



BELIZE

**ALIENS ACT
CHAPTER 159**

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CHAPTER 159

ALIENS

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CHAPTER 159

ALIENS

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[28th April, 1910]

PART I

Preliminary and Expulsion of Undesirable Aliens

1. This Act may be cited as the Aliens Act.

Short title.

2.-(1) The Minister responsible for Home Affairs may, if he thinks fit, make an Order, in this Part of this Act referred to as “an expulsion order”, requiring an alien to leave Belize within a time fixed by the Order and thereafter to remain out of Belize,

Power of the Minister to make Orders expelling aliens in certain cases.

- (a) if it is certified to him by any court in Belize, including a court of summary jurisdiction, that the alien has been convicted by such court of any felony or misdemeanour or other offence for which such court has power to impose imprisonment without the option of a fine, and that the court recommends that an expulsion order should be made in his case, either in addition to or *in lieu* of his sentence;
- (b) if it is certified to him by a magistrate after proceedings taken for the purpose, that it is expedient for the preservation of the peace and good order of Belize that an expulsion order should be made in the case of the alien; or
- (c) if it appears to the Minister responsible for Home Affairs that it is expedient for the welfare of Belize or for the public safety that the alien shall be expelled from Belize.

(2) If any alien in whose case an expulsion order has been made is at any time found in Belize in contravention of such order, he commits an offence under this Part of this Act, and on conviction thereof shall be liable to imprisonment with or without hard labour for any period not exceeding six months and to be ordered to comply with such expulsion order within such time after the expiration of his sentence as the magistrate shall fix.

(3) If such alien fails to comply with the expulsion order within the time fixed by the magistrate or is found in Belize at any time after having been conveyed out of it as hereinafter mentioned, he shall be deemed to have committed a fresh offence under this section.

(4) The Minister responsible for Home Affairs may, if he deems fit, order that any alien convicted under this section shall on the expiration of his sentence be conveyed out of Belize in such manner as he may direct.

3.—(1) It shall be lawful for the Minister responsible for Home Affairs, if he thinks fit, in any expulsion order, instead of requiring the alien to leave Belize within a fixed time, to order that the alien be arrested, and deported from Belize in such manner as the Minister responsible for Home Affairs may, by the expulsion order, or subsequently, direct.

(2) Any person arrested under an expulsion order shall, pending his deportation from Belize, be detained in custody in such manner and place as the Minister responsible for Home Affairs shall direct and, if not deported from Belize within one month after his arrest, shall, as soon as possible after the expiration of that period, be released from custody.

(3) No bail shall be granted to any person in custody under an expulsion order, except with the consent of the Minister responsible for Home Affairs.

4. With regard to the arrest and detention of any person whose arrest is ordered by an expulsion order,

Order may direct arrest and deportation of alien.

Enforcing arrest and detention.

- (a) for the purposes of sections 179 to 183 inclusive of the Indictable Procedure Act, Cap. 96 (which relate to the arrest of persons committing indictable offences), that person shall be deemed to have recently committed an indictable offence, and the expulsion order shall be deemed to be a legal process authorising any police officer to arrest and detain that person for an indictable offence;
- (b) for the purposes of sections 270 and 274 of the Criminal Code, Cap. 101 (which relate to the rescue, escape, and harbouring of criminals) that person shall be deemed to have committed a misdemeanour punishable on indictment.

5. Every expulsion order made under this Part shall as soon as possible after the date of such order be served on the alien in respect of whom it is made, and shall be published in the *Gazette* and a copy thereof shall be posted up in some conspicuous place at every police station in Belize.

Order to be served on alien and published in *Gazette*, etc.

6.-(1) Any alien convicted before the magistrate of being dangerous to the peace and good order of Belize shall be guilty of an offence under this Act and shall be committed to the prison of the district in which he was convicted until the Minister responsible for Home Affairs' pleasure is known.

Procedure where alien has been convicted of being dangerous to peace and good order.

(2) The magistrate shall immediately after any such conviction certify to the Minister responsible for Home Affairs as provided for in paragraph (b) of subsection (1) of section 2 of this Act, forwarding to him at the same time a copy of the notes of evidence taken in the case,

Provided that, if the Minister responsible for Home Affairs makes an expulsion order against such alien, he shall, unless the order directs his arrest and deportation on being served with a copy of such order, be immediately released from custody for the purpose of complying with such order.

(3) In the event of the Minister responsible for Home Affairs not making an expulsion order as aforesaid, such alien shall as soon as possible be released from custody.

Power of Minister responsible for Home Affairs to allow expenses.

7. Where an expulsion order is made in the case of any alien, the Minister responsible for Home Affairs may if he thinks fit direct the payment from the Consolidated Revenue Fund of the whole or any part of the expenses of or incidental to the departure from Belize and maintenance until departure of the alien and his dependents, if any.

Right of appeal against expulsion order.

8. Subject to the provisions of this Part, any person against whom an expulsion order is made may appeal against such order to the Supreme Court on the ground that the appellant is not an alien, but not on any other ground.

Procedure on, and effect of, appeals against expulsion.

9. With regard to an appeal against an expulsion order,

(a) no appeal shall be entertained unless written notice of intention to appeal specifying the grounds of appeal and signed by the appellant or his attorney is given to the Registrar, or a magistrate, within three days after service of the expulsion order on the appellant;

Provided that a judge may, if he considers the interests of justice so require, extend the time within which notice of intention to appeal may be given to any date not later than fourteen days after service of the expulsion order on the appellant;

(b) for the purposes of the preceding paragraph, an expulsion order ordering the arrest of the appellant shall be deemed to have been duly served on him at his arrest, or at the expiration of seven days after publication of the expulsion order in the *Gazette*, whichever first occurs;

(c) every person detained in custody under an expulsion order shall, if he so desire, be given facilities for giving

notice of intention to appeal, and communicating, with reference to his appeal, with his friends and legal advisers;

- (d) after notice of intention to appeal has been duly given, no steps to enforce the expulsion order, except the arrest and detention of the appellant where the order orders his arrest, shall be taken unless and until the appeal is dismissed, and the month mentioned in section 3 (2) of this Act, shall not commence to run until the appeal is disposed of;
- (e) every appeal shall be heard by a judge sitting in open Court without a jury at such time as he shall direct;
- (f) if the appeal is dismissed, the time, if any, within which the appellant is, by the expulsion order, required to leave Belize may be extended by a judge for such period not exceeding fourteen days from the dismissal of the appeal as he may think proper;
- (g) if the appeal is allowed, the expulsion order shall be deemed to be revoked, and the appellant, if in custody, shall, unless his detention is lawful under some other power or authority, be released forthwith;
- (h) the provisions of the Costs in Criminal Cases Act, Cap. 124, shall apply to appeals under this Part in the same manner as if an indictment had been filed in the Supreme Court against the appellant.

10. All offences under this Part shall be dealt with summarily and in accordance with the Summary Jurisdiction (Offences) Act, Cap. 98 and Summary Jurisdiction (Procedure) Act, Cap. 99, by the magistrate of the district in which the offence is committed or in which the alien lives, or is found.

Summary disposal
of offences.

Burden of proof.

11. On any appeal against an expulsion order, or if any question arises in any proceedings under this Part or with reference to anything done or omitted or proposed to be done or omitted under this Part or any expulsion order whether any person is an alien or not, the onus of proving that that person is not an alien shall lie on that person.

Evidence in criminal proceedings.

12. In all criminal proceedings, including a prosecution for an offence under section 2 (2) of this Act, the production of an expulsion order shall be conclusive evidence that it was valid and was lawfully made.

Actions for things done under expulsion orders.

13. No action shall be brought by any person against whom an expulsion order has been made with reference to anything done, or omitted, in the execution or purported execution of that order or the provisions of this Part, on the ground that he was not a person against whom the expulsion order could be legally made.

Power to revoke expulsion orders.

14. The Minister responsible for Home Affairs may revoke any expulsion order, either absolutely, or subject to such conditions as he may think fit,

Provided that the revocation of an expulsion order, whether by the Minister responsible for Home Affairs, or by the allowance of an appeal, shall not affect the validity of anything already done thereunder or in respect thereof, and shall not affect any penalty or punishment incurred under the Criminal Code , Cap. 101, or the provisions of this Part or under any other law, and shall not affect any proceedings taken or thereafter to be taken in respect of any such penalty or punishment.

Treaties, etc., must be observed.

15. In carrying out the provisions of this Part, nothing shall be done which appears inconsistent with obligations imposed upon Belize by treaty, or by any convention, arrangement, or engagement with any foreign country.

Provisions of Part II not to be affected.

16. Nothing in this Part shall affect the provisions of Part II of this Act.

PART II

Banishment of Aliens

17. Whenever it appears to the Minister responsible for Home Affairs, on written information, that the removal from the country of any person, not a natural born citizen of Belize, is necessary for the public safety, it shall be lawful for him to issue under his hand a summons which shall be served personally or left at the usual or last known place of abode of such person, requiring such person to attend before him at the time named in the summons, to show cause why he should not be banished from the country; and if such person does not appear in accordance with such summons the Minister responsible for Home Affairs may issue a warrant under his hand addressed to any police officer requiring him to arrest and detain such person until he can conveniently be brought before the Minister responsible for Home Affairs.

Accused to be summoned, and, in default of appearance, may be arrested.

18. The Minister responsible for Home Affairs shall cause to be delivered to such person a general summary, in writing, of the matters alleged against him, and shall allow him a reasonable time to prepare his defence, and it shall be lawful for him to summon and examine upon oath witnesses, and to be heard before the Minister responsible for Home Affairs either by himself or by counsel, attorney or agent, in support of the excuse or reason by him alleged.

Summary of charge-witnesses-defence.

19. On the appearance of such person before the Minister responsible for Home Affairs, or, in his absence, if it is made to appear before the Minister responsible for Home Affairs that a summons has been served as above directed, it shall be lawful for the Minister responsible for Home Affairs to proceed to hear the information, and the evidence as well in favour of as against such person, and thereupon, if it appears necessary for the public safety that such person be banished from Belize, the Minister responsible for Home Affairs may issue an order banishing such person from Belize.

Power to banish.

Person found in Belize after order of banishment-punishment.

20. Every person so ordered to be banished, who is found in Belize after the time fixed for his departure in the order of banishment, may be arrested without warrant by any police officer, and shall, upon being brought before a magistrate and proof that the order of banishment was personally served upon such person or left at the usual or lastknown place of abode of such person, and also published in the *Gazette*, be liable to a fine not exceeding five hundred dollars, and may be imprisoned until he shall agree to leave and does actually leave Belize.

Provided that,

- (a) such imprisonment shall not be continued for a longer period than six months;
- (b) if at the expiration of such term, in the opinion of the Minister responsible for Home Affairs, it appears to be necessary for the public safety that such person shall be banished from Belize, and such person still refuses or neglects to leave Belize, or, having left Belize returns thereto, the Minister responsible for Home Affairs may issue a fresh order banishing such person, which order may be enforced and proceeded upon in the same manner as the first order, and so from time to time so long as such necessity continues.

No *certiorari* to lie. Powers of Supreme Court vested in Minister.

21. The Minister responsible for Home Affairs shall not be subject to be restrained in the due execution of his powers under this Part by the order of any court, nor shall any proceedings before the Minister responsible for Home Affairs be removed by *certiorari* into any court, and the Minister responsible for Home Affairs, in enforcing the attendance of witnesses after a tender of their expenses, the examination of witnesses orally, and the production of deeds, books, papers and documents, and in punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the Minister responsible for Home Affairs, shall have all such powers, rights and privileges as are vested in the Supreme Court.

PART III

Status of Aliens

22. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural born citizen of Belize, and a title to real and personal property of every description may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a natural born citizen of Belize,

Capacity of aliens
as to property.

Provided that this section shall not operate so as to,

- (a) qualify an alien for any office or for a seat in the National Assembly, or for any municipal, legislative or other franchise, but a person shall not be deemed to be disqualified for the office of Alcalde or interpreter by reason of his being an alien;
- (b) qualify an alien to be the owner of a Belizean ship;
- (c) entitle an alien to any right or privilege as a citizen of Belize, except such rights and privileges in respect of property as are hereby expressly given to him; or
- (d) affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the 19th day of November, 1883, or in pursuance of any devolution by law on the death of any person dying before that day.

23. Nothing contained in this Part shall affect the provisions of Part II.

Not to affect Part
II.