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

18/56

A. B. WRIGHT,] [19th June, 1952. Governor.

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

1. This Law may be cited as the Aliens and Immigration Law, 1952. Short title.

Interpretation.

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

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

“approved port” means a sea port or an air port declared by the Governor to be a port of entry or a port of departure for the purposes of this Law;

“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 Act, 1948, 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 issued to a person by or on behalf of the Government of the State of which he is a subject or a valid passport or other valid travel document issued to a person by an authority recognized by Her Majesty’s Government in the United Kingdom, such passport or document being complete, having attached to it a photograph of the person to whom it relates and having endorsed thereon all particulars, endorsements

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and visas required from time to time by the Government or authority issuing such passport or document and by Her Majesty's Government and by any regulations for the time being in force in the territory in that behalf ;

“ 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 ;

“ 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 was born in 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 an approved port for the purposes of this Law. Approved ports.

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 or who refuses to comply with the requirements of any regulations made under any enactment in the interests of 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, good order, good government or public morals

or to excite enmity between the people of the Colony and Her Majesty or to intrigue against Her Majesty's power and authority in the Colony ;

- (h) any member of an unlawful association as defined in section 60 of the Criminal Code Law 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 this Law or any regulations made under this Law or in any permit granted or issued under this Law or such regulations ;
- (l) 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 ;
- (m) any person who is deemed to be a prohibited immigrant under the provisions of this Law.

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(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 may be dealt with in the manner set out in paragraph (d) or (e) of sub-section (1) of section 13, as the case may be, as if the said paragraphs applied to this sub-section.

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.