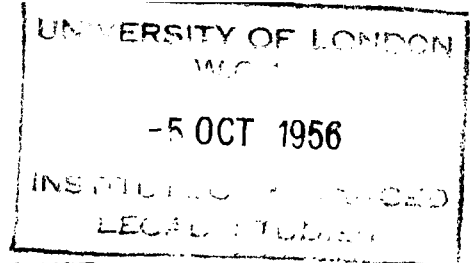


42, 1948



IMMIGRATION ORDINANCE.

No. 5 of 1941.

AN ORDINANCE TO CONSOLIDATE THE LAW RELATING TO IMMIGRATION AND MATTERS CONNECTED THEREWITH.

BE IT ENACTED by the High Commissioner for Palestine, with the advice of the Advisory Council thereof :-

Short title. 1. This Ordinance may be cited as the Immigration Ordinance, 1941.

Interpretation. 2. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :-

"Commanding Officer" means the commander or officer in charge of any ship or boat in His Majesty's service or in the service of the Government of Palestine.

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"Director" means the officer appointed by the High Commissioner by order to supervise the administration of this Ordinance.

"foreigner" means a person who is not a Palestinian citizen.

"immigrant" means a foreigner not being a permanent resident, who lawfully enters Palestine for the purpose of residing there permanently.

"immigration officer" means any officer appointed by the High Commissioner to perform any duty connected with the control of immigration, whether such duty

is the whole or only a part of the official duties of such officer.

"Palestinian citizen" means a person who is a Palestinian citizen under the law relating to citizenship for the time being in force.

"permanent resident" means a person whether a Palestinian citizen or a foreigner who permanently resides in Palestine.

"temporary labourer" means a foreigner not being a permanent resident or a traveller, who lawfully enters Palestine for the purpose of temporary labour on work or enterprise of specified nature.

"traveller" means a foreigner not being a permanent resident, who lawfully enters Palestine for any purpose other than that of residing there permanently or of seeking or accepting employment therein.

Functions of Director and immigration officers.

3. The Director and any immigration officer shall have power to enter or board any vessel, aircraft or railway train, to detain or examine any person reasonably supposed to be a foreigner who desires to enter Palestine or who desires to leave Palestine, in cases where the Director or an immigration officer believes that such person desiring to leave is by virtue of this Ordinance or rules made thereunder in debt to the Government of Palestine, and to require the production by such person desiring to enter or leave Palestine of any letters, written messages or memoranda, or any written or printed matter including plans, photographs and other pictorial representations which are in his possession and which the officer knows or has reason to believe contain evidence which will assist him to carry out his duties under this Ordinance.

Exemption of certain classes from the provisions of the Ordinance.

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Foreigners not to be permitted to enter Palestine unless free from certain disqualifications.

5. (1) No foreigner to whom this Ordinance applies shall enter Palestine who -

- (a) is a lunatic, idiot or mentally deficient; or
- (b) is a prostitute; or
- (c) is likely to become a pauper or a public charge; or
- (d) not having received a free pardon, has been convicted in any country of murder or an offence for which a sentence of imprisonment has been passed, and, by reason of the circumstances connected therewith, is deemed by the High Commissioner to be an unsuitable person for admission into Palestine; or
- (e) is deemed by the Director from information officially received by him, to be an unsuitable person for admission into Palestine; or
- (f) is shown by evidence which the High Commissioner may deem sufficient, to be likely to conduct himself so as to be dangerous to peace and good order in Palestine or to excite enmity between the people and the Government of Palestine or to intrigue against the Government's authority in Palestine; or
- (g) if he desires to enter Palestine as a traveller or as a temporary labourer, has not in his possession a valid passport issued to him by or on behalf of the Government of the country of which he is a subject or citizen, or some other document establishing his nationality and identity to the satisfaction of the High Commissioner, which passport or document must bear if a British passport a valid endorsement and if any passport or similar document other than a British passport a valid visa granted by a British Consular or Passport Control Officer or an immigration officer, to which passport or document must be attached a photograph of the person to whom it relates, unless such person is a Moslem woman :

Provided that in special cases the High Commissioner may grant permission to enter Palestine as a traveller or as a temporary labourer to any person whom either by reason of the fact that he is not recognised as a subject or citizen of any country or otherwise, is bona fide unable to obtain such a passport or document

but is, in his opinion, a suitable person for admission as a traveller into Palestine; or

2. (h) if he desires to enter Palestine as an immigrant, has not in his possession in addition to a valid passport or similar document as required by paragraph (g) hereof, an immigration certificate or permit granted by the Director in accordance with any rules made under this Ordinance :

Provided that in special cases the High Commissioner may grant permission to enter Palestine as an immigrant to any person who, either by reason of the fact that he is not recognised as a subject or citizen of any country or otherwise, is bona fide unable to obtain such a passport or document, but is, in his opinion, a suitable person for admission as an immigrant into Palestine; and

Provided also that immigration certificates shall not be required from the wives and unmarried children under the age of eighteen years, or persons who, having been born in Palestine and being Ottoman nationals, have failed to acquire Palestinian citizenship; or

- (i) is suffering from any disease which is declared by rules made under this Ordinance to be such as to disqualify him from entry into Palestine; or
- (j) refuses to comply with the requirements of any rules made under this Ordinance in the interests of public health; or
- (k) does not fulfil any other requirements which may be prescribed by rules made under this Ordinance.

(2) Notwithstanding that he may have in his possession a valid passport or similar document bearing, as may be required, an endorsement or visa for Palestine, and that he may not be under any of the disabilities set out in subsection (1) hereof, no foreigner shall have an absolute right to enter Palestine without the permission of the Director or of an immigration officer at the place of his entry into Palestine.

3 (3) The High Commissioner may, in his unfettered

discretion, by Order in the Gazette, exercise all or any of the following powers, that is to say, he may -

- (a) prescribe the maximum aggregate number of immigration certificates to be granted in any specified period in accordance with the Immigration Rules or with any rules made under this Ordinance;
- (b) prescribe categories of immigrants and fix by category ~~the maximum numbers of immigration certificates to be granted in any specified period~~ in accordance with the Immigration Rules or with any rules made under this Ordinance.

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Power to impose conditions.	x	x	x	x	x	x
Immigrants, etc. to pay fees.	x	x	x	x	x	x

Inspection, detention and removal of intending immigrants.

8. (1) An immigration officer, or a medical officer entrusted by the High Commissioner with the duty of inspecting persons desiring to enter Palestine as immigrants, may inspect any foreigner seeking to enter Palestine and may detain him provisionally.

(2) Any person who is refused permission to enter Palestine may be temporarily detained in such manner and in such place as the High Commissioner may by order direct, and while so detained shall be deemed to be in legal custody.

(3) The Director, or an immigration officer duly authorised by him, may order that a person arriving in a ship or aircraft or motor or other vehicle who is refused permission to enter Palestine, shall be removed from Palestine by the master of the ship or the person in charge of the aircraft or motor or other vehicle in which he arrived or by the owners or agents of such ship, or aircraft or motor or other vehicle, to the country of which he is a national or from which he embarked for Palestine; and the master of the ship or the person in charge of the aircraft

or motor or other vehicle and the owners or agents of such ship or aircraft or motor or other vehicle shall comply with such order.

(4) Any person who, being the master of a ship or the person in charge of an aircraft or motor or other vehicle, knowingly permits any person who has not received permission to enter Palestine to land from his ship or aircraft or to enter Palestine in such motor or other vehicle in contravention of this Ordinance or refuses to receive any such person on board his ship or aircraft or motor or other vehicle, or neglects to take reasonable measures to keep any such person on board his ship or aircraft or motor or other vehicle or in some other place approved by an immigration officer, shall be guilty of an offence under this Ordinance, and when the master of a ship or the person in charge of an aircraft is charged with such an offence, clearance outwards of the ship or aircraft may be refused until the charge has been made and the fine, if any, imposed has been paid.

(5) The master, the owner and the agent of any ship from which a foreigner who has not received permission to enter Palestine as an immigrant shall land or be landed shall be jointly and severally liable to pay to the Government all expenses incurred by the Government in connection with the transport and maintenance of such foreigner and his removal from Palestine. The person in charge, the owner and the agent of any aircraft, motor or other vehicle shall, in the like circumstances, be similarly liable.

Immigrants, etc. to supply any particulars required by Government.	x	x	x	x	x	x
High Commis- sioner may issue depor- tation order in certain cases.	x	x	x	x	x	x
No. 32 of 1925. Cap. 67	x	x	x	x	x	x

Masters of
ships, etc.
to furnish
certain
returns.

x x x x x x x

Offences and
penalties.

12. (1) If any person acts in contravention of or fails to comply with any of the provisions of this Ordinance or any order or rule made thereunder, or aids or abets in any such contravention, or harbours any person who he knows, or has reasonable ground to believe, has acted in contravention thereof, ~~he shall be guilty of an offence under this Ordinance.~~ In particular, any person shall be guilty of an offence if :-

- (a) he refuses to answer any question put to him by the Director or by any immigration officer in order to obtain information which will assist him to carry out his duties under this Ordinance or to produce any document in his possession which the officer knows or has reason to believe contains evidence which will assist him to carry out his duties under this Ordinance;
- (b) he makes any false return or false statement in connection with an application for an immigration certificate, visa or permit to remain in Palestine whether for himself or any other person;
- (c) he unlawfully alters any certificate or copy of a certificate or any entry made in pursuance of this Ordinance;
- (d) he obstructs or impedes an officer in the exercise of his duty;
- (e) he uses or without reasonable excuse has in his possession any forged, unlawfully altered or irregular immigration certificate or any passport or travel document on which any visa or endorsement has been forged, unlawfully altered or tampered with.

(2) Any foreigner who -

- (a) enters Palestine in contravention of section 5, or
- (b) having entered Palestine as a traveller or on a

transit visa with permission to remain in Palestine for a limited period remains in Palestine after that period has expired without having obtained permission from the Director,

shall on being found in Palestine be guilty of an offence under this Ordinance.

In any prosecution under this subsection of any person charged -

with entering Palestine contrary to the provisions of section 5, subsection (1), paragraph (g) or (h), or with having remained in Palestine after the expiry of any period for which he was allowed to enter Palestine as a traveller or temporary labourer or on a transit visa,

the onus shall be on the accused person to show that he is not a foreigner or that he is otherwise lawfully in Palestine.

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Cap.36. (3) (i) Any person aiding or abetting any other person in any contravention of this Ordinance or any order or rule made thereunder or harbouring any person who he knows or has reasonable grounds to believe has acted in contravention thereof, shall be liable to a fine not exceeding one thousand pounds or to imprisonment for a term not exceeding eight years or to both, and notwithstanding anything contained in section 3 of the Criminal Procedure (Trial Upon Information) Ordinance shall be triable by a District Court summarily. Any person so aiding, abetting or harbouring more than one person at the same time or by the same means shall be deemed to be guilty of an offence in respect of each person whom he so aids or abets or harbours.

(ii) Without prejudice to any of the provisions of this subsection, the following ships or boats not exceeding one thousand tons registered tonnage shall be forfeited to the Government of Palestine :-

(a) Any ship or boat knowingly used by the owner, agent or master thereof in the aiding or abetting of any person contravening this Ordinance or any order or rule made thereunder, or in harbouring any person contravening this Ordinance or any

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order or rule made thereunder;

(b) Any ship or boat hovering within three nautical miles of the coast and failing to depart after being required so to do by the Director or by an immigration officer.

(iii) Without prejudice to any of the provisions of this subsection, any means of conveyance, the value of which does not exceed one thousand pounds, other than a ship or boat, knowingly used in the aiding or abetting of any person contravening this Ordinance or any order or rule made thereunder or in harbouring any person contravening this Ordinance or any order or rule made thereunder shall be forfeited to the Government of Palestine.

(iv) Proceedings may be taken before the District Court for the condemnation of any ship exceeding one thousand tons registered tonnage which would be forfeited if it were one thousand tons registered tonnage or less, in a sum not exceeding ten thousand pounds at the discretion of the court, and the ship may be detained until such proceedings are taken and thereafter until the sum awarded is paid or security given for its payment to the satisfaction of the court. Notwithstanding anything in any law or Ordinance contained, any summons in respect of proceedings under this paragraph shall be deemed to have been lawfully served if it is either served on the master of the ship or served on the ship by affixing it to the main mast or the signal mast of the ship.

(v) Any person found guilty of an offence under this Ordinance or any rules made thereunder, other than those set out in the preceding paragraphs of this subsection, shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both.

No.74 of 1936 Liability to a penalty under this Ordinance or any rules made thereunder shall not affect any liability to penalties for the same act prescribed under the Criminal Code Ordinance or any other Ordinance or law, but so that no person shall be punished twice for the same offence.

(4) Any person who having been deported returns to Palestine shall, so long as the deportation order remains in force, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred pounds or to both.

(5) No prosecution for an offence under this Ordinance shall be commenced after the expiration of two years next after the commission of the offence.

Special provisions regarding passenger carrying vessels within territorial waters.

13. - (1) Any Commanding Officer whose ship or boat has hoisted and is carrying the proper ensign or appropriate flag may pursue any vessel within the territorial waters of Palestine which he believes to be carrying intending immigrants and which does not bring to when signalled or required to do so and may, after having fired a gun as a signal, fire at or into such vessel to compel her to bring to.

(2) The Commanding Officer, or any immigration officer, may require the master of any vessel within the territorial waters of Palestine which he believes to be carrying intending immigrants to depart and, without requiring him to do so or if after so requiring him such vessel shall fail to depart forthwith, may board her and, upon being satisfied that she is carrying intending immigrants, may require the master to furnish him with the particulars prescribed in rule 16 of the Immigration Rules, and upon failure by the master to furnish such particulars or if the particulars so furnished disclose that more than five passengers on board such vessel are not in possession of valid passports or other documents the possession of which is necessary for entry into Palestine under this Ordinance, may bring such vessel into port for the purposes set out in paragraphs (a) and (b) of section 14, and may employ for the purpose such force as may in his opinion be necessary.

(3) The provisions of this section shall be without prejudice to the further powers set out in section 14.

Detention of vessels suspected of harbouring, and of passengers suspected of being, illegal immigrants.

14. Where the Commanding Officer, or any immigration officer, has reason to believe that the owner or master or agent of any vessel within the territorial waters of Palestine is guilty of an offence under section 12(3) then:-

- (a) he may require such vessel to be detained, and if necessary brought into port, pending further investigation into the matter or pending the trial of the owner or master or agent for such offence;
- (b) the master of such vessel may be required to receive on board the Commanding Officer or any immigration officer, who shall have power

thereupon to conduct such investigations and demand such information as he shall think fit and may, without prejudice to the generality of such power, require the master to furnish him with the particulars set out in rule 16 of the Immigration Rules;

- (c) any person found on board such vessel whom the Commanding Officer or such immigration officer suspects of intending or having intended to enter Palestine in contravention of section 5 may be detained pending further investigation into the matter, or pending his trial for an offence under section 12(2) by virtue of the provisions of section 15;
- (d) the Commanding Officer or such immigration officer may employ or cause to be employed such force as may in his opinion be necessary to ensure compliance with paragraph (a), (b) or (c) hereof.

Passenger intending to immigrate illegally. 15. Any person found on board any vessel within the territorial waters of Palestine who, in the opinion of the Court, was on board such vessel with the intention of entering Palestine in contravention of section 5, shall be deemed to be guilty of an offence under section 12(2).

Working days and hours.	x	x	x	x	x	x
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Overtime	x	x	x	x	x	x
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High Commissioner in Council may make immigration rules. 18. - (1) It shall be lawful for the High Commissioner in Council, with the sanction of the Secretary of State, to make rules for the better control of immigration into Palestine, and without prejudice to the generality of the foregoing power, the High Commissioner in Council may in like manner prescribe all fees payable under this Ordinance.

(2) All such rules when made shall be laid before the Advisory Council.

Repeal and saving. Cap.67.	x	x	x	x	x	x
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