

PITCAIRN, HENDERSON

DUCIE & OENO ISLANDS

No 001 of 2014

Victoria Trade



Enacted by the Governor of the Islands
of Pitcairn, Henderson, Ducie and Oeno

IMMIGRATION CONTROL (AMENDMENT) ORDINANCE 2014

DATE MADE: 08 MAY 2014

Date Published: 26 MAY 2014

An Ordinance to amend the Immigration Control Ordinance 2006

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| Title and Commencement | 1. This Ordinance may be cited as the Immigration Control (Amendment) Ordinance 2014 and shall come into operation on the day after it is published. |
| Principal Ordinance amended | 2. This Ordinance amends the Immigration Control Ordinance 2006. |
| Office of Commissioner removed | 3. References to the Commissioner are removed in accordance with Schedule 1, and replaced with the words outlined in that Schedule. |
| Powers and duties of immigration | 4.– (1) Subsection (6) of section 4 is amended by deleting the phrase that begins with “with a photograph” and ends with “citizenship”. |

Powers and duties
of immigration
officers

4.— (1) Subsection (6) of section 4 is amended by deleting the phrase that begins with “with a photograph” and ends with “citizenship”.

(2) Subsection (7) of section 4 is repealed and the following subsection is inserted in its place:

“(7) A person arriving at Pitcairn Island must—

- (a) have a valid entry clearance issued by an immigration officer; or
- (b) qualify as a short-term visitor under Part III, section 6 of this Ordinance; or
- (c) qualify as exempt from control under section 15(2) of this Ordinance.”

(3) Subsection (10) of section 4 is amended by inserting the following sentence at the end of the subsection:

“Provided that where such a person is a child then the immigration officer shall ensure that he or she is treated appropriately according to his or her age and that he or she is in the care of his or her parents or another responsible adult.”

New section 9

5. Section 9 is repealed and the following section inserted in its place:

Grants of long-
term and business
entry clearances

9.— (1) Where section 7 or 8 applies, an immigration officer, after consultation with the Governor, shall be entitled to grant leave to enter to any person as:

- (a) a long-term visitor with entry clearance for up to 6 months; or
- (b) a long-term visitor with entry clearance for up to 3 months; or
- (c) a business visitor;

as the case may be.

(2) An application for a long-term or business clearance will be refused in all cases where the immigration officer or the Governor are not satisfied that:

- (a) the applicant has truthfully stated his or her circumstances and intentions in wishing

to travel to the Islands; and

(b) the applicant will leave the Islands at the end of the specified stay or will apply for an extension as required; and

(c) the applicant has sufficient funds for support of the applicant and any dependants and has arranged adequate accommodation; and

(d) the applicant will not seek work on Pitcairn unless prior authorisation has been granted by the Island Council; and

(e) it is in the public interest to grant entry to the applicant; and

(f) in the case of an applicant intending to benefit professionally or commercially, he or she will respect the culture and heritage of Pitcairn; and

(g) the person is not otherwise prohibited from entering by order of the Governor or otherwise by reason of any restriction of national or international law; and

(h) the applicant holds a valid passport or travel document; and

(i) the applicant will not pose a security or health risk.

Permanent
settlement

6. Subsection 12(2) is repealed and the following subsection inserted in its place:

“(2) Persons within the categories described in subsection (1) must apply for settlement entry clearance on the prescribed form to an immigration officer. The applicant must also provide to the immigration officer a certificate or letter from the Police of every jurisdiction in which they have resided disclosing whether they have any convictions for any offences and if so the nature of those convictions. The immigration officer will refer the application to the Island Council, which will consider the matter and convey its recommendation to the Governor stating the reasons for its decision. The Governor will make the final decision on whether to grant or refuse settlement entry clearance.”

Section 4(2) of the Amendment clarifies s 4(6) and requires a person arriving at Pitcairn to have an entry clearance issued by an immigration officer (in accordance with the terms of the Ordinance), rather than by the Pitcairn Island Office.

Section 4(3) of the Amendment qualifies the power to detain someone, and requires that, if the person is a child, the conditions of their detention are appropriate in light of their age and vulnerability. This is to explicitly recognise the rights of the child.

Section 6 of the Amendment amends section 12, which deals with entry clearance for settlement. It requires that an applicant provide evidence of any convictions.

Section 7 of the Amendment to clarify the exemption provisions in section 15. It specifies certain further officers that are exempt from the Ordinance.