PASSPORTS ACT

Act 46 of 1968 – 14 February 1969

Amended 1/2020 (cio 23/3/2020); 14/22 (cio 27/7/22);

ARRANGEMENT OF SECTIONS

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PASSPORTS ACT

1. Short title

This Act may be cited as the Passports Act.

2. Interpretation

In this Act –

"Minister" means the Minister to whom responsibility for the subject of home affairs is assigned;
[Amended 14/22 (cio 27/7/22).]

"overseas representative" means a diplomatic or consular representative of Mauritius in any other country and includes a person having autho-rity to act as such on behalf of the Government;

"passport" means a document which is issued by or on behalf of the Government of any country, and which purports to establish the identity and nationality or citizenship of the holder;

"Passport Officer" means the person appointed by the Minister to exercise the powers conferred under this Act and includes any other person designated by the person so appointed;
[Amended 14/22 (cio 27/7/22).]

"visa" has the same meaning as in the Immigration Act 2022.
[Added 14/22 (cio 27/7/22).]

[S. 2 amended by s. 39 of Act 14 of 2022 w.e.f. 27 July 2022.]

3. Issue of passports

(1) The Passport Officer may issue a passport to any citizen of Mauritius who satisfies such conditions as may be prescribed.

(2) Every passport shall be in the prescribed form.

(3) The Passport Officer may renew or endorse any passport issued under subsection (1).

4. Refusal to issue passports

(1) The Passport Officer may, in relation to an application for the issue, renewal or endorsement of a passport under section 3 –

(a) refuse to issue the passport;

(b) refuse to renew or endorse the passport; or

(c) restrict the validity of the passport to a specified country, on the grounds that –

(i) the applicant may, or is likely to, engage outside Mauritius in activities prejudicial to the sovereignty or integrity of Mauritius;

(ii) the departure of the applicant from Mauritius may, or is likely to, be detrimental to the security of Mauritius;

(iii) the presence of the applicant outside Mauritius may, or is likely to, prejudice the friendly relations of Mauritius with any other country;

(iv) the applicant has, at any time during the period of 10 years immediately preceding the date of his application, been convicted of an offence involving

moral turpitude and sentenced to imprisonment for a term of not less than one year;

(v) the applicant has been convicted of a criminal offence and the sentence of the court has not been satisfied or set aside;

(vi) criminal proceedings in respect of an offence alleged to have been committed by the applicant have been or are about to be instituted;

(vii) a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a Court under any enactment;

(viii) the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with his repatriation;

(ix) the applicant owes a debt to Government, or that civil proceedings for the recovery of any sum of money, whether liquidated or unliquidated, alleged to be due to Government have been or are about to be instituted;

(x) the applicant is of unsound mind;

(xi) the applicant is afflicted with any infectious or contagious disease, or has not complied with the requirements of such international sanitary regulations as may be prescribed in the interests of world health; or

(xii) the departure of the applicant from Mauritius is in breach of any international obligation of the Government, particulars of which have been laid before the Assembly.

(2) The Passport Officer may vary the endorsement on a passport or the conditions subject to which a passport has been issued or cancel the passport, on any ground specified in subsection (1).

(3) For the purpose of varying the endorsement on a passport or the conditions subject to which the passport has been issued or for the purpose of cancelling the passport under subsection (2), the Passport Officer may, by notice in writing served personally, require the holder of the passport to deliver the passport within such time as may be specified in the notice.

(4) Any person, who without reasonable cause fails to comply with a request, shall commit an offence.

5. Obtaining passport by false statement

Any person who, for the purpose of obtaining a passport, or a renewal or endorsement of a passport –

(a) makes any representation or statement which he knows to be false in a material particular; or

(b) recklessly makes any statement which is false in a material particular,

shall commit an offence.

6. Taking possession of passports

(1) The Passport Officer may take and retain possession of any passport in any case where he has good reason to believe that the passport is in the wrongful possession of any person, or that the passport or a renewal or endorsement of the passport has been obtained by means of any false representation or of any statement that is false in a material particular.

(2) Any person having in his possession or under his control any such passport shall, on demand, forthwith deliver it to the Passport Officer.

(3) Any person who fails without reasonable excuse to deliver on demand the passport shall commit an offence.

7. Issuing certificate of identity

(1) Where it is not reasonably practicable to issue a passport, the Passport Officer may, with the approval of the Minister, issue a certificate of identity or other travel document which shall be in such form as may be approved by the Minister.

(2) The provisions of this Act relating to passports shall, subject to such modifications and adaptations as may be necessary, apply to certificates of identity or travel documents issued under subsection (1).

8. Overseas representative may issue passports

(1) The Minister may authorise an overseas representative to exercise in that country all or any of the powers and functions of the Passport Officer under this Act, and in every such case this Act shall, so far as it is applicable and

with such modifications and adaptations as may be necessary, apply accordingly.

(2) In the exercise of those powers or functions, every overseas representative shall act in accordance with such directions as may be given by the Minister.

(3) Any authorisation or directions under this section may be given to a specified person or to persons of a specified class or to the holder or holders of a specified office or appointment or class of offices or appointments.

9. –

10. Need for passport to enter or leave Mauritius

(1) Subject to subsection (3), no person shall enter or leave Mauritius unless he is in possession of a valid passport issued by or on behalf of the Government of a country of which he is a national or citizen, or some other document establishing his nationality or citizenship and identity to the satisfaction of the Passport Officer.

(2) Every person entering or leaving Mauritius shall, on demand by the Passport Officer, produce his passport or other document specified in subsection (1).

(3) The Minister may exempt, either conditionally or unconditionally, or upon or subject to such conditions as he thinks fit to impose, any person or specified class of persons from compliance with subsection (1).

11. Delivery of passports

(1) Any person who is required to produce his passport or a travel document under section 10 shall if so required, deliver it to the Passport Officer before leaving the vessel or aircraft in which he enters Mauritius or at any time while he is in Mauritius.

(2) (a) Subject to paragraph (b), a passport or travel document delivered to the Passport Officer under subsection (1) shall be returned to its owner, on his departure from Mauritius.

(b) The Passport Officer may withhold, for such time as may be determined by the Minister, the passport or travel document on any ground specified in section 4.

(3) Any person who fails without reasonable excuse to deliver his passport as and when required in accordance with this section shall commit an offence.

12. Visas

(1) The Minister may prescribe the countries, the nationals or citizens of which shall obtain a visa before entering Mauritius.

(2) A stateless person, or, where regulations are made under subsection (1), a national or citizen of a country specified in the regulations shall not be allowed to enter Mauritius unless he has obtained a visa.
[RR 14/22 (cio 27/7/22).]

(3) This section does not exempt any person entering Mauritius from compliance with any enactment relating to immigration.

[S. 12 amended by s. 39 of Act 14 of 2022 w.e.f. 27 July 2022.]

12A. Extension of validity of visa during COVID-19 period

Where, under this Act, a visa expires during –

(a) the COVID-19 period, the visa shall, notwithstanding this Act, be deemed not to have expired and shall remain valid for a period of 30 days after the COVID-19 period lapses or for such further period as may be prescribed; or

(b) a period of 21 days after the COVID-19 period lapses, the visa shall be deemed not to have expired and shall remain valid for a period of 30 days after the period of 21 days lapses or for such further period as may be prescribed.

[S. 12A inserted by s. 40 of Act 1 of 2020 w.e.f. 23 March 2020.]

13. Offences

(1) Every person who commits an offence under this Act or contravenes this Act or any regulations made under it, shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding one year.

(2) Any person who –

(a) incites or aids and abets any other person to commit an offence; or

(b) harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding one year.

(3) Where any person is tried for an offence under this Act, the offence shall be deemed to have been committed either at the place where the offence has actually been committed or at any place in which the offender may be found.

14. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, regulations under subsection (1) may provide for the –

(a) form of passports;

(b) conditions to be satisfied for the issue of passports;

(c) issue, renewal or endorsement of passports;

(d) forms to be used;

(e) issue of visas;

(f) imposition and recovery of fees in relation to the issue, renewal or endorsement of passports and grant of visas; or

(g) exemption of any class of persons or nationals or citizens of any country from payment of fees.