

**COALITION PROVISIONAL AUTHORITY ORDER NUMBER 16 (REVISED)
(AMENDED)**

TEMPORARY CONTROL OF IRAQI BORDERS, PORTS AND AIRPORTS

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and under the laws and usages of war, and consistent with relevant U.N. Security Council Resolutions, including Resolution 1483 (2003) and Resolution 1511 (2003),

Recognizing that it is desirable as soon as possible to restore the normal transit and movement of people to and from Iraq,

Acknowledging that the Iraqi laws on immigration, customs and quarantine should remain in place unless exceptions prove necessary for security reasons or otherwise to accomplish the obligations of the CPA under the laws and usages of war,

Recognizing that effective export and border controls are essential to prevent terrorist activities and the proliferation of weapons of mass destruction, their delivery systems, advanced conventional weapons and related technologies,

Noting that the current security situation in Iraq does not permit the unrestricted resumption of normal transit and movement,

I hereby promulgate the following:

**Section 1
Definitions**

- 1) "*Authorized officer*" means any Coalition personnel or Iraqi official designated by the CPA, Ministry of Interior or Ministry of Foreign Affairs to perform border control, customs, immigration, consular or quarantine services. For purposes of issuance and revocation of travel documents (including permits) only, authorized officer means "designated travel document issuing authority" as defined in Section 1.1.
- 2) "*Coalition contractor*" and "*contractor*" has the same meaning as the definitions in Section 1 of CPA Order Number 17 as revised or amended.
- 3) "*Coalition personnel*" means
 - a) all non-Iraqi military and civilian personnel under the authority of the Commander of Coalition Forces or the Commander Multi-national Force Iraq, as well as all non-Iraqi military and civilian personnel assigned to, or under the

CPA/ORD/04 June 2004/16

F143-1

direction or control of, the Administrator of the CPA or its successor organization;

- b) citizens or nationals traveling to Iraq on official government business of the United States of America, United Kingdom, Australia, Italy, The Netherlands, Poland, Ukraine, Portugal; and
 - c) citizens or nationals traveling to Iraq on official government business of any other designated state: such designations will be made by the CPA or the Ministry of Foreign Affairs.
- 4) "*Designated travel document issuing authority*" means:
- d) with respect to issuance of regular passports, interim travel documents and extending Iraqi passports, the offices of the Ministries of Interior and Foreign Affairs so designated by the Minister or Deputy Minister of Interior, and any Iraqi mission located outside Iraq so designated by the Minister of Foreign Affairs or the Director of Consular Affairs;
 - e) with respect to issuance of Iraqi diplomatic and official passports, the Ministry of Foreign Affairs;
 - f) with respect to travel permits, the Ministry of Foreign Affairs and any Iraqi mission located outside Iraq so designated by the Minister of Foreign Affairs or the Director of Consular Services to do so, or Ministry of Interior offices so designated by the Minister or Deputy Minister of Interior; and
 - g) with respect to special clearances the Ministry of Interior offices so designated by the Minister or Deputy Minister of Interior.
- 5) "*Goods*" means any commodity, substance, organism, article, document, data or thing, whether manufactured or natural, including any Controlled Item that may be moved across the borders of Iraq. "Goods" does not include human bodies, cadavers or human remains.
- 6) "*Member of a crew*" means a person, including a master, who is employed on a vehicle to perform duties during a voyage or trip related to the operation of the vehicle or the provision of services to passengers.
- 7) "*Controlled Item*" means any item contained in the control lists of the Missile Technology Control Regime, the Australia Group, the Nuclear Suppliers Group, the Zangger Committee or the Wassenaar Arrangement or any other documents, systems, components, materials, software or technology that may be intended to

contribute to the acquisition, manufacture, development, research or transfer of Weapons of Mass Destruction, their delivery systems or advanced conventional military systems. "Technology" includes information necessary for the design, development, production, or use of a controlled commodity or software.

- 8) "*Terrorism*" means the use or threatened use of unlawful violence against civilians, noncombatants, or other innocents, calculated to cause fear or to coerce or intimidate governments or societies, and motivated by political, religious, or ideological goals.
- 9) "*Terrorist Organization*" means an organization whose objective is to support or commit acts of terrorism, directly or indirectly, physically or financially.
- 10) "*Transportation Company*" is any corporation, enterprise or other entity transporting persons and/or goods to and from Iraq.
- 11) "*Travel Documents*" means documents required by the CPA, Ministry of the Interior or Ministry of Foreign Affairs for entry into and exit from Iraq. These may include:
 - a) an Iraqi passport valid on its face or which has had its validity extended consistent with this Order;
 - b) a CPA Interim Travel Document (ITD);
 - c) a document or documents proving Iraqi nationality (including an Iraqi Nationality Card) issued for the purposes of return to Iraq;
 - d) a travel permit issued by an authorized officer as defined by this Order;
 - e) a document issued by a foreign government or an international organization, such as the United Nations High Commission for Refugees or *the International Committee of the Red Cross* identifying the person as a refugee from Iraq; and
 - f) passports of any country, government issued identification cards, military identification, government issued travel orders for military personnel, and UN issued travel documentations.
- 12) "*Travel permit*" means a permit to enter Iraq issued pursuant to Section 5 of this Order and includes visa, entry stamp or entry card.
- 13) "*Vehicle*" means any conveyance by land, water or air.

CPA/ORD/04 June 2004/16

3

14) "*Weapons of Mass Destruction*" means nuclear, biological, or chemical weapons.

Section 2 Preservation of Laws

- 1) All Iraqi laws regarding immigration, emigration, customs and quarantine shall remain in force unless specifically suspended by this Order.
- 2) Wherever a stipulation, direction, instruction, guidance or provision of this Order or made pursuant to this Order or any other CPA Regulation, Order or Memorandum conflicts with a current provision of Iraqi immigration, emigration, customs and quarantine laws, the direction, instruction, guidance, or provision contained in or made pursuant to such Regulation, Order or Memorandum shall prevail.
- 3) The Ministry of Interior or Ministry of Foreign Affairs, in consultation with each other as appropriate, may issue directions, instructions or guidance to designated travel document issuance authorities consistent with this Order or any other CPA Regulation, Order or Memorandum.
- 4) The edict of the former President Saddam Hussein, fixing the expiration of "N" series passports in the year 2003, issued during the years 1996 to 2002, is hereby suspended. All "N" and "M" series passports will continue in effect for their statutory duration.
- 5) All Iraqi passports in the "N" and "M" series may be extended by any designated travel document issuing authority. Passports presented to a designated travel document issuing authority for extension on or before their original expiration date or within the two months immediately following their original expiration date may be extended for a period of four (4) years. Passports presented to a designated travel document issuing authority for extension after the two months following their original expiration date may be extended for a period of two (2) years. Designated travel permit issuing authorities may validate Iraqi passports in any series. Any passport purporting to have been issued after March 19, 2003 that has not been validated with a stamp from either the CPA, the Ministry of Foreign Affairs or the Ministry of Interior, or with a combined CPA/Ministry of Interior/Ministry of Foreign Affairs stamp, is invalid. Any Iraqi passport valid under this Order may be amended by any authorized officer at an Iraqi mission overseas to register a child under the age of twelve (12) years, on the passport of a parent, guardian or legal trustee in accordance with established Iraqi law and procedures.

CPA/ORD/04 June 2004/16

4

- 6) Consistent with Section 2 of CPA Order No. 26 (CPA/ORD/24 August 2003/26), the Ministry of Foreign Affairs has the authority to grant, issue, renew, extend or amend diplomatic and official passports in accordance with established procedures and for the purpose of facilitating official travel of Iraqi officials. As of January 1, 2004, all diplomatic and official passports that do not have a CPA and/or Ministry of Foreign Affairs stamp either to reflect issuance, renewal, extension or validation are declared invalid for travel except for direct return travel to Iraq. Such passports may be confiscated by any authorized officer or any authorized representative of the Ministry of Foreign Affairs.

Section 3

Right to Exit

- 1) Subject to compliance with Iraqi law and with border control procedures established by the CPA or Ministry of Interior, all persons may exit from Iraq, provided they are in possession of travel documents and are not subject to any travel restrictions under applicable law, including this Order.
- 2) The following persons shall require special clearance from the Minister of Interior to exit Iraq and may be prevented from exiting at the discretion of the Minister of the Interior:
 - a) Senior regime or military leadership and Senior Party Members or office holders of the Ba'ath Party, as described in CPA/ORD/16 May 2003/01;
 - b) Persons suspected of having committed serious crimes;
 - c) Persons who are known or suspected to have links to a terrorist organization or who are suspected to have committed or to have provided financial, material, or technological support for acts of terrorism; and
 - d) Persons suspected of being involved or attempting to be involved with the acquisition, manufacture, development, research, or transfer of technology or material related to Weapons of Mass Destruction or their delivery systems; or having knowledge of the location of Weapons of Mass Destruction or their delivery systems, or the identity of persons with such knowledge.

Section 4

Examinations for Entry

- 1) A person seeking entry to Iraq shall appear before an authorized officer at a port of entry, border control station or at such other place as may be designated by the

CPA/ORD/04 June 2004/16

5

Ministry of the Interior for examination to determine whether the person may be granted entry to Iraq.

- 2) A person appearing for examination shall answer truthfully all questions and shall produce such documentation as may be required for the purpose of establishing whether the person may be granted entry.
- 3) A person may be detained for up to forty-eight hours for further examination upon entry and/or pending arrangements for his or her return based on established procedures, or his or her withdrawal of the request to enter Iraq.

Section 5 Permits to Enter Iraq

- 1) Persons seeking entry to Iraq are to be classified as either persons who require permits granting entry into Iraq (hereinafter "permits") or persons who do not require such permits. All persons who are not listed in Sections 5(2) or 5(3) of this Order require permits. Authorized officers shall issue permits, in accordance with this Order, or in accordance with any direction from the Ministry of Interior, in consultation with the Ministry of Foreign Affairs, and in accordance with applicable law.
- 2) Persons not requiring permits to enter Iraq are still those persons not otherwise denied permits under this Order who are:
 - a) citizens of Iraq or persons who were born in Iraq;
 - b) Coalition personnel;
 - c) United Nations officials or any official of any other UN organization;
 - d) documented members of seagoing ships' companies during the stay of a ship in Iraqi waters; and
 - e) documented members of airline companies during the stay of the aircraft in Iraqi territory.
- 3) The Ministry of Interior or Ministry of Foreign Affairs may issue permits for a variety of purposes, including but not limited to business, tourism, students, temporary visitors, residence and foreign liaison (diplomatic). The Ministry of Interior, in consultation with the Ministry of Foreign Affairs, shall issue directions relating to the number, duration and other conditions pertaining to the issuance of designated classes of permits.

CPA/ORD/04 June 2004/16

6

F143-6

4) Permits may be issued from CPA, any Iraqi mission or embassy that has reopened and has been authorized to do so by the Ministry of Foreign Affairs, and Ministry of Interior offices established or authorized for this purpose within Iraq and at authorized ports of entry.

Section 6

Powers of an Authorized Officer

- 1) A designated travel document issuing authority who receives an application for a permit shall either approve or refuse the application, and shall notify the applicant of the decision. At any time after an application for a permit is approved, the authorized officer may:
 - a) Alter or revoke any terms and conditions subject to which the person was granted entry;
 - b) Add terms and conditions as prescribed or authorized by the present Order and other CPA Regulations, Orders or Memoranda; and/or
 - c) Extend the permit.
- 2) Subject to the present Order, a visitor seeking an extension of a permit shall appear before an authorized officer for examination to determine whether the visitor may be granted an extension of a permit at such place as may be designated by the Ministry of the Interior.
- 3) A visitor appearing for examination shall answer truthfully all questions and shall produce such other documentation as may be required for the purpose of establishing whether the visitor may be granted an extension of a permit.

Section 7

Persons Who May be Denied Entry to Iraq

- 1) An authorized officer who receives an application for a permit may refuse the application if the authorized officer has reasonable grounds to believe that the applicant:
 - a) knowingly provided any false, misleading, or inaccurate information in the course of the application process;

CPA/ORD/04 June 2004/16

7

- b) is suffering from any serious communicable disease, or is suffering from any disorder, disability or other health impairment for which commercial health services are not readily available in Iraq;
 - c) will be unable or unwilling to support herself or himself, and those persons who are dependent on the applicant;
 - d) is or was a member of a criminal organization;
 - e) will commit offenses, or engage in criminal activity planned and organized by persons acting in concert with or in furtherance of the commission of any offense;
 - f) will engage in or has engaged in an act of terrorism, or is a member of a terrorist organization or an organization that there are reasonable grounds to believe will:
 - i. engage in acts which are offensive to the principles of democratic government, institutions or processes in Iraq; or
 - ii. engage in or instigate the removal by force of any government;
 - g) will engage in acts of violence that may endanger the lives or safety of persons in Iraq, or who is a member of an organization that engages in such acts;
 - h) has been involved or attempted to be involved with the acquisition, manufacture, development, research or transfer of technology or material related to Weapons of Mass Destruction, their delivery systems, or advanced conventional military systems, including dual use items;
 - i) has committed acts or omissions that constituted a war crime or a crime against humanity; or
 - j) has previously been deported from Iraq by the CPA, or an international territory with formal border controls.
- 2) In the case of a person who is in possession of a valid travel document, or who can otherwise establish Iraqi nationality, his or her entry into Iraq shall not be denied. However, if security or military necessity requires, then such a person may be detained upon entry into Iraq.
- 3) A person denied entry under this Order may appeal to the Minister of Interior for a review of the case. The determination of the Minister of Interior will be final.

Section 8
Notice to Depart

- 1) Where an authorized officer, upon examination of a person, is of the opinion that it would be contrary to the present Order to grant entry to the person, or to extend the permit of a person, the authorized officer may:
 - a) allow that person to leave Iraq immediately; or
 - b) serve that person with a Notice to Depart (hereinafter "Notice") within a specified period.
- 2) A Notice must specify:
 - c) that the person must depart Iraq within a specified period;
 - d) the reasons why the Notice is being served;
 - e) that the person may object to the Notice in writing to the Ministry of the Interior within a specified time, or give reasons why the Notice should not remain in force; and
 - f) that timely compliance will not have adverse consequences for the return of a person who otherwise complies with entry requirements.
- 3) Where the Minister of Interior receives written objections from a person under this Order, the Minister of Interior shall:
 - c) consider such written objections promptly,
 - d) promptly determine the fair and lawful resolution of the matter, and
 - e) advise the person in writing of the decision.

Section 9
Revocation of a Permit

A designated travel document issuing authority may revoke a person's permit if:

- a) the circumstances that formed the basis of the approval of the person's application for the permit have substantially changed;

CPA/ORD/04 June 2004/16

9

- b) the person breaches a prescribed term of the permit, or another person required to comply with a condition of the permit has not met that condition;
- c) the presence of the person in Iraq is, or would be, a risk to the health, safety or good order of the Iraqi community; or
- d) the permit should not have been granted because the application for the permit was in contravention of the present Order or other applicable law.

Section 10 **Identification and Seizure of Documents**

- 1) Persons shall comply with the instructions of an authorized officer regarding their identification, if they:
 - a) seek entry into Iraq,
 - b) make an application for the renewal of a permit,
 - c) have been arrested, or
 - d) are subject to deportation under this Order.
- 2) For the purpose of identification, an authorized officer may in accordance with the provisions of Sections 11 and 12 below:
 - a) search persons who the authorized officer believes either have not revealed their identity or have hidden on or about their person documents that are relevant to a decision as to whether they may be granted permission to enter Iraq, and may search any vehicle that conveyed the persons to Iraq and their luggage and personal effects;
 - b) search persons who the authorized officer reasonably believes have committed an offense or are in possession of objects or documents that may be used in the commission of an offense, and may search any vehicle that conveyed the person to Iraq, their luggage and personal effects;
 - c) examine any travel document or any other document purporting to be a travel document at a port of entry or any other place in Iraq, for the purpose of this Order or relevant directives, examine any object that is, or is about to be, imported into or exported from Iraq.

- 3) An authorized officer may confiscate at a port of entry or any other place in Iraq any object or document if the authorized officer reasonably deems this necessary for the discharge of the functions of the officer under this Order.
- 4) An authorized officer may confiscate any object or document if the officer reasonably believes that it has been fraudulently or improperly obtained or used, or that such action is necessary to prevent its fraudulent or improper use.
- 5) An authorized officer shall provide a written receipt to any person from whom he or she confiscates an object or document under this Order, and shall provide the person with a written notice setting out the procedures for review pursuant to Section 17 below.

Section 11 Search of a Person

- 1) An authorized officer may, without a warrant, search a person who seeks entry to Iraq.
- 2) The search of a person must be made by an authorized officer pursuant to the present Order and must be made on reasonable grounds.
- 3) No person shall be searched by a person who is not of the same sex, and if there is no officer of the same sex at the place at which the search is to take place, an authorized officer may request that another border control or customs employee of the same sex perform the search, when necessary to comply with this provision.

Section 12 Search and Seizure of Goods

- 1) An authorized officer may, without a warrant, search the vehicle, luggage or personal effects of any person who seeks entry into Iraq.
- 2) Persons crossing the borders of Iraq must make declarations or manifests of all goods being transported by the person available to an authorized officer on request.
- 3) An authorized officer shall confiscate any goods that may pose a threat to the peace, security, health, environment, or good order of Iraq, including Controlled Items. Authorized officers also shall confiscate any antiquities or cultural items suspected of being illegally exported.

F143-11

- 4) The export or import of a Controlled Item shall require the prior written authorization of the Administrator, his designee, or the Minister of Interior. Such prior written authorization requirement shall not apply to exports of Controlled Items by the CPA or Coalition personnel. Such prior written authorization requirement shall not apply to the export of Controlled Items by Coalition contractors, who are exporting such Controlled Items pursuant to the performance of its contract with the Coalition or Multi-national force.
- 5) Goods that are not declared may be confiscated by an authorized officer. Persons may also be ordered to return such goods, at their expense, to the jurisdiction from which they came.
- 6) Any goods confiscated must be immediately handed over to the Minister of the Interior or to his or her delegate(s). A receipt must be issued to the person from whom the goods are confiscated and the person must be provided with written notice setting forth the procedures for review pursuant to Section 17, below.

Section 13 Offenses

- 1) Allegations of an offense shall be subject to review and action, if appropriate, by either an investigative judge of a customs court or a criminal court of Iraq, depending on the alleged offense.
- 2) The following shall constitute an offense under this Order:
 - a) failing to appear before an authorized officer for examination as required by this Order;
 - b) failing to answer truthfully all questions by an authorized officer during examination;
 - c) knowingly concealing documentation as may be required by the authorized officer during examination;
 - d) failing to make a declaration or manifest of all goods being carried by the person on request by an authorized officer;
 - e) obstructing or interfering with a search of the person or search of the person's vehicle, luggage or personal effects pursuant to this Order;
 - f) knowingly making a false representation, orally or in writing, to an authorized officer for the purposes of securing entry of a person into Iraq;

- g) entering Iraq or remaining in Iraq without a permit, if one is required;
- h) entering Iraq or remaining in Iraq by use of a false or improperly obtained travel document or other document pertaining to the entry of that person or by reason of any fraudulent or improper means or misrepresentation of any material fact;
- i) failing to comply with a prescribed term of a permit;
- j) escaping or attempting to escape from lawful custody or detention under this Order and any other relevant instructions or directives
- k) organizing or facilitating the entry or proposed entry into Iraq of a person, knowing the person would, upon entering Iraq, be guilty of an offense under this Section; and
- l) seeking to export or import, or exporting or importing Controlled Items without prior authorization issued pursuant to Section 12(4) of this Order.

Section 14 Penalties

A person who commits an offense described in this Order is liable to have any goods in his or her possession confiscated and may be deported from Iraq. The person may also be liable to a penalty prescribed in an applicable Iraqi law, CPA Order, Regulation or Memorandum, or other subordinate directive.

Section 15 Liability for Removal Costs

- 1) A transportation company shall ensure that:
 - a) the persons it conveys to Iraq are in possession of all travel documents required by applicable law,
 - b) it presents each person to an authorized officer for examination at such place as may be designated by an authorized officer upon arrival of each one of its vehicles in Iraq, and
 - c) no other person leaves the vehicle i) at any place other than that designated by an authorized officer, or ii) until permission has been granted by an authorized officer.

- 2) Where a person has been allowed or required to leave Iraq pursuant to this Order, a transportation company that has conveyed the person to Iraq may be required by an authorized officer to cause that person to be conveyed to the country from which that person came, or to such other country as the authorized officer may approve at the request of the company.
- 3) Where a person has been required to leave Iraq because at the time of the arrival in Iraq the person was not in possession of a valid travel document required by applicable law, a transportation company that has conveyed the person to Iraq shall be liable to pay all costs of conveying that person to the country from which that person came, or to such other country as an authorized officer may approve at the request of the company.
- 4) Where a person has been granted entry to Iraq, or where that person, at the time of arrival in Iraq, was in possession of a valid travel document, and where that person is required to leave Iraq pursuant to the present Order, a transportation company that has conveyed the person to Iraq and that is required to cause that person to be conveyed from Iraq is entitled to be reimbursed by the Ministry of the Interior for the costs of conveying that person from Iraq. However a transportation company shall not be reimbursed for the costs of conveying from Iraq a person who enters Iraq as, or to become, a member of a crew.
- 5) Where a person enters Iraq as, or to become, a member of a crew of a vehicle and ceases to be a visitor, the transportation company that operates that vehicle may be required to cause that person to be conveyed to the country from which that person came, or to such other country as the Ministry of the Interior may approve at the request of the company. The transportation company shall be liable to pay all costs of conveying that person from Iraq.

Section 16 Other Offenses

- 1) Where an authorized officer has reasonable grounds to believe that a person who seeks entry into or exit from Iraq, or who seeks to remain in Iraq, is liable for an offense committed under applicable law in Iraq, other than an offense prescribed in this Order, the authorized officer shall report the matter immediately to law enforcement or other appropriate authorities .
- 2) Where the circumstances of the case require, an authorized officer may arrest a person suspected of having committed an offense other than an offense prescribed in this Order. The arrest must be immediately reported to the Interim Minister of the Interior, and the arrested person must, as soon as possible but no later than six

hours after the arrest, be delivered into the custody of law enforcement or other appropriate authorities.

Section 17 Review

- 1) A person who is adversely affected by a decision of an authorized officer made pursuant this Order may apply in writing to the Minister of Interior or in person at the Ministry of Interior offices at border points of entry for a review of the decision by the Minister of Interior for decisions made in respect of applications for travel permits lodged within Iraq, or in writing to the Ministry of Foreign Affairs for review of any adverse decisions made in respect of applications for travel permits lodged outside of Iraq. Within seven (7) days of receipt of the application, the Minister of Interior or the Minister of Foreign Affairs, as appropriate, shall review the decision and notify the applicant of the determination in writing at the last provided address of the applicant.
- 2) A person whose goods have been confiscated may apply in writing, with a copy of the confiscation receipt attached, to the Minister of Interior for a review of the decision. Within seven days of receipt of the application, the Minister of Interior shall review the decision and notify the applicant of the determination in writing at the last provided address of the applicant.
- 3) The Minister of Interior and Minister of Foreign Affairs may issue Administrative Instructions in connection with such reviews.

Section 18 Collection of Fees

The Ministry of Interior, in coordination with the Ministry of Foreign Affairs, may establish fees for services provided under this Order. Under procedures established by the Ministry of Finance, the Ministries of Foreign Affairs and Interior may retain part or all of the fees to be utilized for the modernization of Iraq's border control system.

Section 19
Entry into Force

This Order shall enter into force on the date of signature.

L. Paul Bremer 6/13/04

L. Paul Bremer, Administrator
Coalition Provisional Authority

CPA/ORD/04 June 2004/16

16

F143-16