



FALKLAND ISLANDS

Immigration Ordinance 1999

(ORDINANCE No. 15 OF 1999)

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FALKLAND ISLANDS

Immigration Ordinance 1999

AN ORDINANCE To repeal and replace the Immigration Ordinance 1999.

[DATE OF COMMENCEMENT: 1ST JANUARY 2000]
(Unless otherwise indicated)

PART I INTRODUCTORY

1 Short title

This Ordinance may be cited as the Immigration Ordinance 1999.

[Revision w.e.f. 31/07/2017]

2 Interpretation

(1) For the purposes of this Ordinance, except in so far as the context -otherwise requires-

“**accompanying dependent**” and “**accompanying dependent permit**” have the meaning in section 17H;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

"aircraft" includes hovercraft,

"airport" includes hoverport and **"port"** includes airport;

"captain" means master (of a ship) or commander (of an aircraft) and includes, where the context so admits, the person appearing for the time being lawfully to be in charge of the operation of the ship or aircraft concerned;

“**carer permit**” has the meaning in section 18C;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

"Certificate of Falkland Islands Status" means a certificate issued under section 38;

"claim for asylum" means a claim made by a person (whether before or after the coming into force of this Ordinance) that it would be contrary to the United Kingdom's obligations in relation to the Falkland Islands under the Convention for him to be removed from, or required to leave, the Falkland Islands;

"the Convention" means the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the Protocol to that Convention;

"crew" in relation to a ship or aircraft, means all persons actually employed for reward under a contract of service in the working or service of a ship or aircraft, including the captain, and "crew" is to be construed accordingly;

"dependent permit" has the meaning in section 18B;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

"deportation order" has the meaning in section 7(1) and **"deportation"** is interpreted accordingly;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

[S. 4(b)/Ord. 9/09/w.e.f. 1/10/09; s.5/Ord. /6/21/w.e.f. 01/09/21.]

[S. 4(b)/Ord. 9/09/w.e.f. 1/10/09; s.5/Ord. /6/21/w.e.f. 01/09/21.]

[S. 4(b)/Ord. 9/09/w.e.f. 1/10/09; s.5/Ord. /6/21/w.e.f. 01/09/21.]

"disembark", without prejudice to subsection (2), means disembark from a ship or aircraft, and "embark" means embark in a ship or aircraft;

"entrant" means a person entering or seeking to enter the Falkland Islands, and "illegal entrant" means a person unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, and includes a person who has so entered;

"Falkland Islander" means a person who has Falkland Islands status by virtue of section 22(5) of the Constitution (and therefore includes a person who has obtained such status by the grant to him of such status under an Ordinance enacted for that purpose);

[S. 4(2)/Ord. 3/11/w.e.f. 1/3/11.]

"functions" means powers and duties;

"holder", in relation to a permit issued under this Ordinance, means the person to whom the permit was issued;

"immigration laws" means this Ordinance and any subsidiary legislation made thereunder and any law for purposes similar to this Ordinance which is for the time being or has (before or after the passing of this Ordinance) been in force in the Falkland Islands;

[S. 5/Ord. /6/21/w.e.f. 01/09/21.]

“living expenses” means regular expenditure on food, clothing, accommodation and transport;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

"medical inspector" means the Chief Medical Officer, any Government Medical Officer and any other person appointed by the Governor to be a medical inspector for the purposes of this Ordinance;

“partner” means —

- (a) a married couple or civil partnership; or
- (b) two persons who habitually live together in a relationship with some or all of the characteristics of a marriage or a civil partnership;

[S. 4(b)/Ord. 9/09/w.e.f. 1/10/09; S. 5/Ord. /6/21/w.e.f. 01/09/21.]

“period of validity” means, in relation to —

- (a) a permit that is not a permanent residence permit, the limited period for which the permit is issued and during which it remains valid, including any limited period for which the permit is extended;
- (b) a visa, the limited period for which the visa is issued and during which it remains valid unless revoked, and includes any limited period for which the visa is extended;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

"permanent residence permit" means a permit issued under section 18;

“permit” means a permit issued under this Ordinance;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

[S. 4(3)/Ord. 3/11/w.e.f. 1/3/11; S. 5/Ord. /6/21/w.e.f. 01/09/21.]

[Revision w.e.f 31/07/2017; S. 5/Ord. /6/21/w.e.f. 01/09/21]

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“registered charity” means —

- (a) a body which is registered as a charity under the Charities Act 1960 c.58 as it applies in the Falkland Islands; or
- (b) a body of persons or trust the name of which appears on the list of charities approved under section 57B of the Taxes Ordinance 1997;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“regulations” means regulations made under this Ordinance;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“remuneration” does not include —

- (a) any sum paid to a person in respect of expenses reasonably incurred or to be incurred for or in connection with work done by that person;
- (b) the provision of accommodation or any sum paid to a person in respect of their reasonable accommodation and living expenses; or
- (c) any sum paid in respect of expenses reasonably incurred or to be incurred for or in connection with travelling between a person’s home overseas and the Falkland Islands for or in connection with work;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

"ship" includes every description of vessel used in navigation;

“sponsor” means a person for whom an applicant for a work permit wishes to work, or a worker works and includes any person under whose direction or control work is to be done or is done, whether or not the applicant or worker (as the case may be) has a contractual relationship with, or is remunerated by, that person or a third party;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“sponsoring organisation” means —

- (a) a registered charity; or
- (b) any other person approved by the Principal Immigration Officer for the purposes of section 17E.

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“substantial charge on public funds” means a charge on public funds or any other impact on public resources that it is unreasonable, in all the circumstances, to expect the Government to bear;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“undertaking” means an undertaking given by a sponsor to the Falkland Islands Government that the sponsor will pay or discharge all or any costs of repatriating a worker and any accompanying dependents to a country specified in the undertaking, if called upon to do so;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“visitor” and **“visitor permit”** have the meaning given in section 17B;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“volunteer permit” means a permit issued under section 17E;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“watch list” has the meaning in section 5A(1);

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“work” means to work for another person, whether as an employee or under any other contractual arrangement, or on one’s own account to pursue any business, trade, profession, calling, vocation or employment, whether or not for remuneration;

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“Workforce Shortage List” means the list kept and maintained by the Skills Assessment Council (a council established by the Governor) of occupations for which there is a shortage of persons with the appropriate skills, qualifications or experience in the Falkland Islands and that are open for the recruitment of migrant workers from overseas.

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

[S. 4(b)/Ord. 9/09/w.e.f. 1/10/09; S. 5/Ord. /6/21/w.e.f. 01/09/21.]

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

“work permit” means a permit issued under section 17F and **“worker”** means the holder of a work permit.

[S. 5/Ord. /6/21/w.e.f. 01/09/21]

(2) Except in so far as the context otherwise requires, references in this Ordinance to arriving in the Falkland Islands by ship extend to arrival by any floating structure, and "disembark" is to be construed accordingly; but the provisions of this Ordinance specially relating to the crew of a ship shall not by virtue of this provision apply in relation to any floating structure not being a ship.

(3) For the purposes of this Ordinance, a public officer or other servant of the Crown in right of the Government of the Falkland Islands is to be regarded as being employed by the Crown.

(4) This Ordinance shall not be taken to supersede or impair any power exercisable by Her Majesty in relation to aliens by virtue of her prerogative.

3 Appointment of Principal Immigration Officer, immigration officers and medical inspectors

(1) The Governor shall appoint a public officer to be the Principal Immigration Officer and may appoint other persons to be immigration officers.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(2) Every customs officer and every police officer is to be deemed to have been appointed to be an immigration officer and may, subject to any -contrary direction given to him by the Principal Immigration Officer, exercise any function conferred upon immigration officers under the immigration laws.

(3) The Principal Immigration Officer, with the assistance of all immigration officers, is responsible to the Governor for the administration of the immigration laws and the performance of all functions thereunder save in so far as they fall to be administered or performed by the Governor.

(4) The Principal Immigration Officer may perform any function conferred by the immigration laws on an immigration officer and-

- (a) any immigration officer may, with the authority of the Principal Immigration Officer, perform any function conferred by the immigration laws on the Principal Immigration Officer;
- (b) where the context so admits, references in any subsequent provision of this Ordinance to the Principal Immigration Officer include a reference to any immigration officer performing any function conferred by this Ordinance on the Principal Immigration Officer.

(5) The Principal Immigration Officer and every immigration officer in performing any function under this Ordinance must-

- (a) avoid bias and be impartial and avoid discrimination on the basis of a person's race, sex, religion or political opinion;
- (b) distinguish fact from opinion, rumour, allegation, assumption or report;
- (c) consider only those matters which are relevant to the exercise of the function; and
- (d) inform the applicant, and where required by this Ordinance, in writing, of the reasons for any decision he makes.

(6) The Governor may appoint any person, whether resident in the Falkland Islands or overseas, who is qualified to be registered as a medical practitioner under the Medical Practitioners, Midwives and Dentists Ordinance 1914 to be a medical inspector for the purposes of this Ordinance.

[Revision w.e.f 31/07/2017]

PART II
REGULATION OF ENTRY INTO AND STAY IN THE FALKLAND ISLANDS

General

4 General principles

(1) A person has a right of abode in the Falkland Islands if-

- (a) he is a Falkland Islander; or
- (b) he is the holder of a permanent residence permit,

and such a person is, subject to the laws of the Falkland Islands, free to live in, take employment in or engage in any trade, business, profession or vocation in, and to come and go into and from, the Falkland Islands without let or hindrance except such as may be permitted under this Ordinance to enable his right to be established or as may be otherwise lawfully imposed on any person having such a right.

(2) Any person not having that right may live, work and settle in the Falkland Islands by permission and subject to such regulation and control of his entry into, stay and departure from the Falkland Islands as is imposed by this Ordinance.

5 General provisions for regulation and control

(1) Except as otherwise provided by or under this Ordinance, where a person does not have the right of abode in the Falkland Islands-

- (a) he must not enter the Falkland Islands unless given leave to do so in accordance with this Ordinance;
- (b) he may be given leave to enter the Falkland Islands (or, when already there, leave to remain in the Falkland Islands) either for a limited or for an indefinite period.

(2) Except as provided by section 9 (seafarers, aircrew etc.), section 14 (entry in emergency), section 15 (refugees, etc) and paragraphs 12(1) and 21(1) of Schedule 2, leave to enter or remain is given by way of a permit issued under this Ordinance.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(3) ...

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(4) The Governor may by order exempt any person or class of persons, either conditionally or subject to such conditions as may be imposed by or under the order, from all or any of the provisions of this Ordinance relating to those who are not Falkland Islanders.

(5) An order under subsection (4) may, as regards any person or class of persons to whom it applies, provide for that person or class in specified circumstances to be regarded (notwithstanding the order) as not subject to immigration control.

(6) ...

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(7) When any question arises under this Ordinance as to whether or not a person is a Falkland Islander or is entitled to the benefit of any exemption under this Ordinance, it lies on the person asserting it to prove that he is.

(8) A person seeking to enter the Falkland Islands and claiming to have the right of abode there must prove that he has that right by-

- (a) producing a passport or other travel document containing an endorsement to the effect that he has the right of abode in the Falkland Islands;
- (b) producing a certificate of Falkland Islands status relating to him;
- (c) producing a passport containing an endorsement to the effect that he is the holder of a permanent residence permit; or
- (d) otherwise satisfying an immigration officer at his point of entry that he is a Falkland Islander or is the holder of a permanent residence permit which has not been revoked.

(9) Notwithstanding subsection (8)(c), an immigration officer may refuse permission to enter the Falkland Islands to the person concerned if the officer is satisfied that the permanent residence permit has been revoked.

(10) A person who fails to satisfy an immigration officer at the point of entry that he has a right of abode in the Falkland Islands may, subject to this Ordinance, be granted leave to enter the Falkland Islands, but subject to this Ordinance no person is entitled to such leave as of right.

(10A) ...

[S. 5/Ord. 3/11/w.e.f. 1/3/11; S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21.]

(11) Subject to subsection (11A), all persons travelling on a passport issued by a country or territory specified in Part 1 of Schedule 1 require a visa to enter the Falkland Islands.

[S. 3/Ord 16/10/w.e.f. 30/11/10; S. 4/Ord. 12/25/w.e.f. 27/10/25]

(11A) Persons having the right of abode in the Falkland Islands, persons exempted under Part 2 of Schedule 1 and persons exempted by order under subsection (4), do not require a visa to enter the Falkland Islands.

[S. 4/Ord. 12/25/w.e.f. 27/10/25]

(11B) A visa may be issued by or with the authority of the Principal Immigration Officer and may be issued before a person's arrival in the Falkland Islands or at the time of or subsequent to arrival.

[S. 4/Ord. 12/25/w.e.f. 27/10/25]

(11C) A visa may be issued so as to be valid on a single occasion, a specified number of occasions or generally within the period specified in it but does not itself constitute leave to enter or remain in the Falkland Islands.

[S. 4/Ord. 12/25/w.e.f. 27/10/25]

(11D) Regulations made under section 40 may provide for more details on visa requirements.

[S. 4/Ord. 12/25/w.e.f. 27/10/25]

(12) The Governor may amend Schedule 1 by order under this subsection.

(13) Notwithstanding any other provision of this Ordinance, a person who requires a visa to enter the Falkland Islands and has one is not permitted to enter the Falkland Islands unless that person also holds a permit or has the Governor's consent.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

5A. Watch list

(1) The Principal Immigration Officer must keep and maintain a list of persons whose presence in the Falkland Islands is deemed to be undesirable or who would be so deemed if the person were to be permitted to enter the Falkland Islands ("**the watch list**").

(2) The Governor may by regulations provide for the circumstances in which a person is included in, or removed from, the watch list.

(3) A person's presence in the Falkland Islands is deemed to be undesirable if the person is a person —

- (a) in respect of whom a deportation order has been made;
- (b) who has committed or is reasonably suspected of committing genocide, war crimes or crimes against humanity;
- (c) who has committed or is reasonably suspected of committing one or more criminal offences that would, if prosecuted in the Falkland Islands, be punishable by a sentence of imprisonment of 4 years or more or an indeterminate sentence;
- (d) included in the United Kingdom Sanctions List published by the United Kingdom Government under the Sanctions and Anti-Money Laundering Act 2018 c.13 and any other persons notified by the United Kingdom Government as presenting a risk to national security; or
- (e) who has publicly expressed or endorsed an opinion or otherwise behaved in a manner that is likely to lead to a serious breach of public order.

[S.6 /Ord./6/21/w.e.f. 01/09/21]

5B. Mandatory refusal of leave to enter or remain

The Principal Immigration Officer must not without the Governor's consent knowingly permit a person to enter or remain in the Falkland Islands if that person does not have a right of abode and —

- (a) is included in the watch list;
- (b) has been convicted of a criminal offence and received a sentence of imprisonment of —
 - (i) 4 years or more or an indeterminate sentence;

- (ii) 30 months or more but less than 4 years, unless a period of 7 years or more has elapsed since completion of the sentence including any licence period;
- (iii) 6 months or more but less than 30 months, unless a period of 4 years or more has elapsed since the end of the sentence, including any licence period; or
- (iv) 6 months or less, unless a period of 24 months has elapsed since the end of the sentence, including any licence period,
- (c) is in breach of paragraph 3 of Schedule 2 by failing to provide any information or document requested by the Principal Immigration Officer;
- (d) the person, or any other person on their behalf, with a view to procuring permission to enter or remain in the Falkland Islands on behalf of that person, wilfully or recklessly gave false or misleading information or withheld information which was material in relation to a decision of the Principal Immigration Officer; or
- (e) requires a visa to enter the Falkland Islands and does not have one.

[S.6 /Ord./6/21/w.e.f. 01/09/21]

5C. General discretion to refuse leave to enter or remain

(1) The Principal Immigration Officer may refuse permission to enter or remain in the Falkland Islands to any person who does not have a right of abode in the Falkland Islands if, at the time of attempted entry into the Falkland Islands or application for any permission under this Ordinance (including an application for a permit) —

- (a) the person is unable to show that they have the means of supporting themselves and any other persons who are dependent on, and travelling with, them;
- (b) the person —
 - (i) refuses to submit to an examination by a medical inspector; or
 - (ii) is certified by a medical inspector to be suffering from a contagious or infectious disease, or the carrier of such a disease, which, in the opinion of the medical inspector would render that person's presence in the Falkland Islands a danger to the community;
- (c) the person is present in the Falkland Islands unlawfully or was so present at any time within a period of 5 years ending on the date of seeking permission to enter or remain;
- (d) there are reasonable grounds for believing that the person has committed a criminal offence and, if convicted, would receive a sentence of imprisonment;
- (e) the person has failed to pay a debt of £500 or more that is due to the Government of the Falkland Islands under a judgment of a court of the Falkland Islands; or
- (f) in the opinion of the Principal Immigration Officer —
 - (i) there are substantial grounds relating to the person's character or conduct for believing that it would not be in the public interest to grant that person leave to enter or remain; or

- (ii) it would otherwise be conducive to the public good to refuse that person, or any group or category of persons that includes the person, permission to enter or remain.

(2) The Governor may direct the Principal Immigration Officer to permit a person or group or category of persons in respect of whom leave has been refused under subsection (1) to enter or remain in the Falkland Islands subject to any specified conditions.

[S.6 /Ord./6/21/w.e.f. 01/09/21]

5D. Unlawful presence in the Falkland Islands

(1) A person who is unlawfully present in the Falkland Islands is liable to deportation in accordance with section 7.

(2) A person is unlawfully present in the Falkland Islands if that person is not a Falkland Islander and —

- (a) the person required a visa to enter the Falkland Islands and entered the Falkland Islands without one;
- (b) the person requires permission to enter or remain in the Falkland Islands and—
 - (i) entered the Falkland Islands without permission; or
 - (ii) the period of validity of their permit has expired or the permit was revoked or has otherwise ceased to be valid, and a new permit has not been issued to that person;
- (c) the person's entry was lawful under section 9(1) (seafarers, aircrew etc.) but has become unlawful because —
 - (i) leave to remain under that section has expired and a permit has not been issued to the person; or
 - (ii) the person is in breach of any condition that applied to their leave by or under regulations;
- (d) the person's entry was lawful under section 14 (entry in emergency) but has become unlawful; or
- (e) leave to remain granted pursuant to section 15 (refugees, etc.) has expired and a permit has not been issued to the person.

[S.6 /Ord./6/21/w.e.f. 01/09/21]

6 Administration of control

The provisions of Schedule 2 to this Ordinance have effect with respect to-

- (a) the powers of immigration officers and medical inspectors for the purposes of this Ordinance;
- (b) the examination of persons arriving in or leaving the Falkland Islands by ship or aircraft;

- (c) the exercise by immigration officers of their powers in relation to entry into the Falkland Islands, and the removal from the Falkland Islands of persons refused leave to enter or entering or remaining unlawfully;
- (d) the detention of persons pending examination or pending removal from the Falkland Islands; and
- (e) the exercise by immigration officers of their powers in relation to requests for disclosure of any information from any person or operator offering travel services into, from or within the Falkland Islands.

and for other purposes supplementary to the foregoing provisions of this Ordinance.

[S. 4/Ord 1/17/w.e.f. 28/02/2017 and Revision w.e.f. 31/07/2017]

Deportation

7 Procedure for, and further provisions as to, deportation

(1) Where a person is liable to deportation is under section 5D(1) the Governor may make an order against that person requiring the person to leave, and prohibiting them from entering, the Falkland Islands either for a limited period or permanently (“**deportation order**”).

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(2) A deportation order against a person may be revoked by a further order of the Governor, and ceases to have effect if the person acquires Falkland Islands status.

(2A) Schedule 3 makes supplementary provision as to deportation.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(3) ...

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(4) ...

[S. 3(2)(b)/Ord. 9/09/w.e.f. 1/10/09; S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21.]

(5) ...

[S. 3(2)(b)/Ord. 9/09/w.e.f. 1/10/09; S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21.]

(6) ...

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

8 ...

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

Leave to enter in special cases

9 Seafarers, aircrew, members of Her Majesty's armed forces, members of visiting forces and their families and other special cases

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(1) Where a person arrives, not having a right of abode in the Falkland Islands or a permit, at a place in the Falkland Islands as a member of the crew of a ship or aircraft under an engagement requiring him to leave on that ship as a member of the crew, or to leave within seven days on that or another aircraft as a member of its crew, then unless-

- (a) there is in force a deportation order made against him;
- (b) the person is a person to whom section 5B applies;
- (c) he has at any time been refused permission to enter the Falkland Islands and has not since then been given leave to enter or remain in the Falkland Islands; or
- (d) an immigration officer requires him to submit to examination in accordance with Schedule 2 to this Ordinance and grants a period of leave under paragraph 12(1) of that Schedule,

he may enter the Falkland Islands and remain until the departure of the ship or aircraft on which he is required by his engagement to depart.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(2) Subsection (1) has effect without prejudice to paragraphs 12 to 15 of Schedule 2 to this Ordinance.

(3) Subject to subsection (4), the provisions of this Ordinance relating to those who are not Falkland Islanders shall not apply to any person so long as he is a member of a mission (within the meaning of the Diplomatic Privileges Act 1964 ("the 1964 Act")), a person who is a member of the family and forms part of the household of such a member, or a person entitled to the like immunity from jurisdiction as is conferred by the 1964 Act on a diplomatic agent.

(4) In the case of a member of a mission other than a diplomatic agent (within the meaning of the 1964 Act) subsection (3) shall apply only if he enters or has entered the Falkland Islands-

- (a) as a member of that mission; or
- (b) in order to take up a post as such a member which was offered to him before his arrival,

and references in that subsection to a member of a mission shall be construed accordingly.

(5) Subject to subsection (6), the provisions of this Ordinance relating to those who do not have Falkland Islands status shall not apply-

- (a) to the Governor or any person in the service in a civil capacity of Her Majesty in right of Her Government of the United Kingdom entering or remaining in the Falkland Islands for the purposes of the performance of his duties;
- (b) to any member of Her Majesty's armed services;

(c) any dependent of a person to whom paragraph (a) or (b) applies.

[S. 3(2)(a)/Ord. 9/09/w.e.f. 1/10/09.]

(6) Except in relation to employment by or service to Her Majesty in right of Her Government of the United Kingdom, subsection (5) does not have effect so as to exempt any person to whom it applies from any provision of section 17 (requirement to have a work permit) which applies to him.

Construction of references to entry, etc.

10 Construction of references to entry and other phrases relating to travel

(1) A person arriving in the Falkland Islands by ship or aircraft is for the purposes of this Ordinance to be deemed not to enter the Falkland Islands unless or until he disembarks, and on disembarkation at a port is to be deemed not to enter the Falkland Islands so long as he remains in such area (if any) at the port as may be approved for this purpose by the Principal Immigration Officer; and a person who has not otherwise entered the Falkland Islands is to be deemed not to do so so long as he is detained, or temporarily admitted or released while liable to detention, under the powers conferred by Schedule 2 to this Ordinance.

(2) A person who enters the Falkland Islands lawfully by virtue of section 9(1), and seeks to remain beyond the time limited by section 9(1), shall be treated for the purposes of this Ordinance as seeking to enter the Falkland Islands.

[S.7 /Ord./6/21/w.e.f. 01/09/21]

11 ...

[S.7 /Ord./6/21/w.e.f. 01/09/21]

12 ...

[S.7 /Ord./6/21/w.e.f. 01/09/21]

13 ...

[S.7 /Ord./6/21/w.e.f. 01/09/21]

Entry in emergencies and by refugees

14 Entry in emergency

(1) A person who enters the Falkland Islands by reason of Act of God or force majeure and who is not otherwise permitted to enter the Falkland Islands does not enter the Falkland Islands unlawfully but, subject to subsection (3), unless before the expiry of seven days from the time of his entry leave has been granted to him under this Ordinance authorizing him to remain in the Falkland Islands, his continued presence in the Falkland Islands then becomes unlawful and he may thereafter be treated as an illegal entrant but he shall not be so treated at any time after he

has been granted leave to remain in the Falkland Islands, whether granted before or after the expiration of that seven days.

(2) Subject to subsection (3), a person who enters the Falkland Islands in the circumstances mentioned in subsection (1) must as soon as reasonably possible, and in any event within forty-eight hours of his entry, attend at Stanley police station and report his presence and the place at, and circumstances in, which he entered the Falkland Islands.

(3) In the case of a person who is brought into the Falkland Islands to receive urgent medical attention in respect of injury or illness, the foregoing subsections apply with the following modifications:

- (a) in subsection (1) the words "or before his discharge from hospital, whichever is the later" are added immediately after the words "the expiry of seven days from the time of his entry";
- (b) in subsection (2) the words "the Chief Medical Officer or some other public officer acting for him must immediately upon the admission of" are inserted immediately before the words "a person", the words from "must" up to and including the words "Stanley police station and" are omitted and the words "to the Principal Immigration Officer" are inserted at the end of the subsection.

15 Refugees, etc

(1) If a person ("**the claimant**")-

- (a) makes a claim for asylum;
- (b) otherwise claims that on humanitarian grounds it would be unconscionable to take action to require him to leave the Falkland Islands,

subject to subsection (2), he may not be removed from or required to leave the Falkland Islands until notice is given to him by or on behalf of the Governor of the decision on his claim.

(2) Nothing in subsection (1) applies so as to prevent-

- (a) the extradition of the claimant pursuant to an order made under the Extradition Act 1989;
- (b) the claimant being removed from or required to leave the Falkland Islands pursuant to an order under this Ordinance made before, or intention to make which was notified pursuant to this Ordinance before, that person made a claim of a kind mentioned in subsection (1); or
- (c) the claimant if he is a person in respect of whom an unrevoked deportation order has previously been made and implemented being removed from or required to leave the Falkland Islands.

(3) Where a claim to which subsection (1) relates is made the public officer to whom such claim is made or first notified shall inform the Principal Immigration Officer forthwith of that claim with such particulars of the grounds and circumstances of it as are known to him and the Principal Immigration Officer shall-

- (a) inform the Governor of it;
 - (b) grant leave to the claimant and any dependants of his accompanying him to remain in the Falkland Islands until the claimant is notified by or on behalf of the Governor of the Governor's decision in relation to that claim and may grant (and at any time thereafter revoke) permission to the claimant (and, if he sees fit, one or more of his dependants) subject to such conditions as the Principal Immigration Officer notifies to take employment in the Falkland Islands.
- (4) On receiving information pursuant to subsection (3) the Governor-
- (a) shall cause the claim to be investigated in such manner and by such person or persons as he directs and a report to be made to him in writing by that person or persons in respect of such investigation;
 - (b) in a case to which subsection (1)(a) relates may give such directions (which shall be complied with) as appear to him to be necessary to ensure that the obligations under the Convention in relation to the claimant, and any accompanying dependants of his, whether or not related to or connected with immigration matters, are met.
- (5) On receiving a report pursuant to subsection (4), the Governor shall determine whether or not the claimant (and, if appropriate, any accompanying dependants of his) shall be permitted to remain in the Falkland Islands or shall be required to leave the Falkland Islands and shall give such directions to the Principal Immigration Officer as may be necessary to implement his determination, (with which directions the Principal Immigration Officer shall comply) and the Principal Immigration Officer shall notify the claimant in writing of the Governor's determination.
- (6) If the Governor, pursuant to subsection (5), determines that a claimant (and, if appropriate any accompanying dependants of his) shall not be permitted to remain in the Falkland Islands, he may at the same time make a deportation order in respect of him (or them) and direct that pending removal they be detained at such place as he may nominate.
- (7) Nothing in paragraph 4 of Schedule 3 (notice and representations in respect of proposed deportation order) applies in relation to deportation orders to which subsection (6) applies.
- (8) Schedule 4 shall have effect so as to make further provision in relation to persons who claim, or have claimed, asylum.
- (9) No appeal lies to any person, tribunal or authority from any decision of the Governor to refuse to grant asylum to any person.

16 ...

[S.7 /Ord./6/21/w.e.f. 01/09/21]

17 ...

[S.7 /Ord./6/21/w.e.f. 01/09/21]

17A ...

[S.7 /Ord./6/21/w.e.f. 01/09/21]

Visitor permits

[S.7 /Ord./6/21/w.e.f. 01/09/21]

17B. Visitor permits

(1) The Principal Immigration Officer may permit a person of a description in subsection (2) (“**a visitor**”) to enter or remain in the Falkland Islands for a limited period.

(2) A visitor is a person who does not have a right of abode in the Falkland Islands and—

- (a) is outside the Falkland Islands;
- (b) having disembarked or being about to disembark a ship or aircraft, seeks permission to enter the Falkland Islands and is not the holder of any other permit authorising them to do so;
- (c) having entered the Falkland Islands lawfully under sections 9 (seafarers, aircrew etc.) or 14 (entry in emergency), seeks permission to remain in the Falkland Islands after their presence in the Falkland Islands ceases to be permitted by either section 9 or section 14, as the case may be; or
- (d) being the holder of a permit that is not a permanent residence permit seeks permission to remain in the Falkland Islands after that permit expires or has otherwise ceased to be valid (but has not been revoked).

(3) Before granting permission under subsection (1) (“**a visitor permit**”), the Principal Immigration Officer must be satisfied that —

- (a) for the whole period the person is likely to remain in the Falkland Islands, the person has sufficient financial resources to maintain themselves and secure suitable accommodation without working and is not likely to be or become a charge on public funds; and
- (b) the person —
 - (i) has made, or has sufficient financial resources to make, arrangements for travel to a destination outside the Falkland Islands on or before the period of validity expires; and
 - (ii) will be permitted entry at that destination and to any necessary intermediate destination which the person may need to enter in the course of travelling to the destination.

(4) Subject to subsection (5), the Principal Immigration Officer may, if satisfied that the visitor continues to meet the requirements in subsection (3) extend the period of validity.

(5) The period of validity of a visitor permit must not exceed —

- (a) in the case of a visitor to whom a permit is issued on arrival in the Falkland Islands, one month from the date of issue;
- (b) in the case of a visitor who intends to engage in permitted activity within the meaning of section 17C(1), a period that will not, when aggregated with any other period for

which a visitor permit has been issued to the visitor, exceed a total of three months in any consecutive period of 12 months;

- (c) in the case of a person to whom neither paragraphs (a) nor (b) apply and who is a family member, twelve months from the date of issue;
- (d) in any other case, six months from the date of issue.

(6) The Principal Immigration Officer must not issue a visitor permit or extend the period of validity for a person who is a family member if one or more visitor permits have previously been issued to that person and the cumulative total of the periods of validity of those permits and any new or extended permit would exceed twelve months in any twenty-four month period.

(7) In any case not falling within subsection (6), the Principal Immigration Officer must not issue a visitor permit or extend the period of validity if one or more visitor permits have previously been issued to the same person and the cumulative total of the periods of validity of those permits and any new or extended permit would exceed nine months in any twelve month period.

(8) The Governor may authorise the Principal Immigration Officer to issue or extend a visitor permit where by virtue of the other provisions of this section the Principal Immigration Officer would otherwise be prohibited from doing so.

(9) Save as permitted by sections 17C (permitted activities) and 17D (short-term work), a visitor must not work in the Falkland Islands but nothing in this section prevents a visitor from voluntarily providing services of any kind without remuneration to a registered charity.

(10) In this section, “**family member**” means the partner or a parent, sibling or child of a person who has either —

- (a) a right of abode in the Falkland Islands; or
- (b) a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit.

[S.7 /Ord./6/21/w.e.f. 01/09/21]

17C. Permitted activities

(1) Where a visitor is a person engaged primarily in business overseas, the visitor may—

- (a) as a member of the board of a body corporate, perform any function that only a person who is a member of the board can perform;
- (b) engage in business in relation to —
 - (i) any aspect of the establishment, expansion or winding up of any business enterprise in the Falkland Islands; or
 - (ii) any consultation or negotiation with the Falkland Islands Government or any statutory corporation regarding any contract or proposed contract, including any joint venture or partnership arrangement;

- (c) as a legal practitioner, accountant, auditor, translator, interpreter, ship surveyor or a health or care professional, provide professional advice or services for or on behalf of a client or patient, including in the case of a legal practitioner as an advocate before any court or tribunal, provided that the professional advice or services are provided pursuant to a contract made before entering the Falkland Islands;

[S. 5/Ord. 12/25/w.e.f. 27/10/25]

- (d) as a visiting minister of religion, conduct or otherwise participate in services or other acts of worship, undertake pastoral duties and other duties of ministry provided the person has been invited to do so by a person who is lawfully resident in the Falkland Islands;
- (e) undertake the inspection, repair, maintenance, servicing, installation or removal of any infrastructure, ship, aircraft, vehicle, apparatus or other equipment pursuant to a contract made before entering the Falkland Islands;
- (f) as a commercial traveller or sales representative for an employer or client having no place of business in the Falkland Islands, conduct business with clients or prospective clients;
- (g) as an author or as a journalist for a newspaper, periodical or broadcaster not having a place of business in the Falkland Islands, engage in that work;
- (h) perform as an actor, musician or other entertainer pursuant to a contract made before entering the Falkland Islands with a person who is lawfully resident in the Falkland Islands; or
- (i) create or undertake activities ancillary to creating artistic works not within the scope of paragraphs (g) or (h) provided the person establishes no place of business in the Falkland Islands and accepts no commission in the Falkland Islands.

(2) A visitor may undertake official business in the service of the government of any country or of any intergovernmental or international organisation that is for the time being entitled to any privileges or immunities by virtue of any written law of the Falkland Islands.

[S.7/Ord./6/21/w.e.f. 01/09/21]

17D. Permission to do short-term work

- (1) Subject to subsection (2), the Principal Immigration Officer may grant a visitor permission to do short-term work.
- (2) The Principal Immigration Officer must not grant permission to do short-term work unless satisfied that the visitor meets the requirements in section 17B(3).
- (3) The Principal Immigration Officer may withdraw permission to do short-term work at any time by giving notice in writing to the visitor.
- (4) The period for which permission may be given must not, when aggregated with any other periods for which permission to do short-term work have been granted, exceed a total of three months during the period of validity of a visitor permit.

(5) The Governor may recognise a scheme for short-term work for visitors who are young persons.

(6) Subsections (2) and (4) do not apply to the grant of permission to a young person to participate in a scheme under subsection (5).

(7) In this section —

“**short-term work**” means work that —

- (a) is not an activity permitted under section 17C(1); and
- (b) is included in the Workforce Shortage List; and

“**young person**” means a person aged 25 years or less.

[S.7 /Ord./6/21/w.e.f. 01/09/21]

Volunteer permits

[S.7 /Ord./6/21/w.e.f. 01/09/21]

17E. Volunteer permits

(1) A person who does not have a right of abode in, and is outside, the Falkland Islands may apply for a permit to work in the Falkland Islands without remuneration for a sponsoring organisation (“**volunteer permit**”) and the Principal Immigration Officer may, subject to this section, issue such a permit for a limited period.

(2) Before issuing a volunteer permit the Principal Immigration Officer must be satisfied that—

- (a) for the whole period of validity adequate provision for the living expenses of the applicant has been made and the person will be suitably accommodated; and
- (b) the applicant has made, or has sufficient financial resources to make, arrangements for travel overseas on or before the period of validity expires to a destination outside the Falkland Islands where the person will be permitted entry.

(3) Subject to subsection (4), the Principal Immigration Officer may, if satisfied that the permit holder continues to meet the requirements in subsection (2), extend the period of validity of a volunteer permit.

(4) The Principal Immigration Officer must not issue or extend a volunteer permit if one or more volunteer permits have previously been issued to the applicant and the cumulative total of the periods of validity of the permits would exceed twelve months in any twenty-four month period.

(5) The holder of a volunteer permit may during the period of validity —

- (a) enter and remain in the Falkland Islands;
- (b) depart and re-enter the Falkland Islands;
- (c) work for the sponsoring organisation; and

- (d) voluntarily provide services of any kind without remuneration to a registered charity.

[S.7 /Ord./6/21/w.e.f. 01/09/21]

Work permits

[S.7 /Ord./6/21/w.e.f. 01/09/21]

17F. Work permits

(1) A person may apply for and the Principal Immigration Officer may issue a permit to work in the Falkland Islands for a limited period either for a sponsor or on their own account (“**a work permit**”) if the person does not have a right of abode and is —

- (a) outside the Falkland Islands;
- (b) the holder of a work permit (“**a worker**”), an accompanying dependent, the holder of a dependent permit or a carer permit; or
- (c) a person who was the holder of a work permit, an accompanying dependent permit or dependent permit that expired 28 days or less before the date of the application.

(2) The period of validity of a work permit may be extended but must not exceed four years in total.

(3) The Principal Immigration Officer may refuse to issue or extend the period of validity of a work permit if the applicant is or is likely to become a substantial charge on public funds because of their medical or healthcare needs.

(4) If the applicant intends to work for a sponsor, the sponsor must provide an undertaking in relation to the worker.

(5) Subsection (4) does not apply if the sponsor is the Crown in right of the Government of the Falkland Islands.

(6) A worker may during the period of validity —

- (a) enter and remain in the Falkland Islands;
- (b) depart from and re-enter the Falkland Islands;
- (c) work either for a sponsor or on their own account, as specified in the permit; and
- (d) in addition to the work specified in accordance with paragraph (c) —
 - (i) do any work that is included in the Workforce Shortage List for a person who is not their sponsor;
 - (ii) voluntarily provide services of any kind without remuneration.

(7) The Principal Immigration Officer may permit a worker —

- (a) to do work not included in the Workforce Shortage List; or

- (b) in the case of a worker who works for a sponsor, to work on their own account in addition.

[S.7/Ord./6/21/w.e.f. 01/09/21]

17G. Undertakings

- (1) A sum due under an undertaking is recoverable as a civil debt to the Crown.
- (2) An undertaking is not affected if the work permit to which it relates expires or otherwise ceases to be valid or is revoked except in the circumstances set out in subsection (3).
- (3) The Principal Immigration Officer must release a sponsor from an undertaking if —
 - (a) a new work permit is issued to the worker and either —
 - (i) an undertaking has been accepted from a different sponsor; or
 - (ii) the permit is for the worker to work on their own account;
 - (b) the worker has ceased to work for the sponsor and the worker and any accompanying dependents referred to in the undertaking have left the Falkland Islands of their own accord;
 - (c) a permit of a different type is issued to the worker; or
 - (d) the worker becomes a Falkland Islander.
- (4) The Principal Immigration Officer may release a sponsor from an undertaking in exceptional circumstances.
- (5) Regulations may make further provision for undertakings and in particular may —
 - (a) prescribe the circumstances in which repatriation costs for a worker and any accompanying dependents referred to in an undertaking are or are not payable by the sponsor;
 - (b) provide for the Principal Immigration Officer to require or accept other security for repatriation costs in lieu of an undertaking; or
 - (c) prescribe the form and content of undertakings.

[S.7/Ord./6/21/w.e.f. 01/09/21]

Accompanying dependent permits

[S.7/Ord./6/21/w.e.f. 01/09/21]

17H. Accompanying dependent permits

- (1) A person who does not have a right of abode may apply for a permit to live with a worker in the Falkland Islands as part of a worker's household ("**an accompanying dependent permit**") if the person —

- (a) is outside the Falkland Islands;
 - (b) is a worker, an accompanying dependent, or the holder of a dependent permit or a carer permit; or
 - (c) was the holder of an accompanying dependent permit that expired 28 days or less before the date of the application.
- (2) The Principal Immigration Officer may issue an accompanying dependent permit for a limited period to a person who is of a description in subsection (1) and either —
- (a) the partner of a worker (whether or not financially dependent on the worker); or
 - (b) any other person who is financially or otherwise dependent for accommodation, maintenance or care on the worker, forms part of the worker's household and is—
 - (i) a person aged less than 18 years; or
 - (ii) a person aged 18 years or more who is a child or step-child of the worker or the worker's partner.
- (3) The Principal Immigration Officer may refuse an application for an accompanying dependent permit if —
- (a) it appears likely that, if a permit were issued, the applicant would be or become a substantial charge on public funds because of the person's medical or healthcare needs or, if under 18 years, educational needs; or
 - (b) the worker's sponsor does not provide an undertaking in relation to the applicant.
- (4) Subject to subsection (3), the Principal Immigration Officer must issue an accompanying dependent permit to a child born to a worker or an accompanying dependent while that person is ordinarily resident in the Falkland Islands even if the child is not born in the Falkland Islands.
- (5) In exceptional circumstances, the Governor may direct the Principal Immigration Officer to issue an accompanying dependent permit to a person who is not of a description in subsections (1), (2) or (4) but is financially or otherwise dependent for accommodation, maintenance or care on a worker and forms part of the worker's household.
- (6) A person who holds an accompanying dependent permit (“**accompanying dependent**”) may during the period of validity —
- (a) enter and remain in the Falkland Islands;
 - (b) depart from and re-enter the Falkland Islands;
 - (c) do any work that is included in the Workforce Shortage List for another person; and
 - (d) voluntarily provide services of any kind without remuneration.
- (7) The Principal Immigration Officer may permit an accompanying dependent to do work not included in the Workforce Shortage List or to work on their own account.

(8) The period of validity of an accompanying dependent permit must not exceed the period of validity of the permit of the worker in whose household the accompanying dependent lives or is to live and may be extended for the same period as any extension to the period of validity of the relevant work permit.

[S.7/Ord./6/21/w.e.f. 01/09/21]

Permanent residence permits

18 Permanent residence permits

(1) A permanent residence permit is a permit issued by the Principal Immigration Officer which permits the holder to-

- (a) enter and depart from the Falkland Islands;
- (b) reside in the Falkland Islands; and
- (c) take any lawful employment or pursue any lawful business, trade, profession, or vocation in the Falkland Islands.

(2) A permanent residence permit has effect until it is revoked in accordance with section 23.

(3) The grant of a permanent residence permit by the Principal Immigration Officer will be in accordance with the system or systems prescribed by regulation

(4) Subsection (3) does not apply in relation to the grant of a permanent residence permit under section 18AA or section 18BB.

[S. 4/Ord. 16/09/w.e.f. 31/12/09; s. 5/Ord. 11/14/w.e.f. 1/03/15 and s. 5/Ord. 9/09/w.e.f. 1/10/09.]

18AA Permanent right to remain and permanent residence permits

(1) A person who is entitled to the grant of a permanent right to remain under section 22(7) of the Constitution will be granted a permanent residence permit under this section for the purposes of satisfying that provision of the Constitution.

(2) A permanent residence permit will be granted for the purposes of subsection (1) by the Principal Immigration Officer on determining that the person is entitled to be granted a permanent right to remain under section 22(7) of the Constitution.

[S. 5/Ord. 16/09/w.e.f. 31/12/09.]

(3) A permanent residence permit issued under this section has effect unless it is revoked in accordance with section 23.

[S. 6/Ord. 12/25/w.e.f. 27/10/25]

18BB Grant of a permanent residence permit to persons falling under section 22(5)(a)(ii) of the Constitution

(1) The Principal Immigration Officer will grant, on application, a permanent residence permit to a person who has previously held a permanent residence permit and who falls under section 22(5)(a)(ii) of the Constitution who-

- (a) in the case of a spouse, ceases to live with the wife or the husband under a decree of a competent court or a deed of separation; or
- (b) in the case of a widow or widower, remarries; and
- (c) is, on the date of the application, ordinarily resident in the Falkland Islands.

(2) A permanent residence permit will be granted for the purposes of subsection (1) by the Principal Immigration Officer on determining that the person had previously held a permanent residence permit and falls under section 22(5)(a)(ii) of the Constitution.

(3) A permanent residence permit issued under this section is deemed to have effect from the date the person-

- (a) ceases to live with the wife or the husband under a decree of a competent court or a deed of separation; or
- (b) as a widow or widower, remarries.

(4) A permanent residence permit issued under this section has effect until it is revoked in accordance with section 23.

[S. 4/Ord. 11/14/w.e.f. 1/03/15.]

18A Suspension of section 18

(1) If the Governor considers that circumstances have arisen, or may arise within the next twelve months, in which it is not, or may not be, in the interests of the Falkland Islands for the time being that any further permanent residence permits shall be issued, he may by order under this subsection suspend the operation of section 18.

(2) Any order under subsection (1) shall, without prejudice to the making of a further order under that subsection in relation to the same circumstances, cease to have effect on the expiration of twelve months from the date on which it came into effect.

[S. 2(b)/Ord. 8/05/w.e.f. 10/6/05.]

Dependent permits

[S.8/Ord./6/21/w.e.f. 01/09/21]

18B. Dependent permits

(1) A person who does not have a right of abode in the Falkland Islands may apply for a permit to live with a person who has a right of abode in the Falkland Islands as part of that person's household ("**a dependent permit**") if the person is —

- (a) outside the Falkland Islands;
- (b) a worker, an accompanying dependent or the holder of a dependent permit or a carer permit; or
- (c) was the holder of a dependent permit that expired 28 days or less before the date of the application.

(2) The Principal Immigration Officer may issue a dependent permit for a limited period to an applicant who is of a description in subsection (1) and either —

- (a) the partner of the person who has a right of abode (whether or not the partner is financially dependent on the person who has a right of abode); or
- (b) any other person who is financially or otherwise dependent for accommodation, maintenance or care on the person who has a right of abode, forms part of that person's household and is —
 - (i) a person aged less than 18 years; or
 - (ii) a person aged 18 years or more who is a child or step-child of the person who has a right of abode or of that person's partner.

(3) Subject to subsection (5), the Principal Immigration Officer must issue a dependent permit to a child born to the holder of a dependent permit while that person is ordinarily resident in the Falkland Islands even if the child is not born in the Falkland Islands unless the child is otherwise entitled to Falkland Islands status or to a permanent residence permit.

(4) In exceptional circumstances, the Governor may direct the Principal Immigration Officer to issue a dependent permit to a person who is not of a description in subsections (1) to (3) but is financially or otherwise dependent for accommodation, maintenance or care on a person who has a right of abode and forms part of that person's household.

(5) The Principal Immigration Officer may refuse an application for a dependent permit if it appears likely that, if it were granted, the applicant would be or become a substantial charge on public funds because of the person's medical or healthcare needs or, if under 18 years, educational needs.

(6) The holder of a dependent permit may during the period of validity —

- (a) enter and remain in the Falkland Islands;
- (b) depart from and re-enter the Falkland Islands;

- (c) work whether for another person or on their own account; and
 - (d) voluntarily provide services of any kind without remuneration.
- (7) The period of validity of a dependent permit must not exceed —
- (a) in a case falling within subsection (3), the period of validity of the parent's dependent permit; or
 - (b) in any other case, four years from the date of issue.
- (8) A permit issued for less than the maximum period provided for in subsection (7) may be extended provided the total period of validity does not exceed that maximum.

[S.8/Ord./6/21/w.e.f. 01/09/21]

Carer permits

[S.8/Ord./6/21/w.e.f. 01/09/21]

18C. Carer permits

- (1) A person who does not have a right of abode in the Falkland Islands may, in the circumstances described in subsection (2) apply, for a permit (“**a carer permit**”) to live with a person who needs their care.
- (2) The circumstances are that —
- (a) the applicant is —
 - (i) over the age of 18 years;
 - (ii) is not eligible for any other type of permit; and
 - (iii) is a family member of, or other person with a close personal relationship with, the person who needs care;
 - (b) the person who needs care has a right of abode in the Falkland Islands and at the date of the application —
 - (i) is under the age of 18 years; or
 - (ii) is over the age of 18 years and needs substantial personal care on a regular basis because of a disability or other health condition; and
 - (c) the care is provided without remuneration.
- (3) The Principal Immigration Officer may with the consent of the Governor issue a carer permit for such limited period, not exceeding four years from the date of issue, and subject to such conditions as the Governor may direct.

(4) An application for a carer permit may be refused if it appears likely that, if it were granted, the applicant would be or become a substantial charge on public funds because of the applicant's own medical or healthcare needs.

(5) During the period of validity, the permit holder may —

- (a) enter and remain in the Falkland Islands;
- (b) depart from and re-enter the Falkland Islands;
- (c) work, whether for another person or on their own account; and
- (d) voluntarily provide services of any kind without remuneration.

(6) The period of validity may be extended if the Governor so directs, provided the total period of validity does not exceed four years from the date of issue of the permit.

[S.8/Ord./6/21/w.e.f. 01/09/21]

Revocation of permits

19 ...

[S.9/Ord./6/21/w.e.f. 01/09/21]

20 ...

[S.9/Ord./6/21/w.e.f. 01/09/21]

21 ...

[S.9/Ord./6/21/w.e.f. 01/09/21]

22 ...

[S.9/Ord./6/21/w.e.f. 01/09/21]

22A. Revocation of visitor permits, volunteer permits, work permits, accompanying dependent permits, dependent permits and carer permits

(1) This section applies to a permit that is not a permanent residence permit.

(2) A permit is revoked with immediate effect if the permit holder is included in the watch list.

(3) The Principal Immigration Officer may revoke a permit on notice, if the permit holder —

- (a) or any other person on the permit holder's behalf with a view to procuring the issue of the permit, wilfully or recklessly gave false or misleading information or withheld information which was material in relation to its issue;
- (b) has worked or works in the Falkland Islands other than in accordance with any conditions in the permit or as otherwise permitted under this Ordinance; or

- (c) during the period of validity is convicted in the Falkland Islands or in any other jurisdiction of an offence punishable on conviction by imprisonment.
- (4) Notice of revocation under subsection (3) must be given in writing to the permit holder.
- (5) A person whose permit is revoked by notice under subsection (3) may request a review of the decision in accordance with section 26.
- (6) A decision to revoke a permit under subsection (3) has effect —
 - (a) in the case of a visitor permit, immediately on the giving of notice of revocation;
 - (b) in any other case —
 - (i) on the 28th day after the date on which notice of revocation is given if the permit holder does not request a review under section 26; or
 - (ii) if the person requests a review under section 26, upon determination of the review if the review is unsuccessful.
- (7) The Principal Immigration Officer may withdraw a notice of revocation at any time before it takes effect, with the consent of the Governor.

23. Revocation of permanent residence permits

- (1) A permanent residence permit is revoked by the grant to or acquisition by the holder of Falkland Islands status.
- (2) The Principal Immigration Officer may revoke a permanent residence permit on the grounds set out in subsection (3), following the procedure set out in subsection (4).
- (3) The Principal Immigration Officer may revoke a permanent residence permit if the permit holder, —
 - (a) or any other person on the permit holder's behalf with a view to procuring the issue of the permit, wilfully or recklessly gave false or misleading information or withheld information which was material in relation to its issue; or
 - (b) since the grant of the permit, the permit holder —
 - (i) has been convicted in the Falkland Islands or in any other jurisdiction of an offence and has been sentenced to immediate imprisonment or deprivation of liberty of twelve months or more;
 - (ii) has been absent from the Falkland Islands for at least two years (unless the absence is for educational or medical reasons or to serve as a member of His Majesty's armed forces); or
 - (iii) appears to no longer be ordinarily resident in the Falkland Islands (unless the absence is for educational or medical reasons or to serve as a member of His Majesty's armed forces).

(4) The procedure to be followed in relation to the revocation of a permanent residence permit is as follows —

- (a) the Principal Immigration Officer will —
 - (i) give written notice to the permit holder of the intention to consider revoking the permit, stating the grounds on which the revocation is to be considered;
 - (ii) give the permit holder a reasonable opportunity to make written representations in relation to the proposed revocation; or
 - (iii) consider any written representations made under paragraph (a)(ii) before deciding whether to revoke the permit;
- (b) if the permit is revoked, the Principal Immigration Officer must give written notice to the permit holder of the revocation, stating the grounds for revocation, which must have been included in the notice given in accordance with paragraph (a)(i).

(5) If a person's permanent residence permit is revoked under this section, unless the person is granted leave to remain under some other provision of this Ordinance or is otherwise entitled to remain in the Falkland Islands, the person's presence in the Falkland Islands becomes unlawful —

- (a) at the expiration of the time within which the person may appeal against the revocation under section 28, if the person has not already appealed against it; or
- (b) on determination of the appeal, if the person appeals against the revocation within the time permitted, unless the revocation is quashed.

*[S. 6/Ord. 9/09/w.e.f. 1/10/09][S. 6/Ord. 16/09/w.e.f. 31/12/09][S. 6/Ord. 11/14/w.e.f. 1/03/15]
[S.9/Ord./6/21/w.e.f. 01/09/21] [S. 7/Ord. 12/25/w.e.f. 27/10/25]*

23A ...

[S. 7/Ord. 16/09/w.e.f. 31/12/09.] [S. 8/Ord. 12/25/w.e.f. 27/10/25]

24 ...

[S.9/Ord./6/21/w.e.f. 01/09/21]

Medical examinations for permits

24A Medical examinations for permits

(1) A person applying for a permit may be required by the Principal Immigration Officer to submit to a medical examination before the person's application will be considered.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(2) If a person is required by the Principal Immigration Officer to submit to a medical examination under subsection (1) and fails to do so without good reason, the person's application will be refused without further consideration of it.

(3) A medical examination includes an x-ray or such other diagnostic procedure as is considered necessary by a medical inspector for the purposes of a medical examination required under subsection (1).

[S. 3(5)/Ord. 7/07/w.e.f. 31/5/07.]

PART III APPEALS

25. Appeals - general

(1) No appeal lies to any person, tribunal or authority against a deportation order or from any other decision or determination made by the Governor.

(2) No appeal lies to any person, tribunal or authority from a decision or determination made by the Principal Immigration Officer, except as provided in this Part.

[S.10 /Ord./6/21/w.e.f. 01/09/21]

Reviews of decisions of the Principal Immigration Officer

[S.10 /Ord./6/21/w.e.f. 01/09/21]

26. Reviews of decisions made by the Principal Immigration Officer

(1) This section applies to a permit that is not a permanent residence permit.

(2) Subject to subsection (3), a person may request a review by the Governor of —

(a) a decision to —

- (i) refuse to issue a visitor permit, a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit, except in circumstances to which section 24A(2) applies;
- (ii) refuse to extend a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit, during the period of validity;
- (iii) revoke a permit on notice under section 22A(3); or

(b) any other prescribed matter.

[S.R. & O.16/2024/w.e.f. 18/10/2024]

(3) In the circumstances set out in subsection (4) a person may only request a review if the person is outside the Falkland Islands.

(4) The circumstances referred to in subsection (3) are that the person —

- (a) was outside the Falkland Islands when notified of a decision referred to in subsection (2)(a)(i) or (iii), or

- (b) does not have leave to enter or remain in the Falkland Islands.

[S.10 /Ord./6/21/w.e.f. 01/09/21]

27. Procedure for reviews

- (1) A person must request a review by giving notice in writing to the Governor not more than twenty-eight days after being given notice of the relevant decision.
- (2) A notice requesting a review must include a statement of the reasons for requesting the review and include any documentary evidence relied on.
- (3) The Governor must determine the review as soon as is reasonably practicable and may confirm or rescind the decision reviewed.
- (4) If the Governor rescinds a decision —
 - (a) to refuse to issue a permit or grant an extension to the period of validity, the Principal Immigration Officer must issue a permit of a type, or grant the extension (as the case may be), for such period and subject to such conditions as the Governor may direct; or
 - (b) to revoke a permit, the permit is deemed never to have been revoked.
- (5) Written notice of the Governor's determination must be given to the person who requested the review within seven days of the date of the determination.

[S.3 /Ord./7/21/w.e.f. 27/08/21]

- (6) If the person who requests a review holds a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit and, but for this subsection, the period of validity would otherwise expire before the review is determined—
 - (a) the period of validity is extended to the date on which written notice of the outcome of the review is given to the person; and
 - (b) in relation to a review that concerns a work permit, the period of validity of an accompanying dependent permit that depends on the period of validity of the work permit is likewise extended.

[S.10 /Ord./6/21/w.e.f. 01/09/21]

Appeals relating to permanent residence permits

[S.10 /Ord./6/21/w.e.f. 01/09/21]

28 Appeals in relation to permanent residence permits

- (1) A person who is aggrieved by a refusal to grant a permanent residence permit to that person, or by a revocation of the person's permanent residence permit, may appeal by making representations in writing to the Governor.

(2) The Governor will promptly consider any representations made under subsection (1) and notify the appellant and the Principal Immigration Officer of the decision on the appeal.

(3) If the Governor allows an appeal against the refusal of a permanent residence permit, the Principal Immigration Officer will grant a permanent residence permit to the appellant.

(4) If the Governor allows an appeal against the revocation of a permanent residence permit, the revoked permanent residence permit is deemed to never have been revoked.

[S. 7/Ord. 9/09/w.e.f. 1/10/09.]

29 ...

[S.10 /Ord./6/21/w.e.f. 01/09/21]

PART IV CRIMINAL PROCEEDINGS

30 Illegal entry and similar offences

(1) A person who does not have a right of abode in the Falkland Islands commits an offence if they knowingly enter the Falkland Islands in breach of a deportation order or without leave and are liable on conviction to a fine or imprisonment for a term not exceeding five years or both.

[S. 9/Ord. 12/25/w.e.f. 27/10/25]

(1A) A person who does not have a right of abode in the Falkland Islands commits an offence if, having been granted leave to enter or remain in the Falkland Islands for a specified period, they knowingly remain beyond that period and are liable on conviction to a fine or to imprisonment for a term not exceeding four years or both.

[S. 9/Ord. 12/25/w.e.f. 27/10/25]

(1B) A person who does not have a right of abode in the Falkland Islands commits an offence and is liable on conviction to a fine or to imprisonment for a term not exceeding six months or both, if, —

- (a) having been granted leave to enter or remain, they knowingly fail to observe a condition of that leave;
- (b) having lawfully entered the Falkland Islands without leave by virtue of section 9(1), they remain without leave beyond the time allowed;
- (c) without reasonable excuse, they fail to comply with any requirement imposed under paragraph 2(3) of Schedule 2 to submit to further medical examination;
- (d) without reasonable excuse, they fail to observe any restriction imposed under Schedule 2 or 3 as to residence, as to their employment or occupation or as to reporting to the police or to an immigration officer;

- (e) they disembark in the Falkland Islands from a ship or aircraft after being placed on board under Schedule 2 or 3 with a view to their removal from the Falkland Islands.

[S. 9/Ord. 12/25/w.e.f. 27/10/25]

(2) A person commits an offence under subsection (1)(A) on the day when he first knows that the time limited has expired and continues to commit it throughout the period during which he is in the Falkland Islands thereafter; but a person shall not be prosecuted under that provision more than once in respect of the same limited leave.

[S. 9/Ord. 12/25/w.e.f. 27/10/25]

(3) A police officer or immigration officer may arrest without warrant anyone who has, or whom he, with reasonable cause, suspects to have, committed or attempted to commit an offence under this section other than an offence under subsection (1B)(c).

[S. 9/Ord. 12/25/w.e.f. 27/10/25]

(4) In proceedings for an offence under subsections (1), (1A) or (1B)-

- (a) any stamp purporting to have been imprinted on a passport or other travel document by an immigration officer on a particular date for the purpose of giving leave shall be presumed to have been duly so imprinted, unless the contrary is proved;
- (b) proof that a person had leave to enter or had been granted leave lies upon the defence.

[S. 9/Ord. 12/25/w.e.f. 27/10/25]

31 Assisting illegal entry and harbouring

(1) A person commits an offence if he is knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the Falkland Islands of anyone whom he knows or has reasonable cause to believe is an illegal entrant and a person convicted of an offence under this subsection is liable on conviction to a fine or to imprisonment for a term not exceeding seven years or both.

[S. 10/Ord. 12/25/w.e.f. 27/10/25]

(2) Without prejudice to subsection (1), a person commits an offence who knowingly harbours anyone he knows or has reasonable cause to believe to be either an illegal entrant or to be a person who has committed an offence under section 30(1A), 30(1B)(a) or 30(1B)(b). A person who commits an offence under this subsection is liable on conviction of that offence to a fine or to imprisonment for a term not exceeding seven years or both.

[S. 10/Ord. 12/25/w.e.f. 27/10/25]

(3) A police officer or an immigration officer may arrest without warrant a person who has or whom he, with reasonable cause, suspects to have -committed an offence under subsection (1).

32 False information

(1) A person commits an offence who-

- (a) gives, sends or makes to an immigration officer, in oral or written form any information, representation or statement, which he knows to be false or does not believe to be true, or recklessly as to its truth or falsehood, with a view-
 - (i) to obtaining the issue to him or any other person, or extension of, any permit or permission issued or granted under this Ordinance;
 - (ii) to obtaining in any other way the grant to him or any other person of leave to enter or remain in the Falkland Islands;
- (b) withholds any information he is required by any immigration officer to provide and which is material in relation to any matter mentioned in subparagraph (i) or (ii) of paragraph (a) of this subsection.

(2) A person convicted of an offence under subsection (1) is liable to a fine or to imprisonment for a term not exceeding two years or both.

[S. 11/Ord. 12/25/w.e.f. 27/10/25]

33 Working or carrying on business without permission

(1) A person not having the right of abode in the Falkland Islands commits an offence if he, except as he is permitted to do by virtue of any provision of this Ordinance, engages in any trade, business, profession or vocation or takes any employment.

(2) A person commits an offence if he employs a person who does not have a right of abode in the Falkland Islands and who is not permitted by or under some provision of this Ordinance to take the employment in question with him.

(3) It is a defence for a person prosecuted for an offence under subsection (2) to prove that he took all reasonable steps, and exercised all reasonable diligence, to avoid the commission by him of the offence.

(4) A person convicted of an offence —

- (a) under subsection (1), is liable to a fine or to imprisonment for a term not exceeding one year or both;
- (b) under subsection (2), is liable to a fine or imprisonment for a term not exceeding five years or both.

[S. 12/Ord. 12/25/w.e.f. 27/10/25]

34 General offences in connection with the administration of the Ordinance

(1) A person commits an offence who-

- (a) without reasonable excuse refuses or fails to submit to examination under Schedule 2;
- (b) being a person who entered the Falkland Islands in the circumstances mentioned in section 14(1) (entry in emergency), and not being a person to whom section 14(3) applies (persons entering for purpose of hospital treatment), fails without reasonable excuse to report at Stanley Police Station within forty-eight hours;

- (c) without reasonable excuse, refuses or fails to produce any information in his possession, or any documents in his possession or control, which he is on examination under Schedule 2 required to furnish or produce;
- (d) without lawful authority alters any permit or other document made or issued for the purposes of this Ordinance, or uses for the purposes of this Ordinance, or has in his possession for such use, any passport, other travel document, permit or other document of any kind which he knows or has reasonable cause to believe to be false;
- (e) without reasonable excuse fails to complete and produce a landing or embarkation card in accordance with any requirement made under this Ordinance; or
- (f) without reasonable excuse obstructs an immigration officer lawfully acting in the execution of this Ordinance.

(2) A person convicted of an offence under subsection (1) is liable to a fine or to imprisonment for a term not exceeding six months or both.

[S. 13/Ord. 12/25/w.e.f. 27/10/25]

35 Offences by persons connected with ships or aircraft or with ports

(1) A person commits an offence who-

- (a) being the captain of a ship or aircraft-
 - (i) knowingly permits a person to disembark in the Falkland Islands when required under Schedule 2 or 3 to prevent it;
 - (ii) fails, without reasonable excuse to take any steps they are required to take under Schedule 2 in connection with the disembarkation or examination of passengers; or
 - (iii) fails, without reasonable excuse, to comply with any direction given to him under Schedule 2 or 3 with respect to the removal of a person from the Falkland Islands;
- (b) being the owner or agent of a ship or aircraft-
 - (i) arranges, or is knowingly concerned in any arrangements, for the ship or aircraft to call at a port other than a port of entry contrary to any provision of Schedule 2;
 - (ii) fails, without reasonable excuse, to comply with any directions given to him under Schedule 2 for the supply to passengers of landing or embarkation cards; or
- (c) being the owner or agent of a ship or aircraft or a person concerned in the management of a port, fails without reasonable excuse to take any steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated.
- (d) being the owner, operator, agent or captain of a ship or aircraft, fails without reasonable excuse, to supply the information required by an immigration officer under Schedule 2;

[S. 14/Ord. 12/25/w.e.f. 27/10/25]

(2) A person convicted of an offence under subsection (1) is liable to a fine or to imprisonment for six months or both.

36 Proceedings not to prevent exercise of other powers

Any powers exercisable under this Ordinance in the case of any person may be exercised notwithstanding that proceedings for an offence under this Part have been taken against him.

PART V SUPPLEMENTARY

37 Evidential provisions

(1) Any document purporting to be an order, notice or direction made or given by the Governor for the purposes of this Ordinance and to be signed by him or on his behalf, and any document purporting to be a certificate of the Governor so given and to be signed by him, shall be received in evidence and shall, until the contrary is proved, be deemed to be made or issued by him.

(2) Prima facie evidence of any such order, notice, direction or certificate as aforesaid may, in any legal proceedings be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Governor and stating that the document is a true copy of the order, notice, direction or certificate.

38 Certificate of Falkland Islands status

(1) The Principal Immigration Officer may, on application of any person, issue to that person a Certificate of Falkland Islands status, that is to say a certificate that the person to whom it relates is a person belonging to the Falkland Islands in terms of section 22(5) of the Constitution.

[Revision w.e.f 31/07/2017]

(2) The Principal Immigration Officer shall not grant a Certificate of Falkland Islands Status to a person unless he believes, after making any enquiry and seeking any advice he considers to be appropriate, that the person concerned is a Falkland Islander.

(3) A person who is aggrieved by the refusal or failure of the Principal Immigration Officer to grant to him a Certificate of Falkland Islands status may apply to the Supreme Court for a declaration that he enjoys Falkland Islands status, and the Supreme Court may, if it is satisfied that the applicant enjoys that status, grant such a declaration and direct the Principal Immigration Officer to grant to the person concerned a Certificate of Falkland Islands status.

(4) Subject to subsection (5), if the Principal Immigration Officer believes that a Certificate of Falkland Islands status has in error been granted under subsection (2) to a person, or if he is so directed by the Governor, he may notify the person concerned by notice in writing that he proposes to revoke the Certificate. Unless the person concerned, within twenty-eight days of such notification, in the opinion of the Principal Immigration Officer shows sufficient cause to the contrary, the Principal Immigration Officer may revoke the Certificate.

(5) The Principal Immigration Officer may not revoke a Certificate of Falkland Islands status which he has issued pursuant to a direction of the Supreme Court under subsection (3).

(6) Subsection (3), with all necessary modifications, applies so as to enable a person who is aggrieved by the revocation of a Certificate of Falkland Islands status to apply to the Supreme Court for a declaration that he enjoys such status.

38A. Registered Employer Scheme

(1) The Principal Immigration Officer must keep and maintain a register of employers (“**the Registered Employer Scheme**”).

(2) The Governor may by regulations provide for the Registered Employer Scheme and in particular —

- (a) who may be included in the register;
- (b) the requirements an employer must meet before being registered;
- (c) information to be included in the register;
- (d) the duties of an employer who is registered;
- (e) the circumstances in which an employer may be removed from the register;
- (f) the fee payable in connection with an application for registration; or
- (g) other related matters, as may be necessary or expedient.

(2A) Regulations under subsection (2)(d) may provide that the duties of an employer may continue even if the relevant permit expires or otherwise ceases to be valid.

[S. 15/Ord. 12/25/w.e.f. 27/10/25]

(3) In this section “**employer**” means a person who employs or would like to employ a visitor who has permission to do short-term work, a worker, an accompanying dependent, or the holder of a dependent permit or a carer permit, whether as a sponsor, a sponsoring organisation or otherwise.

[S.11/Ord. 6/21/w.e.f. 1/7/21.]

39 Forms and official stamps

(1) Subject to subsection (2) and regulations, the Principal Immigration Officer may specify any application or other form (“**a specified form**”) and any official stamps to be used under this Ordinance as may be necessary or expedient provided that any specified form is first published in the *Gazette*.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(1A) The Principal Immigration officer may by notice published in the *Gazette* require a specified form —

- (a) to be completed and submitted by electronic means together with electronic copies of any documents or other information that may be required in relation to such a form; and
- (b) the originals of any such documents or information to be produced at a later date for the purpose of verification.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(2) Where the Principal Immigration Officer requires a specified form or official stamp to be used, he may also issue directions for its use, and immigration officers shall comply with such directions.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

40 Regulations

(1) The Governor may by regulations make provision generally for carrying into effect the purposes of this Ordinance, and in particular provision-

- (a) for prescribing anything which under this Ordinance is to be prescribed;
- (b) for the issue and cancellation of visas and conditions that may be imposed on the issue of a visa;
- (bA) requirements to be met by a person to whom sections 9(1), 14 or 15 apply and conditions that may be imposed by the Principal Immigration Officer in relation to leave to enter or remain of such persons;
- (c) for the giving of any notice required or authorized to be given to any person under the provisions of this Ordinance;
- (d) for the imposition and recovery of fees in connection with any application under this Ordinance;
- (e) as to procedure in relation to appeals under any provision of this Ordinance or reviews under Part III.

[S.12/Ord. 6/21/w.e.f. 01/09/21]

(1A) In relation to permits that are not permanent residence permits the Governor may by regulations provide for —

- (a) the requirements that must be met before a permit may be issued or any other permission granted under this Ordinance;
- (b) conditions that may be imposed by the Principal Immigration Officer when issuing a permit, extending the period of validity of a permit or granting any other permission under the Ordinance with which a permit holder, a sponsor or a sponsoring organisation must comply;
- (c) information to be included in a permit; or
- (d) the circumstances in which a permit ceases to be valid.

[S.12/Ord. 6/21/w.e.f. 01/09/21]

(2) Regulations under subsections (1) and (1A)-

- (a) may make different provision for different circumstances; and
- (b) may provide that a contravention of a provision specified in the regulations in question shall constitute an offence and shall be punishable on conviction by such fine, not

exceeding the maximum of level 5 on the standard scale, or by the imposition of such term of imprisonment, not exceeding three months, as may be specified in such regulations.

[S.12/Ord. 6/21/w.e.f. 01/09/21]

41 Notices

Any notice required to be given in writing under any provision of this Ordinance or any regulations made or having effect thereunder may be given-

- (a) by handing it to the person to whom it is addressed or to any person living in the same household as that person;
- (b) by publishing it in a newspaper circulating in the Falkland Islands; or
- (c) by electronic means provided the person to whom the notice is addressed has agreed to that method of service.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

PART VI REPEAL

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

42 ...

[S. 3(2)(a)/Ord. 9/09/w.e.f. 1/10/09; S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

43 Repeal

The Immigration Ordinance 1987 is repealed.

SCHEDULE 1
REQUIREMENT TO POSSESS A VISA

**PART I - PERSONS TRAVELLING ON A PASSPORT OR TRAVEL DOCUMENT
ISSUED BY ONE OF THE FOLLOWING COUNTRIES AND TERRITORIES**

Afghanistan
Albania
Algeria
Angola
Armenia
Azerbaijan
Bangladesh
Belarus
Benin
Bhutan
Bolivia
Bosnia Herzegovina
Burkina Faso
Burundi
Cambodia
Cameroon
Cape Verde
Central African Republic
Chad
People's Republic of China
Colombia
Comoros
Congo
Côte d'Ivoire (formerly Ivory Coast)
Cuba
Democratic Republic of the Congo
Djibouti

Dominica
Dominican Republic
Ecuador
Egypt
El Salvador
Equatorial Guinea
Eritrea
Eswatini (formerly Swaziland)
Ethiopia
Fiji
Gabon
Gambia
Georgia
Ghana
Guinea
Guinea Bissau
Haiti
Honduras
India
Indonesia
Iran
Iraq
Jamaica
Jordan
Kazakhstan
Kenya
Korea (North)
Kosovo
Kyrgyzstan
Laos
Lebanon
Lesotho
Liberia
Libya

Madagascar
Malawi
Mali
Mauritania
Moldova
Mongolia
Montenegro
Morocco
Mozambique
Myanmar (formerly Burma)
Namibia
Nepal
Niger
Nigeria
North Macedonia (formerly Macedonia)
Pakistan
Philippines
Russia
Rwanda
São Tomé and Príncipe
Senegal
Serbia
Sierra Leone
Somalia
South Africa
South Sudan
Sri Lanka
Sudan
Suriname
Syria
Tajikistan
Tanzania
Thailand
Timor-Leste

Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan
Uganda
Ukraine
Uzbekistan
Vanuatu
Venezuela
Vietnam
Yemen
Zambia
Zimbabwe

[S.R. & O. 29/10/w.e.f. 30/11/10.] [S. 16/Ord. 12/25/w.e.f. 27/10/25]

PART II - PERSONS EXEMPT FROM VISA REQUIREMENTS

1. Persons entering the Falkland Islands in the circumstances provided for by section 9(1).
2. Persons entering the Falkland Islands in the circumstances provided for by sections 14 and 15.
3. Persons who the Principal Immigration Officer accepts to be persons in transit (whether persons arriving on board a ship and intending to leave by aircraft or vice versa, arriving by ship and leaving by the same or another ship or arriving by aircraft and leaving by another aircraft, but in any case, where the principal reason for their landing in the Falkland Islands is such transit).
4. Persons who hold a volunteer permit, a work permit, an accompanying dependent permit, a dependent permit or a carer permit.
5. Persons travelling on an international travel document issued by the United Nations.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21] [S. 16/Ord. 12/25/w.e.f. 27/10/25]

SCHEDULE 2
ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY, ETC.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

Immigration officers and medical inspectors

1. (1) An immigration officer or medical inspector may board any ship or aircraft for the purpose of exercising his functions under this Ordinance.
- (2) An immigration officer, for the purpose of satisfying himself whether there are any persons he may wish to examine under paragraph 2, may search any ship or aircraft and anything on board it, or any vehicle taken off a ship or aircraft in which it has been brought to the Falkland Islands.
- (3) An immigration officer may make a request in writing to any person or operator offering travel services into, from or within the Falkland Islands to disclose any information relating to a person travelling to or from the Falkland Islands.
- (4) A person or operator offering travel services into, from or within the Falkland Islands shall, unless exempted in writing by the Principal Immigration Officer, furnish an immigration officer with the information requested under sub-paragraph (3).

[S. 5/Ord 1/17/w.e.f. 28/02/2017]

Examination by immigration officers, and medical examination

2. (1) An immigration officer may examine any persons who have arrived in the Falkland Islands by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the Falkland Islands) for the purpose of determining-
 - (a) whether any of them is or is not a person who has Falkland Islands status;
 - (b) whether, if he is not, he may or may not enter the Falkland Islands without leave; and
 - (c) whether, if he may not, he should be given leave and for what period and on what conditions, if any, or should be refused leave.
- (2) Any such person, if he is seeking to enter the Falkland Islands, may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a

member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.

(4) An immigration officer may examine any person who is embarking on or seeking to embark in the Falkland Islands for the purposes of determining his identity, ascertaining whether he is in possession of a passport or other valid travel document and of recording his departure from the Falkland Islands.

Information and documents

3. (1) It is the duty of any person examined under paragraph 2 to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that paragraph.

(2) A person on his examination under paragraph 2 by an immigration officer must, if so required by the immigration officer-

- (a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity or nationality and citizenship; and
- (b) declare whether or not he is carrying or conveying documents of any relevant description specified by the immigration officer, and produce any documents of that description which he is carrying or conveying.

In sub-paragraph (b), "relevant description" means any description appearing to the immigration officer to be relevant for the purposes of the examination.

(3) An immigration officer may detain any passport or other document produced pursuant to sub-paragraph (2)(a) until the person concerned is given leave to enter the Falkland Islands or is about to depart or be removed following refusal of leave.

(4) Where under sub-paragraph (2)(b) a person has been required to declare whether or not he is carrying or conveying documents of any description, he and any baggage belonging to him or under his control may be searched by the immigration officer or a person acting under his direction with a view to ascertaining whether the person is doing so, but a person shall only be searched by a person of the same sex.

(5) An immigration officer may examine any document produced pursuant to sub-paragraph (2)(b) or found on a search under sub-paragraph (3), and may for that purpose detain them for any period not exceeding seven days; and if on examination of any document so produced or found the immigration officer is of opinion that it may be needed in connection with proceedings on an appeal under this Ordinance, a review under section 26 or for an offence, he may detain it until he is satisfied that it will not be so needed.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

4. The Governor may by regulations make provision for requiring passengers disembarking or embarking in the Falkland Islands, or any class or category of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Principal Immigration Officer may direct, and for requiring the owners or agents of ships and aircraft to

supply such cards to passengers. Nothing in any regulations to which this sub-paragraph relates shall require any person to produce a landing or embarkation card who produces to the immigration officer a passport in which is endorsed a statement of the bearer's right of abode in the Falkland Islands, or a statement that he possesses Falkland Islands status, or a card issued by authority of the Principal Immigration Officer containing such a statement in relation to the bearer.

Notice of leave to enter or refusal of leave

5. (1) Subject to sub-paragraph (3), where a person examined by an immigration officer under paragraph 2 is to be given limited leave to enter the Falkland Islands or is to be refused leave, the notice giving leave or refusing leave shall be given not more than twenty-four hours after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing a permit granting to him leave is not given before the end of those twenty-four hours, he shall, if not a person who has Falkland Islands status, be deemed to have been granted a visitor permit granting leave to him to enter the Falkland Islands and remain in the Falkland Islands for a period of eight days reckoned from the time of his disembarkation and the immigration officer shall as soon as possible give to him written notice of the grant of such a permit.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(2) Where on a person's examination under paragraph 2 he is permitted to enter the Falkland Islands or is granted any kind of permit authorized by this Ordinance ("the earlier decision"), then at any time before the end of seventy-two hours from the conclusion of the examination the earlier decision may be cancelled by notice in writing by an immigration officer cancelling the earlier decision and refusing him leave to enter which further notice shall have the effect of cancelling any permit granted to him.

(3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the Falkland Islands, that notice may be cancelled by notice in writing given to him by an immigration officer; and where a person is given a notice of cancellation under this sub-paragraph, and the immigration officer does not at the same time grant to him a permit under this Ordinance, he shall be deemed to have been granted a visitor permit granting leave to him to enter the Falkland Islands and there remain for a period of eight days reckoned from the time of his disembarkation and the immigration officer shall as soon as may be give to him written notice of the grant of such a permit to him.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(4) Where an entrant is a member of a party in the charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph is duly given if delivered to the person in charge of the party.

Power to require medical examination after entry

6. If, on a person's examination by an immigration officer under paragraph 2, the immigration officer-

- (a) determines that he may be given leave to enter the Falkland Islands, or in pursuance of a permit previously granted permits him to enter or to re-enter the Falkland Islands; but
- (b) is of opinion, whether on the advice of a medical inspector or for any other reason, that a medical test or examination, or a further medical test or examination may be required in the interests of public health or otherwise in the public interest,

then the immigration officer, on granting to that person a visitors permit or other permit granting leave to him to enter the Falkland Islands or permitting him in pursuance of a permit previously granted to enter or re-enter the Falkland Islands, may by notice in writing require him to report his arrival to the Chief Medical Officer, the King Edward VII Memorial Hospital, Stanley and thereafter to attend at such place and time, and submit to such test or examination (if any) as the Chief Medical Officer or any Government Medical Officer acting on behalf of the Chief Medical Officer may require.

[S.R. & O.16/2024/w.e.f. 18/10/2024]

Removal of persons refused leave to enter and illegal entrants

7. (1) Where a person arriving in the Falkland Islands is refused leave to enter, an immigration officer may, subject to sub-paragraph (2)-

- (a) give to the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft; or
- (b) give to the owners or agents of that ship or aircraft directions requiring them to remove him from the Falkland Islands in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents;
- (c) give to those owners or agents directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified or indicated in the direction to a country or territory so specified, being either-
 - (i) a country of which he is a national or citizen;
 - (ii) a country or territory in which he has obtained a passport or other document of identity;
 - (iii) a country or territory in which he embarked for the Falkland Islands; or
 - (iv) a country or territory to which there is reason to believe that he will be admitted.

(2) No directions may be given under this paragraph in respect of anyone after the expiration of two months beginning with the date on which he was refused leave to enter the Falkland Islands (except that directions may be given under sub-paragraph (1)(b) after the expiration of that period if an immigration officer has within that period given written notice to the owners or agents in question of the intention to give directions to them in respect of that person).

8. Where an illegal entrant is not given leave to enter or remain in the Falkland Islands an immigration officer may give any such directions as in respect of him as in a case within paragraph 7 are authorized by paragraph 7(1).

9. (1) Where it appears to the Governor either-

- (a) that directions might be given in respect of a person under paragraph 7 or 8, but that it is not practicable for them to be given or that, if given, they would be ineffective; or
- (b) that directions might have been given in respect of a person under paragraph 7 but that the requirements of paragraph 7(2) have not been complied with,

then the Governor may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorized by paragraph 7(1)(c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) of this paragraph, he may instead give directions for his removal in accordance with arrangements to be made by or on behalf of the Governor to any country or territory to which he could be removed under subparagraph (1).

10. A person in respect of whom directions are given under any of paragraphs 7 to 9 may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Seafarers and aircrews

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

11. (1) Without prejudice to the provisions of section 9(1), if, on a -person's examination by an immigration officer under paragraph 2 of this Schedule, the immigration officer is satisfied that he has come to the Falkland Islands for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of the leave he grants that person to enter the Falkland Islands by requiring him to leave the Islands in a ship or aircraft indicated in the notice granting leave.

(2) Where a person (not being a person having Falkland Islands status or the holder of a permanent residence permit or a residence permit) enters the Falkland Islands for the purpose of joining a ship or aircraft as a member of the crew and, having entered the Falkland Islands as permitted by section 9(1) or in accordance with leave granted under sub-paragraph (1) of this paragraph, remains beyond the time limited by section 9(1) or by that leave, whichever is appropriate in the circumstances of his case, or is reasonably suspected by an immigration officer of intending to do so, an immigration officer may-

- (a) give the captain of that ship or aircraft directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft;
- (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the Falkland Islands in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or

- (c) give those owners or agents directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified in the directions to a country or territory so specified, being-
 - (i) a country or territory of which he is a national or citizen;
 - (ii) a country or territory in which he has obtained a passport or other document of identity;
 - (iii) a country or territory in which he embarked for the Falkland Islands;
 - (iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the Falkland Islands to join; or
 - (v) a country or territory to which there is reason to believe that he will be admitted.

12. (1) Where a person being the member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2, the immigration officer may limit the duration of any leave he gives that person to enter the Falkland Islands -

- (a) in the manner authorized by paragraph 11(1);
- (b) if that person is allowed to enter the Falkland Islands in order to receive hospital treatment, by requiring him, on completion of the treatment, to leave the Falkland Islands in accordance with arrangements to be made for his repatriation; or
- (c) by requiring him to leave the Falkland Islands within a specified time in accordance with arrangements to be made for his repatriation.

(2) Where a person (not being a person having a right of abode in the Falkland Islands) arrives in the Islands as a member of the crew of a ship or aircraft, and either-

- (A) having lawfully entered the Falkland Islands without leave by virtue of section 9(1), he remains without leave beyond the time allowed by that provision, or is reasonably suspected by an immigration officer of intending to do so; or
- (B) having been given leave limited as mentioned in sub-paragraph (1) of this paragraph, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so,

an immigration officer may-

- (a) give to the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the Falkland Islands in that ship or aircraft; or
- (b) give to the owners or agents of the ship or aircraft directions requiring them to make arrangements for his removal from the Falkland Islands, being a ship or aircraft of which they are the owners or agents;
- (c) give to those owners or agents directions requiring them to make arrangements for his removal from the Falkland Islands in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either-
 - (i) a country of which he is a national or citizen; or

- (ii) a country or territory in which he obtained a passport or other document of identity;
- (iii) a country in which he embarked for the Falkland Islands;
- (iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the Falkland Islands; or
- (v) a country or territory to which there is reason to believe that he will be admitted.

13. (1) Where it appears to the Governor that directions might be given in respect of a person under paragraph 11 or 12, but that it is not practicable for them to be given or that, if given, they would be ineffective, then he may give to the owners or agents of any ship or aircraft and such directions in respect of that person as are authorized by paragraph 11(2)(c) or 12(2)(c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by or on behalf of the Governor to any country or territory to which he could be removed under sub-paragraph (1).

14. A person in respect of whom directions are given under any of paragraphs 11 to 13 may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Detention of persons subject to examination or removal

15. (1) Subject to sub-paragraph (2), a person to whom paragraph 10 or 14 applies may on the direction of the Principal Immigration Officer in writing be detained pending his removal from the Falkland Islands at any place approved by the Governor under paragraph 17 for the purpose.

(2) A direction under sub-paragraph (1) shall cease to have effect-

- (a) unless it is confirmed by the Governor within forty-eight hours of the commencement of the person's detention;
- (b) on its being earlier countermanded by the Governor;
- (c) on its being cancelled, after its confirmation, by the Principal Immigration Officer or by the Governor.

(3) The Principal Immigration Officer or the Governor (according to which of them made the decision in question) shall notify the Chief Police Officer forthwith of any decision made pursuant to sub-paragraph (1)(b) or sub-paragraph (2).

(4) A person in respect of whom directions may be given under any of paragraphs 7 to 9 and 11 to 13 may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter the Falkland Islands.

(5) A person who may be required to submit to an examination under paragraph 2 may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.

(6) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under sub-paragraph (5) or any subsequent sub-paragraph of this paragraph; but if an immigration officer so requires, the captain of a ship or aircraft shall prevent from disembarking in the Falkland Islands any person who has arrived in the Falkland Islands in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody aboard the ship or aircraft.

(7) The captain of a ship or aircraft shall, if so required by an immigration officer, prevent from disembarking in the Falkland Islands or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 10 or 14, and the captain may for that purpose detain him aboard the ship or aircraft.

16. (1) A person liable to be detained under paragraph 15 may be arrested without warrant by an immigration officer or by a police officer.

(2) The Senior Magistrate or a justice of the peace may grant a warrant authorizing any police officer to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting that person.

17. (1) Persons detained under paragraph 15 (when not detained in accordance with that paragraph aboard a ship or aircraft) may be detained in such place or places as the Governor may approve for the purpose.

(2) Where a person is detained under paragraph 15, any immigration officer, police officer or prison officer, or any other person authorized by the Governor, may take all such steps as may be reasonably necessary for -photographing, measuring or otherwise identifying him.

(3) Any person detained under paragraph 15 may be taken into the custody of a police officer, or of any other person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory other than the Falkland Islands, or any other place where he is required to be for the purposes of the Ordinance.

(4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 15 or is being removed in pursuance of sub-paragraph (3) of this paragraph.

18. (1) Where a person is refused leave to enter the Falkland Islands and directions are given in respect of him under paragraph 7 or 9, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived are liable to pay to the Financial Secretary on demand any expenses incurred by the Crown in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 15.

(2) Sub-paragraph (1) shall not apply to expenses in respect of a person who, when he arrived in the Falkland Islands, held a permit issued under this Ordinance, or having effect as if issued under this Ordinance.

(3) If, before the directions for a person's removal have been carried out, he is given leave to enter the Falkland Islands, or is afterwards given that leave in consequence of the determination of an appeal under this Ordinance (being an appeal against the refusal of a permit under this

Ordinance which would permit him to enter the Falkland Islands), or it is determined on an appeal under this Ordinance that he has the right to enter the Falkland Islands without a permit under this Ordinance being issued to him, no sum shall be demanded under sub-paragraph (1) for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.

(4) Sub-paragraph (1) shall not have effect in relation to directions which, in consequence of an appeal under this Ordinance, have ceased to have effect or are for the time being of no effect; and the expenses to which that sub-paragraph applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.

19. (1) Subject to the provisions of this paragraph, in either of the following cases:

- (a) where directions are given in respect of an illegal entrant under paragraph 8 or 9; and
- (b) where a person has lawfully entered the Falkland Islands without leave by virtue of section 9(1) of this Ordinance, but directions are given in respect of him under paragraph 12(2)(A) or, in a case within paragraph 12(2)(A), under paragraph 13,

the owners or agents of the ship or aircraft in which he arrived are liable to pay to the Financial Secretary on demand any expenses incurred by the Crown in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 15.

(2) If, before the directions for a person's removal from the Falkland Islands have been carried out, he is given leave to remain in the Falkland Islands, no sum shall be demanded under sub-paragraph (1) for expenses incurred in respect of that person and any person already demanded and paid shall be refunded.

(3) Sub-paragraph (1) shall not have effect in relation to directions, which in consequence of an appeal under this Ordinance, are for the time being of no effect.

Temporary admission or release of persons liable to detention

20. (1) A person liable to detention or detained under paragraph 15 may, under the written authority of an immigration officer, be temporarily admitted to the Falkland Islands without being detained or be released from detention; but this shall not prejudice the later exercise of a power to detain him.

(2) So long as a person is at large in the Falkland Islands by virtue of this paragraph, he shall be subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.

21. (1) A person detained under paragraph 15(1) pending examination may, if seven days have elapsed since the date of his arrival in the Falkland Islands be released on bail by the Senior Magistrate or a justice of the peace on his entering into a recognizance conditioned for his appearance before an immigration officer at a time and place named in the recognizance or at such other time or place as in the meantime may be notified to him by an immigration officer.

(2) The conditions of a recognizance taken under this paragraph may include conditions appearing to the Senior Magistrate or a justice of the peace to be likely to result in the appearance of the person bailed at the required time and place; and any recognizance shall be with or without sureties as the Senior Magistrate or the justice of the peace may determine.

(3) In any case in which the Senior Magistrate or a justice of the peace has power under this paragraph to release a person on bail, the Senior Magistrate or a justice of the peace may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound with a view to its being taken subsequently by any such person as may be specified by the Senior Magistrate or a justice of the peace (as the case may be); and on the recognizance being so taken the person to be bailed shall be released.

22.(1) Where a recognizance entered into under paragraph 21 appears to the Senior Magistrate or a justice of the peace to be forfeited, he may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the Senior Magistrate or the justice of the peace thinks fit and the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the Magistrate's Court.

(2) Any sum the payment of which is enforceable by the Magistrate's Court by virtue of sub-paragraph (1) shall for all purposes of the law of the Falkland Islands be treated as being due under a recognizance forfeited by that court.

23.(1) An immigration officer or a police officer may arrest without warrant a person who has been released by virtue of paragraph 21-

- (a) if he has reasonable grounds for believing that the person is likely to break the conditions of his recognizance that he will appear at the time and place required or to break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any other such condition;
- (b) if, a recognizance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligation as a surety,

and paragraph 16(2) shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 16.

(2) A person arrested under this paragraph-

- (a) if not required by a condition on which he was released to appear before an immigration officer within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before the Senior Magistrate or a justice of the peace; and
- (b) if required by such a condition to appear within those twenty-four hours before an immigration officer.

(3) The Senior Magistrate or a justice of the peace before whom a person is brought by virtue of sub-paragraph (2)(a)-

- (a) if of the opinion that the person has broken or is likely to break any condition on which he was released, may either -
 - (i) direct that he be detained under the authority of the person by whom he was arrested; or
 - (ii) release him, on his original recognizance or on a new recognizance, with or without sureties, on his original bail or new bail; and
- (b) if not of that opinion, shall release him on his original recognizance or bail.

24. The power to make rules of procedure conferred by section 69 of the Administration of Justice Ordinance includes power to make rules with respect to applications to the Senior Magistrate or a justice of the peace under paragraphs 21 to 23 of this Schedule and matters arising out of such applications.

Supplementary duties of those connected with ships or aircraft or with ports

25. (1) The owners or agents of a ship or aircraft employed to carry -passengers for reward shall not, without the approval of the Principal Immigration Officer, arrange for the ship or aircraft to call at a port in the Falkland Islands other than a port of entry for the purpose of disembarking passengers or for the purpose of embarking passengers.

(2) The Principal Immigration Officer may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers at any port in the Falkland Islands and specifying the conditions and restrictions (if any) to be observed in any control area; and where in any notice given to owners or agents a control area is for the time being designated for the purpose of embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, in the port outside the control area and that any conditions or restrictions notified to them are observed.

(3) The Principal Immigration Officer may also from time to time give to any persons concerned with the management of a port in the Falkland Islands written notice designating control areas in the port and specifying conditions and restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions and restrictions as notified to him are observed.

26. (1) This paragraph applies to a ship or aircraft arriving or expected to arrive in, or leaving or expected to leave, the Falkland Islands.

- (2) An immigration officer may require a responsible person to supply —
 - (a) passenger list with such information in respect of the passengers as may be prescribed by regulations;
 - (b) particulars of members of the crew of the ship or aircraft as may be prescribed by regulations; and

- (c) particulars of the voyage or flight undertaken by the ship or aircraft as may be prescribed by regulations.
- (3) The Principal Immigration officer may require a responsible person to supply the information prescribed under subparagraph (2) to a person outside the Falkland Islands if the Principal Immigration Officer is satisfied that —
- (a) it is necessary for purposes of border control for the information to be provided by a responsible person to a person outside the Falkland Islands; and
 - (b) the information will be subject to protections of personal data which are at least equivalent to the protections which would be applied to the information if it were provided to an immigration officer in the Falkland Islands.
- (4) Regulations under subparagraph (2) may specify —
- (a) the form and manner in which the information must be provided; and
 - (b) the time at which or period during which the information must be provided.
- (5) In this paragraph, “**responsible person**” means, in respect of a ship or aircraft —
- (a) the owner, operator or agent; and
 - (b) the captain.

[S. 5/Ord 1/17/w.e.f. 28/02/2017] [S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21] [S. 16/Ord. 12/25/w.e.f. 27/10/25]

SCHEDULE 3
SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

section 7

[S.R. & O.16/2024/w.e.f. 18/10/2024]

Removal of persons liable to deportation

1. (1) Where a deportation order is in force against any person, the Governor may, subject to paragraph 4, give directions for his removal to a country or territory specified in the direction being either-

- (a) a country of which he is a national or citizen; or
- (b) a country or territory to which there is reason to believe that he will be admitted.

(2) The directions under sub-paragraph (1) may be-

- (a) directions given to the captain of a ship or aircraft about to leave the Falkland Islands requiring him to remove the person in question in that ship or aircraft;
- (b) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for his removal in a ship or aircraft specified or indicated in the directions; or
- (c) directions for his removal in accordance with arrangements to be made by the Governor.

[S.R. & O.16/2024/w.e.f. 18/10/2024]

(3) In relation to directions given under this paragraph, paragraphs 11 and 16(4) of Schedule 2 shall apply, with the substitution of references to the Governor for references to an immigration officer, as they apply in relation to directions for removal given under paragraph 8 of that Schedule.

(4) The Governor, if he thinks fit, may apply in or towards payment of the expenses of or incidental to the voyage from the Falkland Islands of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Crown.

Detention or control pending deportation

3. (1) ...

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(2) ...

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(3) Where notice has been given to a person in accordance with paragraph 4(1) of the Governor's intention to make a deportation order against him, and he is neither detained in pursuance of the sentence or order of a court nor for the time being released on bail by a court having power so to release him, he may be detained under the authority of the Governor pending the making of the deportation order.

(4) Where a deportation order is in force against any person, he may be detained under the authority of the Governor pending his removal or departure from the Falkland Islands (and if already detained by virtue of sub-paragraph (1) or (3) when the order is made, shall continue to be detained unless the Governor directs otherwise).

(5) In relation to detention under sub-paragraph (3) or (4), paragraphs 17 and 18 of Schedule 2 apply as they apply in relation to detention under paragraph 16 of that Schedule.

(6) A person to whom this sub-paragraph applies is subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police as may from time to time be notified in writing to him by the Governor.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

(7) A person to whom sub-paragraph (6) applies is:

(a) ...

(b) a person liable to be detained under sub-paragraph (3) or (4) of this paragraph, while he is not so detained.

[S.13/Sch1/Ord. 6/21/w.e.f. 01/09/21]

Notice of intention to make a deportation order

4.(1) Subject to sub-paragraph (8), whenever the Governor intends to make a deportation order in respect of a person, subject to this paragraph, he shall cause notice in writing of that intention to be given to that person.

(2) A notice under sub-paragraph (1) shall-

(a) specify or indicate the grounds on which the Governor intends to make a deportation order (but where a court, on convicting that person has under section 5(6)(e) recommended that the person should be deported, it is sufficient to state that fact);

(b) specify the country or territory which the Governor intends, in the event that the deportation order is made, to direct that the person be deported;

(c) contain a statement of the person's rights under sub-paragraph (3) to make written representations to the Governor and the Governor's duty under sub-paragraph (4).

(3) A person who is given notice of the Governor's intention to make a deportation order in respect of him may within seven days of the receipt of that notice, or such longer period as the Governor may see fit to allow, make written representations to the Governor-

- (a) against the making of the deportation order;
- (b) objecting to the country or territory specified in the notice as the country to which the Governor has in mind to direct that he be deported.

(4) The Governor shall not make a deportation order in respect of a person-

- (a) until the expiration of seven days, or such longer period as the Governor may have allowed for written representations against the making of the order, after the person has been given notice of intention to make the deportation order;
- (b) without having considered any written representations made to him by that person pursuant to sub-paragraph (3);
- (c) on any ground other than one which has been specified or indicated in the notice.

(5) The Governor shall so soon as practicable after the expiration of the period referred to in sub-paragraph (4)(a) give notice in writing to the person as to whether he has decided to make a deportation order.

(6) The Governor may not pursuant to any provision of this Ordinance direct that a person be deported pursuant to a deportation order to a country or territory other than one-

- (a) specified pursuant to sub-paragraph (2)(b); or
- (b) nominated by the person concerned in his written representations pursuant to sub-paragraph (3) or (7); or
- (c) specified in a notice given to the applicant under sub-paragraph (7).

[S.R. & O.16/2024/w.e.f. 18/10/2024]

(7) The Governor may at any time after he has given a person notice of his intention to deport him, give that person notice of the Governor's intention to substitute a different country or territory for that specified in the first-mentioned notice but shall not direct that the person be deported to that country or territory until after the expiration of seven days from the giving of the second-mentioned notice or without having considered any written representations he may receive from the person concerned within that period of seven days. Any notice given under this paragraph shall contain a statement of the effect of this paragraph.

(8) The foregoing sub-paragraphs do not apply in respect of deportation pursuant to section 15(6).

(9) Where it appears to the Governor that a child who is a Falkland Islander is a dependent of a person in respect of whom the Governor is considering the making of a deportation order, the Governor shall not make a deportation order in respect of that person without taking into account the interests of the child, and in particular the effect that the making of the deportation order in respect of the person of whom the child is a dependent is likely to have in relation to the welfare and upbringing of the child.

Revocation of deportation orders

5. The Governor may at any time revoke a deportation order and if he does so shall notify the Principal Immigration Officer and the person affected by the order of its revocation.
6. A deportation order once made, until revoked, remains in effect so as to prohibit the entry into the Falkland Islands to whom it relates.

SCHEDULE 4
FURTHER PROVISIONS IN RELATION TO PERSONS CLAIMING, OR WHO HAVE
CLAIMED, ASYLUM

1. Where-

- (a) a person has been granted leave to enter and remain in the Falkland Islands either by the grant to him of a permit under this Ordinance or otherwise under this Ordinance and claims that it would be contrary to the Falkland Islands' obligations under the Convention for him to be required to leave the Falkland Islands after the time limited by the leave; and
- (b) the Governor has considered the claim and given to the person notice in writing in respect of it,

the Governor may by notice in writing, given to the person concurrently with the notice under paragraph (b), curtail duration of the leave.

2. No appeal lies against the curtailment of leave under paragraph 1.

[S.R. & O.16/2024/w.e.f. 18/10/2024]

3. The power conferred by paragraph 1 is without prejudice to sections 5(6) and 6.

[S.R. & O.16/2024/w.e.f. 18/10/2024]

4. Where-

- (a) the duration of a person's leave to enter and remain in the Falkland Islands has been curtailed under paragraph 1 of this Schedule; and
- (b) the Governor has decided to make a deportation order against him under section 5(6) of this Ordinance,

the Governor may direct that the person be detained in a place approved by the Governor for the purpose, and while detained pursuant to such a direction, the person shall be deemed to be lawfully detained; and the references to paragraph 2(2) of Schedule 3 in sub-paragraphs (3), (4) and (6) of that paragraph (provisions about detention under sub-paragraph (2)) shall include references to this sub-paragraph.