

# Aliens Act 1908

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**An Act to consolidate certain Enactments of the General Assembly relating to Aliens.**

**BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

**1 Short Title.**

- (1.) The Short Title of this Act is “The Aliens Act, 1908.”

*Enactments consolidated.*

- (2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall apply:—

*Savings.*

- (a.) All memorials, certificates, letters of naturalisation, prescriptions, indexes, instruments, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- (b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

*Naturalisation*

**2 Procedure to obtain naturalisation.**

*1880, No. 10, secs. 2, 4*

When any alien friend residing in New Zealand desires to be naturalised, he may present to the Governor a memorial signed by him, setting forth—

- (a.) His name, age, birthplace, residence, and occupation:
- (b.) The length of his residence in New Zealand, and his desire to settle therein:
- (c.) A request that letters of naturalisation may be granted to him.

**3 Memorial to be verified.**

*1880, No. 10, sec. 4*

Every such memorial shall be verified by a statutory declaration subscribed by the applicant.

**4 Certificate of Magistrate or Justice.**

*Ibid, sec. 4*

Such memorial shall also have written thereon or attached thereto a certificate signed by some Magistrate or Justice to the effect that the applicant is known to the person so certifying, and is, to the best of such person's knowledge and belief, a person of good repute.

**5 Applicant to take oath of allegiance.**

*1873, No. 17, sec. 10 1880, No. 10, sec. 5*

- (1.) If the Governor thinks fit to grant such letters, he shall direct the applicant to take the oath of allegiance, as set out in the form numbered (1) in the Second Schedule hereto, before some Magistrate or Justice, and, upon the certificate of such Magistrate or Justice that the applicant has taken before him the said oath, the Governor shall issue letters of naturalisation to the applicant accordingly.

*Letters may be subject to conditions. Ibid, sec. 3*

- (2.) Such letters of naturalisation may be issued subject to such conditions as the Governor considers necessary or advisable.

**6 Rights granted by letters of naturalisation.**

*Ibid, sec. 6*

Every person naturalised under this Act shall enjoy within New Zealand all the rights and capacities that a natural-born subject of the United Kingdom can enjoy or transmit, except such rights and capacities (if any) as are specially excepted in the letters of naturalisation granted and issued to him.

**7 Facilities given to persons naturalised elsewhere.**

*1892, No. 19, sec. 3*

If any person resident in New Zealand who has previously obtained any certificate or letters of naturalisation in the United Kingdom, or in any British possession, desires to be naturalised in New Zealand, the following provisions shall apply:—

- (a.) He shall submit such certificate or letters to the Governor, together with a statutory declaration by the applicant to the effect that he is the person named in the said certificate or letters, and that the same were obtained without any fraud or intentional false statement, and that the signature and the seal (if any) thereto are, to the best of his knowledge and belief, genuine.
- (b.) The Governor may, at his discretion, without requiring from the applicant any further residence in New Zealand, or (if the applicant has previously taken a similar oath) the oath prescribed by section five hereof, direct the Minister of Internal Affairs to indorse on such certificate or

letters a memorandum in the form numbered (2) in the Second Schedule hereto.

- (c.) The person named in the said certificate or letters of naturalisation shall for all purposes, from the date of the aforesaid memorandum, be deemed to be naturalised in New Zealand as if letters of naturalisation had been issued to him under this Act.

## **8 Duplicate letters of naturalisation to be enrolled.**

*1880, No. 10, sec. 8 1892, No. 19, sec. 5*

- (1.) The Minister of Internal Affairs shall enrol for safe custody as of record a duplicate of all letters of naturalisation issued under this Act, and of all certificates or letters of naturalisation on which he has indorsed the memorandum referred to in the last preceding section.

*Fee for naturalisation only in case of Chinese. Ibid, sec. 4*

- (2.) No fee shall be paid by any person in respect of his naturalisation under this Act, except in cases of persons of the Chinese race, who shall in respect thereof pay such fee, not exceeding one pound, as the Governor in Council from time to time appoints.

## **9 Records kept by Minister open to inspection.**

*1880, No. 10, sec. 9*

- (1.) The said Minister shall cause proper indexes to be made to letters and certificates enrolled by him as aforesaid, and shall permit every person desirous of so doing to inspect the same and make copies thereof on payment of the fee of one shilling for every such inspection.

*Certified copies evidence.*

- (2.) Copies of letters or certificates enrolled as aforesaid shall, if certified to be true copies by the said Minister, be admissible in evidence for all purposes.
- (3.) Such fees shall be charged for certified copies as the said Minister prescribes.

## **10 Penalty for false statement.**

*Ibid, sec. 10*

If any person who has become naturalised under this Act is convicted of having wilfully made any false statement in his memorial or declaration he shall be deemed guilty of perjury, and his naturalisation shall, except as against a *bona fide* purchaser from such person for valuable consideration, thereupon become void.

**11 Naturalisation extends to wife.**

*Ibid, sec. 14*

Any alien woman married to a natural-born or naturalised subject of His Majesty shall be deemed to be herself naturalised, and shall have all the rights and privileges of a natural-born subject.

**12 To children.**

*1892, No. 19, sec. 2*

Where the father, or the mother being a widow, has become naturalised in New Zealand, every child of such father or mother who during minority becomes resident with such father or mother in New Zealand shall be deemed to be himself naturalised, and shall have all the rights and privileges of a natural-born subject.

*Rights of Aliens*

**13 May hold, &c., property.**

*1880, No. 10, sec. 11*

Every alien friend resident in New Zealand may inherit or otherwise take by representation, acquire, hold, and dispose of every description of property in the same manner as if he were a natural-born subject of His Majesty:

*33 & 34 Vict., c. 14, sec. 14*

Provided that nothing in this Act shall qualify an alien to be owner of any ship, or of a share in any ship, registered in New Zealand.

**14 Where mother is a natural-born subject.**

*1880, No. 10, sec. 13*

Every person born out of His Majesty's dominions whose mother is a natural-born subject of His Majesty shall be capable of taking to him, his heirs, executors, or administrators, any property in New Zealand by purchase, or under a will or intestacy.

*Fees under the Imperial Naturalisation Act*

**15 What fees to be payable, and to whom.**

*Ibid, sec. 15*

In respect of any act or thing specified in the first column of the Third Schedule hereto, when done, taken, made, granted, or given in New Zealand under the authority of the Imperial Act shortly called "The Naturalisation Act, 1870," or any regulations made or to be made thereunder, there shall be payable the fees respectively set forth in the second column of the said Schedule; and

the same shall respectively be paid to the persons and shall be applied in the manner set forth in the third column of the said Schedule.

## **SCHEDULES**

### **FIRST SCHEDULE**

#### **Enactments consolidated**

1873, No. 17.—“The Promissory Oaths Act, 1873”: Section 10.

1880, No. 10.—“The Aliens Act, 1880.”

1892, No. 19.—“The Aliens Act Amendment Act, 1892.”

**SECOND SCHEDULE**

(1.)

**Oath of Allegiance**

Section 5. 1873, No. 17, Schedule.

I, \_\_\_\_\_, do swear that I will be faithful and bear true allegiance to His Majesty King Edward the Seventh, his heirs and successors, according to law. So help me God!

(2.)

**Memorandum to be indorsed on Certificate or Letters of Naturalisation**

Section 7(b). 1892, No. 19, Schedule.

***Accepted, Noted, and Registered in New Zealand***

The within-named \_\_\_\_\_ is hereby naturalised for all purposes within the Dominion of New Zealand from the date of this memorandum \_\_\_\_\_.

Dated at Wellington, New Zealand, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A.B.,

Minister of Internal Affairs of New Zealand.

### THIRD SCHEDULE Fees under Imperial Act

Section 15. 1880, No. 10, First Schedule.

The Act, Matter, or Thing in respect of which the Fee may be taken.	The Amount of Fee.			To whom Payment to be made, and how Fee to be applied.
	£	S.	d.	
For taking a declaration, whether of alienage or of British nationality	0	1	0	Where the declaration is taken before a Court or Justice, then to the Clerk of such Court or Justice, and to be paid into the Public Account. When taken otherwise, then to the officer taking the same.
For granting a certificate of readmission to British nationality, and for registering the same, together with the oath of allegiance	1	0	0	To the Minister of Finance, to be paid into the Public Account.
For administration of the oath of allegiance	0	5	0	Where the oath is administered by a Justice or before a Court, to the Clerk of such Justice or Court. Where otherwise, then to the officer administering the same. In any case to be paid into the Public Account.
For transmitting to the Home Office a declaration, with or without oath, for registration	0	1	6	To the Clerk of the Justice or Court, or to the officer transmitting the same; in each case for his own benefit.
For transmitting to the office of the Minister of Internal Affairs, a declaration, with or without oath, for registration	0	1	0	Same as the foregoing.
For a certified copy of any declaration or certificate, with or without oath	0	10	0	To the Minister of Finance, to be paid into the Public Account.