

ENTRY CONTROL ORDINANCE, CAP A13

Ascension

No. 4 of 2007

Enacted26th October, 2007.
Date of Commencement 26th October, 2007.
Published in the Gazette 26th October, 2007.

AN ORDINANCE

TO REGULATE ENTRY TO ASCENSION AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.

(Amended by ord 5/2015 and Ord. 1/2017)

Enacted by the Governor of St. Helena and its Dependencies.

Short title and commencement

1. This Ordinance may be cited as the Entry Control (Ascension) Ordinance 2007 and shall come into force on 26th October, 2007.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
“**captain**” or “**master**”, in relation to a water-borne vessel, means any person (other than a pilot or harbourmaster) having charge, control or command of such craft; and, in relation to an aircraft, includes the person in command or in charge of it;
“**entry permit**” means any permission given under Section 6, or deemed to have been given under Section 5;
“**immigration officer**” means a person appointed by the Administrator under section 13;
“**landing permit**” means any permission given under section 7;
“**vessel**” includes every description of vessel used in navigation, including any and all craft and aircraft.

Obligations of masters of vessels

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

(2) The master of a vessel shall, upon being requested by the Administrator or an immigration officer to do so, provide him with a list of the names, dates of birth, and nationalities of all passengers and other persons on board the vessel who intend to land on Ascension and such other information as may be required concerning them.

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

Permission required to land or remain on Ascension

4. (1) Subject to the provisions of this Ordinance, there is no entitlement for any person to land or remain on Ascension.

(2) A person who-

(a) lands or remains on Ascension; or

(b) having landed on Ascension, remains on the island after the departure of the means of conveyance by which he arrived,

without, in either case, having either a landing permit issued by an immigration officer or an entry permit issued by the Administrator, is guilty of an offence.

(3) For the purposes of this section, a person who lands on the Island but remains in a secure area approved by the Administrator for the temporary accommodation of passengers who are in transit, shall be deemed not to have landed on the Island.

(4) A person who is guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding £5000 or to imprisonment not exceeding 12 months or to both such fine and imprisonment.

Deemed permit and exemptions

5. (1) Any person who remains on the Island after the departure of the means of conveyance by which he arrived, or after the expiry of an entry permit or a landing permit, but does so because –

(a) he is detained in Ascension in lawful custody; or

(b) he is required by law to remain in Ascension; or

(c) he landed at Ascension because of misadventure at sea or in the air; or

(d) he is unable by reason of illness or injury to make application for an entry permit, and remains in Ascension by reason of such illness or injury as certified by a medical practitioner;

shall be deemed to have been granted an entry permit which expires when the reason for his remaining in Ascension ceases to exist.

(2) The following groups of persons are exempt from the provisions of sections 4 and 6:

(a) active members of Her Majesty's Armed Forces;

(b) persons in the service of the Crown in right of Her Majesty's Government of Ascension;

(c) persons in the service of the Crown in right of Her Majesty's Governments of the United Kingdom, of the Falkland Islands, or of St Helena, when visiting Ascension in connection with their official duties;

(d) persons in the service of the Government of the United States of America, or of a contractor of that Government, as provided for by Article XII of the Bahamas Long Range Proving Ground Agreement dated 25 June 1956;

(e) persons in the service of the North Atlantic Treaty Organisation when visiting Ascension in connection with their official duties;

(f) exempt dependants, as defined in subsection (3);

(g) members of the crew, while actually serving as members of the crew, of the RMS St Helena, or any water-borne vessel temporarily or permanently replacing that vessel; and

- (h) such other persons or classes of persons as the Governor may from time to time, by notice in the Gazette, appoint.

(3) For the purposes of subsection (2), “**exempt dependant**” means a person who is –

- (a) the spouse or long term partner of; or
- (b) a child under the age of 18 who is normally resident with, a person described in subsection (2) (a), (c), (d) or (e), and in respect of whom that person’s employer provides transport to Ascension, living accommodation and repatriation. *(Inserted by Ord 5/2015)*

Provisions as to issue of entry permits

6. (1) Every application for an entry permit shall be in writing in such form as the Administrator may from time to time approve for the purpose, and he may approve different forms for use in different circumstances.

(2) There shall be payable for and in respect of every entry permit, a fee in such sum as the Administrator may, by notice in the Gazette, from time to time prescribe;

Provided that the Administrator may waive any fee payable under this subsection in any particular case or category of cases, if he deems it appropriate to do so.

(3) The Administrator may issue an entry permit, either unconditionally or with such conditions as he deems necessary or may refuse the application.

(4) An entry permit shall be valid for such period as is specified therein; if no period is specified, the permit is valid for 30 days from the day on which it is issued.

(5) The Administrator may from time to time vary an entry permit either by changing its period of validity or by amending any condition thereof.

(6) The Administrator may delegate any powers and duties conferred upon him by this section to the Chief Immigration Officer to exercise on his behalf, subject to such conditions, exemptions and qualifications as the Administrator may impose. *(Amended by Ordinance No. 1/2017)*

Landing permits

7. (1) The Administrator may authorise an immigration officer (or all immigration officers) to grant a landing permit to any person, that is permission to land on Ascension during such time as is specified on the landing permit.

(2) There shall be payable for each landing permit a fee in such sum as the Administrator may, by notice in the Gazette, from time to time prescribe.

Revocation of entry and landing permits

8. (1) An entry permit or a landing permit may be revoked by the Administrator -

- (a) where the terms of the permit so provide;
- (b) if the person to whom it was granted has broken a condition attached to his permit or if he has been convicted, on Ascension, of any offence punishable by imprisonment for six months more;
- (c) if the person to whom it was granted lacks adequate means of support for himself and his dependants, if any;

- (d) if it appears to the Administrator that the person to whom it was granted is a risk to the security of Ascension;
- (e) if it appears to the Administrator that the person to whom it was granted is suffering from a contagious or infectious disease, or from any physical or mental illness which is likely to require medical treatment for which the medical facilities available in Ascension are inadequate;
- (f) if the person to whom it was granted has failed to submit to a medical examination when so required;
- (g) if the person to whom it was granted obtained it by fraud, false representation or concealment of any material fact; or
- (h) if the person to whom it was granted is a person whose continued presence in Ascension would, for any other reason, in the opinion of the Administrator be undesirable in the public interest.

Obligation to leave Ascension on expiry etc of permits

9. A person is guilty of an offence (and liable on conviction to the same penalties as for an offence under section 4(2)) if he fails to leave Ascension as soon as it is practicable for him to do so after the expiry or revocation of his entry permit or landing permit.

Removal Order

10. (1) The Administrator may order that any person who is on Ascension in contravention of the provisions of this Ordinance shall be removed from Ascension.

(2) An order under subsection (1) may provide that the person in respect of whom the order is made shall be arrested and detained until a suitable vessel is available for his removal and he is placed on board such vessel; and this order shall be sufficient authority for any police officer or immigration officer to arrest and detain him and to place him upon such vessel, and for his detention on that vessel in Ascension or the airspace or territorial waters of Ascension.

(3) An order under subsection (1) may provide that all or any part of the money or other property of the person in respect of whom the order has been made shall be forfeit to the Crown and applied to the purposes of defraying any expense incurred by any public officer in and about the maintenance of such person and his removal from Ascension.

Removal of persons who land without permission

11. (1) Where a person has landed on Ascension without having first been granted an entry permit, and is not granted such a permit (or a landing permit) on arrival, the Administrator may order the captain of the vessel in which he arrived to remove him from Ascension in that vessel.

(2) Any captain of a vessel who fails, without reasonable excuse, to comply with any directions given to him under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding £5000 or to imprisonment not exceeding 12 months or to both such fine and imprisonment.

Right to make representations to the Governor

12. (1) Any person who has his entry permit or landing permit revoked, or a removal order made against him, or whose application for an entry permit is refused or is granted subject to conditions, shall have the right to make written representations to the Governor;

Provided that the fact of entering any appeal against a conviction, or the fact of making or desiring to make written representations to the Governor shall not operate as a postponement or stay of execution of such conviction, order, refusal or revocation, unless the Governor so orders.

(2) The Governor may, after considering any representations made under subsection (1), and acting in his discretion, either confirm or revoke the decision or order (as the case may be) which is the subject of the representations, and may give such ancillary directions as he may deem appropriate.

Immigration Officers

13. (1) The Administrator may appoint such number of immigration officers as are necessary for carrying into effect the provisions of this Ordinance, and shall designate one of them to be the Chief Immigration Officer.

(2) Every police officer shall, by virtue of his office, have all the powers and functions of an immigration officer.

(3) For the purpose of exercising his functions under this Ordinance an immigration officer –

- (a) shall have the powers and be entitled to the privileges and immunities of a police officer;
- (b) may, without a search warrant, enter upon and search any vessel within the island or the territorial waters thereof;
- (c) may interrogate—
 - (i) any person who desires to enter or leave the island;
 - (ii) any person whom he has reasonable grounds for believing to have contravened, or to be about to contravene or attempt to contravene, any provision of this Ordinance;
 - (iii) any person he has reason to believe has knowledge relating to any matter that may affect any investigation into any contravention or suspected contravention of this Ordinance; or
 - (iv) any person whom he has reason to believe has knowledge relating to any of the grounds on which the Administrator may revoke an entry permit or landing permit under section 8;
- (d) may search the person and property of any such person as is mentioned in paragraph (c) and seize anything found as a result of such search which he believes is or may be evidence in relation to any such offence as is mentioned in that paragraph;
- (e) may, if there is reasonable cause to believe that a person has entered the island in contravention of this Ordinance and the vessel from which such person has landed is on the point of departure, detain such person and deliver him to the custody of the master of the vessel and require the master to receive and keep such person on board;
- (f) may prevent any person from entering or remaining in Ascension unlawfully;
- (g) may arrest, without a warrant, any person whom he has reasonable cause to suspect has committed or is about to commit an offence against this Ordinance.

(4) It is the duty of the Chief Immigration Officer to ensure that every vessel arriving at Ascension is met by a sufficient number of immigration officers to enforce the provisions of this Ordinance and to ensure that a passenger manifest is provided.

Obligation to answer questions

14. (1) A person entering or intending to enter Ascension shall fully and truthfully answer all questions and inquiries put to him by the Administrator, or by an immigration officer, tending directly or indirectly to establish his identity, nationality or occupation, or bearing on any of the matters mentioned in this Ordinance or any notice given or made hereunder, and shall disclose and produce to the Administrator or to an immigration officer on demand all documents in his possession in relation to such matters.

(2) A person who fails to comply with subsection (1):

(a) is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000, or to imprisonment not exceeding 12 months, or to both such fine and imprisonment; and

(b) shall not be granted an entry permit or a landing permit unless or until he complies to the satisfaction of the Administrator or the Chief Immigration Officer.

Supplementary provisions concerning offences

15. (1) A person is guilty of an offence if he-

(a) obstructs the Administrator or any immigration officer in the execution of his or their duties under this Ordinance; or

(b) aids, abets, counsels, procures, or otherwise assists any person to commit an offence under this Ordinance.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding £2,500, or to imprisonment not exceeding 18 months, or to both such fine and imprisonment.

(3) Subject to subsection (4), the court by or before which a person is convicted for an offence against section 3(3) or section 11(2) may order the forfeiture of the vessel used or (in the case of an attempt to commit an offence) intended to be used in connection with the offence if the convicted person-

(a) owned the vessel at the time the offence was committed;

(b) was at that time a director, secretary, manager or other responsible officer of a company which owned the vessel;

(c) was at that time in possession of the vessel under a hire-purchase agreement;

(d) was at that time a director, secretary, manager or other responsible officer of a company which was in possession of the vessel under a hire-purchase agreement;

(e) was at that time a charterer of the vessel; or

- (f) committed the offence while acting as master of the vessel.

(4) Where a person who claims to have an interest in a vessel applies to a court to make representations on the question of forfeiture, the court may not make an order under subsection (3) in respect of the vessel unless that person has been given an opportunity to show cause why such an order should not be made.

Duties of the Administrator and immigration officers

16. (1) The Administrator shall, in the exercise of his powers under this Ordinance, comply with such general or specific instructions as the Governor may from time to time address to him.

(2) Immigration officers shall, in the exercise of their powers and functions under this Ordinance, comply with such general or specific instructions as the Governor or the Administrator may from time to time address to them.

Arrival and departure

17. (1) Every person landing on Ascension shall present himself -

- (a) if, before he disembarks, an immigration officer boards the vessel on which he arrived in Ascension, to that immigration officer;
- (b) in every other case, to an immigration officer as soon as it is practicable to do so (and, in any event, within 12 hours) after landing;

and (in either case) shall complete an Arrival Card in a form approved by the Administrator.

(2) Every person intending to leave Ascension shall present himself to an immigration officer, and shall complete a Departure Card in a form approved by the Administrator.

(3) A person who fails to comply with the foregoing provisions of this section is guilty of an offence and liable on summary conviction to a fine not exceeding £1000.

Rules and forms

18. (1) The Governor may make rules generally for the better carrying into effect of this Ordinance.

(2) Except where a form is prescribed by rules made under subsection (1), the forms to be used for the purposes of this Ordinance shall be such forms as the Administrator may from time to time approve.

Repeal and transitional provisions

19. (1) The Entry Control (Ascension) Ordinance is repealed.

(2) Any entry permit granted, or entry permit deemed to be granted, before the commencement of this Ordinance and remaining in force immediately prior to such commencement, shall remain in force and have effect (until its expiry or earlier revocation) as if it had been granted under this Ordinance.



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ENTRY CONTROL (ASCENSION) ORDINANCE 2007

NOTICE UNDER SECTION 5(2)(h)

Pursuant to the provisions of section 5(2)(h) of the Entry Control (Ascension) Ordinance 2007, I hereby appoint the following class of persons as exempt from the provisions of sections 4 (permission required to land or remain on Ascension) and 6 (issue of entry permits) of that Ordinance—

Members of the crew, while actually serving as members of the crew, of aircraft arriving on Ascension Island in pursuance of a UK Ministry of Defence contract.

Dated this day of February 2008

Andrew M Gurr
Governor

Entry Permit Fees (Revised December 2015)

Condition of Entry	Standard	Fast Track *	Under 12's
Tourist	£20.00	£30.00	£5.00
Single Transit	£20.00	£30.00	£5.00
Double Transit (3 months validity)	£30.00	£45.00	£5.00
Short Term Business (1-7 days validity)	£50.00	£75.00	N/A
Long Term Business (longer than 7 days)	£35.00	£55.00	N/A
Scientific/Research Visitor	£25.00	£35.00	N/A
Contractor A	£50.00	£75.00	N/A
Contractor B	£80.00	£120.00	N/A
Contractor C	£100.00	£150.00	N/A
Employment	£20.00	£30.00	N/A
Employment-Dependant	£10.00	£15.00	£10.00
Extension to Permit	£10.00	£15.00	£5.00

* For those wishing to arrive within 14 days of application

LANDING FEES

	Standard	Under 12's
Landing Fee A	£20.00	£5.00
Landing Fee B	£10.00	N/A

* Landing Fee B is for cruise ship passengers, and the RMS passengers who are not formally leaving the ship, and intend a few hours of sightseeing only.

Descriptions of Permit Categories

Tourist

For those visiting on holiday or visiting family on Ascension. Maximum stay – 3 months.

Single Transit

In transit on Ascension as part of a journey to the UK, Falklands or St Helena. Maximum stay – 7 days.

Double Transit

As for single transit but where a return journey will involve a stopover of the maximum period of 7 days on Ascension.

Short Term Business (for stays of 1 – 7 days validity)

To enable business representatives to visit Ascension Island as part of their work related activities for a period of 7 days or less. The requirement to register with the Director of Resources and pay income tax liability is waived for holders of this permit.

Long Term Business (for stays longer than 7 days)

To enable business representatives to visit Ascension Island as part of their work related activities. Maximum period – 2 months.

Scientific/Research Visitor

For persons visiting Ascension to conduct scientific activities, research or conservation related activities. Maximum period – 3 months.

Contractor A

For an employee of a non-Ascension company conducting work directly for or through a third party or for a major organisation on Ascension on a sub-contracting basis. Maximum period – 3 months (Single Entry).

Contractor B

As for Contractor A but for a period of 6 months with multiple entry conditions.

Contractor C

As for Contractor A but for a period of 1 year with multiple entry conditions.

Extension to permit

The Administrator can extend the validity in some circumstances.

Employment

For full-time employees of designated employing organisations on Ascension for a maximum period of 30 months.

Employment-Dependents

For dependents of those on “Employment” status where the employer accepts full liability for them within the employee’s contract.