



ST. HELENA

CHAPTER NO NOT ALLOCATED YET

IMMIGRATION CONTROL ORDINANCE

Revised Edition

showing the law as at 31 December 2008

This is an update to the revised edition of the law, prepared by the Attorney General under the authority of section 13 of the Revised Edition of the Laws Ordinance Cap. 2. and in accordance with section 10(3) of the said Ordinance.

This edition contains a consolidation of the following laws—

	Page
IMMIGRATION CONTROL ORDINANCE Ordinance 9 of 2008 ... in force on 8 December 2008 Gazette Notice No. 4 of 7 January 2009	3
IMMIGRATION (EXEMPTIONS) REGULATIONS Legal Notice 18 of 2008 ... in force 8 December 2008	31
IMMIGRATION CONTROL REGULATIONS Legal Notice 20 of 2008 ... in force 8 December 2008	35

IMMIGRATION CONTROL ORDINANCE

(*Ordinance 9 of 2008*)

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

[8 December 2008]

PART 1 PRELIMINARY

Citation and Commencement

1. (1) This Ordinance may be cited as the Immigration Control Ordinance, 2008. and shall come into force on such date as the Governor may appoint by Order in the *Gazette*.

(2) A 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 established by 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, adopted child, grandchild, parent, step-parent, grandparent, brother, sister, half-brother or half-

sister of the person if such relative is wholly or substantially dependent upon that person;

“**entry permit**” means a permit granted in accordance with section 18;

“**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);

(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;

“**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;

“**owner**” in relation to a vessel shall include a corporate body;

“**residence permit**” means a permit granted in accordance with section 19;

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

“**spouse**” excludes the spouses in a marriage the parties to which live permanently apart;

“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 22.

(2) Any notice or other document sent by the Board or by an immigration officer under this Ordinance shall be deemed to have been received by the addressee in the ordinary course of post.

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 and such other information as may be required concerning them.

(3) A master of a vessel who fails to comply with the requirements of this section is guilty of an offence and liable on summary conviction to a fine not exceeding £5000 or to imprisonment not exceeding 12 months or to both such fine and imprisonment.

PART 2 **ADMINISTRATION AND CONTROL**

Appointment of immigration officers

4. (1) The Governor may, by notice in the *Gazette*, 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 constable.

Powers and duties of immigration officers

5. (1) 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.

(2) 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.

(3) 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.

(4) Every person arriving in St. Helena shall produce a valid passport or other document (including a photograph) establishing his identity, nationality and citizenship.

(5) 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.

(6) 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.

(7) 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.

Establishment of Immigration Control Board

6. (1) There is hereby established a Board for the control of immigration into St. Helena.

(2) The Board shall consist of a Chairman, Deputy Chairman and three other members, all of whom shall be persons with St. Helenian status by right in accordance with section 15:

Provided that 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, by notice in the *Gazette*, for a term not exceeding three years.

(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 at any time, by notice in the *Gazette*, revoke the appointment of a member of the Board on the grounds of disability, neglect of duty or misconduct.

(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 an immigration officer; or
- (d) he is adjudged bankrupt.

(7) The Governor shall, by notice in the *Gazette*, appoint a public officer to be the Secretary of the Board, who shall—

- (a) maintain minutes of the meetings, proceedings and decisions of the Board;
- (b) maintain a register of applications for St. Helenian status under section 15(3), and of applications for residence and for work permits under sections 19 and 22;
- (c) maintain a register of the decisions reached on each application; and
- (d) 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 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—

- (a) if directed to do so by the Governor; or
- (b) on receipt of a written request, which shall state the subject matter of the request, by two members of the Board.

(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 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 and liable on summary conviction to a fine not exceeding £2,500.

Remuneration of members of the Board

10. The Chairman, Deputy Chairman and other 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) A member or Secretary of the Board shall not wilfully disclose to any other person who is not a member or Secretary of the Board, information relating to any matter which has been or is to be considered by the Board, and a person who acts in contravention of this subsection is guilty of an offence and liable on summary conviction to a fine not exceeding £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.

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

Appeals from decisions of immigration officer

12. 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.

Appeals from decisions of Board

13. 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 Governor within seven days of being notified of such decision, or such longer period as the Governor may, in his discretion, allow.

Appeal procedure

14. (1) Subject to the provisions of this section, the procedure relating to appeals shall be as prescribed in regulations made under section 41.

(2) No appellant shall 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 or the Governor, as the case may be, may (in their discretion) grant an appellant an oral hearing if it is considered the appeal can be more justly determined in that way.

(3) 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.

(4) On an appeal under section 13, the Governor 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 was an islander or 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 certificate 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 certificate 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, by order published in the *Gazette*, deprive any person to whom St. Helenian status has been granted under section 15(3) of that status if—

- (a) it is satisfied that the certificate granted 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 certificate; or
- (b) such person has been sentenced anywhere to imprisonment for 12 months or more.

(2) Before making any order under subsection (1), the Board shall give the person against whom the order is proposed to be made

notice in writing of the grounds thereof and requiring him to make any representations that he wishes within such period (being not less than 21 days from the date of notice) as it may specify.

(3) If a person to whom notice has been given in accordance with subsection (2) fails to make representations within the period specified, the Board may, if it thinks fit, make the order proposed, and shall in any event inform him of his right of appeal under section 13.

(4) Subject to the provisions of this section 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 or if he ceases to be domiciled in St. Helena.

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 the holder of either—

- (a) an entry permit; or
 - (b) a residence permit,
issued under this Ordinance.
- (2) This section shall not apply to—
- (a) a person in the service of the Crown;
 - (b) a dependant of a person who has St. Helenian status
 - (c) the dependants of a person referred to in paragraph (a), with respect to the entry into, or the remaining in, St. Helena of such dependants during the service of such person;
 - (d) a person who, upon arrival in St. Helena, is an officer or a member of the crew of a ship or aircraft which regularly visits St. Helena, and who is under an engagement requiring him to leave on that ship or aircraft;
 - (e) any consular officer within the meaning of the Vienna Convention on Consular Relations 1963.

(3) Any person who contravenes any of the provisions of subsection (1) is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 12 months, or to a fine not exceeding £5,000, or both.

Entry permits

18. (1) An application for an entry permit shall be made to an immigration officer in the prescribed form, and the immigration officer may require the applicant to provide additional information, or to provide evidence to substantiate any information provided, in order to satisfy the immigration officer—

- (a) that the applicant has adequate financial means to sustain himself and his dependants for the duration of the entry permit;
- (b) that the applicant and his dependants have adequate medical insurance (or other means of meeting the costs, including the cost of medical evacuation) in the event that medical treatment is required during the period of the permit; and
- (c) that the applicant and his dependants either are in possession of tickets to travel from St. Helena to their next destination, or have sufficient financial or other means to travel to their next destination.

(2) If the immigration officer is satisfied as to the matters in subsection (1), and that it would not be contrary to the public interest to grant an entry permit, he shall (subject to any regulations made under section 41(l)) grant an entry permit to the applicant for such period, not exceeding 90 days, as he may determine.

Residence Permits

19. (1) An application for a residence 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 matters listed in section 18(1); and
 - (b) the applicant's character and antecedents,

is satisfied that it would not be against the public interest to do so, it shall (subject to any regulations made under section 41(l)) grant a residence permit to the applicant for such period (subject to subsection (4)) not exceeding two years as it may determine.

(3) Any permit granted under this section shall cease to be valid if the holder is absent from St. Helena for a continuous period of more than one year.

(4) The Governor in Council may, in exceptional circumstances, authorise the Board to grant a residence permit for such period as the Governor in Council may determine.

(5) At any time not exceeding three months before the expiry of a residence 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 two 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.

Revocation of permits etc

20. (1) Any permit granted under this Part may be revoked by the Board if it has information sufficient to satisfy it that the holder—

- (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

21. (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—

(a) by a person in the course of his duties in the service of the Crown; or

(b) by a person who has been present in St. Helena for less than 90 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 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 22; or

(b) in any other case, by an Immigrant Employment Certificate issued under section 23.

(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 and liable on summary conviction to a fine not exceeding £2,500 or to imprisonment for a term not exceeding three months, or to both.

(b) Any person who employs an immigrant other than as authorised in accordance with subsection (2) is guilty of an offence and liable on summary conviction to a fine not exceeding £10,000 or to imprisonment for a term not exceeding 12 months, or to 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).

Work Permits

22. (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 41(1)) grant a work permit to the applicant for such period (subject to subsection (5)) not exceeding two years as it may determine.

(3) Section 20 applies to a work permit as it applies to a permit under Part 4.

(4) Any permit granted under this section shall cease to be valid if the holder is absent from St. Helena for a continuous period of more than six months.

(5) The Governor in Council may, in exceptional circumstances, authorise the Board to grant a work permit for such period 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 work¹ 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 two years) unless it is satisfied that circumstances

¹ The word “residence” was repealed and substituted by the word “work” – See Correction Notice published as Gazette Notice No. 4 of 7 January 2009.

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

23. (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 41(l)) grant an Immigrant Employment Certificate.

(4) Every Immigrant Employment Certificate issued shall specify—

- (a)** the name of the employer and the period 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

24. 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 this Part

25. (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.

“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.

- (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 either case) the structure and control of the body corporate is such that:

- (i) the total number of votes capable of being cast by 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 would become payable or due to immigrants.
- (3) The following interests in land are exempt interests, namely:
- (a) a lease, periodic tenancy, or a licence, in relation to land comprising residential accommodation, held by an immigrant who holds an entry permit or a residence permit, and where the lease, tenancy, or licence is incapable of continuing beyond the period of validity of the entry permit or residence permit;
 - (b) a lease, periodic tenancy, or a licence, in relation to land comprising residential accommodation, held by an immigrant who is exempt from entry control under section 17(2)(a), (b), or (d), and where the lease, tenancy, or licence is incapable of continuing beyond the period that the immigrant is lawfully in St. Helena;
 - (c) a lease, periodic tenancy, or licence, in relation to any land used or to be used by an immigrant for the purposes of any business activity in which he is authorised to participate by a work permit, where the lease, tenancy, or licence is incapable of continuing beyond the period of validity of the work permit;
 - (d) a mortgage or similar charge upon land granted as bona fide security for a loan;
 - (e) 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
 - (f) 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.

Controlled immigrants require licences to hold land

26. (1) Save as provided in this Part, no land in St. Helena may be acquired or held by a controlled immigrant except under the authority of a licence.

(2) A controlled immigrant who acquires or holds land in contravention of subsection (1) is guilty of an offence and liable to the penalties provided for in section 36.

(3) A person who, as grantor, lessor, transferor, or in any similar capacity, executes any instrument whereby he grants or

transfers land to a controlled immigrant who is not authorised to acquire or hold that land, or purports to do so, is guilty of an offence and liable on summary conviction to a fine not exceeding whichever is the higher of the amounts mentioned in subsection (4), or to imprisonment for a term not exceed in 12 months, or to both such fine and imprisonment.

(4) The amounts mentioned in subsection (3) are:

- (a) £5,000; and
- (b) the amount or value of any consideration received or to be received by that person for his executing the relevant instrument.

(5) A person is guilty of an offence, and liable to the penalties provided for in section 36, if (by any voluntary act of his, other than applying for probate or letters of administrator in the estate of a deceased person) he holds any land in St. Helena in trust for a controlled immigrant who is not authorised to have an interest in that land under the provisions of this Part.

(6) For the avoidance of doubt, the parties to any instrument are not guilty of an offence under subsection (2) or subsection (3) if the instrument is so expressed that the granting of a licence to the controlled immigrant is a condition precedent to the instrument taking effect.

Deemed permission in certain circumstances

27. (1) Subject to subsection (2), a controlled immigrant shall be deemed to hold a licence in relation to any land which he owns where—

- (a) he succeeds to the land under a will or on an intestacy;
- (b) having previously been an exempt body corporate, the body corporate has ceased to be exempt; or
- (c) having been a spouse or life partner of a person having St. Helenian status, he ceases to have that relationship.

(2) A deemed permission under subsection (1) is valid for a period of 12 months from the grant of probate or letters of administration, or from the date the body corporate ceased to be exempt, or from the date of the end of the relationship, as the case may be.

(3) Every director, secretary or other similar officer of an exempt body corporate which owns land, and every person who holds land and becomes the holder of a deemed permit under subsection (1)(c), shall, within 21 days of any event which causes the body

corporate to cease to be exempt, give written notice to the Attorney General of such event.

(4) A person who fails to comply with subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding £5,000, or to imprisonment for a term not exceed in 12 months, or to both such fine and imprisonment:

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 (3)).

Applications for licences

28. (1) Every application for a licence shall be in writing, in such form as may be prescribed, and shall be delivered to the public officer designated to receive it by regulations, accompanied by—

- (a) the prescribed fee; and
 - (b) such additional documents or information (if any) as may be prescribed.
- (2) Regulations made under section 41 shall provide for—
- (a) enquiries to be made by the designated public officer before submitting the application to the Chief Secretary;
 - (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.

(3) On receipt of an application in accordance with the Regulations, the Chief Secretary shall cause the same to be considered by the Governor in Council.

Determination of applications

29. (1) The Governor in Council may, if he thinks fit, grant a licence authorising a controlled immigrant to hold land or authorising 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.

Matters to be considered

30. (1) The Governor in Council shall not grant a licence unless he is satisfied that it is in the public interest to do so.

(2) Without prejudice to subsection (1), the matters to be considered by the Governor in Council when deciding whether or not to grant a licence, include—

- (a) the general state of the land market in St. Helena and the implications thereof for the availability of land in the foreseeable future;
- (b) the location, area, and physical state of the relevant land, and the economic and social implications of permitting that land to pass into the ownership of a controlled immigrant;
- (c) the use to which the controlled immigrant proposes to put the land, and the social and economic implications of that proposal for St. Helena; and
- (d) in the case of a proposed business development, whether the Governor in Council is satisfied that the business proposal is economically viable in the short term and sustainable in the longer term.

Breach of conditions

31. (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) A person who commits an offence under subsection (1) is liable to the penalties prescribed in section 36.

Offence of supplying false information

32. (1) A person is guilty of an offence if he wilfully or recklessly makes any false statement in support of, or for the purposes of, an application for a licence.

(2) A person who commits an offence under subsection (1) is liable to the penalties prescribed in section 36.

(3) A court before which the holder of a licence is convicted for an offence under subsection (1) shall (unless satisfied that the false statement made by him was of no consequence in the decision to grant the licence, the proof whereof shall lie on the defendant) order that the licence shall be for all purposes void *ab initio*:

Provided that—

- (a) a person shall not thereby become liable to prosecution for an offence under section 26 by reason of anything done prior to the date of the order under this subsection; and
- (b) the person who was granted the licence shall be deemed to hold a deemed permit under section 27 for a period of six months from the date of the order.

Investigation and Discovery

33. (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 other than criminal proceedings; and
- (b) in criminal proceedings for an offence of perjury or for an offence contrary to subsection (2).

(4) A person who commits an offence against subsection (2) is liable on summary conviction to a fine not exceeding £5,000 or imprisonment not exceeding 12 months, or both such fine and imprisonment.

Duties of Registrar of Lands

34. (1) Where any application is made to the Registrar of Lands for the registration of any transfer, lease, charge, or other instrument of land, and the Registrar has reason to suspect that the

transaction sought to be registered is of a type which is forbidden by, or requires a licence under, this Ordinance, 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.

PART 7 SUPPLEMENTARY

General offences

35. (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;
- (c) harbours or otherwise gives comfort and assistance to any person whom he knows or believes is in St. Helena in contravention of this Ordinance;
- (d) 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 thereunder.

(2) Any person guilty of an offence under this Ordinance for which no penalty is specifically provided shall be liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding £5,000, or both.

Penalties for offences

36. (1) The penalties referred to in sections 26(2), 26(5), 31(2), and 32(2) are—

- (a) on summary conviction, a fine not exceeding £5,000 or imprisonment not exceeding 12 months, or both such fine and imprisonment;

- (b) on conviction on indictment, a fine, or imprisonment not exceeding five years, or both.
- (2) On conviction on indictment, the Supreme Court may (in addition to any penalty imposed under subsection (1)(b), order that the relevant land or interest in land shall be forfeit to Her Majesty.
- (3) An order under subsection (2)—
 - (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.

Offences by bodies corporate

37. Where an offence under this Ordinance is committed by a body corporate and is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or of any person who was purporting to act in such capacity, he, as well as the body corporate, is guilty of that offence and liable to be proceeded against and punished accordingly.

Evidence

38. (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

39. (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.

(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 comply with any and all policy directions given pursuant to this section in the exercise of their respective powers and duties under this Ordinance and any regulations made thereunder.

Prohibited immigrants

40. (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.

(5) The master of a vessel shall have a duty to prevent any person declared to be a prohibited immigrant under this section from disembarking in St. Helena.

Regulations

41. 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.

Repeals and transitional provisions

42. (1) Subject to the provisions of this section, the Immigration Control Ordinance, Cap. 40, and the Immigrants' Landholding (Restriction) Ordinance, Cap 68, are repealed.

(2) Notwithstanding subsection (1) any permit, certificate or other authority, and any notice, form, order, direction or other authority given, issued, granted or made before the commencement of this Ordinance shall continue to be valid and have effect for such period as is stated therein, or until replaced under the provisions of this Ordinance.

(3) Any application, appeal, or other proceeding pending at the commencement of this Ordinance may be proceeded with and determined in all respects as if made or commenced under corresponding provisions of this Ordinance.

(4) Nothing in Part 6 renders unlawful the ownership of any land lawfully owned by a controlled immigrant immediately prior to the commencement of this Ordinance.

(5) 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 Ordinances mentioned in subsection (1).

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) has a sufficient knowledge of the English language; and
 - (c) 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
 - (d) was in St. Helena at the beginning of a period of seven 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 700;
 - (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;
 - (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.

Deleted: .

2. The requirements for the grant of St. Helenian status in the case of a person who is married to a person having St. Helenian status are—

- (1) that the applicant—
 - (a) has been so married and not separated under a Court Order or a Deed of Separation for a period of 5 years; and
 - (b) is of good character; and

- (c) 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 250;
 - (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 41 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 (EXEMPTIONS) REGULATIONS – SECTION 41(m)

(Legal Notice 18 of 2008)

Citation and commencement

1. These Regulations may be cited as the Immigration (Exemptions) Regulations, 2008, and shall come into force on the date that the Ordinance comes into force.

Exemptions from Employment Control

2. (1) Immigrants who, being lawfully present in St. Helena in accordance with Part 4 of the Ordinance, engage in work of a type described in Schedule I are exempt from the provisions of section 21(2) of the Ordinance.

(2) For the avoidance of doubt, neither the employee nor the employer, in the circumstances described in paragraph (1), is guilty of an offence under section 21(5) of the Ordinance.

Exemptions from Entry Control

3. (1) In the case of an immigrant who intends to enter St. Helena for the purpose of engaging in employment of a type described in-

- (a) Part A; or
- (b) Part B;

of the said Schedule I (or is a dependant of such an immigrant), the Chief Secretary may direct that such immigrant shall be exempt from the provisions of section 17(1) of the Ordinance;

(2) A direction under paragraph (1) may be in respect of a single immigrant or in relation to a number of immigrants who are to be employed in similar work or in relation to a common enterprise, and shall be valid for such period of time as is specified therein.

(3) The Chief Secretary shall not so direct unless he has received in relation to each immigrant, from the person intending to employ the immigrant, all of the documents and information listed in Schedule II.

Fees

3. (1) The fees specified in Schedule III 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
(Exempt Employment)**Part A**
(Employment in connection with ‘Approved Investments’)

Work done by a person engaged, whether by way of employment or self-employment, solely in connection with an Approved Investment under the provisions of the Economic Development Ordinance, 2007.

Part B
(Employment in connection with Airport Development)

Work done by a person, whether by way of employment or self-employment, in connection with a contract made by the Governor in Council under the provisions of section 3 of the Airport Development Ordinance, 2006.

Part C
(Work done for the Crown)

Work done by a person pursuant to 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 services are provided to the said Government of St. Helena.

SCHEDULE II
(Information Required under Regulation 3))

1. All the information required (under the Ordinance, including Regulations made thereunder) to be provided by an applicant in the prescribed form of application for a Residence Permit;

2. A written assurance from the prospective employer that (to the best of his knowledge and belief, having made such relevant enquiries as are lawful in the country of recruitment) the prospective employee:

- (a) is free from communicable diseases;
- (b) has not committed any criminal offence (other than minor traffic offences);
- (c) has not previously contravened any immigration control law in any country;

and that the employer will make adequate arrangements for:

- (i) living accommodation, health (including medical evacuation), and welfare of the employee and any dependants;
- (ii) repatriation of the employee (and any dependants) on completion of the period of employment.

SCHEDULE III
(Fees)

Fee N°	Matter	Fee (£)
1	Administration Fee Payable on each occasion when an application is made to the Chief Secretary under regulation 3(1)(a): for each immigrant included in the application	30.00
2	Fee on granting a Direction under regulation 3 For each man-year (being the number of immigrants included in the direction multiplied by the number of years or part years of the validity of the direction), a fee of	10.00

IMMIGRATION CONTROL REGULATIONS - SECTION 41

(*Legal Notice 20 of 2008*)

Part I *Preliminary*

Citation and commencement

1. These Regulations may be cited as the Immigration Control Regulations, 2008, and shall come into force on 8 December 2008.

Part II *Entry into St Helena*

Declaration on landing

2. (1) All persons landing in St. Helena shall make and sign a declaration in accordance with Form A in the First Schedule and shall present such form to an immigration officer as soon as is practicable after entering the territory.

(2) A declaration under subparagraph (1) shall serve as an application for an entry permit.

Entry permit

3. An entry permit issued in accordance with section 18 of the Ordinance may be in the form of an endorsement in the Immigrant's passport, in such form as the Governor may from time to time approve, and different forms may be approved for use in different circumstances.

Interrogation and medical examination of persons seeking entry

4. (1) Any person seeking to enter St. Helena shall fully and truthfully answer all questions and enquiries put to him by an immigration officer tending directly or indirectly to establish 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.

(2) 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.

Part III *Residence permit*

Application for residence permit

5. An application for a residence permit shall be made to the Board in accordance with Form B set out in the First Schedule.

Residence permit

6. (1) A residence permit issued in accordance with section 19 of the Ordinance shall be in accordance with Form C set out in the First Schedule with such conditions attached thereto as the case may require.

(2) If the circumstances so require, the Board may at any time vary the conditions attached to an entry permit.

Part IV
Work permit and employment of immigrants

Application for work permit

7. (1) An application for a work permit shall be made to the Board in accordance with Form D set out in the First Schedule.

(2) The Board may, if in the circumstances of a particular case it considers it appropriate to do so, advertise an application for a work permit in a local newspaper and in such instance such advertisement shall state that objections, in writing, to the grant of a work permit may be lodged with the Board within thirty days of the date of first publication.

Work permit

8. (1) A work permit issued in accordance with section 22 of the Ordinance shall be in accordance with Form E set out in the First Schedule with such conditions attached thereto as the case may require.

(2) If the circumstances so require, the Board may at any time vary the conditions attached to a work permit.

Application for Immigrant Employment Certificate

9. (1) An application for an immigrant employment certificate shall be made to the Board in accordance with Form F set out in the First Schedule.

(2) An applicant under sub-regulation (1) shall use his best endeavours to ascertain whether or not there are any persons with St. Helenian status ready, willing and able to undertake the job in question before making an application for an immigrant employment certificate.

(3) The Board may, if in the circumstances of a particular case it considers it appropriate to do so, advertise an application for a work permit in a local newspaper and in such instance such advertisement shall state that objections, in writing, to the grant of a work permit may be lodged with the Board within thirty days of the date of first publication.

(4) The Board may, if it considers it in the public interest so to do, dispense with advertisement in any case having regard to the nature and circumstances of such case.

Immigrant Employment Certificate

10. (1) An immigrant employment certificate issued in accordance with section 23 of the Ordinance shall be in accordance with Form G set out in the First Schedule with such conditions attached thereto as the case may require.

(2) If the circumstances so require, the Board may at any time vary the conditions attached to an immigrant employment certificate.

Part V ***Landholding Licence***

Application for landholding licence

11. An application for a landholding licence shall be made in accordance with Form H set out in the First Schedule and shall be submitted to the Registrar of Lands together with the fee payable in respect thereof.

Consideration of application

12. (1) Upon receipt of an application for a landholding licence under regulation 11, the Registrar of Lands shall—

- (a) check that the particulars given in the application, concerning the land to be acquired, accord with the records in the Land Register;
- (b) consult the Chief Immigration Officer in order to verify, so far as may be practicable, the particulars of the applicant(s) and of any visits made to the Island by him or them.

(2) The Registrar of Lands shall publish notice of the application in the *Gazette* stating that any person may object to the application by sending notice of objection, in writing, to the Registrar of Lands within 30 days from the date of publication.

(4) In affording the applicant an opportunity to make comments on any objections made under sub-regulation (3), it shall be sufficient if the Registrar (without identifying the objector or objectors) notifies the applicant of the substance of each objection:

Provided that, if it appears to the Governor in Council that the interests of justice so require, he may direct, in any particular case, that the identities of objectors shall be disclosed.

(5) The Registrar of Lands shall make a report of the circumstances to the Chief Secretary, who shall then cause the application to be placed before the Governor in Council, provided that such report shall not be made until the time allowed for objections has passed and the applicant has been given an opportunity to comment upon any objections made.

Landholding licence

13. An immigrant landholding certificate issued under section 29 of the Ordinance shall be in accordance with Form I set out in the First Schedule with such conditions attached thereto as the case may require.

Part VI

*Declaration of St Helenian status***Application for the grant or declaration of St. Helenian status**

14. (1) An application for the grant of St. Helenian status, made to the Board under section 15(3) of the Ordinance, shall be made in accordance with Form J set out in the First Schedule.

(2) An application by a person to the Board under section 15(4) of the Ordinance for a certificate that such person has St Helenian status, shall be made in accordance with Form K set out in the First Schedule.

Certificate of status

15. A certificate of St. Helenian status—

- (a) granted by the Board shall be made in accordance with Form L set out in the First Schedule; or
- (b) to which a person is entitled by virtue of section 15(1) or (2) of the Ordinance, shall be made in accordance with Form M set out in the First Schedule.

Part VII
Appeals

Appeal from decision of immigration officer

16. (1) Any person wishing to appeal against a decision of an immigration officer under section 12 of the Ordinance (“the appellant”) shall address a notice of appeal to the Secretary of the Immigration Control Board in accordance with Form N set out in the First Schedule specifying the decision appealed against and the grounds of such appeal.

(2) The appellant shall serve a copy of the notice of appeal on the Chief Immigration Officer (“the respondent”) who shall have the right to reply thereto.

(3) The Board shall fix a date for the hearing of the appeal and on that date, may either determine the appeal upon the facts contained in the notice of appeal and the reply thereto, or, they may hear such further evidence as may be required and available.

(4) The Board shall communicate its decision, in writing, to the appellant and the respondent within 21 days.

Appeal from decision of the Immigration Control Board

17. (1) Any person wishing to appeal against a decision of the Immigration Control Board, under section 13 of the Ordinance, shall submit a notice of appeal in accordance with Form O set out in the First Schedule, to the Secretary of the Board.

(2) The Secretary shall send the notice of appeal to the Governor within 14 days, together with—

- (a) such comments (if any) as the Chairman of the Board may wish to make on such notice of appeal; and
- (b) all documents relating to the previous appeal.

(3) The Secretary shall submit to the appellant copies of all documents sent to the Governor under subparagraph (2).

(4) The Governor may determine the appeal upon the facts contained in the documents submitted to him, or he may invite further evidence or information from the appellant or the Board.

Part VIII
Miscellaneous

Fees

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

(2) The Governor in Council may, if the circumstances so warrant, reduce, waive or refund in whole or in part the fees set out in the Second Schedule to these Regulations either generally or specifically—

- (a) in respect of certain documents; or
- (b) when any event happens or ceases to happen; or
- (c) in respect of certain persons or classes of persons,

and may be expressed to apply subject to such conditions as may be specified by the Governor in Council.

First Schedule**Form A**
(Regulation 2(1))**St. Helena
Immigration Control Ordinance, 2008****Arrival Declaration*****IMPORTANT: Please read the notes overleaf before completing this form.***

1. Surname(s) (family name(s)):

2. Other name(s):

3. Home Address:

Telephone: Fax:
Email:

4. Date of Birth (dd/mm/yyyy)

5. Gender Male
 Female

6. Occupation/profession:

7. Employer and employer's address:

8. Place and Country of Birth:

9. Nationality:

10. Marital Status:

11. Type of Travel Document

 National Passport Diplomatic Passport Other (specify)
.....

12. Passport Number:

13. Issued by:

14. Date of issue:

15. Valid until:

16. Do you hold a valid residence permit? <input type="checkbox"/> Yes <input type="checkbox"/> No										
17. I claim exemption from entry control under paragraph _____ in Note 1 below.										
18. If you live in a country other than your country of origin, have you permission to return to that country? <input type="checkbox"/> Yes <input type="checkbox"/> No. If No, please state why										
19. What is your purpose for visiting St. Helena?										
<table border="1"> <tr> <td><input type="checkbox"/> Tourism</td> <td><input type="checkbox"/> Business</td> <td><input type="checkbox"/> Visiting friends or family</td> </tr> <tr> <td><input type="checkbox"/> Official</td> <td><input type="checkbox"/> Transit</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (please specify)</td> <td colspan="2">.....</td> </tr> </table>		<input type="checkbox"/> Tourism	<input type="checkbox"/> Business	<input type="checkbox"/> Visiting friends or family	<input type="checkbox"/> Official	<input type="checkbox"/> Transit		<input type="checkbox"/> Other (please specify)	
<input type="checkbox"/> Tourism	<input type="checkbox"/> Business	<input type="checkbox"/> Visiting friends or family								
<input type="checkbox"/> Official	<input type="checkbox"/> Transit									
<input type="checkbox"/> Other (please specify)									
20. Date of arrival	21. Date of departure									
22. Contact address while in St. Helena.										
23. Declaration: <i>I declare that, to the best of my knowledge, all particulars supplied by me are correct and complete.</i>										
24. Signature	25. Date (dd/mm/yyyy)									

Notes

1. It is unlawful for any person to enter or remain in St. Helena unless he or she is exempt from entry control or has been granted either an entry permit or a residence permit; those exempt from entry control are:

- (a) a person who has St. Helenian status or is a dependant of a person who has such status;
- (b) a person in the service of the Crown;
- (c) the dependants of a person referred to in paragraph (b), with respect to the entry into, or the remaining in, St. Helena of such dependants during the service of such person;
- (d) a person who, upon arrival in St. Helena, is an officer or a member of the crew of a ship which regularly visits St. Helena, and who is under an engagement requiring him to leave on that ship; and
- (e) any consular officer within the meaning of the Vienna Convention on Consular Relations 1963.

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

3. It is a criminal offence to give false information on this form.

Form B <i>(Regulation 5)</i> St. Helena Immigration Control Ordinance, 2008											
Application for a Residence Permit											
IMPORTANT: Please read the notes overleaf before completing this form											
1. Surname(s) (family name(s)) 2. Other name(s) 3. Home Address Telephone: _____ Fax: _____ Email: _____											
4. Date of Birth (dd/mm/yyyy)		5. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female									
6. Occupation/profession											
7. Employer and employer's address.											
8. Place and Country of Birth											
9. Nationality		10. Marital Status									
11. Type of Travel Document <input type="checkbox"/> National Passport <input type="checkbox"/> Diplomatic Passport <input type="checkbox"/> Other (specify)											
12. Passport Number		13. Issued by									
14. Date of issue		15. Valid until									
18. For what purpose do you wish to reside in St. Helena?											
<table border="1"> <tr> <td><input type="checkbox"/> Tourism</td> <td><input type="checkbox"/> Business</td> <td><input type="checkbox"/> Visiting friends or family</td> </tr> <tr> <td><input type="checkbox"/> Official</td> <td><input type="checkbox"/> Transit</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (please specify)</td> <td colspan="2">.....</td> </tr> </table>			<input type="checkbox"/> Tourism	<input type="checkbox"/> Business	<input type="checkbox"/> Visiting friends or family	<input type="checkbox"/> Official	<input type="checkbox"/> Transit		<input type="checkbox"/> Other (please specify)	
<input type="checkbox"/> Tourism	<input type="checkbox"/> Business	<input type="checkbox"/> Visiting friends or family									
<input type="checkbox"/> Official	<input type="checkbox"/> Transit										
<input type="checkbox"/> Other (please specify)										
21. Contact address while in St. Helena.											

<p>20. Means of financial support during your stay:</p> <p><input type="checkbox"/> Cash <input type="checkbox"/> Traveller's Cheques <input type="checkbox"/> Credit Cards</p> <p><input type="checkbox"/> Other (specify)</p> <p><input type="checkbox"/> Medical insurance² (including medi'vac) underwritten by</p> <p>and valid until (dd/mm/yyyy)20....</p>																												
<p>22. Do you (or any of your accompanying family) have a criminal record?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(Your answer must be verified by an appropriate certificate from your country of origin and (if applicable) your current country of residence)</p>																												
<p>23. Do you (or any of your accompanying family) suffer from:</p> <table border="1"> <tr> <td>Mental disorder</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>Infectious or Communicable Disease</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> </table> <p>If yes, give details:</p> <p style="text-align: right;">Continue on a separate sheet if necessary</p>				Mental disorder	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Infectious or Communicable Disease	<input type="checkbox"/> Yes	<input type="checkbox"/> No																			
Mental disorder	<input type="checkbox"/> Yes	<input type="checkbox"/> No																										
Infectious or Communicable Disease	<input type="checkbox"/> Yes	<input type="checkbox"/> No																										
<p>24. Details of family who will accompany you³:</p> <table border="1"> <thead> <tr> <th></th> <th>Surname</th> <th>Other Name(s)</th> <th>Date of Birth</th> <th>Relationship</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td><td></td></tr> </tbody> </table> <p style="text-align: right;">Continue on a separate sheet if necessary.</p>					Surname	Other Name(s)	Date of Birth	Relationship	1					2					3					4				
	Surname	Other Name(s)	Date of Birth	Relationship																								
1																												
2																												
3																												
4																												
<p>25. Visit Details:</p> <table border="1"> <tr><td>Date of Arrival (dd/mm/yyyy)</td><td></td></tr> <tr><td>Date of expiry of any existing Entry Permit or other authority to land (dd/mm/yyyy)</td><td></td></tr> <tr><td>Date on which you wish your new Residence Permit to take effect (dd/mm/yyyy)</td><td></td></tr> <tr><td>Date until which you wish to be permitted to remain in St. Helena (dd/mm/yyyy)</td><td></td></tr> </table>				Date of Arrival (dd/mm/yyyy)		Date of expiry of any existing Entry Permit or other authority to land (dd/mm/yyyy)		Date on which you wish your new Residence Permit to take effect (dd/mm/yyyy)		Date until which you wish to be permitted to remain in St. Helena (dd/mm/yyyy)																		
Date of Arrival (dd/mm/yyyy)																												
Date of expiry of any existing Entry Permit or other authority to land (dd/mm/yyyy)																												
Date on which you wish your new Residence Permit to take effect (dd/mm/yyyy)																												
Date until which you wish to be permitted to remain in St. Helena (dd/mm/yyyy)																												
<p>26. Any additional information which you wish the Board to take into account:</p>																												
<p>27. Declaration: <i>I declare that, to the best of my knowledge, all particulars supplied by me are correct and complete.</i></p>																												
<p>28. Signature</p>		<p>29. Date of Signature (dd/mm/yyyy)</p>																										

² The Board will require you to produce written evidence of adequate cover.

³ Each person must make a separate application for a Residence Permit.

Notes

1. It is unlawful for any person to enter or remain in St. Helena unless he or she is exempt from entry control or has been granted either an entry permit or a residence permit; those exempt from entry control are:
 - (a) a person who has St. Helenian status or is a dependant of a person who has such status;
 - (b) a person in the service of the Crown;
 - (c) the dependants of a person referred to in paragraph (b), with respect to the entry into, or the remaining in, St. Helena of such dependants during the service of such person;
 - (d) a person who, upon arrival in St. Helena, is an officer or a member of the crew of a ship which regularly visits St. Helena, and who is under an engagement requiring him to leave on that ship; and
 - (e) any consular officer within the meaning of the Vienna Convention on Consular Relations 1963.
2. Separate restrictions apply as to employment and land ownership by immigrants.
3. It is a criminal offence to give false information on this form.
4. The maximum duration of a Residence Permit is two years, but it may be renewed successively thereafter.

FORM C*(Regulation 6)***St. Helena
Immigration Control Ordinance, 2008****Residence Permit**

Subject to the conditions specified hereunder,

Name: _____ of (Address) _____

is permitted to enter and remain in St. Helena during the period for which this permit is issued in the capacity only of: _____

Dated this _____ day of _____ ,

Immigration Control Board

CONDITIONS

1. The holder of this permit may enter and remain in St. Helena for a period of _____ from the date of this permit.
2. The holder of this permit shall notify the Chief Immigration Officer of any alteration in the intentions contained in his application form in relation to his proposed length or place of stay 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 ("the Board") at the time of the application, would, in the opinion of the Board, have justified refusal of this permit; or
 - (b) has been sentenced anywhere to imprisonment for not less than six months; or
 - (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, in the opinion of the Board, 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.

<p style="text-align: center;">Form D (Regulation 7)</p> <p style="text-align: center;">St. Helena Immigration Control Ordinance, 2008</p> <p style="text-align: center;">Application for a Work Permit</p> <p><i>IMPORTANT: Please read the notes overleaf before completing this form.</i></p> <p>1. Surname(s) (family name(s))</p>

2. Other name(s)	
3. Home Address	
Telephone:	Fax:
Email:	
4. Date of Birth (dd/mm/yyyy)	5. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
6. Occupation/profession	
7. Current Employer and employer's address.	
8. Place and Country of Birth	
11. Type of authority to enter/remain in St. Helena <input type="checkbox"/> Entry Permit <input type="checkbox"/> Residence Permit Issued on and valid until	
17. Date to begin work (dd/mm/yyyy)	18. Date to finish work (dd/mm/yyyy)
16. Work to be undertaken:-	
22. Qualifications & any Special skills/experience	
26. Any additional information which you wish the Board to take into account:	
27. Declaration: <i>I declare that, to the best of my knowledge, all particulars supplied by me are correct and complete.</i>	
28. Signature	29. Date of Signature (dd/mm/yyyy)

Notes

1. It is unlawful for any person to engage in employment (including self-employment) in St. Helena unless he or she has St. Helenian status, or is engaged in work which exempt from employment control, or the work is authorised either by a Work Permit or under an Immigrant Employment Certificate. **A Work Permit is the appropriate form of permission for self-employment.** The work which is exempt from employment control is:
 - (a) work done by a person employed in the service of the Crown;
 - (b) work done by a person who has been present in St. Helena for less than 90 days in the preceding 12 months.
2. Separate restrictions apply in relation to entry/residence, and as to land ownership, by immigrants.
3. It is a criminal offence to give false information on this form.
4. The maximum duration of a Work Permit is two years, but it may be renewed successively thereafter.

FORM E

(Regulation 8)

**St. Helena
Immigration Control Ordinance, 2008**

Work Permit

Subject to the conditions specified hereunder this Work Permit is issued to:

1. Name _____ of (Address) _____ for the purpose of engaging in the following employment in St. Helena, namely:
[Insert nature of work in which holder may engage] _____
for the period for which this permit is issued.
2. *[Complete only if holder is not to be self-employed]* Name of Employer _____
Address of Employer _____
Nature of Business of Employer _____
3. *[Insert the name and relationship of all dependants who will reside with the permit holder for the period for which this permit is issued]* _____

Dated this _____ day of _____,

Immigration Control Board**CONDITIONS**

1. The holder of this permit is permitted to work in St. Helena for a period of _____ from the date of this permit.
2. The holder of this permit shall immediately inform the Secretary of 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

1. No person other than a person who has St. Helenian Status and the spouse of a person who has St. Helenian Status may lawfully work in St. Helena unless the work is authorised by a valid work permit or an 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 ("the Board") at the time of the application, would, in the opinion of the Board, have justified refusal of this permit; or
 - (b) has been sentenced anywhere to imprisonment for not less than six months; or
 - (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, in the opinion of the Board, is contrary to the maintenance of Public Order.

Form F (<i>Regulation 9</i>)
St. Helena Immigration Control Ordinance, 2008

Application for an Immigrant Employment Certificate	
IMPORTANT: Please read the notes overleaf before completing this form.	
1. Surname(s) (family name(s)) or Company name	
2. Other name(s) (for individuals)	
3. Business address	
Telephone:	Fax:
Email:	
6. Nature of business or profession	
7. Current number of employees: a. St. Helenians b. Others	
16. Work to be undertaken by immigrants (see note 4):-	
22. Details of any Special skills/experience which you are seeking to recruit:	
23. Describe the arrangements to be made for accommodation, health, welfare, and eventual repatriation of the immigrant(s)	
26. Any additional information which you wish the Board to take into account:	
27. Declaration: <i>I declare that, to the best of my knowledge, all particulars supplied by me are correct and complete.</i>	
28. Signature	29. Date of Signature (dd/mm/yyyy)

Notes

1. It is unlawful for any person to engage in employment (including self-employment) in St. Helena unless he or she has St. Helenian status, or is engaged in work which exempt from employment control, or the work is authorised either by a Work Permit or under an Immigrant Employment Certificate. The work which is exempt from employment control is:
 - (a) work done by a person employed in the service of the Crown;
 - (b) work done by a person who has been present in St. Helena for less than 90 days in the preceding 12 months.

An Immigrant Employment Certificate is the appropriate form of permission for an employer to employ immigrants in work which would otherwise be unlawful.

2. Separate restrictions apply in relation to entry/residence, and as to land ownership, by immigrants.
 3. It is a criminal offence to give false information on this form.
 4. An immigrant Employment Certificate may authorise the employment of more than one immigrant, or immigrants to do more than one type of work; in this space please specify the type(s) of work to be done and the number of immigrants you wish to employ on each type of work.
 5. Please attach additional sheets if the space available in any part of the form is inadequate.
-

FORM G

(Regulation 8)

**St. Helena
Immigration Control Ordinance, 2008
Immigrant Employment Certificate**

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

1. Name _____ of (Address) _____ ('the Employer'): _____
2. The Employer is hereby authorised to employ immigrants to carry out work of the type(s) described in condition 1 below.

Dated this _____ day of _____,

Immigration Control Board

CONDITIONS

1. This certificate is valid for a period of _____ from the date hereof, and authorises the employment of _____ immigrant(s) to undertake work of the following kind(s):
2. The Employer shall immediately inform the Secretary of the Immigration Control Board of any change in his information given in, or in support of, the

application for this Certificate.

3. [Insert other conditions as necessary]

WARNING

1. No person other than a person who has St. Helenian Status and the spouse of a person who has St. Helenian Status may lawfully work in St. Helena unless the work authorised by a valid work permit or an immigrant employment certificate.

Form H (Regulation 11)	
St. Helena Immigration Control Ordinance, 2008	
Application for an Immigrant Landholding Licence	
<i>IMPORTANT: Please read the notes overleaf before completing this form.</i>	
1. Surname (family name) of first applicant or representative of a corporate applicant	
2. Other name(s)	
3. Address	
Telephone:	Fax:
Email:	
Name, country of incorporation, and Registered Office of corporate applicant	
8. If not corporate, total number of applicants: (Full details of each applicant must be shown overleaf)	
9. The Land:	
Location (Give Land Registry Section, Block, & Parcel Number)	Section: Block Parcel:
Area	
Interest to be acquired	<input type="checkbox"/> Freehold

		<input type="checkbox"/> Leasehold, for years <input type="checkbox"/> Other (specify):
Current Use of land/building(s)		
intended Use of land/building(s)		
18. Any additional information you wish to provide:		
23. Signature	24. Date (dd/mm/yyyy)	

Personal Details of Individual Applicants
 (All sections must be completed – write ‘unknown’ where appropriate)

Full Name (Surname <u>underlined</u>)	Gender (‘M’ or ‘F’) and Date of Birth (dd/mm/yy)	Relationship to First Applicant	Profession or Occupation	Nationality	Will person reside in St. Helena
		SELF			

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 unless he or she holds a licence to do so issued by the Governor in Council.
 2. This form is designed to gather the basic information needed to enable the Governor in Council to consider an application, but additional information may be requested in specific cases.
 3. It is a criminal offence to give false information on this form.
-

<p>Form I <i>(Regulation 13)</i></p> <p>St. Helena Immigration Control Ordinance, 2008</p>
<p>Immigrant Landholding Licence</p>
<p>IN EXERCISE of the powers conferred upon me by section 29(1) of the Immigration Control Ordinance, 2008, I hereby grant unto (hereinafter called the 'licensee') a licence to hold a freehold/leasehold* interest in the following land:</p> <p>This licence to hold land is subject to the following conditions:</p> <p style="text-align: center;">Dated this _____ day of _____ 20 .</p> <p style="text-align: right;">..... Governor</p> <p>(*delete whichever is not applicable)</p>
<p>NOTE</p> <p class="list-item-l1">(1) This Licence is not a document of title, nor does it imply any warranty as to the title of any person.</p> <p class="list-item-l1">(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>

<p>Form J <i>(Regulation 14(1))</i></p> <p>St. Helena Immigration Control Ordinance, 2008</p>
<p>Application for Grant of St. Helenian Status</p>
<p>IMPORTANT: Please read the notes overleaf before completing this form.</p>
1. Surname(s) (family name(s)):

2. Other name(s):		
3. Home Address: Telephone: Fax: Email:		
4. Date of Birth (dd/mm/yyyy):	5. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	
8. Place and Country of Birth:		
9. Nationality:	10. Marital Status:	
11. Type of Identity Document <input type="checkbox"/> National Passport <input type="checkbox"/> Diplomatic Passport <input type="checkbox"/> Other (specify)		
12. Passport Number:	13. Issued by:	
14. Date of issue:	15. Valid until:	
19. I apply for St. Helenian status on the basis that I meet the requirements specified in Schedule II to the Ordinance: <input type="checkbox"/> paragraph 1 (seven years' residence) <input type="checkbox"/> paragraph 2 (three years' residence, having been married to a St. Helenian for at least 5 years) NOTE: if you are relying on paragraph 2, you must enclose a copy of your marriage certificate.		
22. Do you (or any of your accompanying family) have a criminal record? <input type="checkbox"/> Yes <input type="checkbox"/> No (Your answer must be verified by an appropriate certificate from your country of origin and (if applicable) your current country of residence)		
22. Do you intend to make St. Helena your principal place of residence? <input type="checkbox"/> Yes <input type="checkbox"/> No. If No, please state your reason(s) for wishing to acquire St. Helenian status:		
24. If married, details of spouse: (a) family name		
(b) first name	(c) date of birth	(d) place of birth
(e) nationality	(f) present address	

26. Give below all your addresses in St.Helena for the last 7 years (3 years if you are married to a person having St.Helenian status, and have been so married for at least 5 years)			
Full postal address	Date from	Date to	
1.			
2.			
3.			
4.			
5.			
27. Give details of all absences from St.Helena during the period of residence above.			
Country visited	Reason visited	Date from	Date to
1.			
2.			
3.			
4.			
5.			
31. Other information. Please specify any other information which you may consider relevant to your application			
22. Declaration: <i>I declare that, to the best of my knowledge, all particulars supplied by me are correct and complete.</i>			
23. Signature	24. Date (dd/mm/yyyy)		

Notes

1. The Immigration Control Ordinance, 2008, 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.

However, a person who has lawfully resided in St. Helena for a period of 7 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 on this form.

Form K <i>(Regulation 14(2))</i>	
St. Helena Immigration Control Ordinance, 2008	
Application for certificate of St. Helenian Status	
1. Surname(s) (family name(s))	
2. Other name(s)	
3. Home Address	
Telephone:	Fax:
Email:	
4. Date of Birth (dd/mm/yyyy)	5. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
8. Place and Country of Birth	
9. Nationality	10. Marital Status
11. Type of Identity Document <input type="checkbox"/> National Passport <input type="checkbox"/> Diplomatic Passport <input type="checkbox"/> Other (specify)	
12. Passport Number	13. Issued by
14. Date of issue	15. Valid until
20. I apply for a certificate of St. Helenian status: <input type="checkbox"/> by right of birth (section 15(1) of the Ordinance) <input type="checkbox"/> by right of descent (section 15(2) of the Ordinance) and I have accurately completed the family details overleaf to the best of my knowledge, information and belief.	
23. Signature(*)	24. Date (dd/mm/yyyy)

(*) If applying on behalf of a minor, please sign, and add your full name and relationship.

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				
	Mother		Father	
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 L
(Regulation 15(a))

**St. Helena
Immigration Control Ordinance, 2008**

Certificate of St. Helenian status

THIS IS TO CERTIFY that _____
of _____, has with effect from the date
hereunder been granted St. Helenian status in accordance with section 15(3) of the
Immigration Control Ordinance, 2008.

Dated this _____ day of _____ 20 .

Chairman

Immigration Control Board

WARNING

1. Please note that the Immigration Control Board may by order published in the *Gazette* deprive any person to whom St. Helenian status has been granted under section 15(3) of the Immigration Control Ordinance if:
 - (a) it is satisfied that the certificate granted was obtained 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 Board at the time of the application, would, in the opinion of the Board, have justified refusal of such certificate; or
 - (b) such person has been sentenced anywhere to imprisonment for not less than twelve months.
2. A person to whom a certificate of St. Helenian status has been granted under section 15(3) of the Immigration Control Ordinance shall cease to have such status if he is absent from St. Helena for a continuous period of ten years or if he ceases to be domiciled in St. Helena.

Form M
(Regulation 15(b))

St. Helena
Immigration Control Ordinance, 2008

Certificate of St. Helenian status

THIS IS TO CERTIFY that _____
of _____, has St. Helenian status by
virtue of section 15(1) / 15(2)* of the Immigration Control Ordinance, 2008.

**(delete whichever is not applicable)*

Dated this day of 20 .

Chairman
Immigration Control Board

Form N
(Regulation 16)

St. Helena
Immigration Control Ordinance, 2008

Appeal to Immigration Control Board

NOTICE OF APPEAL

TO: The Secretary of the Immigration Control Board **Appeal No.**

BETWEEN

Appellant

THE CHIEF IMMIGRATION OFFICER **Respondent**

TAKE NOTICE THAT I intend to appeal to the Immigration Control Board against a decision of the Chief Immigration Officer with regard to (*state nature of decision, e.g., refusal of entry to St. Helena Sec. 12 of the Immigration Control Ordinance, 2008*):

MY GROUNDS OF APPEAL ARE:**STATE ACTION REQUIRED:**

Dated:

(Advocate for) the above Appellant
of

To: The Respondent
of

FILED on

Secretary

Form O
(Regulation 17)

St. Helena Immigration Control Ordinance, 2008

Appeal to Governor

NOTICE OF APPEAL

Appeal No.

BETWEEN

Appellant

THE IMMIGRATION CONTROL BOARD

Respondent

TAKE NOTICE THAT I intend to appeal to the Governor against a decision of the Immigration Control Board with regard to (*state nature of decision, e.g. Revocation of Entry Permit, Work Permit, Dependents 'Pass or Visitors' Pass, Deprivation of St. Helenian Status, etc.*):

MY GROUNDS OF APPEAL ARE:

STATE ACTION REQUIRED:

Dated

(Advocate for) the above Appellant
of

To: The Respondent
of

FILED on

Chief Secretary

Second Schedule
(Regulation 19)

Fees

Fee Nº	Matter	Fee (£)
1	Issue of an 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 90 days, other than in 1a to 1d	25.00
2	Issue of a Residence Permit	
2a	Valid for up to 6 months	20.00
2b	Valid for up to 12 months, other than in 2a	25.00
2c	Valid for up to 2 years, other than in 2a or 2b	40.00
2d	Valid for over 2 years, issued with the approval of the Governor in Council, for each year or part of a year exceeding 2 years	10.00
3	Issue of a Work Permit	
3a	Valid for up to 6 months	25.00
3b	Valid for up to 12 months, other than in 3a	50.00
3c	Valid for up to 2 years, other than in 3a or 3b	90.00
3d	Valid for over 2 years, issued with the approval of the Governor in Council, 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 Governor under section 13	30.00

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

