

# **The Non-Citizens (Registration, Immigration and Expulsion) Act, 1965**

Assented to in Her Majesty's name this 8th day of June, 1965.

H. J. L. BOSTON, Governor-General.

An Act to Consolidate and Amend the Immigration Restriction Act, the Aliens Registration Act, the Lodgers (Registration in Hotels) Act and the Expulsion Act, 1963 (Cap. 86 - Cap. 85 - Cap. 74 - Act No. 35 of 1963.)

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice, and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:-

## **PART I - PRELIMINARY**

### **1. Short title and commencement.**

This Act may be cited as the Non-Citizens (Registration, Immigration and Expulsion) Act, 1965, and shall come into operation on the 1st day of June, 1965:

Provided that in so far as this Act re-enacts without substantial modification any provision or any enactment repealed by this Act such provision shall be deemed to have come into operation on the date on which it was originally enacted.

### **2. Interpretation.**

In this Act unless the contrary intention appears-

"citizen" includes any person either of whose parents is a negro of African descent and who but for subsection (3) of section 1 of the Constitution would have been a citizen of Sierra Leone;

"Immigration Officer" includes the Principal Immigration Officer and any Assistant Immigration Officer;

"lodging house" means any premises whether furnished or unfurnished, where lodging or sleeping accommodation is provided for reward and includes an hotel;

"lodging-house keeper" means any person who for reward receives any other person to lodge in such premises, either on his own behalf or as manager or otherwise on behalf of any other person;

"non-citizen" means any person who is not a citizen;

"privileged African" means a citizen of any of the countries listed in the Second Schedule (as the same may from time to time be varied, amended or replaced by Order of the Prime Minister published in the Gazette) or any person one of whose parents was a citizen of any such country;

"prohibited immigrant" means a person other than a citizen being or appearing to be a prohibited immigrant within the meaning of section 19;

"recognised airfield or airport" means an airfield or airport declared by Order of the Governor-General to be recognised for the purposes of this Act;

"registrable lodger" means any person other than a citizen or a privileged African;

"travel certificate" means any document which establishes to the satisfaction of the Immigration Officer the identity and nationality of the person producing the same;

"valid passport" means a passport referring to the person producing the same, furnished with a photograph of such person, and issued to him by or on behalf of the country of which he is a subject or a citizen and for a period which, according to the laws of that country, has not expired, and includes any other similar document issued by a competent Passport control Authority establishing both the nationality and identity of the person to whom it refers to the satisfaction of an Immigration Officer.

### **3. Appointments and powers of Immigration Officers.**

(1) The Public Service Commission shall appoint a Principal Immigration Officer to have charge of the administration of this Act and such Assistant Immigration

Officers as it may think fit. All such appointments shall be published in the Gazette.

(2) Any Immigration Officer may for the purposes of this Act enter or board as often as may be necessary any vessel, aircraft, railway train, motor or other vehicle.

(3) Where in this Act or in any Rules or Regulations made hereunder any power is conferred on or otherwise vested in the Immigration Officer such power shall be exercised in accordance with any general or special directions which may from time to time be given to the Immigration Officer by the Prime Minister.

#### **4. Exempted persons.**

This Act shall not apply to the immigration of the following person unless in any particular case the person in question is the subject of an Order of the Governor-General made under sections 20 or 21 -

(a) Officers and members of the crews of the naval ships of any friendly power, who are in uniform; if such persons are not in uniform they must, before being exempted, satisfy the Immigration Officer as to their identity and occupation;

(b) members of the diplomatic and consular services of a friendly country, who satisfy the Immigration Officer as to their identity and occupation, and their wives and children;

(c) any person in the service of the Government who has in his possession a valid passport and satisfies the Immigration Officer as to his identity and occupation, and his wife and children;

(d) any citizen of Sierra Leone;

(e) any privileged African who is not a prohibited immigrant;

(f) Any person who is deemed to be a refugee under the convention relating to Status of Refugees signed on 28th July, 1951 at Geneva and Protocol relating to the Status of Refugees signed on 31st January, 1967 at New York, as defined in the Third Schedule to this Act, to which Sierra Leone is a party, and any convention on Refugees to which Sierra Leone becomes a party by ratification or accession in the manner provided under Section 21 (2) of the Constitution.

(inserted by the Non-Citizens (Registration, Immigration and Expulsion) Amendment Act, 1980)

but all such persons shall complete the usual embarkation and disembarkation forms and until such time as the individual in question satisfies the Immigration Officer that he comes within any of the exemptions set out in this subsection the provisions of this Act shall apply to such person.

#### **5. Declaration of recognised airfields or airports.**

For the purposes of this Act the Governor-General may by Order declare any airfield or airport to be a recognised airfield or airport.

### **PART II - REGISTRATION OF NON-CITIZENS**

#### **6. Registration of non-citizens.**

(1) Every non-citizen belonging to a class or classes prescribed by the Prime Minister, and residing or being in Sierra Leone shall within three months of the first day of January in each year register at such place and pay such registration fee as shall be prescribed.

(2) Any person who fails to comply with the requirements of subsection (1) shall be guilty of an offence against this Act and liable on conviction to a fine not exceeding five hundred leones or to imprisonment for a period not exceeding twelve months and the Court by whom such person is convicted shall recommend that an Expulsion Order be made against him under section 21.

#### **7. Register of lodgers to be kept.**

Every lodging-house keeper shall keep a register of all registrable lodgers to whom accommodation is afforded at such lodging house.

#### **8. Particulars relating to non-citizens to be entered in register.**

Every lodging-house keeper shall, before accommodating a registrable lodger in his lodging house, ascertain and enter or cause to be entered in the register kept for the purpose, the full name, nationality, age and occupation of such registrable lodger seeking accommodation together with the date of his arrival, his last place of residence and the address from which he last came; and on the departure of a registrable lodger who has been accommodated at a lodging

house, the lodging-house keeper shall enter or cause to be entered in the register the date of his departure and his destination on departure and if required by the Immigration Officer he shall also ascertain and enter in the register from time to time such other particulars relating to such registrable lodger as the Immigration Officer may direct.

#### **9. Non-citizens to furnish true statements of particulars.**

It shall be the duty of every registrable Lodger accommodated at a lodging house to furnish true statements of the particulars required by this Act, and the lodging-house keeper may require any registrable lodger to whom he has afforded accommodation to sign a statement verifying the truth of the particulars so furnished.

#### **10. Inspection of registers.**

Every register kept in accordance with the provisions of this Part shall at all reasonable hours be open for inspection by any Immigration Officer or constable.

### **PART III - DISEMBARKATION AND EXAMINATION**

#### **11. Prohibition of disembarkation from ships without permission of Immigration Officer.**

The master of a vessel arriving at any place in Sierra Leone to disembark from such vessel until such disembarkation has been authorised by an Immigration Officer.

#### **12. Examination of immigrants sea.**

Every passenger arriving by sea intending to disembark in Sierra Leone shall appear before the Immigration Officer at such time and place as the Immigration Officer shall direct, and the Immigration Officer, after such examination as he may consider necessary, shall inform any passenger whom he considers to be within the category of a prohibited immigrant of such finding and such passenger if still aboard the vessel shall not disembark in Sierra Leone or if disembarked for the purposes of such examination shall return forthwith to the vessel and remain thereon. The master of the vessel shall likewise forthwith be informed in writing by the Immigration Officer of his finding and

the master shall not permit the prohibited immigrant to disembark in Sierra Leone:

Provided that the provisions of this section shall not apply where such passenger has embarked at any place in Sierra Leone and disembarks from the vessel at the same or any other place in Sierra Leone during, or at the end of, the voyage which the vessel began or was in the course of when he embarked.

### **13. Examination of immigrants by air.**

(1) Every passenger arriving by air in Sierra Leone at any recognised airfield or airport and intending to leave the precincts of the said airfield or airport shall appear before the Immigration Officer at such time and place as the Immigration Officer shall direct, and the Immigration Officer, after such examination as he may consider necessary, shall inform any passenger whom he considers to be within the category of a prohibited immigrant of such finding and such passenger shall not depart from the precincts of such airfield or airport except to a place approved by the Immigration Officer and shall leave Sierra Leone at the first reasonable opportunity in accordance with the instructions of the Immigration Officer.

(2) Where any passenger arrives by air in Sierra Leone at any place other than a recognised airfield or airport such passenger shall forthwith and in any case not later than seven days after the day of his arrival proceed to and appear before the nearest Immigration Officer.

### **14. Examination of immigrants by inland waters or overland.**

Every person who enters Sierra Leone by inland waters or overland shall forthwith and in any case not later than seven days after the day of his arrival proceed to and appear before the nearest Immigration Officer who, after such examination as he may consider necessary, shall, if he considers that such person is within the category of a prohibited immigrant, inform such person of his finding and such person shall leave Sierra Leone at the first reasonable opportunity in accordance with the instructions of an Immigration Officer.

### **15. Examination of person ceasing to be exempted under section 4.**

(1) If any person who has entered Sierra Leone under the provisions of paragraphs (a), (b), or (c) of section 4 subsequently, while in Sierra Leone,

ceases to possess the qualifications by virtue of which the provisions of that section applied to him, the exemption conferred by that section shall cease to apply and he shall, within fourteen days of the time when his exemption ceases to be effective, appear before the Immigration Officer.

(2) The Immigration Officer after such examination as he may consider necessary, shall, if he considers that such person is within the category of a prohibited immigrant, inform such person of his finding and such person shall leave Sierra Leone at the first reasonable opportunity in accordance with the instructions of the Immigration Officer.

#### **PART IV - CONDITIONS OF ENTRY**

##### **16. Entry into Sierra Leone.**

(1) Subject to the provisions of subsection (2), no person shall enter Sierra Leone except upon such conditions relating to security to be furnished, duration and place of residence, occupation or business or any other matter or thing, whether similar to those before enumerated or not, as may be prescribed.

(2) The provisions of subsection (1) shall not apply -

(a) to persons who enter Sierra Leone in accordance with the provisions of this Act,

(i) for a temporary visit; or

(ii) for the purpose of passing through Sierra Leone to, or in order to embark for, some other country; or

(b) in any case to which the proviso to section 12 refers.

(3) In the case of any person allowed to enter Sierra Leone under the provisions of subsection (1) no liability shall attach to the master, owner or agent of any vessel from which such person lands and the person in charge, the owner and the agent of any aircraft, motor or other vehicle shall, in like circumstances, be similarly exempt.

##### **17. Failure to comply with conditions of entry.**

Where any person enters Sierra Leone in accordance with the provisions of section 16 and breaks any of the conditions subject to which he was permitted entrance, then -

(a) if security has been furnished by way of deposit, such deposit may be forfeited;

(b) if security has been furnished by bond the Attorney-General may sue and recover for the use of the general revenue of Sierra Leone the amount secured by the bond;

and in any case such person may be treated as a prohibited immigrant.

### **18. Temporary and transit visas.**

(1) On application being made to him in the prescribed manner an Immigration Officer may in his discretion issue a visa either to enter Sierra Leone for a temporary visit, such visa to be known as a temporary visa, or for the purpose of passing through Sierra Leone to, or in order to embark for some other country, such visa to be known as a transit visa.

(2) Temporary and transit visas may be ordinary or diplomatic and shall be in such form, and may be issued subject to the payment of a fee and such conditions as to the sum to be deposited therefor, .....??....., renewal or extension, the use to which such sum may be put if and when necessary, the return thereof or any other matter or thing whether similar to those before enumerated or not, as may be prescribed.

(3)

(a) Where an application is made under the provisions of subsection (1) by a person other than a prohibited immigrant, an Immigration Officer may issue a temporary or transit visa as the case may be, subject to such of the prescribed conditions, if any, as he in his discretion may think fit.

(b) Where an application is made as aforesaid by a prohibited immigrant an Immigration Officer may only issue a temporary or transit visa, as the case may be, subject to the prescribed conditions.

(4) Inspection of certificates and visas.

Every person shall retain any certificate or visas issued to him under this Act and shall, on demand being made by Immigration Officer or a constable produce the same for inspection.

(5) Powers of Ministers of External Affairs, Diplomatic and Consular Representatives.

The powers vested in an Immigration Officer by this section shall also be exercisable by the Minister of External Affairs, an Ambassador, High commissioner or a Consular Representative of Sierra Leone.

(6) Any person who having entered Sierra Leone in pursuance of a temporary or transit visa remains in Sierra Leone beyond the time allowed by such visa, or breaks any other condition subject to which such visa was issued may be treated as a prohibited immigrant.

## **PART V - PROHIBITED IMMIGRANTS, EXPULSION AND DEPORTATION**

### **19. Prohibited Immigrants.**

(1) The immigration into Sierra Leone by land, sea or air of any person being or appearing to be of any of the classes specified in subsection (2) is prohibited:

Provided that such prohibition shall not apply to a person to whom a temporary or transit visa is issued under the provisions of section 18.

(2) The classes of prohibited immigrants shall be -

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

(b) any idiot or insane person;

(c) any person who, from official Government records, or from information officially received is deemed by the Governor-General to be undesirable;

(d) any person who is shown, to the satisfaction of the Governor-General, to be likely to conduct himself so as to be dangerous to peace and good order in Sierra Leone, or to excite enmity between the people of Sierra Leone and Her Majesty or to intrigue against Her Majesty's power and authority in Sierra Leone;

(e) any person or class of persons the immigration of whom is prohibited by Order of the Governor-General under section 20 or in respect of whom an Expulsion Order has been made under the provisions of section 21;

(f)

(i) any person who -

(aa) has not in his possession a valid passport or in the case of a privileged African a travel certificate; or

(bb) being a juvenile under the age of sixteen years, has not in his possession a valid passport or in the case of a privileged African a travel certificate or is not accompanied by an adult on whose valid passport or travel certificate particulars of such juvenile appear;

(ii) in the case of a person who is neither a privileged African nor a Commonwealth citizen nor a citizen of a country which has been declared by the Governor-General by notice in the Gazette to be a country the subjects or citizens of which are exempt from this provision, such passport must bear the visa of a Sierra Leone Consul or other accredited Sierra Leone Representative, stating whether the person concerned is in transit or otherwise;

(g) any prostitute;

(h) any person who is or has been -

(i) a brothel keeper;

(ii) a householder permitting the defilement of a young girl on his premises;

(iii) a person allowing a person under thirteen years of age to be in a brothel;

(iv) a person causing or encouraging the seduction or prostitution of a girl under thirteen years of age;

(v) a person trading in prostitution; or

(vi) a procurer.

(3) For the purposes of paragraphs (g) and (h) of subsection (2).

"brothel keeper" includes any person who appears, acts or behaves himself as the owner of, or the person having the care, government or management of, any premises, or room or set of rooms in any premises, kept for purposes of prostitution;

"householder permitting the defilement of a young girl on his premises" means any person who, being the owner or occupier of any premises or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man or for any lewd purpose;

"person allowing a person under thirteen years of age to be in a brothel" means any person having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of thirteen years, who allows that child or young person to reside in or frequent a brothel;

"person causing or encouraging the seduction or prostitution, of a girl under thirteen years of age" means any person having custody, charge or care of a girl under the age of thirteen years who causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, that girl;

"person trading in prostitution" means -

(a) a male person who knowingly lives wholly or in part on the earnings of prostitution or who, in any public place, persistently solicits or importunes for immoral purposes; or

(b) a female who, for the purposes of gain, exercises control, direction or influence over the movements of a prostitute in such a manner as to show that such female is aiding, abetting or compelling her prostitution with any person or generally;

"procurer" means any person who -

(a) procures or attempts to procure any female under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either within or outside Sierra Leone, with any other person, or

(b) procures or attempts to procure any female to become a common prostitute, either within or outside Sierra Leone, or

(c) procures or attempts to procure any female to leave her usual place of abode (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either within or outside Sierra Leone, or

(d) by threats or intimidation procures or attempts to procure any female to have any unlawful carnal connection either within or outside Sierra Leone, or

(e) by false pretences or false representations procures any female, not being a common prostitute or known immoral character, to have any unlawful carnal connection, either within or outside Sierra Leone, or

(f) applies or administers to or causes to be taken by any female, any drug, matter, or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connection with that female;

"prostitution" (with its grammatical variations and cognate expressions) includes the offering by a female of her body commonly for acts of lewdness for payment, although there is no act, or offer of an act, of ordinary sexual connection.

## **20. The Governor-General may prohibit entry of any non-citizen.**

Notwithstanding anything in this Act the Governor-General may, in his absolute discretion, by Order prohibit the entry into Sierra Leone of any non-citizen.

## **21. Expulsion of non-citizens.**

(1) Notwithstanding anything in this Act it shall be lawful for the Governor-General to make an Order (hereinafter called an Expulsion Order) requiring any non-citizen to leave Sierra Leone a time fixed by such Order, and thereafter to a main out of Sierra Leone -

(a) if he deems it conducive to the public good to make an Expulsion Order against the non-citizen, or

(b) if it is certified to him by a Judge or Magistrate that the non-citizen has been convicted by the Court of any felony, misdemeanour, or other offence for which the Court has power to impose imprisonment without the opinion of a fine or of any offence under this Act, and that the Court recommends that an Expulsion Order should be made in his case either in addition to or in lieu of the sentence;

Provided that nothing contained in paragraph (b) shall prejudice the power of the Governor-General in his absolute discretion to make an Expulsion Order under the provisions of paragraph (a).

(2) An Expulsion Order may be made subject to any condition which the Governor-General may think proper.

(3) An Expulsion Order may be made in respect of one or more non-citizens as the Governor-General may think proper.

## **22. Cases in which recommendation for expulsion shall not have effect.**

(1) When any non-citizen in whose case a Court has made a recommendation for expulsion has appealed against his conviction and the Supreme Court or the Court of Appeal, as the case may be, certifies to the Governor-General that it does not concur in the recommendation, such recommendation shall be of no effect.

(2) Where a Magistrate has made a recommendation for the expulsion of any non-citizen, and such non-citizen has not appealed against the conviction, the Magistrate shall, at the expiration of the time limited for appeal, forward to the Chief Justice the minutes and notes of evidence taken in the case, and such recommendation shall be of no effect unless the Chief Justice certifies to the Prime Minister that he concurs in the recommendation.

(3) Nothing in this section contained shall prejudice the power of the Governor-General to make an Expulsion Order under the provisions of paragraph (a) of sub-section (1) of section 21.

## **23. Effect of Expulsion Order.**

A non-citizen in respect of whom an Expulsion Order is made shall leave Sierra Leone in accordance with the Order, and shall thereafter as long as the Order is in force remain out of Sierra Leone.

**24. Detention of persons against whom an Expulsion Order has been made.**

A non-citizen in respect of whom an Expulsion Order is made, or a certificate is given by a Court with a view to the making of an Expulsion Order, may be detained in such manner as may be directed by the Governor-General, and

(a) may be placed on a ship or aircraft about to leave Sierra Leone, or

(b) may be escorted to and placed across any part of the boundaries of Sierra Leone, and shall be deemed to be in legal custody whilst so detained until he finally leaves Sierra Leone.

**25. Duty of master of ship or aircraft with regard to non-citizen expelled.**

The master of a ship or aircraft about to call at any port or airport outside Sierra Leone shall, if so required by the Governor-General, the Commissioner of Police or a district Officer receive a non-citizen against whom an Expulsion Order has been made and his dependants if any, on board the ship or aircraft, and afford him and them a passage to that port or airport and proper accommodation and maintenance during the passage.

**26. Expenses of expulsion.**

Where an Expulsion Order is made in the case of a non-citizen the Governor-General may, if he thinks fit, apply any money or property of the non-citizen in payment of the whole or any part of the expenses which may be incurred by the Government in connection with the expulsion of such non-citizen and the maintenance of the non-citizen and his dependants, if any, before departure.

**27. Power to prevent entry of, and to arrest prohibited immigrants.**

(1) Subject to the provisions of this Act, any constable or Immigration Officer may prevent any prohibited immigrant from entering Sierra Leone by land, air, inland water or sea and may, without warrant, arrest any person suspected of being a prohibited immigrant.

(2) Any person arrested under the provisions of sub-section (1) shall, if not released, be brought without delay before a Magistrate:

Provided that where the vessel or aircraft from which such person disembarked is on the point of departure he may, if not released, instead of being brought before a Magistrate be handed over to the custody of the master of the vessel, unless he demands to be taken before a Magistrate.

(3) Subject to the provisions of section 33 the Magistrate, if he does not deal with the case forthwith, may either remand such person for a period not exceeding fourteen days or may release him on bail.

(4) If the Magistrate finds such person to be a prohibited immigrant, he shall issue a Deportation Order requiring the person in respect of whom it is made to leave and remain out of Sierra Leone. An appeal by either party shall lie from the finding of the Magistrate to the Supreme Court. Such appeal shall be entered within seven days of the date of such finding and, pending the hearing of such appeal, the person who is the subject of the appeal may be either remanded or released on bail by the Magistrate or the Supreme Court.

(5) A person found to be a prohibited immigrant may, pending the issue of a Deportation Order and thereafter until he can conveniently be placed on board a vessel about to leave Sierra Leone or be otherwise deported, be detained in such manner as circumstances may require, and shall be deemed to be in legal custody whilst so detained and until the vessel finally leaves Sierra Leone or he is outside the frontiers of Sierra Leone as the case may be.

## **28. Punishment and deportation.**

(1) Any person who, being a prohibited immigrant at the time of his entry into Sierra Leone, enters Sierra Leone except in accordance with the provisions of this Act, shall be guilty of an offence and be liable on summary conviction to imprisonment for a term of six months and to be deported.

(2) No person who comes within the definition of a prohibited immigrant shall be released from the operation of this Act or be allowed to be or remain in Sierra Leone merely because he has not been notified not to enter Sierra Leone or because he may have been allowed to enter Sierra Leone through an oversight or through want of knowledge that he was a prohibited immigrant, but no person shall be sentenced to imprisonment under subsection (1) if he

can satisfy the Magistrate that he did not know that he was a prohibited immigrant and that his ignorance was not due to any negligence or bad faith on his part. Proof adduced after any person has entered Sierra Leone that he is of any of the classes whose entry is prohibited shall render such person liable to be deported forthwith as a prohibited immigrant.

(3) When arrangements have been made for the deportation of a person undergoing a sentence of imprisonment imposed under sub-section (1) such person may be taken and placed on board the vessel, aircraft, motor or other vehicle on which he is to be deported, notwithstanding that the full term of imprisonment has not been served, and shall be deemed to be in legal custody whilst so placed and until the vessel, aircraft, motor or other vehicle finally leaves Sierra Leone.

#### **29. Contract for the return of a prohibited immigrant.**

In any case in which an order for the deportation of a prohibited immigrant is made and such prohibited immigrant cannot be placed on board the vessel from which he disembarked, or in the aircraft, motor or other vehicle in which he arrived in Sierra Leone, any Immigration Officer, may, with the approval of the Principal Immigration Officer, make a contract with the master, person in charge of, owner or agent of any vessel, aircraft, motor or other vehicle for the conveyance of the prohibited immigrant to a place outside Sierra Leone, and such prohibited immigrant with his personal effects, if any, may be placed by a Constable or Immigration Officer on board or in such vessel, aircraft, motor or other vehicle and until such vessel, aircraft, motor or other vehicle finally leaves Sierra Leone shall be deemed to be in lawful custody.

#### **30. Liability of master, person in charge, owner or agent in respect of a prohibited immigrant or stowaway.**

(1) The master and the owner and the agent of any vessel from which any prohibited immigrant or stowaway shall disembark or be disembarked shall be jointly and severally liable to pay to the Government all expenses incurred by the Government in connection with the transport and maintenance of such prohibited immigrant or stowaway and his deportation from Sierra Leone and the person in charge, the owner and the agent of any aircraft, motor or other vehicle shall, in like circumstances, be similarly liable.

(2) The amount of any such expenses as aforesaid shall be recoverable in an action brought by or in the name of the Attorney-General.

### **31. Liability of persons bringing insane persons into Sierra Leone.**

(1) Any person who shall be instrumental in bringing into Sierra Leone any idiot or insane person, not being a citizen, shall be liable to pay to the Government all expenses which may be incurred by the Government in connection with the maintenance and transport of such idiot or insane person and his deportation from Sierra Leone.

(2) The amount of any such expenses as aforesaid shall be recoverable in an action brought by or in the name of the Attorney-General.

## **PART VI - SEAMEN**

### **32. Seamen not to be discharged without the consent of an Immigration Officer.**

(1) No seaman who is not a citizen shall be discharged from any vessel in Sierra Leone for any reason whatsoever except with the consent of an Immigration Officer, which consent shall not be given unless the master, owner or agent of the vessel shall have made arrangements to the satisfaction of the Immigration Officer, to ensure that the seaman shall not become a pauper or a public charge in Sierra Leone.

(2) Any seaman who is not a citizen who shall be discharged for any reason whatsoever without such consent or who shall in Sierra Leone desert from his vessel or shall for any reason whatsoever be left being may be deemed to be a prohibited immigrant and thereupon shall be dealt with in the same manner as though he had entered Sierra Leone as a prohibited immigrant; and the master, owner or agent of such vessel shall be jointly and severally liable to pay to the Government all expenses incurred in the maintenance and deportation of such seaman.

(3) The amount of any such expenses as aforesaid shall be recoverable in an action brought by or in the name of the Attorney-General.

(4) In this section the expression "s...??..." includes every person employed or engaged in any capacity on board any vessel.

### **33. Punishment or discharge of a member of a crew or extra hand.**

Where the master of a vessel charges any member of his crew or an extra hand other than a citizen before a Magistrate with an offence committed at some time prior to the vessel's arrival or while the vessel is in a port in Sierra Leone then the Magistrate -

(a) if he convicts the person charged, may, in awarding punishment, order that on the expiration of the sentence or on the sooner readiness of the vessel to proceed to sea such person shall be conducted in custody aboard the vessel for conveyance away from Sierra Leone;

(b) if he discharges the person charged, shall, in the order of discharge, order such person to be immediately conveyed back to the vessel.

### **34. Stowaways to be deported.**

(1) Where a Magistrate convicts any person, not being a citizen, of the offence of being a stowaway under sub-section (1) of section 237 of the Merchant Shipping Act, 1894, he shall forthwith forward a certificate in Form A in the Schedule under his hand to the Prime Minister who may thereupon, without further inquiry into the matter, issue a Deportation Order in Form B in the Schedule in respect of such convicted person.

(2) A Deportation Order issued under the provisions of sub-section (1) shall be sufficient authority for the detention of the person named therein in lawful custody, notwithstanding that any sentence of imprisonment which may have been imposed upon him shall have expired, and for his conveyance on board the vessel on which he is to be deported and for his detention upon such vessel until the vessel finally leaves Sierra Leone.

(3) Where a Deportation Order has been issued under sub-section (1), it may be executed notwithstanding that any period of imprisonment imposed upon the person named therein for the offence of stowing away has not expired.

(4) The expense of deporting a stowaway under this section shall be borne as provided in section 30.

## **PART VII - MISCELLANEOUS**

### **35. Burden of proof and presumptions.**

(1) Whenever in any proceedings under this Act, or whenever for any of the purposes of this Act, one or more of the following questions is or are in issue -

(a) whether any particular person is or is not in possession of a valid passport or travel certificate;

(b) whether any particular person is or is not domiciled in Sierra Leone;

(c) whether any particular person is or is not a citizen, or is or is not a non-citizen of any particular class

the burden of proof that such person is in possession of a valid passport or travel certificate, or is domiciled in Sierra Leone or is or is not a non-citizen of any particular class, as the case may be, shall lie on the party contending that such person is in possession of a valid passport or travel certificate, or is domiciled in Sierra Leone, or is a citizen, or is or is not a non-citizen of any particular class, as the case may be, and if such proof be not produced to the satisfaction of the Court or of the Immigration Officer, as the case may be, such person shall for the purpose of such proceedings and of this Act be deemed not to be in possession of a valid passport or travel certificate, or not to be domiciled in Sierra Leone, or not to be a citizen, or to be a non-citizen of the class to which he is alleged by the Government to belong, as the case may be.

(2) A document purporting to be an Expulsion Order a Deportation Order or any other Order made under this Act shall, until the contrary is proved, be presumed to be such an Order.

(3) An Expulsion Order, a Deportation Order or any other Order purporting to be made under this Act shall be presumed, until the contrary is proved, to have been validly made and to have been made on the date upon which it purports to have been made.

### **36. Offences.**

Any person who -

(a) aids or assists any immigrant to enter Sierra Leone in contravention of the provisions of this Act;

(b) knowingly harbours any person whom he knows or has reasonable grounds for believing to have acted in contravention of the provisions of this Act;

(c) disobeys or disregards any obligation imposed by the provisions of this Act;

(d) makes or causes to be made any false return, false statement or false representation in connection with any obligation imposed by the provisions of this Act;

(e) resists or obstructs actively or passively an Immigration Officer in the execution of his duty;

(f) wilfully and without lawful excuse hinders or obstructs any deportation under the provisions of this Act;

(g) gives, sells or lends any certificate or visa issued to him under the provisions of this Act in order that it shall be used by any other person, or uses as a certificate or visa issued to him any certificate or visa issued to any other person;

(h) by false declaration obtains or attempts to obtain for himself or any other person any certificate, passport or visa;

(i) without lawful authority uses or has in his possession any forged, unlawfully altered, or irregular certificate, passport, visa or other document or any passport or document on which any visa or endorsement has been forged or unlawfully altered;

(j) being the master of a vessel, knowingly permits any person to disembark from such vessel in contravention of the provisions of this Act, or refuses to receive on board any prohibited immigrant who has disembarked from such vessel or with respect to whom a contract has been made in pursuance of the provisions of section 29, or neglects to take reasonable measures to keep on board any prohibited immigrant who has disembarked from such vessel and been replaced on board or any prohibited immigrant placed on board in accordance with the terms of any contract made in pursuance of the provisions of section 29;

(k) being the person in charge of an aircraft, aids or abets any person to leave the precincts of the airfield or airport in contravention of the provisions of this Act;

(l) being the person in charge of any aircraft, motor or other vehicle refuses to receive in such aircraft, motor or other vehicle any prohibited immigrant with respect to whom a contract has been made in pursuance of the provisions of section 29 or neglects to take reasonable measures to keep in such aircraft, motor or other vehicle any prohibited immigrant, placed therein in accordance with the terms of any contract made in pursuance of the provisions of section 29;

(m) having entered Sierra Leone in pursuance of a temporary or transit visa, remains in Sierra Leone beyond the time allowed by such visa, or breaks any other condition subject to which such visa was issued;

(n) acts in contravention of, or fails to comply with any provisions of Parts II or III or section 32 or shall withhold any fact or information which would bring such person within the category of a prohibited immigrant,

shall be guilty of an offence and liable on summary conviction, to a fine not exceeding one hundred leones or imprisonment for a period not exceeding six months, and when the master of a vessel, or the person in charge of any aircraft or motor or other vehicle, is charged with any such offence, the clearance outward of the vessel shall be refused, and the aircraft or motor or other vehicle shall be detained until the charge has been heard or determined and the fine, if any, imposed has been paid.

### **37. Penalty for contravention of Expulsion Order.**

If any non-citizen in whose case an Expulsion Order has been made is at any time found within the limits of Sierra Leone in contravention of the Order, he shall on summary conviction be liable to imprisonment for a term not exceeding three years.

### **38. Penalty for aiding and harbouring.**

Any person aiding or attempting to aid any person, in whose case an Expulsion Order has been made, to return to Sierra Leone and any person unlawfully

harbouring such person, shall on summary conviction be liable to imprisonment for a term not exceeding two years.

### **39. Jurisdiction of Courts.**

For the purpose of a trial of a person for any offence under any Order made under section 6, the offence shall be deemed to have been committed either at the place in which the same was actually committed or at any place in which the offender may be.

### **40. Power to make Rules.**

(1) The Governor-General may make Rules for all or any of the following purposes -

(a) requiring the master, agent or owner of every vessel and the person in charge of any aircraft which carries any passenger other than a citizen or a privileged African from any place in Sierra Leone to any place outside Sierra Leone to furnish to such person and in such manner as may be prescribed a return giving such particulars in respect to such passenger as may be required;

(b) requiring the master of every vessel and the person in charge of any aircraft which carries any passenger from any place outside Sierra Leone to any place in Sierra Leone to furnish to such person and in such manner as may be prescribed a return giving such particulars in respect to such passenger as may be required;

(c) requiring the master of every vessel calling at a port in Sierra Leone, and the person in charge of any aircraft calling at any recognised aerodrome or airport, to furnish to such person and in such manner as may be prescribed a return giving the name and nationality of any member of the crew of any such vessel or aircraft;

(d) prescribing anything which under the provisions of this Act requires to be prescribed; and

(e) prescribing such restrictions and other conditions (including the imposition of fees) as the Prime Minister may think fit to be applied to the citizens of any country specified in such Rules which in the opinion of the Prime Minister either by legislation, administrative action or otherwise fails to grant

reciprocal treatment to Sierra Leone citizens in matters falling with provisions of this Act.

(2) The Governor-General may by Order amend and replace the forms in the Schedule.

**41. Repeal of Caps. 74, 85, 86, and Act No. 35 of 1963.**

The Lodgers (Registration in Hotels) Act, the Aliens Registration Act, the Immigration Restriction Act and the Expulsion Act, 1963 are hereby repealed:

Provided that (Vol. VII page 887, Cap. 90.) -

(a) all Rules, Regulations or Orders (except the Aliens Registration (Western Area) Order) made under any of the said Acts or under the Aliens (Expulsion) Act (which was repealed by the Expulsion Act, 1963) shall (except in so far as they may be inconsistent with the express provisions of this Act) be deemed to have been made under the provisions of this Act and shall continue in force except in so far as they shall from time to time be amended, revoked, or replaced by Rules, Regulations or Orders made under the provisions of this Act;

(b) persons who were Immigration Officers immediately before such repeal took effect shall be Immigration Officers under this Act;

**FIRST SCHEDULE  
FORM A**

THE NON-CITIZENS (REGISTRATION, IMMIGRATION AND EXPULSION) ACT, 1965

CERTIFICATE OF CONVICTION OF A STOWAWAY (Section 34)

To The Prime Minister

I, ..... Magistrate for the ..... District, hereby certify that on this ..... day of ..... 19 ....., I convicted ..... of the offence of being a stowaway contrary to section 237 of the Merchant Shipping Act, 1894, and did sentence him to imprisonment for a period of ..... (to pay a fine of .....)

And I do further certify that on the information laid before me, I am satisfied that the said ..... is not a citizen of Sierra Leone

.....

Magistrate.

**FORM B**

THE NON-CITIZENS (REGISTRATION, IMMIGRATION AND EXPULSION) ACT, 1965

(Section 34)

**ORDER OF DEPORTATION**

To: The Commissioner of Police and the Keeper of the Prison at .....

.....

WHEREAS it has been certified to me by ..... Magistrate, of the ..... District that on the ..... day of ..... 19 ....., he convicted ..... of being a stowaway contrary to section 237 of the Merchant Shipping Act, 1894, and sentenced him to imprisonment for a period of ..... (to pay a fine of .....) and that he, the said Magistrate, was satisfied that the said ..... is not a citizen of Sierra Leone;

NOW ..... this is to command you to deport the said ..... as soon as may be.

DATED this ..... day of ..... 19 .....

.....

Prime Minister.

**SECOND SCHEDULE (Section 2)**

Gambia

Ghana

Guinea

Ivory Coast

Liberia

**1. Amendment of Section 4 of Act No. 14 of 1965.**

Section 4 of the Non-Citizens (Registration, Immigration and Expulsion) Act 1965, hereinafter referred to as the principal Act, is hereby amended by inserting the following new paragraph immediately after paragraph (e) -

"(f) Any person who is deemed to be a refugee under the convention relating to Status of Refugees signed on 28th July, 1951 at Geneva and Protocol relating to the Status of Refugees signed on 31st January, 1967 at New York, as defined in the Third Schedule to this Act, to which Sierra Leone is a party, and any convention on Refugees to which Sierra Leone becomes a party by ratification or accession in the manner provided under Section 21 (2) of the Constitution."

**2. Insertion of a new Schedule Act No. 14 of 1965.**

The following new Schedule is hereby inserted immediately after the Second Schedule and shall have effect as the Third Schedule of the Principal Act -

**THIRD SCHEDULE (Section 4 (f))**

**1951 CONVENTION RELATING TO THE STATUS OF REFUGEES**

[Article I - text not reproduced here]

**1967 PROTOCOL RELATING TO THE STATUS OF REFUGEES**

[Article 1 - text not reproduced here]

Passed in the House of Representatives this 13th day of May, in the year of Our Lord one thousand nine hundred and sixty-five.

S. V. WRIGHT,  
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correctly printed copy of the said Bill.

S. V. WRIGHT,  
Clerk of the House of Representatives.