

CHAPTER 208

THE IMMIGRATION AND PASSPORT ACT

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IMMIGRATION AND PASSPORT

(10th January, 1946.)

7/1945.
 1311953.
 511954.
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 1811969.
 711971.
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 2111982.
 1811989.

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

2. (1) In this Act— **Interpretation.**

"alien" means a person who is not a Commonwealth citizen or a British protected person;

"British protected person" means a person who is a British protected person for the purposes of the British Nationality Act, 1948, or any Act of the parliament of the United Kingdom amending or replacing that Act;

"British subject" and "Commonwealth citizen" have the same meaning, that is—

- (i) a person who under the British Nationality Act 1948 is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in a country mentioned in section 1 (3) of that Act is a citizen of that country; and
- (ii) any other person who has the status of a British subject under that Act or any subsequent enactment;

"Citizen of Antigua and Barbuda" means a person who is a citizen of Antigua and Barbuda under and by virtue of the provisions of Chapter VIII of the Constitution or of any other law relating to citizenship of Antigua and Barbuda;

S.I. 1981/1106.

"the Constitution" means the Constitution of Antigua and Barbuda set out in Schedule 1 to the Antigua and Barbuda Constitution Order 1981;

"dependant" in relation to another person means—

- (i) the wife of such person provided she is not living apart from him under a decree of a competent court or a deed of separation;
- (ii) the child or step-child under the age of sixteen years, of such person;
- (iii) an adopted child under the age of sixteen years having been adopted by such person in a manner recognised by law.

"engage in gainful occupation" means—

- (i) to take and continue in any employment; or
- (ii) to practise any profession; or
- (iii) to carry on any trade; or
- (iv) to engage in business; or
- (v) to engage in such other form of occupation as may be specified in regulations made under this Act,

where such employment, profession, trade or business is taken or continued or is practised, carried on or engaged in, for reward, profit or gain:

Provided that such expression shall not include any exception which may be prescribed;

"immigrant" means a person who enters Antigua and Barbuda from a place outside Antigua and Barbuda, whether for the first or at any subsequent time;

"master" means the person having command or charge of a vessel;

"passport" means a passport issued not more than ten years previously, or renewed not more than five years previously, by or on behalf of the Government

of the country of which the person to whom it relates is a subject or citizen or some other recognised travel document satisfactorily establishing the national status and identity of the person to whom it relates, which passport or document is still in force and has attached to it a photograph of the person to whom it relates;

"port of entry" means any port or port of entry declared as such by regulations made under section 38;

"vessel" means any ship, schooner, sloop, boat or other floating craft and includes any description of aircraft.

(2) For the purposes of this Act, a person enters Antigua and Barbuda if he arrives by sea or by air with the intention of disembarking in Antigua and Barbuda or if he disembarks in Antigua and Barbuda. A person who arrives in Antigua and Barbuda by any ship or aircraft shall not be deemed to land or reside in Antigua and Barbuda—

- (i) if, as respects an arrival by ship, he does not leave that ship, or without going ashore he transfers himself to another ship with the intention of departing from Antigua and Barbuda by such latter ship, and does not leave that latter ship; or
- (ii) if, as respects an arrival by air, he does not leave the airport within which the passengers for that aircraft are disembarked:

Provided that a person who is not *bona fide* a passenger in transit on a ship shall be deemed to remain and reside in Antigua and Barbuda if he resides in the vessel (including a yacht or houseboat) within the territorial sea of Antigua and Barbuda.

3. (1) The Commissioner of Police shall be the Chief Immigration Officer for the purposes of this Act and he shall have all the powers conferred by this Act upon immigration officers in addition to such powers as are specifically conferred upon the Chief Immigration Officer by this Act.

Appointment and powers of immigration officers.

(2) The Governor-General may appoint such immigration officers as he shall think fit for the purpose of carrying out the provisions of this Act:

Provided that no police officer below the rank of subordinate police officer may be so appointed.

(3) For the purpose of exercising his powers and functions and carrying out his duties under this Act any immigration officer may—

- (i) without a search warrant enter upon or into and search any ship, aircraft or any vehicle being landed in Antigua and Barbuda from any ship or aircraft;
- (ii) interrogate any person other than a citizen of Antigua and Barbuda who desires to enter Antigua and Barbuda or any person whom he has reasonable grounds for believing to be a prohibited immigrant;
- (iii) require any person who desires to enter or leave Antigua and Barbuda to make and sign any prescribed form of declaration;
- (iv) require any person who desires to enter Antigua and Barbuda to submit to be examined by a medical practitioner appointed in that behalf by the Minister for the time being charged with the responsibility for Health and to undergo and to assist in the carrying out of any test or investigation which such medical practitioner may require; and
- (v) require the master of a ship or captain of an aircraft arriving from or leaving for any place outside Antigua and Barbuda or the agent of such ship or aircraft to furnish a list in duplicate signed by himself of the names of all persons on the ship or aircraft and such other information as may be prescribed.

(4) Any immigration officer may, in writing, summon for the purposes of interrogation any person whom he is empowered by paragraph (ii) of subsection (3) of this section to interrogate, and may require any such person to produce

any document in his custody or possession or under his control relating to any matter upon which he may be interrogated.

(5) Any immigration officer investigating any offence or alleged or suspected offences under this Act or any regulations made thereunder shall have all the powers, privileges, protections and authorities conferred by law on a police officer for and in relation to the investigation of offences.

(6) If any immigration officer or any police officer has reasonable cause to suspect that any person, other than a citizen of Antigua and Barbuda, has committed an offence under this Act or any regulations made thereunder or that the presence of any person in Antigua and Barbuda is unlawful, and if it appears to him to be necessary to arrest such person immediately in order to ensure that the purposes of this Act shall not be defeated, he may arrest such person without a warrant, whereupon the provisions of section 37 of the Magistrate's Code of Procedure Act shall apply in any such case.

4. Any person who—

(a) having been summoned under subsection (4) of section 3 without reasonable excuse fails to attend at the time and place appointed; or

(b) refuses or fails to answer fully and truthfully any question or inquiry lawfully put to him in the course of interrogation under paragraph (ii) of subsection (3) of section 3; or

(c) gives any answer which he knows or has reasonable cause to believe to be false or misleading to any such question or inquiry as aforesaid; or

(d) when required to produce any document under subsection (4) of section 3 refuses or fails to produce within a reasonable time any such document which it is in his power to produce, or produces any document which he knows or has reasonable cause to believe to be false or misleading; or

Penalties for failing to answer interrogatories.

(e) otherwise knowingly misleads any immigration officer acting under paragraph (ii) of subsection (3) of section 3 or under subsection (4) of section 3, shall be guilty of an offence against this Act.

Admissibility of answers given in interrogation.

5. (1) Subject to subsection (3) of this section, all answers to questions lawfully put in interrogation under paragraph (ii) of subsection (3) of section 3, and all documents produced on requisition under subsection (4) of section 3, shall be admissible in evidence in relation to any matter arising under or connected with this Act or any regulations made thereunder, in any proceedings to which this section applies.

(2) This section shall apply to

(a) any civil proceedings; and

(b) any criminal proceedings in respect of an offence against section 4.

(3) Nothing in this section shall be construed as rendering any such answer or document admissible in evidence in any proceeding in which by any law in force in Antigua and Barbuda they would be inadmissible.

Power to prohibit entry of aliens.

6. Notwithstanding anything contained in this or any other Act, the Governor-General may, in his absolute discretion, by order prohibit the entry into Antigua and Barbuda of any alien, or class of aliens.

Enumeration of prohibited immigrants.

7. The following persons, not being citizens of Antigua and Barbuda, are prohibited immigrants—

(a) any person who is likely if he entered Antigua and Barbuda to become a public charge by reason of infirmity of body or mind or who is not in possession of sufficient means to support himself and such of his dependants as he shall bring with him to Antigua and Barbuda;

(b) any idiot or epileptic or any person who is insane or mentally deficient or any person who is deaf and dumb or deaf and blind or dumb and blind, unless in any such case he or a person accompanying him or

some other person gives security to the satisfaction of the Accountant-General for his permanent support in Antigua and Barbuda or for his removal therefrom whenever required by the Accountant-General;

(c) any person certified by a medical officer to be suffering from a contagious or infectious disease which makes his entry into Antigua and Barbuda dangerous to the community;

(d) any person who, not having received a free pardon, has been in any country convicted of an offence for which a sentence of imprisonment has been passed and who for this reason appears to be an undesirable immigrant;

(e) any person who is reasonably believed to have come to Antigua and Barbuda for any immoral purpose, or who, being a woman or girl, is reasonably believed to be a prostitute or to have come to Antigua and Barbuda for the purpose of prostitution;

(f) any alien or class of aliens prohibited from entering Antigua and Barbuda under the provisions of section 6;

(g) any person who, since attaining the age of fourteen years, has been convicted in any place of murder or an offence of a nature punishable in Antigua and Barbuda with imprisonment for a term of three years or more and who by reason of such conviction is deemed by an immigration officer to be an undesirable immigrant;

(h) the dependants of a prohibited immigrant

8. The entry of any of the following into Antigua and Barbuda is hereby prohibited—

Entry of certain persons prohibited.

(a) any person who is not a citizen of Antigua and Barbuda or class of persons who are not citizens of Antigua and Barbuda, whose entry into Antigua and Barbuda is deemed by Order of the Cabinet on economic grounds or on account of the standards or habit of life of such person or class of persons, to be undesirable; and

(b) any person not being a citizen of Antigua and Barbuda, who from information and advice that in the

opinion of the Cabinet is reliable information or advice, is deemed by Order of the Cabinet to be an undesirable inhabitant of or visitor to Antigua and Barbuda, and if any of the persons mentioned in paragraphs (a) and (b) of this section are at any time after the making of such Order found in Antigua and Barbuda such persons shall be deemed to be prohibited immigrants and may be dealt with as such.

Who are not prohibited immigrants.

9. The following persons or classes of persons shall not be prohibited immigrants for the purpose of this Act—

(a) Citizens of Antigua and Barbuda.

(b) Members of Her Majesty's regular, naval, military or air forces.

(c) Persons in the service of the Government of Antigua and Barbuda.

(d) Persons who are duly accredited to Antigua and Barbuda by or under the authority of Her Majesty or the Government of any Commonwealth or foreign state, or the wife, family, staff or servants of any such persons.

(e) Any other person or class of persons to whom this section may be applied by order of the Cabinet.

No prohibited immigrant to enter Antigua and Barbuda.

10. Except as otherwise specifically provided by this Act no prohibited immigrant shall enter Antigua and Barbuda, and where it is brought to the notice of the Chief Immigration Officer that a prohibited immigrant has entered Antigua and Barbuda after the commencement, and in contravention of any of the provisions of this Act, he shall exercise, in relation to such prohibited immigrant, his powers under section 24.

Power to postpone decision.

11. (1) The Chief Immigration Officer may for the purpose of making further inquiry and for such period as may be necessary therefor postpone deciding whether a person is or is not a prohibited immigrant.

(2) An immigration officer may grant a permit for an immigrant to disembark without prejudice to the question whether he is or is not a prohibited immigrant.

12. Where it is decided that an immigrant is not a prohibited immigrant, the Chief Immigration Officer shall, if so required, give that person the prescribed certificate. Certificate that a person is not a prohibited immigrant.

13. A decision by the Chief Immigration Officer that a person is not a prohibited immigrant given by mistake or in ignorance of any material facts or in consequence of any misrepresentation by the immigrant shall not affect the liability of the immigrant to be dealt with as a prohibited immigrant. Mistaken decision that a person is not a prohibited immigrant.

14. (1) No person shall enter Antigua and Barbuda by sea except at a port of entry. Control of entry.

(2) Subject to the provisions of section 15 of this Act no person shall land in Antigua and Barbuda from any place outside Antigua and Barbuda unless—

(a) he is in possession of a valid permit in writing granted to him under the provisions of this Act; or

(b) he is exempted from the provisions of this section under the provisions of subsection (5) of this section.

(3) Every person entering Antigua and Barbuda by air shall forthwith present himself in person to the nearest immigration officer.

(4) Every person entering Antigua and Barbuda shall if required by an immigration officer—

(a) make and sign the prescribed declaration; and

(b) submit to be examined by a medical officer.

(5) Subject to the other provisions of this Act any person who satisfies an immigration officer that he is a *bona fide* visitor within the meaning of section 20 of this Act, or that he comes within any of the categories of persons enumerated in section 9 of this Act, shall be entitled to land in Antigua and Barbuda without having obtained a permit under this Act.

(6) Any person who shall remain in Antigua and Barbuda after the expiration or cancellation of any permit

shall be deemed to have landed in Antigua and Barbuda contrary to the provisions of this section.

(7) Any person who lands in Antigua and Barbuda in contravention of this section shall be guilty of an offence against this Act.

(8) Any magistrate, on its being proved to his satisfaction on oath that any person has landed from a ship or aircraft contrary to the provisions of this Act, may grant a warrant under his hand requiring any police officer to apprehend such person and carry him on board such ship or aircraft, if it shall then be in Antigua and Barbuda, or to take such person before a magistrate to be dealt with as a prohibited immigrant.

Passports.

15. (1) Every person, other than a citizen of Antigua and Barbuda as hereinbefore defined, landing in Antigua and Barbuda from any place beyond Antigua and Barbuda shall be in possession of a passport, that is to say—

(a) in the case of a Commonwealth citizen, he shall have in his possession a passport of the commonwealth country of which he is a citizen;

(b) in the case of a British protected person, he shall have in his possession a British passport; and

(c) in the case of an alien (other than an alien who is a British protected person) he shall have in his possession a passport which has been visaed by a consular agent or consular officer in the service of the Government of Antigua and Barbuda or other person duly so authorised;

and shall produce the same to the Immigration Officer on demand.

(2) It shall be lawful for the Governor-General in his discretion by Order to exempt any persons or class of persons either permanently or for a limited period from all or any of the provisions of this section.

(3) Every person intending to depart from Antigua and Barbuda shall, if required to do so by an immigration officer, produce for inspection any passport, visa, document

evidencing nationality, document evidencing permission to enter any country, or other document of a like nature, in his possession.

(4) Any person who fails to comply with any such requirement shall be guilty of an offence against this Act.

16. Any person arriving in Antigua and Barbuda from any place beyond Antigua and Barbuda and claiming to be a British subject or a British protected person within the meaning of this Act but who is unable to satisfy the Chief Immigration Officer that he is such shall, until the contrary is proved to the satisfaction of the Chief Immigration Officer, be deemed to be an alien.

Persons claiming to be British subjects.

17. (1) Notwithstanding anything to the contrary in this Act contained, the Governor-General or by his direction the Chief Immigration Officer, may grant a permit for a prohibited immigrant (other than an immigrant to whom section 8 applies) to enter and remain in Antigua and Barbuda either unconditionally or subject to such conditions as to duration and place of residence, occupation, or any other matter or thing, whether prescribed or not, as the Governor-General may think expedient.

Permits for prohibited immigrants to reside in Antigua and Barbuda.

(2) Immigration officers may grant permits for prohibited immigrants to remain in Antigua and Barbuda for temporary purposes in accordance with the provisions of this Act.

18. (1) An immigration officer may, with the consent of a medical officer, grant a permit for an immigrant suffering from a contagious or infectious disease to remain in Antigua and Barbuda for the purposes of treatment, subject to such conditions as the medical officer may deem necessary for the protection of the community.

Temporary permits for sick persons.

(2) The grant of a permit under this section shall not prejudice a subsequent decision that the immigrant is a prohibited immigrant on another ground and any consequential action which may be taken under this Act.

(3) On the conclusion of his treatment or at such earlier time as may be specified in the permit or communicated to

him by the immigration officer, the immigrant shall present himself in person to the immigration officer for examination.

Temporary permits pending appeal etc.

19. (1) Whenever—

(a) a prohibited immigrant has delivered notice of appeal;

(b) a prohibited immigrant is ordered to leave Antigua and Barbuda;

(c) the Chief Immigration Officer postpones deciding whether a person is a prohibited immigrant; or

(d) security is required to be given in respect of an immigrant;

the Chief Immigration Officer may grant a permit for the immigrant to remain in Antigua and Barbuda for so long as the immigration officer considers necessary.

(2) In lieu of granting the permit or on revocation or expiration of the permit, the Chief Immigration Officer may cause the immigrant to be arrested and brought before a Magistrate's Court which may either order the permit to be granted, restored, or renewed and the immigrant to be released, or order the immigrant to be detained in custody until the matter is disposed of or until an opportunity occurs for him to leave Antigua and Barbuda, as the case may require.

Bona fide visitor.

20. (1) Subject to the provisions of this Act, a person shall be deemed to be a *bona fide* visitor to Antigua and Barbuda for the purposes of this Act if at the time of his landing and throughout the period during which he remains in Antigua and Barbuda he complies with the following conditions—

(a) he has a ticket or other means of travelling to some other country which he will be able to enter;

(b) his stay in Antigua and Barbuda is limited to six months;

(c) he does not engage in any gainful employment; and

(d) he does not behave in a manner prejudicial to the peace, order and good government of Antigua and Barbuda.

(2) The decision as to whether a person has acted in a manner prejudicial to the peace, order and good government of Antigua and Barbuda for the purposes of this section shall lie with the Cabinet.

(3) When any person who has landed and remained in Antigua and Barbuda as a *bona fide* visitor is in breach of any of the conditions mentioned in subsection (1) of this section, he shall thereupon cease to be deemed to be a *bona fide* visitor for the purposes of this Act, and unless in the meantime he has taken steps to obtain an entry permit under section 14 of this Act or he satisfies an immigration officer that he comes within the provisions of section 9 of this Act, he shall be deemed to be a person who has landed in Antigua and Barbuda without a permit in contravention of section 14 of this Act.

21. (1) In pursuance of any regulations in force for the time being and subject to such special or general directions as the Governor-General may see fit to give to any immigration officer, a permit to enter Antigua and Barbuda may be issued on the authority of the Chief Immigration Officer to any person not being a prohibited immigrant. Any such permit shall be in writing and shall be subject to such conditions as may be prescribed by regulations. **Entry permits.**

(2) Without prejudice to the other provisions of this Act, the Chief Immigration Officer may require any applicant for the grant of an entry permit—

(a) to furnish him with such evidence of good character in respect of himself and his dependants as he may consider necessary;

(b) to furnish him with medical certificates with respect to himself and his dependants certified by medical authorities acceptable to him and with such particulars as he may consider necessary;

(c) to satisfy him that he is able to maintain himself and his dependants in Antigua and Barbuda;

(*d*) to provide full particulars of any gainful occupation in which he proposes to engage;

(*e*) give a bond for such sum and with such securities as he may approve for securing payment of any public charges that may be incurred in respect of the applicant or his dependants:

Provided that the Governor-General may cancel any such bond at any time on being satisfied that the necessity for the bond no longer exists;

(*f*) to deposit with the Accountant-General such sum of money as may be prescribed by regulations made under this Act to defray the expenses of the transportation of the applicant and of his dependants to a country outside Antigua and Barbuda willing to receive him or them and such other sum as may be specified in such regulations;

(*g*) to produce evidence to his satisfaction of possession of a sum of money sufficient to enable him to maintain himself and his dependants during the period of his stay; and

(*h*) to furnish him with such particulars as he may consider material to the consideration of the application.

(3) Any permission granted by an immigration officer under this section to any person to land in Antigua and Barbuda may without prejudice to any express provision of this Act—

(*a*) be limited in duration to a time specified in the permission;

(*b*) be granted subject to compliances with such conditions or restrictions (if any) as the immigration officer or, the Chief Immigration Officer, may think desirable to impose;

(*c*) be granted by an immigration officer subject to the express condition contained therein that such permission is to be effective only if the Chief Immigration Officer grants a new permit within a time specified in such permission.

(4) Any conditions or restrictions imposed as aforesaid shall be communicated in writing to a person about to land.

(5) Any person who fails to comply with any condition or restriction imposed as aforesaid shall be guilty of an offence against this Act.

(6) Where a person, who has landed and remained in Antigua and Barbuda in pursuance of the provisions of paragraph (c) of subsection (3) of this section, has taken no steps to or has failed to obtain an entry permit signed by the Chief Immigration Officer he shall unless he can satisfy the Chief Immigration Officer that he comes within the provisions of section 9 of this Act be deemed to be a person who has landed in Antigua and Barbuda without a permit in contravention of section 14 of this Act.

(7) The Chief Immigration Officer or any immigration officer authorised in writing by the Chief Immigration Officer may in any case either withhold any permission or, as the case may be, grant any permission subject to any duration, condition or limitation without assigning any reason for that decision.

22. (1) Where any person desires to remain in Antigua and Barbuda after the expiration of a permit granted under this Act, he shall, before such expiration, present himself in person to the Chief Immigration Officer and shall be dealt with as if he were an immigrant entering Antigua and Barbuda for the first time. **Permits to extend stay.**

(2) For any permit granted to a person after the expiration of any permit granted to him under this Act there shall be paid by that person to the Chief Immigration Officer a fee—

(a) of fifty dollars where that person is a citizen of Barbados, Belize, the Commonwealth of Dominica, Grenada, the Co-operative Republic of Guyana, Jamaica, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines or of the Republic of Trinidad and Tobago;

(b) of fifty dollars where that person is a citizen of the United Kingdom and the Colonies of Anguilla, the British Virgin Islands or Montserrat; and

(c) of one hundred dollars in the case of citizens of the United Kingdom other than those specified in item (b) above and of any other person.

(3) All fees paid under the preceding subsection shall be paid by the Chief Immigration Officer into the Treasury.

Revocation of permits.

23. (1) A permit granted under this Act may at any time be revoked by the Governor-General or by the Chief Immigration Officer acting on the direction of the Governor-General, and may also be revoked where the terms of the permit so provide.

(2) Where a permit is revoked, the immigrant may be arrested and brought before a Magistrate's Court which shall deal with the immigrant according to law:

Provided that the Court may, if the permit was not revoked by or by the direction of the Governor-General, order the permit to be restored and the immigrant to be released.

Orders for prohibited immigrants to leave Antigua and Barbuda.

24. In the event of the Chief Immigration Officer deciding that a person is a prohibited immigrant, the Chief Immigration Officer may in his discretion—

(a) within fifteen days after the arrival of such person in Antigua and Barbuda, order him to leave Antigua and Barbuda within a specified period, and, if the Chief Immigration Officer sees fit, by a specified vessel; or

(b) cause him to be arrested and brought before a Magistrate's Court with a view to an order being made for his removal.

Removal orders.

25. (1) If any person is held to be a prohibited immigrant, then subject to the provisions of this Act and the terms of any permit granted under this Act, any Magistrate's Court may on the application of an immigration officer, or of any person deputed in writing by the Chief Immigration Officer for the purpose of making such

application, order the immigrant to be removed from Antigua and Barbuda and in the meantime to be detained in custody:

Provided that no application for such order shall be entertained in the case of a British subject (not being a person who entered Antigua and Barbuda in contravention of subsection (1) of section 14 or who, on entering Antigua and Barbuda, contravened or failed or refused to comply with subsections (2) or (3) of the said section) unless the application is made—

(a) if he entered Antigua and Barbuda in accordance with a permit granted under section 11, within six months after the decision of the Chief Immigration Officer that he is a prohibited immigrant;

(b) if he entered Antigua and Barbuda in accordance with a permit granted under section 18, within six months after the date on which such immigrant should have presented himself in person to the immigration officer for examination;

(c) if he entered Antigua and Barbuda in accordance with a permit granted under section 17, within six months after the expiry of such permit;

(d) in any case in which an appeal has been made to a Magistrate's Court or the Court of Appeal against a decision that he is a prohibited immigrant, within six months after the determination of the appeal;

(e) in other cases, within six months of his arrival in Antigua and Barbuda.

(2) Any immigrant ordered to be removed may be placed on board a suitable vessel by any police officer or immigration officer and may be lawfully detained in custody on board so long as the vessel is within the territorial sea of Antigua and Barbuda.

(3) Where an immigrant who is ordered to be removed is serving a sentence of imprisonment, the Governor-General may give directions as to whether the whole or what part of the sentence is to be served before removal. In default of such directions, the immigrant shall be removed after the completion of the sentence.

Master to furnish
list of passengers
and penalty for
false information.

26. (1) The master of a vessel from any place outside Antigua and Barbuda or departing from Antigua and Barbuda shall, if so required, furnish any immigration officer with a list in duplicate signed by himself of the names of all passengers in the vessel and such other information as may be prescribed and every such passenger shall supply the information necessary for the purpose of the list.

(2) Any master who shall either refuse to supply such list or to answer any such questions or who shall knowingly and wilfully give an untrue answer thereto shall be liable on summary conviction to a fine of three thousand dollars.

(3) Any passenger intending to enter Antigua and Barbuda who shall knowingly and wilfully supply any false information in respect of such list or in answer to any proper question put to him by an immigration officer in respect of the particulars required for such list or otherwise for the purposes of this Act shall be liable on summary conviction to a fine of three thousand dollars.

Master may
prevent landing.

27. The Master of a vessel may use all reasonable and proper means (including force if necessary) to prevent any person landing in Antigua and Barbuda contrary to the provisions of this Act.

Master to be
held harmless.

28. The master of any vessel may, on the desertion of any seaman, or the landing of any stowaway, or prohibited immigrant, on board his vessel, apply to a Magistrate who shall grant such application, unless there are special reasons for not doing so, for a warrant to arrest and convey back on board ship such seaman, stowaway, or prohibited immigrant, and on so doing such master shall be held harmless of all pains and penalties at law for so doing.

Liability of
vessel to
repatriate a
prohibited
immigrant.

29. (1) Any person to whom leave to disembark has been refused and who has not given notice of appeal as hereinafter provided shall be removed from Antigua and Barbuda by the master of the vessel in which he arrived, and by the same vessel, or with the consent of an immigration officer he shall be removed by the owner or agent of that vessel, by any other vessel, to the country to which he belongs or from which he embarked for Antigua and Barbuda.

(2) If an immigrant, in respect of whom notice was given to the master or local agent or owner of a vessel as required by subsection (1) of section 39, is ordered to be removed from or to leave Antigua and Barbuda within sixty days of his arrival in Antigua and Barbuda, the master of the vessel in which the immigrant arrived or of any vessel belonging to the same owner or chartered by him shall at the request of an immigration officer and on production to him of the order receive the immigrant (and any of his dependants whom he may have brought with him by the same vessel into Antigua and Barbuda) on board and afford them a passage to the country to which the immigrant belongs or from which he embarked for Antigua and Barbuda.

(3) In the event of the immigrant and his dependants being unable to defray the expenses of the passage required to be provided under the preceding subsections the master shall nevertheless provide the immigrant (and any of his dependants whom he may have brought with him by the same vessel into Antigua and Barbuda) with suitable accommodation and maintenance during the passage free of charge to the public funds of Antigua and Barbuda; saving nevertheless to the master the right to recover such expenses from the immigrant and his dependants.

(4) Except as provided in the preceding subsections, the expenses of passage of a prohibited immigrant and his dependants (if any) removed from Antigua and Barbuda shall be payable from the public funds of Antigua and Barbuda in so far as they are not defrayed by the immigrant and his dependants.

30. The master, owners and agents of any vessel from which any person lands in Antigua and Barbuda contrary to the provisions of this Act shall be jointly and severally liable for all expenses incurred by the Government in detaining and maintaining such person pending deportation and such expenses shall be recoverable as a debt due to the Crown from the master, owners and agents.

Master and owners of vessel liable for expenses.

31. (1) A Magistrate who is satisfied that any expenses have been or will be incurred by the Government in connection with the maintenance, medical treatment, or removal of an immigrant, his wife, children, or dependants

Recovery of expenses.

may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the immigrant.

(2) Such warrant may be executed in the same manner as a warrant for the levy of the amount of a fine under the Magistrate's Code of Procedure Act.

(3) The partial recovery of expenses under this section shall not prejudice the liability of any surety for the balance, nor shall the issue or execution of a warrant under this section be a condition precedent to the liability of a surety.

Certificate of identity.

32. The Chief Immigration Officer may in his discretion authorise the issue of a certificate of identity to any Citizen of Antigua and Barbuda and who desires to proceed thereout with the intention of returning and is for any reason apprehensive that he will be unable to prove on his return that he is not a prohibited immigrant.

Conditions and restrictions relating to permits and certificates.

33. (1) A person to whom a permit or certificate under this Act has been granted shall at all times produce it to any immigration officer or police officer on demand and shall not lend, transfer, or assign it to any other person.

(2) No person shall borrow or make use of a permit or certificate which has been granted under this Act to any other person.

(3) A person having in his possession a permit or certificate appearing to have been granted under this Act shall answer all questions put to him by an immigration officer for the purpose of establishing his identity with the person named in the permit or certificate, and shall, if so required by an immigration officer, submit to his finger-prints being taken for that purpose.

Photographs and fingerprints may be taken.

34. A person held to be a prohibited immigrant or to whom a permit is issued shall, if so required by any immigration officer, submit to his photograph and finger-prints being taken by such immigration officer or by any person deputed by the Chief Immigration Officer for the purpose.

35. A person detained in custody under this Act but not serving a sentence of imprisonment may be so detained either in the gaol or in any place appointed for the purpose by the Governor-General, but if detained in the gaol, shall be treated as a person awaiting trial. **Place of detention.**

36. (1) It shall be the duty of all police officers whenever necessary or at the request of an immigration officer to assist the immigration officer in the exercise of his powers and performance of his duties under this Act. **Police to assist immigration officers.**

(2) Where any customs officer or police officer has reasonable grounds for believing that any person on board any vessel which is in the territorial waters of Antigua and Barbuda outside any port of entry is preparing to land in Antigua and Barbuda in contravention of the provisions of this Act, he may board such vessel and exercise the powers conferred on an immigration officer under section 3 of this Act.

37. (1) It shall be lawful for Antigua and Barbuda Passports to be issued to persons who are citizens of Antigua and Barbuda. **Antigua and Barbuda Passports.**

(2) The design, form and contents of Antigua and Barbuda passports shall be such as are approved by Cabinet.

38. The Cabinet may make regulations prescribing — **Power to make regulations.**

- (a) the powers and duties of immigration officers;
- (b) the steps to be taken to prevent the entrance of prohibited immigrants to Antigua and Barbuda;
- (c) the ports of entry and the times, places and conduct of the inquiry or examination, medical or otherwise, of persons entering or desiring to enter Antigua and Barbuda, or who being found in Antigua and Barbuda are suspected of being prohibited immigrants;
- (d) the means to be taken for the identification of any person believed to be a prohibited immigrant, including the taking of photographs and finger impressions;

(e) lists of contagious or infectious diseases, the affliction with which will render a person a prohibited immigrant;

(f) the procedure for and the manner of the detention of prohibited immigrants pending their removal from Antigua and Barbuda and the procedure necessary for and the manner of such removal;

(g) the fees to be paid for the issue and renewal of passports and for Antigua and Barbuda visas on passports;

(h) the permits and the certificates which may be issued under this Act, the conditions upon which any such permit or certificate shall be issued, the circumstances under which they may be cancelled and the fees which may be charged for any such permit or certificate; and the deposit or security to be made or given by or in respect of any person granted an entry permit and the conditions subject to which such deposit or security may be forfeited;

(i) the forms of warrants, permits, certificates or other documents to be issued or used or of the declarations to be made or of the books to be kept for the purposes of this Act and the particulars to be inserted in any such document, declaration or book;

(j) generally for the better carrying out of the objects and purposes of this Act;

(k) penalties for the breach of any regulation made under this Act;

(l) penalties on persons who aid or abet any contravention of any regulations made under this Act.

Appeal against
detention or
restriction of
prohibited
immigrant.

39. (1) Whenever leave to enter Antigua and Barbuda is withheld by an immigration officer or whenever any person is detained, restricted or arrested as a prohibited immigrant notice of that fact and the grounds of refusal, detention, restriction or arrest shall be given by the officer to such person in the prescribed form. If such notice is given within seven days of the arrival of any immigrant, the immigration officer giving such notice shall also inform, if

known, the master or owner or local agent of the vessel by which the immigrant arrived that such notice has been given.

(2) Except as provided in this section, every immigrant to whom such notice has been given may appeal to the nearest Magistrate's Court. Notice of the appeal must be given to the Magistrate's Court and to the Chief Immigration Officer within seven days of the decision appealed against.

(3) An appeal shall lie from the decision of the Magistrate's Court to the Court of Appeal.

(4) No court fee shall be charged for the hearing of any appeal.

(5) Pending the hearing of an appeal to the Magistrate's Court no warrant shall be issued or enforced for the removal as a prohibited immigrant of the person so appealing but should it be held on the hearing of any such appeal that the immigrant to whom notice has been given under subsection (1) is a prohibited immigrant and should no appeal to the Court of Appeal from such decision be noted within fourteen days of the date of such decision the Magistrate shall issue a warrant for the removal of the prohibited immigrant. In like manner should it be held on appeal to the Court of Appeal that the appellant is a prohibited immigrant the Court shall issue a warrant for the removal of the prohibited immigrant.

(6) No appeal shall lie against the decision of the Governor-General or the Cabinet, as the case may be, in regard to any of the persons mentioned in paragraph (f) of section 7 and section 8 unless such appeal be directed to identify only of the person affected by the decision.

40. (1) Any prohibited immigrant who knowingly and wilfully lands or suffers himself to be landed and any person who knowingly lands or permits to land or procures to be landed or who aids or assists in landing any prohibited immigrant contrary to the provisions of this Act shall be guilty of an offence against this Act.

(2) Any person who—

(a) lands or wilfully assists any person to land in Antigua and Barbuda contrary to the provisions of this Act; or

(b) for the purpose of entering Antigua and Barbuda, or of remaining therein, in contravention of this Act, or of assisting any other person so to enter or so to remain, fabricates or falsifies any permit, passport, visa, certificate or other document or utters, uses or attempts to use any permit, passport, visa, certificate or other document which has not been issued by lawful authority, or which, though issued by lawful authority, he is not entitled to use, or any fabricated or falsified permit, passport, visa, certificate or other document, knowing it to have been fabricated or falsified; or

(c) fails to comply with or contravenes the conditions under which any permit, passport, visa, certificate or other document has been issued to him under this Act; or

(d) obstructs, hinders or opposes any immigration officer or police officer in the execution of his duty under this Act,

shall be guilty of an offence against this Act.

Penalty.

41. Any person guilty of an offence against this Act for which no express penalty is provided shall be liable on summary conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding six months; and in any case in which the offender has contravened or failed to comply with the provisions of subsections (1), (2) or (3) of section 14, proceedings may, notwithstanding anything to the contrary in the Magistrate's Code of Procedure Act, be brought at any time.
