

IMMIGRATION AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Immigration Act 1964.

Clause 1 relates to the Short Title.

Clause 2 repeals section 7 of the principal Act, which provides that the provisions of Part I of the Act (dealing with prohibited immigrants) apply to ships and aircraft outside New Zealand territory from which prohibited immigrants are transhipped to another ship or aircraft for the purpose of bringing those immigrants to New Zealand, and to the masters or pilots and owners of those ships or aircraft.

Clause 3 replaces section 16 of the principal Act with a new section. The present section provides that any person who makes a false statement or representation for the purpose of obtaining a permit to enter New Zealand and who obtains such a permit and enters New Zealand commits an offence. This clause makes it an offence for a person to make a declaration or representation which he knows to be false for the purpose of obtaining a permit to enter New Zealand for himself or for some other person. It will also be an offence, for the purpose of obtaining a permit, to utter, produce, or make use of any such declaration or representation or any document containing any such declaration or representation, or to utter, produce, or make use of any document knowing that is not genuine.

Clause 4 amends section 22 of the principal Act (which relates to the deportation of persons convicted of offences after arrival in New Zealand) by bringing certain classes of persons such as British protected persons and Irish citizens within the ambit of the section. At present the section covers only British subjects who are not New Zealand citizens. The deportation of aliens convicted of offences after arrival in New Zealand is dealt with in the Aliens Act 1948.

Clause 5 inserts in the principal Act a new section 33A which will empower an immigration officer or constable to require any person whom he has good cause to suspect has committed an offence against section 5 (1) (a), section 22 (5), or any of the provisions of Part II of the principal Act to produce his passport, permit to enter New Zealand, or evidence of his identity. The clause also provides for the arrest and taking into custody of any such person after a suitable warning in cases specified in the section, and makes it an offence to refuse to comply with the requirements of an immigration officer or constable after any such warning. Before exercising his powers under the section an immigration officer will be required to show a warrant of authority.

Hon. Mr Shand

IMMIGRATION AMENDMENT

ANALYSIS

Title.	3. Offence to obtain permit by false representation
1. Short Title	4. Persons convicted of offences after arrival in New Zealand
2. Repeal of enactment relating to transhipment of prohibited immigrants	5. Powers of Immigration Officers and constables

A BILL INTITULED

An Act to amend the Immigration Act 1964

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title**—This Act may be cited as the Immigration Amendment Act 1968, and shall be read together with and deemed part of the Immigration Act 1964* (hereinafter referred to as the principal Act).
- 10 2. **Repeal of enactment relating to transhipment of prohibited immigrants**—The principal Act is hereby amended by repealing section 7.

*1964, No. 43
Amendments: 1965, No. 87; 1966, No. 65

3. Offence to obtain permit by false representation—The principal Act is hereby further amended by repealing section 16, and substituting the following section:

“16. (1) Every person commits an offence against this Act who, for the purpose of obtaining a permit to enter New Zealand (either for himself or for any other person)— 5

“(a) Makes any declaration or representation which to his knowledge is false or misleading in a material particular; or

“(b) Utters, produces, or makes use of any such declaration or representation, or any document containing any such declaration or representation; or 10

“(c) Utters, produces, or makes use of any document knowing that it is not genuine.

“(2) In this section ‘representation’ means a representation— 15

“(a) Of a matter of fact, either present or past; or

“(b) About a future event; or

“(c) About an existing intention, opinion, belief, knowledge, or other state of mind.” 20

4. Persons convicted of offences after arrival in New Zealand—Section 22 of the principal Act is hereby amended by omitting from subsection (1) the words “(being a British subject who is not a New Zealand citizen)”, and substituting the words “(being neither a New Zealand citizen nor an alien within the meaning of section 2 of the Aliens Act 1948)”. 25

5. Powers of Immigration Officers and constables—The principal Act is hereby further amended by inserting, after section 33, the following section:

“33A. (1) Where any Immigration Officer or constable has good cause to suspect that any person has committed an offence against paragraph (a) of subsection (1) of section 5 or subsection (5) of section 22 or any provision of Part II of this Act, the officer or constable may require that person to do all or any of the following things: 35

“(a) Produce his passport (if any):

“(b) Produce his permit to enter New Zealand (if any):

“(c) Produce documentary or other evidence of his identity.

“(2) If any such person refuses or, without reasonable excuse, fails to comply with any such requirement, the officer or constable shall warn the person that, if he persists in the refusal or failure to comply, he may be charged with having committed an offence against subsection (4) of this section. 40

“(3) If, after being warned in accordance with subsection (2) of this section,—

5 “(a) The person continues to persist in his refusal or failure to comply and the officer or constable believes on reasonable grounds that the person has committed one of the offences specified in subsection (1) of this section; or

10 “(b) Notwithstanding that the person has complied with the requirements of any such officer or constable under this section, the officer or constable believes on reasonable grounds that the person has committed any such offence,—

the constable, or, in any case where only an officer is present, any constable called by the officer to assist him, may, without
15 warrant, arrest the person, whereupon the provisions of section 316 of the Crimes Act 1961, so far as they relate to the arrest of persons without warrant, shall apply.

20 “(4) Every person commits an offence, and is liable to a fine not exceeding two hundred dollars, who, after being warned in accordance with subsection (2) of this section, refuses or, without reasonable excuse, fails to comply with any requirement of an Immigration Officer or constable made pursuant to this section.

25 “(5) Before an Immigration Officer requires any person pursuant to this section to produce any passport, permit to enter New Zealand, or evidence of his identity, the officer shall produce to that person a warrant issued under the hand of the Minister or the Secretary of Labour showing the officer’s authority to exercise or perform the powers or func-
30 tions of an Immigration Officer under this Act.”