

CONDOMINIUM DES NOUVELLES-HEBRIDES
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 18 de 1971
JOINT REGULATION 18 of 1971

JOINT REGULATION

No. 18 of
1971.

regulate and control immigration into the New Hebrides.

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made by the Resident Commissioners under the provisions of Articles 2 and 7 of the Anglo-French Protocol of 1914.

PART I

PRELIMINARY PROVISIONS

1. In this Regulation, unless the context otherwise requires:

Interpreta-
tion.

"child" means a legitimate or legitimated child or a stepchild or in relation to its mother an illegitimate child and includes an adopted child, having been adopted in a manner recognised by law;

"entry" with its cognate expressions and grammatical variations means—

- (a) in the case of a person arriving by sea, disembarking in the New Hebrides from the vessel in which he arrives;
- (b) in the case of a person arriving by air at an authorised airport, namely, an aerodrome designated by the Resident Commissioners under section 7 of Joint Regulation No. 12 of 1948, leaving the precincts of such airport; and
- (c) in the case of a person arriving by air at any place other than such an authorised airport, landing in the New Hebrides:

Provided that it shall not include an entry—

- (i) made for the purpose of complying with this Regulation;
- (ii) expressly or impliedly sanctioned by an immigration officer for the purpose of any enquiry under the provisions of this Regulation; or
- (iii) caused solely by stress of weather or the condition of a ship or aircraft, if all such measures as are reasonably practicable are taken forthwith to notify such entry to the Principal Immigration Officers;

"family" means husband or wife, and children who are under eighteen years of age;

"member of a crew" means any person employed in the working or service of a ship;

"New Hebridean" means any person coming within the meaning of "native" as defined in paragraph 1 of Article 8 of the Anglo-French Protocol of 1914;

"Passport" includes any official travel document intended to serve in the place of a passport;

"Permit" includes any kind of permit issued under the provisions of this Regulation and includes an exemption stamped on a passport under paragraph (7) of section 12;

"Police Officer" means a member of the New Hebrides Constabulary of the rank of sergeant or above, appointed for the purposes of this Regulation by Joint Decision of the Resident Commissioners;

"Prohibited immigrant" means a prohibited immigrant as defined by section 15;

"Residence" with its cognate expressions and grammatical variations means residence in the New Hebrides which is not unlawful under this Regulation;

"Seaman" means an officer or member of the crew of a ship;

"Ship" except in relation to paragraphs (b) and (d) of sub-section (1) of section 10 includes aircraft and the expression "master of a ship" includes (except in the proviso to subsection (2) of section 4) the commander of an aircraft;

"Visitor" means a person in the New Hebrides for an intended stay of any period not exceeding four months.

PART II

APPLICATION OF REGULATION

2. (1) Subject to this section, the following provisions of this Regulation shall apply to the entry into, or the residence or continued residence in, the New Hebrides of all persons and all matters connected therewith and the administration of this Regulation to and in respect of such persons shall be the joint responsibility of the Resident Commissioners or their Principal Immigration Officers. Application.

(2) The entry into, or the residence or continued residence in, the New Hebrides of British Subjects and protected persons and French citizens and all matters connected therewith shall be governed exclusively by the national legal system applicable to such persons and the administration of such law and in respect of such persons shall be the sole responsibility of the Resident Commissioners or the Principal Immigration Officer of the power concerned.

(3) The provisions of this Regulation shall have no application to the residence in, or the return from abroad to, the New Hebrides of New Hebrideans.

PART III

APPOINTMENT AND POWERS OF IMMIGRATION OFFICERS

3. (1) The Resident Commissioners shall by Joint Decision appoint a Principal Immigration Officer from each of the National Administrations and such other immigration officers as they may consider necessary for the proper carrying out of the provisions of this Regulation.

Appointment of Principal Immigration Officers and other Officers.

(2) The Principal Immigration Officers may delegate in writing for any of their powers, functions or duties under this Regulation either generally or in any area in the New Hebrides, or for such periods or purposes as they may specify, to any immigration officer, and may at any time revoke or vary any such delegation.

(3) The Resident Commissioners may from time to time give the Principal Immigration Officers directions of a general nature, which are not inconsistent with the provisions of this Regulation, as to the exercise of any powers, discretions or functions or the performance of any duties under this Regulation, and the Principal Immigration Officers and other immigration officers shall comply with any such directions.

4. (1) For the purpose of exercising their powers and functions and carrying out their duties under this Regulation the Principal Immigration Officers may—

Powers of Immigration Officers.

(a) without search warrant, enter upon or into and search any ship or vehicle in the New Hebrides:

Provided that in the case of any ship subject to British or French jurisdiction within the New Hebrides, the foregoing powers of entry and search shall be exercised only with the consent and in the presence of the Principal Immigration Officer of the national administration concerned;

(b) interrogate any person who desires to enter the New Hebrides, or any person whom he has reasonable grounds for believing to be a prohibited immigrant, or any person applying for extension of a permit or for exemption, or the master of any ship whom they reasonably believe can give material information regarding any such person as aforesaid, and may require any such person to produce such documents in his possession as may be necessary to enable the Principal Immigration Officers to carry out their duties under this Regulation;

(c) require any person who desires to enter or leave the New Hebrides to make and sign the form prescribed in the First Schedule to this Regulation;

(d) require any person who desires to enter the New Hebrides to submit to be examined by a Government medical officer;

- (e) require a deposit or bond or other security to be made or given in the form prescribed in the Second Schedule to this Regulation in respect of any person granted a permit and if any person who enters the New Hebrides by virtue of such permit contravenes or fails to comply with any of the terms and conditions of the permit, the Principal Immigration Officers may, without prejudice to proceedings in respect of any offence thereby committed, forfeit any such deposit or sue and recover the amount secured by any such bond or other security; and any sum so forfeited or recovered shall be paid into the general revenue of the Joint Administration.

(2) If the Principal Immigration Officers have, or any Police Officer has, reasonable cause to suspect that any person has committed an offence against this Regulation, or that the presence of any person in the New Hebrides is unlawful, and if it appears to be necessary to arrest such person immediately, they or he may arrest such person without a warrant:

Provided that where the person arrested is a person whom the Principal Immigration Officers have, or the Police Officer has, reasonable cause to suspect is a prohibited immigrant and such person is a passenger or seaman on a ship, he may, if he consents, be handed over to the custody of the master of the ship until its departure from the New Hebrides.

(3) Any person who—

- (a) refuses or fails to answer fully and truthfully any question or inquiry put to him in the course of interrogation under paragraph (b) of subsection (1) of this section; or
- (b) gives any answer which he knows or has reasonable cause to believe to be false or misleading to any such question or inquiry as aforesaid; or
- (c) when required to produce any document under paragraph (b) of subsection (1) of this section, refuses or fails to produce within a reasonable time any such document which it is in his power to produce, or produces any document which he knows or has reasonable cause to believe to be false or misleading,

shall be guilty of an offence against this Regulation.

(4) Notwithstanding any rule of law to the contrary, all answers to questions lawfully put in interrogation and all documents produced under paragraph (b) of subsection (1) of this section, shall be admissible in evidence, in all proceedings under or relating to any matter arising under or connected with this Regulation.

PART IV

ENTRY INTO THE NEW HEBRIDES

5. Every person not being a resident of the New Hebrides who shall desire to enter the New Hebrides for the purpose of residing therein shall before arrival deposit at the office of the shipping company or airline or with the responsible officer of the ship or aircraft in which he shall travel a sum sufficient to cover the cost of the repatriation of such person and his dependants accompanying him.

Arriving passengers to deposit sum for repatriation.

6. For the avoidance of doubt, it is hereby declared that the due compliance by any person with the requirements of section 5 shall not affect the exercise of any power or discretion conferred by this Regulation upon the Resident Commissioners or the Principal Immigration Officers as to entry into, residence or continued residence in the New Hebrides of such person.

Deposit not to confer right of entry or residence.

7. Upon the arrival and entry of any person into the New Hebrides the sum deposited by him in accordance with the provisions of section 5 shall be paid to the Condominium Treasurer and a receivable order issued in respect thereof.

Deposit to be paid to Condominium Treasury.

8. Any sum deposited with the Condominium Treasurer under the provisions of section 7 shall be refunded together with interest at the rate of five per centum per annum—

Refund of deposit.

- (a) at the expiration of seven years from the date of deposit or such longer period as the Resident Commissioners may in their discretion decide;
- (b) upon the permanent departure from the New Hebrides of the depositor and his dependants (if any);
- (c) in the event of the death of the depositor, forthwith to his estate.

9. Sections 5, 6, 7 and 8 shall not apply to—

Exemptions from deposit.

- (a) officers of the British, French or Joint Administration services;
- (b) any person in respect of whom a deposit, bond or other security has been given in accordance with the provisions of paragraph (e) of subsection (1);
- (c) passengers visiting the New Hebrides and leaving by the same ship on the same voyage or excursion;
- (d) the families of persons coming within the foregoing paragraphs.

10. (1) The master of every ship arriving in the New Hebrides in some place outside the New Hebrides shall—

Duties of masters of ships and passengers.

- (a) deliver to the Principal Immigration Officers a complete list in duplicate of all passengers and seamen on the ship;

- (b) not permit any person to disembark until disembarkation has been authorised by the Principal Immigration Officers;
- (c) inform the Principal Immigration Officers if he knows or has reasonable cause for believing any person to be a prohibited immigrant, and prevent such person from disembarking unless authorised by the Principal Immigration Officers;
- (d) prevent, with such reasonable force as may be necessary, the disembarkation of any person—
 - (i) who has been given into his custody under the proviso to subsection (a) of section 4; or
 - (ii) in respect of whom to his knowledge a removal order made under section 18 is in force; or
 - (iii) in respect of whom he has been notified by the Principal Immigration Officers in the form prescribed in the Third Schedule to this Regulation that such person is prohibited from landing in the New Hebrides.

(2) Every person entering the New Hebrides by sea or air from any place outside the New Hebrides shall appear before the Principal Immigration Officers at such time and place as the Principal Immigration Officers may direct and shall furnish them with such information in such manner as they may require or as may be prescribed.

(3) If any master of a ship arriving in the New Hebrides contravenes or fails to comply with any of the provisions of paragraphs (a), (b), (c) or (d) of subsection (1) of this section, or furnishes a false or misleading list of passengers and seamen which he knows or has reasonable cause to believe to be false or misleading, he shall be guilty of an offence against this Regulation, and if the offence is failure to comply with the provisions of paragraph (b) or paragraph (d) the owner of the ship and any agent of such owner in the New Hebrides shall also be guilty of the like offence.

11. (1) No person shall enter the New Hebrides from any place outside the New Hebrides unless—

- (a) he is in possession of a valid permit lawfully issued to him under this Regulation; or
- (b) he is exempted under section 12 from the provisions of this section.

(2) Subject to the provisions of this Regulation, no person shall remain in the New Hebrides after the expiry or cancellation of a permit.

12. (1) Subject to this section, a person who satisfies the conditions prescribed by the Principal Immigration Officers that he comes into any of the following categories shall be entitled to enter the New Hebrides from any place outside the New Hebrides without having obtained a permit under this Regulation, namely—

Control of entry into the New Hebrides.

Persons entitled to enter without a permit.

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- (a) any person granted exemption from the entry formalities by the Resident Commissioners];
 - (b) any serving member of the French or British armed forces, and the family of any such member, if the Principal Immigration Officers are satisfied that responsibility for repatriation of such family has been accepted by the Service concerned;
 - (c) any person employed in Government service in any territory in which Her Britannic Majesty or the Government of the Republic of France has from time to time jurisdiction, entering the New Hebrides in the course of his duties, or employed by the British or the French National Service or the Joint Administration and the family of any such person;
 - (d) a child under the age of eighteen years both of whose parents are or whose only parent is exempt under paragraph (a) of this subsection;
 - (e) a student of any age both of whose parents are or whose only parent is resident in the New Hebrides, who is re-entering the New Hebrides on vacation from or on completion of studies at a university, university college, school or other educational establishment;
 - (f) any other person or class of persons in respect of whom a declaration is made under subsection (2) of this section;
 - (g) any seaman exempted by the Principal Immigration Officers under subsection (3) of this section.
- (2) The Resident Commissioners may declare that, subject to such terms and conditions as they may specify, any person or class of persons may enter the New Hebrides without a permit.
- (3) The Principal Immigration Officers may by notice exempt any seaman or class of seamen from the requirement to obtain a permit to enter the New Hebrides, subject to such terms and conditions as they may specify, and may in like manner at any time withdraw any such exemption either generally or in relation to any particular seaman or seamen.
- (4) For the avoidance of doubt, it is hereby declared that the presence of any persons within the New Hebrides under or in pursuance of a permit, exemption or other authority which was obtained by, or was issued, granted or conferred as a result or by reason of fraud, misrepresentation, concealment or non-disclosure (whether intentional or not), of any material fact or circumstance, is not lawful residence for the purpose of sub-paragraph (ii) of paragraph (a) of subsection (1) of this section.
- (5) The burden of proof that any person is a person to whom this section applies shall lie upon that person.
- (6) (a) Where any person referred to in subsection (1) of this section or who, under the provisions of any law controlling immigra-

in force prior to the commencement of this Regulation was entitled to enter the New Hebrides without a permit, ceases to hold or enjoy the employment, appointment, status or privileges which so entitled him, he shall, for the purpose of this Regulation be deemed to be a person seeking to enter the New Hebrides with effect from the date when he ceases to hold such employment or appointment or to enjoy such status or privileges. If on the expiry of three months from such date, he shall not have been granted a permit under this Regulation, his presence and the presence of his family and dependants in the New Hebrides shall thereupon become unlawful:

Provided that this paragraph shall not apply to—

- (i) any dependant or member of the family of a person as aforesaid, if such dependant or member is in possession of a valid permit lawfully issued to him under this Regulation or is entitled to enter the New Hebrides without a permit under paragraph (a) of subsection (1) of this section, or
 - (ii) a person who at the time of ceasing to hold or enjoy the employment, appointment, status or privileges which entitled him to enter the New Hebrides without a permit is also entitled to enter the New Hebrides without a permit under paragraph (a) of subsection (1) of this section;
- (b) When any person referred to in paragraph (f) or paragraph (g) of subsection (1) of this section contravenes or fails to comply with any of the terms and conditions of a declaration under subsection (2) or a notice under subsection (3) of this section, as the case may be, enabling him to enter the New Hebrides, or when his exemption from the requirement to obtain a permit is cancelled under the said subsection (3), without prejudice to any offence thereby committed or penalty thereby incurred, his presence in the New Hebrides shall forthwith become unlawful.
- (7) The Resident Commissioners may jointly declare a person to be exempt from the entry formalities required by this Regulation.

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13. (1) The Principal Immigration Officers may upon application being made in the form prescribed in the Fourth Schedule to this Regulation issue a permit in the form prescribed in the Fifth Schedule to this Regulation authorising any person to enter and reside in the New Hebrides, upon such conditions as the Principal Immigration Officers may think fit.

Permits to
enter and
reside.

(2) The Principal Immigration Officers may in their discretion extend a permit issued under subsection (1) of this section, but shall not grant or extend a permit so that the holder becomes entitled to enter the New Hebrides without a permit under paragraph (a) of subsection (1) of section 12 unless so directed by the Resident Commissioners.

(3) Notwithstanding any other provision of this Regulation, the Principal Immigration Officers may cancel a permit issued under this section if they are satisfied that the holder of the permit made

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the declaration in respect of any particulars required when applying for his permit:

provided that the power to cancel shall only apply to permits issued after the coming into operation of this subsection.]

14. (1) The Principal Immigration Officers may issue a visitor's permit, subject to such conditions as may be specified in the regulations, to a visitor if they are satisfied that the visitor has a ticket or other means of travelling from the New Hebrides to some other country which he will be able to enter.

Visitor's permit.

(2) A visitor's permit shall, subject to the provisions of this Regulation, entitle a visitor to remain in the New Hebrides for any period or periods in the aggregate not exceeding four months in any period of twelve months.

(3) The Principal Immigration Officers may cancel a visitor's permit if they are satisfied that the visitor—

- (a) is not a person to whom a visitor's permit ought to have been issued;
- (b) has become a prohibited immigrant;
- (c) has become incapable of supporting himself or his dependants;
- (d) has behaved in a manner prejudicial to the peace and good order of the New Hebrides; or
- (e) is in breach of any of the conditions of his permit.

15. (1) Any person who—

Prohibited immigrants.

- (a) is not a person entitled to enter the New Hebrides without a permit under the provisions of subsection (1) of section 12; and
- (b) is a member of any of the prohibited classes as defined in subsection (2) of this section

shall be a prohibited immigrant and save as otherwise hereinafter expressly provided his presence in the New Hebrides shall be lawful, notwithstanding any permit he may hold.

(2) The following persons are members of the prohibited classes—

- (a) any person who, not being exempt, is not the holder of a valid permit issued or deemed to have been issued under this Regulation;
- (b) any person who at the time of entry into or residence in the New Hebrides is unable to show that he has the means of supporting himself and his family and dependants or that he has definite employment awaiting him or who is likely to become a pauper or a charge on the public;

(c) any person—

- (i) who refuses to submit to an examination by a Government medical officer after being required to do so under paragraph (d) of subsection (1) of section 4;
 - (ii) who at the time of his entry into the New Hebrides is certified by a Government medical officer to be suffering from a contagious or infectious disease which makes his presence in the New Hebrides dangerous to the community; or
 - (iii) in respect of whom at the time of his entry into the New Hebrides a Government medical officer certifies that he is suffering from any mental disorder and that his presence in the New Hebrides would be a danger to the community; or
- (d) any person who has been convicted by a court outside the New Hebrides of an offence in respect of which he has been sentenced to imprisonment for a term of six months or more:

Provided that the Principal Immigration Officers may, with the prior approval of the Resident Commissioners, in the case of a person whose last sentence of imprisonment expired more than five years before the date upon which he desires to enter the New Hebrides, direct that such person shall be exempted from the provisions of this paragraph and such person shall not thereafter be a prohibited immigrant by reason of the provisions of this paragraph;

- (e) any person who prior to his entry in the New Hebrides or within two years thereafter, in consequence of information received from any government through official or diplomatic channels, or from any other source deemed by the Resident Commissioners in their discretion to be reliable, is declared by the Resident Commissioners in their discretion to be an undesirable immigrant;
- (f) any person who is a member of any class or group of persons declared by the Resident Commissioners to be a prohibited class for the purposes of this section;
- (g) unless the Resident Commissioners shall otherwise declare, any member of the family and any dependant of a prohibited immigrant.

(3) In any case where the Principal Immigration Officers refuse to allow any person to enter the New Hebrides on the ground that such person is a prohibited immigrant, they shall inform him of the reasons for their decision.

16. It shall be unlawful for any person to remain in the New Hebrides after the expiration or cancellation of any permit issued or deemed to be issued to him under this Regulation unless he is otherwise entitled to remain in the New Hebrides under this Regulation.

Effect of
expiration of
cancellation
of permit.

PART V

REMOVAL OF PERSONS FROM THE NEW HEBRIDES

17. (1) Notwithstanding any other provisions of this Regulation, the Resident Commissioners in their discretion may make an order in the form prescribed in the Sixth Schedule to this Regulation against any person, whether or not he is unlawfully present in the New Hebrides, shall, on the expiry of fourteen days or such longer period as the Resident Commissioners in their discretion may specify from the date of service of the order on such person or on the completion of any sentences of imprisonment which he may be serving be removed from and remain out of the New Hebrides, either indefinitely or for a period to be specified in that order. The Resident Commissioners need not give any reasons for their order, which shall not be challenged in any Court in any proceedings whatever.

Power to
remove
persons
from the
New
Hebrides.

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

(3) A person against whom an order under this section is made may, if the Resident Commissioners in their discretion so direct, while awaiting removal and while being conveyed to the place of departure, be kept in prison or in police custody, and while so kept shall be deemed to be in lawful custody.

(4) A person against whom a removal order has been made may be removed to the place whence he came, or with the approval of the Resident Commissioners, in their discretion, to a place in the country to which he belongs, or to any place to which he consents to be removed, provided that the Government of such last mentioned place consents to receive him.

(5) The master of a ship which is proceeding to a place to which a person is directed to be removed and who is required by the Principal Immigration Officers to do so shall receive a person against whom a removal order has been made on board the ship and upon payment therefor afford him a passage to that place and proper accommodation and maintenance during the passage. Except as provided by section 18, the cost of such passage, accommodation and maintenance shall be paid by the person removed and the Resident Commissioner may apply any money or property of the person removed in payment of the whole or any part of such cost, or if the Resident Commissioner thinks fit, the whole or any part of such cost shall be paid out of the general revenue of the Joint Administration.

(6) If any master of a ship fails to comply with the provisions of subsection (5) of this section he shall be guilty of an offence and the owner of the ship and any agent of such owner in the New Hebrides shall be guilty of a similar offence and liable to a similar penalty:

Provided that no person shall be convicted under this subsection

- (a) he satisfies the court that the necessary accommodation was not available on the ship; or
 - (b) in the case of an aircraft, the commander had reasonable cause to believe that compliance with the provisions of the said subsection (5) may imperil the safety of the aircraft or any person therein; or
 - (c) in the case of an aircraft it would be contrary to any law to afford a person such passage as the Principal Immigration Officers may have required under the said subsection (5).
- (7) If a person in respect of whom a removal order is made under this section has been sentenced to any term of imprisonment, such sentence shall be served before the order is carried into effect unless the Resident Commissioners in their discretion otherwise direct.

18. The master and the owner and the agent of any ship from which any prohibited immigrant disembarks shall be jointly and severally liable to pay to the Resident Commissioners all expenses incurred by the Resident Commissioners in connection with the care, maintenance or treatment of such prohibited immigrant and his removal or conveyance from the New Hebrides to the place from which he was brought by the ship concerned. The amount of any such expenses as aforesaid shall be recoverable in an action brought by or in the name of the Principal Immigration Officers:

Liability for expenses incurred in respect of a prohibited immigrant.

Provided that—

- (a) the Resident Commissioners may, if they think fit, direct that the whole or any part of such expenses shall be paid out of the general revenue of the Joint Administration;
- (b) the provisions of this section shall not apply in the case of a person who is a prohibited immigrant by reason of being declared by the Resident Commissioners after his entry into the New Hebrides, to be in the class of undesirable immigrants under paragraph (e) of subsection (2) of section 15; and
- (c) the provisions of this section shall not apply in any case where the prohibited immigrant is at the time of entry in possession of a permit purporting to authorise him to enter the New Hebrides and to be issued under this Regulation.

PART VI

SUPPLEMENTARY PROVISIONS

19. Every document purporting to be a delegation, order, permit, declaration or cancellation under or in pursuance of the provisions of this Regulation and to be executed by the Resident Commissioners or the Principal Immigration Officers or an immigration officer, shall be received in evidence and shall without further proof be deemed to have been executed by the Resident

Proof of documents.

Commissioners, the Principal Immigration Officer or the immigration officer, as the case may be, unless the contrary is shown.

20. (1) No suit or other legal proceedings for damages shall be instituted in any court of law against the Resident Commissioners or the Principal Immigration Officers or any other officer of the Resident Commissioners or any other person for or on account of anything done or omitted to be done or purported to be done or omitted to be done, in good faith, in the performance or exercise or intended performance or exercise of any duty or power imposed or conferred by or under this Regulation; and the provisions of this section shall extend to the protection from liability as aforesaid of any person deputed by delegation under this Regulation or under any other law for the time being in force to perform or exercise any such duty or power aforesaid.

No suit or damages maintainable for things done in good faith under this Regulation.

(2) The exercise of any power or discretion conferred upon the Resident Commissioners or the Principal Immigration Officers by any of the provisions of this Regulation shall not be called into question or challenged in any court in any proceedings whatsoever.

21. (1) Any person aggrieved by a decision of the Principal Immigration Officers under this Regulation may appeal against such decision to the Resident Commissioners who, in their discretion, may confirm, vary or overrule the decision of the Principal Immigration Officers. The appeal shall be by way of petition in writing and shall be made within fourteen days of the decision appealed against or, where the aggrieved person is resident outside the New Hebrides, within twenty-eight days of such decision.

Appeals.

(2) The Principal Immigration Officers may grant to any person who intends to appeal to the Resident Commissioners, and to any member of the family and to any dependant of such person, an interim permit allowing him to enter and remain in the New Hebrides pending the determination of such appeal.

(3) The Principal Immigration Officers shall not grant an interim permit under this section unless they are satisfied that the person is unlikely to become a charge on the public during the currency of the permit. Any such permit may be cancelled by the Principal Immigration Officers if the person concerned appears likely to become a charge on the public or if the appeal is not presented with all due despatch and, if not cancelled, shall expire on the determination of the appeal.

22. (1) Any person who—

(a) for the purpose of obtaining for himself or for any other person or of assisting any other person to obtain any permit, exemption or other advantage under this Regulation or, with intent to deceive any immigration officer, makes or causes to be made any declaration, return or statement which he knows or has reasonable cause to

Offences and penalties.

- believe to be false or misleading, or uses any forged or unlawfully altered birth certificate, marriage certificate or any other forged or unlawfully altered document of any nature whatsoever or any passport which or in which any visa, entry or endorsement has been forged or unlawfully altered knowing or having reasonable cause to believe such certificate, document, passport, visa, entry or endorsement to be forged or unlawfully altered; or
- (b) alters or wilfully defaces any permit or any entry or endorsement in any passport issued or made under or in pursuance of the provisions of this Regulation, or any official or certified copy of any such permit, entry or endorsement; or
 - (c) wilfully resists, hinders or obstructs the Principal Immigration Officers or any immigration officer or other officer or person in the lawful execution of any duty, or in the lawful exercise of any power, under this Regulation; or
 - (d) knowingly misleads or attempts to mislead the Principal Immigration Officers or any immigration officer in relation to any matter material to the performance or exercise of any duty, function, power or discretion under this Regulation; or
 - (e) uses or has in his possession, without lawful excuse (the burden of proof whereof shall lie upon the person charged), any forged or unlawfully altered permit or other document issued or purporting to have been issued under this Regulation; or
 - (f) knowingly uses or has in his possession any unlawfully issued or otherwise irregular permit or other document issued or purporting to have been issued under this Regulation; or
 - (g) refuses or fails to submit to a medical examination, when so required under paragraph (d) of subsection (1) of section 4; or
 - (h) having arrived in the New Hebrides as a passenger by sea or air from any place outside the New Hebrides fails to appear before the Principal Immigration Officers as directed by them, unless exempt under subsection (4) of section 10; or
 - (i) unlawfully enters or is unlawfully present in the New Hebrides; or
 - (j) refuses or fails to comply with any notice issued to him under this Regulation with which he is required by the Regulation to comply; or
 - (k) fails to comply with any term or condition subject to which any permit has been issued to him under this Regulation; or
 - (l) harbours any person whom he knows or has reasonable

cause to believe to be a person whose presence in the New Hebrides is unlawful; or

- (m) uses any certificate, permit or exemption issued under this Regulation to or in respect of any other person as if it had been issued to or in respect of himself; or
- (n) gives, sells or parts with the possession of any such certificate, permit or exemption in order that or intending or knowing or having reasonable cause to believe that, it may be used in contravention of paragraph (m) of this subsection; or
- (o) having been directed by any order made under section 17 to remain out of the New Hebrides, fails so to do in contravention of such order;

shall be guilty of an offence against this Regulation.

(2) For the purposes of any proceedings for an offence under paragraph (a) of subsection (1) of this section, a declaration, return or statement to which that paragraph relates shall be deemed to have been made or caused to have been made, as the case may be, at the time and place at which the same was received by the officer or person to whom it was addressed.

(3) Any person convicted of an offence against this Regulation for which no penalty is otherwise provided shall be liable to a fine not exceeding three hundred Australian dollars.

(4) Where any person is convicted of an offence under paragraph (a) of subsection (1) of this section, the Principal Immigration Officers may cancel any permit which was issued in consequence of such offence.

(5) Where any person is convicted of an offence under paragraph (k) of subsection (1) of this section the Principal Immigration Officers shall cancel the permit in respect of which the offence was committed.

(6) Any person who is convicted of an offence under paragraph (o) of subsection (1) of this section shall be liable to a fine not exceeding seven hundred Australian dollars or to imprisonment for a term not exceeding three years or to both such fine and such imprisonment.

(7) Where any prohibited immigrant enters the New Hebrides on or from a ship, whether or not with the knowledge of the owner or master or of any agent therefor, such owner and master and such agent shall be guilty of an offence and shall be liable to a fine not exceeding three hundred Australian dollars:

Provided that it shall be a defence to a charge under this subsection that the owner, master or agents, as the case may be, had reasonable cause to believe that such prohibited immigrant was in possession of a valid permit authorising him to enter the New Hebrides.

(8) In any proceedings for an offence under this section a person shall be deemed to know the contents of any declaration, form or statement which he has signed or marked, whether he has signed such declaration, return or statement or not, if he knows the nature of the document.

23. Joint Regulation No. 8 of 1934, Joint Regulation No. 14 of 1954, Joint Regulation No. 30 of 1966 and Joint Regulation No. 1 of 1950 are hereby repealed:

Repeals and savings.

Provided that any deposit paid to the Condominium Treasurer under the provisions of section 5 of Joint Regulation No. 8 of 1934 as amended shall be deemed to have been paid under the provisions of section 5 and to be refundable in accordance with the provisions of section 8;

And provided that any person lawfully residing in the New Hebrides at the commencement of this Regulation by virtue of any settlement in force immediately prior thereto shall be deemed to have acquired such right of residence under this Regulation as if the same had been previously in force and the provisions of this Regulation shall apply mutatis mutandis to such person.

24. Any person who before the commencement of this Regulation and under the provisions of any law in force immediately prior to the commencement of this Regulation was issued with a visitor's permit shall be deemed to have been issued with a visitor's permit under this Regulation for a period not exceeding four months commencing with the date of his entry, and subject to the provisions of this Regulation, the presence in the New Hebrides of such person shall, upon the expiration of the said period of four months, forthwith become unlawful.

Transitional provisions.

25. This Regulation may be cited as the Joint Immigration Regulation No. 18 of 1971 and shall come into operation on the day on which it is published in the Condominium Gazette.

Citation and commencement.

Made at Vila this twenty-second day of July, 1971.

ANGLOIS

M. TOWNSEND

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.

FIRST SCHEDULE
(Section 4 (1) (c))

(Please print)

Mr. }
Mrs. } Surname
Miss }

.....
Maiden Name

.....
Given Names

Date of Birth
Day Month Year

Place of Birth

Nationality

Occupation

Permanent Address

For arriving passengers:
port of embarkation:

For passengers leaving:
port of disembarkation:

Names and place and date of birth of children under 16 years accompanying
you:

.....
.....
.....

(date) (Signature)

SECOND SCHEDULE
(Section 4 (1) (c))

This is to certify that we, the undersigned,

.....
.....

do hereby declare and affirm that we will stand surety for the repatriation

of

to

and any other expenses incurred while awaiting repatriation as required by this
Regulation until released by the Principal Immigration Officers from this Bond.

.....
Date

Witness

THIRD SCHEDULE

(Section 10 (1) (D) (iii))

NOTICE TO MASTER

The Master of the vessel/aircraft.....
by notify you that..... is this
..... day of..... 19.... prohibited
landing in the New Hebrides.
.....
..... 19....

Principal Immigration Officers

FOURTH SCHEDULE

(Section 13 (1))

APPLICATION FOR A PERMIT TO ENTER AND RESIDE IN THE NEW HEBRIDES

Principal Immigration Officers,
New Hebrides.

..... (full name)
..... (present address),
I hereby make application for a permit to enter and reside in the New Hebrides.
I obtain the required permit I intend to leave for the New Hebrides on the
..... day of..... 19....
I submit the following particulars concerning myself—

- Nationality (country of which citizen or subject).....
Place and date of birth.....
Place of birth and nationality of parents:
(a) Father:..... (place of birth)..... (nationality)
(b) Mother:..... (place of birth)..... (nationality)
Last place of permanent residence and period.....
(a) Whether previously in the New Hebrides.....
(b) If so, when? From..... to.....
(date/s of arrival) (date/s of departure)
Have you ever been deported or refused entry to the New Hebrides?.....
Marital status (single, married, widowed or divorced).....
If married, state:
(a) Full name of wife/husband:.....
(b) Full name, age and sex of children accompanying the applicant:.....
Occupation.....

a) Reasons for desiring to enter and reside in the New Hebrides

b) Business or occupation proposed to be undertaken in the new Hebrides

c) If under contract of employment give particulars and name of employer

a) State number of your passport

b) Place of issue

c) Date of issue

d) Place and date of renewal

e) Renewed to

Do you have adequate financial means of support?

Please give brief particulars.

Languages in which you are able to read and write fluently

Intended place of future residence in the New Hebrides

Have you any friends or relatives in the New Hebrides?

If so, give names and addresses of not more than two

(Full name/s) (Address/es) (Relationship)

Personal particulars:

(a) sex (b) height ft. ins.

(c) build (d) complexion

(e) colour of eyes (f) colour of hair

If you have been convicted of criminal offence give full particulars of conviction/s and sentence/s

If you have ever been a patient in a lunatic asylum or mental, give full particulars

I declare that the particulars set out in this application are true and correct in every respect.

Dated at this day of 19

Signed by the applicant in my presence

on

Signature of applicant

Signature of Witness to Declaration

Note: Separate application must be made in respect of each person provided that application for children under sixteen may be included in the application by the parent or guardian.

FIFTH SCHEDULE
(Section 13 (1))

PERMIT TO ENTER AND RESIDE IN THE NEW HEBRIDES

.....
mission to enter and reside in the New Hebrides is hereby granted to
.....
.....

.....
ject to compliance with the following conditions:

.....
That security in the sum of \$A..... be deposited or a security
.....
.....
d for that sum be lodged by.....
.....

(Name and Address)

.....
That he engage only in the following occupation or profession:.....
.....
.....

.....
That on arrival in the New Hebrides he will be employed by:.....
.....
.....

.....
and will report to the Principal Immigration Officers if he ceases to be so
employed.

.....
This permit will expire on..... unless
previously renewed.

New Hebrides.....19.....

.....
Signature of Permit Holder Principal Immigration Officers

.....
Note: The Principal Immigration Officers may strike out all or any of these
conditions.

SIXTH SCHEDULE
(Section 17 (1))

ORDER OF REMOVAL FROM THE NEW HEBRIDES

.....
It is hereby ordered that you.....
.....
(full name)

.....
shall on the..... be removed from and
.....
remain out of the New Hebrides.....
.....
(length of period)

.....
Dated at Vila the..... day of.....19.....

.....
The Resident Commissioner
for the French Republic.

.....
Her Britannic Majesty's
Resident Commissioner.