

**NATIONAL ASSEMBLY SECRETARIAT**

**REPORT OF THE STANDING COMMITTEE ON INTERIOR ON "THE PREVENTION OF SMUGGLING OF MIGRANTS (AMENDMENTS) BILL, 2020"**

I, Chairman of the Standing Committee on Interior have the honor to present this report on the Bill further to amend the Prevention of Smuggling of Migrants Act, 2018 (XXVIII of 2018) [The prevention of smuggling of Migrants (Amendments) Bill, 2019] (Private Member's Bill) referred to the Committee on 1st October, 2019.

2. The Committee comprises the following:

1) <b>Raja Khurram Shahzad Nawaz</b>	<b>Chairman</b>
2) Mr. Sher Akbar Khan	Member
3) Mehar Ghulam Muhammad Lali	Member
4) Mr. Raza Nasrullah	Member
5) Khawaja Sheraz Mehmood	Member
6) Mr. Rahat Aman Ullah Bhatti	Member
7) Malik Karamat Ali Khokhar	Member
8) Sardar Talib Hassan Nakai	Member
9) Ms. Nafeesa Inayatullah Khan Khattak	Member
10) Mr. Muhammad Akhtar Mengal	Member
11) Nawabzada Shazain Bugti.	Member
12) Malik Sohail Khan	Member
13) Rana Shamim Ahmed Khan	Member
14) Mr. Mohammad Pervaiz Malik	Member
15) Mr. Nadeem Abbas	Member
16) Ms. Maryam Aurangzaib	Member
17) Syed Agha Rafiullah	Member
18) Nawab Muhammad Yousuf Talpur	Member
19) Mr. Abdul Qadir Patel	Member
20) Mr. Asmatullah	Member
21) Mr. Ijaz Ahmad Shah	Ex-officio Member
Minister for Interior	

3. The Committee considered the Bill as introduced in the National Assembly, placed at **Annex-A**, in its meetings held on 13-11-2019 and 11-12-2019. The Committee made the following amendments therein.-

(1) **Clause 2**  
Clause 2, shall be substituted with the following namely;

**"2. Amendment of section 2, Act XXVIII of 2018.-** In the Prevention of Smuggling of Migrants Act, 2018 (XXVIII of 2018), hereinafter referred to as the said Act, in section 2,-

- (i) in clause (a), after the word "kind", the words "inland or across the borders" shall be inserted.
- (ii) in clause (j), for full stop, occurring at the end, a semi colon shall be substituted and thereafter the following new clause shall be added, namely:-

"(k) "travel agent" means a person doing the profession which involves arranging, managing, or conducting affairs relating to sending persons abroad or which arise out of the affairs of persons sent to a foreign country, except for carrying out the business of recruitment being governed under the Emigration Ordinance, 1979 (XVIII of 1979), and shall include all or any of the following, namely:-

- (i) processing of applications for or relating to grant of passport or visa; or
  - (ii) acting as an agent for a company, firm or such type of bodies or entities for.-
    - (A) selling air travel tickets; and
    - (B) providing means of transportation for travel to a foreign country by land or sea; or
  - (iii) providing consultancy visa service or guidance to the persons intending to go abroad for-
    - (A) acquiring education;
    - (B) undertaking a pleasure trip as a tourist or traveler;
    - (C) getting medical treatment;
    - (D) arranging cultural entertainment or musical shows;
    - (E) spreading or preaching religion; or
    - (F) participating in sports tournaments or events; or
  - (iv) giving an advertisement or publicity, which relates directly or indirectly to any field of travel to a foreign country by means of publication, transmission, communication or Internet; or
  - (v) holding of seminars or delivering of lectures to promote emigration or rendering assistance for such purposes; or
  - (vi) arranging matrimonial alliances and adoptions for the purpose of emigration; or
  - (vii) arranging travel of any person from Pakistan to abroad for any purpose whatsoever; or
  - (viii) arranging Hajj and Umrah package as operator; or
  - (ix) acting as freelancing type agent for any of the purposes mentioned in clauses (a) to (h);
- (l) 'competent authority' means an officer appointed by the Federal Government by notification, to be the competent authority for the purpose of this Act;
- (m) 'sub-agent' means the person or any person connected with the profession of travel and tour and not as "Licensee" but he is a person who is allowed by "Licensee" directly or indirectly or with his silent consent to do the business of travel agent from his premises or under his name/office name; and
- (n) 'complaint' means the complaints submitted by the aggrieved Person or group of persons defrauded by Travel agent defined under clause (k). The complaint of sub-agent against the principal agent or licensee is not covered under the definition of complaint."

(2)

**Clause 3**

In Clause 3, in proposed section 2C;

- i). paragraph (c) shall be substituted with the following.-  
“(c) been convicted by a court for offences relating to human trafficking, migrant smuggling or offences connected with such offences; or”.

ii). in paragraph (g), for “colon”, occurring at the end, “; or” shall be substituted, and thereafter following new paragraphs (h) and (i) shall be added, namely:-

“ (h) in case of registration of case by the Federal Investigation Agency regarding cheating to intending Migrant/Pilgrimage of Hajj, Umrah and Ziyarat, the licence will be suspended till finalization of case; or

(i) if any licensed agent found involved in facilitation of Human Traffickers, the license will be cancelled:”.

iii). After Clause 3, following new Clauses 4 and 5 shall be added namely:-

“4. **Amendment of section 4, Act XXVIII of 2018.**- In the said Act, in section 4,-

(a) in sub-section (1), in clause (b), for “comma and dash”, occurring at the end, the expression “; or” shall be substituted.

(b) after clause (b), amended as aforesaid, following new clause (c) shall be added, namely:-

“ (c) transportation of passport through courier service inland or across the borders should be declared as illegal unless delivered by the original passport holder for legal purpose.-”.

5. **Insertion of section 8A, Act XXVIII of 2018.**- In the said Act, after section 8, the following new section shall be inserted, namely:-

“ 8A. Smuggled migrants who have attained the age of eighteen years shall be liable to criminal prosecution under this Act if a person has committed the offence of illegal entry defined in section 2(d) and attempts to protect the agent and sub-agent by covering his identity, contact number, residence or means to reach him.”.

4. The Committee recommends that the Bill as reported by the Standing Committee placed at **Annex-B** may be passed by the National Assembly.

-Sd-

(TAHIR HUSSAIN)

Secretary

Islamabad, the 29<sup>th</sup> Dec, 2020

-Sd-

(RAJA KHURRAM SHAHZAD NAWAZ)

Chairman

Standing Committee on Interior

A

BILL

further to amend the Prevention of Smuggling of Migrants Act, 2018

**WHEREAS** it is expedient further to amend the Prevention of Smuggling of Migrants Act 2018 (XXVIII of 2018) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.-** (1) This Act may be called Prevention of Smuggling of Migrants (Amendment) Act, 2019.

(2) It shall come into force at once.

**2. Amendment of section 2, Act XXVIII of 2018.-** In the Prevention of Smuggling of Migrants (Amendment) Act, 2018, hereinafter referred to as the said Act, in section 2, after paragraph (j) the following new clauses shall be added, namely:-

"(k) "travel agent" means a person doing the profession which involves arranging, managing, or conducting affairs relating to sending persons abroad or which arise out of the affairs of persons sent to a foreign country, except for carrying out the business of recruitment being governed under the Emigration Ordinance, 1979 (XVIII of 1979), and shall include all or any of the following, namely:-

- (a) processing of applications for or relating to grant of passport or visa; or
- (b) acting as an agent for a company, firm or such type of bodies or entities for:-
  - (i) selling air travel tickets; and
  - (ii) providing means of transportation for travel to a foreign country by land or sea; or
- (c) providing consultancy visa service or guidance to the persons intending to go abroad for-
  - (i) acquiring education
  - (ii) undertaking a pleasure trip as a tourist or traveler;
  - (iii) getting medical treatment;
  - (iv) arranging cultural entertainment or musical shows;
  - (v) spreading or preaching religion; or
  - (vi) participating in sports tournaments or events; or
- (d) giving an advertisement or publicity, which relates directly or indirectly to any field of travel to a foreign country by means of publication, transmission, communication or Internet; or
- (e) holding of seminars or delivering of lectures to promote emigration or rendering assistance for such purposes; or
- (f) arranging matrimonial alliances and adoptions for the purpose of emigration; or
- (g) arranging travel of any person from Pakistan to abroad for any purpose whatsoever; or