

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 (a), (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.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

16th September, 1920.

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE.]

Legislative Council, 28th September, 1920.

Right Hon. Mr. Massey.

IMMIGRATION RESTRICTION AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 38 of principal Act amended.</p> <p>3. Regulations.</p> <p style="text-align: center;">PART I.</p> <p>REQUIREMENT OF PERMITS TO ENTER NEW ZEALAND BY PERSONS NOT OF BRITISH OR IRISH BIRTH OR PARENTAGE.</p> <p>4. Repeals.</p> <p>5. Permits to enter New Zealand.</p> <p>6. Exemption from requirement of permits.</p> <p>7. Application of this Part of Act.</p> <p>8. Temporary permits may be granted to visitors. Consequential repeal.</p> <p>9. Form of application for permit to enter New Zealand to be prescribed.</p> <p>10. Offence to obtain permit by false representation.</p> <p>11. Offences.</p> <p>12. Persons seeking to enter New Zealand without a permit deemed to be prohibited immigrants.</p> <p>13. Minister of Customs may grant exemption from provisions of this Part of Act.</p>	<p style="text-align: center;">PART II.</p> <p>REQUIREMENT OF OATH OF ALLEGIANCE BEFORE ENTRY INTO NEW ZEALAND.</p> <p>14. Application of this Part of Act.</p> <p>15. British subjects arriving in New Zealand to take oath of allegiance.</p> <p>16. Other persons arriving in New Zealand to take oath of obedience to laws of New Zealand.</p> <p>17. Officers of Customs authorized to administer oaths for purposes of this Part of Act.</p> <p>18. Persons refusing to take oath deemed to be prohibited immigrants.</p> <p>19. No exemption from this Part of Act.</p> <p>20. Aliens who act in contravention of their oath of obedience deemed to be prohibited immigrants.</p> <p style="text-align: center;">PART III.</p> <p style="text-align: center;">GENERAL.</p> <p>21. Duty of master of ships to receive and detain person proposed to be removed from New Zealand.</p> <p>22. Delegation of powers of Ministers.</p>
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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 BIRTH AND 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 immigration
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 birth and 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 and 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
other than the Dominion of New Zealand or of any colony or other
possession or of any protectorate of His Majesty. 25Exemption from
requirement of
permits.6. (1.) The Governor-General may, by Order in Council, from
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 satisfy an officer of Customs that by birth
and parentage they are actually of a nation or people specified in 30
any such Order in Council shall be exempt from the provisions of
this Part of this Act.(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 35
he is an aboriginal native of any colony or possession of such
specified nation or people.Application 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 40
arrives in New Zealand without a permit but proves to the satisfac-
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 45
form by an officer of Customs. A permit under this section may be
granted for a period of *six* months or for such shorter period in any
case as the Minister may in his discretion determine.(2.) Any such temporary permit may be granted subject to such
conditions (if any) as may be prescribed by regulations under this 50
Act, or as may in any case be imposed by the Minister of Customs.

Every person to whom a temporary permit is so granted who fails to comply with any of the conditions subject to which that permit has been granted commits an offence against this Part of this Act.

5 (3.) Where such temporary permit is granted to a visitor, a 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.

10 (4.) If a person to whom such temporary permit is granted desires to remain in New Zealand beyond the period for which the permit was granted, 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 :

15 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 Part of this Act provided.

20 (5.) A person to whom a temporary permit is granted who remains in New Zealand beyond the period for which the permit was granted 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-
25 mits an offence against this Part of this Act.

(6.) A temporary permit granted under this section may be at any time revoked by the Minister of Customs. Every person to whom a temporary permit has been granted commits an offence
30 against this Part of this Act if he does not leave New Zealand within such time after the revocation of his permit as the Minister of Customs may prescribe in that behalf.

(7.) Section five of the Immigration Restriction Amendment Act, 1910, is hereby repealed. Consequential repeal.

35 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 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.

40 (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 birth and parentage, the number and ages of his family, if any, whom he proposes to accompany him, his means, and such other details
45 (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, shall consider the same, and may, in his discretion, grant or refuse to the applicant a permit to enter New Zealand.

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(3A.) A permit under this section may be granted subject to such conditions (if any) as may be prescribed by regulations under this Act, or as may in any case be imposed by the Minister of Customs.

55 (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.

(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 or fails to comply with any of the conditions subject to which a permit under this section has been granted, he commits an offence against this Part of this Act. 5

Offence to obtain permit by false representation.

10. Every person commits an offence against this Part of this Act who makes any false statement or representation for the purpose of obtaining a permit to enter New Zealand and who obtains such permit and enters New Zealand in accordance therewith.

Offences.

11. Every person who commits an offence against this Part of 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. 10

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

12. 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 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 in section twenty-five of the principal Act. 15 20

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

13. (1.) 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. 25

(2.) Any exemption granted by the Minister of Customs under this section shall be subject to such conditions as the Minister may impose, and every person who commits a breach of or fails to observe any such condition commits an offence against this Part of this Act. 30

PART II.

REQUIREMENT OF OATH OF ALLEGIANCE BEFORE ENTRY INTO NEW ZEALAND.

Application of this Part of Act.

14. 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. 35

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

15. Notwithstanding anything to the contrary in section ten of the Promissory Oaths Act, 1908, 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. 40

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

16. Notwithstanding anything to the contrary in section ten of the Promissory Oaths Act, 1908, every person to whom this Part of this Act applies who is not a subject of His Majesty shall on arrival in New Zealand and before landing in New Zealand take an oath in the form following:— 45

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 50

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!

17. Every officer of Customs is hereby declared to be a person
5 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.

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

18. Every person to whom this Part of this Act applies who
10 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.

Persons refusing to take oath deemed to be prohibited immigrants.

19. A person shall not be exempt from the provisions of this
15 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.

No exemption from this Part of Act.

20. If a person who is not a subject of His Majesty acts after
20 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.

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

PART III.

GENERAL.

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21. On payment or offer of payment to the owner, charterer,
or master of any vessel about to leave New Zealand of a reasonable sum on account of the carriage from New Zealand of any person proposed to be removed from New Zealand, whether under the
30 principal Act or this Act, it shall be the duty of the owner, charterer, or master, as the case may be, to receive and retain that person on board the vessel; and if such owner, charterer, or master refuses to receive or retain that person on board, or connives at or is privy to his escape from the vessel, he commits an offence and is liable on
35 summary conviction to a fine of *one hundred* pounds.

Duty of master of ship to receive and detain person proposed to be removed from New Zealand.

22. (1.) The Minister may from time to time, by writing
under his hand, delegate to any officer of Customs all or any of the powers (except this present power of delegation) exercisable by him under the principal Act or this Act.

Delegation of powers of Minister.

40 (2.) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

(3.) Any such delegation may be made subject to such restric-
45 tions and conditions as the Minister thinks fit, and may be made either generally or in relation to any particular case.

(4.) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Minister by whom it was made has ceased to hold office, and shall continue to have effect as if made by the successor in office of that Minister.