

BECHUANALAND PROTECTORATE.

No. 48 of 1937.

(Promulgated 20th August, 1937.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Aliens Proclamation (Bechuanaland
Protectorate), 1937.

Whereas it is expedient to make provision for the restriction and regulation of the entry of aliens into the Bechuanaland Protectorate (hereinafter referred to as the Territory) and their residence or temporary sojourn therein.

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

Definitions.

1. In this Proclamation and the regulations thereunder unless inconsistent with the context:—

- “ Alien ” means a person who is not a British subject.
- “ Board ” means the Immigrants Selection Board mentioned in section *three*.
- “ British protected persons ” means persons defined as such in the Order in Council, dated the 14th May, 1934, entitled the British Protected Persons Order, 1934.
- “ Domicile ” and “ immigration officer ” have the meanings ascribed respectively to those expressions in section *one* of the principal law.
- “ Principal law ” means the Immigration Regulation (Bechuanaland Protectorate) Proclamation, 1932 (No. 34 of 1932), as amended.

Restriction of Alien Immigration.

2. Subject to the provisions of section *twelve* no alien shall enter the Territory—

- (a) for the purpose of permanent residence therein, unless he is in possession of a permit to enter the Territory for the said purpose, issued in terms of section *four*; or
- (b) for the purpose of temporary sojourn therein, unless he is in possession of a temporary permit issued in terms of sub-section (1) of section *five* or unless he has been permitted to enter under section *seven*.

Immigrants Selection Board.

3. (1) There shall be established an Immigrants Selection Board consisting of not less than three members, to be appointed by the High Commissioner, for the purpose of selecting such alien immigrants as desire to enter the Territory for permanent residence therein.

(2) The Chairman of the Board shall be designated by the High Commissioner and in the absence of the chairman the members of the Board shall choose one of its members to act as chairman.

(3) The decision of a majority of the members of the Board present at any meeting thereof shall constitute a decision of the Board. Provided that in the event of an equality of votes at any such meeting the chairman shall have a casting vote in addition to his deliberative vote.

Permits for Permanent Residence in Territory.

4. (1) An application by an alien for a permit to enter the Territory for the purpose of permanent residence therein shall be made on a form prescribed by regulation, shall contain the information for which provision is made in the said form and shall be submitted to the Board in a manner and through a channel prescribed by regulation.

(2) The Board shall consider every such application submitted to it as aforesaid and may obtain from any source such additional information relating to the applicant as it may deem necessary.

(3) The Board may authorize the issue of a permit to enter the Territory for the purpose of permanent residence therein, to an alien by, or on behalf of, whom application therefore has been made as aforesaid, who is of good character and who is, in its opinion, a desirable immigrant. The granting or withholding of such authority shall be entirely in the discretion of the Board, provided that when deciding whether applicants are desirable immigrants, the Board shall take into account economic conditions in the Territory, the advisability of increasing the number of settlers in the area where applicants propose to reside, and the interests of the Territory generally.

(4) When the Board has authorized the issue of such a permit the chairman of the Board or any other person designated by the Board shall issue the permit, which shall be in the form prescribed by regulation.

(5) The Board may, on an application mentioned in sub-section (1) of this section, made by an alien who has been permitted under this Proclamation or under any other law, to enter the Territory for the purpose of temporary sojourn therein, authorize the issue to him of a permit in terms of sub-section (3) or (4) of this section, *mutatis mutandis*, as if he were outside the Territory and upon the issue of that permit he may reside permanently in the Territory.

Temporary Permits to Sojourn in the Bechuanaland Protectorate.

5. (1) An immigration officer may, on the application of an alien who has complied with all requirements prescribed by regulation, issue to him a temporary permit to enter the Territory and to sojourn therein temporarily for such purposes, during such period, and on such conditions as have been likewise prescribed and as are set forth in the permit.

(2) When an immigration officer issues such a temporary permit to an alien, he may issue a similar permit to his wife and to any child of his who is under the age of twenty-one years and to any alien in the employ of the first-mentioned alien, if the wife, child or employee accompanies the first-mentioned alien.

(3) The Resident Commissioner or any person to whom the Resident Commissioner has delegated his powers under this sub-section may from time to time extend the period for which a temporary permit was issued under sub-section (1) of this section or alter the purposes for which or the conditions on which it was issued, but subject to the regulations prescribing the said period, purposes or conditions.

(4) Any person to whom such a temporary permit was issued, who remains in the Territory after the expiration of the period [or an extension of that period under sub-section (3) of this section] for which the permit was issued or contravenes or fails to comply with any condition upon which it was issued [or any such condition as altered under sub-section (3) of this section] shall be guilty of an offence and may be dealt with under the principal law as a prohibited immigrant.

*Permit Holders not Exempted from Proclamation No. 34
of 1932.*

6. A permit issued in terms of section four or five shall not exempt the holder thereof from any provision of the principal law or of any regulation made under that law.

Exemption of Distinguished Visitors.

7. If the Resident Commissioner, or any person to whom the Resident Commissioner has delegated his powers under this section, is satisfied that any alien who desires to enter the Territory is a distinguished visitor who has no intention to reside permanently in the Territory, he may permit the said alien and the wife and any child of the said alien and any alien in his employ to enter the Territory without holding any permit under this Proclamation or under the principal law.

*Cancellation of Permits and Orders to Leave the
Bechuanaland Protectorate.*

8. (1) When a permit has been issued in terms of section four on an application which contains any incorrect information, or if the holder of such a permit or his agent has furnished any incorrect information in connection with that application the Resident Commissioner may direct that a notice in writing be addressed to the holder of the permit, whereby that permit is cancelled and whereby he is ordered to leave the Territory within a period stated in the notice and upon the expiration of that period that permit shall become null and void.

(2) The Resident Commissioner may at any time direct that a notice in writing be addressed to the holder of a temporary permit issued in terms of sub-section (1) of section five, whereby that permit is cancelled and whereby that holder is ordered to leave the Territory within a period stated in the notice and upon the expiration of that period that temporary permit shall become null and void.

(3) The Resident Commissioner may at any time direct that any alien who has been permitted to enter the Territory in terms of section seven be ordered by notice in writing to leave the Territory within a period stated in that notice.

(4) If any person to whom a notice has been addressed in terms of this section, fails to comply therewith, he shall be guilty of an offence and may be dealt with under the principal law as a prohibited immigrant.

Penalties.

9. Any person convicted of an offence under this Proclamation shall be liable to a fine not exceeding one hundred pounds or in default of payment of the fine to imprisonment for a period not exceeding six months.

Ports of Entry.

10. The High Commissioner may by notice in the *Gazette* appoint places to be ports of entry for the Territory, to or through which alone aliens may enter or through which alone they may depart and no alien shall enter or depart from the Territory except through such ports of entry as have been appointed by the High Commissioner aforesaid.

Regulations.

11. The High Commissioner may make regulations not inconsistent with the provisions of this Proclamation prescribing—

- (a) any matter which under this Proclamation may be prescribed by regulation;
- (b) fees for the issue of any document which may be issued under this Proclamation or any regulation made under this section, and the amount and the nature of the security to be found for the due carrying out of any condition upon which a permit to enter and reside in the Territory for a specified period may be issued to an alien under section *five*;
- (c) the forms of application for permits, certificates or other documents to be issued or used for the purpose of this Proclamation, and the particulars to be inserted in any such application, permit, certificate, or document;

and generally for the better carrying out of the objects and purposes of this Proclamation.

Exceptions.

12. (1) (a) The provisions of section *two* shall not apply—

- (i) to an alien who has lawfully acquired a domicile in the Territory or who prior to the taking effect of this Proclamation lawfully entered the Territory for the purpose of permanent residence therein; or
- (ii) to any alien who is duly accredited to the Territory by or under the authority of His Majesty or the Government of any foreign state, or to the wife, family, staff or servants of any such person.

(b) The provisions of section *two* and *ten* shall not apply to British protected persons (including natives) domiciled in the Bechuanaland Protectorate or in any other part of Africa south of the Equator.

(2) If an alien mentioned in paragraph (ii) of sub-section (1) (a) of this section ceases, while he is in the Territory, to be in any category of persons described in that paragraph, he may after the expiration of a period of three months as from such cessation be dealt with under the principal law as a prohibited immigrant, unless the Resident Commissioner has on the recommendation of the Board granted to him permission to remain in the Territory for the purpose of permanent residence therein or unless the Resident Commissioner has granted him permission to remain in the Territory during such period and on such conditions as the Resident Commissioner may determine.

(3) If a person to whom the Resident Commissioner has, under sub-section (2) of this section, granted permission to remain in the Territory during a stated period and subject to any condition, remains in the Territory after the expiration of such period or contravenes or fails to comply with such condition, he may be dealt with under the principal law as a prohibited immigrant.

Short Title and Date of Commencement.

13. This Proclamation may be cited as the Aliens Proclamation (Bechuanaland Protectorate), 1937, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Seventeenth day of August One thousand Nine hundred and Thirty-seven.

W. H. CLARK,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.