

## New Zealand.



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1920, No. 23.

**Title.**

AN ACT to amend the Immigration Restriction Act, 1908.

[9th November, 1920.]

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

**Short Title.**

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).

**Section 38 of principal Act amended.**

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

“(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 **Regulations.** make regulations for the purpose of giving effect to the provisions of this Act.

## PART I.

### REQUIREMENT OF PERMITS TO ENTER NEW ZEALAND BY PERSONS NOT OF BRITISH BIRTH AND PARENTAGE.

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

- (a.) By repealing paragraph (a) of subsection one of section fourteen thereof;
- (b.) By repealing sections fifteen and seventeen thereof; and
- (c.) By repealing section forty-two thereof.

**Repeals.**

(2.) The Immigration Restriction Amendment Act, 1908, is hereby repealed.

(3.) Section four of the Immigration Restriction Amendment Act, 1910, is hereby repealed.

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 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.

**Permits to enter  
New Zealand.**

(2.) A person shall not be deemed to be of British birth and 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.

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.

**Exemption from  
requirement of  
permits.**

(2.) Persons who satisfy an officer of Customs that by birth and parentage they 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.

(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.

7. This Part of this Act does not apply to the persons and classes of persons defined in section thirteen of the principal Act.

**Application of this  
Part of Act.**

8. (1.) Any person to whom this Part of this Act applies who arrives in New Zealand without a permit but proves to the satisfaction 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

**Temporary permits  
may be granted to  
visitors.**

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 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.

(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.

(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:

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.

(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, commits 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 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.

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.

(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 (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.

*Consequential repeal.*

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

(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.

(4.) 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.

(5.) 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.

(6.) 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.

**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.

Offence to obtain  
permit by false  
representation.

**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.

**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.

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

**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.

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

(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.

## PART II.

### REQUIREMENT OF OATH OF ALLEGIANCE BEFORE ENTRY INTO NEW ZEALAND.

**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.

Application of this  
Part of Act.

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

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

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

**Persons refusing to take oath deemed to be prohibited immigrants.**

**No exemption from this Part of Act.**

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

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

**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.

**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:—

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!

**17.** 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.

**18.** 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.

**19.** 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.

**20.** 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.

### PART III.

#### GENERAL.

**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 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 summary conviction to a fine of one hundred pounds.

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.

(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 restrictions 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.

Delegation of powers  
of Minister.