



ANALYSIS

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inserted

1976, No. 158

An Act to amend the Immigration Act 1964

[14 December 1976]

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

1. Short Title—This Act may be cited as the Immigration Amendment Act 1976, and shall be read together with and deemed part of the Immigration Act 1964 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) For the purposes of this Act—

“(a) A person who is a prohibited immigrant lands in New Zealand when he arrives in any part of New Zealand:

“(b) A person other than a prohibited immigrant lands in New Zealand when the ship or aircraft in which he is travelling arrives in any New Zealand seaport or airport:

“(c) A person enters New Zealand when—

“(i) Having landed in New Zealand, he passes from the seaport or airport otherwise than on a ship or aircraft bound for another country; or

“(ii) He arrives in any part of New Zealand otherwise than on board a ship or aircraft at a seaport or airport.”

3. Prohibited immigrants—(1) Section 3 of the principal Act is hereby amended by repealing paragraph (b).

(2) The principal Act is hereby amended by repealing section 4, and substituting the following section:

“4. Persons prohibited from landing in New Zealand—

(1) Subject to subsection (4) of this section, it shall not be lawful for any person to whom this section applies (in this Act referred to as a prohibited immigrant) to land in New Zealand unless—

“(a) He holds and is named in a certificate in the form in the First Schedule to this Act, signed by the Minister or any officer, whether in or outside New Zealand, authorised by the Minister to grant such certificates; and

“(b) He holds a permit granted to him in accordance with section 15 of this Act.

“(2) Subject to subsection (3) of this section, this section applies to—

“(a) Any mentally disordered person:

“(b) Any person suffering from any disease specified by the Governor-General by Order in Council:

“(c) Any person who at any time, whether before or after the commencement of this Act, has been convicted of any offence for which he has been sentenced to a term of imprisonment or other form of detention for 1 year or more or to any form of indeterminate detention for which he may be detained for a period of 1 year or more:

“(d) Any person who at any time, whether before or after the commencement of this Act, has been deported from New Zealand, otherwise than under section 158 of the Shipping and Seamen Act 1952, or deported from any other country.

“(3) This section shall not, by virtue only of paragraph (c) or paragraph (d) of subsection (2) of this section, apply to any person who first entered New Zealand before the 24th

day of September 1959 (being the date of the commencement of the Immigration Restriction Amendment Act 1959) unless that person has left New Zealand on or after that date.

“(4) Subsection (1) of this section does not apply to shipwrecked persons or persons landing from an aircraft in distress.”

(3) The First Schedule to the principal Act is hereby amended by omitting the expression “Section 3 (b)”, and substituting the expression “Section 4 (1) (a)”.

4. Temporary permits—(1) Section 14 (1) of the principal Act is hereby amended—

(a) By inserting, after the words “this Act applies”, the words “, not being a prohibited immigrant,”:

(b) By omitting the word “arrives”, and substituting the word “lands”.

(2) Section 14 of the principal Act is hereby further amended by repealing subsection (5), and substituting the following subsection:

“(5) Every person to whom a temporary permit is granted who—

“(a) Remains in New Zealand after the expiry of the period for which the permit was granted; or

“(b) Having been granted an extension of that period, remains in New Zealand after the expiry of the extended period,—

without having applied for and been granted an extension or further extension of that period, commits an offence against this Act, whether or not he knows that the period or extended period has expired, and whether or not he knows that no application for an extension or further extension has been made on his behalf or granted.”

(3) The said section 14 is hereby further amended by adding the following subsection:

“(7) Notwithstanding any of the foregoing provisions of this section, if the holder of a permit granted under this section leaves New Zealand the permit shall, on his departure, be deemed to expire.”

5. New provisions as to deportation inserted—(1) Section 22 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Notwithstanding anything in subsection (1) of this section, or in section 14 of the Aliens Act 1948, the Minister may, by order signed by him, order any person who is not

a New Zealand citizen to leave New Zealand if that person is convicted in New Zealand of an offence committed within 2 years after his arrival in New Zealand or an offence committed outside New Zealand, being in either case an offence for which the Court has power to impose imprisonment.”

(2) Section 22 (2) of the principal Act is hereby amended by inserting, after the words “subsection (1)”, the words “, or in subsection (1A),”.

(3) Section 22 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsections:

“(3A) Nothing in subsection (1A) of this section shall apply to any person in respect of an offence committed by that person before the commencement of the Immigration Amendment Act 1976.

“(3B) No order may be made under subsection (1A) of this section for the deportation of any person after 6 months from—

“(a) The date on which that person is released from detention under the sentence; or

“(b) Where he was not sentenced to any form of detention, the date on which he was convicted of the offence.”

This Act is administered in the Department of Labour.
