

1930

Kenya

No. 16051.

SUBJECT

C0533/396

Immigration Restriction

(Amendment) Ordinance, 1930.

Previous

15417/28.

Subsequent

23221/34.

Encloses a copy of the Bill incorporating the amendment, which will be brought before the Legislative Council at the next session and trusts in these circumstances, the S. of S. will signify assent to the Immigration Restriction (Amendment) Ordinance, 1928.

In No. 1 on 15417/28, the Governor sent home for non-disallowance a copy of an Amending Ordinance, the objects of which were (i) to amend Section 3(f) of the Principal Ordinance, (ii) to amend Section 40. When this Ordinance was sent to Mr. Bushe for his observations, he raised a point of principle regarding Section 9(2), and, as a result, signature of non-disallowance of the Amending Ordinance was held up until this point had been settled, although the Amending Ordinance did not deal directly with it.

The Bill now sent home proposes more drastic amendments. The objects and reasons are fully set out on pages 8 and 9:-

Clause 4. The proposed amendment is, I think, reasonable.

Clause 5 is, I think, all right, provided that the amendment to Clause 2 goes through. Its effect would then be that any person not formerly domiciled in the Colony (or not having been resident therein for an aggregate of five years or more), should not be permitted to enter if he has been convicted of murder or other crime involving imprisonment for more than six months.

Clause 8. The Bill makes it quite clear that the person must have belonged at the date of entry to one of the classes of prohibited immigrants. This must be understood.

Clause 9. It is proposed to raise the deposits for European immigrants from 237 10s. Od. to 250. It is also proposed to raise the payments required under Clause 21 of the Principal Ordinance. This is to assist in the prevention of the immigration of "poor whites" and is, I think, unexceptionable.

Clause 10. The regulations as to conditional permits need reasonable.

Clause 11. C.O. may wish to see as to this Clause, as there may be a question of reciprocity etc. with other territories.

Clause 12. But the old Section 37 and the Section which it is now proposed to substitute seem to give the administrative authorities of the Colony the power to which Mr. Suge 10k exception of detaining a person after he has been in the Colony some time, but possibly it may be thought that the Commission of an offence is a sufficient justification for this.

The general observations and the remarks made in the above paragraphs acknowledge the receipt of the Commission of an offence as a sufficient justification for this. The general observations and the remarks made in the above paragraphs acknowledge the receipt of the Commission of an offence as a sufficient justification for this. The general observations and the remarks made in the above paragraphs acknowledge the receipt of the Commission of an offence as a sufficient justification for this.

*This makes all the difference & takes the case out of Mr Suge's category JNTD*

*E. Easton*  
 (6-3-30)

*The Govt's ask (No 4) 1542/28) said an allowance to the 1928 was to signify a the receipt of an assurance that*

the word "belong" in s. 914 statute interprets in the sense of "belong". We are at mistake of an "accused" assurance in favour of a bill which changes the word "belong" to "belong" apart from other matters arising out of the new bill, and it is clear that the Bill might be deferred until the new Order comes home.

But there is the point arising out of the context in s 11 of this Bill which enables a prohibited immigrant found in the Colony to be sent not only as at present to a port in or near to such immigrant's country of birth but also to "such port or place outside the Colony as the Governor may direct". There are precedents for such a provision in e.g.

in ss 9(1) & 10(1) of Fiji Order 20/1909 & ss 9(3) & 10(1) of 1910 Order Cap 17. & doubtless there are other precedents.

But the provision in s 27 of the P.P. Order No 16 2/9/28 is much more limited: the prohibited immigrant

*S. Jones*

cannot be sent to place & other  
from the case or  
her but to which he belongs

\* The content of  
the Bill of the  
Amendment of the  
Bill is  
is proposed to send her

with the content of the Bill is separate  
provision of British subjects &  
other persons. The point has an  
added importance inasmuch as  
under 33 of the Bill  
provisions in its original form was  
now to be amended persons  
arrived within five years of  
being available to be dealt with  
as prohibited persons.

see 2216  
The Bill

It is the point of the Bill  
to provide for the amendment of the  
Bill in its original form was  
now to be amended persons  
arrived within five years of  
being available to be dealt with  
as prohibited persons.  
The content of the Bill is separate  
provision of British subjects &  
other persons. The point has an  
added importance inasmuch as  
under 33 of the Bill  
provisions in its original form was  
now to be amended persons  
arrived within five years of  
being available to be dealt with  
as prohibited persons.

(I am sorry that he  
need for research  
provisions (other than  
he, delay is this)

JN Allen  
27/3/30

It is a recognized principle that deportees  
are not dumped in countries to which they do not

being. The Immigration provisions (Ord. 16, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000)

It is a recognized principle that deportees  
are not dumped in countries to which they do not

This is a favorite subject  
of yours?  
(1) I agree with Mr Allen  
that we can await receipt

If the new Bill you passed,  
before something like  
Ordinance in ① in  
15417/28.

② May we have your  
views, please, upon  
the new Bill herein,  
particularly the points  
dealt with by Walker  
including clause 16.  
All yours  
27.3.30

Mr. Bushe.

You will observe that the Bill to amend the Immigration Restriction Ordinance forwarded by the Governor's Deputy on 4/30/ gives effect in Section 8 to the suggestion made by you in your Minute of 5.12.28, namely, that "belonged" should be substituted for "belongs" in the second line of Section 9 (2) of the principal Ordinance (see attached file, 15417/28); and I do not think that the principle for which you contended in your Minute is violated by Section 16 of the Bill, because the power given by that Section to deport persons who have been in the Colony for some years, can only be used in cases where the persons in question have been <sup>at least five years of the date of entering the Colony</sup> convicted of murder or of an offense for which the Court has imposed a sentence of imprisonment. The drafting of this Section, however, is not very clear, and I would suggest that such words as "after the expiration of the sentence imposed in either case" might be inserted between "it" and "make" in the fifth line of the Section. This, of course, is on the assumption that the sentence of death in the case of murder has been commuted to one of imprisonment. I gather that the Section must be contemplating such cases. I have no observations to make regarding the other amendments except Section 11. It seems to me that, from the point of view of the person to be deported and of the foreign country in which he may be dumped, the words "or to such port or place outside the Colony as the Governor may direct", which it is proposed to insert into Section 12

of the principal Ordinance, are too wide—  
 although, of course, I appreciate that there  
 are precedents for a provision of this kind,  
 e.g., No. 2 of 1909, Fiji, and Cap. 117, 1924,  
 Honduras. For my own part, I prefer the  
 more limited wording of Section 27 of the  
 Tanganyika Ordinance, No. 16 of 1924, (see  
 the attached file, 57048/24); but in the cir-  
 cumstances I think it would be sufficient  
 if Section 12 of the principal Ordinance  
 were left as it stands at present.

If, however, it is decided, for the  
 reason given at the top of page 9 of the  
 bill, to align the proposed amendment, it  
 would seem to be necessary, as suggested in  
 the Minute of 26.3.30 above, to insert  
 a proviso, as in the Tanganyika Ordinance,  
 requiring the consent of the Government  
 of the country concerned.

H. Duncan

2nd April, 1930.

to Kuchel  
 The Kenya Leg<sup>y</sup>. C. meets  
 today & the session will  
 probably not be prolonged.  
 There is, perhaps, just  
 time to direct an attention  
 in the opp. bill, if you  
 think it desirable,  
 in regard to § 11, before  
 the Council consider the bill.

Do you advise that we send  
 telegraph suggesting that  
 it is too wide & asking  
 that the proposed amendment  
 to the Principal Ord. should  
 be dropped? or alternatively  
 would you suggest the addition  
 of a proviso as at X  
 in Mr Duncan's minute  
 or alternatively completely  
 new provision instead of  
 the existing § 12 on the  
 lines of T.S. Ord. § 27  
 (in regard to)?

Acc. Parkinson  
 2.4.30

on the whole I prefer "A"

Tanganyika § 27 (2) is quite a good self-contained  
 statement of the rule which should govern  
 distribution but it is not really in  
 parian terms with Kenya § 12.

we will have when 307 first found its way  
 into the Kenya Ord. but in addition to  
 the machine, a man liable to be treated  
 as a prohibited immigrant who was not  
 when he entered the Colony, it also  
 offends against the principle that  
 Colonies should "consume their own  
 stocks" and not dump their unwanted  
 machines.

SR  
 3/4/30

In J. Kitching

as to § 37, see Mr Clifton

2 Mr Ashbrooks

Let see how much  
is necessary to  
make an  
ISR.

inserted as all  
marginal note. Shall  
it that we need not  
Every that clause (16)  
of the Bill.

I submit my opinion  
as to clause 11 of the  
Bill.

All Starbuck  
3. 6. 30

Draw attention to 537 clause 11  
reference to me responsible on 2  
second time it may have been  
in the name of Statute Book too long  
to be like Statute Book  
it is like Statute Book

ISR  
4/4/30

3. 6. 30

In Law Kenya - Tel No 7 - 5 April 30



Let the Bill be printed  
in the margin of the  
Bill. 18.

inserted in the Bill  
marginal note: Shall  
it that we need not  
Every that clause (16)  
of the Bill.

I submit the  
as a clause 11 of the  
Bill.

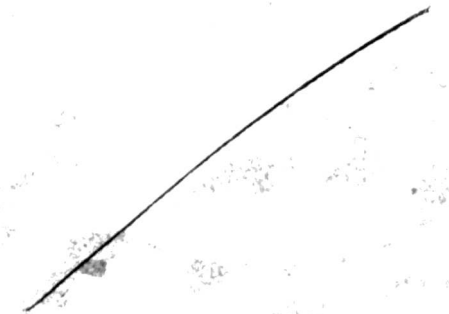
Allan  
3.6.30

Draw attention to the  
reference to the Bill in  
the Bill. It may have been  
in the Bill. It may have been  
in the Bill. It may have been  
in the Bill. It may have been

K.R.  
11/1/30

11/1/30

To Mr. Kenyon - 1st May 1930



3.  
One authenticated  
and 12 printed  
copies to library.

Nov. 1911. 19th. June 30.

Trs 2 authenticated and 12 printed copies of  
an Ordinance intitled "The Immigration Restrictions  
(Amendment) Ordinance, 1930, with a copy of the  
Legal Report.

Gov. Grigg. 95. Conf'd. .... 20th. June 30.

DESTROYED UNDER STATUTE  
Invites reference to No. 2 -

Sec 8. The natural amendment is  
belong to belong to the Bill  
as in the Bill.

Sec 11. They have added the words  
"with the consent of the Government of the  
Country concerned" to meet the  
note given in No 2.

The original intention of  
the Bill is a fairly good form  
as in 26(a).

Sanction the Bill  
I add a few more that  
the Bill will not be advised to  
the Ordinance  
25 allan (the Bill is not advised)

No. 23 (1928) in No 1 &  
15/11/28. (It does not seem  
necessary to handle  
the legal adviser  
then)

11/1/30  
16/7/30

P. 90



to ~~Bureau~~  
I regard this as one of  
your favorite subjects -  
I hope you will see the  
value of the order. Have you  
any objection?  
All Parkinson  
18.7.50

March 1/3

recd  
19.7.50  
attached

Notes  
11/8/50

5 1/2 Case 5497 - 3 Answer - 80 JUL 1950

6 1/2 Case 860 \_\_\_\_\_ 22<sup>nd</sup> December  
Two authenticated and printed copies of  
Immigration Restriction (Amendment No 2) Ordinance,  
No 11 of 1930, together with legal report by  
Attorney General

Copies to Library

Quite normal.

? sent for 5-3

Gratons  
23/1/51

30/1/51 M. Duncan

J. W. Allen  
21/1/51

96

KENYA.

No. 800



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

RECEIVED  
119 JAN 1931  
COL. OFFICE

22<sup>nd</sup> December, 1930.

My Lord,

I have the honour to forward  
herewith two authenticated and twelve printed copies  
of an Ordinance intituled "the Immigration  
Restriction (Amendment) (No.2) Ordinance, 1930,"  
which duly passed its third reading in the Legisla-  
tive Council on the 22<sup>nd</sup> November, 1930, and to  
which I assented in His Majesty's name on the 15th  
December, 1930.

A copy of the Special Report by the  
Attorney General is also enclosed.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble  
servant,

8 FEB 1931 9/3  
Finance - 112

*[Handwritten signature]*

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W. 1

LEGAL REPORT

THE IMMIGRATION RESTRICTION (AMENDMENT)  
(NO. 2) BILL, 1930.


Under the existing law any person desiring to enter the Colony must, before being allowed to do so, appear before an immigration officer. Certain administrative and police officers have been appointed as assistant immigration officers, and at present an immigrant may appear before any such officer. In view of the possible evasion of the law, especially by persons entering the Colony through the Northern Frontier Province, it is considered desirable that immigrants should be compelled to report to the nearest immigration officers and this Bill makes the necessary amendment to the law.

Opportunity has also been taken to rectify a printer's error in section 16 of the Principal Ordinance.

In my opinion, His Excellency the Governor may properly assent to this Bill in the name and on behalf of His Majesty.

Nairobi,

22nd November, 1930.

  
ATTORNEY GENERAL.



Colony and Protectorate of Kenya.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF  
 HIS MAJESTY KING GEORGE V.  
 HENRY MONCK-MASON MOORE, C.M.G.,  
*Acting Governor.*

Assented to in His Majesty's  
 name this 18<sup>th</sup> day of December  
 1930.

**H. M. M. MOORE**

*Acting Governor.*

An Ordinance to Amend the Immigration  
 Restriction Ordinance.

ENACTED by the Governor of the Colony of Kenya,  
 with the advice and consent of the Legislative Council  
 thereof as follows:—

1. This Ordinance may be cited as "the Immigration Restriction (Amendment) (No. 2) Ordinance, 1930," and shall be read as one with the Immigration Restriction Ordinance, Cap. 62 (Chapter 62 of the Revised Edition), hereinafter referred to as "the Principal Ordinance."

Short title.

2. Section 6 of the Principal Ordinance is hereby amended by the insertion of the word "nearest" before the words "immigration officer" in the second and third lines thereof, and by the substitution of the word "such" for the word "the" in the seventh line thereof.

Amendment of section 6 of the Principal Ordinance.

3. Section 16 of the Principal Ordinance is hereby amended by substituting the word "is" for the word "it" in the fifth line of the section.

Amendment of section 16 of the Principal Ordinance.

Passed in the Legislative Council the twenty-second day of November, in the year of Our Lord one thousand nine hundred and thirty.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

**G. R. SANDFORD,**

*Clerk of the Legislative Council.*

16031/30 Kenya

2/13

- Mr. Eastwood, L277
- Mr. Allen 278
- Mr. [unclear]
- Mr. [unclear]
- Sir A. Frankes
- Sir J. [unclear]
- Sir G. Grenfell
- Sir C. Davis
- Sir S. Wilson
- Mr. Ormsby-Gore
- Lord [unclear]
- Mr. Amery

22 JUL 1930

DOWNING STREET,

30 July 1930.

Sir,

I have the honour

to acknowledge the receipt

No. 3.

of your despatch No. 401 of the 19th

June, and to inform you that His

Majesty will not be advised to

exercise his power of disallowance

in respect of Ordinance No. ~~28~~ <sup>29</sup>

of 1930 of the Legislative Council

of Kenya entitled <sup>"An Order to amend the"</sup> ~~The~~ Immigration

Restriction ~~(Amendment)~~ Ordinance,

1930.

DRAFT.

KENYA

NO. 597

2. I take this opportunity

of informing you that <sup>it is not</sup> His Majesty

~~has not been~~ <sup>has not been</sup> advised to exercise

His power of disallowance in

respect of Ordinance No. ~~28~~ <sup>29</sup> of

1930, copies of which were enclosed

in your despatch No. 585 of the 24th

October 1928.

524/7128

I have, etc.

KENYA.

No. 401



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

15<sup>th</sup> June, 1930.

RECEIVED  
14 JUL 1930  
COL. OFFICE

My Lord,

I have the honour to forward herewith two authenticated and twelve printed copies of an Ordinance intituled "the Immigration Restriction (Amendment) Ordinance, 1930," which duly passed its third reading in the legislative Council on the 15th April, 1930, and to which I assented in His Majesty's name on the 10th June, 1930.

A copy of the Legal Report by the Attorney General is also enclosed.

I have the honour to be,  
My Lord,

Your Lordship's most obedient, humble  
servant,

*Edward Gigg*  
GOVERNOR

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W. 1

Received 15th June 1930

LEGAL REPORT

THE IMMIGRATION RESTRICTION (AMENDMENT) BILL, 1930.

As intimated by His Excellency the Governor on the 24th August, 1929, during the debate in Legislative Council on the second reading of the Immigration Restriction (Amendment) Bill, a Committee was appointed to examine into the provisions of the Immigration Restriction Ordinance with a view to repairing and generally strengthening the same, with special reference to the exclusion from the Colony of the class of Europeans known as "poor whites".

The amendments, as proposed in this Bill, are the recommendations of that Committee.

Clause 4. - It is considered that a person who has been formerly domiciled in the Colony or has been resident therein for specified or periods in the aggregate of not less than five years should not be denied admittance to the Colony because he has been convicted in the Colony of murder or of any offence for which a sentence of imprisonment has been passed for any term.

Clause 5. - This widens the provisions of the paragraph which is at present confined to any person being a passenger or serving on any vessel calling at any port in the Colony who not having received a free pardon has been convicted of murder or of any offence for which a sentence of imprisonment has been passed for any term. It is proposed to restrict the provisions of the paragraph to offences for which a sentence of less than six months imprisonment has been imposed.



10

Clause 7. - Under section 8 of the Principal Ordinance any prohibited immigrant making his way into or being found within the Colony commits an offence, and it is considered only fair to provide that such an immigrant should have an opportunity of leaving the Colony within a reasonable time before he renders himself liable to punishment.

Clause 8. - This Clause makes it quite clear that proof adduced within three years after any person has entered the Colony that at the date of entry he belonged to any of the prohibited classes, renders that person a prohibited immigrant.

Clause 9. - It is proposed that any person, other than a native of Asia or Africa, who might become a charge upon the Colony, should pay the sum of fifty pounds, instead of thirty-seven pounds ten shillings, as the condition of his being allowed to land. It is also proposed that a prohibited immigrant allowed to land upon making a deposit should be granted a conditional permit, and that in lieu of requiring a deposit the immigration officer should have the power to require the intending immigrant to give security by means of a bond, the bond to become void if the immigration officer is satisfied within a period of twelve months that he is not likely to become a pauper. It is considered that the present time, namely, six months, is too short to make certain whether or not an immigrant is likely to become a public charge.

Clause 10. - Conditional permits are at present dealt with by Rules made under the Principal Ordinance, but these Rules are scanty, and the proposed clause is designed to make further and more elaborate provisions with regard to conditional permits.

Clause 11. - It is proposed that power should be given to the Governor to authorise the Principal Immigration Officer to make contracts for the conveyance of a prohibited immigrant to any port outside the Colony as well as, at



**Colony and Protectorate of Kenya.**

IN THE TWENTIETH YEAR OF THE REIGN OF  
**HIS MAJESTY KING GEORGE V.**  
**EDWARD WILLIAM MAOLHAY GRIGG,**  
K.C.M.G., K.B.V.O., D.S.O., M.C.

Governor

Assented to on this 10th day of 1930.

**EDWARD GRIGG.**

Governor.

**An Ordinance to Amend the Immigration  
Restriction Ordinance.**

ENACTED by the Governor of the Colony of Kenya, with the advice and approval of the Executive Council thereof, as follows:—

1. This Ordinance may be cited as "the Immigration Restriction (Amendment) Ordinance, 1930," and shall be read as one with the Immigration Restriction Ordinance (Chapter 62 of the Revised Edition), hereinafter called "the Principal Ordinance."

2. Paragraph (b) of section 4 of the Principal Ordinance is hereby amended and shall be read as if the words "or air force" were added at the end thereof.

Amendment of section 4 (b) of the Principal Ordinance.

Amendment of section 4 (d) of the Principal Ordinance.

3. Paragraph (d) of section 4 of the Principal Ordinance is hereby amended by the deletion therefrom of the words "and who is possessed of a guarantee in the form set out in Schedule B of this Ordinance signed by the local consular representative of such power"

Amendment of section 4 (f) of the Principal Ordinance.

4. Paragraph (f) of section 4 of the Principal Ordinance is hereby amended and shall be read as if the last line thereof were deleted, and the following substituted therefor: "(d), (e), (f) and (g) of section 5."

Repeal and replacement of section 5 (h) of the Principal Ordinance.

5. Paragraph (h) of section 5 of the Principal Ordinance is hereby repealed and the following paragraph is substituted therefor: "5. (h) Any person entering or endeavouring to enter the Colony who not having received a free pardon has been convicted in the Colony of murder or of any offence for which a sentence of imprisonment has been passed for a term of not less than six months."

Repeal of section 6 of the Principal Ordinance.

6. Section 6 of the Principal Ordinance is hereby amended: (a) by deleting the figure (1) after the number 6 at the beginning of the section; and (b) by deleting sub-section (2).

Repeal and replacement of section 8 of the Principal Ordinance.

7. Section 8 of the Principal Ordinance is hereby repealed and the following section is substituted therefor: "8. Any prohibited immigrant making his way into or being found within the Colony may be ordered by the immigration officer to leave the Colony, and if such prohibited immigrant shall fail to leave the Colony within such time as may be considered reasonable by the immigration officer, he shall be guilty of an offence against this Ordinance. Any person convicted under this section may, in addition to liability to removal or otherwise, be imprisoned with or without hard labour for any term not exceeding six months; provided that such imprisonment shall cease if and when arrangements are made for the deportation of an offender from the Colony."

Repeal and replacement of section 9 (2) of the Principal Ordinance.

8. Sub-section (2) of section 9 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor: "9. (2) Proof adduced within three years after any person has entered the Colony that he belonged at the date of entry to any of the classes whose entry is prohibited shall be sufficient evidence that such person is a prohibited immigrant and such person shall then be liable to be dealt with as a prohibited immigrant."

Repeal and replacement of section 11 of the Principal Ordinance.

9. Section 11 of the Principal Ordinance is hereby repealed and the following section is substituted therefor: "11. (1) Any person appearing to be a prohibited immigrant under paragraph (a) of section 5, and not coming within the provisions of any of the paragraphs (b), (c), (d), (e), (f), (g), and (h) of the said section, may be granted a conditional permit to enter the Colony upon depositing with the immigration officer: (a) if a native of Asia or Africa, the sum of ten pounds or such other sum as the Governor in Council may from time to time order;

(b) in the case of any other person, the sum of fifty pounds:

Provided that the immigration officer may, in lieu of requiring such deposit, require the intending immigrant to give security by bond, in the form set out in Schedule A to the amount of such deposit with one or more sureties to be approved by the immigration officer and resident in the Colony conditional on the intending immigrant satisfying the immigration officer within a period of twelve months from the date of his entering the Colony that he is no longer a prohibited immigrant and is not likely to become a pauper or a public charge.

(2) Whenever the condition of a bond taken under the preceding sub-section shall have been broken the Attorney General or the Principal Immigration Officer may sue and recover for the use of His Majesty the amount secured by such bond."

10. The following section, to be numbered 11, shall be deemed to be inserted between sections 11 and 12 of the Principal Ordinance:—

Insertion of section 11: between sections 11 and 12 of the Principal Ordinance.

11A. (1) Whenever the immigration officer shall under the provisions of the last preceding section, allow a person appearing to be a prohibited immigrant to enter the Colony, he shall grant to such person a conditional permit in the form set out in Schedule B to this Ordinance.

Conditional permit.

(2) Every person to whom such permit has been granted shall report himself personally or by letter at such times as may be specified in the permit to the officer issuing such permit or to such officer in the service of the Government as the officer issuing the permit may from time to time direct: Provided that whenever a holder of a conditional permit shall at any time during the continuance of such permit change his place of residence in the Colony he shall immediately report such change of residence in the manner hereinafter provided.

(3) If such person shall, at any time within a period of twelve months from the date of his entering the Colony, satisfy the immigration officer that he is no longer a prohibited immigrant and is not likely to become a pauper or a public charge, the immigration officer may cancel the conditional permit granted to such person and return to him his deposit.

(4) If such person shall, at the conclusion of the period aforesaid, fail to satisfy the immigration officer that he is no longer a prohibited immigrant and is not likely to become a pauper or a public charge, his deposit may be forfeited and he may be treated as a prohibited immigrant: Provided that if at any time during the period aforesaid it shall appear to an immigration officer that it is not likely that such a person will, at the conclusion of the period aforesaid, satisfy him that he is no longer a prohibited immigrant and that he is not likely to become a pauper or a public charge, then and in such case, the immigration officer may bring such person before a magistrate and such magistrate may declare that such person is a prohibited immigrant, and that his deposit shall be forfeited."

Amendment of section 12 of the Principal Ordinance.

11. Section 12 of the Principal Ordinance is hereby amended and shall be read as if the words "or, with the consent of the Government of the country concerned, to such port or place outside the Colony as the Governor may direct" were inserted between the words "birth" and "and" which occur in the fifth line thereof.

Amendment of section 16 of the Principal Ordinance.

12. Section 16 of the Principal Ordinance is hereby amended and shall be read as if the last two words of the sixth line thereof and the seventh, eighth and ninth lines thereof were deleted.

Amendment of section 19 of the Principal Ordinance.

13. Section 19 of the Principal Ordinance is hereby amended and shall be read as if the words "thirty-seven pounds ten shillings" which occur in the fourth and fifth lines thereof were deleted and the words "fifty pounds" substituted therefor.

Repeal and replacement of section 21 (a) of the Principal Ordinance.

14. Paragraph (a) of section 21 of the Principal Ordinance is hereby repealed and the following paragraph substituted therefor:—

"21. (a) For a visiting pass a sum not exceeding fifty pounds, with an additional sum not exceeding fifty pounds where the pass includes the wife and children of the applicant."

Repeal and replacement of section 21 (b) of the Principal Ordinance.

15. Paragraph (b) of section 21 of the Principal Ordinance is hereby repealed and the following paragraph substituted therefor:—

"21. (b) For an embarkation pass a sum not exceeding fifty pounds for each adult, and twenty-five pounds for each child."

Repeal and replacement of section 37 of the Principal Ordinance.

16. Section 37 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

37. When any person has been convicted by any court within a period of five years from the date of entering the Colony of murder or an offence for which the court has imposed a sentence of imprisonment the Governor may, if he thinks fit, make an order requiring such person to leave the Colony within a time fixed by the order and thereafter to remain out of the Colony, and such person shall be liable to be dealt with as a prohibited immigrant."

Replacement of Schedules A, B and C of the Principal Ordinance.

17. Schedules A, B and C of the Principal Ordinance are hereby repealed and the following substituted therefor:—

SCHEDULE A.

FORM OF BOND UNDER SECTION 11.

BE IT KNOWN UNTO ALL MEN by these presents that we ..... are held and firmly bound unto His Majesty King George V, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland, King, Defender of the Faith, in the sum of ..... of good and lawful money of the Colony and Protectorate of Kenya to be paid to His Majesty, his heirs and successors. To which payment well and truly to be made, we bind ourselves, and

each and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators and every of them firmly by these presents.

Sealed with our seals.  
Dated this ..... day of ..... 19.....

Now the condition of this obligation is that if the said ..... shall satisfy an immigration officer within a period of twelve months from the date of his entering the Colony that he is no longer a prohibited immigrant and is not likely to become a pauper or a public charge then this obligation to be void, otherwise to be and remain in full force and virtue.

Signed, sealed and delivered in the presence of

Insert names and descriptions of attending immigrants and one or more sureties.  
Insert, if immovable immigrant, a native of Asia or Africa, ten pounds if any other person, fifty pounds.  
Insert name of attending immigrant.

SCHEDULE B.

CONDITIONAL PERMIT GRANTED UNDER SECTION 11A (1)

No. .... Issued at ..... Date .....  
Sum deposited, Sh. ....  
Deposit made by .....  
(or if a Bond has been taken) Amount of Bond, Sh. ....  
Date of Bond ..... day of ..... 19.....  
Names and addresses of Sureties .....

Permission is hereby granted to the person for whom named below to enter the Colony and Protectorate of Kenya and to remain therein for a period of twelve months from the date of this permit, and no longer unless the person named as the holder of the permit shall within such period of twelve months satisfy the immigration officer that he is not a prohibited immigrant and is not likely to become a pauper or a public charge.

Immigration Officer.

Name of holder of the permit .....  
Nationality ..... Sex and age .....  
Usual place of residence ..... Occupation .....  
Height, general description, distinctive marks .....  
Postal address in the Colony .....  
Names and ages of wife and children if included .....  
Signature of permit holder .....

Left thumb print ..... Right thumb print .....

Section 11A (2) of the Immigration Restriction Ordinance (Chapter 62 of the Laws of Kenya) as amended by the Immigration Restriction (Amendment) Ordinance, 1930:—

"Every person to whom such permit has been granted shall report himself personally or by letter at such times as may be specified in the permit to the officer issuing such permit or to such officer in the service of the Government as the officer issuing the permit may from time to time direct: Provided that whenever a conditional permit holder shall at any time during the continuance of such permit change his place of residence in the Colony he shall immediately report such change of residence in the manner hereinbefore provided."

ORDERED under section 11 of the Immigration Restriction Ordinance as amended by the Immigration Restriction (Amendment) Ordinance, 1930, to report

personally or by letter to.....  
 who is requested to inform me if he does not do so and to report on his fitness for cancellation of this conditional permit eleven months from date. Any change of address to be notified to the officer, who will inform the Immigration Officer, Mombasa/Nairobi, and forward duplicate of permit to the District concerned.

Place.....

Date.....

I.O.

\*Immigration Officer to state how often report must be made.

#### RECEIPT

This is to acknowledge the receipt of the sum of ..... shillings  
 (Sh.....) being refund of deposit named above.

Signature.....

Place.....

Witness.....

Date.....

Passed in the Legislative Council the fifteenth day of April in the year of Our Lord one thousand nine hundred and thirty.

This printed impression has been carefully compared by me with the Bill which passed the Legislative Council and is presented for authentication and assent as a true and correct copy of the said Bill.

**G. R. SANDFORD,**

*Clerk of the Legislative Council.*

C.O.

X. 1605-11 30 ~~Kenney~~

Mr. Alet 3.4.30

X Mr. J. Risley 4/4

~~Mr. Holloman~~

~~Mr. J. Stoddard~~

X Mr. G. Grindle

Perm. U.S. of S.

Exec. U.S. of S.

Secretary of State

u also ~~etc~~  
Cowan

**DRAFT.** Code Tel

Yairobi

117

Coded & Sent  
1.0. P.M.  
5 April '30

6/4

to Y.

[April] confidential  
your confidential  
resp of 17 Feb No.  
17 have advised  
that proposed  
amendment to  
Section 12 of  
Immigration Restriction  
Act should be  
made to permit  
Africa that the

Government of the Country  
concerned consents to  
receive the ~~proceeds~~ to migrants  
I would be glad if you would  
amend the bill accordingly.

Yours truly,

KENYA.



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

No. 117

CONFIDENTIAL.

RECEIVED  
21

February, 1930.

My Lord,

With reference to Your Lordship's

(No 4) -  
on 15/2/29  
(1) 117/29

Confidential despatches of the 23rd July, 1929, and the 31st December, 1929, on the subject of the Immigration Restriction (Amendment) Ordinance, 1928, I have the honour to inform Your Lordship that at the date of receipt of the former communication, Sir Edward Grigg had already appointed a Committee to examine the provisions of the Immigration Restriction Ordinance, which, in his opinion, requires general recasting and strengthening. The views of Your Lordship on the wording and construction of section 9(2) of the Ordinance were laid before the Committee who have recommended inter alia that the word 'belongs' in the second line of the section be altered to 'belonged', thus giving effect to Your Lordship's desires in the matter.

2. For Your Lordship's information I enclose a copy of the Bill incorporating this amendment. It will be brought before the Legislative Council at the next session and I trust that in these circumstances Your Lordship will now be prepared to signify assent to the Immigration Restriction (Amendment) Ordinance, 1928.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble,  
servant,

*H. Wilson*

GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE LORD PASSFIELD, P.C.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W. 1



74  
COLONY AND PROTECTORATE OF KENYA.



A BILL TO AMEND THE IMMIGRATION  
RESTRICTION ORDINANCE.

**A Bill to Amend the Immigration Restriction Ordinance.**

BE IT ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Immigration Restriction (Amendment) Ordinance, 1928" and shall be read as one with the Immigration Restriction Ordinance (Chapter 62 of the Revised Edition), hereinafter called "the Principal Ordinance."

Short title.

2. Paragraph (b) of section 4 of the Principal Ordinance is hereby amended and shall be read as if the words "or air force" were added at the end thereof.

Amendment of section 4 (b) of the Principal Ordinance.

3. Paragraph (d) of section 4 of the Principal Ordinance is hereby amended by the deletion therefrom of the words "and who is possessed of a guarantee in the form set out in Schedule E of this Ordinance" and by the local consular representative of such power.

Amendment of section 4 (d) of the Principal Ordinance.

4. Paragraph (f) of section 4 of the Principal Ordinance is hereby amended and shall be read as if the last line thereof were deleted, and the following substituted therefor:—  
" (d), (e), (f) and (g) of section 5."

Amendment of section 4 (f) of the Principal Ordinance.

5. Paragraph (k) of section 5 of the Principal Ordinance is hereby repealed and the following paragraph is substituted therefor:—  
" (b) any person convicted of endeavouring to enter the Colony who has not already received a free pardon after being convicted in the Colony of murder or of any offence for which a sentence of imprisonment has been passed for a term of not less than six months."

Amendment of section 5 (k) of the Principal Ordinance.

Section 4 of the Principal Ordinance proposed to be amended:—

4. This Ordinance shall not apply to—

Exempted persons.

(a) The officers and crews of His Majesty's vessels of this fleet or any friendly power;

(b) Any member of His Majesty's military forces;

(c) Any person duly accredited to the Government under the authority of the Legation of any other Government.

(d) Any person the subject of a foreign treaty having treaty rights within the dominions of the Colony of Zanzibar who is not a prohibited immigrant and who is possessed of a guarantee in the form set out in Schedule E of this Ordinance signed by the local consular representative of such power.

(e) The wife and any child appearing to the immigration officer to be, under the age of sixteen, of a person not being a prohibited immigrant, provided they are not themselves prohibited immigrants under subsections (b), (c), (d), (f), (g) and (h) of section five.

(f) Any person who shall satisfy an immigration officer that he has been formerly domiciled in the Colony or has been resident therein for a period or periods in the aggregate of not less than five years, and that he does not come within the meaning of any of the subsections (b), (c), (d), (e), (f), (g) and (h) of section five.

Section 5 of the Principal Ordinance proposed to be amended:—

Prohibited immigrants

5. The immigration into the Colony by land or sea of any person being or appearing to be of any of the classes defined by the following subsections (hereinafter called "prohibited immigrant") is prohibited, that is to say:—

(a) Any person without visible means of support, or any person who is likely to become a pauper or a public charge;

(b) Any idiot or insane person,

(c) Any person suffering from a loathsome or a dangerous contagious disease or from leprosy.

(d) Any person who, not having received a free pardon, has been convicted in any country other than the Colony of murder or any offence for which a sentence of imprisonment has been passed for any term, and who by reason of the circumstances connected therewith is deemed to be an undesirable immigrant; but this provision shall not apply to offences of a political character not involving moral turpitude.

(e) Any prostitute, and any person living with or receiving or who may have lived on or received the proceeds of the prostitution of others.

(f) Any person who, in consequence of a sentence received from a foreign Government, whether by a judicial or diplomatic channel, is liable to be deported by the Principal Immigration Officer to be an undesirable immigrant.

Provided that every person liable to be deported by the Principal Immigration Officer under this paragraph shall be subject to the confirmation or otherwise of the Governor in Council, whose decision shall be final.

(g) Any person who has been ordered to leave the Colony.

(h) Any person being a passenger or serving on any vessel calling at any port in the Colony who not having received a free pardon has been convicted in the Colony of murder or of any offence for which a sentence of imprisonment has been passed for any term.

Section 6 of the Principal Ordinance proposed to be amended —

Examination of immigrants

6 (1) Any person desiring to enter the Colony shall, before being allowed to do so, appear before the immigration officer, who shall, after such examination as he may consider necessary, inform such person and the master of the ship, if any, which has conveyed him to the Colony, whether he is a prohibited immigrant or not: Provided that if such person withholds or conceals from the immigration officer any fact or information which would bring such person within any of the classes of prohibited immigrants defined in section 5, he shall be deemed to have contravened this Ordinance.

(2) If such person appear on examination as a fit and proper person to be received as an immigrant in the Colony, the immigration officer shall issue to him a certificate in the form set out in Schedule 1 to this Ordinance.

Section 8 of the Principal Ordinance proposed to be repealed —

Examination of entry of prohibited immigrants

8. Any prohibited immigrant making his way into or being found within the Colony shall be deemed to have contravened this Ordinance. Any person convicted under this section shall, in addition to liability to removal or otherwise, be imprisoned with or without hard labour for any term not exceeding six months: Provided that such imprisonment shall cease if and when arrangements are made for the deportation of the offender from the Colony.

8. Section 8 of the Principal Ordinance is hereby repealed.

Repeal of section 8 (2) of the Principal Ordinance.

Section 8 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and substitution of section 8 of the Principal Ordinance.

8. Any prohibited immigrant making his way into, or being found within the Colony may be ordered by the immigration officer to leave the Colony, and if such prohibited immigrant shall fail to leave the Colony within such time as may be considered reasonable by the immigration officer, he shall be guilty of an offence against this Ordinance. Any person convicted under this section shall, in addition to liability to removal or otherwise, be

Section 9 of the Principal Ordinance proposed to be amended:—

9. (1) No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Ordinance, or allowed to be or remain in the Colony, merely because he has not been notified not to land, or because he may have been allowed to land through oversight or through want of knowledge that he was a prohibited immigrant.

(2) Proof adduced within three years after any person has entered the Colony that he belongs to any of the classes whose entry is prohibited shall be sufficient evidence that such person was a prohibited immigrant, and such person shall then be liable to be dealt with as a prohibited immigrant.

Section 11 of the Principal Ordinance proposed to be replaced:—

11. (1) Any person appearing to be a prohibited immigrant within the meaning of section 5, and not coming within the meaning of any of the subsections (b), (c), (d), (e), (f), (g) and (h) thereof, may be required to deposit the following sums:—

(a) If a native of Asia or Africa, the sum of ten pounds, or such other sum as the Governor in Council may from time to time order;

(i) Any other person, the sum of thirty-seven pounds ten shillings.

(b) If such person shall, within six months after entering the Colony, obtain from the immigration officer a certificate that he does not come within the prohibition of this Ordinance his deposit shall be returned.

(c) If such person shall fail to obtain such certificate within six months his deposit may be forfeited and he may be treated as a prohibited immigrant.

(2) The immigration officer may in lieu of requiring the deposit prescribed by the preceding subsection, require the intending immigrant to give security by bond in the form in Schedule C to this Ordinance to the amount of the deposit prescribed as aforesaid with one or more sureties to be approved by the immigration officer and resident in the Colony, conditional on the intending immigrant obtaining from the immigration officer within six months after entering the Colony a certificate that he does not come within the prohibition of the said Ordinance.

(3) Whenever the condition of a bond taken under the preceding subsection shall have been broken, the Attorney General or the principal immigration officer may sue and recover for the use of His Majesty the amount secured by such bond.

In case of any person entering the Colony under this section no liability shall attach to the vessel or the owners of the vessel in which he may have arrived at any port of the Colony.

imprisoned with or without hard labour for any term not exceeding six months, provided that such imprisonment shall cease if and when arrangements are made for the detention of an offender from the Colony.

5. Sub-section (2) of section 9 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

9. (2) Proof adduced within three years after any person has entered the Colony that he belonged at the date of entry to any of the classes whose entry is prohibited shall be sufficient evidence that such person is a prohibited immigrant and such person shall then be liable to be dealt with as a prohibited immigrant.

Section 11 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

11. (1) Any person appearing to be a prohibited immigrant within the meaning of section 5, and not coming within the meaning of any of the subsections (b), (c), (d), (e), (f), (g) and (h) of the said section, may be required to deposit the following sums:—

(a) If a native of Asia or Africa, the sum of ten pounds, or such other sum as the Governor in Council may from time to time order;

(b) In the case of any other person, the sum of fifty pounds;

Provided that the immigration officer may, in lieu of requiring such deposit, require the intending immigrant to give security by bond, in the form set out in Schedule A to the amount of such deposit with one or more sureties to be approved by the immigration officer and resident in the Colony conditional on the intending immigrant satisfying the immigration officer within a period of twelve months from the date of his entering the Colony that he is no longer a prohibited immigrant and is not likely to become a pauper or a public charge.

(2) Whenever the condition of a bond taken under the preceding sub-section shall have been broken the Attorney General or the Principal Immigration Officer may sue and recover for the use of His Majesty the amount secured by such bond.

Repeal and replacement of section 9 (2) of the Principal Ordinance.

Repeal and replacement of section 11 of the Principal Ordinance.

Person and immigrant released by mere entry.

Entry permitted under conditions.

Immigration officer may accept security in lieu of deposit.

Repeal and replacement of section 9 (2) of the Principal Ordinance.

Repeal and replacement of section 11 of the Principal Ordinance.

10. The following section, to be numbered 11a, shall be deemed to be inserted between sections 11 and 12 of the Principal Ordinance :-

Insertion of section 11a between sections 11 and 12 of the Principal Ordinance.

5 11a. (1) Whenever the immigration officer shall, under the provisions of the last preceding section, allow a person appearing to be a prohibited immigrant to enter the Colony, he shall grant to such person a conditional permit in the form set out in Schedule B to this Ordinance.

Conditional permits.

10 (2) Every person to whom such permit has been granted shall report himself personally or by letter at such times as may be specified in the permit to the officer issuing such permit or to such officer in the service of the Government as the officer issuing the permit may from time to time direct. Provided that whenever a holder of a conditional permit shall at any time during the continuance of such permit change his place of residence in the Colony he shall immediately report such change of residence in the manner hereinbefore provided.

15 (3) If such person shall, at any time within a period of twelve months from the date of his entering the Colony, satisfy the immigration officer that he is no longer a prohibited immigrant and is not likely to become a pauper or a public charge, the immigration officer shall cancel the conditional permit granted to such person and shall return to him his deposit.

20 (4) If such person shall, at the conclusion of the period aforesaid, fail to satisfy the immigration officer that he is no longer a prohibited immigrant and is not likely to become a pauper or a public charge, his deposit may be forfeited and he may be treated as a prohibited immigrant. Provided that if at any time during the period aforesaid it shall appear to an immigration officer that it is not likely that such a person will, at the conclusion of the period aforesaid, satisfy him that he is no longer a prohibited immigrant and that he is not likely to become a pauper or a public charge, then and in such case, the immigration officer may bring such person before a magistrate and such magistrate may declare that such person is a prohibited immigrant, and that his deposit shall be forfeited.

25 11. Section 12 of the Principal Ordinance is hereby amended and shall be read as if the words " or to such part or place outside the Colony as the Governor may direct " were inserted between the words " birth " and " and " which occur in the fifth line thereof.

Amendment of section 12 of the Principal Ordinance.

30 12. Section 16 of the Principal Ordinance is hereby amended and shall be read as if the last two words of the sixth line thereof and the seventh, eighth and ninth lines thereof were deleted.

Amendment of section 16 of the Principal Ordinance.

have entered the Colony contrary to this Ordinance, but the master and agents of the ship, provided they have made proper provision to prevent desertion, shall not be responsible for any contravention of the provisions of this section.

Section 19 of the Principal Ordinance proposed to be amended:—

Liability of master and owner

19. The master and owner of any ship from which any prohibited immigrant may be landed or may land shall be liable jointly and severally to a penalty not exceeding one hundred and fifty pounds and not less than thirty-seven pounds ten shillings in respect of each such prohibited immigrant landed or who may land, and the vessel may be refused a clearance outwards until any penalty incurred has been paid and until provision has been made by the master to the satisfaction of the principal immigration officer for the conveyance out of the Colony of such prohibited immigrant who may have been so landed, and the vessel may be made executable by a decree of the Supreme Court or other courts in which the owner is justiciable in satisfaction of any penalty imposed under this section.

The word "clearance" as used in this Ordinance includes all the documents ordinarily issued by the commissioner of customs to a ship about to leave port, including the document known as the bill of health.

Section 21 of the Principal Ordinance proposed to be amended:—

Inquiry and deposit before granting pass

21. The applicant shall attend before the immigration officer and shall answer all such questions as the officer may put in order to satisfy himself that the pass ought to be granted and shall deposit with him the appointed sum of money, that is to say:—

(a) For a visiting pass the sum of fifteen pounds, with an additional sum of fifteen pounds where the pass includes the wife and children of the applicant.

(b) For an embarkation pass the sum of fifteen pounds for each adult and seven pounds ten shillings for each child.

The word "child" as used in this and the succeeding sections means a person appearing to the immigration officer to be under the age of sixteen years.

Section 37 of the Principal Ordinance proposed to be replaced:—

Persons convicted within five years to be deemed prohibited immigrants

37. Any person convicted by any court within a period of five years from the date of entering the Colony of murder or an offence for which the court has power to impose imprisonment shall be liable to be dealt with as a prohibited immigrant, and the Governor may, if he thinks fit, make an order requiring such person to leave the Colony within a time fixed by the order, and thereafter to remain out of the Colony.

13. Section 19 of the Principal Ordinance is hereby amended and shall be read as if the words "thirty-seven pounds and ten shillings" which occur in the fourth and fifth lines thereof were deleted and the words "fifty pounds" substituted therefor.

Amendment of section 19 of the Principal Ordinance.

14. Paragraph (a) of section 21 of the Principal Ordinance is hereby repealed and the following paragraph substituted therefor:—

Repeal and replacement of section 21 (a) of the Principal Ordinance.

21. (a) For a visiting pass a sum not exceeding fifty pounds, with an additional sum not exceeding fifty pounds where the pass includes the wife and children of the applicant."

15. Paragraph (b) of section 21 of the Principal Ordinance is hereby repealed and the following paragraph substituted therefor:—

Repeal and replacement of section 21 (b) of the Principal Ordinance.

21 (b) For an embarkation pass a sum not exceeding fifty pounds for each adult, and twenty-five pounds for each child."

16. Section 37 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

Repeal and replacement of section 37 of the Principal Ordinance.

37. When any person has been convicted by any court within a period of five years from the date of entering the Colony of murder or an offence for which the court has imposed a sentence of imprisonment the Governor may, if he thinks fit, make an order requiring such person to leave the Colony within a time fixed by the order, and thereafter to remain out of the Colony, and such person shall be liable to be dealt with as a prohibited immigrant."

Schedules A, B and C of the Principal Ordinance proposed to be replaced —

SCHEDULE A

THE IMMIGRATION RESTRICTION ORDINANCE.

(To whom it may concern.)

This is to certify that the person hereunder described is a fit and proper person to be received as an immigrant into the Colony and Protectorate of Kenya.

Dated at ..... this ..... day of ..... 19.....

Signature.....

Description

Name ..... Nationality..... Age ..... Trade or calling ..... Married or single ..... Height ..... General description ..... Marks ..... Signature of holder.....

SCHEDULE B

THE IMMIGRATION RESTRICTION ORDINANCE.

I, the undersigned, being a duly appointed Immigration Officer, do hereby certify that the bearer hereof is a fit and proper person to be received as an immigrant into the Colony and Protectorate of Kenya.

I, S. Signature

Date, .....

SCHEDULE C

FORM OF BOND UNDER SECTION 3.

BE IT KNOWN UNTO ALL MEN by these presents that we.....

are held and truly bound unto His Majesty King George V, by the grace of God of the United Kingdom of Great Britain and Ireland, King, defender of the Faith, in the sum of..... of good and lawful money of the Colony and Protectorate of Kenya to be paid to His Majesty, his heirs and successors. To which payment well and truly to be made, we bind ourselves, and each and every of us, jointly and severally, for and in the whole, our

17. Schedules A, B and C of the Principal Ordinance are hereby repealed and the following substituted therefor:—

Replacement of Schedules A, B and C of the Principal Ordinance.

SCHEDULE A.

FORM OF BOND UNDER SECTION 11.

BE IT KNOWN UNTO ALL MEN by these presents that we..... are held and firmly bound unto His Majesty King George V, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, in the sum of..... of good and lawful money of the Colony and Protectorate of Kenya to be paid to His Majesty, his heirs and successors. To which payment well and truly to be made, we bind ourselves, and each and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators and every of them firmly by these presents.

Sealed with our seals.

Dated this ..... day of ..... 19.....

Now the condition of this obligation is that if the said..... shall satisfy an immigration officer within a period of twelve months from the date of his entering the Colony that he is no longer a prohibited immigrant and is not likely to become a pauper or a public charge then this obligation to be void, otherwise to be and remain in full force and virtue.

Signed, sealed and delivered in the presence of

- \* Insert names and descriptions of intending immigrants and one or more sureties. \* Insert, if intending immigrant is a native of Asia or Africa, ten pounds if any other person, fifty pounds. \* Insert name of intending immigrant.

SCHEDULE B

CONDITIONAL PERMIT GRANTED UNDER SECTION 11A (1).

No. Issued at Date Sum deposited Sh. Deposit made by or if Bond has been taken Amount of Bond, Sh. Date of Bond day of 19 Names and addresses of Sureties

Permission is hereby granted to the person (or persons) named below to enter the Colony and Protectorate of Kenya and to remain therein for a period of twelve months from the date of this permit, and no longer unless the person named as the holder of the permit shall within such period of twelve months satisfy the immigration officer that he is not a prohibited immigrant and is not likely to become a pauper or a public charge.

Immigration Officer.

heirs, executors, and administrators and every of them firmly by these presents.

Sealed with our seals.

Dated this ..... day of ..... 19.....

Now the condition of this obligation is such that if the said ..... within the space of six months next after ..... day of ..... 19..... shall

obtain from an immigration officer a certificate that the said ..... does not come within the prohibition of the Immigration Restriction Ordinance then this obligation to be void, otherwise to be and remain in full force and virtue.

Signed/sealed and delivered

in the presence of .....

Insert names and descriptions of intending immigrant and one or more sureties.

Insert if intended immigrant is native of Asia or Africa, £10; if any other person, £3 10s.

and Insert name of intending immigrant

Name of holder of the permit .....

Nationality ..... Sex and age .....

Usual place of residence ..... Occupation .....

Height general description, distinctive marks .....

Persons who are in the Colony .....

Name and age of wife and children if included .....

.....

.....

.....

Signature of permit holder .....

.....

Left thumb print. Right thumb print.

Section 11A (2) of the Immigration Restriction Ordinance (Chapter 62 of the Laws of Kenya) as amended by the Immigration Restriction (Amendment) Ordinance, 1939:—

Every person to whom such permit has been granted shall report himself personally or by letter at such times as may be specified in the permit to the officer issuing such permit or to such officer in the service of the Government as the officer issuing the permit may from time to time direct: Provided that whenever a conditional permit holder shall at any time during the continuance of such permit change his place of residence in the Colony he shall immediately report in the manner hereinafter mentioned

ORDERED under section 11A of the Immigration Restriction Ordinance as amended by the Immigration Restriction (Amendment) Ordinance, 1939: to report

personally or by letter to ..... who is requested to inform me if he does not do so and to report on his fitness for cancellation of this conditional permit eleven months from date. Any change of address to be notified to the officer, who will inform the Immigration Officer, Mombasa Nairobi, and forward duplicate of permit to the District concerned.

Place .....

Date .....

I.O.

Immigration Officer to state how often report must be made

RECEIPT.

This is to acknowledge the receipt of the sum of .....

shillings

(Sh. ....) being refund of deposit named

above.

Signature .....

Place .....

Witness .....

Date .....



8  
OBJECTS AND REASONS.

As intimated by His Excellency the Governor on the 24th August, 1928, during the debate in Legislative Council on the second reading of the Immigration Restriction (Amendment) Bill, a Committee was appointed to examine into the provisions of the Immigration Restriction Ordinance with a view to recasting and generally strengthening the same, with special reference to the exclusion from the Colony of the class of Europeans known as "poor whites."

The amendments, as proposed in this Bill, are the recommendations of that Committee.

*Clause 4.*—It is considered that a person who has been formally domiciled in the Colony or has been resident therein for a period or periods in the aggregate of not less than five years should not be denied admittance to the Colony because he has been convicted in the Colony of murder or of any offence for which a sentence of imprisonment has been passed for any term.

*Clause 5.* This clause amends the provisions of the paragraph which is at present confined to any person being a passenger or seaman on any vessel calling at any port in the Colony who not having received a free pardon has been convicted of murder or of any offence for which a sentence of imprisonment has been passed for any term. It is proposed to restrict the provisions of the paragraph to offences for which a sentence of less than six months imprisonment has been imposed.

*Clause 7.* Under section 8 of the Principal Ordinance any prohibited immigrant making his way into or being found within the Colony commits an offence, and it is considered not desirable to provide that such an immigrant should have an opportunity of leaving the Colony within a reasonable time before he renders himself liable to punishment.

*Clause 8.* This clause makes it quite clear that proof obtained within three years after any person has entered the Colony that at the date of entry he belonged to any of the prohibited classes, renders that person a prohibited immigrant.

*Clause 9.* It is proposed that any person, other than a native of Asia or Africa, who might become a charge upon the Colony, should pay the sum of fifty pounds, instead of thirty-seven pounds ten shillings, as the condition of his being allowed to land. It is also proposed that a prohibited immigrant allowed to land upon making a deposit should be granted a conditional permit, and that in lieu of requiring a deposit the immigration officer should have the power to require the intending immigrant to give security by means of a bond, the bond to become void if the immigration officer is satisfied within a period of twelve months that he is not likely to become a pauper. It is considered that the present time, namely, six months, is too short to make certain whether or not an immigrant is likely to become a public charge.

*Clause 10.*—Conditional permits are at present dealt with by Rules made under the Principal Ordinance, but these Rules are scanty, and the proposed clause is designed to make further and more elaborate provisions with regard to conditional permits.

*Clause 11.*—It is proposed that power should be given to the Governor to authorise the Principal Immigration Officer to make contracts for the conveyance of a prohibited immigrant to any port outside the Colony as well as, at present, to a port or place in or near to the immigrant's country of birth—it may not always be possible to send an immigrant to the latter place.

*Clause 12.*—By the deletion of the words as proposed in this clause the onus of preventing desertion will lie upon masters and agents of ships.

*Clauses 14 and 15.*—It is considered that the sums mentioned in paragraphs (a) and (b) of section 21 of the Principal Ordinance are too low.

*Clause 16.*—It is considered that the provisions of section 37 are too severe and it is proposed that they should only apply to murder or to cases where a court has actually imposed imprisonment, and that in such cases the Governor may, if he thinks fit, make an order requiring such person to leave the Colony within a time fixed by the order, and that thereafter such person will be liable to be dealt with as a prohibited immigrant.