



ST. CHRISTOPHER AND NEVIS

CHAPTER 6.02

IMMIGRATION ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2017

This is a revised edition of the law, prepared by the Law Commission under the authority of the Law Commission Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

IMMIGRATION ACT

Act 10 of 2002 ... in force 4th July 2002 except Part V

Amended by: Act 15 of 2005

Act 11 of 2006

Act 21 of 2006

Act 2 of 2007

Act 3 of 2007

Act 28 of 2008

Act 1 of 2012

Act 16 of 2012

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Amended by: S.R.O. 20/1965

S.R.O. 21/1971

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S.R.O. 56/1976

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CHAPTER 6.02
IMMIGRATION ACT

AN ACT TO REPEAL AND REPLACE THE IMMIGRATION PASSPORT ACT, CHAPTER 145, SO AS TO STREAMLINE AND UPDATE THE LAW RELATING TO IMMIGRATION; AND TO PROVIDE FOR THE ESTABLISHMENT OF A NEW IMMIGRATION DEPARTMENT, SEPARATE FROM THE POLICE FORCE; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY MATTERS

Short title.

1. (1) This Act may be cited as the Immigration Act.

(2) Part V of this Act that relates to administration shall come into force on such date as the Minister may, by Order, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires—

“advance passenger information” means the information in respect of a passenger, crew, member or other occupant transported in the vessel;
(Inserted by Act 21 of 2006)

“approved CARICOM citizen” means a national of another Member State who is qualified to work in the State having been certified as a university graduate, self-employed person, entrepreneur or other category of person duly recognized by the State under the Caribbean Community Skilled Nationals Act, Cap. 25.04;
(Inserted by Act 11 of 2006)

“Chief Immigration Officer” means the person appointed under section 27(2) as such for the purposes of this Act;

“citizen” means a person who is a citizen of Saint Christopher and Nevis by virtue of the Constitution or the Saint Christopher and Nevis Citizenship Act, Cap. 1.05;

“Citizen of a Protocol Member State” means a person who is a citizen of a Member State of the Organisation of Eastern Caribbean States that is a party to the Protocol of the Eastern Caribbean Economic Union;
(Inserted by Act 1 of 2012)

“dependent”, in relation to a person, means—

- (a) the wife, unless the parties to the marriage are living apart under a deed of separation or the decree or order of a court;
- (b) a child or stepchild under eighteen years;
- (c) an adopted child under eighteen years, having been adopted in a manner recognised by law;
- (d) any other relative who is, by reason of age or infirmity of body or mind, wholly dependent on that person for his or her subsistence;

“deportation order” means an order requiring the person against whom it is made to leave and remain out of Saint Christopher and Nevis;

“domestic space” means the countries listed in the Fifth Schedule;
(Inserted by Act 2 of 2007)

“immigrant” means a person who, not being a citizen or resident—

- (a) seeks to enter Saint Christopher and Nevis; or
- (b) is within Saint Christopher and Nevis for the purpose of permanent residence;

“Immigration authority” means the competent authority for the purposes of this Act, and prior to the coming into force of Part V of the Act, shall be the Minister responsible for Immigration matters or such person as he or she may delegate to carry out his or her functions under this Act;
(Inserted by Act 3 of 2007)

“immigration officer” means a person appointed under section 27(2);

“master” means the person in immediate charge or control of a vessel;

“member of a crew” means a master of a vessel and any person, who is employed on board or belongs to the staff or crew of the vessel;

“Minister” means the Minister responsible for the subject of immigration;

“owner”, in relation to a vessel, includes a charterer;

“passenger” means any person not being a *bona fide* member of the crew, travelling or seeking to travel on a vessel;
(Inserted by Act 21 of 2006)

“passport” means—

- (a) a valid passport referring to the person producing the same, furnished with a photograph of that person and duly issued to him or her by or on behalf of the Government of the country of which he or she is a subject or citizen and for a period which, according to the law in force in that country has not expired; and
- (b) a certificate of identity or a travel permit or other document establishing, to the satisfaction of an immigration officer, the nationality and identity of the person to whom it refers;

“permanent resident” means a person referred to in section 5(1);

“permitted entrant” means a person permitted to enter Saint Christopher and Nevis under section 14;

“port of entry” means any place in Saint Christopher and Nevis designated as a port of entry by regulations made under section 33;

“Protocol” means the Protocol to the Revised Treaty;
(Inserted by Act 1 of 2012)

“repealed Act” means the Immigration Act, Chapter 145;

“Revised Treaty” means the Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union done at Gros Islet on the 18 June 2010 set out in the Schedule to the OECS (Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union) Act, Cap. 1.07;
(Inserted by Act 1 of 2012)

“ship” includes a boat or craft of any kind for travel or transport other than by air;

“smuggle” means to procure the illegal entry of another person into Saint Christopher and Nevis where that other person is not a national and has no resident status, in order to obtain whether directly or indirectly a financial or other material benefit;

(Inserted by Act 16 of 2012)

“terrorism” has the meaning assigned to it by the Anti-Terrorism Act, Cap. 4.02;

“vessel” means any ship, aircraft or other means of travel by sea or air;

“work permit” means a permit granted by the Minister under section 19.

PART II

ENTRY INTO SAINT CHRISTOPHER AND NEVIS

Immigrants.

3. Subject to this Act, no person may—

- (a) enter Saint Christopher and Nevis as an immigrant; or
- (b) being present in Saint Christopher and Nevis, remain in the Federation as an immigrant.

Right to enter Saint Christopher and Nevis.

4. (1) A citizen of Saint Christopher and Nevis has the right to enter Saint Christopher and Nevis at any time.

(2) A permanent resident shall, so long as he or she continues to be a permanent resident, be permitted to enter Saint Christopher and Nevis at any time.

^{*}(3) Subject to section 8 and pursuant to Article 12 of the Protocol, an immigration officer shall grant a permit for a citizen of a Protocol Member State to enter and remain in Saint Christopher and Nevis for a stay of indefinite duration.

(Inserted by Act 1 of 2012)

(4) The right to enter and remain in Saint Christopher and Nevis under subsection (3) may be revoked if a person is deemed to be a prohibited person in accordance with the procedures for due process set out in this Act.

(Inserted by Act 1 of 2012)

(5) The Minister may, on reasonable grounds, prohibit the entry into Saint Christopher and Nevis of any person other than a citizen or a resident.

Persons who may be granted the status of resident.

5. (1) Subject to this Act and the regulations made under this Act, a person who is permitted entry into Saint Christopher and Nevis may, on application made to the Minister, in the prescribed form, be granted by the Minister permission to become a resident of Saint Christopher and Nevis if he or she satisfies the requirements specified in subsection (2).

^{*} Subsections (2A) and (2B) inserted by Act 1 of 2012 and renumbered as subsections (3) and (4) and the subsequent subsection renumbered as (5)

- (2) The person referred to in subsection (1) must be a person who—
- (a) under the Constitution is entitled to be registered as a citizen;
 - (b) because of his or her education, occupational qualifications, personal history, employment record, training skills or other special qualification—
 - (i) is in employment on a full-time basis in the public service, the service of a statutory body or a government agency;
 - (ii) has established himself or herself successfully in Saint Christopher and Nevis in a profession, trade, business or agricultural enterprise; or
 - (iii) is likely to establish himself or herself successfully in Saint Christopher and Nevis in a profession, trade, business or agricultural enterprise and has sufficient means to support himself or herself and his or her dependants in Saint Christopher and Nevis until he or she has so established himself or herself;
 - (c) is a child under eighteen years whose father or mother—
 - (i) is a permanent resident or citizen of Saint Christopher and Nevis residing in Saint Christopher and Nevis;
 - (ii) establishes parenthood of that child to the satisfaction of the Minister; and
 - (iii) is willing and able to provide for the child's care and maintenance;
 - (d) falls under a category prescribed by Order by the Minister.

Classes of residents.

6. (1) For the purposes of this Act, there shall be the following classes of residents, that is to say—

- (a) permanent residents;
- (b) annual residents;
- (c) temporary residents;
- (d) work permit holder residents;
- (e) approved CARICOM citizens;
(Paragraph (e) inserted by Act 11 of 2006)
- (f) citizen of a Protocol Member State.
(Paragraph (f) inserted by Act 1 of 2012)

(2) For the purposes of subsection (1), the following persons may, on application made to the Minister, in the prescribed form, be granted permission to become permanent residents in Saint Christopher and Nevis, that is to say—

- (a) persons who—
 - (i) have been resident in Saint Christopher and Nevis for at least seven years; and
 - (ii) own substantial assets in the Federation, the sufficiency of which shall be determined by the Minister on the advice of the Cabinet; or

(b) persons who desire to reside in retirement in Saint Christopher and Nevis and have sufficient assets and means of support to maintain themselves and their dependants.

(3) The following persons may, on application made to the Minister, in the prescribed form, be granted permission to become annual residents in Saint Christopher and Nevis, that is to say, minor children of—

(a) permanent residents; or

(b) persons who have become citizens under section 90(f) of the Constitution.

(4) The following persons may, on application made to the Minister, in the prescribed form, be granted permission to become temporary residents in Saint Christopher and Nevis, that is to say, spouses and minor children of work permit holders.

(5) Persons holding work permits shall be entitled to be granted a work permit holder's residency.

Loss of status of resident.

7. (1) Subject to subsection (5), a person specified in paragraphs (b) or (c) of section 5(1) shall lose the status of resident if he or she voluntarily resides outside Saint Christopher and Nevis for a continuous period of five years, unless he or she obtains from the Minister a certificate, in the prescribed form, exempting him or her from the operation of this section.

(2) Any person shall, if the Minister is satisfied that that person is or has been—

(a) engaged in activities that are detrimental to national security; or

(b) a habitual criminal,

be deemed to have lost the status of resident at the time of engaging in such activities or of becoming a habitual criminal.

(3) For the purposes of subsection (2), a habitual criminal is a person who—

(a) is not less than twenty-one years;

(b) is convicted of an indictable offence punishable with imprisonment for two years or more; and

(c) has been convicted on indictment on at least two previous occasions since he or she attained eighteen years of offences punishable as mentioned in paragraph (b).

(4) The Minister may, if he or she has reasonable grounds to believe that a resident is any of the persons mentioned in paragraphs 3, 4, 5, 6, 7 or 8 of the First Schedule to this Act, declare in writing that that person has lost the status of resident from such time as is specified in the declaration.

(5) Residence outside Saint Christopher and Nevis for the purposes of the public service or the diplomatic, consular or other service of the Crown shall not cause the loss of the status of permanent resident.

(6) The Minister may make a deportation order against any person who has lost the status of a resident under this section.

Prohibited persons.

8. (1) Subject to subsection (2), entry into Saint Christopher and Nevis of the persons described in the First Schedule other than citizens or, subject to section 7, residents, is prohibited.

(2) The Minister may, in writing under his or her hand or the hand of a person designated by him or her, exempt from the operation of subsection (1)—

- (a) a person described in paragraph 1(a) or 2 of the First Schedule whose entry into Saint Christopher and Nevis to seek treatment and care at a hospital or other place or institution for that treatment and care is approved by the Minister responsible for health;
- (b) a person described in paragraph 1(a) of the First Schedule, if the Minister is satisfied that that person is a member of a family already lawfully in Saint Christopher and Nevis and another member of that family gives security satisfactory to the Minister against that person becoming a charge on public fund;
- (c) a person described in paragraph 7 of the First Schedule, if the Minister is satisfied that—
 - (i) that person has ceased to be a member of or associated with an organisation, group or body so described; and
 - (ii) the entry of that person would not be detrimental to the security of Saint Christopher and Nevis;
- (d) a person in lawful custody passing through Saint Christopher and Nevis in transit to another country.

(3) An exemption under subsection (2) may be granted subject to such conditions as the Minister thinks fit and, if the person to whom the exemption relates fails to comply with or contravenes any of the conditions the Minister may issue a deportation order in respect of that person.

Seeking to enter without a passport.

9. (1) Subject to subsection (2), a person who seeks to enter Saint Christopher and Nevis without a passport shall not be permitted to enter Saint Christopher and Nevis unless he or she explains why he or she has no passport and establishes his or her identity and national status to the satisfaction of an immigration officer.

(2) The Minister may, by Order—

- (a) direct that the passport of a subject or citizen of a country outside Saint Christopher and Nevis shall not be accepted as such under subsection (1) unless it bears a visa valid for Saint Christopher and Nevis;
- (b) declare the circumstances or conditions under which a direction under paragraph (a) shall not apply;
- (c) exempt from this section generally or subject to such conditions as are specified in the Order any person or class of persons seeking to enter Saint Christopher and Nevis.

Entry into Saint Christopher and Nevis only at port of entry.

10. (1) No person may enter Saint Christopher and Nevis by sea or air except at a formal port of entry.

(2) No person arriving in Saint Christopher and Nevis by sea or air may disembark without the consent of an immigration officer.

(3) The master of a vessel in which a person arrives in Saint Christopher and Nevis shall not allow that person to disembark without the consent of an immigration officer.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence under this Act.

(5) Notwithstanding any enactment to the contrary information for an offence under this section may be laid at any time.

Duty of persons entering Saint Christopher and Nevis.

11. (1) A person who arrives in, and seeks to enter or enters, Saint Christopher and Nevis shall appear before an immigration officer at a port of entry for the purpose of determining whether or not he or she may be permitted to enter Saint Christopher and Nevis.

(2) A person mentioned in subsection (1) shall, upon his or her appearance before an immigration officer, truthfully answer all proper questions put to him or her by the officer and, if so required by the officer, shall—

- (a) make and sign a declaration stating whether or not he or she is carrying or has under his or her control a document of any description specified by the officer which, in the opinion of the officer, is relevant for the purposes of this section;
- (b) produce to the officer any document specified under paragraph (a) which is in his or her possession or under his or her control;
- (c) submit himself or herself and any baggage belonging to him or her or in his or her possession or under his or her control to be searched by the officer or any person acting under the authority of the officer for the purpose of ascertaining whether or not he or she is carrying or has under his or her control any document specified under paragraph (a);
- (d) submit himself or herself to be medically examined by a registered medical practitioner.

(3) No female person may be searched under paragraph (c) of subsection (2) except by another female person.

(4) A person, other than a citizen or, subject to section 7, a resident, who

- (a) refuses to be questioned as required by subsection (1);
- (b) fails or refuses to comply with a request made by the immigration officer under subsection (2),

shall not be permitted to enter Saint Christopher and Nevis.

(5) Where, in the opinion of the immigration officer, a person cannot, for any reason be properly questioned under subsection (1) or paragraph (d) of subsection (2), the officer may detain that person until he or she can be properly questioned.

(6) A person detained under subsection (5) may be detained on the vessel on which he or she arrived in Saint Christopher and Nevis or may be removed to and be detained in any place in Saint Christopher and Nevis approved by the Minister for the purpose.

(7) A removal under subsection (6) of a person from the vessel on which he or she arrived in Saint Christopher and Nevis shall not constitute entry into Saint Christopher and Nevis by that person and shall not exempt the owners of the vessel from the provisions of section 22.

Duty of master of vessel.

12. (1) The master of a vessel arriving in Saint Christopher and Nevis shall, if required by an immigration officer—

- (a) truthfully answer all proper questions put to him or her by the officer relating to the passengers and members of the crew of the vessel for the purposes of this Act;
- (b) furnish the officer with separate lists in duplicate containing the names of the passengers and the members of the crew arriving in or departing from Saint Christopher and Nevis and such other information as may be prescribed.

(2) A passenger and a member of the crew of a vessel arriving in Saint Christopher and Nevis shall furnish to the master of the vessel all information necessary for the preparation of the lists mentioned in paragraph (b) of subsection (1).

Duty to provide passenger information.

13. (1) This section applies to a vessel which—

- (a) is expected to arrive in Saint Christopher and Nevis; or
- (b) has left or is expected to leave Saint Christopher and Nevis.

(2) In accordance with the provisions of subsections (4) and (5), prior to the departure of a vessel from the last port of call for Saint Christopher and Nevis—

- (a) the master, in the case of a ship; or
- (b) the airline carrier, in the case of an aircraft,

shall provide to the competent authority, the advance passenger information set out in the Fourth Schedule.

(3) The advance passenger information referred to in subsection (2) may be provided in such form or manner as is approved by the Minister.

(4) As it pertains to subsection (1)(a), the advance passenger information shall be provided as follows—

- (a) in the case of a commercial aircraft, no later than fifteen minutes after the flight is closed.
- (b) in the case of a private aircraft, no later than thirty minutes after flight is closed;
- (c) in the case of a ship arriving from outside the domestic space, no later than twenty four hours prior to arrival; and
- (d) in the case of a ship arriving from a destination within the domestic space, no later than one hour prior to arrival of the vessel from the last port of call.

(5) As it pertains to subsection (1)(b), and subject to subsection (6), the advance passenger information shall be provided no later than fifteen minutes after the flight is closed.

(6) Subsection (5) does not apply to the departure of a vessel from Saint Christopher and Nevis to a destination within the domestic space.

(7) Where a master on a ship, or an airline carrier as the case may be, intentionally or recklessly—

- (a) fails to transmit the data in accordance with the requirements of subsection (3) or (4) and (5); or
- (b) transmits incomplete or false data,

the Master or airline carrier commits an offence and is liable to a fine of two hundred and seventy five thousand dollars.

(8) The Minister may waive the requirements of subsections (3) or (4) and (5) in such circumstances and on conditions as the Minister may prescribe.

(Inserted in as section 12A by Act 21 of 2006, and amended by Act 2 of 2007)

Permitted entrants.

14. (1) Subject to this Act and the regulations made under this Act, an immigration officer may permit a person described—

- (a) in Part I of the Second Schedule to this Act to enter and remain in Saint Christopher and Nevis on such conditions and for such period, not exceeding, in the case of a person described in paragraph 2 or 4 of that Part of that Schedule, six months, as the officer considers appropriate in the particular case;
- (b) in Part II of the Second Schedule to this Act to enter and remain in Saint Christopher and Nevis on such conditions as the officer thinks fit and for such period, not exceeding six months as that officer considers appropriate in the particular case;

(2) The immigration officer shall issue to a person permitted to enter Saint Christopher and Nevis under subsection (1), other than a person described in paragraph 1 of Part I of the Second Schedule, a permit in a form approved by the Minister expressed to be in force for the period and subject to the conditions specified therein, and a permit issued under this subsection may, notwithstanding the generality of subsection (1), be subject to a condition requiring the holder thereof to register with the immigration officer.

(3) The holder of a permit issued under subsection (2) who wishes—

- (a) to remain in Saint Christopher and Nevis for a period longer than that specified in the permit; or
- (b) to have the conditions specified in the permit varied,

shall apply to the Chief Immigration Officer, in the prescribed form, and, if so required by the officer, report in person to an immigration officer for questioning under this Act and the regulations, notwithstanding that he or she is already in Saint Christopher and Nevis.

(4) Upon an application made under subsection (3) the Chief Immigration Officer may, with the approval of the Minister—

- (a) extend the period specified in the permit up to a maximum of six years from the date of the entry into Saint Christopher and Nevis of the person to whom the permit relates; or
- (b) vary the conditions of the permit,

as may be fit and proper under this Act and the regulations.

- (5) The Minister may, at any time—
- (a) modify or cancel any condition specified in;
 - (b) vary the period specified in; or
 - (c) revoke,

a permit issued under subsection (2).

(6) Where a person to whom a permit is issued under subsection (2) remains in Saint Christopher and Nevis after the expiration or revocation of the permit, the Minister may make a deportation order in respect of that person.

(7) Notwithstanding the provisions of section 9, a citizen of a Member State of the Organisation of Eastern Caribbean States, may establish his or her identity and nationality by proof of citizenship accompanied by photo identification.

(8) Notwithstanding anything contained in this section, a citizen of a Member State of the Organisation of Eastern Caribbean States, as long as such a citizen is not a prohibited person, shall be permitted to enter and remain in Saint Christopher and Nevis for a period of six months.

Visa waiver for citizens of the European Union.

15. (1) Notwithstanding anything contained in this Act, a citizen from a European Union Country, as long as that person is not a prohibited person, shall be permitted to enter and remain in Saint Christopher and Nevis, without the requirement of an entry visa, for a period of ninety days.

(2) For the purposes of this section, a European Union Country, other than the United Kingdom and Ireland, means a country specified in the Sixth Schedule to this Act.

(Inserted in as section 13A by Act 28 of 2008)

Special provisions as to seamen.

16. (1) A member of the crew of a vessel, other than a citizen or resident, shall not be discharged from the vessel in Saint Christopher and Nevis without the consent of an immigration officer.

(2) The immigration officer may refuse to give his or her consent under subsection (1) to the discharge in Saint Christopher and Nevis of a member of the crew of a vessel unless the owner, master, or agent of the vessel has made arrangements to the satisfaction of the officer for ensuring that the member of the crew is not to become a charge on public funds.

(3) The Minister may make a deportation order in respect of a member of the crew of a vessel, other than a citizen or a resident of Saint Christopher and Nevis, who is discharged from the vessel in contravention of subsection (1) or who deserts from or is left behind by the vessel.

Charging of member of crew of a vessel or stowaway or extra hand.

17. Where a member of the crew of a vessel, a stowaway or an extra hand, other than a citizen or resident, is charged before a magistrate with an offence committed prior to the arrival in Saint Christopher and Nevis of the vessel or while the vessel is in Saint Christopher and Nevis, the magistrate—

- (a) if he or she convicts the person charged may, in awarding punishment, order that on the expiration of the sentence or on the sooner readiness of the vessel to proceed from Saint Christopher and Nevis the person shall be taken in custody aboard the vessel for removal from Saint Christopher and Nevis;
- (b) if he or she discharges the person charged, shall in the order of discharge, order that person to be immediately taken back to the vessel.

Persons unlawfully entering or in Saint Christopher and Nevis.

18. Nothing in this Act shall be construed as conferring the right to be or remain in Saint Christopher and Nevis on any person who—

- (a) either before or after the commencement of this Act has entered Saint Christopher and Nevis otherwise than in accordance with the former Act or this Act as the case may be; or
- (b) is at the commencement of this Act a prohibited immigrant within the meaning of the former Act,

and the Minister may make a deportation order in respect of that person.

PART III

WORK PERMITS

Work permits.

19. (1) A person, other than a citizen, an approved CARICOM citizen or a citizen of a Protocol Member State, shall not, while in Saint Christopher and Nevis, engage in any occupation or accept employment without having first obtained a written permit granted by the Minister for that purpose.

(Substituted by Act 1 of 2012)

(2) A person shall not engage or employ another person who is not a citizen, resident, an approved CARICOM citizen or a citizen of a Protocol Member State unless there is a work permit in force in relation to that other person and for the purpose of that engagement or employment.

(Substituted by Act 1 of 2012)

(3) A work permit shall be in such form and may be granted subject to such conditions as the Minister thinks fit.

(4) An applicant for a work permit shall make the application while the prospective employee is outside of the Federation, except that this provision shall not apply in respect of an application for renewal of a work permit or any other case as the Minister may, by Order, direct.

(5) Any person who—

- (a) contravenes subsection (1) or (2); or
- (b) being the holder of a work permit, contravenes or fails to comply with any condition subject to which the permit was granted,

commits an offence.

(6) The Minister may, at any time—

- (a) modify or cancel any condition specified in; or
- (b) revoke,

a work permit.

(7) For the purposes of this section the expression “resident” does not include a person to whom permission has been granted by the Minister to become a resident on the ground mentioned in paragraph (b) of section 6(2).

(Amended by Act 11 of 2006)

Application for a work permit.

20. (1) An application for a work permit shall be made in such form and in such manner as may be prescribed.

(2) There shall be paid in respect of an application for a work permit such fee as may be prescribed.

Security for a work permit.

21. The Minister may require the employer or proposed employer of a person in relation to whom a work permit is granted to furnish to the Chief Immigration Officer security in such form as the Minister may determine and in such amount as the Minister thinks sufficient to meet the cost of the repatriation of the person to whom the permit relates and his or her dependants, if any, and the permit shall be of no force or effect until the security is furnished.

PART IV

REMOVAL OF PERSONS NOT PERMITTED TO ENTER SAINT CHRISTOPHER AND NEVIS, DEPORTATION AND DETENTION

Persons not permitted to enter Saint Christopher and Nevis.

22. (1) Where a person who seeks to enter Saint Christopher and Nevis is not permitted to do so an immigration officer may give directions—

- (a) to the master of the vessel on which the person arrived in Saint Christopher and Nevis, requiring him or her to remove the person from Saint Christopher and Nevis in that vessel;
- (b) to the owner, or agent in Saint Christopher and Nevis of that vessel, requiring either of them to remove the person from Saint Christopher and Nevis in any vessel of which he or she is owner or agent; or
- (c) to the owner or agent of the vessel, requiring either of them to arrange for the person’s removal from Saint Christopher and Nevis in any vessel bound for a country specified in the directions, being a country—
 - (i) in which the person is a citizen;
 - (ii) in which the person embarked for Saint Christopher and Nevis; or
 - (iii) which there are reasonable grounds for believing that the person will be permitted to enter; and,

for securing the person a passage to that country.

(2) Where a person, who is not permitted to enter Saint Christopher and Nevis, appeals against the decision of the immigration officer, the liability for removal of that person by the owner or agent of the vessel in which he or she arrived in Saint Christopher and Nevis, shall not be affected by the appeal.

(3) Nothing in subsection (1) affects the liability of a person, who is not permitted to enter Saint Christopher and Nevis, to pay to the owner or agent of the vessel in which he or she arrived in Saint Christopher and Nevis the cost of his or her passage from Saint Christopher and Nevis.

(4) If it appears to the Minister that in the circumstances of any particular case it is not practicable for directions to be given under subsection (1) in respect of any person who is not permitted to enter Saint Christopher and Nevis, or that directions so given would be ineffective, the Minister or any person acting under his or her authority may give to the owner or agent of any vessel any directions an immigration officer is empowered to give to the owner or agent of the vessel in which the person arrived in Saint Christopher and Nevis, except that in that case the costs of complying with the directions shall be defrayed out of moneys provided for the purpose by Parliament.

(5) If a person to whom directions are given under subsection (1) or (4) fails or refuses to comply with those directions, that person commits an offence.

(6) Any person in respect of whom directions are given under this section may be placed, under the authority of an immigration officer, on board any vessel in which he or she is to be removed from Saint Christopher and Nevis in accordance with the directions.

Deportation orders.

23. (1) The Minister shall have power to issue a deportation order in such circumstances as may be permitted under this Act.

(2) Unless otherwise provided in this Act, a deportation order shall be executed as soon as practicable.

(3) A deportation order does not become invalid on the ground of any lapse of time between its making and execution and remains valid after execution unless cancelled by the Minister.

(4) An appeal made under section 23(4) against a deportation order stays the execution of the order pending the determination of the appeal.

(5) A person who commits an offence under this Act or the regulations may, notwithstanding the fact that a deportation order is made in respect of him or her, be prosecuted and required to undergo any punishment imposed upon him or her in respect of the offence before he or she is deported.

(6) Where a deportation order is made in respect of a person who—

(a) at the time of making the order, is an inmate; or

(b) before the execution of the order, becomes an inmate,

of a prison, the order may not be executed until that person ceases to be liable to be detained in the prison.

(7) A person in respect of whom a deportation order is made shall leave Saint Christopher and Nevis in accordance with the terms of the order and shall, as long as the order is in force, remain out of Saint Christopher and Nevis.

(8) A person who re-enters Saint Christopher and Nevis in contravention of the terms of a deportation order may be deported again under that order.

(9) A person who contravenes or fails to comply with the provisions of subsection (7) or (8) commits an offence.

(10) A person who is removed or otherwise lawfully sent out of Saint Christopher and Nevis, and who re-enters or resides in Saint Christopher and Nevis without the permission, in writing, of the Minister commits an offence under this Act and, in addition to any other penalty provided by this Act, is liable to be removed again from Saint Christopher and Nevis.

(11) Unless otherwise directed by the Minister, a person in respect of whom a deportation order is made may be requested or allowed to leave Saint Christopher and Nevis voluntarily, provided that he or she complies with the conditions governing his or her voluntary departure.

Detention.

24. (1) A person who is refused permission to enter Saint Christopher and Nevis may be detained in custody by an immigration officer or a member of the Police Force in such place as may be approved for that purpose by the Minister until he or she is removed from Saint Christopher and Nevis in accordance with directions given under section 22.

(2) Where a deportation order is made in respect of a person, the Minister may order that person to be detained in custody in such place as the Minister may direct and for such period as may be necessary for the purpose of making arrangements for his or her removal from Saint Christopher and Nevis.

(3) Where a person is detained under this section, an immigration officer, a member of the Police Force, prison officer or any other person authorised by the Minister may take such steps as may reasonably be necessary for photographing, measuring or otherwise identifying that person.

(4) A person who is detained pursuant to the sentence or order of a court and would otherwise be liable to be detained under this section may be taken in the custody of a member of the Police Force or prison officer to or from any place where his or her attendance is required for the purpose of ascertaining his or her citizenship or of making arrangements for his or her removal from Saint Christopher and Nevis.

(5) A person who is ordered or authorised to be detained under this section may be arrested without warrant by an immigration officer or a member of the Police Force.

Appeals.

25. (1) Where a person is refused entry into Saint Christopher and Nevis by the Minister or an immigration officer acting in accordance with the provisions of this Act, no appeal shall lie against the decision or order so made.

(2) A decision or order referred to in subsection (1) shall not be subject to judicial review.

(3) Where a person is detained, restricted or arrested as a prohibited person, that person shall, before he or she is removed or deported, be given notice specifying the grounds for his or her detention, restriction or arrest.

(4) A person referred to in subsection (3) may—

- (a) appeal to a Magistrate's Court within seven days from the date the notice is given to him or her;
- (b) where he or she is dissatisfied with the decision of the Magistrate's Court, he or she may appeal to the Court of Appeal within fourteen days from the date of the decision of the Magistrate's Court.

(5) Where a person who claims to be a citizen or resident of Saint Christopher and Nevis is refused entry under subsection (1), such person may appeal to the High Court within seven days from the date the notice is given to him or her and if dissatisfied with the decision of the High Court, he or she may then appeal to the Court of Appeal within fourteen days of the decision of the High Court.

(6) Appeals to the High Court under this section shall be brought by way of a fixed date claim.

Recovery of costs of deportation.

26. (1) Where a magistrate is satisfied by information in writing, made on oath—
- (a) that expenses have been or will be incurred by or on behalf of the Crown in connection with the maintenance, medical treatment or removal from Saint Christopher and Nevis of a person in respect of whom a deportation order is made; and
 - (b) as to the amount or estimated amount of those expenses,

the magistrate may issue a warrant for the levy of the amount or estimated amount by distress or sale of any moveable property of the person and, for the purposes of the recovery of the amount or estimated amount, may order forfeiture of any moneys in the possession of that person.

(2) A warrant issued under subsection (1) may be executed in the same manner as a writ of execution issued under the Magistrate's Code of Procedure Act, for the levy of a sum of money adjudged to be paid by order of a Magistrate's Court.

(3) The partial recovery of expenses under subsection (1) does not prejudice the liability of any surety for the balance nor is the issue or execution of a warrant or the forfeiture of moneys under that subsection a condition precedent to the liability of any surety or to the enforcement of that liability.

PART V

ADMINISTRATION

Establishment of Immigration Department, etc.

Establishment of Immigration Department, etc.

27. (1) There is established, in the Ministry responsible for national security, a department to be known as the Immigration Department.

(2) The department shall consist of a Chief Immigration Officer, a Deputy Chief Immigration Officer and such number of other senior and junior immigration officers as may be appointed for the purpose.

(3) The power to appoint, remove and exercise disciplinary control over the Chief Immigration Officer, the Deputy Chief Immigration Officer, and immigration

officers for the purposes of this Act shall vest in the Governor-General acting in accordance with the recommendations of the Public Service Commission.

(4) A person who, immediately prior to the coming into force of this Act, was an immigration officer by virtue of the provisions of the repealed Act may elect to join the Immigration Department after the passage of this Act, except that that person shall cease to be a member of the Police Force.

(5) For purposes of computing pension and gratuity payable to a member of the Police Force who elects to become an immigration officer under subsection (4), the period of employment served by that officer in the Police Force shall be deemed to be a continuous period of employment in the Immigration Department.

(6) In the exercise of his or her functions under this Act an immigration officer shall act in accordance with the directions and instructions of the Minister.

(7) For the purpose of discharging his or her functions under this Act an immigration officer may, with the assistance of such persons as he or she thinks fit—

- (a) without a search warrant, enter upon and search any vessel in Saint Christopher and Nevis;
- (b) question any person who seeks to enter or leave Saint Christopher and Nevis or who he or she believes is a prohibited immigrant within the meaning of the Act;
- (c) without warrant arrest any person whom he or she reasonably believes to have committed an offence under this Act or the regulations.

Permits

Permits.

28. (1) A permit granted under this Act shall be in the form approved by the Minister and shall contain such particulars and marks, including photographs and fingerprints, as may be necessary for the purpose of identifying the person to whom it relates.

(2) The Minister may direct that a permit granted under this Act be endorsed on the passport or on any document establishing the identity and national status of the person to whom it relates or in such other manner as the Minister thinks fit.

Evidence of Administrative Matters

Evidence of administrative matters.

29. (1) Notwithstanding any enactment or other law to the contrary, any matter relating to the administration of this Act and the regulations, including—

- (a) any matter relating to the records in the possession of an immigration officer;
- (b) the delivery or non-delivery or the receipt or non-receipt of any document;
- (c) the failure to do or the doing of any act;

(d) the date or time for the doing of any act remaining undone, may be proved by the affidavit of an immigration officer setting out that he or she has examined the records maintained by or under the authority of the Chief Immigration Officer or the Minister and what those records indicate with respect to the matter.

(2) An affidavit referred to under subsection (1) shall be *prima facie* evidence of—

- (a) the facts set out in the affidavit; and
- (b) the fact that the records referred to in the affidavit show correctly when and whether an act was or was not done,

and it is not necessary for its admissibility in evidence to prove the signature, or status of the person making it or the official character of the person before whom it is sworn.

Production of Permits

Production of permits.

30. (1) A person to whom a permit is issued or granted under this Act shall produce that permit to an immigration officer or member of the Police Force on demand or within 24 hours after such demand at such place as is specified by the officer or member of the Police Force.

(2) A person who, without reasonable excuse, fails or refuses to comply with the provisions of subsection (1) commits an offence.

PART VI

MISCELLANEOUS

Offences.

31. A person who—

- (a) being the master of a vessel arriving in or departing from Saint Christopher and Nevis—
 - (i) refuses to answer or wilfully gives an untrue answer to any question referred to in paragraph (a) of section 12(1), or
 - (ii) fails or refuses to furnish an immigration officer with any list referred to in paragraph (b) of section 12(1) or furnishes a list which is false in a material particular;
- (b) being a person seeking to enter or entering Saint Christopher and Nevis—
 - (i) wilfully gives an untrue answer to any question referred to in section 11(2);
 - (ii) wilfully makes a false statement in a declaration referred to in paragraph (a) of section 11(2); or

- (iii) wilfully supplies any false information for the preparation of any list referred to in paragraph (b) of section 12(1);
- (c) assaults, resists, obstructs or hinders or uses any threatening, insulting, indecent or abusive language to an immigration officer, a member of the Police Force or any other person acting under the authority of this Act in the execution of his or her duty under this Act or the regulations;
- (d) smuggles or without lawful excuse, knowingly or recklessly conceals, harbours or shields from detection, any other person—
 - (i) who is smuggled into or is otherwise in Saint Christopher and Nevis in contravention of this Act; or
 - (ii) who, having entered Saint Christopher and Nevis under the authority of a permit issued under section 13(2), has contravened or fails to comply with any condition to which the permit is subject;
(Substituted by Act 16 of 2012)
- (e) being a person lawfully detained under this Act, escapes or attempts to escape from detention;
- (f) knowingly or who is reckless of the fact that another person has been smuggled into Saint Christopher and Nevis or in respect of whom a deportation order is in force, without lawful excuse does any of the following in further violation of this Act—
 - (i) transports, moves or attempts to transport or move that other person within Saint Christopher and Nevis;
 - (ii) engages in any conspiracy to commit any of the acts referred to in paragraph (i);
 - (iii) aids or abets the commission of any of the acts referred to in paragraph (i);
(Substituted by Act 16 of 2012)
- (g) with the intention of entering or remaining in Saint Christopher and Nevis or of assisting any other person to enter or remain in Saint Christopher and Nevis—
 - (i) fabricates or falsifies any passport, permit or other document;
 - (ii) uses, utters or attempts to use or utter any passport, permit or other document which has not been lawfully issued or which he or she is not entitled to use or utter; or
 - (iii) uses, utters or attempts to use or utter any fabricated or falsified passport, permit or other document knowing the same to be fabricated or falsified,

commits an offence.

Penalties.

32. (1) A person who commits an offence under this Act shall be liable on summary conviction to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Notwithstanding subsection (1), a person who commits an offence contrary to—

- (a) section 31(d) is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.
- (b) section 31(f), is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(Substituted by Act 16 of 2012)

Regulations.

33. (1) The Minister may generally make regulations to give effect to the provisions of this Act, and without prejudice to the generality of the foregoing the Minister may make regulations, in particular—

- (a) prescribing the circumstances under which a vessel is to be deemed to arrive in or depart from Saint Christopher and Nevis;
- (b) designating places in Saint Christopher and Nevis in ports of entry where immigration officers may question persons entering or seeking to enter Saint Christopher and Nevis;
- (c) requiring persons disembarking or embarking in Saint Christopher and Nevis or any class of such persons to produce to an immigration officer, if required, landing or embarkation cards in such form as the Minister may direct and requiring the owner or agent of a vessel to supply these cards to such persons;
- (d) prescribing the functions of immigration officers;
- (e) prescribing an employer's responsibilities in relation to the repatriation of an employee who is a holder of a work permit;
- (f) prescribing the time, place and manner of questioning persons found in Saint Christopher and Nevis after the commencement of this Act and who are suspected of being in Saint Christopher and Nevis contrary to the provisions of the repealed Act or this Act;
- (g) prescribing the means to be taken for identifying persons suspected of being in Saint Christopher and Nevis contrary to the provisions of the repealed Act or this Act;
- (h) prescribing the fees to be paid in respect of—
 - (i) the making or granting of any application under this Act or the regulations;
 - (ii) the issue of any permit, certificate, or other document approved, made or prescribed under this Act or the regulations;
- (i) prescribing anything that is required to be prescribed by this Act; and
- (j) specifying the level of fees in respect of different categories of employment and in respect of different categories of persons.

(2) Regulations made under subsection (1)(h) may contain such provisions as the Minister considers necessary or expedient to give effect to that provision, including such qualifications, exceptions and conditions as are necessary.

(3) Regulations made under subsection (1) of this section shall be subject to negative resolution of the National Assembly.

Transitional provisions.

34. (1) Notwithstanding anything contained in Part II of this Act, a person who, at the commencement of this Act, was ordinarily resident in Saint Christopher and Nevis for a period of five years or more may apply to the Minister for permission to become a resident and the Minister may, if he or she thinks fit, grant the permission.

(2) An application referred to under subsection (1) shall be made within a period of six months from the date of the commencement of this Act, unless the Minister, upon an application in writing, grants a further period of extension.

(3) A person, other than a person referred to in subsection (1), who—

- (a) has a permit under the repealed Act to enter Saint Christopher and Nevis; and
- (b) wishes—
 - (i) to remain in Saint Christopher and Nevis for a period longer than that previously granted; or
 - (ii) to have the conditions attaching to his or her entry varied,

shall, within a period of six months from the date of the commencement of this Act, report in person to an immigration officer and shall, notwithstanding that he or she is already in Saint Christopher and Nevis, appear before an immigration officer for questioning and the immigration officer may issue him or her a permit in accordance with section 14(2) as if he or she had entered Saint Christopher and Nevis under section 14(1).

(4) A person who, immediately before the commencement of this Act, has resided in Saint Christopher and Nevis for a period of less than five years shall, if he or she does not already hold a permit that is in force by virtue of having been granted under the repealed Act a permit specifying some lesser period than six months, be deemed to hold a permit under section 14(2) authorising him or her to remain in Saint Christopher and Nevis for a period of six months from the date of the commencement of this Act, and subsection (3) shall apply to that person.

(5) Subsection (4) does not apply to a person who—

- (a) has unlawfully entered Saint Christopher and Nevis;
- (b) is, at the commencement of this Act, a prohibited immigrant within the meaning of the repealed Act.

(6) Where an application—

- (a) is not made within a period of one year referred to in subsection (2) or such further period as is allowed under that subsection; or
- (b) made under subsection (1) is refused,

a person shall be deemed to be a permitted entrant for the purposes of this Act, except that if he or she fails to obtain from an immigration officer a permit in accordance with section 14(2) as if he or she had entered Saint Christopher and Nevis under section 14(1), the Minister may make a deportation order in respect of that person.

(7) A person who fails to comply with subsections (3) and (4) shall, for the purposes of this Act, be deemed not to be a permitted entrant and the Minister may make a deportation order in respect of that person.

(8) Where the Minister refuses an application made by a person under subsection (1) on the ground that he or she does not consider that that person was ordinarily resident in Saint Christopher and Nevis for the period required by that subsection he or she shall certify so upon giving notice of refusal.

(9) A person to whom subsection (6) applies may appeal to the High Court, whose decision shall be final, on the ground that there is a reasonable excuse for his or her failure to apply for permission to become a resident in accordance with subsections (1) and (2) or, where the application is refused because the Minister considers that that person had not been ordinarily resident in Saint Christopher and Nevis for five years upon the commencement of this Act, on the ground that he or she was so ordinarily resident.

(10) Until the Minister makes an Order under section 1(2), the Commissioner of Police shall have all the powers conferred upon immigration officers by the Immigration Act Cap. 6.02 and he or she shall act in accordance with the directions and instructions of the Minister.

(Inserted by Act 15 of 2005)

FIRST SCHEDULE*(Section 7(4))***PROHIBITED PERSONS**

1. Persons who are—
 - (a) likely to become charges on public funds; or
 - (b) paupers, vagrants or professional beggars.
2. Persons suffering from communicable diseases within the meaning of any regulations relating to such diseases made under the Health Services Act.
3. Persons who—
 - (a) are prostitutes or whose behaviour offends morality; or
 - (b) seek to enter Saint Christopher and Nevis to engage in immoral behaviour.
4. Persons who—
 - (a) are addicted to the use of any drug; or
 - (b) have been, at any time, engaged in, or reasonably suspected of being likely to engage in unlawful giving, using, offering, exposing for sale, buying, trading or trafficking in, any drug; or
 - (c) have been convicted of an offence under any enactment relating to dangerous or narcotic drugs.
5. Persons who—
 - (a) have been convicted of or admit to having committed a criminal offence which, if committed in Saint Christopher and Nevis, is punishable with imprisonment for a term of five years or longer;
 - (b) knowingly or for profit, aid, encourage, or procure other persons who are not citizens of Saint Christopher and Nevis, to enter Saint Christopher and Nevis illegally;
 - (c) are stowaways or seek to enter Saint Christopher and Nevis illegally.
6. Persons who are or have been at any time before or after the commencement of this Act, advocates of—
 - (a) the overthrow by force or violence of the Government of Saint Christopher and Nevis or any other country or of all forms of law;
 - (b) the abolition of organised government;
 - (c) the assassination of any person or the unlawful destruction of property.
7. Persons who are or have been members of or affiliated to any person who entertains or teaches any doctrine or practice specified in sub-paragraphs (a) to (c) of paragraph 6.
8. Persons who are reasonably believed are likely to espionage, sabotage or engage in other subversive activity directed against the security of Saint Christopher and Nevis.
9. Persons in respect of whom deportation orders have been made.

10. Any dependent accompanying a person who has been prohibited from entering, refused entry into, or deported from Saint Christopher and Nevis.
11. A person who is a terrorist.

SECOND SCHEDULE

(Section 14)

PERMITTED ENTRANTS

PART I

1. Persons who are duly accredited—
 - (a) diplomatic or consular officers of a country other than Saint Christopher and Nevis; or
 - (b) representatives or officials of—
 - (i) the United Nations or any of its agencies or sub-agencies;
 - (ii) the Commonwealth Secretariat or any of its agencies or sub-agencies;
 - (iii) any governmental organisation in which Saint Christopher and Nevis participates,entering Saint Christopher and Nevis to carry out official duties or are in transit and members of the suites and families of such persons.
2. Persons entering Saint Christopher and Nevis to attend as students at—
 - (a) an educational or training institution approved by the Minister for the purposes of this Act; or
 - (b) a university or college authorised by law to confer degrees or to offer training in holy orders.
3. Persons entering Saint Christopher and Nevis for the purposes of employment, trade or business.
4. Persons entering Saint Christopher and Nevis for other purposes approved by the Minister.

PART II

1. Passengers in transit through Saint Christopher and Nevis.
 2. Visitors.
 3. Persons entering Saint Christopher and Nevis for medical treatment.
 4. Members of crews of vessels entering Saint Christopher and Nevis for short leave or other legitimate and temporary purposes.
 5. Persons entering Saint Christopher and Nevis for the purpose of engaging in sport, dramatic, artistic or other cultural activities.
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THIRD SCHEDULE*(Section 33)***IMMIGRATION REGULATIONS****Short title.**

1. These Regulations may be cited as the Immigration Regulations.

Interpretation.

2. In these Regulations “the Act” means the Immigration Act.

Return of Passengers.

3. (1) The master of every ship, whether a British or a foreign ship, carrying any passengers to a port in the State from any place out of the State, shall furnish to an immigration officer, at the time of his or her visiting the ship on arrival, a correct return in the Form “A” in the Schedule.

(2) The master of every aircraft arriving in the State with passengers from any place outside the State shall furnish to the immigration officer a correct Passenger Manifest in the Form “A1” in the Schedule.

Examination of Immigrants.

4. An examination of persons arriving in the State from a place outside the State shall be conducted by an immigration officer on the vessel by which such persons arrived, or at any other place convenient for the purpose as the immigration officer may direct. Every such person before being permitted to enter or remain in the State shall, if so required by the immigration officer, supply him or her with the necessary particulars to enable such officer to fill in and complete or cause to be filled in and completed in duplicate an Embarkation/Disembarkation Card in the Form “B” in the Schedule. On the completion of the said Form the same shall be signed by such person and by the immigration officer in the appropriate places therein provided.

Evidence of Means and Security to be Furnished.

5. (1) Whenever security has to be furnished by an immigrant, such security shall be in the form of a deposit made with the Accountant-General and the amount thereof shall, according to the case, be—

- (a) ninety-six dollars if he or she belongs to one of the British West Indian Colonies or to British Guiana;
- (b) four hundred and eighty dollars if he or she belongs to a country forming part of the Continent of America, Europe, or of Africa or to any of the Islands in the North Atlantic Ocean other than those specified in paragraph (a);
- (c) nine hundred and sixty dollars if he or she belongs to any other country:

Provided that in special cases to be approved by the Minister the immigrant may give a security bond in the appropriate amount with one or more sureties acceptable to the said Accountant-General; such bond to be given in the Form “C” in the Schedule with such modifications as the circumstances require.

(2) The amount of such deposit shall be applied in indemnifying public funds for all costs, charges and expenses incurred in regard to the immigrant within two years of his or her arrival in the State (the balance, if any, or the whole if no part is applied as aforesaid being repaid to the immigrant).

(3) A person on a temporary visit to the State, shall, if required by an immigration officer, produce evidence to his or her satisfaction—

- (a) of being in employment elsewhere and intent to return thereto; or
- (b) of possession of a return vessel ticket; or
- (c) of the possession of a sum of money sufficient to enable him or her to maintain himself or herself during the period of his or her visit and to provide for his or her return fare or of its immediate availability.

(4) The immigration officer may accept as sufficient evidence that the immigrant is not likely to become a public charge if (not being a person suffering from infirmity of mind or body or ill-health) he or she is satisfied that *bonâ fide* employment is awaiting the immigrant in the State; the evidence to support such contention must show the nature and period of the employment and the proposed wage, and be supported as to the ability of the prospective employer to carry out his or her undertaking and include an undertaking by the employer to repatriate the immigrant if the engagement is terminated within two years from the time he or she landed in the State.

Medical Examination.

6. (1) A medical officer shall, when necessary and required, be present at the examination of persons entering or seeking to enter the State from a place outside the State, and shall indicate to the immigration officer any person who ought, in the opinion of such medical officer, to be medically examined, and the immigration officer may require such medical officer to make a medical examination of any such person, and of any other person entering or found within the State from a place outside the State who is required to submit to such medical examination.

(2) The medical examination of any person entering or seeking to enter or found in the State from a place outside the State shall take place at such place as may be convenient, and as soon as possible after the arrival of such person, or after the person is found and a report as to the result of such examination shall be rendered to the immigration officer.

Certificate of Identity.

7. (1) A certificate of identity issued in terms of section 28 of the Act to persons who belong to the State may be in the Form “D” in the Schedule, and subject to the conditions therein set out, or to any modifications required in the particular circumstances; and every such certificate shall contain such particulars as may be deemed necessary for the purpose of identification.

(2) No certificate of identity shall be issued unless there be presented to the immigration officer such evidence as he or she may require as to the identity of the applicant and of his or her claim that he or she belongs to the State, and of the particulars required.

(3) The applicant for a certificate of identity shall submit to the immigration officer his or her application in the Form “E” in the Schedule and the applicant shall pay the sum of forty-eight cents in stamps in respect of such application and certificate which stamps shall be affixed to such application.

Permit in Respect of Sick Persons.

8. The temporary permit which may be issued to a sick person under the Act shall be in the Form "F" in the Schedule and under the conditions set out in regulation 10; and every such permit shall, further, be issued subject to such of the special conditions set out in the Form "F" as may be prescribed in any case, and such conditions shall be accepted in writing by the holder of the permit before the permit is issued to him or her.

Permits in Respect of Temporary Immigrants.

9. The temporary permit which may be issued to an immigrant under section 14, of the Act shall be in the Form "G" in the Schedule and subject to the conditions set out in the said Form and in regulation 10, and shall entitle such person to enter or pass through the State to some destination beyond or to reside temporarily in the State for some approved purpose, and every permit shall contain such particulars and marks together with any finger-prints as may be deemed necessary for purposes of identification.

Permits for Visitors and Passengers in Transit.

10. (1) The temporary permit which may be issued to a person desiring to remain in the State—

- (a) as a visitor or as a passenger in transit in accordance with the provisions of section 13 of the Act; or
- (b) temporarily for an approved purpose, for a period not exceeding twelve months,

shall be in such form as the Chief Immigration Officer may from time to time prescribe, and shall be endorsed on the Form B of the Schedule to these Regulations in the space thereon provided for "Official Use".

(2) The Chief Immigration Officer may grant such a permit without deciding whether the person entering the State is, or is not, a prohibited immigrant, and it shall be deemed a condition of every such permit that—

- (a) the holder thereof shall report to such immigration officers at such times or periods and places as may be required by the Chief Immigration Officer;
- (b) the holder thereof shall not during his or her stay in the State enter into any employment in the service of an employer in the State without the written permission of the Minister of Government for the time being charged with the responsibility for the subject of Immigration, and the Minister may attach such conditions as he or she may deem fit to his or her written permission, and such permission and conditions shall be deemed to be part of the temporary permit endorsed by the immigration officer, as aforesaid; and
- (c) it may be revoked at any time by the Chief Immigration Officer acting in his or her discretion or on the written request of the Minister, copy of such request being forwarded by the Minister to the immigrant.

(Inserted by S.R.O. 20/1965; Amended by S.R.O. 21/1971)

Conditions of Temporary Permits.

11. (1) Unless in any individual case the giving of security is considered unnecessary by the Minister the immigrant who applies for a temporary permit shall

be required to deposit the amount appropriate to his or her case, or if the Minister so approves, give a security bond for such amount as provided by regulation 5(1), as a security for the observance by him or her of the conditions imposed under the permit, and the deposit shall only be refunded upon the fulfilment of such conditions and upon such person leaving the State within the period for which the permit was issued, or upon the cancellation of the conditions by the Minister.

(2) It shall be deemed to be a condition of every temporary permit that the holder shall report to the officers and at the periods and places specified in such permit, and, if the holder gives any false or misleading address, he or she shall be liable to a forfeiture of his or her permit and of the deposit made or bond given by him or her or on his or her behalf, and to be dealt with as a prohibited immigrant.

Provisional Restriction.

12. The immigration officer, after commencing his or her examination of any person who has not satisfied him that he or she is not a prohibited immigrant, may provisionally restrict the admission to the State of such person, or cause his or her detention in custody, and may cause such enquiries to be made, or await such further information as may be necessary, before finally informing any person in accordance with section 22 of the Act that he or she is a prohibited immigrant, and that he or she may appeal to the Magistrate's Court.

Arrest of Suspected Prohibited Immigrant.

13. In the event of an immigration officer becoming aware of any circumstances constituting reasonable grounds for suspecting that any person within the State is a prohibited immigrant in the State he or she shall apply to a Magistrate for a warrant of arrest, in the Form "H" in the Schedule, and shall cause such person to be brought before him or her, and thereupon proceed to examine him or her in order to ascertain whether such person is a prohibited immigrant, and such person may, if necessary, be detained pending the completion of such enquiry, and may be further detained thereafter as hereinafter provided if it is found that he or she is a prohibited immigrant, or shall otherwise proceed in terms of the Act.

Records of Prohibited Immigrants.

14. The immigration officer shall, in the case of every person deemed to be a prohibited immigrant, enter on the Form "I" in the Schedule a full record of his or her examination of such person.

Taking of Photographs, etc., of Prohibited Immigrants.

15. The immigration officer may, for the purposes of identification, take or cause to be taken, the measurements, photograph and fingerprint impressions of any person believed to be a prohibited immigrant.

Procedure on Appeal by Prohibited Immigrant.

16. (1) It shall be the duty of an immigration officer, after having notified a person whom he or she has declared to be a prohibited immigrant and when he or she is informed by such person that it is his or her intention to appeal to a Court, to supply to such person for completion by him or her in duplicate a notice of appeal in Form "J" in the Schedule.

(2) On receipt of such notice of appeal by the immigration officer in a completed form from the appellant, he or she shall arrange for the reception of the

appellant at the detention depôt, or at such other place as may be approved for his or her accommodation, pending the determination of his or her appeal; or should the appellant so request, and on his or her giving security in the manner provided by regulation 5(1), the immigration officer shall issue a temporary permit allowing him or her to remain in the State and release him or her from detention pending the hearing of his or her appeal to the Magistrate or any subsequent appeal.

(3) At the hearing of an appeal to the Magistrate there shall be placed before the Magistrate a statement by the immigration officer of the grounds upon which he or she has deemed the appellant to be a prohibited immigrant, and the Court shall inform the appellant accordingly. The appeal shall then be heard summarily in the same manner as on a complaint made and the Magistrate shall at the conclusion thereof endorse on the notice of appeal which was completed by the appellant in accordance with paragraph (1) of this regulation his decision in regard to that appeal.

(4) The Magistrate shall, in his or her consideration of a case brought before him or her, determine on the facts whether the appellant is or is not a prohibited immigrant coming within the class or classes alleged by the immigration officer or of any of the other classes described in the Act, or, if he or she is one of such classes, shall determine whether he or she has or has not brought proper proof that he or she is a person exempt under the Act from being a prohibited immigrant and if the Magistrate finds as a fact that the appellant comes within one of the classes of prohibited immigrants and the appellant has not brought proper proof or has otherwise failed to satisfy him or her that he or she is a person so exempt, he or she shall dismiss the appeal.

(5) If the appeal be dismissed, the appellant shall remain in the custody of the immigration officer who shall forthwith take such steps as may be required for his or her removal from the State, or for such temporary or conditional residence within the State as may be permitted under the Act, unless the appellant shall have notified his or her intention to appeal further to the Court of Appeal in which case the appellant shall remain at the detention depôt or other approved place or continue under the terms of his or her temporary permit until the further appeal has been heard; and if such further appeal has been dismissed, the immigration officer shall then arrange for the removal of the appellant from the State, and if the appeal to the Magistrate's Court or to the Court of Appeal be allowed, the appellant shall be discharged from custody or shall be relieved from the conditions of any temporary permit issued to him or her.

Order of Removal of Prohibited Immigrant.

17. Any order which may be issued under the Act for the removal of a prohibited immigrant from the State shall be in Form "K" in the Schedule.

Detention of Prohibited Immigrants or Suspected Immigrants.

18. (1) Any gaoler or other officer shall accept custody of any person on the order of the immigration officer, or on the order of a Magistrate issued at the request of the immigration officer, but no person shall be so detained in custody for any longer period than is necessary for the purpose of any prescribed enquiry or for the completion by the immigration officer of arrangements for the removal of such person from the State at the first reasonable opportunity.

(2) The production of an order of removal shall be sufficient authority to any gaoler or other officer to deliver the person named therein to the escort appointed to bring such person to any place for the purpose of removal in terms of such order.

Duties of Person in Charge of Prohibited Immigrant.

19. Any person empowered to have custody and control of any person detained as a prohibited immigrant shall carry out such duties as are assigned to him or her by an immigration officer.

Authority to Board Vessels.

20. For the purpose of administering the Act and these Regulations, all officers appointed thereunder are hereby authorised and empowered to board any vessel at any time and at all places in the State.

(Original sections 20 to 26 revoked by S.R.O. 22/2001)

Restriction as to Employment or Occupation of Visitors and Immigrants.

21. (1) A person who does not fall within any of the classes of persons mentioned in section 7 of the Act shall not—

- (a) enter into or continue in any employment in the service of an employer in the State without the permission of the Minister of Government for the time being charged with the responsibility for the subject of Immigration ; or
- (b) carry on or continue to carry on any business, profession or occupation for reward, profit or gain, otherwise than in employment in the service of an employer in the State without the permission of the Minister.

(2) Exemption from this regulation may be granted in writing by the Minister to any person liable to comply with this regulation, and any exemption so granted may be for a specified period and subject to conditions and may be cancelled or varied by the Minister.

(3) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine not exceeding forty-eight dollars.

(Substituted by S.R.O. 20/1965; Amended by S.R.O. 21/1971)

Procedure on Application.

22. The following procedure shall apply in respect of any application for permission to work in Saint Christopher and Nevis—

- (a) an application for a Work Permit shall be made by the prospective employer on behalf of the prospective employee;
- (b) before an employer submits an application for a Work Permit in respect of a person who is not a citizen of Saint Christopher and Nevis, he or she shall advertise the job in a local newspaper and over the local Radio Station for a period of at least one month, and if no suitable national is found, an application for a Work Permit may be submitted, clearly indicating the number of nationals who applied and giving the reasons for the refusal to employ any of the nationals who made application;
- (c) an employer may not apply for a Work Permit for a person who entered Saint Christopher and Nevis as a visitor, and if an employer wishes to apply for a Work Permit for a visitor that visitor shall leave Saint Christopher and Nevis and re-enter Saint Christopher and Nevis after a Work Permit application has been made and approved in respect of such visitor;

- (d) the employer shall pay the Work Permit fee; no deduction of such fee may be made from the employee's salary or wages;
- (e) on submission of an application, the following shall be submitted—
 - (i) two passport-size photographs of the person for whom application is made;
 - (ii) police certificates dated not more than one month prior to the date of application and issued from the place of birth of the applicant and from any country where the applicant lived for more than six months;
 - (iii) proof of having passed an HIV Test;
- (f) a Work Permit application shall not be considered or approved unless the employer making such application is registered as an employer at the Social Security Office and is the holder of a valid Business and Occupations Licence;
- (g) on the expiration of a Work Permit, the employee shall leave Saint Christopher and Nevis if his or her application is not renewed and such renewal should be sought at least three months prior to the expiration of such Work Permit;
- (h) every Work Permit application shall be in respect of a specific job with a specific employer and such Work Permit granted shall be in accordance with the application.

(Inserted by S.R.O. 33/1991)

Fees for work Permits.

23. The fee for the issue of Work Permits shall be as follows:

- | | |
|--|----------------|
| (a) For a calendar year | \$ 1,600.00 |
| (b) For a period of one month or less | \$ 250.00 |
| (c) Temporary permits for each additional month not exceeding two months | \$ 250.00 |
| (d) Entertainers(5 or more persons) | \$ 900.00 |
| (e) Entertainers (1 to 4 persons) | \$ 175.00 each |
| (f) For variation or replacement of a Work Permit | \$ 25.00 |
| (g) Ministers of Religion and personnel recruited by Government | |

No fee shall be payable

(Substituted by S.R.O. 13/1997)

Voluntary Activities.

24. The Minister shall determine whether any person not being a citizen of Saint Christopher and Nevis or group of persons not being citizens of Saint Christopher and Nevis shall be regarded as engaging in voluntary activities at functions for which fees are collected or any payment made and shall determine whether any work permit fee shall be payable.

(Inserted by S.R.O. 33/1991)

Documents to be submitted.

25. On application for residence in Saint Christopher and Nevis the following documents shall be submitted—

- (a) An Application Form;
- (b) Passport;
- (c) Birth Certificate;
- (d) Marriage Certificate (if applicable);
- (e) Decree Absolute (if applicable);
- (f) Military Record (if applicable);
- (g) Affidavit of Support;
- (h) Evidence, of own Assets;
- (i) One Passport size photograph;
- (j) Birth Certificate of Spouse (if applicable);
- (k) Evidence of Offer of Employment (if applicable);
- (l) Birth Certificate of each unmarried child under 18 years;
- (m) Proof of having passed the H.I.V. Test.
(Inserted by S.R.O. 33/1991)

Fees for Residence.

26. The fee in respect of residence shall be as follows

- (a) For an application for Permanent Residence \$ 200.00
- (b) For an application for Temporary Residence \$ 200.00
- (c) For a Grant of Annual Temporary Residence \$ 600.00
- (d) For a Residence Permit for the spouse of a citizen of Saint Christopher and Nevis \$ 200.00
- (e) For a duplicate Permit or Certificate \$ 25.00
- (f) For an application to vary the terms and conditions of a Permit \$ 50.00
- (g) For a Certificate of Grant of Permanent Residence to retired persons and who do not intend to engage in remunerative activity \$ 3,800.00
- (h) For a Certificate of Grant of Permanent Residence to persons who have been contributing to the social and economic development of Saint Christopher and Nevis \$ 3,300.00
- (i) For a Certificate of Grant of Permanent Residence to persons who have been serving the Federation in a civil capacity for a period of ten years or more \$ 2,300.00
- (j) For a Certificate of Grant of Permanent Residence to persons not qualifying

	under paragraphs (h) and (i)	\$5,300.00
(k)	For an application for Grant of Visa	\$ 50.00
(l)	For a Grant of Extension after the expiration of the initial visa of one month:	
	(i) for any period not exceeding the first three months	\$ 50.00 per month
	(ii) for any period thereafter, not exceeding twelve months	\$ 75.00 per month
(m)	For a Residence Permit to Government recruited personnel	No fee shall be charged
(n)	For a Residence Permit to a <i>bona fide</i> Minister of Religion	No fee shall be charged
	<i>(Inserted by S.R.O. 13/1997)</i>	

Saving.

27. Nothing in regulation 21 of these Regulations shall be construed as derogating from or abridging any provision of any Act or other law in force whereby special provision is made with respect to the admission into, residence or occupation in the State of any class of persons mentioned in such Act or other law.

(Inserted by S.R.O. 20/1965)

SCHEDULE TO THE REGULATIONS

(Regulations 3, 4, 7, 8, 9, 13, 14, 16 and 17)

FORM A

Return of Passengers

List of Passengers who have arrived in Saint Christopher and Nevis and by the on 20

No.	Cabin or Steerage	Port of Embarkation	Surname	Christian Name	Age	Sex	Married or Single	Can you read and write English?	Calling of Occupation	Number and Particulars of Passport or Identity Document	Birthplace Nationality and Race	Amount of money in your possession	Have you been to the State before? If so, state date of departure	For what purpose are you coming into the State?	How long do you intend to stay in the State?	Address in the State	Signature

Master

Dated 20

FORM A1
(Regulation 3)
IMMIGRATION ACT
PASSENGER MANIFEST

PASSENGER MANIFEST		
Owner or Operator		
Aircraft Flight No. Date <i>(Registration Marks and nationality)</i>		
Point of Embarkation Point of Disembarkation <i>(Place and Country) (Place and Country)</i>		
Surname and Initials	For use by owner or Operator only	For official use only
Prepared by Page of Pages		

FORM B

(Regulation 4)

Immigration Act

INTERNATIONAL E/D CARD TARJETA INTERNATIONAL E/D																						
1.	<table style="border: none;"> <tr> <td style="padding-right: 10px;">Mr.</td> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding-right: 10px;">Sr.</td> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="border-bottom: 1px dotted black; width: 100px;"></td> </tr> <tr> <td>Mrs.</td> <td></td> <td>Srta.</td> <td></td> <td></td> </tr> <tr> <td>Miss</td> <td></td> <td>Sra.</td> <td></td> <td></td> </tr> </table> <div style="text-align: right; margin-top: 5px;"> <table style="border: none; width: 100%;"> <tr> <td style="width: 60%;"><i>Name in full (Pease print)</i></td> <td style="width: 40%;"><i>Maiden Name</i></td> </tr> <tr> <td><i>Nombre y apellido</i></td> <td><i>Apellido de soltera</i></td> </tr> <tr> <td><i>(En letras de molde)</i></td> <td></td> </tr> </table> </div>	Mr.	}	Sr.	}		Mrs.		Srta.			Miss		Sra.			<i>Name in full (Pease print)</i>	<i>Maiden Name</i>	<i>Nombre y apellido</i>	<i>Apellido de soltera</i>	<i>(En letras de molde)</i>	
Mr.	}	Sr.	}																			
Mrs.		Srta.																				
Miss		Sra.																				
<i>Name in full (Pease print)</i>	<i>Maiden Name</i>																					
<i>Nombre y apellido</i>	<i>Apellido de soltera</i>																					
<i>(En letras de molde)</i>																						
2.	Date of birth Fecha de nacimiento <div style="display: flex; justify-content: space-around; margin-top: 5px;"> (Day) (Month) (Year) </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> (Dia) (Mes) (Año) </div>																					
3.	Place of birth Lugar de nacimiento																					
4.	Nationality Nacionalidad																					
5.	Occupation Ocupacion																					
6.	Home address Direccion habitual																					
7.	Passport Number Numero del passport																					
8.	Place and date of issue Lugar y fecha de expedicion <div style="text-align: right; margin-top: 10px;"> <i>(Signature of Passenger)</i> <i>(Firma del pasajero)</i> </div>																					
(FOR OFFICIAL USE ONLY) (EXCLUSIVAMENTE PARA USO OFFICIAL)																						
Country of Initial Embarkation (Arrival only) Country of Disembarkation (Departures only) Purpose of visit (Arrivals only) Intended length of stay (Arrivals only) Intended Address (Arrivals only): *Hotel																						
*Guest House *Friends *Relatives *Cross out those not applicable.																						

Note: The size of the International E/d Card is 6" x 4"

FORM C
(Regulation 5(1))
Immigration Act
SECURITY BOND

KNOW ALL MEN BY THESE PRESENTS that I,
..... of
in the State of Saint Christopher and Nevis hereinafter referred to as the Surety) am held and firmly bound unto the Accountant-General in the sum of dollars to be paid to the said Accountant-General, for which payment well and truly to be made I hereby bind myself my heirs executors and administrators by these presents.

Dated this day of 20.....

WHEREAS (herein referred to as the immigrant) who lately arrived in this State by the vessel/aircraft is a prohibited immigrant* within the meaning of the Immigration Act:

AND WHEREAS the said Surety desires to enable the said immigrant to land in the State

NOW THE ABOVE WRITTEN OBLIGATION is conditioned to be void if the said Surety do on demand forthwith pay to the Accountant-General any charges together with expenses of repatriation (if any) which within two years from the date of these presents may be incurred by the Government of the said State in respect of the said immigrant

Signed, sealed and delivered by the above-named in the presence of

Signature of Witness

Address

Occupation

Signature of Surety

FORM D

(Regulation 7(1))

SAINT CHRISTOPHER AND NEVIS

Immigration Act

CERTIFICATE OF IDENTITY

It is certified that.....

holding passport No..... issued by having appeared before for the purpose of supplying the means of identification which are now specified herein, and having intimated that he/she is about to absent himself/herself from the State for a period ofon a visit to this document is issued to the said

and, subject to the conditions specified hereunder or endorsed hereon and to the verification of the marks of identification, will be accepted by the examining immigration officer without further evidence as proof of the identity of the said

on his/her return within a period of two years.

Date

Immigration Officer

Place.....

CONDITIONS UNDER WHICH THE CERTIFICATE IS ISSUED

1. That, on the return of the person referred to herein to the said State, this certificate shall be surrendered to the examining immigration officer.
2. That if the person referred to herein seeks to re-enter the said State after a period of two years has elapsed from the date hereof, the protection afforded by this certificate shall be deemed to have lapsed, and he/she shall be required to satisfy the requirements of the Act.
3. This certificate may be held to be invalidated if the person named herein is shown to the immigration officer to have made a false declaration in a material particular when applying for a certificate.

IDENTIFICATION MARKS

.....
.....

* or as the case may be

FORM E

(Regulation 7(3))

Immigration Act

APPLICATION FOR CERTIFICATE OF IDENTITY

Serial no.

Nature of document applied for

Period, if any, for which required

Port of Entry

(If any reply to these questions be in the negative, this should in each case be clearly stated.)

1. Name of applicant in full

2. Applicant's age

3. Country of origin

4. (a) Date and place of applicant's first entry into the State

(b) Full particulars with dates of applicant's subsequent movements and places of residence

5. Particulars of fixed property or other vested interests of applicant in the State or elsewhere

6. Applicant's occupation and means of subsistence

7. Is applicant able to read and write in any European language? If so, in what language

8. Has applicant ever been refused permission to enter the State or any part of the Commonwealth or expelled therefrom

9. Has applicant ever been convicted of any crime in any country? If so, for what offence

10. Is applicant suffering from any mental or physical infirmity?

11. State whether applicant is or has been married, and place of residence of wife or family

12. References and particulars of residence and remarks. Special reference should be given to any permit or certificate previously issued

13. Particulars of passport issued to applicant I, having been duly cautioned, hereby

declare that I fully understand the above questions, and that I have answered them truthfully (and that they have been interpreted to me in which I hereby declare to understand).

Signature or mark of applicant

Address in full

.....

Date

FORM F

(Regulation 8)

Immigration Act

PERMIT TO PERSON SUFFERING FROM A COMMUNICABLE DISEASE TO ENTER THE STATE
ISSUED IN TERMS OF SECTION 15 OF THE ACT

Permission is hereby granted to who is suffering from a communicable disease to enter the State subject to the conditions prescribed in Regulation 8 and to the special conditions specified hereunder or endorsed hereon.*

Immigration Officer

I agree to accept this permit under the conditions herein prescribed.

Immigrant

Dated 20

CONDITIONS

- (a) That the place of residence and every change of residence of the holder of this permit and his manner of transport shall be subject to the approval of the immigration officer.
- (b) That the holder of this permit shall not at any time use or occupy any bedroom or other sleeping accommodation used by any other person.
- (c) That the holder of this permit shall observe and carry out such regulations as to the conditions of residence, disinfection, and otherwise generally for preventing spread of infection, as are laid down in any law for the time being in force.
- (d) That immediately on arrival at any place the holder of this permit shall personally report himself to the District Medical Officer of such place and shall notify his place of residence and any subsequent change of residence.
- (e) That the holder of this permit shall present himself at such time and at such place as may be prescribed for medical examination by a Government Medical Officer.

* *The immigration officer should insert any other condition and/or strike out on this permit such (if any) of the specified conditions contained herein as may not be necessary.*

FORM G
(Regulation 9)
Immigration Act
TEMPORARY PERMIT

Sum deposited (or) guaranteed

Deposited (or) guaranteed by

(To be refunded on production of this permit when leaving the State, and on fulfilment of the other conditions imposed hereunder.)

Subject to the conditions specified hereunder or endorsed hereon and to the verification of the marks of identification the holder..... of

.....
is permitted to enter the State for the purpose of

Dated this day of 20

Immigration Officer

CONDITIONS

- 1. The holder of this permit shall leave the State within from the date hereof, that is to say, on or before the day of without expense to the Government.
2. The holder of this permit shall report to..... at at periods of and shall keep that officer duly advised of his whereabouts.
3. The holder of this permit shall give at least one day's notice of his intended departure from this State.

I/We agree to the above conditions, and I/We clearly understand that any breach of these will involve the forfeiture of the above deposit and will render the holder liable to be further dealt with according to law.

Signature of holder

Signature of depositor or surety

Witness

Place

IDENTIFICATION MARKS

I hereby certify that I acted as interpreter for the purpose of this application.

Signature

Address

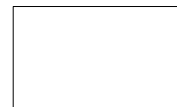
Declared before me at day of 20

Immigration Officer

Finger prints.
Left.



Finger prints.
Right.



FORM H
(Regulation 13)
Immigration Act
WARRANT OF ARREST

On the complaint of Immigration Officer.

vs.

.....

**TO ALL CONSTABLES AND OTHERS OF THE LAW, PROPER TO THE EXECUTION OF
THIS WARRANT**

WHEREAS, from information taken upon oath before me there are reasonable grounds of suspicion against of that he/she is a prohibited immigrant and is within the State in contravention of the Immigration Act.

These are therefore, in Her Majesty’s name, to command you forthwith to apprehend and bring the said or cause him/her to be apprehended and brought before the immigration officer at to be examined and to answer to the said complaint and to be further dealt with according to law.

Given under my hand at this day of 20

Magistrate

District“.....”.

FORM I
(Regulation 14)
Immigration Act

**PARTICULARS REGARDING THE IMMIGRANT NAMED BELOW WHO HAS BEEN
PROVISIONALLY PROHIBITED**

1. Name in full
2. Age.....
3. Sex.....
4. Race
5. Nationality
6. Country of birth
7. If Married—
 - (a) Name of husband or wife
 - (b) Names of all children and age

Sex years

- Sex years
- Sex years
- Sex years
- Sex years
- Sex years
- (c) Where family now resides
- (d) Whether previously in the State
- 8. (a) Total residence (if any) in the State
- (b) Date and place of first entry in the State
- (c) Period of absence
- (d) Reason for leaving
- 9. Particulars of fixed property or other vested interest in the State or elsewhere
- 10. Occupation and means of subsistence
- 11. Documents and references in support of application to enter into the State
- 12. (a) Description.....
- (b) Build
- (c) Height
- (d) Distinguishing marks and features
- 13. Whether able to write in a European language, and to what extent educated
- 14. Whether ever prohibited from entering the State or expelled therefrom
- 15. Whether ever convicted of any crime in any country
- 16. Whether suffering from any physical or mental infirmity. If so, attach medical report, and in any case state examining officer's views as to physical type
- 17. For what purpose is entry desired.....
- 18. Any other particulars relevant to the case

Immigration Officer

Port of entry

Date 20

Final decision and disposal of the case

FORM J

(Regulation 16(1))

Immigration Act

NOTICE OF APPEAL

I being a person arrested at and detained as a prohibited immigrant hereby notify my intention to appeal against the declaration of the Immigration Officer that I am a prohibited immigrant within the meaning of the Immigration Act.

.....

Signature

Date

Place

FORM K

(Regulation 17)

Immigration Act

ORDER FOR THE REMOVAL OF A PROHIBITED IMMIGRANT

To

Whereas has rendered himself/herself liable to removal from the State by reason that in terms of section of the Immigration Act, the said

You are hereby authorised to cause the saidto be removed from the State under proper escort and subject to necessary detention in custody as provided under the Act.

.....

Magistrate

District “”.

Dated at this day of 20

FOURTH SCHEDULE*(Section 13(2))***ADVANCE PASSENGER INFORMATION**

1. Data relating to the flight or voyage:
 - (a) Flight Identification
(IATA Airline code and flight number)
 - (b) Vessel Identification
(vessel name and voyage number)
 - (c) Vessel Registration
(vessel registration number)
 - (d) Country of Registration
(country where vessel registered)
 - (e) Scheduled Departure Date
(date of scheduled departure of vessel – based on local time of departure location)
 - (f) Scheduled Departure Time
(time of scheduled departure of vessel – based on local time of departure location)
 - (g) Scheduled Arrival Date
(date of scheduled arrival of vessel – based on local time of arrival location)
 - (h) Scheduled Arrival Time
(time of scheduled arrival of vessel – based on local time of arrival location)
 - (i) Last Place/Port of Call of Vessel
(vessel departed from this last foreign place/port of call to go to place/port of vessel's initial arrival)
 - (j) Place/Port of Vessel's Initial Arrival
(place/port in the country of destination where the vessel arrives from the last place/port of call of vessel)
 - (k) Subsequent Place/Port of Call within the Country
(subsequent place/port of call within the country)
 - (l) Number of Persons on Board
(total number of passengers, crew on board)
 - (m) Place/Port of Onward Foreign Destination
(for departure from Saint Christopher and Nevis)
2. Data relating to each individual passenger:
Information for persons on board aircraft:

Core Data Elements of the Official Travel Document

- (i) Official Travel Document Number
(Passport or other official travel document number)
 - (ii) Issuing State or Organisation of the Official Travel Document
(Name of the State or Organisation responsible for the issuance of the official travel document)
 - (iii) Official Travel Document Type
(Indicator to identify type of official travel document)
 - (iv) Expiration Date of Official Travel document
(Expiration date of the official travel document)
 - (v) Surname/Given Name(s)
(Family name and given name(s) of the holder as it appears on the official travel document)
 - (vi) Nationality
(Nationality of the holder)
 - (vii) Date of Birth
(Date of birth of the holder)
(Inserted by Act 21 of 2006 and amended by Act 2 of 2007)
-

FIFTH SCHEDULE*(Section 2)****Domestic Space Countries***

- (i) Antigua and Barbuda
- (ii) Barbados
- (iii) Dominica
- (iv) Grenada
- (v) Guyana
- (vi) Jamaica
- (vii) St. Kitts and Nevis
- (viii) Saint Lucia
- (ix) St. Vincent and the Grenadines
- (x) Trinidad and Tobago

(Inserted by Act 2 of 2007)

SIXTH SCHEDULE

(Section 15(2))

Member Countries of the European Union

Austria
Belgium
Bulgaria
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

(Inserted by Act 28 of 2008)

SEVENTH SCHEDULE*(Section 33)***IMMIGRATION (COMMON CARICOM ED) FORMS REGULATIONS****Citation.**

1. These Regulations may be cited as the Immigration (Common CARICOM ED) Forms Regulations.



Interpretation.

2. In these Regulations the term “ED card” means the embarkation cards completed by passengers upon arrival or departure from the State.

Introduction of Common CARICOM ED Form.

3. A person entering the State shall be required to complete an ED card in the manner set out in the Schedule.

SCHEDULE TO THE REGULATIONS
COMMON CARICOM ED CARD FORM

 Welcome to St. Kitts and Nevis IMMIGRATION/CUSTOMS FORM 		
COMPLETE SECTIONS A B & C OF THIS CARD PLEASE PRINT USING BLACK OR BLUE INK		Admission #
ARRIVAL RECORD (A)		
1. Flight #/Vessel Name e.g. (AB1234)		2. Boarded At
3. Last Name		
4. First Name		5. Middle Name
6. Date of Birth		7. Country of Birth
D D M M Y Y		
8. Sex M <input type="checkbox"/> F <input type="checkbox"/>		9. Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Other
10. Occupation		
11. Passport #		11a. Date of Issue
12. Country of Issue		D D M M Y Y
13. Home Address (Street Address/Apt #)		
14. City/Town		14a. State/Province
15. Zip/Postal Code		16. Country
17. Countries visited during last six weeks		
18. Intended Address in St. Kitts & Nevis		
19. City/Town/Parish		
20. Email Address		
21. Length of stay _____ abroad (resident), in St. Kitts & Nevis _____ visitor		
22. Purpose of Visit [Visitors only]		23. Accommodation
<input type="checkbox"/> Vacation <input type="checkbox"/> Business <input type="checkbox"/> Visiting Friends/Relatives <input type="checkbox"/> Honeymoon/Wedding <input type="checkbox"/> Other (Specify)		<input type="checkbox"/> Study <input type="checkbox"/> Meeting/ <input type="checkbox"/> Convention <input type="checkbox"/> Sport <input type="checkbox"/> Hotel <input type="checkbox"/> Guest <input type="checkbox"/> House <input type="checkbox"/> Private <input type="checkbox"/> Home <input type="checkbox"/> Apt/Willa <input type="checkbox"/> Dive/Eco Lodge <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Other (Specify)
Signature _____		Date: _____
B CUL DIP E H M NE PR RR RRV S T UL UN V		

DEPARTURE RECORD (B)	
Departure #	
Please retain Departure record for presentation upon departure.	
1. Flight #/Vessel Name	
2. Port of Final Destination	
3. Last Name	
4. First Name	
5. Middle Name	
6. Date of Birth	
7. Sex M <input type="checkbox"/> F <input type="checkbox"/>	
8. Passport #	
D D M M Y Y	
9. Nationality	
10. Country of Birth	
Signature _____	
Date _____	

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