

13-14 GEORGE V.

CHAP. 38.

An Act respecting Chinese Immigration.

[Assented to 30th June, 1923.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S. c. 95;
1908, c. 14;
1917, c. 7;
1921, c. 21.

SHORT TITLE.

1. This Act may be cited as *The Chinese Immigration Act, 1923*.

Short title.

INTERPRETATION.

2. In this Act and in any order, proclamation or regulation made thereunder, unless the context otherwise requires,

Definitions.

(a) "Minister" means the Minister of Immigration and Colonization, or the member of His Majesty's Privy Council of Canada charged with the administration of this Act for the time being;

"Minister".

(b) "Chief Controller" means the chief officer charged, under the direction of the Minister, with the duty of carrying the provisions of this Act into effect and having authority over officers of Immigration and others appointed for the purpose or charged with the duty of assisting in carrying out the provisions of this Act;

"Chief Controller".

(c) "Controller" means the Immigration or other officer at any seaport or frontier port of entry duly appointed as such and charged with the duty of assisting in carrying the provisions of this Act into effect;

"Controller".

(d) "Officer" means any person appointed under this Act for any of the purposes of this Act, whether within or outside of Canada, and any person who is an officer within the meaning of section two, paragraph (b) of *The Immigration Act*;

"Officer".

(e) "Chinese Immigrant" means any person of Chinese origin or descent entering Canada for the purpose

1910, c. 27.

"Chinese Immigrant".

Excerpts from the *Chinese Immigration Act (Exclusion Act), 1923* (pages 1 to 15)

- of acquiring Canadian domicile, as defined by section two, paragraph (d) of *The Immigration Act*; a person shall not be deemed to be of Chinese origin or descent merely because his mother or his female ancestors or any of them are or were of Chinese origin or descent;
- 1919, c. 25.
- "Master."
"Conductor". (f) "Master" or "Conductor" means any person in command of or in charge of any vessel or vehicle;
- "Vessel". (g) "Vessel" means any sea-going craft of any kind or description capable of carrying passengers;
- "Tonnage". (h) "Tonnage" means the gross tonnage according to the measurement fixed by the Merchant Shipping Acts of the Parliament of the United Kingdom;
- "Vehicle". (i) "Vehicle" means any ferryboat, boat, railway car, cart, wagon, carriage, sleigh, or other conveyance whatsoever, however propelled or drawn;
- "Rejected". (j) "Rejected" as applied to an immigrant or other person seeking to enter or land in Canada means that such immigrant or other person has been examined by an officer and has been refused permission to land in Canada by the Controller;
- "Deportation". (k) "Deportation" means the removal under authority of this Act of any rejected immigrant or other person, or of any immigrant or other person who has already been landed in Canada, or who has entered or who remains in Canada contrary to any provision of this Act, from any place in Canada at which such immigrant or other person is rejected or detained to the place whence he came to Canada or to the country of his birth or citizenship;
- "Landing". (l) The "landing" of a person of Chinese origin or descent from a vessel or vehicle, wherever referred to in this Act, means his lawful admission to Canada under this Act by a Controller or other qualified officer, otherwise than for inspection, examination or other temporary purpose, and shall not be held to apply to the placing of such person in a proper building where he may remain until the provisions of this Act have been complied with, and the Controller or other qualified officer has given his authority for his departure therefrom, or to the temporary landing of any Chinese sailor for the purpose of assisting in the lading or unloading of the vessel to which he belongs, or for the purpose of his transfer to another vessel, subject to such regulations as the Governor in Council may prescribe, and such person or sailor while in such building or while so employed or waiting such transfer shall, for the purpose of this Act, be held to be on board the vessel by which he arrived;
- "Port of entry". (m) "Port of entry" means any port, railway station or place in Canada where immigrants, passengers or other

other persons are examined as to their admissibility to Canada.

ADMINISTRATION.

3. The Governor General in Council may,—

- (a) appoint any official of the Department of Immigration and Colonization or of the Department of Customs and Excise to be Chief Controller or a Controller;
- (b) appoint and fix the salary and remuneration of officers in countries other than Canada for the purpose of endorsing passports or performing other duties under this Act;
- (c) assign any duty in connection with the carrying out of the provisions of this Act to any officer or person in the employ of the Government of Canada;
- (d) define and prescribe the duties of such officer or person;
- (e) make regulations for the carrying out of this Act;
- (f) designate certain ports as ports of entry for the admission to Canada of persons of Chinese origin or descent;
- (g) make regulations providing for the payment of fees for the furnishing of substitutional certificates, endorsing passports and other administrative work in connection with the carrying out of this Act.

Powers of
Governor in
Council.

4. Every officer shall have authority to administer oaths or take evidence under oath in all matters arising under this Act.

Oaths and
evidence.

ENTRY AND LANDING.

5. The entry to or landing in Canada of persons of Chinese origin or descent irrespective of allegiance or citizenship, is confined to the following classes, that is to say:—

Immigration
confined to
certain
classes.

- (a) The members of the diplomatic corps, or other government representatives, their suites and their servants, and consuls and consular agents;
- (b) The children born in Canada of parents of Chinese race or descent, who have left Canada for educational or other purposes, on substantiating their identity to the satisfaction of the controller at the port or place where they seek to enter on their return;
- (c) (1) Merchants as defined by such regulations as the Minister may prescribe;
- (2) Students coming to Canada for the purpose of attendance, and while in actual attendance, at any Canadian university or college authorized by statute or charter to confer degrees;

Diplomatic
corps.

Consuls.

Children
born in
Canada.

Merchants.

Students.

- (g) Persons who in the opinion of the Controller or the officer in charge at any port of entry are likely to become a public charge; Persons likely to become public charges.
- (h) Persons of constitutional psychopathic inferiority;
- (i) Persons with chronic alcoholism, or addicted to the use of drugs; Alcohol or drug addicts.
- (j) Persons not included within any of the foregoing prohibited classes, who upon examination by a medical officer of the Department of Health are certified as being mentally or physically defective to such a degree as to affect their ability to earn a living; Mentally or physically defective.
- (k) Persons who believe in or advocate the overthrow by force or violence of the Government of Canada or of constituted law and authority, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; Advocates of force or violence against organized government.
- (l) Persons who are members of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or advocating or teaching the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of Canada or of any other organized government, because of his or their official character, or advocating or teaching the unlawful destruction of property; Members of unlawful organizations.
- (m) Persons who have been found guilty of high treason or treason for an offence in connection with the late war, or of conspiring against His Majesty, or of assisting His Majesty's enemies during the war, or of any similar offence against any of His Majesty's allies; Conspirators.
- (n) Persons over fifteen years of age, physically capable of reading, who cannot read the English or the French language or some other language or dialect. For the purpose of ascertaining whether aliens can read, the immigration officer shall use slips of uniform size prepared by direction of the Minister, each containing not less than thirty and not more than forty words in ordinary use printed in plainly legible type in the language or dialect the person may designate as the one in which he desires the examination to be made, and he shall be required to read the words printed on the slip in such language or dialect. The provisions of this paragraph shall not apply to persons residing in Canada at the date of the passing of this Act nor to Canadian citizens; Illiterates.
- (o) Persons who have been deported from Canada, or the United States, or any other country, for any cause whatsoever. Deported persons.

