



SUPPLEMENT No. 2

TO

THE CYPRUS GAZETTE No. 3431 OF 31ST MARCH, 1949.

LEGISLATION.

THE STATUTE LAWS OF CYPRUS

No. 19 OF 1949.

**A LAW TO AMEND AND CONSOLIDATE THE LAWS RELATING
TO IMMIGRATION.**

R. E. TURNBULL,]

[30th March, 1949.

Officer Administering the Government.

BE it enacted by His Excellency the Officer Administering
the Government and Commander-in-Chief of the
Colony of Cyprus as follows:—

1. This Law may be cited as the Aliens and Immigration Short title.
Law, 1949.

Interpretation.

2.—(1) In this Law, unless the context otherwise requires—
 “alien” means a person who is not a British subject or a native of the Colony;

“Court” means a District Court and includes a member of such Court;

“destitute person” means a person who, in the opinion of the Chief Immigration Officer, is or is likely to become incapable of supporting himself and his dependants or is likely to become a charge upon public funds;

“enactment” means any Law and includes any public instrument made under the authority of any Law and any order made in the exercise of powers conferred by any such public instrument;

“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 any person who, not being recognized by any foreign State as having acquired its nationality on or since the 5th November, 1914—

(a) was born in the Colony or whose father was born in the Colony; or

(b) obtained the status of a British subject by virtue of the Cyprus (Annexation) Orders in Council, 1914 to 1943, or by reason of the grant by the Governor of a certificate of naturalization under the British Nationality and Status of Aliens Acts, 1914 to 1943, or any Act amending or substituted for the same; or

(c) is 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 under a deed of separation; or

(d) is a child, step-child 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) a person who is a native of the Colony;

(b) a person who is in possession of a valid certificate of permanent residence issued under the provisions of any regulations made under this Law or who is entitled to be granted any such certificate;

Gazettes :
 5.11.1914
 11. 4.1918
 13. 9.1929
 Supplement
 No. 2A:
 5.8.1943

“ 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 who is a prohibited immigrant under the provisions of this Law ;

“ temporary resident ” means an alien not being a permanent resident who lawfully enters the Colony for any purpose other than that of residing there permanently ;

“ refugee ” means any person who has been permitted to enter or reside in the Colony after the third day of September, 1939, as an emergency arrangement on humanitarian grounds, without observing the laws relating to immigration, but shall not include any person married to a permanent resident of the Colony.

(2) A person shall not be regarded as coming within the meaning of the definitions “ native of the Colony ” and “ permanent resident ”—

(a) if he is a refugee ;

(b) merely by reason of the fact that he is a native of the Colony, if at the time of his birth his mother was a refugee ; or

(c) merely by reason of the fact that he was born in the Colony, if at the time of his birth his mother was not a person falling within any of the categories mentioned in paragraphs (a) and (b), of the definition “ permanent resident ”, and she has not since then become a person falling within the category mentioned in paragraph (b) of the said definition.

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

4.—(1) The Colonial Secretary shall be the Chief Immigration Officer for the Colony 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 or any regulations made thereunder to any other officer of his office. Immigration Officers.

(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 or any regulations made thereunder to any other person or persons either by name or by the name of his or their office.

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.

Prohibited
immigrants.

6.—(1) The following persons shall be prohibited immigrants and, save as provided in this Law or as may be provided in any regulations made thereunder or in any order of the Governor, shall not be permitted to enter the Colony :—

- (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 1948, or any Law amending or substituted for the same ;
- (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 person who enters or resides in the Colony contrary to any prohibition, condition, restriction or limitation contained in any regulations made under this Law or in any permit granted or issued under such regulations ;
- (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, an immigration permit granted by the Chief Immigration Officer in accordance with any regulations made under this Law.

(2) 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.

(3) Any licence granted under sub-section (2) of this section may at any time be revoked by the Governor and, 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 sub-section (1) of this section, may be arrested and dealt with as in paragraph (d) of section 12 and if an alien or a British subject coming within the category enumerated in paragraph (i) of sub-section (1) of this section may be arrested and dealt with under the provisions of paragraph (c) of section 12 and the provisions of section 13.

7. Notwithstanding anything in this Law contained or in any regulations made thereunder and without prejudice to any other powers conferred in this Law or in any regulations made thereunder for the purpose of prohibiting the entry of persons into the Colony, the Governor may prohibit the entry into the Colony of any person who is not either a native of the Colony or a British subject who has been ordinarily resident in the Colony for a period of not less than seven years within the last ten years preceding entry.

Power to prohibit entry in certain cases.

Certain persons to enter freely.

8. 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 sub-section (1) of section 6 ;
- (b) any person in the service of the Government of the Colony ;
- (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) any British subject who has been ordinarily resident in the Colony for a period of not less than seven years within the last ten years preceding entry and who does not come within any of the categories enumerated in paragraphs (f), (g), (h), (i) or (j) of sub-section (1) of section 6 ;
- (f) the wife and any unmarried child under the age of eighteen years of any of the persons enumerated in the foregoing paragraphs.

Passports.

9.—(1) Subject to the provisions of section 8, 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 Chief 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.

Special provisions relating to aliens.

10.—(1) Subject to the provisions of section 8, an alien, notwithstanding that he may have in his possession a passport bearing a British Consular visa for the Colony and that he may not be a prohibited immigrant, shall not have an absolute right to enter the Colony and, in any case, may be refused entry into the Colony unless—

- (a) being a permanent resident, he is in possession of a valid certificate of permanent residence in the Colony, issued to him under the provisions of any regulations made under this Law ; or

- (b) being an immigrant, he is in possession of a valid immigration permit issued to him or on his behalf under the provisions of any regulations made under this Law ; or
- (c) being a temporary resident, he is in possession of a valid entry permit or landing permit issued to him under the provisions of any regulations made under this Law ; or
- (d) being an officer or member of the crew of a ship of any friendly State he is permitted to enter the Colony by the immigration officer at the port of entry.

(2) An immigration officer, subject to any general or special directions of the Chief 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 Chief 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.

11.—(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 shall forthwith present himself in person to the nearest immigration officer.

(4) The master of a ship and the pilot of every aircraft arriving from any place outside the Colony or departing from the Colony shall, if so required, furnish the immigration officer with a true and accurate list in quadruplicate signed by the master or pilot, as the case may be, of the names of all passengers in the ship or aircraft and with such other information as the immigration officer may require and every such passenger shall supply true and accurate information as may be necessary for the purpose of the list.

12. With regard to any person who is a prohibited immigrant an immigration officer may—

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

Special provisions relating to persons entering the Colony.

Order to prohibited immigrant to leave the Colony.

- (b) order him to leave the Colony within a specified period and, if the immigration officer thinks fit, by a specified route ;
- (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 sub-section (1) of section 6, cause him to be arrested with a view to an order being made for his deportation as in section 13 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 not less than seven years within the last ten years, cause him to be arrested with a view to an order being made for his deportation under the Deportation (British Subjects) Law, 1936, or any Law amending or substituted for the same :

17 of 1936

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

Deportation orders.

13.—(1) Subject to the provisions of this Law and the terms of any licence or permit granted under this Law or any regulations made thereunder, the Chief 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 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 sub-section (1) of section 6 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 sub-section (1) of section 6 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.

(4) Notwithstanding anything in this Law contained, the Chief Immigration Officer may, in his discretion, order a prohibited immigrant who has arrived by sea to leave the Colony in the ship in which he arrived without specifying the place to which he is deported.

14.—(1) Where, upon the application of an immigration officer and after hearing the employer or his representative, it is shown to the satisfaction of the 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 and where such expenses remain unpaid, the Court shall, upon the application of an immigration officer, 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.

Repatriation
of destitute
employees.

(2) Every such order shall be executed in the same manner as an order for the payment of a penalty under the provisions of the Criminal Procedure Law, 1948, or any Law 40 of 1948 amending or substituted for the same.

15.—(1) Where, upon the application of an immigration officer and after hearing the person concerned, it is shown to the satisfaction of a Court that any expenses have been incurred by Government 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.

Recovery of
expenses of
deportation,
etc.

(2) Every such order shall be executed in the same manner as an order for the payment of a penalty under the provisions of the Criminal Procedure Law, 1948, or any Law amending 40 of 1948 or substituted for the same.

Liability of
ship to
repatriate
prohibited.
immigrant.

16.—(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, on production to him of the order of deportation or of the order of the immigration officer, as the case may be, and on tendering to him the expenses of the voyage, receive the person concerned 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.

(2) Any master of a ship who refuses to receive on board as provided by sub-section (1) of this section any of the persons mentioned therein shall be guilty of an offence and shall be liable to a fine not exceeding one hundred 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 any of the persons mentioned in sub-section (1) of this section shall be payable out of the public funds.

Power to
search person
and baggage
of suspected
immigrant.

17. 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 sub-section (1) of section 6 and so informs him, it shall be lawful for the immigration officer to search or cause to be searched such person and his baggage :

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

Offences and
penalties.

18.—(1) Any person who—

- (a) makes any false return, statement or declaration in connection with an application for a licence 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 or permit ;
- (c) unlawfully alters any licence 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 or permit ;
- (e) refuses to answer or answers falsely any question put to him by an immigration officer on any matter in respect of which an immigration officer may put questions under or for the purposes of this Law or any regulations made thereunder ;

- (f) refuses to produce to an immigration officer any document which an immigration officer may require him to produce under or for the purposes of this Law or any regulations made thereunder ;
- (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 contravenes or fails to comply with any provision of 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 temporary resident for a limited period remains in the Colony after that period has expired without having obtained permission from the Chief Immigration Officer ;
- (n) refuses to allow himself or his baggage to be searched as provided in section 17 of this Law,

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

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

- (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 or 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.

(3) 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 and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(4) 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.

Power to
Governor in
Council to
make
regulations.

19.—(1) The Governor in Council may make regulations to be published in the *Gazette* in respect of all or any of the following matters, that is to say:—

- (a) for prohibiting the entry of aliens into the Colony ;
- (b) for controlling and regulating the entry of aliens into the Colony and for imposing conditions, restrictions and limitations upon such entry and in respect of the residence of aliens therein ;
- (c) for controlling and regulating the immigration of aliens into the Colony ;
- (d) for the registration of aliens residing in the Colony and for the control and regulation of their movements therein ;
- (e) for prescribing the deposit or security to be made or given by or in respect of any alien who is granted permission to enter the Colony ;
- (f) for prescribing the fees to be paid by aliens ;
- (g) for determining what nationality is to be ascribed to aliens in doubtful circumstances ;
- (h) for controlling, regulating and limiting the residence of British subjects, not being either natives of the Colony or persons who have been ordinarily resident in the Colony for a period of not less than seven years within the last ten years, and for imposing conditions, restrictions and limitations upon such British subjects in regard to their engaging in any employment, business, trade, occupation or profession in the Colony ;

- (i) for prescribing the forms to be used and the forms of registers, certificates and returns to be kept, used, made or issued under this Law or the regulations and for enabling the Chief Immigration Officer to prescribe such additional forms as may be required ;
- (j) for the designation of authorities and the appointment of officers for the purposes of the regulations and for conferring on such authorities and officers and on the Chief Immigration Officer and the immigration officers such powers as may be necessary or expedient in connection therewith ;
- (k) generally for the better carrying into effect the provisions of this Law.

(2) Any provision of any regulations made under this section with respect to aliens may relate either to aliens in general or to any class, category or description of aliens specified in such regulations.

(3) If any question arises on any proceedings under any regulations made under this section or with reference to anything done or proposed to be done thereunder, whether any person—

(a) is an alien or not ; or

(b) is an alien of a particular class, category or description or not,

the onus of proving that such person is not an alien or is not an alien of that particular class, category or description, as the case may be, shall lie upon that person.

20. The Immigration Laws, 1936 to 1947, are hereby repealed.

Repeal.
16 of 1936
8 of 1937
31 of 1938
14 of 1939
24 of 1947

H. G. RICHARDS,
Acting Colonial Secretary.

30th March, 1949.