

IMMIGRATION RESTRICTION AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

CLAUSE 2 provides a necessary amendment of the principal Act. Section 38 of that Act provides for prosecutions and proceedings for penalties, but is placed in Part III of the principal Act, and is limited to proceedings under that Part. It is necessary, especially in the case of penalties upon ships bringing prohibited immigrants, that the time within which proceedings may be taken should not be limited to the six months defined by the Justices of the Peace Act. The section is amended, and with that addition is made general, and therefore applies to all prosecutions under any Part of the principal Act and its amendments.

The first effect of the present Bill is to require *all* persons other than the classes defined in paragraphs (d), (e), (f), and (g) of section 13 of the principal Act (His Majesty's land and sea Forces, the officers and crews of ships of war of foreign Governments, merchant seamen, and representatives of foreign Powers) to take the oath of allegiance to His Majesty, if subjects of His Majesty, and to take an oath to obey the laws of New Zealand, if subjects of a foreign power. These provisions will be found in Part II of the Bill.

The second effect is to substitute for the education test, prescribed for foreigners by paragraph (a) of section 14 of the principal Act as amended by section 4 of the Amendment Act of 1910, a test of suitability to be settlers in New Zealand. All persons who are actually of British or Irish birth and parentage (except criminals, lunatics, and persons suffering from loathsome diseases) may enter and become settlers in New Zealand without any condition other than that of taking the oath of allegiance. Persons who are not of British or Irish birth and parentage may come to New Zealand as visitors for business, health, or pleasure purposes. But persons who are not of British or Irish birth and parentage who enter New Zealand with the intention of becoming settlers in the country are required to make a previous application in writing sent by post from the country of their residence setting forth in detail their intentions and their qualifications to become settlers. If the Minister of Customs is satisfied, he may grant a permit. The possession of such a permit is a condition of the right of a foreigner to enter New Zealand otherwise than as a visitor. Provision is made for the exemption by Proclamation of the Governor-General of nations and races from the provisions of the Act. Power is also reserved to the Minister of Customs to grant exemption in the case of any particular person. Part I of the Bill begins with the repeal of the provisions of the existing law prescribing the education test, and continues with the provisions requiring persons who are not of British birth and parentage and who propose to settle in New Zealand to make application for and to obtain a permit before they leave their own country, unless they are of a nation and race which the Governor-General by Proclamation exempts from the provisions of this Act.

The substitution of prior application for permit in place of an education test has, in the case of Chinese, enabled the Government to propose in this Bill the repeal of the Amendment Act of 1908 containing the provision as to thumb-prints of Chinese, in regard to which the accredited representative of China has made serious official complaint.

Right Hon. Mr. Massey.

IMMIGRATION RESTRICTION AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Immigration Restriction Act, 1908.

Title.

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

1. This Act may be cited as the Immigration Restriction Amendment Act, 1920, and shall be read together with and deemed part of the Immigration Restriction Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. (1.) Section thirty-eight of the principal Act is hereby amended by adding the following subsection :—

Section 38 of principal Act amended.

“(4.) Section forty-nine of the Justices of the Peace Act, 1908, shall not apply in respect of any such prosecution or proceeding.”

(2.) The said section thirty-eight as amended by this Act shall apply not only to prosecutions and proceedings under Part III of the principal Act, but also, with the necessary modifications, to all prosecutions and proceedings under the principal Act and this Act.

3. The Governor-General in Council may from time to time make regulations for the purpose of giving effect to the provisions of this Act.

Regulations.

PART I.

REQUIREMENT OF PERMITS TO ENTER NEW ZEALAND BY PERSONS NOT OF BRITISH OR IRISH BIRTH OR PARENTAGE.

Repeals.

4. (1.) The principal Act is hereby amended—

(a.) By repealing paragraph (a) of subsection one of section 5
fourteen thereof;

(b.) By repealing sections fifteen and seventeen thereof; and

(c.) By repealing section forty-two thereof.

(2.) The Immigration Restriction Amendment Act, 1908, is
hereby repealed. 10(3.) Section four of the Immigration Restriction Amendment
Act, 1910, is hereby repealed.Permits to enter
New Zealand.5. (1.) In addition to the restrictions imposed upon immigra-
tion into New Zealand of the several classes of persons specified in
the principal Act as amended by this Act, it is hereby enacted that 15
no person other than a person of British or Irish birth or parentage
shall (except as by this Act is specially provided) enter into New
Zealand unless he is in possession of a permit to enter in the form
and to the effect provided by regulations under this Act.(2.) A person shall not be deemed to be of British birth or 20
parentage by reason that he or his parents or either of them is a
naturalized British subject, or by reason that he is an aboriginal
Native or the descendant of an aboriginal Native of any dominion,
colony, or possession or protectorate of His Majesty.Exemption from
requirement of
permits.6. (1.) The Governor-General may, by Order in Council, from 25
time to time declare that the provisions of this Part of this Act shall
not apply to nations or peoples specified in such Order in Council.(2.) Persons who are actually of a nation or people specified in
any such Order in Council shall be exempt from the provisions of
this Part of this Act. 30(3.) A person shall not be deemed to be actually of such specified
nation or people by reason that he or his parents or either of them is
a subject by naturalization of any specified nation or people, or that
he is an aboriginal native of any colony or possession of such
specified nation or people. 35Application of this
Part of Act.7. This Part of this Act does not apply to the persons and
classes of persons defined in section thirteen of the principal Act.Temporary permits
may be granted to
visitors.8. (1.) Any person to whom this Part of this Act applies who
arrives in New Zealand without a permit but proves to the satisfac- 40
tion of the Minister of Customs that he desires to enter New
Zealand as a visitor only for purposes of business, pleasure, or health,
and that he intends to leave New Zealand within six months after
his arrival, may be granted a temporary permit in the prescribed
form by an officer of Customs.(2.) Where such temporary permit is granted to a visitor, a 45
similar temporary permit may be granted to the wife and children
of such visitor and any servants, attendants, and employees of such
visitor actually accompanying him.(3.) If a person to whom such temporary permit is granted
desires to remain in New Zealand beyond the period of six months 50
from the date of his arrival, he may make application to the Minister

of Customs, who may in his discretion either grant an extension or extensions from time to time of the temporary permit, or grant to such person a permit in the form prescribed with respect to persons intending to settle permanently in New Zealand:

5 Provided that a permit in the last-mentioned form shall be granted only if the Minister is satisfied that the person is one to whom the permit in that form would have been granted if due application had been made for the same in the manner and subject to the conditions hereinafter in this Act provided.

10 (4.) A person to whom a temporary permit is granted who remains in New Zealand beyond the period of *six* months from the date of his arrival, without having applied for and been granted an extension of such temporary permit, or having been granted such extension remains in New Zealand after the extended period, com-
15 mits an offence against this Part of this Act.

9. (1.) Application for a permit to enter New Zealand must be made in the prescribed form and signed by the applicant and be addressed to the Minister of Customs and be sent by post from the country of origin of the applicant or from the country where the
20 applicant has resided for a period of at least one year prior to the date of the application.

Form of application for permit to enter New Zealand to be prescribed.

(2.) The prescribed form of application shall require the applicant to state his reasons for desiring to settle in New Zealand, the business or occupation he proposes to undertake in New Zealand, his
25 birth and parentage, the number and ages of his family, if any, whom he proposes to accompany him, his means, and such other details (whether of a like nature or not to the details specified in this section) as may be required by the form as prescribed from time to time.

(3.) The Minister of Customs, upon receipt of such application,
30 shall consider the same, and may, in his discretion, grant or refuse to the applicant a permit to enter New Zealand.

(4.) A permit may, at the Minister's discretion, be granted to include the wife of the applicant and any one or more members of the applicant's family.

35 (5.) If a person who is required by this Part of this Act to obtain a permit to enter New Zealand enters New Zealand without having previously obtained a permit, he commits an offence against this Act.

10. Every person who commits an offence against this Part of
40 this Act is liable on summary conviction to imprisonment for *one* year or to a fine of *one hundred* pounds, and may be deported from New Zealand.

Offences.

11. A person who is required by this Part of this Act to obtain a permit to enter New Zealand and who is not at the time of the arrival in New Zealand of the ship in which he travels in possession of a
45 permit in the prescribed form shall be deemed to be a prohibited immigrant for all the purposes of Part II of the principal Act, and all the provisions of that Part shall accordingly apply in respect of such person, and in respect of the ship in which he travels and the master and owners thereof, and in respect of the persons defined
50 in section twenty-five of the principal Act.

Persons seeking to enter New Zealand without a permit deemed to be prohibited immigrants.

12. The Minister of Customs may, in his discretion, from time to time exempt from all or any of the requirements of this Part of this Act any person or class of persons entering or desiring to enter New Zealand.

Minister of Customs may grant exemption from provisions of this Part of Act.

PART II.

REQUIREMENT OF OATH OF ALLEGIANCE BEFORE ENTRY INTO NEW ZEALAND.

Application of this Part of Act.

13. This Part of this Act applies to all persons of the age of fifteen years and over that age proposing to enter New Zealand for any purpose whatever, whether as permanent residents or as visitors, except only the persons and classes of persons defined in paragraphs (d), (e), (f), and (g) of section thirteen of the principal Act. 5

British subjects arriving in New Zealand to take oath of allegiance.

14. Every person of British or Irish birth or parentage to whom this Part of this Act applies, and every person who by birth or naturalization is a subject of His Majesty and to whom this Part of this Act applies, shall on arrival in New Zealand and before landing in New Zealand take the oath of allegiance to His Majesty in the form set forth in section two of the Promissory Oaths Act, 1908. 10

Other persons arriving in New Zealand to take oath of obedience to laws of New Zealand.

15. Every person to whom this Part of this Act applies who is not of British or Irish birth or parentage, and is not otherwise a subject of His Majesty, shall on arrival in New Zealand and before landing in New Zealand take an oath in the form following:— 15

I, _____, being a subject of _____, do swear that I will faithfully observe and obey the laws of New Zealand so long as I shall be resident in New Zealand, and that I will not in any manner aid or abet any breach of any such laws, and that I will not be concerned in any manner directly or indirectly in any Act which would be disloyal to His Majesty King George V if committed by a subject of His said Majesty. So help me God! 20 25

Officers of Customs authorized to administer oaths for purposes of this Part of Act.

16. Every officer of Customs is hereby declared to be a person duly authorized to administer the oath of allegiance or the oath set forth in the *last preceding* section, as the case may require, to any person arriving in New Zealand. 30

Persons refusing to take oath deemed to be prohibited immigrants.

17. Every person to whom this Part of this Act applies who refuses or neglects to take the oath required by this Act before landing in New Zealand is hereby declared to be a prohibited immigrant for all the purposes of Part II of the principal Act, and shall be proceeded against and dealt with accordingly. 35

No exemption from this Part of Act.

18. A person shall not be exempt from the provisions of this Part of this Act by reason that he is domiciled in New Zealand, or that he is returning to New Zealand, or that he has on some previous arrival in New Zealand taken the oath required in his case by this Act. 40

Aliens who act in contravention of their oath of obedience deemed to be prohibited immigrants.

19. If a person who is not a subject of His Majesty acts after his arrival in New Zealand in any manner in contravention of the terms of his oath as hereinbefore set forth, he shall thereupon be deemed to be a prohibited immigrant for all the purposes of Part II of the principal Act, and may be proceeded against and dealt with accordingly. 45