1940), any foreigner who has been ordered to be deported may be apprehended without warrant and brought before the District Magistrate who shall, by an order in writing, cause the said foreigner to be detained in safe custody pending the completion of arrangements for his removal out of the Union of Burma.

4. Unofficial Translation

Please find unofficial translations of the notices published by the authorities below:

To be complied with by owners of houses/apartments (“landlords”)

When a foreigner stays at a landlord’s house/apartment, the landlord shall use Form-C to notify the relevant Ward Administration Office, and also notify the relevant Township Office of the Department of Labour, Immigration and Population within 24-hours, in accordance with the sec. 14(6) of the Registration of Foreigners Rules (1948).

Failure to comply will lead to prosecution under sec. 5(1) of the Registration of Foreigners Act (1940), punishable with imprisonment extending to three years, with a fine or with both penalties.

To be complied with by foreigners

[Foreigners who] hold expired passports, overstay the permitted term, stay in a residence with a visa which does not allow such stay, engage in activities not in accordance with the business specified in the company registration [certificate], infringe any prevailing law, commit a criminal offense, break visa rules, if discovered through investigation, will be subject to prosecution under sec. 4(2)/13(1) of the Immigration (Emergency Provisions) Act (1947), punishable with minimum 6-months and maximum 5-years of imprisonment, with

minimum fine of Kyats 1,500, or with both penalties. [The person] will also be subject to being listed as persona non grata expulsion.

To be complied with by companies

[Companies] shall comply with the following in respect of foreigners employed, if they are accommodated in a residence:

- *submit a valid company-registration, Form-6, Form-26;*
- *[they shall] be made to work only in such employment which is in accordance with the business as specified in the company-registration;*
- *a foreigner who entered [the Republic of the Union of Myanmar] with a visa that does not allow residential stay, shall not be permitted to stay in a residence;*
- *stay permit extension shall be applied for at the relevant ministry. In case of not receiving extension within prescribed time, the foreigner concerned shall be made to return abroad;*
- *notice shall be provided using Form-C within 24-hours of arrival and staying of a foreigner to the Township Immigration and National Registration Department; and*
- *failure to comply will result in prosecution under sec. 5(1) of the Registration of Foreigners Act (1940), punishable with imprisonment extending to three years, with a fine, or both.*

Imprint

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