

*Immigration (Amendment) Act*

**SAINT LUCIA**

**No. 5 of 2018**

**ARRANGEMENT OF SECTIONS**

*Section*

1. Short title
2. Interpretation
3. Amendment of section 10A
4. Insertion of new section 10B
5. Insertion of new section 10C
6. Insertion of new section 10D
7. Amendment of Schedule 1



*Immigration (Amendment) Act*

I ASSENT

[L.S.]

NEVILLE CENAC,  
*Governor-General.*

*August 24, 2018.*

**SAINT LUCIA**

---

**No. 5 of 2018**

**AN ACT** to amend the Immigration Act, Cap. 76 of the Revised Laws of Saint Lucia 1957.

[ 3rd September, 2018 ]

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

*Immigration (Amendment) Act***Short title**

1. This Act may be cited as the Immigration (Amendment) Act, 2018.

**Interpretation**

2. In this Act, “principal Act” means the Immigration Act, Cap. 76 of the Revised Laws of Saint Lucia 1957.

**Amendment of section 10A**

3. Section 10A of the principal Act is amended —

(a) in subsection (1) —

(i) by deleting the definition for “advance passenger information” and by substituting the following —

“advance passenger information” means the information or data concerning a crew member, passenger or other person travelling in an aircraft or a vessel as set out in Schedule 1;”,

(ii) in the definition of passenger by inserting the words “or an aircraft” immediately after the word “a vessel”,

(iii) by inserting the following definitions in the correct alphabetical sequence —

“advance passenger information system” means the automated electronic data interchange of advance passenger information; and the screening of advance passenger information by the competent authority, IMPACS and Joint Regional Communication Centre against a Watch List for an API hit;

“agent” means a person who is authorized in writing by the owner, captain or master of an aircraft or a vessel to perform a function under this Act on behalf of the owner, captain or master;

“aircraft” includes an aeroplane or a helicopter or other means of airborne navigation by means of which a person can travel across international borders;

*Immigration (Amendment) Act*

“API hit” means a name present on the watch list;

“CARICOM Council for Security and Law Enforcement” means the Council incorporated into the Revised Treaty of Chaguaramus by way of a Protocol which was opened for signature in March 2009;

“commercial aircraft” means an aircraft which engages in transporting passengers or goods for monetary gain;

“crew member” means —

- (a) in relation to an aircraft, a licensed individual charged with performing the duties essential to the operation of the aircraft during a flight; and
- (b) in relation to a vessel, an individual charged with performing duties essential to the operation of a vessel and the safety, entertainment and well-being of its passengers during a journey;

“JRCC” means the Joint Regional Communication Centre which is a sub agency of IMPACS;

“IMPACS” means the Implementing Agency for Crime and Security established under the 2006 Agreement establishing the CARICOM Implementing Agency for Crime and Security;

“INTERPOL” means the International Criminal Police Organization;

“private aircraft” means an aircraft which is not a commercial or state aircraft;

“technical stop” or “stops for non-traffic purposes” means an aircraft or vessel arriving for purposes of refueling, repairs, emergency or a similar purpose other than taking on or discharging passengers, baggage, cargo or mail;

“vessel” means a ship, boat, yacht or other floating or submersible transportation by means of which persons can travel across international borders;

*Immigration (Amendment) Act*

“watch list” means a list that is used to watch or track the current activity or movements of criminals including terrorists and persons who have been found guilty of involvement with stolen and lost travel documents; criminal deportees and other persons of interest to the intelligence community.”.

- (b) in subsection (2) by inserting immediately after the word “vessel”, the following “or an aircraft”;
- (c) in subsection (3) —
  - (i) by inserting immediately after the word “master”, the words “captain or agent”;
  - (ii) by inserting immediately after the word “vessel” wherever it appears, the words “or an aircraft”, and
  - (iii) by deleting the words “data set out in Schedule 1”;
- (d) in subsection (6), by inserting immediately after the word “master” wherever it appears, the words “captain or agent”;
- (e) by inserting immediately after subsection (7) the following —
  - “(8) Nothing in this section applies to an aircraft or a vessel which lands, berths, anchors or otherwise arrives or stops in Saint Lucia if the arrival is —
    - (a) required by a statutory or other requirement relating to navigation;
    - (b) a technical stop; or
    - (c) authorized by the competent authority.
  - (9) If an aircraft or a vessel arrives or stops for a reason outlined in subsection (8), the master, captain or agent shall —
    - (a) immediately report to the competent authority;
    - (b) not permit a crew member, passenger or other person to disembark from the aircraft or vessel unless the competent authority gives consent; or
    - (c) comply with the directions given by the competent authority in relation to the crew member,

*Immigration (Amendment) Act*

passenger or other person on the aircraft or the vessel.

(10) A master, captain or agent who fails to comply with subsection (9) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both.

(11) Notwithstanding subsection (10), the disembarkation of a crew member, passenger or other person from an aircraft or a vessel does not constitute an offence, where it is necessary for reasons of health, safety or the preservation of life.”.

**Insertion of new section 10B**

4. The principal Act is amended by inserting immediately after section 10A the following new section 10B —

**“Powers and duties of the competent authority**

**10B.**—(1) The competent authority shall —

- (a) verify the advance passenger information provided under section 10A during physical processing at a port by using the travel documents provided by the crew member, passenger or other person;
- (b) if a discrepancy is found in the advance passenger information —
  - (i) correct the data at the port of entry or exit, and
  - (ii) update the information in the advance passenger information system after verifying it from the travel or other relevant documents of the crew member, passenger or other person.
- (c) co-ordinate with IMPACS on matters relating to the advance passenger information system;

*Immigration (Amendment) Act*

- (d) if requested, allow the crew member, passenger or other person from an aircraft or vessel access to his or her personal identifiable information maintained in the advance passenger information system to ensure its correctness, but no crew member, passenger or other person shall have access to any information provided by IMPACS or JRCC through the screening of advance passenger information by IMPACS and JRCC against a watch list for an API hit;
  - (e) determine after consultation with the IMPACS, the admissibility or otherwise of a crew member, passenger or other person;
  - (f) withhold clearance for the departure of an aircraft or a vessel whose master, captain or agent has not provided the required advance passenger information; and
  - (g) assess the sufficiency and error rates in review of advance passenger information transmissions for a journey.
- (2) In a prosecution for failing to comply with the provisions of this Act, the corrected data under subsection (1)(b) is prima facie evidence of the accuracy of the advance passenger information.”.

**Insertion of new section 10C**

**5.** The principal Act is amended by inserting immediately after section 10B the following new section 10C —

**“Obligations to the competent authority**

**10C.—**(1) The master, captain or agent and a crew member, passenger or other person shall —

- (a) answer questions asked by the competent authority relating to the aircraft or vessel and a crew member, passenger or other person, voyage or flight; and



*Immigration (Amendment) Act*

- (b) immediately produce a document within his or her possession or control on the request of the competent authority.
- (2) A person who knowingly gives a false answer to a question put to him or her by the competent authority or fails to comply with a request made under subsection (1) (b), commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both.”.

**Insertion of new section 10D**

6. The principal Act is amended by inserting immediately after section 10C the following —

**“Use and sharing of advance passenger information**

**10D.—**(1) IMPACS shall use the advance passenger information system to conduct screening against watch lists of crew members, passengers and other persons on an aircraft or a vessel that enters into, departs from and travels within the regional space.

(2) IMPACS may share the information contained within an advance passenger information system with INTERPOL and other national, regional or international intelligence, law enforcement or security agencies or centres approved by the CARICOM Council for Security and Law Enforcement in order to further national, regional or international security.

(3) A person shall not use advance passenger information for purposes other than this Act.”.

**Amendment of Schedule 1**

7. Schedule 1 of the principal Act is amended by inserting immediately after the word “vessel” wherever it appears, the words “or aircraft”.

*Immigration (Amendment) Act*

Passed in the House of Assembly this 24th day of July, 2018.

ANDY G. DANIEL,  
*Speaker of the House of Assembly.*

Passed in the Senate this 31st day of July, 2018.

JEANNINE GIRAUDY-MCINTYRE,  
*President of the Senate.*