

No. 16 OF 1936.

A LAW TO REGULATE AND CONTROL IMMIGRATION.

H. R. PALMER,]
Governor.

[12th June, 1936.

BE it enacted:—

1. This Law may be cited as the Immigration Law, 1936. Short title.

2. In this Law—

Interpre-
tation.

“alien” means a person who is not a British subject or a native of the Colony;

“destitute person” means a person who is or is likely to become incapable of supporting himself and his dependants or who is likely to become a charge upon public funds;

“immigrant” means an alien who, not being a permanent resident therein, lawfully enters the Colony for the purpose of residing there permanently;

“native of the Colony” means—

(a) any person who has obtained the status of a British subject by virtue of the Cyprus (Annexation) Orders in Council, 1914 to 1929, or by reason of the grant by the Governor of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914;

(b) any person born in the Colony or of parents who at the time of his birth were ordinarily resident in the Colony;

(c) the wife of a person to whom any of the foregoing paragraphs applies not living apart from such person under a decree of a competent Court or of a deed of separation;

(d) the child, stepchild or adopted child having been adopted in a manner recognized by law, under the age of eighteen years, of a person to whom any of the foregoing paragraphs applies;

“passport” means a valid passport or other document issued by a competent authority establishing the nationality (if any) and identity of the person to whom it refers;

“permanent resident” means a person whether a British subject, a native of the Colony or an alien, who permanently resides in the Colony;

“port of entry” means any port which may be declared by the Governor to be a port of entry for the purposes of this Law;

“prohibited immigrant” means a person whose entry into the Colony is prohibited by this Law or by any regulations made thereunder;

“traveller” means an alien not being a permanent resident who lawfully enters the Colony for any purpose other than that of residing there permanently or of seeking or accepting employment therein.

3. The Governor may declare by notification in the *Gazette* any port in the Colony to be a port of entry.

Power of Governor to declare ports of entry.

Immigration officers.

4.—(1) The Colonial Secretary shall be the Principal Immigration Officer for the Colony.

(2) The Commissioner shall be the immigration officer for the District but may delegate the performance of all or any of the duties and the exercise of all or any of the powers vested in him under this Law to the officer in charge of the Police at a port of entry, being of or above the rank of Sub-Inspector.

(3) Any police officer may, if authorized by an immigration officer and subject to his directions, act as an immigration officer.

Immigration officer to have powers of police officer.

5. For the purpose of performing his duties under this Law an immigration officer shall have the powers of a police officer and may board and search any ship or aircraft entering the Colony.

Enumeration of prohibited immigrants.

6.—(1) The following persons shall be prohibited immigrants—

- (a) any destitute person;
- (b) any idiot or insane or feeble-minded person or any person who for any other cause is unable to take proper care of himself;
- (c) any person certified by a medical officer to be suffering from a contagious or infectious disease which, in the opinion of the medical officer, is a danger to public health;
- (d) any person who, not having received a free pardon, has been convicted of murder or an offence for which a sentence of imprisonment has been passed for any term and who by reason of the circumstances connected therewith is deemed by the immigration officer to be an undesirable immigrant;

- (e) any prostitute or any person living on the proceeds of prostitution ;
- (f) any person who, from official Government records or from information officially received by the Governor from a Secretary of State or from the Governor of any British Colony, Protectorate or Mandated Territory or from the Government of any Foreign State or from any other trusted source is considered by the Governor to be an undesirable person ;
- (g) any person who is shown by evidence which the Governor may deem sufficient, to be likely to conduct himself so as to be dangerous to peace and good order or to excite enmity between the people of the Colony and His Majesty or to intrigue against His Majesty's power and authority in the Colony ;
- (h) any member of an unlawful association as defined in chapter VIII of the Cyprus Criminal Code, 1928, to (No. 2) 1933 ;
- (i) any person who has been deported from the Colony either under this Law or under any enactment in force at the date of his deportation ;
- (j) any person whose entry into the Colony is prohibited under any enactment for the time being in force ;
- (k) any alien who enters the Colony contrary to any prohibition, restriction or limitation contained in any regulations made under this Law or who remains in the Colony beyond the period therein prescribed ;
- (l) any person who refuses to comply with the requirements of any regulations made under this Law in the interests of public health ;
- (m) any person who does not fulfil any other requirements which may be prescribed by regulations made under this Law ;
- (n) any alien who, if he desires to enter the Colony as an immigrant, has not in his possession, in addition to a passport bearing a British Consular visa for the Colony, a certificate of immigration or permit granted by the Principal Immigration Officer in accordance with any regulations made under this Law.

(2) Save as provided in this Law or any Order of the Governor or any regulations made thereunder, no person who is a prohibited immigrant shall be permitted to enter the Colony or to reside therein.

Exemptions.

7. The following persons, if known to the immigration officer or if their identity is established to his satisfaction, shall be permitted to enter the Colony without any further formality—

- (a) any native of the Colony who does not come within any of the categories enumerated in paragraphs (g), (h), (i) or (j) of section 6 (1) ;
- (b) any person in the service of the Government of the Colony and the wife and child of any such person ;
- (c) members of His Majesty's Naval, Military or Air Forces on the active list ;
- (d) any person duly accredited to the Colony by any other Government ;
- (e) officers and crews of the ships of any friendly State ;
- (f) any British subject who has been ordinarily resident in the Colony for a period of seven years or more, and who does not come within any of the categories enumerated in paragraphs (f), (g), (h), (i) or (j) of section 6 (1).

Passports.

8.—(1) Subject to the provisions of section 7 no person shall enter the Colony without a passport and any person so doing shall be deemed to be a prohibited immigrant :

Provided that the Principal Immigration Officer may in exceptional cases dispense with the requirements of this sub-section.

(2) No alien shall enter the Colony unless his passport bears a British Consular visa for the Colony and any alien so doing shall be deemed to be a prohibited immigrant.

(3) The Governor may from time to time by Order direct that passports or British Consular visas may be dispensed with in the case of—

- (a) the nationals of any country, or
- (b) any class of persons as may be specified in the Order.

Landing permits.

9. An immigration officer may issue to any passenger on an aircraft or ship in transit a landing permit in exchange for his passport which shall entitle the holder to remain in the Colony for such time as such aircraft or ship remains in the airport or in the Colony's waters as the case may be. The passport of any such passenger shall be returned to him upon re-embarkation.

10. The Governor or by his direction any immigration officer may grant a licence for a prohibited immigrant to enter and remain in the Colony for such period and subject to such terms and conditions as to the Governor may seem fit.

Licences for prohibited immigrants to reside in the Colony.

11.—(1) An immigration officer may, with the consent of a medical officer, grant a temporary licence for a person arriving in the Colony suffering from any contagious or infectious disease to remain in the Colony for the purposes of treatment, subject to such conditions as the medical officer may deem necessary for the protection of the community.

Temporary licence for sick persons.

(2) The grant of a temporary licence under this section shall not prevent a subsequent decision that the licensee is a prohibited immigrant on another ground.

(3) On the conclusion of his treatment or at such earlier time as may be specified in the temporary licence or communicated to him by the immigration officer, the licensee shall present himself in person to the immigration officer for examination.

12.—(1) Notwithstanding—

(a) that he may have in his possession a passport bearing a British Consular visa for the Colony, and

(b) that he may not be a prohibited immigrant,

no alien shall have an absolute right to enter the Colony without the permission of the Principal Immigration Officer or of an immigration officer at the port of entry.

Special provisions relating to aliens.

(2) An immigration officer, subject to any general or special directions of the Principal Immigration Officer, may attach such conditions as he may think fit to the grant of permission to an alien to enter the Colony, and the alien shall comply with the conditions so attached.

(3) In the case of an application by a permanent resident for the grant of a permission to an alien to enter the Colony, the Principal Immigration Officer may impose upon the applicant such conditions as he may think fit, and the grant of such permission may be withheld until those conditions are complied with.

(4) Any alien who has been permitted to enter the Colony as an immigrant and has not on entry furnished the Government with such particulars of a personal nature as may be required shall, within fifteen days of his arrival, furnish such particulars to the Principal Immigration Officer.

(5) Any traveller who—

- (a) receives permission to extend his stay in the Colony for longer than the prescribed period during which travellers may remain in the Colony, or
- (b) receives permission to remain permanently in the Colony,

shall furnish the particulars to which reference is made in sub-section (4) to the Principal Immigration Officer within fifteen days of the receipt of any such permission.

(6) Every alien who enters the Colony as an immigrant shall pay on entry, and every alien who, being a traveller, receives permission from the Principal Immigration Officer to remain permanently in the Colony shall pay upon receipt of such permission, such fee as may be prescribed.

Duties of persons on entering the Colony.

13.—(1) No person shall enter the Colony by sea except at a port of entry.

(2) A person entering the Colony by sea shall not disembark without the consent of the immigration officer and a medical officer, and the master of the ship shall not allow any such person to disembark without the consent aforesaid.

(3) Every person entering the Colony as a passenger by air, except in transit, shall forthwith present himself in person to the nearest immigration officer.

(4) Every person entering the Colony—

(a) shall truthfully answer all questions put to him by the immigration officer; and

(b) shall also, if required by the immigration officer,—

- (i) make and sign the prescribed declaration;
- (ii) submit himself for examination by a medical officer; and

(iii) produce to the immigration officer any documents (including any written or printed matter, plans, photographs and other pictorial representations) which are in his possession and which the immigration officer knows or has reason to believe contain evidence which will assist him to carry out his duties under this Law or any regulations made thereunder.

Master, etc., to furnish list of passengers.

14. The master of a ship and the pilot of every passenger-carrying aircraft arriving from any place outside the Colony or departing from the Colony shall, if so required, furnish the immigration officer with a list in duplicate signed by himself of the names of all passengers in the

ship or aircraft and such other information as may be prescribed, and every such passenger shall supply the information necessary for the purpose of the list.

15. An immigration officer may for the purpose of making further inquiry postpone deciding whether a person is a prohibited immigrant for a period not exceeding one month.

Power to postpone decision.

16. An immigration officer who decides that a person is a prohibited immigrant shall serve him with the prescribed notice and, if such person arrived by sea, shall also inform the master of the ship in writing.

Procedure on decision that a person is a prohibited immigrant.

17. A decision by an immigration officer that a person is not a prohibited immigrant given by mistake or in ignorance of any material fact or in consequence of any misrepresentation by the person concerned shall not affect the liability of such person to be dealt with as a prohibited immigrant.

Mistaken decision that a person is not a prohibited immigrant.

18. An immigration officer who decides that a person is a prohibited immigrant may in his discretion—

Order to prohibited immigrant to leave the Colony.

(a) if the person arrived by sea, order him to leave the Colony in the ship in which he arrived; or

(b) order him to leave the Colony within a specified period and, if the immigration officer thinks fit, by a specified route; or

(c) if the person is an alien or is a British subject or native of the Colony who comes within the category enumerated in paragraph (i) of section 6 (1), cause him to be arrested with a view to an order being made for his deportation as in section 19 provided; or

(d) if the person is a British subject who is not a native of the Colony or who has not been ordinarily resident in the Colony for a period of seven years or more, cause him to be arrested with a view to an order being made for his deportation under the Deportation (British Subjects) Law, 1936:

Provided that the provisions of this paragraph shall not apply to any person who comes within the category enumerated in paragraph (i) of section 6 (1).

19.—(1) Subject to the provisions of this Law and the terms of any licence, certificate of immigration or permit granted under this Law or any regulations made hereunder, the Principal Immigration Officer may order any alien who is a prohibited immigrant or any person who having entered the Colony with permission to remain therein for

Deportation order in case of alien or person previously deported.

a limited period remains in the Colony after that period has expired or any person who comes within the category enumerated in paragraph (i) of section 6 (1) to be deported from the Colony and in the meantime to be detained in custody.

(2) An alien who is ordered to be deported shall be deported—

(a) to some place in the country to which he belongs ; or

(b) with the approval of the Governor, to the place whence he came not being the country to which he belongs or to any place to which he consents to be deported provided that the Government of either such place consents to receive him.

(3) A British subject who comes within the category enumerated in paragraph (i) of section 6 (1) and who is ordered to be deported shall, with the approval of the Governor, be deported to the place whence he came or to any place to which he consents to be deported provided that the Government of either such place consents to receive him.

Repatriation
of destitute
employees.

20.—(1) Where, upon the application of an immigration officer and after hearing the employer or his representative, it is shown to the satisfaction of a District Court that a person, not being a native of the Colony, has entered the Colony for the purpose of performing a contract of service in the Colony and has during the continuance of or within six months from the expiration or earlier determination of such contract become a destitute person, the Court shall declare such person to be a prohibited immigrant, and any expenses which have been incurred by the Government on account of the maintenance, medical treatment, repatriation or deportation of such person shall thereupon be recoverable from the employer with whom he entered into such contract.

(2) Where, upon the application of an immigration officer and after hearing the employer or his representative, it is shown to the satisfaction of a District Court that any expenses mentioned in sub-section (1) have been incurred by the Government and remain unpaid, the Court shall, without further process, issue an order for the levy of the amount by seizure and sale of sufficient part of the movable property belonging to the employer or for the sale of a sufficient part of the immovable property belonging to such employer.

(3) Every such order shall be executed in the same manner as an order issued under the provisions of the Fines and Penalties Recovery Law, 1883.

21.--(1) An immigration officer may require the employer of a person, not being a native of the Colony, entering the Colony for the purpose of performing a contract of service within the Colony to give such security as may be sufficient to cover the expenses of repatriation of such person in the event of such person becoming a destitute person. Unless otherwise prescribed, the amount of the security shall be fixed by the immigration officer.

Power to
require
employer to
give security.

(2) A security required under this section may be—

(a) by deposit of the amount with the immigration officer ;

(b) by bond with one or more sureties, being resident in the Colony, to the satisfaction of the immigration officer ; or

(c) partly by deposit and partly by bond as aforesaid.

(3) A person in respect of whom security is required under this section shall, unless and until such security is given, be deemed to be a prohibited immigrant.

(4) Where, upon the application of an immigration officer and after hearing the parties to a bond or their representatives, it is shown to the satisfaction of a District Court that the amount appearing in such bond or any part thereof has become due and payable and remains unpaid the Court shall, without further process, issue an order for the levy of the amount by seizure and sale of sufficient part of the movable property belonging to all or any of the parties to the bond or for the sale of a sufficient part of the immovable property belonging to all or any of the said parties.

(5) Every such order shall be executed in the same manner as an order issued under the provisions of the Fines and Penalties Recovery Law, 1883.

3 of 1883.

(6) Any bond given under this section shall be for a period not exceeding two years from the expiration of the contract of service.

(7) Any amount deposited under this section shall be retained by the immigration officer for a period not exceeding one year from the date of the expiration of the contract of service or until the departure from the Colony of the person in respect of whom the deposit was made if before that date :

Provided that the immigration officer shall refund any such deposit if he is satisfied that the need for a deposit no longer exists.

Entry permitted under conditions.

22.—(1) Any person who appears to the immigration officer to be a person who is likely to become a prohibited immigrant within the meaning of paragraph (a) of section 6 (1) may be allowed to enter the Colony upon the condition that he shall before landing or within such period after landing as the immigration officer may specify deposit with the immigration officer a sum sufficient to cover the expenses of his repatriation.

(2) Any amount deposited under this section shall be retained by the immigration officer until the departure from the Colony of the person by whom the deposit was made or until the immigration officer is otherwise satisfied that the need for a deposit no longer exists.

Obligations of holder of licence, certificate of immigration or permit.

23.—(1) A person to whom a licence, certificate of immigration or permit has been granted under this Law or any regulations made thereunder shall at all times on demand produce it to any immigration officer or police officer, and shall not lend or transfer it to any other person.

(2) No person shall borrow or make use of a licence, certificate of immigration or permit which has been granted under this Law or any regulations made thereunder to any other person.

(3) A person having in his possession a licence, certificate of immigration or permit appearing to have been granted under this Law or any regulations made thereunder shall answer all questions put to him by an immigration officer for the purpose of establishing his identity with the person named in the licence, certificate of immigration or permit.

Power to revoke licences.

24.—(1) Any licence granted under section 10 may at any time be revoked by the Governor.

(2) Where a licence is so revoked the person to whom it was granted if a British subject not coming within the category enumerated in paragraph (i) of section 6 (1), may be arrested and dealt with as in section 18 (d) mentioned and if an alien or a British subject coming within the category enumerated in paragraph (i) of section 6 (1) may be arrested and dealt with under the provisions of sections 18 (c) and 19.

Recovery of expenses of deportation, etc.

25.—(1) Where, upon the application of an immigration officer and after hearing the person concerned, it is shown to the satisfaction of a District Court that any expenses have been incurred by the Government of the Colony in connection with the maintenance, medical treatment or

deportation of such person or of his wife, children or other dependents, the Court shall, without further process, issue an order for the levy of the amount by seizure and sale of a sufficient part of the movable property belonging to such person or for the sale of a sufficient part of the immovable property belonging to such person.

(2) Every such order shall be executed in the same manner as an order issued under the provisions of the Fines and Penalties Recovery Law, 1883.

3 of 1883.

26.—(1) Where a person is ordered to be deported from or to leave the Colony the master of a ship about to call at any port outside the Colony shall, at the request of an immigration officer and on production to him of the order of deportation and on tendering to him the expenses of the voyage, receive the immigrant and his wife, children or other dependents (if any) on board and afford him and them a passage to that port and proper accommodation and maintenance during the voyage.

Liability of ship to repatriate prohibited immigrant.

(2) Any master of a ship who refuses to receive an immigrant and his wife, children or other dependents on board as provided by sub-section (1), shall be guilty of an offence.

Penalty : fifty pounds.

(3) Except so far as they are defrayed under any of the preceding sections, the expenses of, or incidental to, the voyage from the Colony and the maintenance until departure of such person and his dependents shall be payable out of the public funds.

27. Where an immigration officer has reason to suspect that a person about to enter the Colony is a prohibited immigrant within the meaning of any of the paragraphs (f), (g), (h) or (i) of section 6 (1) and so informs him, it shall be lawful for the immigration officer to search or cause to be searched such person and his baggage :

Power to search person and baggage of suspected immigrant.

Provided that the person of a female shall be searched by a female searcher only.

28.—(1) A prohibited immigrant found in the Colony shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding one hundred pounds or to both, unless he proves—

Penalty for unlawful entry.

(a) that he lawfully entered the Colony before the commencement of this Law ;

- (b) that, having entered the Colony by air and not being a person who had previously been held to be a prohibited immigrant, he was proceeding to present himself to the nearest immigration officer ;
- (c) that he holds a licence or permit granted under this Law, any regulations made thereunder or some other Law to remain in the Colony ; or
- (d) that, his licence or permit having expired or been revoked, he has not had a reasonable opportunity to leave the Colony.

(2) A person who has been held to be a prohibited immigrant shall not enter the Colony at any future date unless he has previously obtained a licence from the Governor authorizing him so to do, and any person acting in contravention of this sub-section shall be guilty of an offence.

Penalty : six months imprisonment or one hundred pounds fine or both.

Offences.

29. Any person who—

- (a) makes any false return, statement or declaration in connection with an application for a licence, certificate of immigration or permit to remain in the Colony whether for himself or any other person ;
- (b) by any false return, statement or declaration obtains for himself or any other person any licence, certificate of immigration or permit ;
- (c) unlawfully alters any licence, certificate of immigration or permit granted under this Law or any regulations made thereunder ;
- (d) uses or without reasonable excuse has in his possession any forged or unlawfully altered licence, certificate of immigration or permit ;
- (e) refuses to answer or answers falsely any question put to him by an immigration officer as provided in section 13 (4) (a) ;
- (f) refuses to produce to an immigration officer any document as provided in section 13 (4) (b) (iii) ;
- (g) aids or assists any prohibited immigrant to enter or remain in the Colony in contravention of this Law or any regulations made thereunder ;
- (h) knowingly harbours any person whom he knows or has reasonable grounds for believing to have acted in contravention of this Law or any regulations made thereunder ;

- (i) wilfully disobeys or disregards any obligation imposed by this Law or any regulations made thereunder ;
- (j) resists or obstructs, either actively or passively, any immigration officer in the execution of his duty ;
- (k) being a licensee under this Law, contravenes any term or condition contained in such licence ;
- (l) being the holder of a permit granted under this Law or any regulations made thereunder, contravenes any term or condition contained in such permit ;
- (m) having entered the Colony as a traveller or with permission to remain in the Colony for a limited period remains in the Colony after that period has expired without having obtained permission from the Principal Immigration Officer ;
- (n) refuses to allow himself or his baggage to be searched as provided in section 27,

shall be guilty of an offence.

Penalty : six months imprisonment or fifty pounds fine or both.

30. Any fine imposed on the master of a ship under the provisions of this Law shall be paid before the ship's clearance is granted, and the production by the immigration officer to the proper officer of the port in which the ship lies of a certified copy of the order or conviction shall be sufficient authority to such officer to refuse the ship's clearance until it is proved to his satisfaction that such fine has been paid.

Fine imposed
on ship's
master.

31. The Governor in Council may make regulations to be published in the *Gazette*—

Power to
make
regulations.

- (a) prohibiting the entry into the Colony of any class or category of aliens ;
- (b) placing restrictions and limitations upon the entry of aliens into the Colony ;
- (c) limiting the period during which aliens may remain in the Colony ;
- (d) controlling and regulating the immigration of aliens into the Colony ;
- (e) prescribing the fees to be paid under section 12 (6) ;
- (f) prescribing the forms to be used under this Law ;
- (g) generally for the better carrying into effect the purposes of this Law.

Date of coming into operation and repeal.

32. This Law shall come into operation on a day to be fixed by the Governor by notice in the *Gazette* and thereupon the enactments set forth in the Schedule hereto shall be repealed.

SCHEDULE.

(SECTION 32.)

The Vagrants' Exclusion Law, 1882, (No. 1 of 1882).

The Aliens Law, 1921, (No. 8 of 1921).

The Passports Law, 1923, (No. 11 of 1923).

This Law came into operation on 11th December, 1936.

No. 17 OF 1936.

A LAW TO REGULATE THE DEPORTATION OF UNDESIRABLE BRITISH SUBJECTS.

H. R. PALMER,]
Governor.

[12th June, 1936.

BE it enacted :—

Short title.

1. This Law may be cited as the Deportation (British Subjects) Law, 1936.

Interpretation.

2.—(1) In this Law, unless the context otherwise requires—

“convicted person” means a person in respect of whom any Court certifies to the Governor that he has been convicted, either by that Court or by any inferior Court from which his case has been brought by way of appeal, of any offence punishable with imprisonment otherwise than only in default of payment of a fine;

“deportation order” means an order requiring the person in respect of whom it is made to leave and remain out of the Colony;

“destitute person” means a person who is, or is likely to be, a charge upon public funds by reason of mental or bodily health or insufficiency of means to support himself and his dependants (if any);

“Judge” means a President of a District Court;