



# IMMIGRATION AND PASSPORT ACT

## Revised Edition

showing the law as at 30 June 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act 2014.

This edition contains a consolidation of the following laws—

### IMMIGRATION AND PASSPORT ACT

Ordinance 9 of 1977 .. 7 July 1977

Amended by Acts:    11 of 1990 .. in force 17 September 1990  
                          12 of 2000 .. in force 4 November 2000  
                              8 of 2003 .. in force 18 September 2003  
                          11 of 2006 .. in force 16 October 2006

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Published in 2014  
On the authority and on behalf of the Government of The Virgin Islands  
by  
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Printed on the authority and on behalf of the Government of The Virgin Islands  
by  
The Regional Law Revision Centre Inc.  
P.O. Box 1626, Hannah-Waver House, Caribbean Commercial Centre,  
The Valley, Anguilla AI-2640  
Authorised Printers for this Revised Edition

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## IMMIGRATION AND PASSPORT ACT

*(Ordinance 9 of 1977 and Acts 11 of 1990, 12 of 2000, 8 of 2003 and 11 of 2006)*

### Commencement

*[7 July 1977]*

### PART I

#### INTRODUCTORY

#### Short title

1. This Act may be cited as the Immigration and Passport Act.

#### Interpretation

2. In this Act—

“authorised port of entry” means a port designated as an authorised port of entry under regulations made under section 45(b);

“Board” means the Board of Immigration established under section 13;

“British subject” (*Repealed by Act 12 of 2000*)

“Chief Immigration Officer” means the person appointed as such by the Governor under section 4(1)(a);

“child” means a person under the age of 18 years who is the child, stepchild, or lawfully adopted child of any person; and “children” shall be construed accordingly;

“deserter” means a member of the crew of a ship who being permitted to land in the Territory in accordance with section 22 fails to leave the Territory in accordance with the provisions of that section;

“embark” means embark in a vessel and any reference to “embark” shall be construed as including a reference to attempting to embark;

“engage in gainful occupation” means, subject to any exceptions which may be prescribed—

(a) to take and continue in any employment; or

(b) to practise any profession or to carry on any trade or to engage in business or to engage in such other form of occupation as may be prescribed, where such employment, profession, trade, or business is taken or continued, or is practised, carried on or engaged in, either directly or indirectly for reward, profit or gain;

“immigration officer” includes the Chief Immigration Officer, the Deputy Chief Immigration Officer and any person appointed by the Governor under section 4 to be an immigration officer;

“land” means land from a vessel and any reference to “land” shall be construed as including a reference to attempting to land;

“lien”, in relation to any ship, means a maritime lien;

- “master” or “captain” as the case may be, means the person having command or charge of a vessel;
- “member of crew”, in relation to a vessel, means any person actually employed in the working or service of the vessel including the master or captain;
- “Minister” means the Minister from time to time charged with portfolio responsibility for immigration and passport matters;
- “passenger” means any person arriving in or departing from the Territory in any vessel other than a member of the crew;
- “passport” means a valid passport issued not more than 10 years previously by or on behalf of the Government of the country of which the person to whom it relates is a subject or citizen, or some other recognised travel document satisfactorily establishing the national status and identity of the person to whom it relates which passport or document is still in force and has attached to it a photograph of the person to whom it relates;
- “police officer” has the meaning ascribed thereto by section 2 of the Police Act;
- “port” includes airport;
- “regulations” means regulations made under section 45;
- “resident” means any person to whom a valid and subsisting certificate of residence granted under section 18 relates;
- “ship” means any steam-ship, sloop, boat or craft of any kind for travel or transport other than by air;
- “stop list” means the list maintained by the Chief Immigration Officer under section 25;
- “Supreme Court” means the Eastern Caribbean Supreme Court;
- “Territory”, other than in section 45(g)(ii), means the Territory of the Virgin Islands; and
- “vessel” means any ship, and any description of aircraft or other means of travel by sea or air.

### **Persons who are deemed to belong to the Territory**

**3.** (1) For the purposes of this Act a person shall be deemed to belong to the Territory if that person so qualifies under section 2(2) of the Virgin Islands (Constitution) Order. (*Substituted by Act 12 of 2000*)

(2) Subject to subsection (3), the Governor may, at any time, by Order declare any person deemed to belong to the Territory by virtue only of a certificate of naturalisation to be no longer deemed to belong to the Territory on the grounds that such person—

- (a) has shown himself or herself by act or speech to be disloyal or disaffected towards Her Majesty;
- (b) has during any war in which Her Majesty was engaged, unlawfully traded or communicated with an enemy or been associated with or engaged in any business that was to his or her knowledge carried on in such manner as to assist any enemy in that war;

- (c) has within 5 years of the grant of such certificate been sentenced to imprisonment in any country for a criminal offence for a term of one year or more; or
- (d) has obtained such a certificate by means of fraud, false representation or concealment of any material fact,

and upon publication of such Order in the *Gazette* such person shall cease to be deemed to belong to the Territory. (*Substituted by Act 12 of 2000*)

(3) The Governor shall not make an Order under subsection (2) if it appears to the Governor that that person would thereupon become stateless. (*Inserted by Act 12 of 2000*)

(4) Any reference in this Act to a power to detain any person shall be construed as a power to detain that person in any place approved by the Governor for that purpose, and such person shall, while so detained, be deemed to be in legal custody.

(5) Subject to the express provisions of this Act or any other Act, or any other law from time to time in force, where the provisions of this Act are in conflict with any other Act, or law, the provisions of this Act shall prevail.

(6) Nothing in this Act shall be construed as derogating in anyway from or abridging any of the provisions of the Quarantine Act or of any rules made thereunder by or which the movements of any person may be restricted.

(7) Nothing in this Act shall be construed as derogating from or abridging—

- (a) any provision of any agreement made under the authority of any Act whereby special provision is made with respect to admission into residence or occupation in or departure from the Territory of certain persons or classes of persons mentioned in such agreement; or
- (b) the exercise of any power conferred upon the Governor by or under the British Nationality Act. (*Substituted by Act 12 of 2000*)

## PART II

### IMMIGRATION OFFICERS

#### **Appointment of immigration officers**

4. (1) (a) The Governor shall appoint a Chief Immigration Officer for the purposes of this Act.
- (b) The Governor may from time to time appoint a Deputy Chief Immigration Officer and such officer shall, subject to the provisions of section 13, have and exercise all the powers vested in the Chief Immigration Officer by this Act.
- (c) The Governor may appoint such number of persons to be immigration officers as may be necessary or expedient for all or any specified parts of the Territory for the purpose of carrying out the provisions of this Act.

(2) The Minister may from time to time give to the Chief Immigration Officer, any Deputy Chief Immigration Officer or immigration officer general or special directions, not inconsistent with the provisions of this Act as to the exercise or performance of their powers, discretions, or functions under this Act and the Chief Immigration Officer and all immigration officers shall comply with any such general or special directions so given.

### **General powers of immigration officers**

5. (1) For the purpose of exercising his or her powers and functions and carrying out his or her duties under this Act, any immigration officer may—

- (a) board any ship within the territorial waters of the Territory or any aircraft which has landed in the Territory;
- (b) without a search warrant, search any such vessel or anything contained therein or any vehicle being landed in the Territory from any such vessel;
- (c) interrogate any person reasonably supposed not to belong to the Territory who—
  - (i) desires to enter or leave the Territory;
  - (ii) being in the Territory is reasonably suspected of having entered without leave in contravention of section 20;
  - (iii) having been granted leave to land in the Territory for a specified period is reasonably believed to have remained in the Territory in excess of that period;
  - (iv) being in the Territory is reasonably believed to be engaging, or to have engaged, in gainful occupation in the Territory without having been granted a work permit so to do under the Labour Code;
- (d) require any person who desires to enter or leave the Territory to make and sign any prescribed form or declaration;
- (e) require any person who desires to enter the Territory to submit to be examined by a medical practitioner appointed in writing in that behalf by the Chief Medical Officer (who is hereby empowered so to do) and to undergo, and to assist in the carrying out of, any test or investigation which such medical practitioner may require; and
- (f) require the master or captain of a vessel arriving from or leaving for any place outside the Territory, or the agent of such vessel to furnish a list in duplicate signed by himself of the names of all persons in the vessel and such other information as may be required.

(2) Any immigration officer may, in writing, summon for the purposes of interrogation any person whom he or she is empowered by subsection (1)(c) to interrogate, and may require any such person to produce any document in his or her custody or possession or under his or her control relating to the matter upon which he or she may be interrogated.

(3) Any immigration officer shall, while discharging any duty, or while exercising any power, imposed or conferred on an immigration officer by or under this Act, and regulations made hereunder or any other written law or by or under any Act of the Parliament of the United Kingdom, be deemed to have the powers and immunities conferred upon police officers by any statutory provision to the extent that such powers or immunities are required in his or her case for the effective discharge of the duties or, as the case may be, the exercise of the powers, as aforesaid.

### **Powers of arrest**

6. If any immigration officer has reasonable cause to suspect that any person, other than a person who is deemed to belong to the Territory, has committed an offence under this Act or any regulations made thereunder and if it appears to him or her to be necessary to arrest such person immediately in order to ensure that the ends of justice for the purposes of this Act shall not be defeated he or she may arrest such person without warrant whereupon the provisions of section 37 of the Magistrate's Code of Procedure Act shall apply in every such case.

### **Penalties for failing to answer**

7. Any person who, under the provisions of section 5—

- (a) having been summoned under subsection (2), without reasonable excuse fails to attend at the time and place appointed;
- (b) refuses or fails to answer fully and truthfully any question or inquiry lawfully put to him or her in the course of interrogation under subsection (1)(c);
- (c) gives any answer which he or she knows or has reasonable cause to believe to be false or misleading to any such question or inquiry, as aforesaid;
- (d) when required to produce any document under subsection (2), refuses or fails to produce within a reasonable time any such document which it is in his or her power to produce or, with the intention of misleading any immigration officer produces any document which he or she knows or has reasonable cause to believe to be false or misleading; or
- (e) otherwise knowingly misleads or attempts to mislead any immigration officer acting under subsection (1)(c) or (2),

shall be guilty of an offence.

### **Admissibility of answers given in interrogation**

8. (1) All answers to questions lawfully put in interrogation under section 5(1)(c) and all documents produced on requisition under section 5(2) shall be admissible in evidence in relation to any matter arising under or connected with this Act or any regulations, in any proceedings to which this section applies.

(2) This section shall apply to—

- (a) any civil proceedings; and

(b) any criminal proceedings in respect of an offence under section 7.

(3) Nothing in this section shall be construed as rendering any such answer or document inadmissible in evidence in any proceedings in which it would otherwise be admissible.

### **Duties of police and customs officer**

9. It shall be the duty of every police officer and customs officer to aid and assist generally in carrying out the provisions of this Act; and if any contravention of, or failure to comply with any of the provisions of this Act, or of any regulations made thereunder, or of any orders or directions given thereunder, becomes known to any police officer or customs officer, then it shall be the duty of such officer forthwith to report the contravention or failure to comply to an immigration officer.

### **Functions of Governor**

10. (1) The Governor shall have the powers and discharge the duties conferred or imposed upon the Governor by or under the provisions of this Act.

(2) Any determination, decision, direction or Order come to, given or made by the Governor in exercise of any power conferred upon him or her, or in discharge of any duty imposed upon him or her, by or under the provisions of this Act shall be final and conclusive, and shall not be subject to question or review by any court or tribunal whatsoever; and it shall not be incumbent upon the Governor or any public officer, to give any reasons to any person or to any public authority whatsoever for any such determination, decision, direction or order.

## **PART III**

### **DEPARTMENT AND BOARD OF IMMIGRATION**

#### **Department of Immigration**

11. There shall be a Department of Immigration consisting of the Chief Immigration Officer, the Deputy Chief Immigration Officer and such other officers as may be appointed by the Governor.

#### **Chief Immigration Officer responsible for Department**

12. The Chief Immigration Officer shall be responsible for the administration and discipline of the Department.

#### **Board of Immigration**

13. (1) There shall be a Board called "The Board of Immigration" consisting of 8 members who shall be appointed by the Governor, acting on the advice of the Minister. (*Amended by Act 12 of 2000*)

(2) (a) The Governor, acting on the advice of the Minister, shall appoint one of the members to be Chairman of the Board.

(b) If the Chairman is unable to attend a Board meeting because of illness, absence from the Territory or other cause and the Governor does not appoint someone to act during his or her inability to attend, the Board shall appoint someone from among their own number to be Chairman for that meeting.

(3) The Governor, acting on the advice of the Minister, may appoint another person to be a temporary member during the absence of any member of the Board who, through illness, absence from the Territory or for any other cause is unable to sit on the Board.

(4) The Board may act by any 5 of its members notwithstanding any vacancy in the number of members constituting it. *(Amended by Act 12 of 2000)*

(5) The Board shall have power to regulate its own procedure.

(6) The Chief Immigration Officer may attend meetings of the Board and take part, but shall have no vote. *(Amended by Act 12 of 2000)*

(7) Every member shall hold office for a term of 2 years from the date of his or her appointment but a member may at any time tender his or her resignation to the Governor by written notice through the Chairman of the Board. *(Amended by Act 12 of 2000)*

### **Functions of Board**

**14.** (1) Subject to the provisions of section 15 the Board shall be advisory and consultative and shall have no executive or administrative functions.

(2) It shall be the duty of the Board to advise upon all questions concerning or connected with the entry of persons into the Territory, and the residence and occupation in the Territory of persons who do not belong to the Territory (hereinafter in this Act referred to as “designated matters”), which may be referred to the Board by the Minister or the Chief Immigration Officer, and further it shall be competent for the Board to make recommendation to the Minister or the Chief Immigration Officer in connection with such questions without previous reference.

### **Information and statistics relating to designated matters**

**15.** (1) The Board shall—

(a) cause to be made enquiries as they think expedient or as the Minister may require, in respect of any matters concerning or connected with any of the designated matters or in respect of any other matters in respect of which their permission, approval or consent or the permission, approval or consent of any immigration officer, is required under this Act;

(b) in respect of matters connected with the designated matters, cause such statistical data to be obtained and recorded by the Department of Immigration and such records or reports to be published, as they may think expedient, or as the Minister may from time to time require; and

(c) cause records to be kept and maintained of the entry of all persons into the Territory and of the departure of all persons from the Territory.

(2) Without prejudice to anything in the Evidence Act any record required to be kept under subsection (1) shall be received in evidence in any court or in any tribunal whatsoever in the Territory as *prima facie* evidence of any entry or particulars entered therein.

#### PART IV

##### CERTIFICATE THAT A PERSON BELONGS TO THE TERRITORY: RESIDENCE

#### **Certificate that a person belongs to the Territory**

**16.** (1) Subject to the provisions of this section, the Cabinet, after consultation with the Board, may upon application being made in the manner prescribed grant a certificate certifying that the person who applied for the same belongs to the Territory for the purposes of this Act. (*Substituted by Act 12 of 2000*)

(2) A person may be granted a certificate referred to in subsection (1) where—

- (a) the person qualifies under subsection (3);
- (b) there has been an exercise in relation to the person of the power set out in subsection (4);
- (c) the person is a spouse of a believer and meets the requirements set out in subsection (6) and is not disqualified thereunder.  
(*Substituted by Act 12 of 2000*)

(3) Subject to subsection (4), a person may be granted a certificate referred to in subsection (1) where the person—

- (a) is of good character;
- (b) is not less than 18 years of age;
- (c) has been ordinarily resident in the Territory for a period of not less than 10 years immediately prior to his or her application;
- (d) has held a certificate of residence granted under section 18 for a period of not less than 12 months immediately preceding the date of the application; and
- (e) has, in his or her application, restated his or her intention of making the Territory his or her permanent home and has satisfied the Board that it is his or her intention so to do.  
(*Substituted by Act 12 of 2000*)

(4) Where in the exceptional circumstances of any case, the Cabinet considers it fit to do so, it may, after consultation with the Board, grant a certificate referred to in subsection (1) to any person who is of good character and who is at the date of making the application for such a certificate ordinarily resident in the Territory and who has been so ordinarily resident for the period of not less than 7 years immediately prior to his or her application. (*Substituted by Act 12 of 2000*)



(5) Where in the exceptional circumstances of any case, the Cabinet considers it fit to do so, it may, in its own discretion and without requiring the submission of an application, grant a certificate referred to in subsection (1) to any person who, in its opinion, has made significant and consistent contributions to the economic and social development of the Territory over a period of at least 50 years. *(Inserted by Act 8 of 2003)*

(6) Subject to subsection (7), a spouse of a believer may be granted the certificate referred to in subsection (1) where he or she or she has been ordinarily resident in the Territory with his or her spouse who is a believer, and they have been living together as husband and wife, for at least 5 years, unless within that period of 5 years the spouse of the believer has been sentenced to imprisonment in any country for a criminal offence for a term of one year or more. *(Substituted by Act 12 of 2000)*

(7) Where the spouse who is a believer dies before his or her spouse completes the period of 5 years' residence referred to in subsection (6) and at the time of death the spouses were living together in the Territory as husband and wife for a period of at least 2½ years before the death of the believer spouse, the Cabinet may, upon application, grant the surviving spouse the certificate referred to in subsection (1) as if he or she had completed that period of residence. *(Substituted by Act 12 of 2000)*

(8) In deciding whether a certificate should be granted pursuant to subsection (2)(a) or (b) in respect of any applicant, the Cabinet shall consider whether—

- (a) the economic situation in the Territory is such that the grant of a certificate to the applicant will prejudice the protection afforded under this Act to other persons engaging in the trade or profession in which the applicant is engaged or in which he is likely to engage;
- (b) the applicant has established a close personal connection with the Territory;
- (c) the applicant's character and previous conduct are unexceptional; and
- (d) the applicant's continued residence in, and association with, the Territory may afford some advantage to the Territory.

*(Substituted by Act 12 of 2000)*

(9) For the purposes of this section—

“believer” means a person who is deemed to belong to the Territory under section 2(2) of the Virgin Islands (Constitution) Order;

“ordinarily resident” means that the applicant was in the Territory at the beginning of the relevant period specified in subsection (3), (4) or (6) ending with the date of the application, and that—

- (a) the number of days on which he or she was absent from the Territory in that period does not exceed—
  - (i) in the case of subsection (3), 900 days;
  - (ii) in the case of subsection (4), 630 days; and

- (iii) in the case of subsection (6), 450 days;
  - (b) the number of days on which he or she was absent from the Territory in the period of 12 months so ending does not exceed 90;
  - (c) he or she was not, at any time in the period of 12 months so ending, subject under the immigration laws to any restriction on the period for which he or she might remain in the Territory; and
  - (d) he or she was not, at any time in the relevant period so ending, in the Territory in breach of the immigration laws.
- (Substituted by Act 12 of 2000)*

(10) Notwithstanding the definition of “ordinarily resident”, an applicant shall be deemed to be ordinarily resident in the Territory where he or she proves to the satisfaction of the Cabinet that he or she had been absent from the Territory on grounds of illness, study, Government service or service in the armed forces of Her Majesty’s Government. *(Substituted by Act 12 of 2000)*

### **Validity of certificate issued under section 16**

**17.** (1) Where a person is granted a certificate under section 16, such certificate shall cease to be valid if subsequent to the grant of the certificate such person is ordinarily resident outside the Territory continuously for a period of 5 years, unless he or she proves to the satisfaction of the Cabinet that his or her residence abroad for that period was necessary on the grounds of illness, study, Government service or service in the armed forces of Her Majesty’s Government. *(Substituted by Act 12 of 2000)*

(2) Subject to subsection (3) and (4), a certificate granted under section 16 may be revoked by the Cabinet by Order on the grounds that the person to whom it was granted—

- (a) has shown himself or herself by act or speech to be disloyal or disaffected towards Her Majesty;
- (b) has during any war in which Her Majesty was engaged, unlawfully traded or communicated with an enemy or been associated with or engaged in any business that was to his or her knowledge carried on in such manner as to assist an enemy in that war;
- (c) has, within 5 years of the grant of such certificate, been sentenced to imprisonment in any country for a criminal offence for a term of one year or more; or
- (d) has obtained such certificate by means of fraud, false representation or concealment of any material fact.

*(Substituted by Act 12 of 2000)*

(3) No Order shall be made in exercise of the powers conferred by subsection (2) unless the Chief Immigration Officer has first given the person against whom the Order is proposed to be made notice in writing of the grounds on which it is proposed to be made and has offered such person an opportunity to be heard. *(Substituted by Act 12 of 2000)*

(4) Where a person against whom an Order is proposed to be made under subsection (2) desires to be heard in person by the Cabinet, he or she may submit a request to the Cabinet through the Chief Immigration Officer. *(Substituted by Act 12 of 2000)*

(5) The Cabinet shall not make an Order under subsection (2) if it appears that the person concerned would thereupon become stateless. *(Substituted by Act 12 of 2000)*

### **Certificate of residence**

**18.** (1) Subject to the other provisions of this section, the Cabinet may, after consultation with the Board, grant a certificate of residence to any person who applies for the same in the prescribed manner and who—

(a) is of good character; and

(b) in his or her application has stated an intention to reside permanently in the Territory.

*(Substituted by Act 12 of 2000)*

(2) When a certificate of residence is granted to any person under this section, the Cabinet may then, or on the subsequent application by the person, endorse the certificate to relate also to the spouse and any dependent child under the age of 18 years of that person ordinarily resident with him or her subject to such conditions as the Cabinet may impose. *(Substituted by Act 12 of 2000)*

(3) An endorsement for a dependent child ceases to have effect when the child attains the age of 18 years. *(Substituted by Act 12 of 2000)*

(4) A child who attains the age of 18 years and who wishes to remain in the Territory after the expiration of his or her endorsement under subsection (3) shall, within 6 months of his or her eighteenth birthday, apply for a certificate of residence in his or her own name and shall not remain in the Territory at the expiration of that period unless—

(a) his or her application for a certificate of residence is pending; or

(b) he or she is permitted to remain in the Territory under this Act or any other law.

*(Substituted by Act 12 of 2000)*

### **Revocation of certificate of residence**

**19.** The Cabinet may, after consultation with the Board, revoke a certificate of residence or any endorsement thereon on the grounds that the person to whom it relates—

(a) subsequent to the grant of such certificate has been ordinarily resident outside the Territory continuously for a period of 3 years;

(b) has in any country been sentenced to imprisonment for a criminal offence for a term of one year or more; or

(c) has so conducted himself or herself that it is not in the public interest that he or she should continue to enjoy the privileges conferred by the certificate.

*(Substituted by Act 12 of 2000)*

## PART V

## ENTRY INTO THE TERRITORY

**Restriction on landing and embarking**

**20.** (1) Subject to the provisions of this Act a person shall not land in the Territory from any place outside the Territory or embark in the Territory for any destination outside the Territory—

- (a) save with the leave of an immigration officer; and
- (b) elsewhere than at an authorised port of entry or at such other place as an immigration officer may in any particular case allow.

(2) An immigration officer may on the examination of a person who enters or seeks to enter the Territory—

- (a) refuse him or her admission into the Territory, except where the person falls within any of the categories enumerated in section 21; or
- (b) admit him or her into the Territory subject to a condition restricting the period for which he or she may remain in the Territory with or without conditions for restricting his or her employment or occupation in the Territory, except where the person falls within a category specified in section 21(1)(a) or (b).

*(Substituted by Act 11 of 2006)*

(3) Any person landing or embarking in the Territory in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine of \$1,000 and to imprisonment for 12 months.

(4) The Chief Immigration Officer may by Order in writing direct the removal from the Territory of any person who has been convicted of an offence against subsection (3) and has been sentenced therefor to a term of imprisonment, and such person may, at any time before the expiration of his or her sentence, be placed on board any vessel about to leave the Territory and which is specified in the Order and shall be deemed to be in legal custody until the departure of such vessel.

(5) The master or captain of any vessel and the owner and any agent of the owner of any vessel from or in which a person lands or embarks in contravention of the provisions of this section shall be guilty of an offence and liable—

- (a) on summary conviction to a fine of \$1,000 and to imprisonment for 12 months; or
- (b) on conviction in the High Court to a fine of \$2,000 and to imprisonment for 2 years:

Provided that it shall be a good defence in proceedings against any such master, captain owner or agent, under this subsection for him or her to prove to the satisfaction of the court that he or she did not know and had no means of knowing that such person had so landed or embarked.

(6) In any proceedings under this section evidence that any person found in the Territory is not deemed to belong to the Territory and that there is no

record of his or her having had the leave of any immigration officer to land in the Territory shall be evidence of his or her having landed in the Territory in contravention of this section, until the contrary is shown to the satisfaction of the court.

(7) Notwithstanding anything contained in any other written law a prosecution for an offence against this section may be commenced at any time.

### **Persons entitled to land and embark**

**21.** (1) Notwithstanding any other provisions of this Act, a person shall be entitled to land or embark in the Territory and shall be permitted by any immigration officer so to land or embark, if the person satisfies the immigration officer that he or she comes within any of the following categories—

- (a) persons deemed to belong to the Territory;
- (b) persons who are entitled to be residents under section 18;
- (c) persons enjoying relevant diplomatic or consular or other similar privileges by virtue of any Act or in accordance with recognised international practice;
- (d) serving members of any of Her Majesty's Forces on duty in the Territory;
- (e) persons employed in the service of the Government of the Territory;
- (f) persons employed in the service of such Caribbean inter-regional organisations as the Minister may, by Notice in the *Gazette* designate;
- (g) persons employed in the service of any country in the Commonwealth engaged upon official duties in the Territory;
- (h) persons whom an immigration officer is authorised by the Governor to treat as entitled to land in the Territory; and
- (i) husband, wife or child of any person coming within category (d), (e), (f) or (g) whether travelling with or separately from such person. (*Amended by Act 11 of 2006*)

(2) The burden of proof that any person is a person to whom this section applies shall lie upon that person.

### **Crew members and persons in transit**

**22.** (1) Subject to subsection (2), section 20 shall not apply to any person who—

- (a) being a member of the crew of a ship at a port in the Territory, lands, otherwise than for the purpose of being discharged or after being discharged, at any time while the ship remains at that port; or
- (b) lands from an aircraft at an authorised port for the purpose only of embarking and leaving the Territory in an aircraft at that port and remains throughout the period between the landing and

embarkation within such limits as may be approved for the purposes by an immigration officer.

(2) Notwithstanding anything contained in subsection (1), an immigration officer may at any time give notice to any person on board any vessel other than a person entitled to land in the Territory under section 21(1)(a) or (b) prohibiting the person from landing without the leave of an immigration officer and thereupon section 20 shall apply to such person. (*Amended by Act 11 of 2006*)

### **Grant of leave to land**

**23.** (1) Subject to the other provisions of this Act an immigration officer may grant leave to any person to land and remain in the Territory for such period as the Immigration Officer may determine in accordance with subsection (2), upon being satisfied that that person is a person who falls within any of the categories enumerated in section 21(1)(c) to (i) or—

- (a) has in his or her possession either a ticket, or some other means of travelling to some other country which he or she will be able to enter, or a valid permit, not having been obtained by fraud or misrepresentation, issued to him or her under section 31 permitting him or her to remain in the Territory for the period specified therein;
- (b) will not engage or seek to engage in any gainful occupation other than occupation which is specified in a valid permit, not having been obtained by fraud or misrepresentation;
- (c) is not likely to behave in a manner prejudicial to the peace, order and good government of the Territory;
- (d) is not suffering from a mental disorder nor is mentally defective;
- (e) is not suffering from any contagious or infectious disease which, in the opinion of a medical practitioner appointed under section 5(1)(e) makes his or her presence in the Territory dangerous to the community;
- (f) is not a person who is reasonably believed to have come to the Territory for any immoral purpose, or who is not believed to be a prostitute or to have come to the Territory for the purpose of prostitution;
- (g) has not been convicted in any place of, or admits to having committed, an offence of a nature punishable in the Territory with imprisonment for a term of 3 years or more who by reason of such conviction is deemed by the Chief Immigration Officer to be undesirable;
- (h) is not addicted to the use of any drug;
- (i) has not been convicted of an offence under any written law relating to dangerous or narcotic drugs whether in the Territory or in any state or country outside the Territory;

- (j) has not at any time advocated—
  - (i) the overthrow by force or violence of the lawful Government of the Territory or of any other state or country or of all forms of law;
  - (ii) the abolition of organised Government; or
  - (iii) the assassination of any person or the unlawful destruction of property;
- (k) has not been a member of or affiliated to any organisation which entertains or teaches any doctrine specified in paragraph (j);
- (l) is not a person whose name is for the time being entered in the stop list;
- (m) is not a member of a class of persons declared by the Cabinet, by Order, to be a prohibited class of persons for the purpose of this section;
- (n) is not a person whose presence in the Territory would in the opinion of the Chief Immigration Officer and on the direction of the Minister be undesirable and not conducive to the public good;
- (o) is not a person who is incapable of supporting himself or herself and his or her dependants during such time as he or she may be permitted to remain in the Territory; and
- (p) is not the dependant of a person who is precluded from being granted leave to land by reason of any of the provisions of this section.

*(Amended by Act 11 of 2006)*

(2) The period for which an immigration officer may grant to any person leave to remain in the Territory under subsection (1) shall be—

- (a) where such person produces a permit issued to him or her under section 31 permitting him or her to remain in the Territory, the period specified in that permit;
- (b) where such person does not produce to the immigration officer such a permit, such period not exceeding 6 months as the immigration officer may, subject to any directions of the Minister determine;
- (c) where such person is a person who falls within any of the categories enumerated in section 21(1)(c) to (i), such period as the person continues to be a person who falls within any of the categories enumerated in section 21(1)(c) to (i). *(Inserted by Act 11 of 2006)*

(3) When a person has been granted leave to land and remain in the Territory for a period under subsection (1) the Chief Immigration Officer may, for good cause, vary that period and any extension thereof shall be subject to the payment of the fee prescribed.

(4) Any person who, without lawful excuse, the proof of which shall be upon him or her, in the Territory harbours, maintains or employs a person who has landed in contravention of any of the foregoing provisions of this section,

and whom he or she knows or has reasonable cause to believe to have so landed, shall be guilty of an offence.

### **Special leave to land**

**24.** Where any person is not granted leave to land in the Territory by an immigration officer under section 23 the Chief Immigration Officer may, in his or her discretion, notwithstanding any other provisions of this Act, permit such person in writing to land and remain in the Territory for such period and subject to such conditions as may be prescribed or as the Chief Immigration Officer may deem fit to impose.

### **Stop List**

**25.** Where the Cabinet is satisfied that any person who is not a person deemed to belong to the Territory and who is for the time being outside the Territory—

- (a) is a person who has, while in the Territory, conducted himself or herself in a manner which is undesirable; or
- (b) is a person whose landing in the Territory appears undesirable in view of information or advice received from any source which he or she considers reliable, then and in either case the Governor may cause that person's name to be entered on a list to be called "the Stop List" to be maintained by the Chief Immigration Officer.

### **Removal of persons refused leave to land**

**26.** (1) Where leave to land has not been granted to a person under section 23 or 24 an immigration officer may, subject to subsection (2), give directions—

- (a) to the master or captain of the vessel in which such person arrived in the Territory, requiring him or her to remove that person from the Territory in that vessel;
- (b) to the owners or agents of such vessel requiring them to remove such person from the Territory in any vessel specified in the directions, being a vessel of which they are owners or agents;
- (c) to such owners or agents requiring them to make arrangements for the removal of such person from the Territory in any vessel bound for a country specified in the directions being either—
  - (i) a country of which such person is a national or in which he or she embarked for the Territory; or
  - (ii) a country to which there is reason to believe that such person will be admitted,

and for securing him or her a passage to that country.

(2) No directions shall be given under this section in respect of any person after the expiration of 6 months from the date on which he or she last arrived in the Territory.



(3) A person in respect of whom directions are given under subsection (1) may be placed under the authority of an immigration officer on board any vessel in which he or she is to be removed in accordance with the directions.

(4) A person to whom leave to land is refused may be detained, under the authority of an immigration officer, pending the giving of directions in his or her case under subsection (1) and pending his or her removal in pursuance of directions so given; and where any such person is on board a vessel he or she may, under the like authority, be removed therefrom for such detention under this subsection.

### **Removal of persons landing unlawfully, etc.**

**27.** (1) If any person—

- (a) is found in the Territory after landing in contravention of this Act;
- (b) has been permitted to land in the Territory from a vessel of which he or she was a member of the crew subject to a condition that he or she should leave the Territory by a specified vessel or within a specified period, but fails to comply with that condition or is reasonably suspected of intending so to fail; or
- (c) has landed in the Territory from a vessel of which he or she was a member of the crew in accordance with section 22 without the leave of an immigration officer, but fails to leave with the vessel from the port where he or she has landed, or is reasonably suspected of intending so to fail,

section 26 shall apply to him or her as if he or she had been refused leave to land by an immigration officer.

(2) In respect of a person to whom subsection (1)(b) or (c) applies, the period of 6 months specified in section 26(2) shall be extended to 12 months.

(3) If any person lands in the Territory from a vessel on which he or she was a stowaway, section 26 shall apply to him or her as if he or she had been refused leave to land by an immigration officer:

Provided that in any such case—

- (a) section 26(2) shall not apply; and
- (b) section 26(1)(c) shall be deemed to include a reference to the country in which that person stowed away.

### **Financial responsibility for persons landing illegally**

**28.** In any case where a person lands from a vessel in contravention of any provisions of this Part then without prejudice to any other provisions of this Act, the local representative of such vessel shall be financially responsible for any public charges reasonably incurred in respect of such person's maintenance, including any detention while in the Territory and the person's subsequent repatriation, removal or deportation therefrom.

## PART VI

## RESIDENCE AND EMPLOYMENT IN THE TERRITORY

**Restrictions upon residence**

**29.** (1) No person other than a person entitled to land in the Territory in accordance with section 21 shall remain in the Territory after the expiration of the period during which he or she is permitted to remain in the Territory by the immigration officer under section 23 unless such person is in the possession of a valid permit issued in accordance with section 31 permitting him or her to so remain in the Territory.

(2) Where any person ceases to be a person entitled to land in the Territory in accordance with section 21 this section shall apply to that person upon the expiration of such period of time as reasonably to allow for the departure of that person from the Territory as the Chief Immigration Officer may in his or her discretion permit.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence.

**Restrictions upon seeking to engage in gainful occupation**

**30.** (1) Subject to subsection (2), no person shall seek to engage himself or herself in any gainful occupation in the Territory unless he or she is in possession of a valid permit issued in accordance with the provisions of section 31 permitting him or her to do so.

(2) The provisions of this section shall not apply to any person who comes within any of the categories set out in section 21(1)(a), (c), (d), (e), (f) and (g).

(3) Any person who seeks to engage in any gainful occupation in contravention of the provisions of this section shall be guilty of an offence.

**Permission to reside or to seek to engage in gainful employment**

**31.** (1) Subject to the other provisions of this section, upon application being made in the prescribed form the Chief Immigration Officer may in accordance with the provisions of any regulations and of any directions of the Governor grant a permit in accordance with the provisions of this Act and in the prescribed form to any person permitting such person—

- (a) to remain in the Territory for the period specified in the permit otherwise than for the purpose of engaging in any gainful occupation; or
- (b) to remain in the Territory for the period specified in the permit for the purpose of seeking to be engaged in gainful occupation specified in the permit and with the view of obtaining a valid permit to engage himself or herself in such gainful occupation.

(2) Without prejudice to any other provisions of this Act, any person applying for a permit under this section may be required by the Chief Immigration Officer—

- (a) to furnish the Chief Immigration Officer with such evidence of good character in respect of himself or herself and his or her dependants as the Minister may consider necessary;
- (b) to furnish the Chief Immigration Officer with medical certificates with respect to himself or herself and his or her dependants certified by medical authorities acceptable to the Minister and with such particulars as the Minister may consider necessary;
- (c) to satisfy the Chief Immigration Officer that he or she is able to maintain himself or herself and his or her dependants in the Territory;
- (d) to provide—
  - (i) in the case of a person wishing to remain in the Territory for purposes other than engaging in gainful occupation, an undertaking, in writing, that he or she will not engage in any gainful occupation in the Territory; or
  - (ii) in the case of a person wishing to remain in the Territory for the purposes of engaging in any gainful occupation, full particulars of such occupation;
- (e) to give a bond for such sum and with such sureties as the Minister may approve for securing payment of any public charges, including any cost that may be incurred in transporting the applicant and his or her dependants to a country outside the Territory willing to receive them:

Provided that the Minister shall cancel any such bond on the applicant subsequently acquiring a certificate under section 16 or 18 and may cancel any such bond at any time on being satisfied that the necessity for the bond no longer exists:

And provided further that in the case of a person who is to be employed in the Territory, the prospective employer shall be required to give bond *in lieu* of the person himself or herself; and

- (f) to furnish such particulars (whether of the same kind as those hereinbefore referred to or not) as the Minister may consider material to the consideration of any application.

(3) Notwithstanding the other provisions of this section, no permit under subsection (1) shall be granted to any person if the Minister has notified the Chief Immigration Officer in writing that such a permit shall not be granted to such person.

### Conditions of permits

32. (1) Any permit granted under section 31—

- (a) may be limited in duration to a period specified in the permit;
- (b) may be granted subject to such conditions or restrictions, in addition to any conditions or restrictions which may be prescribed, as the Minister may in any case direct; and

- (c) shall be subject to any special conditions or restrictions which the Minister may require the Chief Immigration Officer to impose in respect of any particular person;
  - (d) may be cancelled by the Chief Immigration Officer in the event of the Chief Immigration Officer being satisfied that the person to whom it is granted has failed to comply with any condition or restriction contained therein; and
  - (e) shall be cancelled by the Chief Immigration Officer forthwith upon a deportation order being made under section 40 in respect of the person to whom the permit is granted.
- (2) Any condition or restriction imposed under subsection (1)(b) or (c) shall be set out in the permit.

## PART VII

### SUPPLEMENTARY PROVISIONS RELATING TO IMMIGRATION CONTROL

#### **Duty of local representative of vessel to give notice of arrival**

**33.** (1) It shall be the duty of the local representative of every vessel arriving in the Territory to give adequate and timely notification of the arrival of the vessel to the Chief Immigration Officer and, if required, to furnish such particulars as he or she may then have in his or her possession regarding the passengers and crew on board such vessel.

(2) Any person who fails to comply with any of the provisions of this section, or with any requirements duly given thereunder, shall be guilty of an offence.

#### **Inward passenger and crew manifests**

**34.** (1) The master of every vessel arriving in the Territory, and the local representative of any such vessel shall, if so required by an immigration officer, as soon as practicable after the arrival of such vessel and before any passenger or member of the crew has landed in the Territory deliver to an immigration officer a list showing separately—

- (a) the names and particulars of the passengers on board the vessel;
- (b) the names of the passengers whose journey by that vessel is to be completed in the Territory;
- (c) the names and particulars of any other person (including persons rescued at sea and stowaways) on board the vessel.

(2) An immigration officer may allow any person on board a vessel arriving in the Territory to land, without prejudice to any other provision of this Act, before such lists are duly delivered.

(3) The master of every vessel arriving in the Territory shall, if so required by an immigration officer answer truthfully all proper questions put to him or her by that officer relating to the passengers and members of the crew of the vessel for the purposes of this Act.

(4) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

### **Control of landing from vessels**

**35.** (1) It shall not be lawful for the master or captain of any vessel to cause or allow any passenger or member of the crew or other person on board the vessel to land in the Territory before permission generally to land has been given by an immigration officer.

(2) The master of any vessel who contravenes any of the provisions of this section shall be guilty of an offence.

(3) It shall be a good defence for a person charged with an offence under this section to prove that any such landing took place in a case of emergency, and was, at the earliest time practicable notified to an immigration officer.

### **Declaration on disembarkation and embarkation**

**36.** (1) Every passenger arriving in or departing from the Territory shall complete and deliver to the person prescribed a declaration in the prescribed form.

(2) It shall be the duty of the owner of the vessel in or from which any passenger embarks or disembarks to provide such passengers at the expense of such owner with the prescribed form.

(3) Any person who in completing the prescribed declaration knowingly makes any false statement or representation shall be guilty of an offence.

### **Duty of persons entering or departing to produce passport, etc.**

**37.** (1) Every person intending to land in, or as the case may be, depart from the Territory shall if required to do so by an immigration officer produce for inspection any passport, visa, document evidencing nationality or identity or any document evidencing permission to enter any country, in his or her possession.

(2) Any person who fails to comply with any such requirement shall be guilty of an offence.

(3) If any person without lawful authority, alters any certificate or document issued or made under this Act, or uses for the purpose of this Act or has in his or her possession for such use any forged, altered or irregular certificate, passport, visa or other document he or she shall be guilty of an offence.

(4) It shall be lawful for the Cabinet, by Order, to exempt any person or class of persons either permanently or for a limited period from the requirement of being in possession of a passport or of such other documents as are mentioned in subsection (1).

### **Outward passenger and crew manifests**

**38.** (1) The local representative of every vessel departing from the Territory shall furnish to an immigration officer before the departure of the vessel, lists showing separately—

(a) the names and particulars of the passengers on board the vessel;

- (b) the names and particulars of the members of the crew of the vessel; and
- (c) the names and particulars of any other person on board the vessel.

(2) Any person who fails to comply with any requirement duly made under subsection (1) shall be guilty of an offence.

#### **Distribution of copies of stop list etc., to shipping agents, etc.**

**39.** It shall be lawful for the Chief Immigration Officer to cause copies of the stop list, or notification of the entry in or removal of any name from the stop list, to be given to the representatives of ships or aircraft ordinarily calling at the Territory or to *bona fide* travel agencies.

### PART VIII

#### DEPORTATION AND PROVISIONS RELATING TO THE REMOVAL OF PERSONS FROM THE TERRITORY

#### **Procedure where deportation is desirable**

**40.** (1) If at any time after a person, other than a person deemed to belong to the Territory, has landed in the Territory, it shall come to the knowledge of the Governor that such person—

- (a) has landed or remained in the Territory contrary to any provisions of this Act;
- (b) has been convicted of any offence against this Act, or of any other offence within the Territory punishable with imprisonment for 3 months or more;
- (c) is a person whose presence in the Territory would in the opinion of the Governor, acting after consultation with the Chief Immigration Officer, be undesirable and not conducive to the public good,

the Governor may make an order (hereinafter referred to as the “deportation order”) requiring such person to leave the Territory within the time fixed by the deportation order and thereafter to remain out of the Territory. (*Amended by Act 11 of 1990*)

(2) In the exercise of the powers conferred upon the Governor by subsection (1), the Governor may act in his or her discretion in any matter where he or she deems it necessary to do so.

(3) Where a deportation order is made in respect of a person who immediately before the making thereof was lawfully within the Territory under this Act, a copy of the order shall be served upon him or her by an immigration officer or by any police officer and he or she shall be entitled within the period of 7 days next following the date of such service to appeal in writing to the Governor against the making of the order.

### **Removal of persons subject to deportation orders**

41. (1) Subject to subsection (5) any person in whose case a deportation order has been made may be placed, under the authority of the Governor, on board any vessel which is about to leave the Territory and the master or captain of the vessel shall, if so required by an immigration officer, take such steps as may be necessary for preventing the person from landing from the vessel before it leaves the Territory, and may for that purpose detain the person in custody on board the vessel.

(2) The Governor or an immigration officer may give directions to the master or captain of any vessel which is about to leave the Territory, requiring him or her to afford to any person in whose case a deportation order has been made, and to his or her dependants, if any, a passage to any port specified in the directions, being a port at which the vessel is to call in the course of its voyage, and proper accommodation and maintenance during the passage.

(3) The Governor may, if he or she thinks fit, apply any money or property belonging to any such person as aforesaid in payment of the whole or any part of the expenses of or incidental to the voyage from the Territory and the maintenance until departure of the person and his or her dependants, if any.

(4) Subject to subsection (5), any person in whose case a deportation order has been made may be detained, under the authority of the Governor, until he or she is dealt with under subsection (1). (*Amended by Act 11 of 1990*)

(5) A person in whose case a deportation order is made who is entitled in accordance with section 40(3) to appeal to the Governor against the making of the order, shall not be placed upon a vessel under subsection (1) or detained under subsection (4) until the expiration of the period of 7 days from the date of service upon him or her of a copy of the order or, in the event of him or her making such an appeal, until the decision of the Governor thereon is known. (*Amended by Act 11 of 1990*)

### **Lien on vessel landing passengers contrary to this Act**

42. (1) If a passenger lands or attempts to land in the Territory, or does any act preparatory to landing in the Territory to the knowledge of the master or captain of a vessel by which such passenger arriving and landing is, or would be, in contravention of this Act such vessel shall be subject to a lien in favour of Her Majesty for the sum of \$2,000 in respect of each such passenger so landing, attempting to land or making preparation to land and the amount so charged may be sued for and recovered by the Chief Immigration Officer in any court of competent jurisdiction.

(2) Any immigration officer or any police officer, acting under instructions of the Financial Secretary shall detain, by force if necessary, any vessel charged with the payment of any sum under this section, until the hour of 6:00 pm of the third day following the landing of the passenger in respect of which the same is charged.

(3) A detainer under section 2 shall cease upon payment to the officer detaining such vessel, or the person placed by him or her in actual charge of such vessel, of all sums charged upon such vessel or upon the vessel being arrested under the process of any court of competent jurisdiction issued in any action for the recovery of the sums last aforesaid.

(4) For the purposes of any action for the recovery of any sums charged upon an aircraft under this section such aircraft shall be deemed to be a ship and the law relating to Admiralty actions *in rem* shall apply to such action accordingly.

(5) Where the sum charged upon a vessel under this section exceeds the value of such vessel it shall be lawful for the Supreme Court on the application of the Chief Immigration Officer to order the destruction of the vessel.

### **Lien to cease if passenger returned on board**

**43.** If a passenger lands in the Territory from any vessel contrary to this Act, and such passenger is, on the complaint of the master or captain, apprehended and conveyed on board such vessel under the provisions of section 26 or 27 the lien arising under section 42 on the landing of such passenger shall cease to exist on his or her being so conveyed on board as aforesaid, but shall revive if such passenger again lands contrary to this Act.

### **Power to Governor to remit lien**

**44.** In the event of any vessel becoming subject to a lien in respect of any passenger under section 42, the Governor may, either before or after any suit has been commenced for the recovery of such amount remit the whole or such part thereof as the Governor shall deem expedient, and order the release of such vessel on such terms and conditions as the Governor shall think fit.

## PART IX

### REGULATIONS: PROCEDURE

### **Power to make regulations**

**45.** The Cabinet may make regulations—

- (a) prescribing the circumstances in which a vessel is deemed to be arriving in or departing from the Territory;
- (b) designating places in the Territory as ports of entry for the examination by immigration officers of persons seeking to enter or entering the Territory;
- (c) requiring persons disembarking or embarking in the Territory or any class of such persons to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Cabinet may direct and requiring the owners or agents of vessels to supply those cards to such persons;
- (d) prescribing the functions of immigration officers;
- (e) prescribing the means to be taken of identifying persons suspected of being in the Territory contrary to this Act or to any repealed Act or Act relating to immigration;
- (f) prescribing the forms to be used for the purposes of this Act;



- (g) authorising the payment of the fees for—
  - (i) the issue and renewal of passports; and
  - (ii) British visas to aliens for the purpose of visiting British Territory;
- (h) prescribing the fees to be paid for—
  - (i) the issue of a certificate that a person belongs to the Territory and for a certificate of residence; and
  - (ii) the issue of any permit under this Act;
- (i) prescribing the fees to be paid in respect of any matter or thing prescribed under this Act or any regulations;
- (j) providing for the payment and recovery of any expenses incurred by the Government in connection with detention, maintenance, medical treatment and removal from the Territory of any person under this Act;
- (k) prohibiting or restricting any vessel or class of vessels from entering or leaving the Territory otherwise than at certain specified ports, imposing restrictions or conditions on any vessel or class of vessels entering any port within the Territory and requiring the master or captain of any vessel or such other person as may be specified in the regulations to undertake such obligations as may be deemed by the Cabinet necessary or expedient for giving effect thereto;
- (l) prescribing penalties, not exceeding the penalty specified in section 49 for any offence against any regulations;
- (m) prescribing anything that is authorised or required to be prescribed by this Act; and
- (n) generally for the carrying out of the objects and purposes of this Act.

### **Burden of proof**

46. If any question arises in any proceedings under this Act or under any regulations or in reference to anything done or proposed to be done thereunder as to whether a vessel has come from a particular country or otherwise, the burden of proving that the vessel has not come from a particular country shall lie upon the person charged or, as the case may be, upon the person who, in those proceedings, is interested in proving that the vessel has not come from that particular country.

### **Assisting**

47. (1) Any person who—
- (a) knowingly assists any person to land in the Territory;
  - (b) connives in the landing in the Territory of any person; or
  - (c) wilfully does any act preparatory to the landing in the Territory of any person,

where such landing is, or would be, from any vessel entering or leaving the Territory otherwise than in accordance with any regulations made under section 45(b) applying to such vessel, shall be guilty of an offence.

(2) Any person who commits an offence under this section or who contravenes any regulations shall be liable on summary conviction to a fine of \$3,000 and to imprisonment for 2 years, and any vessel found in the Territory in contravention of any regulations shall be liable to forfeiture and shall be proceeded against and condemned in such manner as is prescribed by the Customs Act.

(3) A vessel which is of or below 100 net tons may be condemned by the Magistrate upon proof to his or her satisfaction that such vessel has been used in contravention of such regulations.

(4) In any proceedings under this section for the condemnation of a vessel found in the Territory in contravention of any regulations, the High Court, or Magistrate having jurisdiction therein may order the destruction of such vessel.

### **Boarding of vessels**

**48.** Where any officer of the Royal Navy or any customs officer or police officer has reasonable grounds for believing that any person on board any vessel which is in the territorial waters of the Territory is landing or preparing to land in the Territory in contravention of the provisions of this Act, the officer may board such vessel and exercise the powers conferred on an immigration officer under section 5.

### **General penalty**

**49.** Any person who commits or attempts to commit an offence under this Act or any regulations made thereunder shall, except where any other penalty is provided, be liable on summary conviction to a fine of \$1,000 and imprisonment for 12 months.

### **Power to prohibit entry of aliens**

**50.** Notwithstanding anything contained in this Act or in any other law the Governor may, after consultation with the Minister, by Order prohibit the entry into the Territory of any alien or class of aliens.

### **Saving of existing rights**

**51.** Nothing in this Act shall be construed to affect any existing rights acquired by any person before the date of the passing of this Act by virtue of any provision in the Immigration and Passport Ordinance, 1969.