

**THE ALIENS AND IMMIGRATION LAW.
(CAP. 40 and Laws 19 of 1950 and 11 of 1951.)**

ALIENS AND IMMIGRATION REGULATIONS.

49 Vol. II 263
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Short title.

Interpretation.

Cap. 40
19 of 1950.
11 of 1951.

Certificate of permanent residence.

Immigration Control Board.

I.—INTRODUCTORY.

1. These regulations may be cited as the Aliens and Immigration Regulations.

2. In these regulations—

“entry permit” means a permit to enter the Colony for temporary residence issued under the Law;

“immigration permit” means a permit granted to an immigrant to enter the Colony for permanent residence therein;

“Law” means the Aliens and Immigration Law, or any Law amending or substituted for the same, and includes these regulations and any other regulations made under the Law.

II.—ALIEN PERMANENT RESIDENTS.

3.—(1) A certificate of permanent residence may be granted by the Chief Immigration Officer to any alien who, in his opinion, was permanently resident in the Colony on the 11th December, 1936, and shall be granted to any alien who is admitted into the Colony on an immigration permit.

For the purpose of facilitating travel from and re-entry into the Colony by an alien permanent resident, the certificate may be endorsed on his passport and, upon production of the passport so endorsed, such person shall be admitted into the Colony without any other formality.

(2) Any person to whom paragraph (1) of this regulation applies who, having left the Colony without having had his passport endorsed as therein provided, desires to return, may obtain from the Chief Immigration Officer, either direct or through a British Consul, an endorsement on his passport verifying the fact of his permanent residence in the Colony, and such person shall, on his return, upon production of his passport so endorsed, be admitted into the Colony without any other formality.

III.—IMMIGRANTS.

4.—(1) There shall be an Immigration Control Board (in these regulations referred to as “the Board”), which shall consist of such persons, not less than three in number, as the Governor may from time to time appoint by notice in the *Gazette*, for the purpose of examining applications for immigration permits and of reporting to the Chief Immigration Officer whether an intending immigrant may be considered as belonging to one of the categories prescribed in regulation 5.

(2) The Chairman of the Board shall be appointed by the Governor from among the members of the Board and the Board shall elect a vice-chairman.

(3) At any meeting of the Board in case of equality of votes the Chairman shall have in addition to his own vote a casting vote.

(4) Three members of the Board shall constitute a quorum at any meeting of the Board.

(5) The Board shall meet at such times as the Chairman shall decide: Provided that if the Chairman shall be required to summon a meeting by a requisition signed by two members of the Board he shall summon a meeting of the Board within seven days after the receipt of such requisition.

(6) The Board may appoint sub-committees consisting of members of the Board, or otherwise, to advise it in connection with any of its functions under these regulations.

(7) Every act done by the Board in pursuance of the provisions of these regulations shall be signified under the hand of the Chairman or of any other person authorized by him in that behalf.

(8) The Board shall keep minutes of its meetings, and a certified copy of the minutes of each meeting shall be sent as soon as practicable after such meeting to the Chief Immigration Officer.

5. No person shall be granted an immigration permit unless he belongs to one of the following categories:—

Qualifica-
tions for
immigration
permit.

(a) *Category A.*—A person intending to engage on his own account in the business of agriculture or animal husbandry in the Colony who is in possession of a certificate issued by the Board that—

- (i) he has acquired or received permission to acquire, an interest in land of an area commensurate with and suitable for the type of business he proposes to undertake in the Colony;
- (ii) he has in his own right and at his full and free disposition a capital sum of £2,000 or such lesser sum as the Board may determine; and
- (iii) his engaging in such business will not be to the prejudice of the general economy of the Colony.

(b) *Category B.*—A person intending to engage on his own account in mining in the Colony who is in possession of a certificate issued by the Board that—

- (i) he is in possession of, or will be able to obtain, any prospecting right or licence that may be necessary to enable him to engage in prospecting or mining;
- (ii) he has in his own right and at his full and free disposition a capital sum of £10,000 or such lesser sum as the Board may determine; and
- (iii) his engaging in such prospecting or mining will not be to the prejudice of the general economy of the Colony.

(c) *Category C.*—A person intending to carry on a trade or business on his own account in the Colony who is in possession of a certificate issued by the Board that—

- (i) if a licence is required to enable him to engage in the trade or business which he intends to carry on, he is in possession of such licence or will be able to obtain one;
- (ii) he has in his own right and at his full and free disposition a capital sum of £2,000 or such lesser sum as the Board may determine; and
- (iii) his engaging in such trade or business will not be to the prejudice of the general economy of the Colony.

(d) *Category D.*—A person who, being a member of the legal or medical profession or being an accountant, architect, dentist, engineer or land surveyor, or being qualified in such other calling as the Governor may prescribe by notice in the *Gazette*, intends to practise his profession or calling in the Colony and is in possession of a certificate issued by the Board that—

- (i) he is duly qualified to practise his profession or calling in the Colony;
- (ii) he is in possession of sufficient capital or assured income to enable him to give effect to his intention; and
- (iii) there exists in the Colony a need for additional members of such profession or calling.

(e) *Category E.*—A person who has been offered and intends to accept employment, other than temporary employment, in the Colony and is in possession of a certificate issued by the Board that the taking up of such employment by him will not lead to the creation of undue competition in the class of employment in which such person proposes to engage.

(f) *Category F.*—A person who is in possession of a certificate issued by the Board that he has in his own right and his full and free disposition an assured annual income of the appropriate amount as set out in the First Appendix hereto.

First
Appendix.

Issue and
cancellation
of an
immigration
permit.

6.—(1) Upon receipt of a report from the Board that an applicant for an immigration permit belongs to one of the categories specified in regulation 5, the Chief Immigration Officer may grant to the applicant an immigration permit.

(2) Notwithstanding anything contained in regulation 5 and in paragraph (1) of this regulation, the Chief Immigration Officer may grant an immigration permit to an immigrant who does not belong to one of the categories set out in regulation 5, if he shall consider it expedient to do so and if he is satisfied that the immigration of such person will not be to the prejudice of the inhabitants generally of the Colony.

(3) An immigration permit shall cease to be valid if the holder of the same being out of the Colony at the date of issue thereof has not entered the Colony within one year after such date.

(4) If any person belonging to any of the categories set out in regulation 5, to whom an immigration permit has been granted, without reasonable cause shown to the satisfaction of the Chief Immigration Officer, fails to engage in or to continue to engage in the same occupation as, or in a similar occupation to, that in respect of which he obtained such immigration permit, the Chief Immigration Officer may, at any time before the expiration of four years of the granting of such permit, order him to leave the Colony, whereupon the presence of such person in the Colony shall be deemed to be unlawful :

Provided that no such order shall take effect until after the expiration of fifteen days from the making thereof during which period any person aggrieved by such order may appeal to the Governor in Council, whose decision thereon shall be final and conclusive.

(5) Notwithstanding that he shall belong to one of the categories prescribed in regulation 5, no person shall have an absolute right to the grant of an immigration permit.

Applications
for immigra-
tion permit.
Second
Appendix.
Form 1.

7.—(1) Every application for an immigration permit under any of the categories set out in regulation 5, shall be as in the Form 1 in the Second Appendix hereto and shall be made to the Chief Immigration Officer :

Provided that in the case of an applicant who has not yet entered the Colony the application may be made through a British Consul.

Form 2.

(2) Every application made by a person already resident in the Colony who desires to bring into the Colony a dependant, shall be as in Form 2 in the Second Appendix hereto and shall be made to the immigration officer for the district in which the applicant resides, and the said immigration officer shall transmit the application with his report thereon to the Chief Immigration Officer.

Dependants.

8. An immigration officer, on being satisfied that a person seeking to enter the Colony is—

(a) the wife, a minor child or an unmarried daughter of an immigrant or of a permanent resident ; or

(b) a person whose immigration into the Colony as being dependent on an immigrant or on a permanent resident has been approved by the Chief Immigration Officer,

shall permit such person to enter the Colony as an immigrant.

IV.—TEMPORARY RESIDENTS.

General
provisions
relating to
entry
permits.

9.—(1) An entry permit issued to an alien entitling him to enter and remain temporarily within the Colony shall be of one of the following kinds :—

- (a) Transit Permit ;
- (b) Employment Permit ;
- (c) Business Permit ;
- (d) Pupil's Permit ;
- (e) Visitor's Permit ;
- (f) Special Permit.

(2) Subject to any special or general directions by the Chief Immigration Officer and to the provisions of these regulations, the issue of any permit of a kind mentioned in this regulation shall be at the discretion of the immigration officer at the port of entry and may be subject to such terms and conditions, including the provision of security to cover the costs of repatriating the holder of the permit, as the said immigration officer may think fit to attach.

(3) Every entry permit of the kinds (a) to (f) inclusive mentioned in paragraph (1) of this regulation shall be endorsed on the passport of the temporary resident to whom it is issued.

(4) An entry permit may be cancelled by the Chief Immigration Officer on giving the holder not less than fourteen days' notice of cancellation :

Provided that, if the holder is found to be a prohibited immigrant or to have contravened the terms and conditions subject to which the entry permit was issued, such cancellation may take effect forthwith.

(5) All entry permits issued under the provisions of this regulation shall be in such form or forms as may be prescribed from time to time by the Chief Immigration Officer.

(6) The Chief Immigration Officer may extend for a further period or periods as he shall think fit the period for which a temporary resident is permitted to remain in the Colony by virtue of a permit issued under the provisions of this regulation :

Provided that, with regard to any Pupil's Permit or Visitor's Permit, the extension may be granted by an immigration officer.

(7) An entry permit shall, notwithstanding that its period of validity has not expired, cease to be effective as soon as the holder thereof leaves the Colony unless before leaving he obtains from the Chief Immigration Officer a re-entry permit.

10.—(1) A Transit Permit may be issued by an immigration officer to any alien who satisfies him that he desires to enter the Colony for the purpose of proceeding to a destination outside the Colony and that he is in possession of such valid documents as will permit him to enter the country of his destination and is otherwise qualified under the law in force in that country to enter the same. Transit Permits.

(2) A Transit Permit shall entitle the holder thereof to enter the Colony and remain therein for such period, not exceeding fifteen days, as may be stated in such permit.

11.—(1) An Employment Permit may be issued by an immigration officer to any alien who produces to him the written approval of the Chief Immigration Officer for the issue of such permit : Employment Permit.

Provided that, if an immigration officer is satisfied that an alien has entered into a contract of service with an employer in the Colony and is qualified to undertake employment of a particular class for which no suitably qualified residents of the Colony are for the time being available, he may at his discretion issue a provisional permit for a period not exceeding twenty-one days enabling the alien to obtain the decision of the Chief Immigration Officer for the issue of an Employment Permit.

(2) An Employment Permit shall entitle the holder thereof to enter the Colony and to remain therein for the purpose of engaging in the employment specified in the written approval of the Chief Immigration Officer under the provisions of paragraph (1) of this regulation for such period as shall be stated in such permit.

(3) An Employment Permit shall forthwith cease to be effective and shall be deemed to have been cancelled if the holder fails to take up the employment in respect of which the permit was issued or having taken up such employment fails to continue therein.

12.—(1) A Business Permit may be issued by an immigration officer to any person who satisfies him that he wishes to enter the Colony for the purpose of temporarily carrying on, on his own account or as an agent of any person outside the Colony, any business, trade or profession. Business Permit.

(2) A Business Permit shall entitle the holder thereof to enter the Colony and to remain therein for such period, not exceeding six months, as shall be stated in such permit.

(3) The holder of a Business Permit shall not accept employment within the Colony nor shall he engage in any pursuit within the Colony other than that specified in such permit without the prior permission in writing of the Chief Immigration Officer.

(4) If, without the prior permission of the Chief Immigration Officer, the holder of a Business Permit—

(a) takes employment within the Colony, his permit shall forthwith cease to be effective and shall be deemed to have been cancelled ;

(b) engages in a pursuit within the Colony other than that specified in his permit, his permit may be revoked forthwith by the Chief Immigration Officer.

Pupil's
Permit.

13.—(1) A Pupil's Permit may be issued by an immigration officer to any person who satisfies him that—

(a) he has been accepted as a pupil by any training or educational establishment in the Colony ; and

(b) such training or educational establishment is suitable for the purpose of receiving pupils from outside the Colony.

(2) A Pupil's Permit shall entitle the holder thereof to enter the Colony and to remain therein for such period as shall be stated in the permit.

(3) A Pupil's Permit shall forthwith cease to be effective and shall be deemed to have been cancelled if the holder thereof fails to enter and undergo training or education in the establishment at which he has been accepted, or having entered such establishment fails to remain or to be retained as a pupil therein.

Visitor's
Permit.

14.—(1) A Visitor's Permit may be issued by an immigration officer to any prospective visitor to the Colony who satisfies the immigration officer that he wishes to enter the Colony for the purpose of—

(a) spending a holiday ; or

(b) travelling ; or

(c) investigating the possibilities of settlement in the Colony.

(2) A Visitor's Permit shall entitle the holder thereof to enter the Colony and to remain therein for such period, not exceeding six months, as shall be stated in such permit.

(3) The holder of a Visitor's Permit shall not seek or accept employment, paid or unpaid, or engage in or carry on any business, trade or profession within the Colony without the prior permission in writing of the Chief Immigration Officer.

(4) If, without the prior permission of the Chief Immigration Officer, the holder of a Visitor's Permit—

(a) takes employment within the Colony, his permit shall forthwith cease to be effective and shall be deemed to have been cancelled ;

(b) engages in, or carries on, any business, trade or profession within the Colony, his permit may be revoked forthwith by the Chief Immigration Officer.

Special
Permit.

15.—(1) A Special Permit may be granted—

(a) by an immigration officer, with the consent of a medical officer, to a person arriving in the Colony suffering from any contagious or infectious disease in order to enable such person to remain in the Colony for the purposes of treatment, subject to such conditions as the medical officer may deem necessary for the protection of the community ; or

(b) by the Chief Immigration Officer to any person arriving in the Colony if the Chief Immigration Officer considers the issue of such a permit desirable.