



# THE OFFICIAL GAZETTE

## OF THE COLONY AND PROTECTORATE OF KENYA

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GOVERNMENT NOTICE NO. 388

His Excellency the Governor in Council has approved of the following Bill being introduced into the Legislative Council.

K. W. SIMMONDS,  
*Acting Clerk to the Legislative Council*

### A Bill to Make Further and Better Provision for the Regulation of Immigration into the Colony

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 (Control) Ordinance, 1946, and shall not apply to natives, and shall come into operation on such date as the Governor may appoint in that behalf by notice to be published in the Gazette.

Short title,  
application and  
commencement.

2. (1) In this Ordinance, unless the context otherwise requires—  
“the Authority” means the authority appointed under the provisions of paragraph (c) of section 3 of this Ordinance;

Interpretation.

“the Board” means the Employment Board appointed under the provisions of paragraph (b) of section 3 of this Ordinance;

“destitute person” means a person who is, or in the opinion of the Principal Immigration Officer is likely to become, incapable of supporting himself and his dependants;

“Government official” means any person employed by His Majesty’s Government in the United Kingdom or in any British Possession or British Protectorate or in any territory in which His Majesty by treaty, grant, usage, sufferance or other lawful means has power and jurisdiction, or by the Government of any State or Dominion forming part of the British Commonwealth of Nations and includes any person employed by the Kenya and Uganda Railways and Harbours Administration;

“immigration officer” means any officer appointed under the provisions of paragraph (a) of section 3 of this Ordinance.

(2) For the purposes of this Ordinance a person shall be deemed to “enter the Colony” when—

(a) on arrival in the Colony he has reported himself to an immigration officer and such officer has consented to his entering the Colony; or

(b) having crossed the borders of the Colony he fails within the prescribed time to report himself to an immigration officer.

3. The Governor may, by notice published in the Gazette appoint—

Appointment  
of officers  
and other  
authorities.

(a) a Principal Immigration Officer and such other immigration officers as he may consider necessary for the proper carrying out of the provisions of this Ordinance;

(b) an Employment Board consisting of such persons as he may think fit for the purpose of ascertaining whether any suitably qualified residents in the Colony are available or likely

to become available in the near future for any employment sought by a person desiring to enter the Colony;

- (c) an Authority consisting of such person or persons as he may think fit for the purpose of considering applications for residential certificates and of issuing such certificates. 5

Powers of  
immigration  
officers.

4. For the purpose of exercising his powers and functions and carrying out his duties under this Ordinance, every immigration officer may—

- (a) without a search warrant—
- (i) enter upon and search any ship, train, aircraft or vehicle 10 in the Colony;
  - (ii) enter upon and search any premises in or on which he has reasonable grounds for believing that any prohibited immigrant is harbouring, or that any article or document containing evidence which will assist him in carrying out 15 his duties under this Ordinance, may be found;
- (b) interrogate any person who desires to enter or leave the Colony or any person whom he has reasonable ground for believing to be a prohibited immigrant;
- (c) require any person who desires to enter the Colony to make 20 and sign any prescribed form of declaration and to submit to be examined by a medical officer;
- (d) require the master of a ship or captain of an aircraft, the guard of a train or the person in charge of a vehicle arriving from any place outside the Colony to furnish a list in dupli- 25 cate signed by himself of the names of all persons in his ship, aircraft, train or vehicle and such other information as may be prescribed;
- (e) demand the production of, inspect or examine any article or document which he has reasonable ground for believing will 30 assist him in carrying out his duties under this Ordinance and seize any such article or document if, after examining it, he has reason to believe that such seizure will so assist him: Provided that any such article or document shall be returned to the person from whom it was seized at the 35 conclusion of any investigation or proceedings for the purpose for which it was seized;
- (f) arrest without a warrant any person who, he has reason to believe, is either a prohibited immigrant or has committed an offence under this Ordinance or any regulations made 40 thereunder.

Prohibited  
immigrants.

5. (1) The following persons, other than persons born in the Colony, are prohibited immigrants and it shall be unlawful for them to enter the Colony:—

- (a) a destitute person; 45
- (b) an idiot or a lunatic;
- (c) any person certified by a Government medical officer to be suffering from a contagious or infectious disease which makes his presence in the Colony dangerous to the community;
- (d) any person who, not having received a free pardon, has in 50 any country been convicted of an offence for which a sentence of imprisonment (other than in default of payment of a fine) has been passed or of any offence involving dishonesty or fraud;
- (e) any prostitute or any person who is living on or receiving, or 55 who prior to entering the Colony lived on or received, the proceeds of prostitution;
- (f) any person who, from information or advice received from the Secretary of State or from any Government (whether British or foreign) or from any other source, whether of a 60 description similar to or different from the foregoing, which the Governor deems to be reliable, is considered by the Principal Immigration Officer to be an undesirable person;
- (g) any person who has been lawfully deported from the Colony;
- (h) any person whose entry into the Colony is, or at the time 65 of his entry was, unlawful under this or any other Ordinance or law for the time being in force;
- (i) the children, if under eighteen years of age, and dependants of a prohibited immigrant;

- (j) any person who has not in his possession a valid passport issued to him by or on behalf of the Government of the state of which he is a subject or a passport or document of identity issued to him by an international authority recognized by His Majesty's Government in the United Kingdom, such passport or document being complete and having endorsed thereon all particulars, endorsements and visas required from time to time by the Government issuing the passport and by His Majesty's Government.
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- 10 (2) The burden of proof that any person is not a prohibited immigrant shall lie upon that person.
- (3) Any person who within four years of entering the Colony is found by the Principal Immigration Officer to be a prohibited immigrant shall be deemed to have been one at the time of his last
- 15 entry into the Colony.
- (4) An appeal shall lie from a finding of the Principal Immigration Officer under the provisions of sub-section (3) of this section to a magistrate of the First Class whose decision thereon shall be final.
- 20 6. (1) No person to whom this section applies shall enter the Colony unless he is in possession of, or his name is endorsed upon, a residential certificate or a permit to enter the Colony issued under the provisions of this Ordinance.
- Prohibition on entry without permission.
- (2) This section shall apply to every person other than—
- 25 (a) a Government official, a serving member of His Majesty's Forces, their wives and children;
- (b) a person duly accredited as Consul or Vice-Consul to the Colony and the members of such person's household.
- (3) Where any Government official, serving member of His Majesty's Forces, Consul or Vice-Consul who has entered the Colony
- 30 without a permit or residential certificate by virtue of the provisions of sub-section (2) of this section ceases to be employed as such, he, together with his wife and children or members of his household, as the case may be, shall, for the purposes of sub-section (1) of this section, be deemed to be persons seeking to enter the Colony with
- 35 effect from the date when he ceased to be so employed.
7. (1) Any person who satisfies the Authority that he belongs to any of the following classes, shall, upon application being made in that behalf in the manner prescribed, be entitled to a residential certificate for the purpose of enabling him to enter or re-enter the
- 40 Colony:—
- Class A.*—A person born or domiciled in the Colony.
- Class B.*—A person intending to engage in the business of agriculture or animal husbandry in the Colony provided that sufficient land is available for him to give effect to such
- 45 intention and he has in his own right and at his full and free disposition a capital sum of not less than £800.
- Class C.*—A person intending to engage in mining on his own account who is in possession of a certificate issued by the Commissioner of Lands and Mines that he is qualified so to
- 50 do, and has in his own right and at his full and free disposition a capital sum of not less than £1,000.
- Class D.*—A person intending to engage in trade on his own account and who has in his own right and at his full and free disposition a capital sum of not less than £2,500.
- 55 *Class E.*—A person intending to engage in the industry of manufacturing on his own account who has in his own right and at his full and free disposition a capital sum of not less than £10,000 (or such lesser sum as the Governor may in any particular case consider adequate to establish an economic
- 60 unit in the particular industry in which such person intends to engage) provided that such industry will provide direct employment for not less than ten persons.
- Class F.*—A member of a prescribed profession who intends to practise such profession in the Colony and is in possession
- 65 of such qualifications as may be prescribed.
- Class G.*—A person who has been offered and has accepted employment provided that a declaration, in the prescribed form, has been made by the Board that no suitably qualified residents of the Colony are available or likely to become
- 70 available in the near future for employment of a similar nature.
- Class H.*—A person who has in his own right and at his full and free disposition an assured income of such amount as may be prescribed.

Qualifications  
for residential  
certificate.

(2) For the purpose of this section a person shall be deemed to be domiciled in the Colony—

(a) if he was continuously and lawfully resident in the Colony for a period of five years immediately preceding the third day of September, 1939, and his application for a residential certificate is made within twelve months of the commencement of this Ordinance; or

(b) if within a period of eight years immediately preceding the date of his application for a residential certificate he has been lawfully resident in the Colony for a period in the aggregate of five years.

(3) Where a declaration is made by the Board for the purposes of an application for a residential certificate under Class G of subsection (1) of this section, such declaration shall be conclusive as to the facts stated therein.

(4) It shall be lawful for the Authority at any time within four years of granting a residential certificate to cancel such certificate if the holder thereof, without reasonable cause, fails to engage in or continue to engage in the occupation in respect of which he obtained such certificate, and thereupon it shall be lawful for the Governor to order him to leave the Colony:

Provided that no such order shall be made until the time prescribed for appealing against such decision has expired or, in the event of an appeal being made, until the determination of such appeal.

(5) Any applicant for a residential certificate who is dissatisfied by a decision of the Authority under this section and any person whose residential certificate has been cancelled may, within the time prescribed, appeal against such decision to a magistrate of the first class whose decision thereon shall be final.

(6) No person shall—

(a) be entitled to be present at the hearing of any application under this section; or

(b) be permitted to enter the Colony for the purpose of any application or appeal under this section.

(7) No person, being lawfully within the Colony, who has applied for a residential certificate or whose application for such certificate has been refused shall be treated as a prohibited immigrant or shall be charged in respect of a contravention of the provisions of section 6 of this Ordinance until his application has been heard and his appeal therefrom has been determined, or, if no appeal is made within the prescribed time, until such time has elapsed.

(8) Any person, being lawfully within the Colony, who applies for a residential certificate shall, pending the hearing and determination of such application reside in such place as the Principal Immigration Officer may direct, and, where such application is refused, shall leave the Colony within such time as such officer may by order in writing require, such time being not earlier than the expiration of the period prescribed for lodging an appeal from such refusal or the determination of such appeal as the case may be; and where any such person fails to leave the Colony within such time his presence within the Colony shall be unlawful.

Names of wife, husband or children may be endorsed upon residential certificate.

8. Subject to such conditions as may be prescribed, it shall be lawful for the Authority, on application being made in that behalf in the prescribed form by the holder of a residential certificate, to endorse upon such certificate the name or names of the wife, husband or child, under the age of sixteen years, of such holder.

Power to deport prohibited immigrants.

9. (1) The Governor may make an order for the deportation of any prohibited immigrant or of any person whose presence within the Colony is, under the provisions of this Ordinance or any Regulations made thereunder, unlawful.

(2) An order made under this section shall be carried into effect in such manner as the Governor may direct.

(3) A person against whom an order under this section is made may, if the Governor so directs, while awaiting deportation and whilst being conveyed to the place of departure, be kept in custody, and whilst so kept shall be deemed to be in legal custody.

Place of deportation.

10. A person against whom an order of deportation has been made under this Ordinance shall be deported to the place whence he came, or, with the approval of the Governor—

(a) if he is a British subject, to a place in some part of His Majesty's dominions or country under His Majesty's protec-

tion to which he belongs, or to any place to which he consents to be deported, provided that the Government of such last mentioned place consents to receive him; or

- 5 (b) if he is not a British subject to some place in the country to which he belongs, or to any place to which he consents to be deported, provided that the Government of such last mentioned place consents to receive him.

11. (1) Any person who acts in contravention of or fails to comply with any of the provisions of this Ordinance or of any Regulations made thereunder or any lawful order or requirement given by an immigration officer, or aids or abets in any such contravention or harbours any person whom he knows, or has reasonable ground to believe, has acted in contravention thereof, shall be guilty of an offence against this Ordinance. In particular, any person shall be guilty of an offence who—

Offences and penalties.

- (a) refuses to answer any question put to him by any immigration officer or fails to produce any document in his possession which the officer knows or has reason to believe contains evidence which will assist him to carry out his duties under this Ordinance;
- 20 (b) whether within or without the Colony, knowingly makes any false declaration, return or statement for the purpose of obtaining or of assisting another person to obtain any certificate, permit or endorsement under this Ordinance;
- 25 (c) alters any certificate or permit or copy of a certificate or permit or any entry made in pursuance of this Ordinance;
- (d) obstructs or impedes any immigration officer in the exercise of his duty;
- 30 (e) knowingly uses or has in his possession any forged or irregular passport, certificate or other document, or any passport or document on which any *visa* or endorsement has been forged, or any passport, certificate or document which has been altered or issued without lawful authority.

(2) Any person convicted of an offence under this Ordinance or, unless otherwise expressly provided therein, under any Regulations made thereunder shall be liable to a fine not exceeding £500 or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

(3) Where any person is convicted of an offence under paragraph (b) of sub-section (1) of this section the court may, in addition to any penalty imposed for such offence, cancel any permit, certificate or endorsement which was issued or made in consequence of such false declaration, return or statement as is mentioned in that paragraph.

(4) Any person who, having been deported or ordered to leave the Colony, returns to the Colony shall be liable to a fine not exceeding £500 or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

(5) Where any prohibited immigrant enters the Colony from any ship or aircraft, whether or not with the knowledge of the master, captain or owner thereof, such master, captain and owner shall be guilty of an offence and shall be liable upon conviction therefor by a magistrate of the first class to a fine not exceeding £150 and the ship or aircraft may, by order of the court, be detained until provision has been made by the master, captain or owner, as the case may be, to the satisfaction of an immigration officer for the conveyance out of the Colony of such prohibited immigrant.

(6) Where any fine is imposed under the provisions of this Ordinance upon any master, captain or owner of any ship or aircraft such ship or aircraft may, by order of the court, be detained until such fine has been paid and it shall be lawful for the court when imposing any such fine to order execution against such ship or aircraft in satisfaction of such fine.

12. The Governor in Council may make Regulations for all or any of the following purposes—

Regulations.

- 65 (a) prescribing anything which is to be, or may be, prescribed under the provisions of this Ordinance;
- (b) prescribing the forms to be used for the purposes of this Ordinance;
- 70 (c) prescribing the terms and conditions subject to which any person may be granted a permit to enter, and the period for which any person granted any such permit may remain in, the Colony, and the classes of such permits;
- (d) providing for the payment and recovery of any expenses incurred by the Government in connexion with the detention, maintenance, medical treatment and deportation of prohibited immigrants;
- 75

- (e) prescribing the place where, the person to whom and the manner in which, application to enter the Colony shall be made;
- (f) prescribing the place or places where entry into the Colony may be made; 5
- (g) prescribing the procedure to be followed by persons entering the Colony;
- (h) providing for the exemption or exclusion of any person or class of persons from all or any of the provisions of this Ordinance and prescribing any conditions subject to which 10 such exemption or exclusion shall take effect;
- (i) prescribing the procedure to be followed by the Board and the Authority in the exercise of their functions under this Ordinance;
- (j) prescribing the fees (if any) to be charged upon the issue of a 15 residential certificate or any permit;
- (k) generally for the better carrying into effect the purposes and provisions of this Ordinance.

Supreme Court  
may make  
Rules.

13. The Supreme Court may make rules governing the venue, procedure, and the fees and costs to be paid on appeal to a court 20 under the provisions of this Ordinance.

Repeal.  
Cap. 62.

14. The Immigration Restriction Ordinance is hereby repealed:

Provided that any person whose presence in the Colony is unlawful under the provisions of the Ordinance hereby repealed shall be deemed to be unlawfully in the Colony for the purposes of this 25 Ordinance.

#### MEMORANDUM OF OBJECTS AND REASONS

The Immigration Restriction Ordinance (Chapter 62 of the Revised Edition), which this Bill seeks to repeal, has for a long time been considered unsatisfactory for the reason that it does not enable immigration into the Colony to be properly regulated and controlled.

The main object of the measure is to prevent persons from entering the Colony to take up any class of employment if there are persons already resident in the Colony, out of employment, who are suitable and able to take up such employment. Unless a greater measure of control is introduced a large number of persons already resident in the Colony will inevitably find themselves out of employment owing to the influx of new immigrants.

Attention is directed to the following clauses which contain the main matters of interest in so far as policy is concerned:—

1. *Clause 1* expressly excludes natives from the provisions of the measure.

2. *Clause 3* seeks to enable the Governor, by notice published in the Gazette, to appoint—

- (a) a Principal Immigration Officer and such other immigration officers as he may consider necessary for the proper carrying out of the provisions of the Bill;
- (b) an Employment Board consisting of such persons as he may think fit for the purpose of ascertaining whether any suitably qualified residents in the Colony are available or likely to become available in the near future for any employment sought by an applicant for a residential certificate;
- (c) an Authority consisting of such person or persons as he may think fit for the purpose of considering applications for residential certificates and of issuing such certificates.

3. *Clause 4* seeks to confer powers upon immigration officers which are designed to prevent contraventions of the measure.

4. *Clause 5, Sub-clause (1)*, sets out the persons who it is considered should be regarded as prohibited immigrants and whose entry into the Colony should be unlawful. The sub-clause does not apply to persons born in the Colony.

*Sub-clause (2)* seeks to throw the burden of proof that any person is not a prohibited immigrant upon that person.

*Sub-clause (3)* provides that any person who within four years of entering the Colony is found by the Principal Immigration Officer to be a prohibited immigrant shall be deemed to have been one at the



time of his last entry into the Colony and *sub-clause* (4) seeks to confer the right of appeal to a magistrate of the First Class against any such finding. The sub-clause also provides that the decision of such magistrate shall be final.

5. *Clause* 6 provides, *inter alia*, that no person, other than the persons mentioned in sub-clause (2) of the Clause, shall enter the Colony unless he is in possession of a residential certificate or a permit to enter the Colony or his name is endorsed upon a residential certificate.

6. *Clause* 7, *Sub-clause* (1), sets out the persons who, providing they satisfy the Authority that they belong to any of the classes enumerated in the sub-clause, shall be entitled to obtain a residential certificate for the purpose of entering or re-entering the Colony. A residential certificate will entitle the holder thereof to enter the Colony at any time and such holder will not be required to obtain any other form of entry permit. Particular attention is directed to Class G and the provisions of sub-clause (3).

*Sub-clause* (2) seeks to define the meaning of "domicile," and paragraph (a) is designed to cover the position of genuine residents of the Colony who left it after the commencement of the war and for any reason have not yet returned.

*Sub-clause* (4) seeks to enable the Authority at any time within four years of granting a residential certificate to cancel such certificate if the holder thereof, without reasonable cause, fails to engage in the occupation in respect of which he obtained such certificate and to enable the Governor to order any person whose residential certificate has been so cancelled to leave the Colony.

*Sub-clause* (5) enables any applicant for a residential certificate to whom the Authority refuses to grant such certificate and any person whose residential certificate is cancelled by the Authority, to appeal against such decision to a Magistrate of the First Class and the clause further provides that the magistrate's decision on such appeal shall be final.

7. *Clause* 8 enables the holder of a residential certificate, upon application being made in that behalf, to have the name or names of the wife, husband or child, under the age of sixteen years, of such holder endorsed upon his certificate. Such endorsement will enable persons whose names are included therein to enter the Colony with the holder of the residential certificate and they will not be required to obtain any other form of entry permit.

8. *Clause* 9 seeks to enable the Governor, *inter alia*, to make an order for the deportation of any prohibited immigrant or of any person whose presence within the Colony is unlawful.

9. *Clause* 11 seeks to provide penalties for contraventions of the measure.

10. *Clause* 12 enables the Governor in Council to make Regulations for all or any of the purposes enumerated in paragraphs (a) to (k). Particular attention is directed to paragraphs (c) and (h) which are designed to introduce a degree of flexibility which is considered essential for the proper and efficient administration of the measure.

11. *Clause* 13 enables the Supreme Court to make rules governing the venue, procedure, and the fees and costs to be paid on appeal to a court, under the provisions of the measure.

Permits to residents to re-enter the Colony and temporary permits, such as visitors' permits, to enter the Colony will be dealt with by Regulations, which the Governor in Council is empowered to make under the provisions of paragraph (c) of *Clause* 12. In this connexion attention is drawn to the draft Regulations, published in this Gazette, which it is proposed should be made under that paragraph if the measure is enacted into law.

Similar Bills are being introduced into the Legislative Councils of the other East African territories.

Nairobi, 18th April, 1946.

S. W. P. FOSTER SUTTON,  
*Attorney General.*

*Draft Regulations which it is proposed should be made under the provisions of paragraph (c) of Clause 12 of the Bill for the Immigration (Control) Ordinance, 1946, if the Bill is enacted into law.*

#### THE IMMIGRATION (CONTROL) REGULATIONS, 1946

IN EXERCISE of the powers conferred upon him by ..... of the Immigration (Control) Ordinance, 1946, His Excellency the Governor in Council has been pleased to make the following Regulations:—

1. These Regulations may be cited as the Immigration (Control) Regulations, 1946.

2. In these Regulations, unless the context otherwise requires—

“Employment Board” means the Employment Board appointed under the provisions of paragraph (b) of section 3 of the Ordinance;

“immigration officer” means any officer appointed under the provisions of paragraph (a) of section 3 of the Ordinance;

“other East African territory” means all or any of the following territories, that is to say, the Tanganyika Territory, the Uganda Protectorate and the Zanzibar Protectorate;

“the Ordinance” means the Immigration (Control) Ordinance, 1946.

#### *Inter-territorial Permits*

3. The holder of a valid inter-territorial permit issued by the Authority, in any other East African territory, authorized to issue inter-territorial permits, shall be exempt from the provisions of sub-section (1) of section 6 of the Ordinance.

4. (1) The Principal Immigration Officer may issue to any person who satisfies him that he is a resident of the Colony and that his official or business duties are such as to necessitate regular visits from the Colony to any other East African territory, an Inter-territorial Permit, in the Form A in the Schedule to these Regulations, which shall entitle the holder thereof to leave the Colony for the purpose of entering any other East African territory and to re-enter the Colony from any other East African territory at any time during the validity of such permit.

(2) The Principal Immigration Officer may, in his discretion, at any time cancel any permit issued by him under the provisions of sub-regulation (1) of this Regulation.

#### *In-transit Permits*

5. An immigration officer may grant to any person who satisfies him that he desires to enter the Colony for the purpose of passing through the Colony to a destination outside the Colony and that he is in possession of such valid documents, and is otherwise qualified under the law in force in the country of his destination, as will permit him to enter that country, an In-transit Permit, in the Form B in the Schedule to these Regulations, which shall entitle the holder thereof to remain in the Colony for such period, not exceeding one month, as may be stated in such permit.

#### *Visitor's Permits*

6. (1) An immigration officer may grant to any person who satisfies him that he desires to enter the Colony for the purpose of holiday or travel or of temporarily carrying on any business, trade or profession a Visitor's Permit, in the Form C in the Schedule to these Regulations, which shall entitle the holder thereof to remain in the Colony for such period, not exceeding six months, as may be stated in such permit.

(2) It shall be a condition of every permit issued under the provisions of sub-Regulation (1) of this Regulation that the holder shall not accept employment within the Colony.

(3) An immigration officer may from time to time extend any permit granted under the provisions of sub-regulation (1) of this Regulation upon application being made, in that behalf, by the holder thereof:

Provided that the total period of such extensions shall not exceed twelve months.

#### *Permits for members of the family of a resident and dependants to enter the Colony*

7. (1) If the Principal Immigration Officer is satisfied that a person is a dependant of a resident of the Colony and that by reason of kinship or other relationship such resident is bound either legally or morally to maintain such dependant and that the resident's position is such that he is able to provide maintenance for such dependant and continue to provide such maintenance, he may grant a permit, in the Form D in the Schedule to these Regulations, upon an application being made by such resident, in the Form E in the Schedule to these Regulations, for such dependant to enter the Colony within such time as may be stated in such permit:

Provided that the Principal Immigration Officer shall grant such a permit in respect of the wife, husband or child under the age of sixteen years, of a resident of the Colony upon an application being made by such resident, in the Form F in the Schedule to these Regulations.



(2) A permit granted under the provisions of sub-regulation (1) of this Regulation shall entitle the person in respect of whom the permit is issued to remain in the Colony for such time only as the resident, upon whose application such permit has been granted, remains a resident of the Colony and so long only as such person remains a dependant of such resident.

(3) The Principal Immigration Officer may cancel any permit granted in respect of any person, under the provisions of sub-regulation (1) of this Regulation, other than a permit granted in respect of the wife, husband or child of a resident of the Colony, if such person is, within five years of the granting of such permit, convicted of an offence for which a sentence of imprisonment (other than in default of payment of a fine) has been passed or of any offence involving dishonesty or fraud.

*Permits to enter Colony to take up temporary employment*

8. (1) If the Principal Immigration Officer is advised by the Employment Board that no suitably qualified residents of the Colony are available for employment of any particular class but that such suitably qualified residents are likely to become available and to be seeking such employment in the near future, he may grant any person who he is satisfied is qualified to undertake such employment, a permit, in the Form G in the Schedule to these Regulations, upon application being made, in that behalf, in the Form H in the Schedule to these Regulations, for such person to enter the Colony and remain therein, for the purpose of taking up such employment, for any period not exceeding four years.

(2) The Principal Immigration Officer may cancel a permit granted, under the provisions of sub-regulation (1) of this Regulation, if the person to whom such permit is granted fails to take up and continue in such employment.

(3) Every person to whom a permit is issued under sub-regulation (1) of this regulation shall report himself personally or by registered letter to the nearest immigration officer to his place of residence at such times as may be specified in such permit:

Provided that whenever the holder of any such permit changes his place of residence he shall immediately report such change to the Principal Immigration Officer.

*Re-entry Permits*

9. The Principal Immigration Officer shall grant—

- (a) to any person who at the commencement of these Regulations is a permanent resident of the Colony and desires to leave the Colony; and
- (b) to any person, not being a prohibited immigrant, who has, prior to the commencement of the Ordinance, resided in the Colony and is in possession of a valid document authorizing his re-entry into the Colony,

a Re-entry Permit in the Form I in the Schedule to these Regulations and such permit shall be valid for a period of two years and shall entitle the holder thereof to re-enter the Colony at any time during its validity.

*Deposit or Bond*

10. (1) Any person may, as a condition precedent to the granting of any permit under the provisions of Regulations 5, 6, 7 and 8 of these Regulations, be required by an immigration officer to deposit with him a sum not exceeding £75 in respect of each permit so granted and any such deposit may, if necessary, be used for the purpose of defraying any expenses incurred by the Government of the Colony in connexion with the maintenance or repatriation of the person in respect of whom the permit has been issued.

(2) A deposit made under the provisions of sub-regulation (1) of this Regulation shall, unless the person in respect of whom the permit has been issued is ordered to leave, or is deported from, the Colony and the money so deposited is used for the purpose of maintaining or repatriating such person, be refunded to the depositor when the Principal Immigration Officer is satisfied that—

- (a) the person in respect of whom the deposit was made is leaving the Colony permanently; or
- (b) the person in respect of whom the deposit was made has been granted a Residential Certificate under the provisions of section 7 of the Ordinance.

(3) An immigration officer may, in lieu of requiring a deposit under the provisions of sub-regulation (1) of this Regulation, require the person applying for any permit under the provisions of Regulations 5, 6, 7 and 8 of these Regulations, or some other person on his behalf, to give security, not exceeding £75, by Bond, in the Form J in the Schedule to these Regulations, with two sureties approved by the immigration officer. Such Bond shall remain in force until cancelled by the Principal Immigration Officer or until he is satisfied that—

- (a) the person in respect of whom the Bond was entered into is leaving the Colony permanently; or
- (b) the person in respect of whom the Bond was entered into has been granted a Residential Certificate under the provisions of section 7 of the Ordinance.



FORM E

APPLICATION FORM FOR DEPENDANT TO ENTER KENYA

*Under Regulation 7 (1) of the Immigration (Control) Regulations, 1946*

I, ..... of (state postal address)  
..... being a resident of the Colony  
hereby make application for a permit to enter the Colony for .....  
at present residing at .....

I hereby declare that the above-mentioned ..... is/are  
my (state kinship or relationship) ..... and is/are  
wholly dependent on me for maintenance. I further declare that I am under a  
legal/moral obligation to maintain the above named for the following reasons ..  
.....  
and that I am in a position to do so.

I declare that I am (state occupation) .....  
residing at (state street, plot, block, etc.) ..... and employed  
by ..... and am in receipt of a monthly income of  
.....

The above-named dependant(s) will be accommodated at (state exact locality  
and description of quarters) .....

I undertake, if required to do so, to deposit/enter into a bond for, a sum  
not exceeding £75 per person in respect of the above named.

Date ..... Signed .....

FORM F

APPLICATION FOR A WIFE AND/OR CHILD OR CHILDREN OF A  
RESIDENT TO ENTER KENYA

*Under Regulation 7 (1) of the Immigration (Control) Regulations, 1946*

I, ..... of (state full address)  
..... being a resident of the Colony  
hereby make application for a permit to enter the Colony for (state full names  
of wife and/or children and their ages) .....  
at present residing at .....

Date ..... Signed .....

FORM G

No. ....

PERMIT TO ENTER KENYA TO TAKE UP TEMPORARY  
EMPLOYMENT

*(Issued under Regulation 8 (1) of the Immigration (Control) Regulations, 1946)*

Name ..... at present residing at  
..... is permitted to enter the Colony  
for a period not exceeding ..... for the purpose of taking  
up employment in the capacity of ..... with .....  
of .....

The holder of this permit is required to report himself personally or by  
registered letter to the nearest immigration officer to his place of residence on..  
.....

Date .....  
Principal Immigration Officer, Kenya

*Note.*—This permit may be cancelled if the holder fails to take up and  
continue in the above-mentioned employment.

FORM H

APPLICATION FOR ENTRY PERMIT TO TAKE UP TEMPORARY  
EMPLOYMENT IN KENYA

*Under Regulation 8 (1) of the Immigration (Control) Regulations, 1946*

TO THE EMPLOYMENT BOARD.

I, ..... of (state full address)  
..... being engaged in (state profession or business)  
..... hereby certify that I wish to engage (Mr., Mrs.  
Miss) ....., aged ....., now residing  
at (state full address) ..... in the capacity of  
..... for which of my knowledge he/she is  
qualified and suitable.

I desire to engage the said ..... for a period of ..... and a contract has been/will be entered into under the following conditions (state particulars of salary, quarters, etc.) .....  
.....

I understand that I am liable to be required to deposit or enter into a bond for a sum not exceeding £75 in respect of the said .....

Date ..... Signed .....  
[P.T.O.]

RECOMMENDATION BY THE EMPLOYMENT BOARD  
To the Principal Immigration Officer:

.....

FORM I  
RE-ENTRY PERMIT  
No. ....

(Issued under Regulation 9 of the Immigration (Control) Regulations, 1946)

Mr. .... is entitled to re-enter the Colony at any time during the validity of this permit.

This permit is valid until .....

Date .....

.....  
Signature of Principal Immigration Officer, Kenya

FORM J

BOND

Under Regulation 10 (3) of the Immigration (Control) Regulations, 1946

BE IT KNOWN unto all men by these presents that we (1)\* .....  
..... (2)† .....  
(3)† ..... are held and firmly bound unto His Majesty 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 one 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 such that on expiration of the validity of ..... Permit No. .... dated .....  
....., the said (1)\* .....

(2)† ..... (3)† .....  
shall be bounden, on demand of the Principal Immigration Officer, Kenya, to pay a sum not exceeding ..... in connexion with the cost of maintenance and/or repatriation of the above-mentioned .....  
..... together with his dependants hereunder named:

..... This obligation shall remain in full force and effect until cancelled, under the provisions of sub-regulation (3) of Regulation 10 of the Immigration (Control) Regulations, 1946, by the Principal Immigration Officer, Kenya.

Signed, sealed and delivered  
in the presence of:

\* Name of applicant for permit.

† Name of surety.