

CHAPTER 98.

IMMIGRATION.

List of Subsidiary Legislation.

1. Order in Council: Passports.
2. The Immigration Regulations.

ORDER IN COUNCIL

made under section 5 (3) and (4) on the 31st December, 1947, and amended on the 7th February, 1948.

O. in C. 64 of
1947.
7 of 1948.

1. This order may be cited as the Immigration (Passports) Order.

2. Every Canadian citizen, and every citizen of the United States of America, entering the Colony, who satisfies an immigration officer—

(a) that he is a Canadian citizen or a citizen of the United States of America, as the case may be; and

(b) that he is in possession of a return ticket; and

(c) that he intends to remain in the Colony for a period not exceeding three months from the date of his entry into the Colony;

is exempted from the provisions of section 5 (1) of the Immigration Ordinance, and may enter the Colony without a passport.

3. (1) Except as otherwise provided in this paragraph of this order, the passport of a subject or citizen of any foreign country shall not be accepted as such under section 5, unless it bears a British consular *visa* valid for the Colony.

(2) This paragraph of this order shall not apply—

(a) where the passport bears a *visa*, valid for the Colony, of any competent authority in the United Kingdom or a British Possession; or

(b) where the passport falls within the provisions of a Visa Abolition Agreement for the time being in force; or

(c) to the passport of any citizen of the United States of America who intends to remain in the Colony for a period not exceeding six months from the date of his entry into the Colony; or

O. in C. 7 of
1948.

(d) where the person to whom the passport relates—

(i) is a passenger in transit; and

(ii) is in possession of a valid ticket for some destination outside the Colony; and

(iii) intends to remain in the Colony for a period of not more than 14 days from the date of his entry into the Colony; or

(e) to any citizen of the United States of America who, under paragraph 2 of this order, enters the Colony without a passport; or

(f) to the passport of any Netherlands subject who enters the Colony from Netherlands Guiana; or

(g) where the person to whom the passport relates is exempted by the Governor from the requirements of this order.

IMMIGRATION REGULATIONS.

ARRANGEMENT OF REGULATIONS.

REGULATION.

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16. Duties of person in charge of persons detained in custody under the Ordinance.
17. Re-entry permit under section 34.

SCHEDULE.

FORMS.

REGULATIONS

made by the Governor in Council under section 35 on the 31st December, 1947, and amended on the 15th March, 1949, 12th January, 1950 (twice), 18th May, 1950, 11th August, 1952, 28th October, 1952, and 8th December, 1952.

Regs. 29 of 1947.
5 of 1949.
1 of 1950.
2 of 1950.
14 of 1950.
17 of 1952.
28 of 1952.
37 of 1952.

THE IMMIGRATION REGULATIONS.

1. These regulations may be cited as the Immigration Regulations. Short title.

2. In these regulations—

- “the Ordinance” means the Immigration Ordinance;
- “regulation” means a regulation of these regulations;
- “schedule” means the schedule to these regulations;
- “section” means a section of the Ordinance.

Interpretation.

3. Where an immigration officer raises the question as to whether a person is a prohibited immigrant under paragraph (f) or (g) of section 3 (1), the onus shall lie on such person to satisfy the immigration officer that he is of sufficient means to support himself and his dependants, or that he is not likely if he entered the Colony to become a charge on public funds, as the case may be.

Immigrant to satisfy immigration officer that he is not a prohibited immigrant under paragraph (f) or (g) of section 3 (1).

4. (1) Where *bona fide* employment in the Colony is awaiting an immigrant (not being a person who is suffering from infirmity of body or mind or ill-health), he shall not be considered by an immigration officer to be a person who is, under section 3 (1) (g), likely if he entered the Colony to become a charge on public funds.

Immigrant not a prohibited immigrant where *bona fide* employment in the Colony awaits him.

(2) For the purposes of determining whether there is *bona fide* employment within the meaning of this regulation, the immigration officer may require evidence as to the nature and period of the employment, the rate of wages which the prospective employer proposes to pay, and the ability of such employer to carry out his undertaking to employ the immigrant.

(3) Nothing in this regulation shall be construed as affecting the powers of an immigration officer under sections 10 and 12, and where an immigration officer exercises his powers under section 10 or section 12 with respect to an immigrant entering the Colony for purposes of employment, he may, if he thinks

fit, require the prospective employer in the Colony of the immigrant to furnish the prescribed security under regulation 11 to repatriate the immigrant if the employment is terminated within two years from the date on which the immigrant entered the Colony.

Dependants.

5. Where it is alleged that a person entering the Colony is a dependant under paragraph (i) or (j) of section 3 (5) and as such is not a prohibited immigrant, the immigration officer may require evidence to be produced to his satisfaction that such person is a dependant as alleged.

Duty of immigration officer where he decides that an immigrant is a prohibited immigrant or where an order is made for the removal of an immigrant from the Colony.

6. Where an immigration officer decides that an immigrant is a prohibited immigrant, or where an order is made under section 26 for the removal of an immigrant from the Colony, he shall forthwith transmit to the Chief Immigration Officer all documents and information in his possession relating to the said decision or order, or incidental thereto or connected therewith.

Immigration officer to report to Chief Immigration Officer.

7. (1) Every immigration officer shall, within 7 days after the end of every month, furnish, in respect of the performance of his duties as such, a report to the Chief Immigration Officer.

(2) Every immigration officer shall, whenever required by the Chief Immigration Officer so to do, furnish him with such information in respect of the performance of the duties of the immigration officer, as may be required.

Ports of entry under section 6.

8. The following are ports of entry under section 6—

(a) the ports of Georgetown, New Amsterdam, Springlands, Morawhanna, and the Government Station at Lethem;

(b) the airfield at the Atkinson Field United States Air Base, right bank Demerara River;

(c) the village of Bartica;

(d) the Police Station at Orinduik;

(e) the Police Station at Good Hope.

Examination of immigrants and declaration under section 8.

9. (1) The investigation and the examination of persons under section 8 (1) (a) and section 8 (1) (b) (i) shall be conducted on the vessel (if any) by which such persons arrived, or at any other place convenient for the purpose as the immigration officer may direct.

(2) The declaration under section 8 (b) (i) shall be in Form No. 1 in the schedule.

Form No. 1.

(3) Where an immigration officer requires an immigrant to make and sign such a declaration—

(a) the immigration officer shall, in case of doubt, satisfy himself that the immigrant is of sufficient intelligence to understand the declaration;

(b) the immigration officer may, in any case, put questions to the immigrant in relation to the answers given by the immigrant in the declaration and shall fill up the declaration accordingly;

(c) the immigration officer shall, where the immigrant is unable to fill up the declaration, question the immigrant, through an interpreter if necessary, and shall himself fill up, or cause to be filled up, the declaration.

10. (1) A Government medical officer from time to time appointed by the Governor for the purpose shall, when necessary and required, be present at the examination of persons entering or seeking to enter the Colony, and shall indicate to the immigration officer any person who ought, in the opinion of such medical officer, to be medically examined.

Medical
examination
of immi-
grants.

(2) The immigration officer may require such medical officer to make a medical examination—

(a) of any such person; and

(b) of any other person entering or found within the Colony who is required under the Ordinance or these regulations to submit to such medical examination.

(3) The medical examination of any person entering or seeking to enter or found in the Colony shall take place at such place as may be convenient, and as soon as possible after the arrival of such person in the Colony or after such person is found; and the immigration officer shall be furnished with a report as to the result of such examination.

11. (1) Whenever security has to be furnished by an immigrant such security shall be—

Prescribed
security.

(a) by way of a deposit with the Financial Secretary or with an immigration officer for and on behalf of the Financial Secretary of the appropriate amount of money; or

(b) with the approval of the Governor, by way of a security bond in the appropriate amount of money with one or more sureties, and in the form, approved by the Financial Secretary.

Regs. 1 of
1950.
28 of 1952.

(2) Except in any case specially directed by the Chief Immigration Officer, the appropriate amount under sub-regulation (1) of this regulation shall be—

(a) the sum of \$96, if the immigrant belongs to one of the British West Indian Colonies (other than Jamaica or any of its dependencies) or to Dutch Guiana, and the sum of \$300 if the immigrant belongs to Jamaica or any of its dependencies;

(b) the sum of \$500, if the immigrant belongs to a place situate in North America, Central America, South America (other than British or Dutch Guiana), or to any of the Islands in the North Atlantic Ocean (other than the British West Indian Colonies);

(c) the sum of \$2,000 if the immigrant belongs to a place situate in China;

(d) the sum of \$1,000 if the immigrant belongs to any other place;

and where any question arises as to the place to which an immigrant belongs it shall be referred to the Governor whose decision shall be final.

(3) Where the prescribed security is furnished by way of a deposit of money, the amount of such deposit shall be refunded—

(a) where the conditions on which the permit to which the deposit relates is granted, are duly observed, fulfilled and performed, and the person to whom the permit relates departs from the Colony before the expiration of the period for which the permit is granted; or

(b) where the Governor so directs;

and not otherwise.

(4) The Governor, or the Chief Immigration Officer, may, in any particular case, exempt an immigrant from furnishing the prescribed security under this regulation.

(5) In this regulation the expression "British West Indian Colonies" means Jamaica (including its dependencies), Trinidad and Tobago, Barbados, the Windward Islands, and the Leeward Islands.

12. (1) Where an order is made under section 14 (1) (a), the immigrant to whom the order relates shall be removed from the Colony—

(a) by the master (on the order being produced to him) of the vessel in which the immigrant arrived in the Colony, and in that vessel; or

Manner of
removal of
immigrant
from the
Colony where
order made
under para-
graph (a) or
(b) of section
14 (1).

(b) on the application of the owner or agent of that vessel and with the consent of an immigration officer, by such owner or agent in any other vessel.

(2) The specified period in an order made under section 14 (1) (b) requiring an immigrant to leave the Colony shall not exceed a period of 60 days from the date of the arrival of the immigrant in the Colony; and the immigrant to whom the order relates shall be removed from the Colony—

(a) by the master of the vessel in which he arrived in the Colony, and in that vessel; or

(b) by the master of any other vessel belonging to or chartered by the owner of the vessel referred to in paragraph (a) of this sub-regulation;

on the order being produced to the master and on his being requested by an immigration officer to remove the immigrant from the Colony.

13. (1) Where an immigration officer has reasonable ground for suspecting that any person within the Colony entered the Colony after the commencement of the Ordinance and is a prohibited immigrant he may apply, by information in writing on oath, to a magistrate for a warrant of arrest of the immigrant and the magistrate, if satisfied that the application should, having regard to the proviso to section 26 (1), be granted, shall issue a warrant of arrest accordingly.

Arrest and
examination
of suspected
prohibited
immigrants.

(2) The warrant of arrest may be executed by any member of the police force, or by any member of the rural constabulary.

(3) The immigrant shall, on his arrest, be brought and taken before the immigration officer.

(4) The immigration officer shall thereupon examine the immigrant in order to ascertain whether he entered the Colony after the commencement of the Ordinance, and whether he is a prohibited immigrant, and the immigration officer may, if the circumstances so warrant, direct that the immigrant submit himself to a medical examination, and may, if necessary, cause him to be detained pending the completion of the inquiry.

(5) If on the completion of the inquiry the immigration officer decides that the immigrant entered the Colony after the commencement of the Ordinance, and is a prohibited immigrant, the immigration officer shall make an application under section 26 for an order for the removal of the immigrant from the Colony unless he is satisfied that such application would not be entertained.

Notice under
section 21.
Form No. 2.

14. A notice under section 21 shall be in Form No. 2 in the schedule.

Appeal under
section 25.
Form No. 3.
Form No. 4.

15. (1) A notice of appeal under section 25 (1) (a) shall be in Form No. 3, and a notice of appeal under section 25 (1) (b) shall be in Form No. 4, in the schedule.

(2) The immigration officer shall, if requested so to do by an immigrant to whom a notice under section 21 relates, supply to the immigrant for completion a copy of a notice of appeal in Form No. 3 or Form No. 4, as the case may be, in the schedule.

(3) Where an immigrant gives to an immigration officer notice of appeal under section 25 (1) (a)—

(a) the immigration officer shall forthwith transmit the notice of appeal to the clerk of the nearest magistrate's court and a copy thereof to the Chief Immigration Officer;

(b) the immigration officer shall arrange for the reception of the immigrant, pending the hearing and determination of the appeal, in a place of detention under section 29;

(c) the immigration officer shall, if the appellant so requests, and on his furnishing the prescribed security under regulation 11—

(i) grant a permit to the immigrant to remain in the Colony pending the hearing and determination of his appeal to the magistrate's court or of any subsequent appeal from such court; and

(ii) release the immigrant from detention pending the hearing and determination of his appeal to the magistrate's court or of any subsequent appeal from such court;

(d) the immigration officer shall inform the Chief Immigration Officer, where the immigrant is detained in custody, of the place where he is detained, and if the immigrant is not detained in custody, of the period for which a permit is granted under paragraph (c) (i) of this sub-regulation.

(4) The Chief Immigration Officer shall, forthwith after receiving a copy of a notice of appeal and the information under paragraph (d) of sub-regulation (3) of this regulation, notify the magistrate having jurisdiction in the matter accordingly.

(5) The magistrate shall appoint a day, hour and place for the hearing of the appeal, and reasonable notice thereof shall be given in writing to the immigrant and to the immigration officer.

(6) Where the immigrant is detained in custody, the immigration officer shall arrange for him, if he so desires, to be present at the hearing of the appeal.

(7) The magistrate may, on the application of the immigration officer or of the immigrant, summon witnesses to attend on the hearing of the appeal to give evidence and to produce documents, and the provisions of Part II of the Summary Jurisdiction (Procedure) Ordinance shall, *mutatis mutandis*,^{Cap. 15.} apply in the same manner and to the same extent as if the hearing of the appeal were the hearing of a complaint under the Summary Jurisdiction Ordinances.

(8) At the hearing of an appeal to a magistrate's court the immigration officer shall place, or cause to be placed, before the magistrate, a copy of the notice given to the appellant under section 21, but he may, after sufficient notice to the appellant, rely on grounds not specified in the said notice.

(9) Subject to the provisions of sub-regulation (8) of this regulation, the appeal shall, *mutatis mutandis*, be heard in the same manner as if it were a complaint under the Summary Jurisdiction Ordinances.

(10) After considering all the evidence in the matter, the magistrate shall determine—

(a) whether the appellant is or is not a prohibited immigrant under the Ordinance;

(b) if so, whether he is satisfied that the appellant is exempt from the provisions of section 3.

(11) The magistrate shall allow the appeal—

(a) where he determines that the appellant is not a prohibited immigrant; or

(b) where he is satisfied that the appellant is exempt from the provisions of section 3—

and the magistrate shall dismiss the appeal where he determines that the appellant is a prohibited immigrant, and he is not satisfied that the appellant is exempt from the provisions of section 3.

(12) The magistrate shall endorse his decision on the notice of appeal transmitted to him under paragraph (a) of sub-regulation (3) of this regulation.

(13) The immigration officer shall forthwith inform the Chief Immigration Officer of the decision of the magistrate.

(14) Where an immigrant gives to an immigration officer notice of appeal under section 25 (1) (b), the immigration officer shall forthwith transmit the said notice of appeal to the Chief Immigration Officer.

(15) Where an immigrant who is detained in custody under the Ordinance gives notice of appeal under section 25 (1) (b), the immigration officer shall, if the appellant so requests, and on his furnishing the prescribed security under regulation 11—

(a) grant a permit to the immigrant to remain in the Colony pending the hearing and determination of his appeal to the Full Court; and

(b) release the immigrant from detention pending the hearing and determination of his appeal to the Full Court.

(16) Where an immigrant, whose appeal under section 25 (1) (a) has been dismissed by a magistrate's court, does not within the required time give notice of appeal to the Full Court, or where the appeal of an immigrant to the Full Court is dismissed, abandoned or struck out, an immigration officer shall take such steps as may be required for the removal from the Colony of the prohibited immigrant, and in the meantime the prohibited immigrant shall be detained in custody under the Ordinance:

Provided that an immigration officer may grant a permit to the prohibited immigrant to remain in the Colony, and the said prohibited immigrant shall thereupon be conditionally released from detention in custody under the Ordinance.

(17) Where an appeal to the magistrate or to the Full Court is allowed, the appellant shall, if detained in custody under the Ordinance, be discharged from such custody, and if a permit was granted to him under paragraph (c) of sub-regulation (2), or sub-regulation (15) of this regulation, he shall be relieved from the conditions of any permit issued to him under the Ordinance or these regulations, and his residence in the Colony under such permit shall not be construed as conditional or temporary residence.

Duties of person in charge of persons detained in custody under the Ordinance.

16. Any person employed by the Government to have custody and control of any person detained in custody under the Ordinance shall carry out such duties as are assigned to him by the Chief Immigration Officer.

17. (1) An application for a re-entry permit under section 34 shall be made to an immigration officer in Form No. 5 in the schedule.

Re-entry
permit under
section 34.
Form No. 5.

(2) The applicant for a re-entry permit shall produce to the immigration officer—

(a) such evidence as the immigration officer may reasonably require in support of the statements in the application;

(b) two photographs of himself of a size from time to time approved by the Chief Immigration Officer;

and shall pay to the immigration officer, in respect of the application and the permit, a fee of fifty cents which fee shall be paid by the immigration officer to the Financial Secretary.

(3) Where an immigration officer refuses to issue a re-entry permit, the applicant therefor may appeal to the Governor in Council and his decision shall be final.

SCHEDULE.

Reg. 9 (2).

FORM No. 1.

(Passenger's declaration under section 8 (1) (b)).

(Front)

EMBARKATION/DISEMBARKATION CARD.

1. Name in full.....
(in block capitals)
2. Date of birth.....
(Date) (month) (year)
3. Place of birth.....
4. Sex..... Marital status: { Married, Divorced } cross out those
{ Widowed or Single } inapplicable.
5. Nationality
6. If naturalised.....
(Place) (Date)
7. Occupation
8. Number and Nationality of Passport (or identity document in lieu thereof).....
9. Issued at..... Date
10. Names and ages of accompanying dependants under 15 years.....
.....
.....
11. Permanent address.....
12. Name and address of nearest relative or friend in country of domicile
.....
13. Name and address of nearest relative or friend in country of disembarkation
.....
14. Proposed address during stay.....

(Back)

- 15. Airline
- 16. Flight..... Date
- 17. Point of: Embarkation
- Disembarkation.....
- 18. Proposed Length of Stay.....
- 19. Purpose of Visit.....
- 20. Signature of Passenger.....

(OFFICIAL USE ONLY)

Place..... Date

Permitted to enter for.....

(months)

Remarks.....

Signature of Immigration Officer.....

Reg. 14.

FORM No. 2.

THE IMMIGRATION ORDINANCE.

Notice under section 21 that an immigrant is a prohibited immigrant.
To (here state name of immigrant).

NOTICE is hereby given that I have decided that you are a prohibited immigrant within the meaning of the Immigration Ordinance, and that the grounds of my decision are as hereunder—
(Here state the grounds.)

You may, if you think fit, appeal from this decision to a magistrate's court, and, if you so request, you will be supplied with a copy of the form of notice of appeal.

Your dependants are—

Dated the..... day of..... 19....

(Signed).....
Immigration Officer.

Reg. 15 (1).

FORM No. 3.

Notice of appeal under section 21 (1) (a) to a Magistrate's court.

THE IMMIGRATION ORDINANCE.

To the Immigration Officer.

I,, do hereby give notice of appeal against the decision of the Immigration Officer that I am a prohibited immigrant within the meaning of the Immigration Ordinance.

Dated the..... day of..... 19....

(Signed).....
Immigrant.

Place.....

NOTE.—The Immigration Officer will, at the request of the immigrant, supply him with a copy of this form.

FORM No. 4.

Reg. 15 (1).

Notice of appeal under section 25 (1) (b) to the Full Court.

In the Full Court of the Supreme Court of British Guiana.

....., Appellant

v.

Chief Immigration Officer, Respondent.

I,, do hereby give notice of appeal against the decision of the magistrate's court that I am a prohibited immigrant within the meaning of the Immigration Ordinance.

Dated the.....day of.....19.....

(Signed).....

Appellant.

To the Immigration Officer,
And to the Clerk of the magistrate's court.

NOTE.—The Immigration Officer will, at the request of the immigrant, supply him with copies of this form.

FORM No. 5.

Reg. 17 (1).

THE IMMIGRATION ORDINANCE.

Application under section 34 for a re-entry permit.

(a)

(a) Insert name of place.

I the undersigned (b).....at present residing at hereby

(b) Christian names and surname of the applicant in full.

declare that I am a British subject and that (c)

(c) Strike out such of the paragraphs (1) to (4) as do not apply.

- (1) I was born in the Colony;
- (2) I was born of parents who at the time of my birth were domiciled or ordinarily resident in the Colony;
- (3) I am domiciled in the Colony;
- (4) I have been ordinarily resident in the Colony for a period of 7 years or more, and since the completion of such period of residence I have not been ordinarily resident in any place outside the Colony continuously for a period of 7 years or more;
- (5) I am a dependant of a person to whom any one of the paragraphs (1), (2), (3) and (4) above mentioned applies; and that I therefore belong to the Colony in terms of section 2 (3) of the Immigration Ordinance.

2. I propose to depart from the Colony on the.....day of.....19....., and I intend to return to the Colony; and I hereby apply that a re-entry permit be issued in my favour.

Dated the.....day of.....19.....

To the Chief Immigration Officer, or
To the Immigration Officer, as the case may be.

(Signed).....

Applicant.