

CAP. 105.

CYPRUS

ALIENS AND IMMIGRATION

CHAPTER 105 OF THE LAWS

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1959

CHAPTER 105.

ALIENS AND IMMIGRATION.

A LAW TO AMEND AND CONSOLIDATE THE LAWS RELATING TO ALIENS AND IMMIGRATION.

ARRANGEMENT OF SECTIONS.

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[19th June, 1952] 13 of 52.
18 of 56.

1. This Law may be cited as the Aliens and Immigration Law. Short title.

2. (1) In this Law, unless the context otherwise requires— Interpre-
tation.

“alien” means a person who is not a British subject or a citizen of the Irish Republic or a native of the Colony ;

“approved port” means a sea port or an air port declared by the Governor to be a port of entry or a port of departure for the purposes of this Law ;

“Court” means a District Court and includes a member of such Court ;

“destitute person” means a person who, in the opinion of the Chief Immigration Officer, is or is

likely to become incapable of supporting himself and his dependants or is likely to become a charge upon public funds ;

“enactment” means any Law and includes any public instrument made under the authority of any Law and any order made in the exercise of powers conferred by any such public instrument ;

“immigrant” means an alien who, not being a permanent resident therein, lawfully enters the Colony for the purpose of residing there permanently ;

2 of 18/56.

“native of the Colony” means any person who has not, when in any foreign State and not under disability, by obtaining a certificate of naturalisation or by any other voluntary or formal act, become naturalised therein on or since the fifth day of November, 1914, and who—

(a) was born in the Colony or whose father was born in the Colony ; or

(b) obtained the status of a British subject by virtue of the Cyprus (Annexation) Orders in Council 1914 to 1943, or by reason of the grant by the Governor of a certificate of naturalisation under the British Nationality Act, 1948, or any Act amending or substituted for the same ; or

(c) is the wife of a person to whom any of the foregoing paragraphs applies not living apart from such person under a decree of a competent Court or under a deed of separation ; or

(d) is a child, step-child or adopted child having been adopted in a manner recognised by law, under the age of eighteen years, of a person to whom any of the foregoing paragraphs applies ;

“passport” means a valid passport issued to a person by or on behalf of the Government of the State of which he is a subject or a valid passport or other valid travel document issued to a person by an authority recognised by Her Majesty’s Government in the United Kingdom, such passport or document being complete, having attached to it a photograph of the person to whom it relates and

Gazettes :
5.11.1914.
11. 4.1918.
13. 9.1929.
Supplement
No. 2A :
5. 8.1943.
Supplement
No. 2A :
15. 9.1949.

having endorsed thereon all particulars, endorsements and visas required from time to time by the Government or authority issuing such passport or document and by Her Majesty's Government and by any regulations for the time being in force in the territory in that behalf ;

“ permanent resident ” means—

- (a) a person who is a native of the Colony ;
- (b) a person who is in possession of a valid certificate of permanent residence issued under the provisions of any Regulations made under this Law or who is entitled to be granted any such certificate ;

“ prohibited immigrant ” means a person who is a prohibited immigrant under the provisions of this Law ;

“ temporary resident ” means an alien not being a permanent resident who lawfully enters the Colony for any purpose other than that of residing there permanently ;

“ refugee ” means any person who has been permitted to enter or reside in the Colony after the third day of September, 1939, as an emergency arrangement on humanitarian grounds, without observing the laws relating to immigration, but shall not include any person married to a permanent resident of the Colony.

(2) A person shall not be regarded as coming within the meaning of the definitions “ native of the Colony ” and “ permanent resident ”—

- (a) if he is a refugee ;
- (b) merely by reason of the fact that he was born in the Colony, if at the time of his birth his mother was a refugee ; or
- (c) merely by reason of the fact that he was born in the Colony, if at the time of his birth his mother was not a person falling within any of the categories mentioned in paragraphs (a) and (b), of the definition “ permanent resident,” and she has not since then become a person falling within the category mentioned in paragraph (b) of the said definition.

Approved
ports.

3. The Governor may declare by notification in the *Gazette* any port in the Colony to be an approved port for the purposes of this Law.

Immigration
officers.

4. (1) The Administrative Secretary shall be the Chief Immigration Officer for the Colony but may delegate the performance of all or any of the duties and the exercise of all or any of the powers vested in him under this Law or any Regulations made thereunder to any other officer of his office.

(2) The Commissioner shall be the immigration officer for the district but may delegate the performance of all or any of the duties and the exercise of all or any of the powers vested in him under this Law or any Regulations made thereunder to any other person or persons either by name or by the name of his or their office.

Immigration
officer to
have powers
of police
officers.

5. For the purpose of performing his duties under this Law, an immigration officer shall have the powers of a police officer and may board and search any ship or aircraft entering the Colony.

Prohibited
immigrants.

6. (1) The following persons shall be prohibited immigrants and, save as provided in this Law or as may be provided in any Regulations made thereunder or in any Order of the Governor, shall not be permitted to enter the Colony :—

- (a) any destitute person ;
- (b) any idiot or insane or feeble-minded person or any person who for any other cause is unable to take proper care of himself ;
- (c) any person certified by a medical officer to be suffering from a contagious or infectious disease which, in the opinion of the medical officer, is a danger to public health or who refuses to comply with the requirements of any Regulations made under any enactment in the interests of public health ;
- (d) any person who, not having received a free pardon, has been convicted of murder or an offence for which a sentence of imprisonment has been passed for any term and who, by reason of the circumstances connected therewith, is

- deemed by the immigration officer to be an undesirable immigrant ;
- (e) any prostitute or any person living on the proceeds of prostitution ;
 - (f) any person who, from official Government records or from information officially received by the Governor from a Secretary of State or from the Governor of any British Colony, Protectorate or Mandated Territory or from the Government of any foreign State or from any other trusted source is considered by the Governor to be an undesirable person ;
 - (g) any person who is shown by evidence which the Governor may deem sufficient, to be likely to conduct himself so as to be dangerous to peace, good order, good government or public morals or to excite enmity between the people of the Colony and Her Majesty or to intrigue against Her Majesty's power and authority in the Colony ;
 - (h) any member of an unlawful association as defined in section 63 of the Criminal Code or any Law amending or substituted for the same ; Cap. 154
 - (i) any person who has been deported from the Colony either under this Law or under any enactment in force at the date of his deportation ;
 - (j) any person whose entry into the Colony is prohibited under any enactment for the time being in force ;
 - (k) any person who enters or resides in the Colony contrary to any prohibition, condition, restriction or limitation contained in this Law or in any Regulations made under this Law or in any permit granted or issued under this Law or such Regulations ;
 - (l) any alien who, if he desires to enter the Colony as an immigrant, has not in his possession, in addition to a passport bearing a British Consular visa for the Colony, an immigration permit granted by the Chief Immigration Officer in accordance with any Regulations made under this Law ;
 - (m) any person who is deemed to be a prohibited immigrant under the provisions of this Law.

(2) The Governor or, by his direction, any immigration officer may grant a licence for a prohibited immigrant to enter and remain in the Colony for such period and subject to such terms and conditions as to the Governor may seem fit.

(3) Any licence granted under subsection (2) of this section may at any time be revoked by the Governor and, where a licence is so revoked, the person to whom it was granted may be dealt with in the manner set out in paragraph (d) or (e) of subsection (1) of section 13, as the case may be, as if the said paragraphs applied to this subsection.

Power to prohibit entry in certain cases.

7. Notwithstanding anything in this Law contained or in any Regulations made thereunder and without prejudice to any other powers conferred in this Law or in any Regulations made thereunder for the purpose of prohibiting the entry of persons into the Colony, the Governor may prohibit the entry into the Colony of any person who is not either a native of the Colony or a British subject who has been ordinarily resident in the Colony for a period of not less than seven years within the last ten years preceding entry.

Certain persons to enter freely.

8. The following persons, if known to the immigration officer or if their identity is established to his satisfaction, shall be permitted to enter the Colony without any further formality :—

- (a) any native of the Colony who does not come within any of the categories enumerated in paragraphs (g), (h), (i) or (j) of subsection (1) of section 6 ;
- (b) any person in the service of the Government of the Colony ;
- (c) members of Her Majesty's Naval, Military or Air Forces on the active list ;
- (d) any person duly accredited to the Colony by any other government ;
- (e) any British subject who has been ordinarily resident in the Colony for a period of not less than seven years within the last ten years preceding entry and who does not come within any of the categories enumerated in paragraphs (f), (g), (h), (i) or (j) of subsection (1) of section 6 ;

- (f) the wife and any unmarried child under the age of eighteen years of any of the persons enumerated in the foregoing paragraphs.

9. (1) Subject to the provisions of section 8, no person shall enter the Colony without a passport and any person so doing shall be deemed to be a prohibited immigrant : Passports and visas.

Provided that the Chief Immigration Officer may, in exceptional cases, dispense with the requirements of this subsection.

(2) No alien shall enter the Colony unless his passport bears a British Consular visa for the Colony and any alien so doing shall be deemed to be a prohibited immigrant.

(3) The Governor may, from time to time, by Order direct that passports or British Consular visas may be dispensed with in the case of—

- (a) the nationals of any country ; or
- (b) any class of persons as may be specified in the Order.

10. Subject to the provisions of section 8, an alien, notwithstanding that he may have in his possession a passport bearing a British Consular visa for the Colony and that he may not be a prohibited immigrant, shall not have an absolute right to enter the Colony and, in any case, may be refused entry into the Colony unless— No alien to have an absolute right of entry.

- (a) being a permanent resident, he is in possession of a valid certificate of permanent residence in the Colony, issued to him under the provisions of any Regulations made under this Law ; or
- (b) being an immigrant, he is in possession of a valid immigration permit issued to him or on his behalf under the provisions of any Regulations made under this Law ; or
- (c) being a temporary resident, he is in possession of a valid entry permit or landing permit issued to him under the provisions of any Regulations made under this Law.

Special provisions relating to crews of ships or aircraft of friendly States.

11. Officers and members of the crew of a ship or aircraft of a friendly State, in possession of proper documents proving their identity, may be permitted by the immigration officer at an approved port to enter the Colony, subject to such conditions or restrictions as may be imposed in the permit.

Special provisions relating to persons entering or leaving the Colony.

12. (1) No person shall enter or leave the Colony except through an approved port.

(2) A person entering the Colony by sea shall not disembark without the consent of the immigration officer and a medical officer and the master of the ship shall not allow any such person to disembark without the consent aforesaid.

(3) Every person entering the Colony as a passenger by air shall forthwith present himself in person to the nearest immigration officer.

(4) The master of a ship and the pilot of every aircraft arriving from any place outside the Colony or departing from the Colony, shall furnish the immigration officer with true and accurate lists of the names of all passengers in the ship or aircraft together with such other information as the immigration officer may require. Such lists shall be signed by the master or pilot, as the case may be, and shall be supplied in such numbers as may, from time to time, be specified by the Chief Immigration Officer by notice in the *Gazette* and every passenger in the ship or aircraft shall supply the master or pilot, as the case may be, with true and accurate information as may be necessary for the purposes of the lists.

(5) Any person who contravenes or fails to observe any of the provisions of subsections (1), (2), (3) or (4) of this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

Order to prohibited immigrant to leave the Colony.

13. (1) With regard to any person who is a prohibited immigrant an immigration officer may—

(a) if the person arrived by sea, order him to leave the Colony in the ship in which he arrived ;

(b) if the person arrived by air, order him to leave the Colony in the aircraft in which he arrived

or in such other aircraft as the immigration officer may consider suitable, at the earliest available opportunity ;

- (c) order him to leave the Colony within a specified period and, if the immigration officer thinks fit, by a specified route ;
- (d) if the person is an alien or is a British subject or a citizen of the Irish Republic or native of the Colony who comes within the category enumerated in paragraph (i) of subsection (1) of section 6, cause him to be arrested with a view to an order being made for his deportation as in section 14 provided ; or
- (e) if the person is a British subject who is not a native of the Colony or who has not been ordinarily resident in the Colony for a period of not less than seven years within the last ten years, cause him to be arrested with a view to an order being made for his deportation under the Deportation (British Subjects) Law, or any Law amending or substituted for the same :

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Provided that the provisions of this paragraph shall not apply to any person who comes within the category enumerated in paragraph (i) of subsection (1) of section 6.

(2) An immigration officer may, as respects any person against whom an order has been made under paragraph (a), (b) or (c) of subsection (1) of this section, order that such person shall, in the meantime, be detained in custody or confined in such place as the immigration officer, with the approval of the Chief Immigration Officer, may direct :

Provided that no person shall be detained or confined under this subsection for any period exceeding eight days unless, in the meantime, upon the application of an immigration officer and after hearing the person concerned, the Court authorises the detention or confinement of such person for such further period as to the Court may seem fit.

14. (1) Subject to the provisions of this Law and the terms of any licence or permit granted under this Law or any Regulations made thereunder, the Chief Immigration

Deportation orders.

Officer may order any alien who is a prohibited immigrant or any person who, having entered the Colony with permission to remain therein for a limited period, remains in the Colony after that period has expired or any person who comes within the category enumerated in paragraph (i) of subsection (1) of section 6 to be deported from the Colony and, in the meantime, to be detained in custody.

(2) An alien who is ordered to be deported shall be deported--

(a) to some place in the country to which he belongs ;
or

(b) with the approval of the Governor, to the place whence he came not being the country to which he belongs or to any place to which he consents to be deported, provided that the government of either such place consents to receive him.

(3) A British subject who comes within the category enumerated in paragraph (i) of subsection (1) of section 6 and who is ordered to be deported shall, with the approval of the Governor, be deported to the place whence he came or to any place to which he consents to be deported, provided that the Government of either such place consents to receive him.

(4) Notwithstanding anything in this Law contained, the Chief Immigration Officer may, in his discretion, order a prohibited immigrant who has arrived by sea to leave the Colony in the ship in which he arrived without specifying the place to which he is deported.

(5)—(a) The power of deportation conferred by this section shall, notwithstanding anything in this Law contained, extend to the deportation of any person coming within any of the categories enumerated in paragraphs (f), (g) and (h) of subsection (1) of section 6 :

Provided only that such person is not a British subject and possesses the nationality of a foreign State at the time an order for deportation is made.

(b) A person, who is ordered to be deported under this subsection, shall be deported to some place in the country the nationality of which he possesses or to such other place as the Governor may, with the consent of the Government of such place, direct.

(c) The Governor shall have power to appoint, by warrant under his hand, a custodian of the movable and

immovable property of any person against whom a deportation order has been made under this subsection and who has been deported from the Colony in pursuance thereof and may make regulations for the administration by the custodian of such property, until such time as the deportee may appoint his own representative or make other arrangements regarding such property, and generally for the better carrying out of the purposes of this paragraph.

15. (1) Where, upon the application of an immigration officer and after hearing the employer or his representative, it is shown to the satisfaction of the Court that a person, not being a native of the Colony, has entered the Colony for the purpose of performing a contract of service in the Colony and has, during the continuance of, or within six months from, the expiration or earlier determination of such contract become a destitute person, the Court shall declare such person to be a prohibited immigrant and any expenses which have been incurred by the Government on account of the maintenance, medical treatment, repatriation or deportation of such person shall, thereupon, be recoverable from the employer with whom he entered into such contract and where such expenses remain unpaid, the Court shall, upon the application of an immigration officer, without further process, issue an order for the levy of the amount by seizure and sale of sufficient part of the movable property belonging to the employer or for the sale of a sufficient part of the immovable property belonging to such employer.

Repatriation
of destitute
employees.

(2) Every such order shall be executed in the same manner as an order for the payment of a penalty under the provisions of the Criminal Procedure Law or any Law amending or substituted for the same.

Cap. 155.

16. (1) Where, upon the application of an immigration officer and after hearing the person concerned, it is shown to the satisfaction of a Court that any expenses have been incurred by Government in connection with the maintenance, medical treatment or deportation of any prohibited immigrant or of his wife, children or other dependants, the Court shall, without further process, issue an order for the levy of the amount by seizure and sale of a sufficient part of the movable property belonging to such person or for the sale of a sufficient part of the immovable property belonging to such person.

Recovery of
expenses of
deportation,
etc.

Cap. 155.

(2) Every such order shall be executed in the same manner as an order for the payment of a penalty under the provisions of the Criminal Procedure Law or any Law amending or substituted for the same.

Liability of ship or aircraft to repatriate prohibited immigrant.

17. (1) Where a person is ordered to be deported from or to leave the Colony the master of a ship or the pilot of an aircraft, as the case may be, about to leave the Colony, shall, on production to him of the order of deportation or of the order of the immigration officer, as the case may be, and on tendering to him the expenses of the voyage, receive the person concerned and his wife, children or other dependants, if any, on board the ship or aircraft, as the case may be, and shall afford him and them passage and proper accommodation and maintenance during the voyage if by ship, to any port outside the Colony to which the ship shall call or, if by air, to any place outside the Colony at which the aircraft shall land, as the immigration officer may, in all the circumstances of the case, direct.

(2) Any master of a ship or pilot of an aircraft who refuses to receive on board as provided by subsection (1) of this section any of the persons mentioned therein shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

(3) Except so far as they are defrayed under any of the preceding sections, the expenses of, or incidental to, the voyage from the Colony and the maintenance until departure of any of the persons mentioned in subsection (1) of this section shall be payable out of the public funds.

Power to search person and baggage of suspected immigrant.

18. Where an immigration officer has reason to suspect that a person about to enter the Colony is a prohibited immigrant within the meaning of any of the paragraphs (f), (g), (h) or (i) of subsection (1) of section 6 and so informs him, it shall be lawful for the immigration officer to search or cause to be searched such person and his baggage :

Provided that the person of a female shall be searched by a female searcher only.

Offences and penalties.

19. (1) Any person who—

(a) makes any false return, statement or declaration in connection with an application for a licence

or permit to remain in the Colony whether for himself or any other person ;

- (b) by any false return, statement or declaration obtains for himself or any other person any licence or permit ;
- (c) unlawfully alters any licence or permit granted under this Law or any Regulations made thereunder ;
- (d) uses or without reasonable excuse has in his possession any forged or unlawfully altered licence or permit ;
- (e) refuses to answer or answers falsely any question put to him by an immigration officer on any matter in respect of which an immigration officer may put questions under or for the purposes of this Law or any Regulations made thereunder ;
- (f) refuses to produce to an immigration officer any document which an immigration officer may require him to produce under or for the purposes of this Law or any Regulations made thereunder ;
- (g) aids or assists any prohibited immigrant to enter or remain in the Colony in contravention of this Law or any Regulations made thereunder ;
- (h) knowingly harbours any person whom he knows or has reasonable grounds for believing to have acted in contravention of this Law or any Regulations made thereunder ;
- (i) resists or obstructs, either actively or passively, any immigration officer in the execution of his duty ;
- (j) being a licensee under this Law, contravenes any term or condition contained in such licence ;
- (k) being the holder of a permit granted under this Law or any Regulations made thereunder, contravenes any term or condition contained in such permit ;
- (l) having entered the Colony as a temporary resident for a limited period remains in the Colony after that period has expired without having

obtained permission from the Chief Immigration Officer ;

(*m*) refuses to allow himself or his baggage to be searched as provided in section 18,

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

(2) A prohibited immigrant found in the Colony shall be guilty of an offence and shall, without prejudice to the powers vested in an immigration officer under the provisions of section 13, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, unless he proves—

(*a*) that he lawfully entered the Colony before the commencement of this Law ;

(*b*) that, having entered the Colony by air and not being a person who had previously been held to be a prohibited immigrant, he was proceeding to present himself to the nearest immigration officer ;

(*c*) that he holds a licence or permit granted under this Law or any Regulations made thereunder or some other Law, to remain in the Colony ; or

(*d*) that, his licence or permit having expired or been revoked, he has not had a reasonable opportunity to leave the Colony.

(3) Any fine imposed on the master of a ship or the pilot of an aircraft under the provisions of this Law shall be paid,

(*a*) in the case of the master of a ship, before the ship's clearance is granted ; and

(*b*) in the case of the pilot of an aircraft before his departure,

and the production by an immigration officer to the proper authority at the port or airport of a copy of the order or conviction of the master or pilot, as the case may be, shall give full power to such authority to refuse the ship's clearance or the departure of the pilot of the aircraft, until it is proved to his satisfaction that such fine has been paid.

20. (1) The Governor in Council may make Regulations to be published in the *Gazette* in respect of all or any of the following matters, that is to say :—

Power to
Governor in
Council to
make Regu-
lations.

- (a) for prohibiting the entry of aliens into the Colony ;
- (b) for controlling and regulating the entry of aliens into the Colony and for imposing conditions, restrictions and limitations upon such entry and in respect of the residence of aliens therein ;
- (c) for controlling and regulating the immigration of aliens into the Colony ;
- (d) for the registration of aliens residing in the Colony and for the control and regulation of their movements therein ;
- (e) for prescribing the deposit or security to be made or given by or in respect of any alien who is granted permission to enter the Colony ;
- (f) for prescribing the fees to be paid by aliens ;
- (g) for determining what nationality is to be ascribed to aliens in doubtful circumstances ;
- (h) for controlling, regulating and limiting the residence of British subjects, not being either natives of the Colony or persons who have been ordinarily resident in the Colony for a period of not less than seven years within the last ten years, and for imposing conditions, restrictions and limitations upon such British subjects in regard to their engaging in any employment, business, trade, occupation or profession in the Colony ;
- (i) for prescribing the forms to be used and the forms of registers, certificates and returns to be kept, used, made or issued under this Law or the Regulations and for enabling the Chief Immigration Officer to prescribe such additional forms as may be required ;
- (j) for the designation of authorities and the appointment of officers for the purposes of the Regulations and for conferring on such authorities and officers and on the Chief Immigration Officer and the immigration officers such powers as may be necessary or expedient in connection therewith ;

(k) generally for the better carrying into effect the provisions of this Law.

(2) Any provision of any Regulations made under this section with respect to aliens may relate either to aliens in general or to any class, category or description of aliens specified in such Regulations.

(3) If any question arises on any proceedings under any Regulations made under this section or with reference to anything done or proposed to be done thereunder, whether any person—

(a) is an alien or not ; or

(b) is an alien of a particular class, category or description or not,

the onus of proving that such person is not an alien or is not an alien of that particular class, category or description, as the case may be, shall lie upon that person.

(4) Any Regulations made under subsection (1) of this section may prescribe penalties of imprisonment not exceeding three months or a fine not exceeding twenty-five pounds or of both such imprisonment and fine, for any breach thereof.

Saving.

21. Any Order or Regulations made or any licence granted or permit given and anything done under any of the Laws hereby repealed* shall be deemed to have been made, granted, given and done under this Law.

* The Laws repealed by this Law are: 1949 Cap. 40, 19 of 1950 and 11 of 1951.