

[AS PASSED BY THE MAJLIS-E-SHOORA (PARLIAMENT)]

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BILL

further to amend the National Database and Registration Authority Ordinance, 2000

Whereas it is expedient further to amend the National Database and Registration Authority Ordinance, 2000 (VIII of 2000), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the National Database and Registration Authority (Amendment) Act, 2016.

(2) It shall come into force at once.

2. **Amendment of section 13, Ordinance VIII of 2000.**-In the National Database and Registration Authority Ordinance, 2000 (VIII of 2000), hereinafter referred to as the said Ordinance, in section 13, for the full stop, at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that the cards issued and registered under the Foreigners Act, 1946 (XXXI of 1946) shall be deemed to have been issued under this Ordinance, 2000 and shall remain valid till such period as the Federal Government may notify in the official Gazette."

3. **Insertion of new section 41A, Ordinance VIII of 2000.**- In the said Ordinance, after section 41, the following new section shall be inserted, namely:-

"41A. Transfer of assets and liabilities of Alien Registration Authority.- (1) On transfer to the Alien Registration Authority (NARA) under section 17 of the Foreigners Act, 1946 (XXXI of 1946), all employees of the NARA shall, subject to the following provisions, cease to be civil servants within the meaning of the Civil Servants Act, 1973 (LXII of 1973) and shall be deemed to have always been appointed on comparable posts of the Authority, except for the purposes of financial benefits which shall not be admissible to them prior to the date of their transfer to the Authority.

(2) Notwithstanding anything to the contrary contained in this section, any person referred to in sub-section (1) may, within three months of the transfer, exercise an irrevocable option either to remain civil servant or, as the case may be, become employee of the Authority:

Provided that where any person does not exercise the option within the said period he shall be deemed to have opted to become employee of the Authority.

(3) Any person who opts under sub-section (2) to remain a civil servant shall be provided with a comparable posting elsewhere within three months of the exercise of option and till such posting remain on surplus pool of the Federal Government.

(4) On transfer as aforesaid, a person, until his employment in the Authority is terminated in accordance with his terms and conditions of service or his terms and conditions as altered by regulations which shall not be less favourable than those by which he was governed immediately before his transfer, shall continue to be governed accordingly.

(5) No person who stands transferred to the Authority by virtue of subsection (2) shall, notwithstanding anything contained in any law for the time being in force, not entitled to any compensation because of such transfer.

(6) All assets and liabilities of the NARA including its counters and other formations, shall, on commencement of the Foreigners (Amendment) Act, 2016, stand transferred to and vested in the Authority.

(7) The Federal Government shall pay to the Authority capitalized value of pension and gratuity in respect of employees, transferred to the Authority under subsection (1) to which they have become entitled to or have been earned by them or have accumulated till their transfer to the Authority.

(8) All suits and other legal proceedings instituted by or against the Federal Government and NARA in respect of the matters of the foreigners' registration immediately before commencement of the Foreigners (Amendment) Act, 2016 shall be deemed to be suits and legal proceedings of the Authority on and from such commencement and shall be dealt with by the Authority accordingly.

(9) All debts and liabilities incurred, contracts entered into or rights acquired and all matters and things done, engaged or to be done by or for the NARA immediately before commencement of the Foreigners (Amendment) Act, 2016 shall be deemed on such commencement to have been incurred, entered into, acquired, done, engaged or, in the case may be, to be done by or for the Authority."

STATEMENT OF OBJECTS AND REASONS

The illegal immigrants have increased manifold in Pakistan which has created numerous socio-economic problems, negatively impacting security situation in the country. The National Aliens Registration Authority (NARA) was not equipped to cope with this situation. Consequently, the merger of NARA with National Database and Registration Authority (NADRA) to improve the registration of aliens in the country.

Sd/-
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Minister for Interior