



ST. HELENA

(Chapter No. not allocated yet)

IMMIGRATION ORDINANCE

Non-authoritative Consolidated Text

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Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown

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Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

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¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

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IMMIGRATION ORDINANCE

(Ordinance 8 of 2011)

AN ORDINANCE TO CONTROL IMMIGRATION OF PERSONS INTO ST. HELENA, TO PROVIDE FOR THE STATUS, RIGHTS, OBLIGATIONS AND DISABILITIES OF IMMIGRANTS, AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.

Commencement

[23 January 2012 (in Part)² and 1 May 2012³]

PART 1 PRELIMINARY

Citation and Commencement

1. (1) This Ordinance may be cited as the Immigration Ordinance, 2011, and shall come into force on such date as the Governor in Council may appoint by Order in the *Gazette*.

(2) An Order under subsection (1) may appoint different dates for different provisions or for different purposes of the same provision, and may contain such incidental or transitional provisions as to the Governor in Council appear necessary or expedient.

Interpretation

2. (1) In this Ordinance—
- “**Board**” means the Immigration Control Board referred to in section 6;
- “**Chairman**” means the Chairman of the Board;
- “**Chief Immigration Officer**” means the Officer appointed under section 4(1)(a);
- “**dependant**”, in relation to a person, means—
- (a) the spouse or life partner of that person; and
 - (b) a child, step-child or adopted child of that person, who is under the age of 18 years or who is over that age and—
 - (i) in full time education; and
 - (ii) under the age of 25 years;
- “**Entry Permit**” means a permit granted in accordance with sections 18 to 20;
- “**immigrant**” means a person who does not have St. Helenian status in accordance with Part 3;
- “**Immigration Officer**” means the Chief Immigration Officer or an Immigration Officer appointed under section 4(1)(b);
- “**Islander**” means—
- (a) a person who immediately before 18th October 1999, was an islander under the Immigration Ordinance, 1972 (the definition of which is reproduced in Schedule I);

² Legal Notice 2 of 2012

³ Legal Notice 15 of 2012

- (b) a British Citizen or a British Overseas Territories Citizen who was born, or one of whose parents were born, in St. Helena after the 31st December, 1982 but before 18th October 1999;
- (c) a British Citizen or a British Overseas Territories Citizen who, immediately before 18th October 1999, had been resident in St. Helena for not less than seven years:

Provided that any period of imprisonment for six months or more or any period during which the person concerned was in St. Helena in breach of any law relating to immigration shall be excluded from computation of the qualifying period under this paragraph;

- (d) the spouse of a person to whom any of the foregoing paragraphs applies, who is not separated from his or her spouse under a Court order or a deed of separation, who has satisfied the definition of “islander” in section 2 of the Immigration Ordinance 1972;

“**Landing Permission**” means permission granted in accordance with section 21;

“**master**”, in relation to—

- (a) a water-borne vessel, means any person (other than a pilot or Harbour Master) having charge, control or command of such vessel; and
- (b) an aircraft, includes the person in command or in charge of it;

“**passport**” includes other internationally recognised documents verifying the holder’s identity and nationality;

“**Secretary**” means the Secretary of the Board appointed under section 6(7);

“**vessel**” includes every description of vessel used in navigation, including any and all craft and aircraft;

“**Work Permit**” means a permit granted in accordance with section 24.

(2) A person is not to be treated as the spouse of another person if those persons are living apart under a decree or order of a competent court or under a deed or agreement of separation.

Obligations of masters of vessels

3. (1) A master of a vessel who intends to land or put ashore on St. Helena any thing or person, shall, prior to entering the territorial waters or the airspace of St. Helena, obtain the permission of an Immigration Officer to do so.

(2) The master of a vessel shall, upon being requested by an Immigration Officer to do so, provide him with a list of the names, dates of birth, and nationalities of all passengers and other persons on board the vessel who intend to land on St. Helena.

(3) If an immigrant arrives in St. Helena without having first been granted an Entry Permit, and is not granted an entry on arrival, the master of the vessel in or on which that immigrant arrived in St. Helena shall secure his removal from St. Helena as soon as is practicable.

(4) Any order or warrant of the Governor for the deportation of an immigrant may include a requirement for the master of a named vessel to transport that immigrant from St. Helena to a named destination and the master of such vessel shall comply with such requirement;

Provided that—

- (a) the master may refuse to transport the immigrant if the Governor fails to make reasonable provision for the immigrant to be escorted in order to secure the safety of the vessel and persons on board; and

- (b) subject to paragraph (c), the costs and expenses of and incidental to the removal of such immigrant from St. Helena shall be charged upon the Consolidated Fund;
 - (c) the order or warrant for deportation may make provision for all or any of the property of the immigrant to be applied towards the costs and expenses mentioned in paragraph (b).
- (5) A master of a vessel who fails to comply with the requirements of this section is guilty of an offence for which the maximum penalty on conviction is a fine of £5000 or imprisonment for 12 months, or both such fine and imprisonment.

PART 2 ADMINISTRATION AND CONTROL

Appointment of Immigration Officers

4. (1) The Governor may appoint public officers to be—
- (a) the Chief Immigration Officer; and
 - (b) Immigration Officers.
- (2) An Immigration Officer shall, in the exercise of his duties under this Ordinance, have the rights, powers, privileges and immunities of a police officer.
- (3) Every police officer shall be deemed to have been appointed to be an Immigration Officer.

Powers and duties of Immigration Officers

5. (1) It is the duty of every Immigration Officer to administer and enforce the provisions of this Ordinance.
- (2) Without prejudice to the powers of the Board contained in this Ordinance, an Immigration Officer shall initially determine whether any person who wishes to enter St. Helena shall be allowed to do so.
- (3) An Immigration Officer may board any vessel and search any part thereof for the purpose of exercising or performing his powers or duties under this Ordinance.
- (4) An Immigration Officer may question and search any person who arrives in St. Helena for the purpose of establishing his nationality, identity and status:
Provided that no person shall be searched other than by an Immigration Officer of the same gender.
- (5) Every person arriving in St. Helena shall produce to an Immigration Officer a valid passport.
- (6) Where an Immigration Officer is not satisfied that the requirements of this Ordinance have been complied with, he may refuse any person seeking to enter St. Helena permission to do so.
- (7) The Chief Immigration Officer shall maintain a record of all determinations of applications by persons seeking permission to enter St. Helena and produce the same to the Secretary whenever required to do so.
- (8) Without prejudice to any other power of arrest or detention, an Immigration Officer who reasonably suspects that the presence of any person in St. Helena is in contravention of any provision of this Ordinance, may detain such person for a period not exceeding 48 hours and any person so detained shall be deemed to be in lawful custody.

Immigration Control Board

6. (1) There shall continue to be a Board to be known as the Immigration Control Board.

(2) The Board shall consist of a Chairman, a Deputy Chairman, and three other members, all of whom shall be persons who have St. Helenian status:

Provided that Justices of the Peace, Immigration Officers, and members of the Legislative Council are not eligible to be members of the Board.

(3) Each member of the Board shall be appointed by the Governor, for a term not exceeding three years, and notice of every such appointment shall be published in the *Gazette*;

Provided that an appointment shall not be invalidated by any failure to publish it in the *Gazette*.

(4) A member of the Board may resign from office by a notice signed by him and submitted to the Governor.

(5) The Governor may revoke the appointment of a member of the Board on the grounds of disability, neglect of duty or misconduct;

Provided that section 93 of the Constitution applies to such revocation as if a member of the Board is a judicial officer.

(6) A member of the Board shall cease to hold office as provided in subsection (4) or (5) of this section, or if—

(a) he is absent from three consecutive meetings of the Board without the leave of the Chairman;

(b) he becomes a member of the Legislative Council;

(c) he is appointed to be a Justice of the Peace or an Immigration Officer; or

(d) he is adjudged bankrupt.

(7) The Governor shall appoint a public officer to be the Secretary to the Board, who shall—

(a) maintain minutes of the meetings, proceedings and decisions of the Board;

(b) maintain a register, containing prescribed particulars of all applications for—

(i) Declarations of St. Helenian status (under section 15(3));

(ii) Long Term Entry Permits (under section 20);

(iii) Work Permits (under section 24);

(iv) Immigrant Employment Certificates (under section 25); and

(v) Immigrant Landholding Licences (under section 34);

(c) carry out any other duties provided for by this Ordinance.

Powers of the Board

7. The Board shall have the various powers and functions conferred upon it by this Ordinance or any other law, and such incidental powers as are necessary to enable it to exercise and perform its powers and functions.

Meetings of the Board

8. (1) Meetings of the Board shall be convened by the Chairman, and a quorum shall be formed by not less than three of those entitled to be present.

(2) The Chairman shall convene a meeting of the Board as often as is necessary for the efficient and effective discharge of the Board's functions.

(3) The Chairman shall preside at meetings of the Board and, in his absence, the Deputy Chairman shall preside:

Provided that if the Chairman and the Deputy Chairman are both absent the remaining members shall elect a member who shall preside.

(4) All matters before the Board shall be determined by a majority:

Provided that if the members are equally divided the person presiding shall have a casting vote.

Disclosure of interests by Board members

9. (1) Any member of the Board who has a direct or indirect interest in any matter which is to be considered shall, if present at such meeting, make full disclosure of such interest, and refrain from participation in discussion or voting thereon.

(2) Any member of the Board who knowingly fails to comply with the provisions of subsection (1) is guilty of an offence for which the maximum penalty on conviction is a fine of £2,500.

Remuneration of members of the Board

10. The members of the Board shall receive such fees, allowances or other remuneration as the Governor shall from time to time determine.

Duty of confidentiality

11. (1) The members of the Board shall treat as confidential all information presented to the Board in the exercise of its functions.

(2) A member who wilfully discloses to any person any such information is guilty of an offence for which the maximum penalty on conviction is a fine of £2,500:

Provided that nothing in this subsection prevents the disclosure of information to a person having lawful functions to perform in connection with—

- (a) any appeal under section 13;
- (b) any civil or criminal proceedings; or
- (c) the investigation of any suspected offence against this Ordinance.

(3) The duty imposed by subsection (1) shall continue to apply to members after they have ceased for any reason to act as such.

(4) For the purposes of this section, the Secretary shall be deemed to be a member of the Board.

Appeals from decisions of Immigration Officer

12. (1) Any person aggrieved by or dissatisfied with a decision of an Immigration Officer may appeal to the Board within seven days of being notified of such decision.

(2) On an appeal under this section, the appellant shall not have a right to an oral hearing, but shall be entitled to make written submissions in support of his appeal, either personally or through a legal representative or other agent:

Provided that the Board may (in its discretion) grant an appellant an oral hearing if it considers that the appeal can be more justly determined in that way.

Appeals from decisions of Board

13. (1) Any person aggrieved by or dissatisfied with a decision of the Board (including a decision made on an appeal under section 12) may appeal to the Magistrates' Court within 14 days (or such longer period as the Court may, in exceptional circumstances, allow) of being notified of such decision

(2) Appeals under this section shall be heard *in camera* unless the Court, with the consent of the appellant, orders otherwise.

Appeals: supplemental

14. (1) Subject to the provisions of sections 12 and 13, and this section, the procedure relating to appeals shall be as prescribed in regulations made under section 43.

(2) On an appeal under section 12, the Board may either confirm the decision of the Immigration Officer, or substitute any decision which the Immigration Officer could lawfully have made.

(3) On an appeal under section 13, the Court may either confirm the decision of the Board, or substitute any decision which the Board could lawfully have made.

PART 3 ST. HELENIAN STATUS

Persons having by right or by grant St. Helenian status

15. (1) A person has St. Helenian status by right of birth if—

(a) he is an islander; or

(b) he was born in St. Helena on or after 18 October 1999 and, at the time of his birth, his father or mother had St. Helenian status.

(2) A person has St. Helenian status by right of descent if he was born outside St. Helena on or after 18 October 1999 and, at the time of his birth his father or mother—

(a) had St. Helenian status by right of birth; or

(b) had St. Helenian status by descent and was ordinarily resident in St. Helena; or

(c) had St. Helenian status by right of descent, which he acquired by reason of having at least one parent who had St. Helenian status by right of birth.

(3) If, on an application for the grant of St. Helenian status made by a person of full age and capacity, the Board is satisfied that the applicant fulfils the requirements of Schedule II, it shall grant him a declaration that he has such status.

(4) A person who claims to have St. Helenian status under subsection (1) or (2) may apply to the Board for a declaration that he has such status, and the Board—

(a) if satisfied, after making such enquiries as the Board thinks fit, that he has such status, shall issue a declaration to that effect;

(b) in any other case, shall refuse the application.

(5) An application may be made under subsection (4) by a parent or guardian of any minor whom the parent or guardian believes to have St. Helenian status.

Deprivation and loss of status

16. (1) Subject to the provisions of this section, the Board may, if it is satisfied that a declaration granted under section 15(3) or section 15(4) was obtained by means of fraud,

false representation or the concealment of any material fact of a nature which, had the true facts been made known to the Board at the time of application, would, in the opinion of the Board, have justified refusal of such declaration, revoke the declaration.

(2) Regulations made under section 43 shall provide for the procedure to be adopted by the Board in relation to the power conferred by subsection (1), and such rules shall, in particular, require that the person to whom the relevant declaration was granted must have an opportunity to make representations to the Board before the power is exercised.

(3) A person to whom a certificate of St. Helenian status has been granted under section 15(3) shall cease to have such status if he is absent from St. Helena for a continuous period of ten years.

PART 4 ENTRY AND RESIDENCE

General provisions for control of immigrants

17. (1) Subject to subsection (2) no immigrant shall enter or remain in St. Helena unless he is authorised to do so by either—

- (a) an Entry Permit; or
- (b) a Landing Permission,

issued under this Ordinance.

(2) Subsection (1) shall not apply to—

- (a) a dependant of a person who has St. Helenian status;
- (b) a person in the service of the Crown in right of the Government of St. Helena, or who is in (or wishes to enter) St. Helena primarily for the purpose of engaging in activities which are, by virtue of section 23(1)(b), not to be regarded as employment or work for the purposes of Part 5;
- (c) a dependant of a person referred to in paragraph (b);
- (d) a person who, upon arrival in St. Helena, is an officer or a member of the crew of a vessel which has been approved by the Chief Immigration Officer for the purposes of this subsection, and who is under an engagement requiring him to leave on that vessel;
- (e) any consular officer within the meaning of the Vienna Convention on Consular Relations 1963.

(3) Policy directions given under section 41 shall specify the circumstances in which the Chief Immigration Officer may approve a vessel for the purposes of subsection (2)(d).

(4) Any person who contravenes any of the provisions of subsection (1) is guilty of an offence for which the maximum penalty on conviction is imprisonment for 12 months or a fine of £5,000, or both.

Entry Permits

18. (1) Subject to the provisions of this section and sections 19 and 20, an Entry Permit may be granted to authorise an immigrant to enter and remain in St. Helena for a period not exceeding five years;

Provided that the Governor in Council may, in exceptional circumstances, authorise the Board to grant an Entry Permit for such period exceeding five years as the Governor in Council may determine.

(2) Every application for an Entry Permit, and every Entry Permit, shall be in the prescribed form.

(3) Regulations made under section 43 may prescribe the evidence to be produced by an immigrant as to any matter relevant to his application for an Entry Permit, and may (without prejudice to the generality) provide that a declaration made by the immigrant (either in the application for an Entry Permit, or separately) shall be acceptable as sufficient evidence of any fact.

(4) Regulations made under section 43 may prescribe circumstances in which an Entry Permit may not be granted or may be granted only subject to such conditions as may be prescribed; and, without prejudice to the generality, such regulations may provide—

- (a) that an Entry Permit shall not be granted to citizens of, or to immigrants who have arrived from or travelled through, such countries or places as may be prescribed;
- (b) that an Entry Permit shall not, in such circumstances as may be prescribed, be granted unless the applicant therefor makes the application before departure from his country of origin;
- (c) that, in such circumstances as may be prescribed, an Entry Permit shall be granted only for such period (less than the maximum period mentioned in section 18(1) or 19(1)(a), as the case may be) as may be prescribed.

(5) In a case to which regulations of the kind described in subsection (4)(b) apply, an Entry Permit may not be granted after the immigrants leaves his country of origin.

Short Term Entry Permits

19. (1) An Immigration Officer may grant an Entry Permit (a ‘Short Term Entry Permit’) to an immigrant who:

- (a) applies, in the prescribed form, for permission to visit St. Helena for a period not exceeding 183 days;
- (b) produces a passport which is valid on the date of entry into St. Helena and will remain valid for at least six months after the expiry of the Entry Permit;
- (c) establishes to the satisfaction of the Immigration Officer that he has the means to provide for—
 - (i) the accommodation, food, clothing, health and welfare of himself and any dependants throughout the duration of the Entry Permit; and
 - (ii) his and their repatriation to their place of domicile.

(3) A Short Term Entry Permit shall be valid for such period (not exceeding 183 days) as is specified therein.

(4) At any time before the expiry of a Short Term Entry Permit, the person to whom it was granted may apply to an Immigration Officer for the duration of the permit to be extended and such Immigration Officer may grant such application if he is satisfied that—

- (a) the immigrant’s passport is valid until a date which is at least six months after the extended period of validity of the Entry Permit;
- (b) the immigrant will continue to have the means to provide for the matters referred to in subsection (2)(c) throughout the extended duration of the Entry Permit; and
- (c) the total duration of the Entry Permit will not thereby exceed 183 days.

Long Term Entry Permits

20. (1) The Board may grant an Entry Permit (a ‘Long Term Entry Permit’) to an immigrant who—

- (a) applies, in the prescribed form, for permission to enter, or remain in, St. Helena for a period exceeding 183 days;
- (b) is in possession of a passport which is valid on the date commencement of the Entry Permit and will remain valid for at least six months after the expiry thereof;

- (c) establishes to the satisfaction of the Board that he has the means to provide for—
 - (i) the accommodation, food, clothing, health and welfare of himself and any dependants throughout the duration of the Entry Permit; and
 - (ii) his and their repatriation to their place of domicile; and
- (d) makes a declaration, in such form as may be prescribed, concerning his character and antecedents.

(2) At any time not exceeding three months before the expiry of a Long Term Entry Permit, the person to whom it was granted may apply to the Board for renewal thereof and the Board (after such enquiries in the matter as it shall think fit to make) shall renew the said permit (for a period not exceeding five years) unless it is satisfied that circumstances have changed since the permit was granted or last renewed in such a way that it would be contrary to the public interest to renew the permit.

Landing Permission

21. (1) The Chief Immigration Officer may issue to the master of a vessel to which this section applies, a Landing Permission authorising a specified number of passengers and crew of that vessel to enter St. Helena without obtaining an Entry Permit.

(2) This section applies to any vessel in respect of which the Chief Immigration Officer is satisfied—

- (a) that the total number of passengers and crew onboard the vessel exceeds 20;
- (b) that the vessel will remain in St. Helena for less than 24 hours;
- (c) that all of the passengers and crew onboard at the time of arrival will be leaving on the vessel when it departs, and that adequate arrangements are or will be made to ensure this; and
- (d) that dispensing with the requirement for Entry Permits is not, in all the circumstances, against the public interest.

(3) There shall be paid, in respect of each Landing Permission, such fee as may be prescribed, being a fee calculated *per capita* upon the number of persons authorised to enter St. Helena by that permit.

(4) For the avoidance of doubt, a person who enters St. Helena on the authority of a Landing Permission is guilty of an offence under section 17 if he remains in St. Helena after the departure of the vessel on which he arrived.

(5) The master of a vessel to whom a Landing Permission has been issued is guilty of an offence if he causes or permits the vessel to leave St. Helena having failed to ensure that all of the passengers and crew who arrived on the vessel are onboard at the time of departure.

(6) The maximum penalty on conviction for an offence against subsection (5) is imprisonment for two years or a fine or both.

Revocation of Entry Permits

22. (1) An Entry Permit may be revoked by the Board if it is satisfied that the holder of the permit—

- (a) obtained such permit by means of fraud, false representation or concealment of any material fact; or
- (b) has been convicted anywhere of an offence and sentenced to imprisonment; or
- (c) has contravened any of the provisions of this Ordinance or any regulations made under it.

(2) The Secretary shall give notice in writing to the holder of a permit which is revoked pursuant to subsection (1) and such notice shall state the grounds of revocation, and inform him of the right of appeal under section 13.

PART 5 EMPLOYMENT OF IMMIGRANTS

Restrictions on employment of immigrants

23. (1) In this Part, “**employment**” and “**work**” in either instance means to carry on or to be employed in any profession, trade, business or vocation for gain or reward, whether as an employee, agent, director or other officer of a corporate body, or as a self-employed person, in partnership or otherwise, but does not include any work done by a person—

- (a) in the course of his duties in the service of the Crown;
- (b) in fulfilment of the provisions of a contract entered into on behalf of Her Majesty (whether in right of Her Government of the United Kingdom or in right of Her Government of St. Helena) whereby goods or services are provided to Her Government of St. Helena; or
- (c) who has been present in St. Helena for less than 183 days in the period of one year preceding the day on which the work is done.

(2) No immigrant, other than the spouse or life partner of a person who has St. Helenian status, may lawfully work in St. Helena unless his presence in St. Helena is authorised by an Entry Permit and his employment is authorised—

- (a) in the case of a person doing work on a self-employed basis (either alone or in partnership), by a Work Permit issued under section 24; or
- (b) in any other case, by an Immigrant Employment Certificate issued under section 25.

(3) If a person who holds more than ten per cent of the issued shares in a company performs any work in the course of the company’s business, he shall be deemed (for the purposes of this Part) to be employed by the company notwithstanding that he receives no payment other than dividends.

(4) If, in any proceedings for an offence under this Part, it is proved that an immigrant performed work of a type for which and in circumstances in which payment would normally be made, the court may draw an inference (for the purposes of this Part) either—

- (a) that a relationship of employer and employee exists; or
- (b) that he is employed on a self employed basis,

as the case may be.

(5) (a) Any immigrant who engages in employment other than as authorised in accordance with subsection (2) is guilty of an offence for which the maximum penalty on conviction is a fine of £2,500 or imprisonment for three months, or both.

(b) Any person who employs an immigrant other than as authorised in accordance with subsection (2) is guilty of an offence for which the maximum sentence on conviction is a fine of £10,000 or imprisonment for 12 months, or both;

Provided that, in the case of self-employment, proceedings shall be commenced under paragraph (a) but the penalties on conviction shall be as provided for in paragraph (b).

(6) The Governor in Council may, by Order, amend subsection (1)(c) by substituting for the number '183' such lower number as may be prescribed in the Order.

Work Permits

24. (1) An application for a Work Permit shall be made to the Board in the prescribed form, and the Board may require the applicant to provide additional information, or to provide evidence to substantiate any information provided, to enable the Board to be satisfied as to the matters listed in subsection (2).

(2) If the Board, having regard to—

(a) the condition of the local labour market generally; and

(b) any special skills or experience of the applicant relevant to the work to be undertaken,

is satisfied that it would not be against the public interest to do so, it shall (subject to any regulations made under section 43(1)) grant a Work Permit to the applicant for such period (subject to subsection (5)) not exceeding five years as it may determine.

(3) Section 22 applies to a Work Permit as it applies to an Entry Permit.

(4) Any permit granted under this section shall cease to be valid if the holder -

(a) is absent from St. Helena for a continuous period of more than six months; or

(b) he ceases to be the holder of a valid Entry Permit or, having been exempt from the requirement to have an Entry Permit, ceases to be so exempt.

(5) The Governor in Council may, in exceptional circumstances, authorise the Board to grant a Work Permit for such period exceeding five years as the Governor in Council may determine.

(6) Every Work Permit issued shall specify—

(a) the period of its operation;

(b) the nature of the work in which the immigrant may be engaged;

(c) a condition that the holder of the permit shall immediately inform the Secretary of any change in his circumstances; and

(d) such other conditions (if any) as the Board in its discretion shall see fit to impose.

(7) At any time not exceeding three months before the expiry of a Work Permit, the person to whom it was granted may apply to the Board for renewal thereof and the Board (after such enquiries in the matter as it shall think fit to make) shall renew the said permit (for a period not exceeding five years) unless it is satisfied that circumstances have changed since the permit was granted or last renewed in such a way that it would be contrary to the public interest to renew the permit.

Immigrant Employment Certificate

25. (1) An application for an Immigrant Employment Certificate may be made by any person engaged in any trade, profession or vocation in St. Helena who wishes to employ one or more immigrants in that business, and shall be made to the Board in the prescribed form.

(2) The Board may require the applicant to provide additional information, or to provide evidence to substantiate any information provided, in order to satisfy itself as to the matters listed in subsection (3).

(3) If the Board, having regard to—

(a) the condition of the local labour market generally and the extent of any specialist skills or experience which the prospective employer seeks to recruit; and

(b) the arrangements made or proposed to be made by the employer in relation to—

- (i) living accommodation, health and welfare of immigrant employees; and
- (ii) repatriation of each employee (and any dependants) on completion of the period of employment,

is satisfied that it would not be against the public interest to do so, it shall (subject to any regulations made under section 43(1)) grant an Immigrant Employment Certificate.

- (4) Every Immigrant Employment Certificate issued shall specify—
- (a) the name of the employer and the period (which shall not exceed five years) of its operation;
 - (b) the nature of the work in which the employer may employ immigrants;
 - (c) the number of immigrants which may be employed;
 - (d) such other conditions (if any) as the Board in its discretion shall see fit to impose.

Effect of non-compliance with conditions

26. If a Work Permit or an Immigrant Employment Certificate is issued subject to conditions, anything done in contravention of any condition renders the permit or Certificate void with effect from the date of the contravention.

PART 6 LANDHOLDING BY IMMIGRANTS

Interpretation of Part

27. (1) In this Part, unless the context otherwise requires—
“controlled immigrant” means—

- (a) a natural person who is an immigrant, other than one who is the spouse or life partner of a person who has St. Helenian status ; or
- (b) a body corporate other than—
 - (i) the Crown;
 - (ii) the Governor;
 - (iii) a charity registered under the Charities Ordinance, 2005;
 - (iv) a corporation established by an Ordinance;
 - (v) an exempt body corporate, as defined in subsection (2); or
 - (vi) the Lord Bishop of St. Helena.

“cumulative landholding” has the meaning given in section 28;

“land” includes every interest in land, whether legal or equitable, other than an exempt interest as defined in subsection (3);

“licence” means a licence granted or deemed to have been granted under this Part.

“transaction” means any transfer, lease or other instrument, contract or transaction the effect (or an effect) of which is to vest any land in a controlled immigrant.

(2) A body corporate is an exempt body corporate if it is:

- (a) a society registered under the Co-operative Societies Ordinance, Cap 112;
- (b) a Mutual Organisation registered under the Mutual Organisations Ordinance 2008; or
- (c) a company incorporated under the Companies Ordinance 2004,

and (in any such case) the structure and control of the body corporate is such that:

- (i) the total number of votes capable of being cast by controlled immigrants in a general meeting of the members does not exceed 45% of the total number of votes capable of being so cast; and

- (ii) on a dissolution of the body, not more than 45% of the funds or assets available for distribution to the members would become payable or due to controlled immigrants.
- (3) The following interests in land are exempt interests, namely:
- (a) a mortgage or similar charge upon land granted as bona fide security for a loan;
 - (b) an interest acquired by a controlled immigrant as bona fide purchaser of land sold by a mortgagee in exercise of his power of sale; and
 - (c) a lease, periodic tenancy, or licence which is incapable of subsisting for longer than 99 years and which does not contain an option to renew or extend the lease, or to purchase the freehold;
 - (d) an interest acquired by a controlled immigrant as a result of being the successful bidder or tenderer in an approved process.
- (4) In subsection (3)(d), ‘approved process’ means a process for the disposal or creation of an interest in land, being a process of sale by way of auction or tender which has been approved (prior to its commencement) by the Governor in Council as an approved process for the purposes of this section.

Cumulative landholding

28. (1) The ‘cumulative landholding’ of any person is the total area of land in St. Helena which that person owns or is deemed, by this section, to own.

(2) For the purposes of the definition of ‘cumulative landholding’, a person is to be deemed to own all land in St. Helena which is owned by any associated person of his.

(3) The associated persons of a natural person are—

- (a) his grandparents, parents, siblings, spouse or life partner, children, and grandchildren;
- (b) the spouses or life partners of his siblings, children and grandchildren; and
- (c) any body corporate the activities of which he (either alone or in association or combination with any of the persons mentioned in paragraph (a) and (b)) is able to direct.

(4) The associated persons of a body corporate are—

- (a) any person (either natural or corporate) who is able to direct the activities of the body corporate;
- (b) the grandparents, parents, siblings, spouse or life partner, children, and grandchildren of any natural person within paragraph (a); and
- (c) any body corporate the activities of which it (either alone or in association or combination with any of the persons mentioned in paragraphs (a) and (b)) is able to direct.

(5) For the purposes of subsections (3) and (4), a person (or a group of associated persons) is able to direct the activities of a body corporate if—

- (a) he is a director, secretary, or similar officer of the body corporate;
- (b) he is (or they together are) entitled to cast more than 25% of the votes which can be cast at a general meeting (or any meeting, however described or entitled, similar in nature to a general meeting of shareholders in a company); or
- (c) he is (or they together are) entitled to more than one-third of net assets available for distribution on a dissolution of the body corporate.

Prohibited transactions

29. (1) A controlled immigrant is guilty of an offence if, except under the authority of a licence granted to him under this Part, he is a party to a transaction which has the effect (or an effect) that his cumulative landholding exceeds two acres.

(2) The maximum penalty upon conviction for an offence against subsection (1) is imprisonment for five years or a fine, or both.

(3) On conviction on indictment, for an offence against subsection (1), the Supreme Court may (in addition to any penalty imposed under subsection (2), order that any land or interest in land owned by the offender shall be forfeit to Her Majesty.

(4) An order under subsection (3)—

(a) shall not be made unless the Court has allowed an opportunity for all persons likely to be affected thereby to make representations to the Court;

(b) shall be sufficient authority for the Registrar of Lands to register the land or interest in land as Crown Land.

(5) The Governor in Council may, by Order, amend subsection (1) by substituting for the words ‘two acres’ such smaller area as may be prescribed in the Order.

Prohibited trusts

30. (1) A person is guilty of an offence if, except under the authority of a licence issued under this Part, he holds any land in St. Helena in trust for a controlled immigrant.

(2) The maximum penalty upon conviction for an offence against subsection (1) is imprisonment for five years or a fine, or both.

(3) On conviction on indictment, for an offence against subsection (1), the Supreme Court may (in addition to any penalty imposed under subsection (2), order that both the legal and beneficial interests in the land unlawfully held in trust shall be forfeit to Her Majesty.

(4) An order under subsection (3)—

(a) shall not be made unless the Court has allowed an opportunity for all persons likely to be affected thereby to make representations to the Court;

(b) shall be sufficient authority for the Registrar of Lands to register the land or interest in land as Crown Land.

(5) A person is not guilty of an offence against this section by reason only of the fact that he is the executor or administrator of the estate of a deceased person and the beneficiaries of the estate include a controlled immigrant.

Conditional instruments

31. For the avoidance of doubt, parties to any instrument are not guilty of an offence against this Part if the instrument is so expressed that the granting of a licence under this Part is a condition precedent to the instrument taking effect.

Change of status

32. (1) This section applies when—

(a) an exempt body corporate ceases to be exempt; or

(b) a person who was a spouse or life partner of a person having St. Helenian status ceases to have that relationship;

and the body corporate or natural person (as the case may be) owns land at the time of the change of status.

(2) Every director, secretary or other similar officer of a body corporate to which this section applies, and every natural person to whom this section applies must, within 21 days

of any event which causes this section to apply, notify the Attorney General of the occurrence of the event, and supply such other information in relation thereto as may be prescribed.

(3) A person who fails to comply with subsection (3) is guilty of an offence for which the maximum sentence on conviction is a fine not exceeding £5,000 or imprisonment for 12 months, or both:

Provided that (in the case of an offence relating to a body corporate) a person shall not be liable to be convicted for such an offence if he shows that he was unaware of (and could not by reasonable diligence have been aware of) the facts giving rise to the duty under subsection (2).

(4) In relation to a controlled immigrant to whom this section applies, section 29(1) applies to that controlled immigrant on and after the change of status as if the reference to 'two acres' is a reference to the cumulate landholding of that person at the date of the change.

Applications for licences

33. (1) Every application for a licence shall be in writing, in such form as may be prescribed, and shall be delivered to the Secretary to the Board accompanied by—

- (a) the prescribed fee; and
- (b) such additional documents or information (if any) as may be prescribed.

(2) Regulations made under section 43 shall provide for—

- (a) enquiries to be made by or on behalf of the Board before making a decision on the application;
- (b) publication of information about the application and arrangements for members of the public to comment or object; and
- (c) generally for the effective processing of applications,

and different provisions may be made for different circumstances.

Determination of applications

34. (1) The Board may grant a licence authorising—

- (a) a controlled immigrant to acquire any land notwithstanding that his cumulative landholding will thereby exceed two acres; or
- (b) a person to hold land in trust for a controlled immigrant.

(2) Every licence shall be in the prescribed form and may be either unconditional or subject to such conditions as may be prescribed.

(3) The Board shall grant a licence unless it is satisfied that it would be against the public interest to do so.

(4) Policy guidance⁴ issued under section 41 may include guidance as to the matters which the Board is to take into consideration when making a decision.

Breach of conditions

35. (1) A person is guilty of an offence if, being the holder of a licence, he fails to comply with any condition in his licence.

(2) The maximum penalty on conviction for an offence under subsection (1) is imprisonment for five years or a fine of £5,000, or both.

⁴ Policy Guidance on Immigrant Landholding Control issued in Gazette Notice No. 66 of 10 May 2012

(3) On conviction on indictment, for an offence against subsection (1), the Supreme Court may (in addition to any penalty imposed under subsection (2), order that any interests in land in relation to which the offence was committed shall be forfeit to Her Majesty.

(4) An order under subsection (3)—

- (a) shall not be made unless the Court has allowed an opportunity for all persons likely to be affected thereby to make representations to the Court;
- (b) shall be sufficient authority for the Registrar of Lands to register the land or interest in land as Crown Land.

Investigation and Discovery

36. (1) The Attorney General may, by writing under his hand, appoint any public officer to carry out an investigation as to whether anything has been done in contravention of this Part, and a person so appointed is in this section referred to as an ‘Investigator’.

(2) An Investigator may, by written notice, require any person in St. Helena—

- (a) to appear before the Investigator, at a time and place stated in the notice;
- (b) to produce any document or thing; and
- (c) to answer any question relating to any matter which the Investigator is investigating;

and a person is guilty of an offence if he fails to comply with any such requirement or knowingly gives false information in response thereto.

(3) A statement made by a person in compliance with a requirement imposed by virtue of this section may be used in evidence against him—

- (a) in any civil proceedings, including any proceedings under this Ordinance; and
- (b) in criminal proceedings for an offence of perjury or for an offence contrary to subsection (2).

(4) The maximum penalty on conviction for an offence against subsection (2) is a fine of £5,000 or imprisonment for 12 months, or both.

Duties of Registrar of Lands

37. (1) If it appears to the Registrar of Lands that any instrument presented to him for registration is or might be (or be part of) a forbidden transaction, the Registrar shall enquire into the matter and shall refuse to proceed with the registration of the transaction unless satisfied that it has been lawfully effected in conformity with this Ordinance.

(2) For the purposes of his enquiries under this section, the Registrar may exercise any of the powers vested in him under the Registered Land Ordinance, Cap 65.

(3) In this section ‘forbidden transaction means any transaction which is prohibited by section 29 or section 30.

PART 7 SUPPLEMENTARY

General offences

38. (1) A person is guilty of an offence if he—

- (a) without lawful authority or reasonable excuse (the proof whereof shall lie with him) refuses to supply any information lawfully required by an Immigration Officer or the Board;
- (b) supplies any information to the Board or to an Immigration Officer which he knows or believes is false;

and the maximum sentence on conviction for an offence against this subsection is a fine of £5,000 or imprisonment for 12 months, or both.

(2) A person is guilty of an offence if he—

- (a) harbours or otherwise gives comfort and assistance to any person whom he knows or believes is in St. Helena in contravention of this Ordinance;
- (b) assaults or wilfully obstructs or impedes an Immigration Officer or a member of the Board acting in the execution of his duty under the provisions of this Ordinance or any regulations made hereunder.

and the maximum sentence on conviction for an offence this subsection is imprisonment for five years, or a fine, or both.

Offences by bodies corporate

39. Where an offence under this Ordinance is committed by a body corporate every director, manager, secretary or other similar officer of the body corporate is guilty of the like offence and liable to be proceeded against, convicted and punished accordingly:

Provided that a person shall not be liable to be convicted under this subsection if he shows that he was unaware (and could not by reasonable diligence have been aware) of the acts or omissions which constituted the offence.

Evidence

40. (1) Every document purporting to be a permit, licence, certificate or other authority given, issued, granted or made under this Ordinance may be received in evidence in any proceedings before a court, and shall be deemed, unless the contrary is proved, to have been validly given, issued, granted or made and shall be *prima facie* evidence of the contents thereof.

(2) Every stamp or imprint in or on any passport or other travel document produced in evidence shall be deemed to have been validly affixed or imprinted unless the contrary is proved.

(3) A copy, certified by an Immigration Officer or by the Secretary (as the case may be) of an entry made in any record or register required to be kept or maintained under this Ordinance shall be received as evidence in any proceedings before a court and shall be sufficient evidence of the matters stated in the entry.

(4) In any proceedings the burden of proving that a person has St. Helenian status, or that any provisions of this Ordinance do not apply to him, or that he is the holder of a permit, licence, certificate or other authority shall lie on that person.

Policy directions

41.⁵ (1) The Governor, acting in his discretion, may from time to time issue policy directions for guidance to the Chief Immigration Officer and Immigration Officers.

⁵ Notice of Policy Directions published in Gazette Notice No. 3 of 23 January 2012

(2) The Governor in Council may from time to time issue policy directions for guidance to the Board.

(3) The Chief Immigration Officer, Immigration Officers, and the Board shall, in the exercise of their respective powers and duties under this Ordinance, comply with any and all policy directions given pursuant to this section.

Prohibited immigrants

42. (1) If, after consultation with the Chief Immigration Officer and any other person or authority he may deem appropriate, the Governor is satisfied that the entry or presence in St. Helena of any person not having St. Helenian status is not conducive to the public interest, or is prejudicial to the maintenance of public order or the interests of security, he may, by notice published in the *Gazette*, declare that person to be a prohibited immigrant.

(2) A copy of any notice published in accordance with subsection (1) shall be served upon the person named therein as soon as practicable after the making of such decision, and may be served before or after publication.

(3) Any person declared to be a prohibited immigrant under this section shall not enter St. Helena or, if already in St. Helena, shall be detained in such place as the Governor shall direct, and be removed from St. Helena at the earliest opportunity.

(4) Any person liable to be detained under subsection (3) may be arrested without warrant by a police officer or an Immigration Officer and forthwith conveyed to the place of detention designated and such person shall be deemed to be in lawful custody.

Regulations

43. The Governor in Council may make regulations for the further and better execution of this Ordinance and, without prejudice to the generality of this power, such regulations may provide for—

- (a) anything which by this Ordinance is required or permitted to be prescribed;
- (b) the amount and nature of any security, by way of cash deposit or otherwise, to be given before a permit or pass is issued, for the due carrying out of any conditions attached to any permit or pass, and for the repatriation of the person in respect of whom the permit or pass is issued;
- (c) the enforcement of any security given and the forfeiture and repayment of any cash deposit;
- (d) requiring immigrants to submit to medical examination;
- (e) the forms of permits and passes issued under this Ordinance, the conditions which may be attached to the same, and the variation of such conditions;
- (f) the information to be supplied and documents to be produced in connection with any application for a permit, licence, certificate or other form of permission, or any variation thereof;
- (g) the extension or variation of any of the powers and duties of either an Immigration Officer or the Board specified in this Ordinance;
- (h) any additional measures deemed necessary for the landing, detention and removal of illegal immigrants on any vessel calling at St. Helena;
- (i) the imposition of duties on and the recovery of expenses from the masters, owners and agents of vessels;
- (j) the fees to be charged in respect of anything required or permitted to be done under this Ordinance;

- (k) the documents necessary, and the procedure for making appeals under sections 12 and 13 of this Ordinance, including the determination and notification thereof;
- (l) requiring that no Entry Permit, residence permit, Work Permit, or Immigrant Employment Certificate, shall be granted to prescribed categories of persons or in prescribed circumstances;
- (m) the exemption from all or any of the provisions of this Ordinance of any immigrant or class thereof for such period and in such circumstances as may be prescribed;
- (n) the matters referred to in paragraph 3 of Schedule II.

Asylum Rules

- 44.** The Governor, acting in his discretion but after consulting the Executive Council, may make rules for securing St. Helena's obligations under—
- (a) the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, and its protocols, as applied to St. Helena;
 - (b) Article 3 of the Convention for the Protection of human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950, as applied to St. Helena; and
 - (c) section 7 of the Constitution protecting a person from being subject to torture or to inhuman or degrading treatment or punishment;

and such rules may modify the provisions of this Ordinance in their application to such matters.

Repeals and transitional provisions

45. (1) The Immigration Control Ordinance, 2008, (in this section referred to as '**the old Ordinance**') is repealed.

(2) The Chairman, Deputy Chairman, and members of the Immigration Control Board who held office immediately before the commencement of this Ordinance shall be deemed to have been duly appointed to their respective offices under section 6(3) of this Ordinance and, subject to subsections (4) to (6) of section 6, shall remain in office until the expiry of their respective appointments.

(3) The persons who, immediately before the commencement of this Ordinance, held office as Chief Immigration Officer, Immigration Officer, and Secretary to the Board, shall be deemed to have been appointed to their respective offices under the corresponding provisions of this Ordinance.

(4) Every permit, licence, certificate, or declaration issued under the old Ordinance and remaining in force or having effect immediately prior to the commencement of this Ordinance shall remain in force and have effect as if it had been made under a corresponding provision of this Ordinance.

(5) Regulations made under section 43 may make transitional arrangements for the conclusion of any application, appeal or other proceeding or process commenced under the old Ordinance and remaining unresolved at the time of commencement of this Ordinance.

(6) For the avoidance of doubt, this Ordinance shall be treated (for the purposes of section 10(2) of the Interpretation Ordinance, Cap. 3) as repealing and re-enacting the old Ordinance.

SCHEDULE I*(Section 2)***DEFINITION OF “ISLANDER” UNDER 1972 ORDINANCE****“islander”** means—

- (a) a British Dependent Territories citizen—
- (i) who was born, registered or naturalised in St. Helena; or
 - (ii) who was adopted in St. Helena; or
 - (iii) whose father or mother was born, registered or naturalised in St. Helena; or
 - (iv) whose father or mother became a British Dependent Territories citizen by virtue of his or her adoption in St. Helena; or
 - (v) whose grandfather or grandmother was born, registered or naturalised in St. Helena; or
 - (vi) who is, or has at any time been, married[#] to a person who is an islander by virtue of any of the subparagraphs above, or who would have been so but for his death.
- For the purposes of this paragraph, references to registration or naturalisation shall be construed as references to registration or naturalisation as a citizen of the United Kingdom and Colonies, in relation to a time before commencement of the British Nationality Act 1981, and to registration and naturalisation as a British Dependent Territories citizen, in relation to a time after commencement of that Act;
- (b) a British citizen or a British Overseas citizen—
- (i) who was born in St. Helena, whether before or after the commencement of the British Nationality Act 1981; or if not so born;
 - (ii) who was adopted in St. Helena; or
 - (iii) whose father or mother was born in St. Helena; or
 - (iv) whose father or mother became a British Dependent Territories citizen by virtue of having been adopted in St. Helena;
- (c) a British citizen, a British Overseas citizen or a British Dependent Territories citizen (otherwise than is mentioned in paragraph (a) above) who has been ordinarily resident in St. Helena for a period of seven years or more; provided that any period during which he is serving a sentence of imprisonment exceeding six months or during which he is lawfully detained as a criminal lunatic or during which his presence in the Island is unlawful shall not be reckoned as ordinary residence in the Island;
- (d) the wife or husband[#] of a person to whom either of the foregoing paragraphs (b) or (c) applies not living apart from such person under a decree of a competent court or a deed of separation;
- (e) a child (including an adopted or illegitimate child or step-child), under the age of eighteen years, of a person to whom any of the foregoing paragraphs applies;
- (f) a person in respect of whom the Governor—
- (i) is satisfied that such person has, by reason of descent, kinship, residence or interest, a close and substantial connexion with the Island; and
 - (ii) has by order under his hand declared to have the status of islander for the purposes of this Ordinance.

[[#]Ord. 5 of 1987 provided that no marriage celebrated after 1 January 1987 shall be recognized or taken into account.]

SCHEDULE II*(Section 15(3))***REQUIREMENTS FOR ST. HELENIAN STATUS**

1. Subject to the provisions of paragraphs 2 to 4, the requirements for the grant of St. Helenian status are—

- (1) that the applicant—
 - (a) is of good character; and
 - (b) intends, in the event of a certificate being granted to him, that his home or (if he has more than one) his principal home will be in St. Helena; and
 - (c) was in St. Helena at the beginning of a period of five years ending with the date of the application and that—
 - (i) the total number of days on which he was absent from St. Helena in that period does not exceed 500;
 - (ii) the number of days on which he was absent from St. Helena in the period of twelve months so ending does not exceed 100; and
 - (iii) he was not in either of those periods undergoing a sentence of imprisonment nor in breach of any of the laws relating to immigration; or
- (2) that the Governor in Council has granted a dispensation under paragraph 4.

2. The requirements for the grant of St. Helenian status in the case of a person who is the spouse or life partner of a person having St. Helenian status are—

- (1) that—
 - (a) the marriage or life partnership has been in existence for at least three years; and
 - (b) the applicant is of good character; and
 - (c) the applicant was in St. Helena at the beginning of a period of three years ending with the date of the application and that—
 - (i) the total number of days on which the applicant was absent from St. Helena in that period does not exceed 150;
 - (ii) the number of days on which the applicant was absent from St. Helena in the period of twelve months so ending does not exceed 100;
 - (iii) the applicant was not in either of those periods undergoing a sentence of imprisonment nor in breach of any of the laws relating to immigration; or
- (2) that the Governor in Council has granted a dispensation under paragraph 4.

3. Regulations made under section 43 may provide—

- (i) that periods of time spent in St. Helena shall be counted as time spent outside St. Helena; or
- (ii) that periods of time spent outside St. Helena shall be counted as time spent in St. Helena.

4. The Governor in Council may grant a dispensation from the requirements of paragraph 1 or 2 (as the case may be) if he is satisfied—

- (i) that the applicant for the dispensation has a substantial economic, social or historical connection with St. Helena; or
- (ii) that, despite not strictly complying with the requirements of the appropriate paragraph, the applicant has established a significant association with St. Helena;

and, in either case, that it would not be against the public interest to grant the dispensation.

IMMIGRATION REGULATIONS – SECTION 43

(Legal Notice 3 of 2012)

**PART 1
PRELIMINARY AND INTERPRETATION****Citation and commencement**

1. These Regulations may be cited as the Immigration Regulations, 2012, and shall come into force on 23rd January 2012.

Interpretation

2. Any word or expression to which a meaning has been assigned in the Ordinance, bears the meaning so assigned and for purposes of these Regulations—

“**public funds**” means—

- (a) housing where rent or contributions to the rent are paid for by St. Helena Government, either directly or indirectly, or where the house is owned by St. Helena government and no rent is paid;
- (b) any government allowances;
- (c) publicly provided or subsidised healthcare, unless otherwise stated;

“**outside St. Helena**” includes anywhere up to and including the border entry point at either the sea port or airport;

“**terrorist activity**” means any act committed, or the threat of action, designed to influence a government or intimidate the public and made for the purposes of advancing a political, religious or ideological cause and which—

- (a) involves serious violence against a person;
- (b) may endanger another person’s life;
- (c) creates a serious risk to the health or safety of the public;
- (d) involves serious damage to property; or
- (e) is designed to seriously disrupt or interfere with an electronic system,

and “**terrorist**” has a corresponding meaning; an organisation is concerned with terrorism if it commits or participates in acts of terrorism, prepares for terrorism, promotes or encourages terrorism (including the unlawful glorification of terrorism), or is otherwise involved in terrorism.

**PART 2
ST. HELENIAN STATUS AND DECLARATION****Application for declaration of status**

3. (1) A person applying for declaration of his St. Helenian status under section 15(4) of the Ordinance, shall complete the form prescribed in Form A of Schedule I and provide documentary or other evidence of—

- (a) in the case of status obtained by right of birth—
 - (i) his Islander status as referred to in Schedule I of the Ordinance; or
 - (ii) proof of his birth in St. Helena and details of his parent(s)’s St. Helenian status; or

- (b) in the case of status obtained by right of descent, the relationship with his parent with St. Helenian status and details of such parent's status and—
 - (i) where section 15(2)(b) of the Ordinance applies, proof of such parent's residence in St. Helena; or
 - (ii) where section 15(2)(c) of the Ordinance applies, details of the St. Helenian status of his grandparent referred to in that section.
- (2) A declaration of status issued by the Board shall be in the form prescribed in Form B of Schedule I.

Application for St. Helenian status

4. (1) A person applying for St. Helenian status under section 15(3) of the Ordinance, with reference to paragraph (1) of Schedule II thereto, shall apply in the form prescribed in Form C of Schedule I and provide documentary or other evidence to prove that—
- (a) such applicant is in St. Helena legally under the Ordinance at the time of such application;
 - (b) such applicant has been physically present in St. Helena for such period as required by Schedule II of the Ordinance and periods counting as time spent outside St. Helena as referred to in Regulation 5 do not exceed the limits specified;
 - (c) such applicant owns or occupies adequate accommodation exclusively for himself and his dependants and that he will be able to maintain himself and any dependants without recourse to public funds;
 - (d) he intends that if such status is granted to him, his home or his principal home will be in St. Helena;
 - (e) he does not have any outstanding fines or unspent convictions which are multiple or serious in nature; or
 - (f) such applicant has been granted dispensation from some or all of the requirements of Schedule II of the Ordinance.
- (2) An applicant applying for St. Helenian status under section 15(3) of the Ordinance as the spouse or life partner of a person with St. Helenian status shall apply in the form prescribed in Form C of Schedule I and provide documentary or other evidence that—
- (a) such applicant is in St. Helena legally under the Ordinance at the time of such application;
 - (b) such applicant has been living together in a subsisting relationship as married or akin to marriage with such person with St. Helenian status for a period of at least three years immediately preceding the date of application;
 - (c) such applicant has been physically present in St. Helena for such period as required by Schedule II of the Ordinance and periods counting as time spent outside St. Helena as referred to in Regulation 5 do not exceed the limits specified;
 - (d) he intends that if such status is granted to him, his home or his principal home will be in St. Helena;
 - (e) he does not have any outstanding fines or unspent convictions which are multiple or serious in nature; or
 - (f) such applicant has been granted dispensation from some or all of the requirements of Schedule II of the Ordinance.

(3) A declaration of St. Helenian status granted by the Board shall be made in the form prescribed in Form D and shall state details of how the applicant qualified for such status.

Periods counted as time spent outside St. Helena

5. For the purpose of Regulation 4, any period of time spent in St. Helena in fulfilment of any contract entered into on behalf of Her Majesty, for goods or for services, to be provided to Her Government of St. Helena shall be counted as time spent outside St. Helena.

Deprivation and loss of status

6. (1) Where the Board intends to revoke a declaration of St. Helenian status, it shall notify the person in writing of such intention.

(2) A person who has received notification under paragraph (1), may make written representations to the Board within 14 days from the date of service of such notification and the Board must consider such representations prior to exercising its power to revoke the declaration.

PART 3 ENTRY AND RESIDENCE

Application to enter St. Helena

7. (1) All persons landing in St. Helena shall complete an arrival declaration in the form prescribed in Form E of Schedule I and present it to an Immigration Officer prior to entering St. Helena.

(2) An entry permit issued in accordance with section 19 or 20 of the Ordinance may be in the form of an endorsement in the immigrant's passport.

(3) Any person seeking to enter St. Helena shall fully and truthfully answer all questions and enquiries put to him by an Immigration Officer relating directly or indirectly to establishing his identity, nationality or occupation or bearing on any of the matters contained in the Ordinance and shall disclose and produce to an Immigration Officer on demand all documents in his possession relating to such matters.

(4) An Immigration Officer who has reasonable grounds to suspect that a person seeking to enter St. Helena may be suffering from a mental disorder or a communicable disease may require such person to undergo a medical examination by a Government medical officer before granting entry into St. Helena.

(5) An Immigration Officer who has reasonable grounds to suspect that a person seeking to enter St. Helena in contravention of the Ordinance or Regulations may refuse entry to such a person and require him to depart immediately or as soon as reasonably practicable thereafter.

(6) Any costs associated with removing an immigrant who does not have an Entry Permit and is not exempt from the requirement for obtaining an Entry Permit, may be claimed from the master of the vessel on which such immigrant arrived.

Short Term Entry Permit

8. (1) A person applying to enter St. Helena for a period of 183 days or less under section 19 of the Ordinance shall—

- (a) be outside St. Helena;
 - (b) complete the form prescribed in Form E of Schedule I;
 - (c) either—
 - (i) hold a valid onward ticket for travel from St. Helena to their next destination or otherwise satisfy the Immigration Officer in accordance with Section 19(1)(c)(ii) of the Ordinance with regard to his repatriation.
 - (ii) arrive on a vessel of which he is the owner, master or a crew member and he will leave on that vessel;
 - (d) provide evidence of a valid address where he shall be staying in St. Helena; and
 - (e) make a declaration that he does not have any outstanding fines or unspent convictions which are multiple or serious in nature.
- (2) A person applying to extend a Short Term Entry Permit under section 19(4) of the Ordinance shall apply in the form prescribed in Form E and provide proof that he continues to meet the requirements of this regulation.

Long Term Entry Permit

9. (1) A person applying to enter or remain in St. Helena for a period exceeding 183 days under section 20 of the Ordinance shall—
- (a) be outside St. Helena, unless such person entered St. Helena on a Short Term Entry Permit which is still valid;
 - (b) apply in the form prescribed in Form F of Schedule I;
 - (c) provide an undertaking that he does not intend taking up employment in St. Helena, or if he will be taking up such employment, make a declaration he has made or will be making an application for a work permit under section 24 of the Ordinance;
 - (d) provide proof of a valid address where he shall be staying in St. Helena; and
 - (e) make a declaration that he does not have any outstanding fines or unspent convictions which are multiple or serious in nature.
- (2) A person applying to extend or renew a Long Term Entry Permit under section 20(2) of the Ordinance shall apply in the prescribed form in Form F and provide proof that he continues to comply with the requirements of this regulation.
- (3) The Board shall, if satisfied that the applicant qualifies for a Long Term Entry Permit, issue a permit in the form prescribed in Form G of Schedule I.

Persons claiming exemption from Entry Permit requirement

10. (1) Where a person is exempt from obtaining an entry permit under section 17(2)(b) of the Ordinance because he is in, or wishes to enter, St. Helena primarily for the purpose of engaging in activities which are, by virtue of section 23(1)(b) of the Ordinance, not to be regarded as employment or work for the purposes of Part 5 of the Ordinance, the person or organisation employing such person shall complete Form H of Schedule I and submit to an Immigration Officer in advance of arrival.
- (2) A person claiming exemption from the requirement to hold an Entry Permit under section 17(2)(a) of the Ordinance as the spouse or life partner of a person with St. Helenian status shall—
- (a) complete Form I of Schedule I to declare their exemption; and
 - (b) provide proof that he has been in a subsisting relationship as married, or akin to marriage, with such person with St. Helenian status for a period of at least three months immediately preceding the date of application and intends to continue the relationship, living together in St. Helena.

(3) Where the person claiming exemption from the requirement to hold an Entry Permit under section 17(2)(a) is a dependant (other than the spouse or life partner) of the person with St. Helenian status, such person with St. Helenian status shall, on behalf of such dependant, complete Form I of Schedule I to declare their exemption.

(4) The Board shall, if satisfied that the applicant qualifies for exemption from holding an Entry Permit, issue a certificate of exemption in the form prescribed in Form J or Form K of Schedule I, as applicable, which shall remain valid as long as all the conditions listed in paragraph (1), (2) or (3), as the case may be, remain satisfied.

Landing permission

11. (1) The master of a vessel seeking to obtain a landing permission under section 21 of the Ordinance for the crew and passengers of his vessel shall—

- (a) apply for such permission on the form prescribed in Form L of Schedule I;
- (b) ensure that passengers and crew present to the Immigration Officer upon entering St. Helena a valid passport or an adequate alternative for determining nationality and identity which must be agreed in advance with the Chief Immigration Officer; and
- (c) accept responsibility for any health requirements, emergency medical evacuation and emergency repatriation that the passengers and crew may require;
- (d) provide a complete list of all passengers and crew members who have or will have the Master's permission to land in St. Helena at least 14 days in advance of arrival to an Immigration Officer or a shorter period with permission of an Immigration Officer.

(2) The Chief Immigration Officer will issue a landing permission which shall be valid for one visit of the vessel.

Special Leave to Enter or Remain in St. Helena

12. (1) The Chief Immigration Officer or a person acting under his authority may grant special leave to an immigrant to enter or remain in St. Helena where—

- (a) such immigrant does not immediately meet the requirements of the Ordinance or Regulations, but for a compelling reason should be allowed to enter St. Helena temporarily either to make provision to meet the requirements of the Ordinance or Regulations or to make arrangements for onward passage to another destination;
- (b) such immigrant requires temporary admittance for medical assessment or treatment;
- (c) such immigrant unknowingly allows their permit or other permission to stay on St. Helena to lapse and alerts an Immigration Officer or the Immigration Control Board at the earliest practicable opportunity;
- (d) such immigrant has submitted an application for an extension of his permit or other permission to stay in St. Helena, but the decision of the Board or Immigration Officer has not been made by the date of expiry of his permit or other permission; or
- (e) following a decision by the Board or Immigration Officer to deny his application, such immigrant is left without a valid entry permit or other permission to stay in St. Helena and such special leave shall be valid—
 - (i) pending further representations to the Board or Immigration Officer;
 - (ii) pending an appeal to the Magistrates Court;
 - (iii) pending departure on the next available vessel; or

- (iv) where a claim for Asylum under the Asylum Rules is refused and his appeal rights are exhausted, but where it is impossible for the asylum seeker to return to his country of origin.

(2) Special leave granted under paragraph (1) shall be indicated by way of endorsement in the immigrant's passport and shall apply for a specified period not exceeding three months which shall not count as time spent on St. Helena for purposes of Schedule II of the Ordinance.

Grounds for refusal of Permit or permission to enter

13. The Board or an Immigration Officer, as the case may be, may refuse an application for an Entry Permit or may refuse an immigrant permission to enter St. Helena, if—

- (a) he fails to make a declaration confirming that he is of good character or the Board or Immigration Officer is satisfied on the balance of probabilities that he could not truthfully make this declaration;
- (b) it is believed that he has an adverse immigration history in St. Helena or the United Kingdom, any British Overseas Territory or any other country;
- (c) it is believed that he has been involved in or suspected of involvement in war crimes, crimes against humanity or genocide;
- (d) it is believed that he is a terrorist, has links to terrorist organisations, supports or encourages terrorist activity or has ever expressed views that justify or glorify terrorist activity;
- (e) it is believed that he has been involved in or associated with war crimes, crimes against humanity or genocide, or the presence of the applicant on St. Helena is not conducive to the public good;
- (f) it is believed that the applicant has a communicable disease which he was aware of but failed to inform an Immigration Officer thereof; or
- (g) it is believed that the applicant has a conviction for an offence listed in section 38 of the Ordinance.

Grounds for revocation of entry permit or permission

14. The Board or an Immigration Officer, as the case may be, may revoke an Entry Permit or other permission of a person, if—

- (a) it is believed that he has committed crimes that are multiple or serious in nature;
- (b) such person is unable to show that he has financial means to adequately maintain (including medical emergencies) and accommodate himself and any dependants for the duration of their intended stay in St. Helena and pay for their repatriation;
- (c) such person fails to notify an Immigration Officer as soon as is reasonably practicable of any change in circumstances which may affect his permit or permission to stay in St. Helena;
- (d) it is believed that such person has been involved or is suspected of involvement in war crimes, crimes against humanity or genocide;
- (e) it is believed that such person is a terrorist, has links to terrorist organisations, supports or encourages terrorist activity or has ever expressed views that justify or glorify terrorist activity;
- (f) it is believed that the presence of the person on St. Helena is not conducive to the public good;

- (g) it is believed that such person has a communicable disease which he was aware of but failed to inform an Immigration Officer or the Immigration Control Board thereof;
- (h) it is believed that the applicant has been convicted of an offence listed in section 38 of the Ordinance.

Refusal of entry and removal

15. (1) An Immigration Officer or the Board may refuse entry to St. Helena of any person if such person does not comply with any condition of the Ordinance or these Regulations.

(2) In the case of any refusal under paragraph (1), the Immigration Officer or the Board, as the case may be, shall provide reasons for refusal in the form prescribed in Form M.

(3) The Board may direct that an immigrant be deported from St. Helena if—

- (a) such immigrant does not comply with or has not complied with any condition of the Ordinance or these Regulations; or
- (b) such immigrant previously complied with the Ordinance and Regulations, but as a result of any change in circumstances does not now comply; or
- (c) such immigrant remains in St. Helena beyond the period for which his Entry Permit or any other permission to be in St. Helena is valid; or
- (d) such immigrant deliberately facilitates entry into St. Helena of other persons illegally.

(4) The Board will provide a notice of intention to deport under paragraph (3) in the form prescribed in Form N.

PART 4 WORK PERMITS AND EMPLOYMENT

Work Permits

16. (1) A person applying under section of 24 of the Ordinance to work in St. Helena, shall apply in the form prescribed in Form O, as applicable, of Schedule I.

(2) If the applicant in paragraph (1) does not already hold a valid Long Term Entry Permit or continue to meet the requirements of such permit, such applicant shall at the same time as the application under paragraph (1), apply for such Entry Permit.

(3) A Work Permit shall be issued by the Board in the form prescribed in Form P of Schedule I and shall, wherever practical, expire on the same date as the applicant's Long Term Entry Permit or other permission to be in St. Helena.

Immigrant Employment Certificates

17. (1) An employer who intends to employ immigrants in St. Helena, shall apply for an Immigrant Employment Certificate under section 25 of the Ordinance in the form prescribed in Form Q of Schedule I.

(2) The Board shall grant an Immigrant Employment Certificate to the employer in the form prescribed in Form R of Schedule I.

(3) If the circumstances so require, the Board may vary the conditions attached to an Immigrant Employment Certificate.

**PART 5
APPEALS****Appeal procedures**

18. (1) A person who wishes to appeal to the Board against a decision of an Immigration Officer under section 12 of the Ordinance shall submit his written representations in the form prescribed in Form S of Schedule I.

(2) A person who wishes to appeal to the Magistrates' Court against a decision of the Immigration Control Board under section 13 of the Ordinance shall appeal by notice to such Court and shall set out—

- (a)* the decision against which the appeal is made;
- (b)* the grounds of the appeal; and
- (c)* whether the appellant wishes to be heard personally or by a representative.

(3) On receipt of a notice of appeal under paragraph (2), the Clerk of the Court shall—

- (a)* notify the Immigration Officer or the Board, as the case may be, of the decision against which the appeal is being made with the grounds of such appeal and the Immigration Officer or Board shall have 28 days (or such longer period as the Chief Magistrate may, on good cause shown, allow) to provide a written response to the appeal; and
- (b)* if the appellant has indicated that he wishes to be heard personally or by representative, fix a date and time for such hearing and notify the appellant and respondent thereof.

Fees

19. (1) The fees specified in Schedule II shall be paid in respect of the several matters set out therein.

(2) The Governor in Council may waive or reduce the said fees, or any of them, in any particular case or class of case.

SCHEDULE I

FORM A IMMIGRATION ORDINANCE, 2011 <i>(Regulation 3(1))</i>	
APPLICATION FOR DECLARATION OF ST. HELENIAN STATUS	
1. Surname:	2. Forenames:
3. Date of birth (dd/mm/yyyy):	4. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
5. Passport number:	6. Passport date of expiry (dd/mm/yyyy)
7. Nationality	8. Marital status:
9. Main address; Tel:..... E-mail:.....	
10. Second address (if applicable); Tel:..... E-mail:.....	
11. I am applying for a certificate of St. Helenian status under section 15 of the Immigration Ordinance 2011; <input type="checkbox"/> By right of birth (Section 15(1) of the Immigration Ordinance, 2011) <input type="checkbox"/> By right of descent (Section 15(2) of the Immigration Ordinance, 2011) <i>NOTE: Please complete the family details section overleaf</i>	
12. Declaration (please tick each): <input type="checkbox"/> I do not have any outstanding fines or unspent criminal convictions in any country. Please specify all outstanding fines or unspent convictions if you have any here: <input type="checkbox"/> To the best of my knowledge and belief all particulars supplied by me are correct and complete <i>NOTE: You may be asked to provide evidence in support of the statements above.</i>	
13. Signature (Write PP if applying on behalf of a minor)	14. Date (dd/mm/yyyy)
NOTES 1. The Immigration Ordinance, 2011, places restrictions on persons who do not have St. Helenian status, in terms of: (a) Entering and / or remaining in St. Helena; (b) Engaging in employment (including self-employment); and (c) Ownership of land 2. It is a criminal offence to give false information	

FAMILY HISTORY

(*All sections must be completed – write ‘unknown’ where appropriate)

	Paternal Grandfather	Paternal Grandmother	Maternal Grandfather	Maternal Grandmother
Date and Place of Marriage				
Surname at birth				
Forename(s)				
Date of Birth				
Place of Birth				
	Father		Mother	
Date and Place of Marriage				
Surname at birth				
Forename(s)				
Date of Birth				
Place of Birth				
Use this space to add any explanation or clarification:				

FORM B

IMMIGRATION ORDINANCE, 2011

(Regulation 3(2))

DECLARATION OF ST. HELENIAN STATUS

This is to certify that;

Name: _____

Address: _____

Has St. Helenian status by virtue of section 15(1) / 15(2) ~~DELETE AS APPLICABLE~~ of the Immigration Ordinance, 2011.

Signed: _____

Not valid without official stamp

Print: _____

Dated: _____

WARNING

A certificate of status granted in accordance with section 15(1) or 15(2) of the Immigration Ordinance, 2011, may be revoked if it was obtained by means of fraud, false representation or the concealment of any material fact of a nature which, had the true facts been made known to the Immigration Control Board at the time of application, would at such time have justified a refusal to grant the certificate.

<p>FORM C</p> <p>IMMIGRATION ORDINANCE, 2011 <i>(Regulations 4(1) and 4(2))</i></p>			
<p>APPLICATION FOR A GRANT OF ST. HELENIAN STATUS</p>			
1. Surname:	2. Forenames:		
3. Date of birth (dd/mm/yyyy):	4. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		
5. Passport number:	6. Passport date of expiry (dd/mm/yyyy)		
7. Nationality	8. Marital status:		
9. Main address;			
Tel:..... E-mail:.....			
10. Second address (if applicable);			
Tel:..... E-mail:.....			
11. I apply for St. Helenian status on the basis that I meet the requirements specified in Schedule II of the 2011 Immigration Ordinance;			
<p style="margin-left: 40px;"><input type="checkbox"/> At least five years residence in St. Helena</p> <p style="margin-left: 40px;"><input type="checkbox"/> At least three years residence in St. Helena (having been married to / life partner of a person with St. Helenian status for at least 3 years)</p> <p><i>NOTE: You will be required to provide evidence of your residence in St. Helena. If applying under paragraph 2 of Schedule II of the Ordinance you will also be required to provide evidence of your relationship with a person who holds St. Helenian status.</i></p>			
12. Do you intend to make St. Helena your permanent and principal place of residence?			
<p style="margin-left: 40px;"><input type="checkbox"/> Yes</p> <p style="margin-left: 40px;"><input type="checkbox"/> No</p>			
13 Please state the amount (e.g. £1000) and type (e.g. Cash) of finances available to you for maintenance and accommodation for yourself and your dependants in St. Helena:			
.....			
.....			
<i>Note: You may be asked to provide evidence to support your financial situation</i>			
14. Dependants included in application under the age of 18 (or under the age of 25 and in full time education)			
Full name	Date of birth	Nationality	

1			
2			
3			
4			
15. Please give details of your addresses over the last 5 years (or 3 years if you are married to / life partner of a person having St. Helenian status)			
	Address	Date from	Date to
1			
2			
3			
4			
5			
16. Absences from St. Helena over the last 5 years (or 3 years if you are married to / life partner of a person having St. Helenian status).			
	Country visited	Date from	Date to
1			
2			
3			
4			
5			
16. Declaration(<i>please tick each</i>):			
<input type="checkbox"/> <i>I have adequate means to provide for my own (and my dependants') accommodation, food & clothing for the duration of my stay on St. Helena without recourse to public funds.</i>			
<input type="checkbox"/> <i>I have not been involved in or associated with terrorist activity or organisations, war crimes, crimes against humanity or genocide.</i>			
<input type="checkbox"/> <i>I do not have any outstanding fines or unspent criminal convictions in any country. Please specify all outstanding fines or unspent convictions if you have any here:</i>			
<p>.....</p> <input type="checkbox"/> <i>To the best of my knowledge and belief all particulars supplied by me are correct and complete</i>			
<i>You may be asked to provide evidence in support of the statements above.</i>			
17. Signature		18. Date (dd/mm/yyyy)	
NOTES			
1. A person who has lawfully resided in St. Helena for a period of 5 years (3 years if married to a St. Helenian) may be granted St. Helenian status. The detailed rules for this process are set out in section 15 of (and Schedule II to) the Ordinance.			

2. It is a criminal offence to give false information.

FORM D

IMMIGRATION ORDINANCE, 2011
(Regulation 4(3))

CERTIFICATE OF ST. HELENIAN STATUS

This is to certify that;

Name: _____

Address: _____

Has with effect from the date hereunder been granted St. Helenian status in accordance with section 15(3) of the Immigration Ordinance, 2011.

The applicant has qualified for status in accordance with;

- Part 3, Section 15(3) with reference to Schedule II paragraph 1 (at least five years residence in St. Helena)
- Part 3, Section 15(3) with reference to Schedule II paragraph 2 (at least three years residence in St. Helena (having been married to / life partner of a person with St. Helenian status for at least 3 years))

Signed: _____

Not valid without official stamp

Print: _____

Dated: _____

WARNING

1. A certificate of status granted in accordance with section 15(3) of the Immigration Ordinance, 2011, may be revoked if it was obtained by means of fraud, false representation or the concealment of any material fact of a nature which, had the true facts been made known to the Immigration Control Board at the time of application, would at the time of application justified a refusal to grant the certificate.
2. For the avoidance of doubt, this certificate shall cease to be valid if the holder is declared a prohibited immigrant in accordance with section 42 of the Immigration Ordinance, 2011.

3. This certificate shall cease to be valid if the holder is absent from St. Helena for a continuous period of ten years.

FORM E

IMMIGRATION ORDINANCE, 2011
(Regulation 7(1) and 8)

ARRIVAL DECLARATION / APPLICATION FOR SHORT TERM ENTRY PERMIT

SECTION A
(ALL ARRIVALS)

1. Surname:	2. Forenames:
3. Date of birth (dd/mm/yyyy):	4. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
5. Passport number:	6. Passport date of expiry (dd/mm/yyyy)
7. Nationality	8. Marital status:
9. Do you intend to live in St. Helena for more than 6 months? <input type="checkbox"/> Yes <input type="checkbox"/> No	10. Address in St. Helena:
11. Flight number or name of ship:	12. Usual occupation:
13. Main reason for coming to St. Helena <input type="checkbox"/> Visiting friends or relatives <input type="checkbox"/> Returning Resident <input type="checkbox"/> Holiday <input type="checkbox"/> Transit <input type="checkbox"/> Business / Employment <input type="checkbox"/> Other:.....	
<p>ST. HELENIANS - Please complete declaration and sign below</p> <p>VISITORS - Please go to <u>Section B</u> overleaf</p>	
14. Declaration (<i>please tick</i>) <input type="checkbox"/> <i>To the best of my knowledge and belief all particulars supplied by me are correct and complete</i>	

15. Signature:	16. Date (dd/mm/yy)
SECTION B: VISITORS / PERSONS NOT HOLDING ST. HELENIAN STATUS ONLY	
Please tick one:	
<input type="checkbox"/> 1. Visitor or temporary entrant seeking short-term entry permit i) Departure date (dd/mm/yyyy): (go to 17a)	
<input type="checkbox"/> 2. Holder of Long-term entry permit (please show evidence of your status) (go to 17a)	
<input type="checkbox"/> 3. Exempt from the requirement to hold an entry permit (Tick one below and then go to 17b)	
<input type="checkbox"/> Person or their dependants in the service of the Crown (St. Helena Government employees)	
<input type="checkbox"/> Person or their dependants working in fulfillment of a contract whereby goods or services are provided to SHG	
<input type="checkbox"/> Dependant of a person with St. Helenian status	
<input type="checkbox"/> Other:	
17a. (please tick as relevant):	
<input type="checkbox"/> I have adequate means to provide for my own (and my dependants') accommodation, food & clothing for the duration of my stay on St. Helena.	
<input type="checkbox"/> I have adequate means to pay for my own (and my dependants') health and welfare including medical evacuation.	
<input type="checkbox"/> I have a return ticket to my country of origin (including dependants) or adequate means to repatriate to place of domicile me and any dependants.	
<input type="checkbox"/> I do not have any outstanding fines or unspent criminal convictions in any country. Please specify all outstanding fines or unspent convictions if you have any here:	
.....	
<i>You may be asked to provide evidence in support of the statements above.</i>	
17b. Declaration (please tick)	
<input type="checkbox"/> To the best of my knowledge and belief all particulars supplied by me are correct and complete	
18. Signature	19. Date (dd/mm/yyyy)

NOTES:

1. *It is unlawful for any person to enter or remain in St. Helena unless he or she holds a valid short term or long term entry permit or is exempt from entry permit requirement. Exempt persons are;*
 - (a) *A person who has St. Helenian status or is the dependant of a person who has such status;*
 - (b) *A person and their dependant(s) in the service of the Crown or who is present in fulfilment of the provisions of a contract entered into on behalf of Her Majesty (whether in right of Her Government of the United Kingdom or in right of Her Government of St. Helena) whereby goods or services are provided to Her Government of St. Helena;*
 - (c) *A person who, upon arrival in St. Helena is an officer or a member of the crew of a vessel which has been approved by the Chief Immigration Officer for the purposes of this subsection and who is under an engagement requiring him to leave on that vessel;*
 - (d) *Any consular officer within the meaning of the Vienna Convention or Consular Relations 1963;*
 - (e) *A person who arrives on a vessel, the Master of which has been granted a landing permission authorising a specified number of passengers and crew of that vessel to enter St. Helena without obtaining an entry permit and that person is within that specified number;*
2. *Separate restrictions apply as to employment and land ownership by immigrants*
3. *It is a criminal offence to give false information.*

<p>FORM F</p> <p>IMMIGRATION ORDINANCE, 2011</p> <p><i>(Regulation 9)</i></p>	
<p>APPLICATION FOR A LONG TERM ENTRY PERMIT</p>	
1. Surname:	2. Forenames:
3. Date of birth (dd/mm/yyyy):	4. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
5. Passport number:	6. Passport date of expiry (dd/mm/yyyy)
7. Nationality	8. Marital status:
9. Current Address: Tel:..... E-mail:.....	
10. Address in St. Helena, if different: Tel:..... E-mail:.....	
11. Date of arrival (dd/mm/yyyy)	12. Expiry date of current entry permit (if applicable) (dd/mm/yyyy)
13. Date for this permit to take effect (dd/mm/yyyy)	14. Date for this permit to expire (dd/mm/yyyy)
<p>15. For what purpose do you wish to reside in St. Helena?</p> <p>A. <input type="checkbox"/> Staying with friends or family</p> <p>B. <input type="checkbox"/> Long term tourist</p> <p>C. <input type="checkbox"/> Work: Please specify profession</p> <p>D. <input type="checkbox"/> Retiring / Retired</p> <p>E. <input type="checkbox"/> Other: Please specify</p> <p><i>NOTE: If you are coming to St. Helena to work you will need to apply for permission. Please tick here <input type="checkbox"/> if you or your employer has already submitted an application for permission for you to work.</i></p>	
<p>16. Please state the amount (e.g. £1000) and type (e.g. Cash) of finances available to you for the duration of your stay in St. Helena:</p> <p>.....</p> <p>.....</p> <p><i>Note: You may be asked to provide evidence in support of your stated financial situation</i></p>	
17. Please give details of your medical insurance to cover at least your first year in St. Helena. This should include	

the provider and policy number:

.....

.....

Note: St. Helena does not provide complimentary health care and medical expenses including evacuation can be very expensive. You must ensure you have adequate means to cover medical emergencies for the duration of your permit.

18. Details of accompanying family members

	Name	DOB	Relationship	Nationality
1				
2				
3				
4				

Note: All family members must complete separate long term entry permit applications

19. Declaration(please tick each):

I have adequate means to provide for my own (and my dependants') accommodation, food & clothing for the duration of my stay on St. Helena.

I have adequate means to pay for my own (and my dependants') health and welfare including medical evacuation.

I have a return ticket to my country of origin (including dependants) or adequate means to repatriate to place of domicile me and any dependants.

I have not been involved in or associated with terrorist activity or organisations, war crimes, crimes against humanity or genocide.

I do not have any outstanding fines or unspent criminal convictions in any country. Please specify all outstanding fines or unspent convictions if you have any here:

.....

To the best of my knowledge and belief all particulars supplied by me are correct and complete

You may be asked to provide evidence in support of the statements above.

20. Signature	21. Date (dd/mm/yyyy)
---------------	-----------------------

NOTES:

1. It is unlawful for any person to enter or remain in St. Helena unless he or she holds a valid short term or long term entry permit or is exempt from the requirement to hold either of these permits. The exempt persons are:

(a) A person who has St. Helenian status or is the dependant of a person who has such status;

(b) A person, and their dependants, in the service of the Crown or who is present in fulfilment of the provisions of a contract entered into on behalf of Her Majesty (whether in right of Her Government of the United Kingdom or in right of Her Government of St. Helena) whereby goods or services are provided to Her Government of St. Helena;

(c) A person who, upon arrival in St. Helena is an officer or a member of the crew of a vessel which has been approved by the Chief Immigration Officer for the purposes of this subsection and who is under an engagement requiring him to leave on that vessel;

(d) Any consular officer within the meaning of the Vienna Convention or Consular Relations 1963;

(e) A person who arrives on a vessel, the Master of which has been granted a landing permission authorising a specified number of passengers and crew of that vessel to enter St. Helena without obtaining an entry permit and that person is within that specified number.

2. Separate restrictions apply as to employment and land ownership by immigrants

3. It is a criminal offence to give false information

FORM G

IMMIGRATION ORDINANCE, 2011

(Regulation 9(3))

LONG TERM ENTRY PERMIT

Subject to the conditions specified hereunder, this long term entry permit is issued to:

Name: _____

Address: _____

The above person is permitted to enter and remain in St. Helena during the period for which this permit is issued.

Unless otherwise stated under the conditions below or in a separate valid document issued by the Immigration Service, the holder of this permit is not permitted to work except in accordance with section 23(1)(c) of the Immigration Ordinance, 2011, or hold land in St. Helena.

Signed: _____



Print: _____

Dated: _____

CONDITIONS

1. The holder of this permit may enter and remain in St. Helena for a period of _____ from the date of issue of this permit.
2. The holder of this permit shall notify the Immigration Control Board of any alteration in the intentions or facts contained in his or her application form in relation to his or her proposed length or place of stay, ability to maintain and accommodate himself including health and welfare and repatriation or in relation to employment in St. Helena.
3. [Insert other conditions if appropriate]

WARNING

1. This permit may be revoked if the holder:
 - (a) obtained the permit by means of fraud, false representation or concealment of any material fact of a nature which, had the true facts been made known to the Immigration Control Board at the time of the application, would, in the opinion of the Board, have justified refusal of this permit;or

- (b) has been convicted anywhere of an offence and sentenced to imprisonment; or
 - (c) contravenes any of the provisions of the Immigration Control Ordinance, 2011, or any regulations made under it; or
 - (d) Has participated in any activity which is contrary to the maintenance of Public Order.
2. This permit shall cease to be valid if the holder is absent from St. Helena for a continuous period of more than three years.

FORM H IMMIGRATION ORDINANCE, 2011 <i>(Regulation 10(1))</i>				
DECLARATION OF EXEMPTION FROM THE REQUIREMENT FOR AN ENTRY PERMIT & PERMISSION TO WORK <i>This application should be completed by the Contractor on behalf of individual employees</i>				
1. Employee's surname:		2. Employee's forenames:		
3. Employee's date of birth (dd/mm/yyyy):		4. Employee's nationality:		
5. Employee's passport number:		6. Employee's gender: ? Male ? Female		
7. Current address and contact details of employee: Tel:..... E-mail:.....				
8. Employer in St. Helena: Tel:..... E-mail:.....				
9. Employee's profession in St. Helena:				
10. Employee's contract start date (dd/mm/yyyy)		11. Employee's contract end date (dd/mm/yyyy)		
12. Details of employee's accompanying family members: <i>Note: A dependent family member is the employee's spouse or life partner, their child, step child or adopted child who is under the age of 18 years old or who is over that age and in full time education and under the age of 25 years old.</i>				
	Surname	Other names	Date of Birth	Relationship
1				
2				
3				
4				
5				
13. Declaration(please tick each): <input type="checkbox"/> <i>I am authorised by the Contractor to confirm that to the best of my knowledge the Contractor has made all reasonable and possible enquiries into the background and character of the employee and dependants and to</i>				

the best of my knowledge and belief all particulars are correct and complete

The employee to whom this form refers is exempt from the requirement to hold either an entry permit or permission to work under section 17(2)(b) of the Immigration Ordinance, 2011, with reference to section 23(1)(b) (see Note 1).

To the best of my knowledge and belief, the Contractor has taken all reasonable and lawful steps to ensure that the employee is free from infectious, contagious or communicable diseases as set out in the relevant contract.

To the best of my knowledge and belief, the employee to which this form refers has not been involved in or associated with terrorist activity or organisations, war crimes, crimes against humanity or genocide.

To the best of my knowledge and belief, the employee to which this form refers does not have any outstanding fines or unspent criminal convictions in any country. Please specify all outstanding fines or unspent convictions here:

.....

14. Signature:	15. Date:
16. Print name:	17. Position within contracting organisation:

PLEASE ATTACH TO THIS FORM:

- 1) A copy of main applicant's and dependant(s)' passport bio data page(s).**
- 2) A recent (within last three months) criminal records check or vetting certificate for each person over the age of 16.**

NOTES:

- 1) A person is exempt from the requirement to obtain an entry permit and work permit if they are present in St. Helena in fulfilment of the provisions of a contract entered into on behalf of Her Majesty (whether in right of Her Government of the United Kingdom or in right of Her Government of St. Helena) whereby goods or services are provided to Her Government of St. Helena or the dependant of such a person.*
- 2) Time spent in St. Helena in this capacity will not be counted as time spent in St. Helena with regard to Schedule II of the Immigration Ordinance 2011.*
- 3) Separate restrictions apply as to land ownership by immigrants.*
- 4) Separate restrictions apply as to employment of dependants.*
- 5) It is a criminal offence to give false information*

<p>FORM I</p> <p>IMMIGRATION ORDINANCE, 2011</p> <p><i>(Regulation 10(2) and (3))</i></p>	
<p>DECLARATION OF EXEMPTION FROM THE REQUIREMENT FOR AN ENTRY PERMIT AS THE SPOUSE / LIFE PARTNER OR OTHER DEPENDANT RELATIVE OF A PERSON WITH ST. HELENIAN STATUS</p> <p><i>This form should be completed by the spouse or life partner of a person with St. Helenian status</i></p>	
1. Surname:	2. Forenames:
3. Date of birth (dd/mm/yyyy):	4. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
5. Passport number:	6. Passport date of expiry (dd/mm/yyyy)
7. Nationality	8. Marital status:
9. Current Address: Tel:..... E-mail:.....	
10. Address in St. Helena, if different: Tel:..... E-mail:.....	
11. Spouse or life partner with St. Helenian status's surname:	12. Spouse or life partner with St. Helenian status's forename(s):
13. Spouse or life partner's address Tel:..... E-mail:.....	
14. Date you first met spouse / life partner (dd/mm/yyyy)	15. Date of marriage / civil partnership (if applicable) (dd/mm/yyyy)
16. If you are not married or in a civil partnership please give a date for when you entered life partnership with your partner (add explanation if you cannot specify a date).	
<p>ACCOMPANYING DEPENDANTS</p> <p>Children or young people under the age of 18 or under the age of 25 in full time education</p>	

<i>This section should be completed by the parent or guardian of the dependent child / young person</i>				
19. Details of dependants who are not spouse or life partners (if applicable)				
	Name	DOB	Relationship	Nationality
1				
2				
3				
4				
20. Declaration(<i>please tick</i>):				
<input type="checkbox"/> <i>I declare that To the best of my knowledge and belief all particulars supplied by me are correct and complete</i>				
21. Signature			22. Date (dd/mm/yyyy)	
<p>NOTES:</p> <p>1. It is unlawful for any person to enter or remain in St. Helena unless he or she holds a valid short term or long term entry permit or is exempt from the requirement to hold either of these permits. A person who is the dependant of a person who holds St. Helenian status is exempt from the requirement to hold an entry permit.</p> <p>2. A dependant, in relation to a person; means –</p> <p>(a) The spouse or life partner of that person; and</p> <p>(b) The child, step-child or adopted child of that person, who is under the age of 18 years or who is over that age and –</p> <p>(i) Is in full time education; and</p> <p>(ii) Is under the age of 25</p> <p>3. Spouses and life partners of a person who has St. Helenian status may work in St. Helena without a separate authorisation.</p> <p>4. It is a criminal offence to give false information</p>				

FORM J

IMMIGRATION ORDINANCE, 2011
(Regulation 10(4) and section 23(2) of the Ordinance)

SPOUSE OR LIFE PARTNER EXEMPTION

This is to certify that;

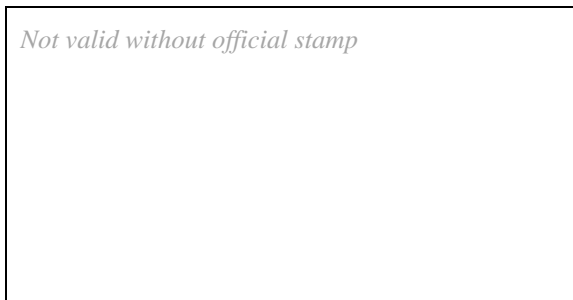
Name: _____

Address: _____

Is exempt from the requirement to hold an entry permit or obtain permission to work or own land in St. Helena by virtue of them being the spouse / life partner ~~DELETE AS APPROPRIATE~~ of, a person with St. Helenian status, namely;

Name: _____

Signed: _____



Print: _____

Dated: _____

CONDITIONS

1. The holder of this permit may enter and remain in St. Helena from the date of this permit on the basis of their relationship as the spouse or life partner of the St. Helenian named above.
2. The holder of this permit shall immediately notify an Immigration Officer of any alteration in their relationship with their spouse or life partner.

WARNING

1. This permit may be revoked if the holder:
 - (a) obtained the permit by means of fraud, false representation or concealment of any material fact of a nature which, had the true facts been made known to the Immigration Control Board at the time of the application, would have justified refusal of this permit; or
 - (b) has been convicted anywhere of an offence and sentenced to imprisonment; or
 - (c) contravenes any of the provisions of the Immigration Control Ordinance, 2011, or any regulations made under it; or
 - (d) has participated in any activity which is contrary to the maintenance of Public Order.

FORM K

IMMIGRATION ORDINANCE, 2011

(Regulation 10(4))

DEPENDANT EXEMPTION

This is to certify that;

Name: _____

Address: _____

Is exempt from the requirement to hold an entry permit or obtain permission to work in St. Helena by virtue of them being the dependant child under the age of 18 or dependent person under the age of 25 and in full time education of a St. Helenian, namely;

Name: _____

Signed: _____



Print: _____

Dated: _____

CONDITIONS

1. The holder of this permit may enter and remain in St. Helena on the basis of their relationship as the dependant of a person holding St. Helenian status as named above.
2. The holder of this permit or their parent or guardian shall notify an Immigration Officer of any alteration regarding their relationship with the person holding St. Helenian status as named above.
3. In the case of a dependant over the age of 18 but under the age of 25 and in full time education, this permit will cease to be valid should they no longer be in full time education.

WARNING

1. This permit may be revoked if the holder:
 - (a) obtained the permit by means of fraud, false representation or concealment of any material fact of a nature which, had the true facts been made known to the Immigration Control Board at the time of the application, would have justified refusal of this permit; or

This e-version of the text is not authoritative for use in court.

- (b) has been convicted anywhere of an offence and sentenced to imprisonment;
- (c) contravenes any of the provisions of the Immigration Control Ordinance or any regulations made under it; or
- (d) has participated in any activity which is contrary to the maintenance of Public Order.

<p>FORM L</p> <p>IMMIGRATION ORDINANCE, 2011 <i>(Regulation 11)</i></p>	
<p>LANDING PERMISSION <i>(Issued to Master of Vessel)</i></p>	
1. Full Name (Please Print)	
2. Name of Ship and Company Details:	
Telephone:	Fax:
Email:	
3. Number of passengers and crew on Board (total)	4. Number of Passengers and crew applying to go ashore.
5. Date of Arrival	6. Date of Departure
7. I declare that:	
<p><i>I understand that I (the Master of the above vessel) am guilty of an offence if the vessel leaves St. Helena and I have failed to ensure that all of the passengers and crew who arrived on the vessel are on board at the time of departure. I will bear any associated costs of repatriating persons who do not leave with the vessel and I am aware that additionally I may be subject to a fine or imprisonment or both.</i></p>	
8. Signature	9. Date (dd/mm/yyyy)
<u>FOR OFFICIAL USE ONLY</u>	
<input type="checkbox"/> LANDING PERMISSION GRANTED	
<input type="checkbox"/> LANDING PERMISSION REFUSED FOR THE FOLLOWING REASON(S):	
<p>.....</p> <p>.....</p>	
<p>.....</p> <p>Signature</p> <p>Chief Immigration Officer</p>	<p>.....</p> <p>Date</p>

FORM M

IMMIGRATION ORDINANCE, 2011
(Regulation 15(2))

NOTICE OF REFUSAL OF ENTRY TO ST. HELENA

This notice of refusal of entry to St. Helena is issued to:

Name: _____

The above is hereby refused entry to St. Helena for failure to comply with the following condition(s) of the Immigration Ordinance, 2011:

ENTER DETAIL HERE

Signed: _____

Print: _____

Dated: _____



NOTES

- 1. You may exercise any right of appeal by submitting grounds of appeal on Form S to the Immigration Control Board.*
- 2. The fact that a person has been refused entry to St. Helena does not preclude them from applying for future entry permits or other permissions however, the reasons for refusal of entry may be used by the Immigration Service when assessing any future applications.*

FORM N

IMMIGRATION ORDINANCE, 2011
(Regulation 15(4))

NOTICE OF INTENTION TO DEPORT

This notice of intention to deport an immigrant from St. Helena is issued to:

Name: _____

Address: _____

The above is hereby notified of the Immigration Control Board's intention to deport them from St. Helena for failure to comply with the following condition(s) of the Immigration Ordinance, 2011:

ENTER DETAIL HERE

The proposed deportation date is _____ whereby the above shall depart St. Helena aboard *flight / ship*. Failure to comply with the deportation directions could result in a fine or imprisonment or both.

Signed: _____

Print: _____

Dated: _____

Not valid without official stamp

NOTES

- 1. You may exercise any right of appeal by submitting grounds of appeal on Form T.*
- 2. The fact that a person has been deported from St. Helena does not preclude them from applying for future entry permits or other permissions however, the reasons for deportation may be used by the Immigration Service when assessing any future applications.*

<p>FORM O</p> <p>IMMIGRATION ORDINANCE, 2011</p> <p><i>(Regulation 16(1))</i></p>			
<p>APPLICATION FOR A WORK PERMIT</p>			
1. Surname:	2. Forenames:		
3. Date of birth (dd/mm/yyyy):	4. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		
5. Passport number:	6. Nationality		
7. Current address:			
Tel:..... E-mail:.....			
8. Current employer and employer's address. If self-employed please tick here <input type="checkbox"/>			
Tel:..... E-mail:.....			
9. Profession you wish to take up in St. Helena:			
10. Date to start work (dd/mm/yyyy)	11. Date to finish work (dd/mm/yyyy)		
12. (If applicable) Start date of entry permit (dd/mm/yyyy)	13. (If applicable) End date of entry permit (dd/mm/yyyy)		
14. Previous work experience to cover last 10 years (please use a separate sheet if necessary)			
	Job title and organisation	From	Until
1			
2			
3			
4			
5			

15. Qualifications and any special skills:			
16. Declaration(<i>please tick</i>):			
<input type="checkbox"/> <i>I declare that to the best of my knowledge and belief all particulars supplied by me are correct and complete.</i>			
17. Signature		18. Date (dd/mm/yyyy)	
NOTES:			
<p><i>1. It is unlawful for a person to take up employment in St. Helena unless authorised by either a work permit or an immigrant employment certificate or he or she is engaged in work which is exempt from the requirement to obtain permission. A work permit is the appropriate form of permission for self-employment. The work which is exempt from employment control is;</i></p> <p><i>(a) Work done by a person who has been present in St. Helena for less than 183 days in the period of one year preceding the day on which the work is done; or</i></p> <p><i>(b) Work done by a person employed in the service of the Crown or in fulfilment of the provisions of a contract entered into on behalf of Her Majesty (whether in right of Her Government of the United Kingdom or in right of Her Government of St. Helena) whereby goods or services are provided to Her Government of St. Helena.</i></p> <p><i>2. Separate restrictions apply in relation to permission to enter and to own land by immigrants</i></p> <p><i>3. It is a criminal offence to give false information</i></p> <p><i>4. The maximum duration for a work permit is 5 years and will usually be granted in line with any entry permit. It may be renewed thereafter.</i></p>			

FORM P
IMMIGRATION ORDINANCE, 2011
(Regulation 16(3))

WORK PERMIT

Subject to the conditions specified hereunder, this work permit is issued to;

Name: _____

Address: _____

The above person is permitted to engage in the following employment in St. Helena for the period for which the permit is issued;

Signed: _____

Not valid without official stamp

Print: _____

Dated: _____

CONDITIONS

1. The holder of this permit is permitted to work in St. Helena for a period of _____ from the date of this permit in employment only of the type specified above.
2. The holder of this permit shall immediately inform the Immigration Control Board of any change in his circumstances or in those of any dependant named in this permit.
3. [Insert other conditions as necessary]

WARNING

This e-version of the text is not authoritative for use in court.

1. No person other than a person who has St. Helenian Status or their spouse or life partner or a person who is working in St. Helena for the Crown or in fulfilment of the provisions of a contract entered into on behalf of Her Majesty (whether in right of Her Government of the United Kingdom or in right of Her Government of St. Helena) whereby goods or services are provided to Her Government of St. Helena may lawfully work in St. Helena unless he or she is authorised to do so by a valid work permit or immigrant employment certificate.
2. This permit may be revoked if the holder:
 - (a) obtained the permit by means of fraud, false representation or concealment of any material fact of a nature which, had the true facts been made known to the Immigration Control Board at the time of the application would have justified refusal of this permit; or
 - (b) has been convicted anywhere of an offence and sentenced to imprisonment; or
 - (c) Has contravened any of the provisions of the Immigration Control Ordinance or any regulations made under it; or
 - (d) The Immigration Control Board shall give notice in writing to the holder of a permit which is revoked and such notice shall state the grounds of revocation, and inform him of the right of appeal.

FORM Q			
IMMIGRATION ORDINANCE, 2011			
<i>(Regulation 17(1))</i>			
APPLICATION FOR: IMMIGRANT EMPLOYMENT CERTIFICATE			
<i>NOTE: This form should be completed by employers who wish to employ immigrants in St. Helena</i>			
1. Surname:		2. Forenames:	
3. Business Address:			
Tel:..... E-mail:.....			
4. Nature of business or profession:			
5. Number of immigrants you wish to employ, wage and type of work:			
No.	Job title	No. of immigrants you wish to employ	Wage per month
1			
2			
3			
4			
5			
6. Expenses: Who will pay for each immigrant's			
Accommodation		<input type="checkbox"/> Employer	<input type="checkbox"/> Employee
Medical Expenses / Insurance		<input type="checkbox"/> Employer	<input type="checkbox"/> Employee
Repatriation		<input type="checkbox"/> Employer	<input type="checkbox"/> Employee
<i>NOTE: It is the employer's responsibility to ensure that employees are adequately accommodated and maintained for the duration of their stay including medical expenses and repatriation at the end of or during their contract. If an immigrant cannot afford an expense for which they are liable the employer shall be responsible.</i>			
7. Declaration(please tick):			
<input type="checkbox"/> I declare that to the best of my knowledge and belief all particulars supplied by me are correct and complete.			

8. Signature	9. Date (dd/mm/yyyy)
<p><i>NOTES:</i></p> <ol style="list-style-type: none"><i>1. It is unlawful for a person to take up employment in St. Helena unless authorised by either a work permit or an immigrant employment certificate or he or she has St. Helenian status, or is engaged in work which is exempt from the requirement to obtain permission. A work permit is the appropriate form of permission for self-employment. The work which is exempt from employment control is;</i><ol style="list-style-type: none"><i>(a) Work done by a person who has been present in St. Helena for less than 183 days in the period of one year preceding the day on which the work is done; or</i><i>(b) Work done by a person employed in the service of the Crown or in fulfilment of the provisions of a contract entered into on behalf of Her Majesty (whether in right of Her Government of the United Kingdom or in right of Her Government of St. Helena) whereby goods or services are provided to Her Government of St. Helena.</i><i>2. Separate restrictions apply in relation to permission to enter and as to land ownership by immigrants</i><i>3. It is a criminal offence to give false information</i><i>4. An Immigrant Employment Certificate may authorise employment of one or more immigrants to do more than one type of work but each must be listed at question 5 overleaf.</i><i>5. The maximum duration for a work permit is 5 years and will usually be granted in line with any entry permit. It may be renewed thereafter.</i>	

FORM R

IMMIGRATION ORDINANCE, 2011
(Regulation 17(2))

IMMIGRANT EMPLOYMENT CERTIFICATE

Subject to the conditions specified hereunder, this Immigrant Employment Certificate is issued to:

Name: _____

Address: _____

The above employer is permitted to employ immigrants to carry out work under the job titles specified in condition 1 below;

Signed: _____

Not valid without official stamp

Print: _____

Dated: _____

CONDITIONS

- The holder of this permit is permitted to employ immigrants for a period of _____
_____ from the date of this permit. The employer may employ immigrants under the following job titles;

Job title	Number of immigrants

2. The holder of this permit shall immediately inform the Immigration Control Board of any change in the information given in, or support of the application for this permit.

WARNING

1. No person other than a person who has St. Helenian Status or their spouse or life partner or who is working in St. Helena for the Crown or in fulfilment of the provisions of a contract entered into on behalf of Her Majesty (whether in right of Her Government of the United Kingdom or in right of Her Government of St. Helena) whereby goods or services are provided to Her Government of St. Helena may lawfully work in St. Helena unless he or she is authorised to do so by a valid work permit or immigrant employment certificate.
2. This permit may be revoked if the holder:
 - (a) obtained the permit by means of fraud, false representation or concealment of any material fact of a nature which, had the true facts been made known to the Immigration Control Board at the time of the application would have justified refusal of this permit; or
 - (b) has contravened any of the provisions of the Immigration Control Ordinance or any regulations made under it; or
 - (c) the Immigration Control Board shall give notice in writing to the holder of a permit which is revoked and such notice shall state the grounds of revocation, and inform him of the right of appeal.

FORM S
IMMIGRATION ORDINANCE, 2011

**NOTICE OF APPEAL AGAINST AN IMMIGRATION
DECISION**

Name of appellant: _____

Address of appellant: _____

I hereby give notice of my appeal against the decision of the St. Helena Immigration Service. I am appealing against the decision served to me _____ *date* _____ pertaining to my;

- Entry into St. Helena
- Application for or revocation of a Long Term Entry Permit
- Application for or revocation of a Work Permit or Immigrant Employment Certificate
- Application for or revocation of a Landholding License
- Application for or revocation of an exemption as the spouse, life partner or other dependent relative of a person with St. Helenian status or other permission to be in St. Helena.
- Application for or revocation of St. Helenian status
- Other application for or revocation of a permission (*please specify*) _____
-

Grounds of appeal;

I am representing myself

I am represented by an advocate

Appellant

Representative (*if applicable*)

Signed: _____

Signed: _____

Print: _____

Print: _____

Dated: _____

Dated: _____

SCHEDULE II
(Regulation 19)

Fees

Fee No.	Matter	Fee (£)
1	Issue of a Short Term Entry Permit (Person under 12 years of age are exempt from these fees)	Nil
1a	Valid for up to 4 days	12.00
1b	Valid for up to 10 days, other than in 1a	14.00
1c	Valid for up to 21 days, other than in 1a to 1b	16.00
1d	Valid for up to 60 days, other than in 1a to 1c	20.00
1e	Valid for up to 183 days, other than in 1a to 1d	25.00
2	Issue of a Long Term Entry Permit	
2a	Valid for up to 12 months	25.00
2b	Valid for up to 2 years, other than in 2a	40.00
2c	Valid for over 2 years, for each year or part of a year exceeding 2 years	10.00
3	Issue of a Work Permit	
3a	Valid for up to 12 months	50.00
3b	Valid for up to 2 years, other than in 3a	90.00
3c	Valid for over 2 years, for each year or part of a year exceeding 2 years	30.00
4	Issue of an Immigrant Employment Certificate	
4a	For each employee-year (where the number of employee-years is the number of employees authorised multiplied by the number of years or part years of the validity of the certificate)	
	First 2 employee years	60.00
	Each additional employee year	40.00
5	In relation to applications for grant of St. Helenian Status	
5a	On lodging an application for grant	50.00
5b	Granting of status	100.00
6	Application for a certificate of status under section 15(4)	
6a	On the lodging of an application	20.00
6b	On granting a certificate	20.00
7	Immigrant Landholding	
7a	On an application for a licence	100.00
7b	On the granting of a licence	100.00
8	Appeals	
8a	On lodging an appeal with the Board under section 12	10.00
8b	On lodging an appeal to the Magistrates Court under section 13	30.00

These fees are refundable in the event of the appeal being allowed.

**NOTICE OF WAIVER OF FEES IN RESPECT OF PASSENGERS AND CREW
MEMBERS OF YACHTS**

(Legal Notice 9 of 2012)

In exercise of the power conferred by Regulation 19(2) of the Immigration Regulations, 2012, the Governor in Council waives the fees payable under Item 1a of the Second Schedule to such Regulations in respect of the issue of a Short Term Entry Permit to any person who arrives on St Helena on or after 1st April 2012 as a passenger or crew member of a yacht and who will depart from St Helena on such yacht within 72 hours after so arriving.

For purposes of this notice, “**yacht**” means any vessel which is so constructed or adapted that it can be propelled by wind power, whether or not it is fitted with one or more engines.

ASYLUM RULES – SECTION 44

(Legal Notice 1 of 2012)

Citation and commencement

1. These Rules may be cited as the Asylum Rules, 2011, and shall come into force on 23rd January 2012.

Interpretation

2. (1) Any word or expression to which a meaning has been assigned in the Ordinance, bears the meaning so assigned and—

“**refugee**” means any person who—

- (a) owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or
- (b) not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to a well founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it,

but does not include any person referred to in paragraph (2) or (3);

“**asylum seeker**” means a person who makes a request to be recognised as a refugee under the Geneva Convention on the basis that it would be contrary to St. Helena’s obligations under the Geneva Convention for him to be removed from or required to leave St. Helena;

“**Human Rights Convention**” means the Convention for the Protection of Human Rights and Fundamental Freedoms agreed by the Council of Europe at Rome on 4th November 1950, as applied to St. Helena; and

“**Refugee Convention**” means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, and its protocols, as applied to St. Helena.

(2) A person shall not be recognised as a refugee for purposes of these Rules if—

- (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in any international instrument to which the United Kingdom is a party by virtue of its extension to St. Helena and which has been drawn up to make provision in respect of such crimes; or
- (b) he has committed a serious non-political crime outside of St. Helena prior to his admission to St. Helena as a refugee; or
- (c) he has been guilty of acts contrary to the purposes and principles of the United Nations Organisation; or
- (d) having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well founded fear of persecution, for not having availed himself of protection.

(3) A person shall cease to be a refugee in St. Helena if—

- (a) he voluntarily re-avails himself of the protection of the country of his nationality; or
- (b) having lost his nationality, he voluntarily reacquires it; or

- (c) he is granted status in St. Helena or he acquired the nationality of another country and enjoys the protection of the country of his new nationality; or
- (d) he voluntarily re-establishes himself in the country which he left, or outside which remained, as the case may be; or
- (e) the circumstances in connection with which he was recognised as refugee have ceased to exist; or
- (f) he continues to refuse to avail himself of the protection of his country of nationality; or
- (g) if he has lost his nationality, continue to refuse to return to the country of his former habitual residence.

Claim for asylum

3. (1) A person who is within St. Helena (whether he has entered St. Helena lawfully or otherwise) and who wishes to remain in St. Helena as a refugee may, within seven days of his arrival in St. Helena, or within such further period as the Board may allow on good cause shown to its satisfaction, apply to the Board for recognition of his status as a refugee in terms of the refugee convention either on the prescribed form or in person.

(2) If a person is required to leave St. Helena due to a decision of the Board or an Immigration Office, such a person may within 7 days of the date of decision make an application to the Board for recognition of his status as a refugee on the prescribed form or in person.

(3) A person is eligible to apply for asylum under these Rules if—

- (a) he is in St. Helena; and
- (a) he is at least 18 years of age or is an unaccompanied minor .

(4) Where a minor who is not accompanied by his parents submits an application for asylum, his rights and lawful interests shall be represented during the asylum procedure by an independent representative nominated by the Board and such representative shall act objectively in the interest of the minor.

(5) The Board or an Immigration Officer shall refer an unaccompanied minor to the Social Works Manager as soon as reasonably practicable.

(6) A minor who is not accompanied by parents has the right to receive legal assistance free of charge during the asylum procedure.

(7) The minor children of an asylum seeker shall be entitled to education in conformity with the laws in force.

(8) Where an asylum claim is made to the Board, it shall be recorded by the Secretary of the Board.

(9) If the Chief Immigration Officer is satisfied that the claim under paragraph (8) was made as soon as reasonably practicable after the applicant's arrival in St. Helena, he shall—

- (a) if satisfied that for obvious and compelling reasons the applicant cannot be returned to his country of origin or nationality, grant him special leave to remain in St. Helena; and
- (b) make arrangements for his support, accommodation and maintenance.

(10) The grant of special leave under this Rule does not confer any rights to gainful occupation in St. Helena and may be revoked by the Chief Immigration Officer or the Board.

(11) Where an asylum seeker is to be deported to a country of which he is a national or citizen and—

(a) the country to which he is to be deported requires identification data in respect of the applicant as a condition of the admission of the applicant to such country; and
(b) he does not possess a passport or other travel document,
the Chief Immigration Officer shall provide the requested data to such country but shall not disclose that the applicant has sought asylum in St. Helena.

Consideration of Claim

4. (1) Unless it is impossible or inexpedient to do so, the Board shall consider every application for asylum within 30 days of the application being made and may, either within such period of 30 days or thereafter, make such inquiry or investigation into such application as the Board thinks necessary.

- (2)** The Board may for the purpose of inquiring or investigating any application—
- (a) seek the assistance of any expert as an advisor;
 - (b) seek the assistance of the British Government; or
 - (c) seek the assistance or cooperation of United Nations High Commissioner for Refugees or any non-governmental organisation.

Grant of refugee status and rights of a recognised refugee

5. (1) After the inquiry or investigation into the application under Rule 4, the Board may recognise or refuse to recognise the applicant as a refugee and shall notify the applicant of their decision in writing.

- (2)** Where a person is recognised as a refugee, he shall be granted—
- (a) a long term Entry Permit carrying permission to stay in St. Helena for five years after which time he may apply for St Helenian status;
 - (b) the right to work for any employer in St. Helena.

(3) Any person whose claim for asylum has been successful may also apply for asylum for persons present in St. Helena who are—

- (a) his spouse or life partner;
- (b) his dependent children under the age of 18 years; and
- (c) his children over the age of 18 who are wholly dependent on him.

(4) Every recognised refugee in St. Helena shall—

- (a) be entitled to the rights and be subject to the duties contained in the Refugee Convention as if the references therein to refugee were reference to recognised refugee;
- (b) be subject to all laws in force in St. Helena; and
- (c) be afforded a reasonable opportunity to work and contribute to the development of St. Helena.

Removal of Asylum Claimant to a safe third country

- 6. (1)** A person may not bring an appeal under Rule 9 if the Board certifies that—
- (a) it is proposed to remove the person to a country of which he is not a national or citizen; and
 - (b) there is no reason to believe that the person's rights under the Human Rights Convention will be breached in that country,

and in such cases the Board shall certify that the applicant can be deported to a particular country.

(2) In determining whether a person in relation to whom sub-rule (1) applies may be removed from St. Helena, the country specified must be regarded as—

- (a) a place where a person's life and liberty is not threatened by reason of his race, religion, nationality, membership of a particular society, group, or political opinion; and
- (b) a place from which a person will not be sent to another country otherwise than in accordance with the Refugee Convention.

(3) The person in respect of whom the certificate referred to in paragraph was issued may appeal against the decision to remove to the Magistrates Court on the grounds that any of the conditions applicable to that certificate was not satisfied when it was issued or has since ceased to be satisfied.

Limitations on Rights of Appeal

7. Rule 9 does not entitle a person to appeal against a refusal of an asylum application if—

- (a) there are reasonable grounds for regarding such person as a danger to the security of St. Helena, or who, having been convicted by a final judgement of a crime, constitutes a danger to the community of St. Helena;
- (b) the Governor has certified the person to be a prohibited immigrant; or
- (c) the reason for the refusal was that he was a person to whom the Refugee Convention does not apply by reason of Article 1(F) of that Convention.

Assisting asylum seeker to enter St. Helena

8. A person who—

- (a) knowingly and for gain facilitates the arrival in St. Helena of an individual; and
- (b) knows, or who has reasonable cause to believe, that the individual intends to apply for asylum,

is guilty of an offence and shall be liable on conviction to imprisonment for five years or a fine, or both.

Appeal

9. A person who is aggrieved by—

- (a) a decision of the Board under Rule 5; or
- (b) any decision of the Board or an Immigration Officer which invokes St. Helena's duties under the European Convention of Human Rights,

may appeal against such decision to the Supreme Court within 14 days of being notified of such decision.

Person not required to leave St. Helena pending application or appeal

10. (1) A person appealing a decision against their asylum under Rule 3 or who has appealed against the decision of the Board or an Immigration Officer invoking St. Helena's duties under the European Convention of Human Rights shall not be required to leave St. Helena pending the outcome of his application or appeal.

(2) For the purposes of sub-rule (1), an application or appeal is pending with effect from the date on which it is submitted or instituted up until the date on which the claimant or

appellant is either formally notified of the outcome of the application or appeal or withdraws or abandons his application or appeal.

IMMIGRATION (LANDHOLDING) REGULATIONS – SECTIONS 43 AND 45(5)

(Legal Notice 16 of 2012)

Citation and commencement

1. These Regulations may be cited as the Immigration (Landholding) Regulations, 2012, and shall come into force on 1 May 2012.

Application for a Landholding Licence

2. (1) Every application for a licence under Part 6 of the Ordinance shall be in the form set out in Schedule 1, and shall be delivered to the Secretary to the Board together with the relevant fee.

(2) Upon receiving an application, the Secretary shall—

(a) cause notice thereof to be published in the *Gazette*, and in such other ways (if any) as may be required by policy guidance issued under section 42 of the Ordinance, stating that any person may submit comments or objections to the Secretary within 14 days of the date of publication of the notice;

(b) send a copy of the application to the Registrar of Lands, requesting a report as to whether or not the information given in the application is consistent with the information held in the Land Register; and

(c) send a copy of the application to the Chief Immigration Officer, requesting a report as to whether or not any information given in the application about the applicant visiting, or being in, St. Helena is consistent with immigration records.

(3) The Registrar of Lands and the Chief Immigration Officer shall each provide his report to the Secretary within 14 days from the date on which he received the request.

Applicant to have opportunity to comment on objections

3. (1) If the Secretary receives comments upon, or objections to, the application, the applicant shall be given an opportunity to comment thereon.

(2) For the purposes of paragraph (1), it shall be sufficient if the applicant is informed of the general nature of each comment or objection, without being told the identity of the commentator or objector, and invited to submit any comments thereon (in writing) within seven days.

Decisions to be made promptly

4. (1) The Board shall make a decision on each application within 42 days of the date on which it was presented to the Secretary.

(2) If the application was incomplete in any material way, or was not accompanied by the fee, the period specified in paragraph (1) shall run from the date on which the deficiency was fully rectified.

(3) Nothing in this regulation prevents the Board from seeking additional information from the applicant or other persons and delaying a decision until such information has been supplied.

Form of Licence, and conditions

5. (1) Every licence shall be in the form appearing in Schedule 2.

(2) The Board, when granting a licence, may grant it unconditionally or subject to such conditions as appear to the Board to be necessary or desirable to secure that the acquisition of the land by an immigrant is not contrary to the public interest.

(3) Notwithstanding the generality of paragraph (2), conditions may not relate to matters which are not matters to be taken into consideration either under the Ordinance or under policy guidance issued pursuant to section 34(4) of the Ordinance.

Fees

6. There shall be payable in respect of the several matters listed in the first column of Schedule 3 the fees respectively specified in the second column of the said Schedule.

Transitional provisions

7. Following the repeal on 1 May 2012 of the remaining provisions of the Immigration Control Ordinance, 2008, by the Immigration Ordinance, 2011 (Commencement)(No. 2) Order, 2012, any application received under section 28 of such Ordinance on or before 30 April 2012, which—

(a) has not been placed before the Governor in Council by such date, shall be delivered to the Secretary to the Immigration Control Board and thereafter be considered and determined by the Board under the Immigration Ordinance, 2011, with such modifications (if any) as may be necessary; or

(b) was placed before the Governor in Council on or before 31 March 2012, but has not yet been finally determined, shall be considered and determined by the Governor in Council in accordance with the provisions of the Immigration Control Ordinance, 2008, as if such Ordinance had not been repealed.

SCHEDULE I
(Regulation 2(1))

<p>FORM LH1 St. Helena Immigration Ordinance, 2011</p>				
<p>APPLICATION FOR: IMMIGRANT LANDHOLDING LICENCE <i>Do not complete this form until you have read the notes section at the end of this form</i></p>				
1. Surname:		2. Forenames:		
3. Date of birth (dd/mm/yyyy):				
4. Current Address:				
Tel:..... E-mail:.....				
5. Is this a joint application?				
<input type="checkbox"/> Yes <i>(please provide details of any other joint applicants on a separate attached sheet)</i> <input type="checkbox"/> No				
6. If applying for a landholding licence on behalf of a body corporate <i>(see the interpretation section 27(1) of the Immigration Ordinance 2011)</i> please give details of the body corporate below:				
Name of body corporate:.....				
Country of Incorporation:..... Registration No:.....				
Address :.....				
.....				
Tel:..... E-mail:.....				
Your position (e.g. Director):.....				
7. Details of proposed landholding				
Location <i>(including land registry section, block and parcel number)</i>	Zone <i>(I.e. Green Heartland / Coastal / Intermediate)</i>	Freehold / Leasehold <i>(Please specify length of any lease)</i>	Intended land-use <i>(e.g. agriculture / industry / residential – please add further detail as appropriate)</i>	Size (acres)
7b. Please provide details of the seller:				
Name:.....				

Address:.....
.....
.....

Tel:..... E-mail.....

8. Do you have development permission for the intended land-use(s) outlined above? *(Note: A grant of a landholding licence does not guarantee a grant of development permission).*

Yes *(Please attach evidence of development permission to this application)*
 No, I am not changing the land-use, use of any buildings on it or intending to construct or alter any buildings
 No

Note: The Immigration Control Board may make enquiries with other Government Directorates

9. Do you already reside or intend to reside in St. Helena?

Yes, I live in St. Helena already *(Please attach a copy of your Entry Permission)*
 Yes, I intend to reside in St. Helena and am at the same time applying for an Entry Permit *(Please attach entry permit applications for you and accompanying dependents)*
 No

If you have ticked 'No' please provide details of the purpose of your intended land-holding in St. Helena

10. Are you aware of any other persons or bodies corporate undertaking similar activity to your proposed land-use in St. Helena (excluding owner-occupying residential)? Please specify below:

11. Details of **current** landholding(s) by applicant and associated persons:

	Owner <i>(E.g. Self / spouse / sibling)</i>	Location <i>(including land registry section, block and parcel number)</i>	Freehold / Leasehold <i>(Please specify length of lease)</i>	Land-use <i>(e.g. Agriculture / industry / residential – please add further detail as appropriate)</i>	Size <i>(acres)</i>
1					
2					
3					

12. Declaration

- I authorise the decision maker to conduct background checks via credit checking organizations and other government departments prior to the grant of any landholding certificate.
- I have not been involved in or associated with terrorist activity or organisation, war crimes, crimes against humanity or genocide.
- I have read and understood the notes section of this form.
- I do not have any outstanding fines or unspent criminal convictions in any country. Please specify all outstanding fines or unspent convictions if you have any here:
-

- To the best of my knowledge and belief all particulars supplied by me are correct and complete.

You may be asked to provide evidence in support of the statements above.

13. Signature

14. Date (dd/mm/yyyy)

NOTES:

1) It is unlawful, subject to defined exceptions, for any person who does not have St. Helenian status to own land in St. Helena. Please refer to Part 6 of the Immigration Ordinance 2011 for further detail.

2) Under the Land Development Control Plan St. Helena is divided into three zones for the purpose of regulating land use and development; these are;

Green Heartland:

Some strictly controlled tourism development is allowed and some existing or derelict dwellings can be rebuilt and extended. Development necessary for agriculture and forestry may also be permitted. In summary:-

- In principle, built development is discouraged in the Green Heartland
- Traditional houses and cottages which have fallen in to disrepair may be carefully restored without damaging the visual quality of the area.
- Extensions are controlled to prevent erosion of the area's character

Coastal Zone

Extensive tourism development is encouraged, as well some housing development provided that, in both cases, the sites for development are carefully chosen to maintain the natural character of the landscape – development must be in hollows and valleys not on ridges or exposed slopes and the layout and design of buildings must respect their natural setting. Agricultural development may be permitted and agricultural land is strictly protected from other development.

Intermediate Zone

All types of development normally permitted providing it is in accordance with good planning principles. New buildings must be sited and planned so that they relate properly to each other and to existing buildings both in appearance and use. There is an emphasis on working with natural levels rather than creating flat sites by large excavations and emphasis on planting to blend development into the landscape. Agricultural development is normally allowed and agricultural land is strictly protected from other development.

3) A presumption in favour of development does not mean that developments will always be permitted and such development will always be subject to planning policies to achieve acceptable standards.

4) It is a criminal offence to give false information

SCHEDULE 2
(Regulation 5(1))

<p>Form LH2 (Regulation 5(1))</p> <p>St. Helena Immigration Control Ordinance, 2011</p>
<p>IMMIGRANT LANDHOLDING LICENCE</p>
<p>IN EXERCISE of the powers conferred upon me by section 34(1) of the Immigration Ordinance, 2011, the Board hereby grants unto (hereinafter called the 'licensee') a licence to hold a freehold/leasehold* interest in the following land:</p> <p align="center">This licence to hold land is subject to the following conditions:</p> <p align="center">Dated this day of 20 .</p> <p align="center">..... Chairman of the Board</p> <p align="center"><i>(*delete whichever is not applicable)</i></p>
<p align="center">NOTE</p> <p>(1) This Licence is not a document of title, nor does it imply any warranty as to the title of any person.</p> <p>(2) This Licence does not entitle the licensee to work in St Helena, nor does it permit entry into St Helena, for which there are separate requirements.</p>

SCHEDULE 3
(Regulation 6)

FEES

1	Immigrant Landholding	
	(a) On an application for a licence	£100.00
	(b) On the granting of a licence	£100.00
2	Appeals	
	On lodging an appeal to the Magistrates Court under section 13	£30.00