
AB 1993 no. GT 33 *CENTRAL LAW REGISTER* 6th of April 2021

Entitlement: National Ordinance Admission and Expulsion

Citation Title: National Ordinance Admission and Expulsion

Found: AB 1993 no. GT 33

Changes: AB 1997 nos.33, 34; AB 2000 no.101 (inwtr. AB 2000 no.102); AB (2006 no.30 (inwtr. AB 2008 no. 48(article I, part B, N, at 2°, P at 1° and at 3°, R at 2°, and T up to and including X) AB 2014 no.11 (inwtr. AB 2014 no. 12); AB 2018 no.70 (inwtr) AB 2018 no.71); AB 2021 no.49;

Chapter 1

Article A

In this national ordinance and the provisions based on it, the following definitions apply:

MIGRATION OFFICER: an official charged with the control of the identity, status and admission of persons arriving and departing from Aruba;

MINISTER: the minister in charge of aliens and integration policy;

Admission: an act laid down by law or by decree

Borrowed Right of Residence; admission requirement; the person who does not fall under Article 1;

License Right: the license right, referred to in Article 6, fourth member.

General provisions

Article 1

1. With the exception of Article 23, paragraphs 1 and 2, the regulations given by or pursuant to Chapter 2 do not apply to:

- a. Dutch Nationals, born as such in Aruba
 - b. Persons who have acquired Dutch nationality in Aruba
 - c. Dutch nationals, born outside of Aruba, and who have or have had admission and principal residence in Aruba for a period of at least ten years;
 - d. Dutch nationals, born as such outside Aruba, of whom at least one of the parents belongs or, has passed away, before their death, belonged to the persons referred to in subparagraphs a, b or c.
2. In response to an application to that effect, a person as referred to in subsection I shall be provided by the Minister with a statement showing that he is not subject to admission.
Article 1 a (repealed)

Chapter 2

Admission to Residence

Article 2

Admission to stay is legally awarded or granted by permit.

1. Admission legally awarded

Article 3

1. Permit to stay in Aruba awarded by law:
 - a. Persons who are employed by the Country or by one of the other countries of the Kingdom, or who are employed by an international organization or an institution subsidized by the country or the other countries of the Kingdom, and are stationed in Aruba;
 - b. Persons who have been in the service of Aruba or who were in the service of the Netherlands Antilles or the island territory of Aruba before 1st of January 1986 and receive a pension or pension benefit on that basis, as well as the widows of such persons who have not remarried;
 - c. Professional consuls, professional consular officers and other consular personnel admitted as such in Aruba;
 - d. Military or civilian personnel, in the service of another country, during the time that they are

stationed in Aruba or are admitted to Aruba on the basis of a treaty.

- e. Persons on board of ships or aircraft belonging to the naval or air forces of any power, during the time that Aruba is visited with the permission of the competent authority;
 - f. Dutch nationals who have been admitted to Aruba for more than five years by operation of law or by virtue of a permit;
 - g. Persons who have been married to and live with a person as referred to in Article 1, first paragraph, or a person as referred to in this Article, first paragraph, under a to f, for at least five years, and for a period of have or have had admission to and main residence in Aruba for at least five years, as well as the children who were born or who were adopted or recognized minor living with that marriage;
 - h. Persons born in Aruba who do not have Dutch nationality, provided they have reached the age of ten and since their first year of life; have been admitted to Aruba;
 - i. Spouses or partners in long-term relationship, as well as minor children, insofar as they run a joint household with a person as referred to in the first paragraph, under a, d or e; no further conditions are imposed on the said spouses or partners for the exercise of a profession or the performance of work.
2. Upon a request to that effect, the person who has been legally admitted on the basis of the first paragraph will be asked by the Ministry to provide a statement proving that he/she is legally permitted to reside in Aruba.
 3. No conditions are attached to admission by operation of law.

Article 4 (repealed)

Article 5

1. The admission by operation of law ends;
 - a. due to the expiry of the season for which is granted;

- b. with regard to a person who has been admitted by operation of law pursuant to Article 3, under g to h, through an uninterrupted stay of more than ten years abroad, unless the person concerned is staying abroad for study purposes, due to medical treatment or due to the fact that the person concerned performs a public task outside Aruba as a civil servant or on the basis of an employment contract with the country;
 - c. by a statement from the Minister in the event of an irrevocable sentence in Aruba to an unconditional custodial sentence of six months or more for committing a crime;
 - d. by a statement from the Minister containing facts and circumstances from which it can reasonably be concluded that a person as referred to in Article 3, first paragraph, under a and f to h, has started to pose a danger to public order or safety from Aruba.
- The period of ten years, referred to in part b, commences on the day of reaching the age of majority of the person concerned, who was born in Aruba to parents with a foreign nationality and who was born in Aruba to parents with a foreign nationality and who has spent more than 10 years continuously in Aruba.
2. The Minister shall immediately notify the person concerned by registered letter of a termination as referred to in the first paragraph, under c or d.

§2. Admission for a temporary stay or residence when a permit is granted.

Article 6

1. Except for persons mentioned in Articles 1 and 3, no one is admitted to Aruba without a permit for temporary residence or residence.
2. A temporary residence permit is issued for a specific period.
3. A residence permit is issued for an indefinite period.
4. A license fee may be levied on the holder of a temporary residence permit or residence permit. The amounts of the license fees and the term within which

these license fees are paid are determined by regulation of the Minister.

5. Models for the permit for temporary stay or residence are established by regulation of the Minister and rules are laid down regarding:
 - a. the manner of submitting and processing an application, including the option of applying for a granting licenses electronically;
 - b. the information that the person subject to the admission requirement must provide in person.

Article 7

1. A temporary residence permit is granted by or on behalf of the Minister and has a maximum duration of one year.
2. The authorization shall be applied for by the person applying for authorization or by his legal representative. The request is made on a form provided free of charge by the government. Article 6, paragraph 5, applies similar applications.
3. Notwithstanding the first paragraph, a temporary residence permit with a maximum duration of five years may be granted to categories of persons subject to an entry requirement to be designated by regulation of the Minister.
4. By or pursuant to a national decree, containing general measures, regulations are laid down which, with a view to public order, safety, public health, to ensure the reimbursement of costs incurred by the country in the past in connection with his/her expulsion and the payment of the contribution obligation must be fulfilled before a permit can be granted to an applicant. A person who has been granted a temporary residence permit with permission to work carries an identity card with him/her at all times during his work as referred to in the National Ordinance on Identity Cards (AB 2001 no.8) and his permit.
5. If the diversity of society is affected, a moratorium can be imposed by a national decree containing general measures with regard to the issue of permits for temporary residence to persons with the nationality specified in the national decree. A national decree as referred to in the first

sentence expires four years after the date of its entry into force.

6. Conditions may be attached to a temporary residence permit with the public interest in mind. Furthermore, after hearing the Minister in charge of industrial relations, the license is subject to conditions attached to being able to work in a specific profession or business, or being employed by a specific employer and in a specific position. Professions and functions may be designated by order of the Minister in charge with employment that is not eligible to be filled by persons for whom the issue of a permit for temporary residence has been requested.
7. (expired)
8. By way of derogation from paragraph 2, the application for a person who wishes to work for an employer established in Aruba shall be submitted on behalf of the person concerned by that employer or his legal representative. Such an application is accompanied by a statement that the company is included in the trade register of Aruba and is known to the tax authorities.
9. (expired)
10. A decision on an application to grant, change or extend the period of validity of a temporary residence permit will be made within six weeks. In special cases, this term may be extended once by the Minister by a maximum of four weeks. The person concerned will be notified of the extension by registered letter or electronically.

Article 7a

1. A residence permit is granted by or on behalf of the Minister.
2. A residence permit can be granted to a person who can demonstrate that he/she has been legal resident of Aruba for a period of at least 120 months.
3. A residence permit may also be granted to persons to be determined by national decree containing general measures.
4. No conditions are attached to the residence permit.
5. Article 7, tenth paragraph, applies similar applications.

Article 8

1. By national decree, containing general measures, promotion of tourism and regulations for the benefit of crewmembers of ships and aircraft, derogating from the provisions of , Articles 6 & 7 with regard to permits for temporary stay with a validity period of no more than thirty consecutive days.
2. A tourist is understood to mean anyone who does not stay in Aruba for more than thirty consecutive days for relaxation, sports, health reasons, family matters, study, religious purposes or business visits and who during his stay in Aruba is not engaged in activities against him by a natural or legal person established in Aruba performing remuneration to be paid.
3. With regard to certain categories of persons, it may be determined by national decree, containing general measures that the period of thirty days referred to in the first and second paragraphs is extended to a maximum of one hundred and eighty days.

Article 9

1. A request for the granting of a permit for temporary stay may be refused by or on behalf of the Minister in charge of Immigration Affairs:
 - a. In connection with the public policy or the public interest, which also includes the protection of public health and the labor market;
 - b. If it cannot be demonstrated that the concerned person will have sufficient means of subsistence;
 - c. If the person in question has been deported or removed and the term of the prohibition on admission to Aruba as stated in the relevant order has not yet expired;
 - d. If the person concerned has exceeded the period for which he/she was admitted during a previous stay in Aruba.
 - e. If the person subject to the admission requirement has provided incorrect information or has withheld information while that information would have resulted in the rejection of an application to grant, extend or change;
 - f. On the basis of an irrevocable conviction for a crime to an unconditional custodial sentence of three months or longer;
 - g. If, in the opinion of the Minister, the person subject to an admission requirement constitutes or may constitute a danger to public order or safety;

- h. If the person subject to admission does not comply with one or more of the restrictions or regulations attached to his permit for temporary stay or otherwise acts contrary to the regulations laid down by or pursuant to this national ordinance;
 - i. If the person subject to admission has entered into a marriage with a person as referred to in Article 1, paragraph 1 or Article 3, paragraph 1, under a to f, with the sole purpose of obtaining admission in Aruba.
2. An application for the granting of a residence permit can only be rejected on the grounds referred to in the first paragraph, under e to g.
 3. The reasons for the refusal shall be stated in the decision on the request.
 4. If the permit for admission is refused, the applicant can be prevented from entering Aruba by force of authorities.
 5. An application will not be refused if compelling reasons of a humanitarian nature give reason to do so.
 6. Other cases may be designated by a national decree containing general measures in which the application may be rejected.

Article 10

Anyone who acts contrary to the permit granted to him for temporary stay or residence is equated with a person who resides in Aruba without a permit.

Article 11

1. Rules shall be laid down by national decree, containing general measures, regarding the deposit of a deposit, the amount thereof, the costs which may be contested therefrom, the manner of administration, the cases in which exemption can be granted, the repayment, the cases in which after the death or departure of the person in question can make the deposit in the consignment office, as well as everything else that requires provision in this regard.
2. Without prejudice to the first paragraph, no deposit is required from Dutch nationals; nor from the following special categories of persons;
 - a. Minor children of a mother born in Aruba and residing there who had Dutch nationality until her marriage;
 - b. The children referred to in part a who have their residence in Aruba upon reaching their majority;
 - c. Adult children born outside Aruba, of which one of the

- parents has the Dutch nationality and was born in Aruba;
- d. Minor children, born in Aruba, who do not have Dutch nationality and of which one of the parents resides in Aruba and has been admitted by virtue of a permit of more than ten consecutive years;
 - e. The children referred to in part d who have their residence in Aruba upon reaching their majority;
 - f. (expired)
 - g. Women, born in Aruba, who had Dutch nationality until their marriage;
 - h. Men who are married to a woman born in Aruba who has Dutch nationality, or who had it until her marriage, provided that they are not separated.
 - i. The wife of the man who is legally admitted, who is not legally separated;
 - j. Persons who are legally permitted to reside in Aruba.
3. The deposit is not subject to any attachment, unless it has been deposited in the consignment office.

Article 12

The admission to temporary stay or residence pursuant to a permit ends:

- a. Over the period for which the temporary residence permit was issued;
- b. By departure from Aruba, in the case of temporary residence permit;
- c. By leaving his residence in Aruba with the aim of establishing his residence outside Aruba, if it concerns a residence permit;
- d. By an uninterrupted stay outside Aruba for longer than one year, in the case of a temporary residence permit and ten years, in the case of a residence permit, except in the event of force majeure and except for study purposes or medical treatment;
- e. By obtaining an admission by operation of law;
- f. By withdrawal of the license;
- g. By eviction

§3. Consequence of the termination of admission with regard to the legal family

Article 13

In the event that the admission granted by operation of law or granted by virtue of a permit, ends, the admission of members of the legal family who have been admitted as such shall also

cease.

§4 Withdrawal of the authorization for admission

Article 14

1. The permit for temporary stay and residence may be withdrawn by or on behalf of the Minister in charge of Immigration Affairs by reasoned decision:
 - a. on the basis of a conviction that has become irrevocable with regard to a violation of Article 34 of this national ordinance;
 - b. on the basis of an irrevocable conviction for a crime to an unconditional custodial sentence of three months or longer;
 - c. with a view to good morals;
 - d. if this is desirable in the public interest;
 - e. on the grounds of being in such a state of need that the person concerned can no longer properly provide for himself and his legal family;
 - f. if the person concerned does not comply with or acts contrary to one of more of the conditions attached to his residence permit;
 - g. if the person subject to the admission requirement has provided incorrect information or has withheld information while that information would have resulted in the rejection of an application to grant, extend or change;
 - h. if the license right is not complied with within the period referred to in Article 6 (4).
2. The decision to revoke also entails the notice to leave Aruba within a reasonable period to be determined, within which the person concerned will be able to put things in order.

§5 Expulsion

Article 15

1. Can be evicted:
 - a. persons, who, after the loss of their admission by operation of law or after the withdrawal of their residence permit, have not left Aruba within a specified period;

- b. persons for whom admission is required pursuant to this national ordinance and whose residence is not considered desirable with a view to morality, public order or public tranquility or safety;
 - c. persons who have entered the country in violation of the legal provisions regarding entry and expulsion;
 - d. persons who have been admitted to temporary residence, when they are found in the country, after the validity of their temporary residence permit has expired or after the validity of their temporary residence permit has expired or after the validity of the permit has expired for any other reason.
2. The expulsion will take place pursuant to a reasoned order from the Minister in charge of Judicial Affairs, with the order to leave Aruba within a period to be determined therein. The warrant states the period during which the person concerned will be refused entry to Aruba; this period is at maximum eight years.
 3. When determining the term referred to in the first sentence of the second paragraph, the person in question is allowed, if necessary, sufficient time to put his affairs in order.
 4. Rules shall be laid down by national decree containing general measures regarding the manner in which the period referred to in the second paragraph is determined.

Article 16

1. In the event of expulsion, the Minister responsible for judicial affairs may order the person in question to be detained in order to ensure his/her departure if this poses a risk to public order, public peace or security or good morals, or if there is a well-founded fear that the person concerned will try to avoid his departure.
2. Notwithstanding the first paragraph, the person concerned may in accordance with national decree containing general measures, be obliged to report periodically at a place designated by the minister in charge with judicial matters or placed under electronic supervision. For the purposes of this paragraph, electronic surveillance means a technical

facility that uses signals to verify the whereabouts of a specific person.

3. Within 72 hours, the person concerned will be brought before examining magistrate, who will assess the lawfulness of the deprivation of liberty. An order for detention can be withdrawn by the examining magistrate at any time at the request of the person in question.
4. Further rules regarding the application of paragraphs 1 and 2 shall be laid down by national decree containing general measures.

§6. Procedural provisions

Article 17

1. The data subject will be notified in writing of:
 - a. the decision on a request for a residence or temporary residence permit, as well as the conditions attached thereto;
 - b. the decision amending a license or the conditions, restrictions or provisions attached to a license;
 - c. the withdrawal of a license;
 - d. the deportation order;
 - e. the detention order, ordered pursuant to Article 16.
2. As much as possible, the notification is made to the person concerned in person. With regard to minors, notification to their parents or guardians is sufficient.
3. The notifications referred to in the first paragraph, under c, d, and e, are given until after questioning or duly summoning the person in question and must in any case be made to the person concerned or to the head of the legal family.
4. it may be determined by national decree, containing general measures, that the name and address of the person who is admitted to Aruba received pursuant to Article 3, Article 7 or Article 7a, and, and if any from his employer, are provided to legal entities created by national ordinance.

Article 18 (repealed)

Article 19 (repealed)

§7 Other provisions

Article 20

1. By national decree, containing general measures, may:
 - a. Arrangements are made in connection with the provision of workers from employers established in Aruba;
 - b. In public interest, general rules are laid down which must be observed when granting the authorization referred to in Article 6;
 - c. Certain ports, grounds, landing places and aerodromes are designated, outside of which persons may not disembark;
 - d. The obligations of the captains and other persons on board of ships and aircraft arriving in Aruba are regulated, without prejudice to the provisions of Article 22;
 - e. Arrangements are made in connection with the way in which access to Aruba takes place and the electric or automated processes involved;
 - f. Rules are laid down with regard to collection, storage, processing and provision of passenger data;
 - g. With a view to integration into society, rules are laid down in connection with taking an integration test organized by the government;
 - h. Further rules will be laid down that are further deemed necessary in the interest of a proper implementation of this national ordinance.

2. Further rules may be laid down by a national decree, containing general measures, with regard to the handling of a request for granting a special status or protection, referred to in the treaties applicable to Aruba or to decisions of an international organization binding with Aruba, and the procedures to be followed. Rules can also be laid down in the national decree regarding the admissibility and the manner in which the request for granting special status or protection must be submitted. A decision will be made on the request within a reasonable period of time.

3. With a view to proper implementation of this national ordinance, the minister in charge with alien's affairs may give general instructions to personnel charged with carrying out activities within the framework of this national ordinance. These indications are only given through the intermediary of the official in charge of the staff, who reports back on this.
4. The Minister and the Minister in charge of Industrial relations shall periodically, and as often as they deem necessary, state, consultation with the officials charged with the management of the personnel referred to in the second paragraph.
5. The consultation referred to in the third paragraph shall in any case concern the general policy provision in the interest of a correct and effect implementation of this national ordinance.
6. With a view to the consultations referred to in subsection 3, the officials referred to in subsection 3 shall provide each other with the desired information in good time and inform each other without request of any relevant matters.

Article 21

1. Rules may be laid down with regard to their departure from Aruba by national decree, containing general measures, with regard to persons who have obtained a temporary residence permit or residence permit pursuant to the provisions of this national ordinance.
2. Departure can only be refused on the following grounds;
 - a. That the person concerned is being prosecuted for a crime;
 - b. That he has been convicted of a crime during the time that the judgment in question is not yet enforceable;
 - c. That he must still undergo a custodial sentence imposed on him by a final judgment;
 - d. That he has failed to fulfill his financial obligations to the government;
 - e. That he is in military service in Aruba in accordance with the relevant provisions.

Article 22

1. The captain who has brought in persons not entitled to stay in Aruba is obliged to transport those persons again from Aruba or to have them transported at his own expense.
2. If he fails to do so, the costs associated with the expulsion of the above mentioned persons, as well as all other necessary costs incurred, will be recovered from the captain, the ship-owner or airline.
3. The departure of a ship or aircraft that does not belong in Aruba can be prevented with the strong arm by or on behalf of the Minister, as long as the provisions of the first paragraph have not been met or sufficient security for the repayment of any costs is not provided.

§8. Biometrics

Article 22a

1. Facial image and ten fingerprints may be taken and processed from a person subject to an admission requirement to establish the identity with a view to effective implementation of this national ordinance. The facial image and fingerprints are compared with the facial image and fingertips are compared with the facial image and fingerprints in the admission administration.
2. For the purpose of verifying the authenticity of the license referred to in Article 6, first paragraph, or the statement, referred to in Article 3, second paragraph, or the verification of the identity of a person subject to an authorization requirement, taking into account the implementation of the fingerprints taken, in this national ordinance. One or two of these fingerprints, and if this does not yield a result, more fingerprints are used for comparison with the fingerprints on the license referred to in Article 6, paragraph 1, or the statement, referred to in Article 3, paragraph 2, or in the admission administration.
3. The Minister, the migration officials, the officials in charge of the implementation of the procedures laid down by or pursuant to this Regulation are exclusively authorized

to take and process a facial image and fingerprints for the purposes referred to in the first and second paragraphs, regulations laid down in the national ordinance, and the officials appointed as supervisors.

4. The first paragraph does not apply to persons who are legally admitted to Aruba.
5. By or pursuant to national decree, containing general measures, further rules are laid down about:
 - a. The manner of taking and processing the facial images and fingerprints referred to in paragraphs 1 and 2, and b. the measures that can be taken in the event that no fingerprints can be obtained from the person subject to the admission requirement.

Article 22b

1. There is an admission administration, which is managed by or on behalf of the Minister. The admission administration contains the facial images and fingerprints, as referred to in Article 22a, first paragraph.
2. The purpose of admission administration is a process the data referred to in the first paragraph for the implementation of this national ordinance, the Netherlands Nationality Act and the regulations based on it.
3. Further rules will be laid down by or pursuant to a national decree containing general measures regarding the application of this article, but in any event regarding:
 - a. the data to be included in the admission administration, the recording of that data and the forwarding of that data;
 - b. the destruction of the data included in the admission administration;
 - c. the cases in which and the manner in which data and information are provided, and
 - d. the cases in which the provision of data and information takes place other than free of charge.
4. Facial images and fingerprints shall in no case be kept longer than ten years after an application for a temporary residence permit or residence permit has been processed. Data will in any case be destroyed as soon as the Minister is aware

that the person concerned no longer belongs to the category of persons subject to an admission requirement from which they can be collected.

§9. Prohibitions

Article 23

1. It is prohibited for anyone to enter or be present in Aruba without having been granted admission to Aruba pursuant to Articles 1 to 8.
2. It is prohibited for anyone to be in Aruba after the expiry of the period for which one was admitted to Aruba.
3. It is prohibited for anyone to employ or keep a person who does not have a valid residence permit.
4. It is prohibited for anyone to employ or keep a person who has a valid temporary residence permit in a position other than that stated in that permit.
5. It is prohibited to allow a person who does not have a valid residence permit to perform work for remuneration.

Chapter 3. Enforcement

§1. Administrative enforcement

Article 24

1. Acts or omissions in violation of a prohibition as referred to in Article 23, paragraphs 3 to 5 inclusive, constitute a finable offence.
2. Finable offenses are established by an official charged with supervising compliance with this national ordinance. They can be committed by natural and legal persons.
3. If a punishable offense is committed by a legal person, an administrative fine may be imposed on:
 - a. the legal person, or
 - b. the person who has ordered the conduct, as a result of which action has been taken in violation of the regulations arising from this national ordinance, as well as against the person who actually supervised that conduct, or

- c. those mentioned under 1° and 2° together.
4. For the purposes of the second and third paragraphs, the following shall be equated with a legal person:
- a. a company without legal personality,
 - b. a partnership,
 - c. a target power.

Article 25

1. By national decree, an official is charged with imposing fines on behalf of the Minister on anyone who acts contrary to a prohibition as referred to in Article 23, paragraphs 3 to 5 inclusive.
2. The punishable offenses referred to in this national ordinance apply to any person with or in respect of whom a finable offense has been committed.
3. No fine is imposed:
 - a. if the offense cannot be blamed on the offender;
 - b. if the offender has since passed away;
 - c. if criminal proceedings have been instated for the same offense and investigation in court has commenced, or the right to initiate criminal proceedings has lapsed pursuant to Section 1:149 of the Criminal Code of Aruba;
 - d. if more than one year has passed since the date the finable offense was established.

Article 26

1. If a supervisor determines that a punishable offense has been committed, he will draw up a report as soon as possible. The report is in the Dutch language.
2. The report is dated and states in any case:
 - a. The name of the natural or legal person who committed the finable act;
 - b. The nature of the punishable act, stating the statutory provision, has been acted in conflict with it;
 - c. The indication of the place where and the time at which the finable offense was established;
 - d. Any other natural or legal persons involved in the punishable act.

Article 27

1. If the official referred to in Article 25, first paragraph, intends to impose a fine on the person by whom a finable offense has been committed, the latter shall be notified of this in writing, stating the grounds on which the intention rests. The notice shall be served on him in person or sent to him by registered letter or electronic mail.
2. At the written request of the person referred to in the first paragraph who claims that he does not have sufficient understanding of the notification due to his lack of knowledge of the Dutch language, the person referred to in the first paragraph.
The official referred to ensures that the grounds stated in the notification are communicated to him orally or in writing in a language he understands.
3. In the notification referred to in the first paragraph, the natural or legal person to be fined is given the opportunity, within a period to be determined by the official referred to in the first paragraph, of at least two weeks to, at his option to express its point of view in writing or orally.
4. If a person as referred to in the third paragraph wishes to present his point of view orally and he does not understand the Dutch language sufficiently, the official referred to in the first paragraph shall, at his request, ensure that an interpreter is appointed, who can assist him, unless it can reasonably be assumed by the official that the person in question has no need for this.

Article 28

1. The amount of the fine that can be imposed for a punishable offense is, if committed by:
 - a. a natural person: a sum of money not exceeding Afl. 10,000.-
 - b. a legal person: a sum of money not exceeding Afl. 25,000.-

2. The fine is owed to the country
3. If the imposition of a fine is disputed, the court is authorized to change the amount of the fine to the detriment of the interested party.

Article 29

1. A fine is imposed by decision of the official referred to in Article 25, first paragraph. The official adjusts the amount of the fine to the seriousness of punishable act; if necessary, he also takes into account the circumstances under which the finable offense was committed.
2. The decision shall in any event state:
 - a. the amount of the fine;
 - b. the punishable offense for which the fine is imposed;
 - c. the natural or legal person against whom the punishable act is blamed;
 - d. those involved in the punishable act;
 - e. the term within which the fine must be paid;
 - f. the manner in which the fine must be paid;
 - g. the legal remedy against the decision
3. The decision shall be made within thirteen weeks of the date of the report, as referred to in Article 26 (1)
4. Article 54 of the National Ordinance on Administrative Jurisdiction (AB 1993 no.45) does not apply to a decision as referred to in the first paragraph.
5. Article 27, second paragraph, can be applied accordingly.

Article 30

1. The fine shall be paid within six weeks after the decision referred to in Article 29 (1) has been announced.
2. In the absence of payment, the official referred to in Article 25, first paragraph, the person on whom the fine has been imposed, to fulfill his

obligations in writing within a period of two weeks.

3. The notice contains the fact that if the fine is not paid within the set agreement in the notice, this will still be collected, in accordance with Article 31.
4. A fine imposed on a natural person will expire upon his/her death, if the fine has not yet been paid or has been collected as yet.

Article 31

1. In the absence of payment, the civil servant referred to in Article 25, first paragraph, shall claim from the person on whom the fine has been imposed, by writ of execution in.
2. The writ of execution is served by bailiff's writ at the expense of the person on whom the fine has been imposed and provides an enforceable title within the meaning of Book 2 of the Code of Civil Procedure of Aruba
3. There is no opposition to the writ of execution.

Article 32

If a fine has been wrongly imposed, the sum of money paid, plus the statutory interest, will be made payable to the entitled party within six weeks after it has been irrevocably established that the fine has been wrongly imposed.

§2. Supervision

Article 33

1. The migration officials and the police officials, as well as the officials designated for that purpose by national decree, are in charge with supervising compliance with the provisions laid down by or pursuant to this national ordinance. Such a national decree is published in the Government Gazette of Aruba.

2. The officials designated pursuant to subsection 1 are authorized, only to the extent that this is reasonably necessary for the performance of their duties:
 - a. to request all information from anyone;
 - b. to request inspection of all business books, records and other information carriers and to take copies thereof or to take them with you temporarily;
 - c. to enter all business premises and buildings, accompanied by persons designated by them;
 - d. to enter the business premises of a building that is listed in the trade register (Chamber of Commerce) as address of the establishment of a company, but which is also used as a home, without the permission of the occupant of the residential part of the building;
 - e. to examine vessels and stationary vehicles and their cargo;
 - f. on the basis of facts and circumstances which, measured by objective standards, give rise to a reasonable suspicion of illegal residence to stop persons in public waters, on the beaches of the sea, on construction sites and business premises and in business premises to ask them for their name and residence permit;
 - g. to transfer persons as referred to in subsection f, who do not wish to give their name or cannot prove their residence permit, to a place indented for interrogation;
 - h. with a view to a transfer as referred to in subsection g, if necessary, to use force and to examine the detained person's clothing or body, as well as to examine the detained person's clothing or body, as well as to examine this person's affairs, in accordance with a national decree containing general measures, set rules.
3. Dwellings are referred to in the second paragraph are understood to mean all fully covered parts of a building intended for human habitation.
4. If necessary, access to places as referred to in the second paragraph, under c, d, e and f, is provided by means of a strong arm.

5. Rules shall be laid down by national decree containing general measures regarding the manner in which the duties performed by the officials designated pursuant to the first paragraph and the officials referred to in the third paragraph.
6. Everyone shall provide the officials designated pursuant to the first paragraph with all cooperation that is required of him pursuant to the second paragraph.

Chapter 4 Penal, other and final provisions

Article 34

1. A person who employs or keeps a person, while he knows or can reasonably suspect that this person is acting in contravention of the regulations laid down by or pursuant to this national ordinance, shall be punished with a term of imprisonment not exceeding two years or a fine of the fourth category.
2. A person who, in order to obtain admission for himself or for another person, or to obtain certain conditions attached thereto, or to prevent the withdrawal of the permit for temporary residence or the rejection of a request for extension intentionally provides incorrect information during the legal stay, shall be punished by a term of imprisonment not exceeding one year or a fine of the third category.
3. A person who has activities performed by a person who does not have a valid residence permit, shall be punished with detention for a maximum of six months or a fine of the third category.
4. The criminal offense referred to in paragraphs 1 and 2 are crimes; the criminal offense referred to in the third paragraph is an offence.

Article 35

1. There is an admission and expulsion advisory committee.
2. The task of the Committee is to advise the Minister and the Minister charged with judicial matters, solicited and unsolicited, on the application of this national ordinance and the measures to be taken in this regard.

3. By regulation of the Minister, in consultation with the minister charged with judicial matters, further rules are laid down with regard to the tasks, composition and working method of the Committee.
4. It may be stipulated in the Minister's regulation, referred to in the third paragraph, which compensation is awarded to the members of the Committee. Officials appointed as members of the Commission are not entitled to compensation if they meet during working hours.

Article 36

1. No provisions, compensation or payment at the expense of the country will be made to the person subject to the admission requirement who is in Aruba, but cannot demonstrate that he/she has been granted access to Aruba, nor will he/she be granted licenses, exemptions or authorizations by an administrative body of granted to the country.
2. It is possible to deviate from the first paragraph if it concerns the provision of medical assistance as referred to in Article XVIII of the AZV Implementing Regulation (AB 2000 no, 101). The provision of this assistance does not entitle you to admission in Aruba after its termination.

Article 37

This national ordinance may be cited as the National Ordinance on Admission and Expulsion.