

ANTIGUA AND BARBUDA



THE IMMIGRATION AND PASSPORT (AMENDMENT) ACT, 2007

No. 1 of 2007

*[Published in the Official Gazette Vol. XXVII No. 22
dated 21st March, 2007.]*

Printed at the Government Printing Office, Antigua and Barbuda,
by Eric T. Bennett, Government Printer
— By Authority, 2007.

800—3.07

[Price \$3.65]

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No. 1 of 2007

[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

13th March, 2007.

AN ACT to amend the Immigration and Passport Act to impose an obligation on the master of a vessel to transmit passenger data to the immigration authority at the intended port of arrival, in advance of the arrival of the vessel in Antigua and Barbuda, and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Immigration and Passport (Amendment) Act, 2007.

2. Interpretation

In this Act “principal Act” means the Immigration and Passport Act, Cap. 208.

3. Amendment of section 2 of the principal Act

The principal Act is amended in section 2 by inserting, in the appropriate alphabetical sequence, the following definitions—

“ “advance passenger information” means the information in respect of a passenger, crew member or other occupant transported in the vessel;

“competent authority” means such person or entity as the Minister may by Order prescribe;

“domestic space” means the countries listed in Schedule 2; and

“passenger” means any person not being a *bona fide* member of the crew, travelling or seeking to travel on a vessel;”.

4. Amendment of section 26 of the principal Act

The principal Act is amended in section 26—

- (a) by repealing subsections (1) and (2) and substituting the following subsections—

“(1) This section applies to a vessel which—

- (a) is expected to arrive in Antigua and Barbuda; or
- (b) has left or is expected to leave Antigua and Barbuda.

(2) The master of a vessel to which subsection (1) applies, shall, at such time as provided in subsection (2a), provide to the competent authority in such form and manner as may be approved by the Minister, the relevant advance passenger information data set out in Schedule 1, in respect of the vessel and each person on board.

(2a) Where—

- (a) subsection (1)(a) applies, the data referred to in subsection (2) shall be provided—
 - (i) in the case of a commercial aircraft, no later than 15 minutes after departure from the last port of call;
 - (ii) in the case of a private aircraft, no later than 30 minutes prior to the departure from the last port of call;
 - (iii) in the case of a ship arriving from outside the domestic space, no later than 24 hours prior to arrival; and
 - (iv) in the case of a ship arriving from a destination within the domestic space, no later than 1 hour prior to arrival of the vessel from the last port of call; and
- (b) subsection (1)(b) applies, then, subject to subsection (2b), the data referred to in subsection (2) shall be provided no later than 15 minutes after departure from Antigua and Barbuda.

(2b) Subsection (2a)(b) does not apply to the departure of a vessel from Antigua and Barbuda to a destination within the domestic space.

(2c) The master of a vessel who intentionally or recklessly—

- (a) fails to transmit the data in accordance with subsection (2) or (2a); or
- (b) transmits incomplete or false data,

commits an offence and is liable on summary conviction to a fine not exceeding \$300,000.

(2d) The Minister may waive the requirements of subsection (2) or (2a) in such circumstances and on such conditions as he may prescribe by regulations made under this Act.”; and

- (b) by amending subsection (3)—

(i) by repealing the word “list” wherever it appears and substituting the words “advance passenger information”; and

(ii) by repealing the words “of three thousand dollars” and substituting the words “not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding two years, or to both.”.

5. Insertion of schedule in the principal Act

The principal Act is amended by adding at the end the following schedules—

“SCHEDULE 1

Advance Passenger Information

Data relating to the flight or voyage

Flight Identification

(IATA Airline code and flight number)

Vessel Identification

(vessel name and voyage number)

Vessel Registration

(Vessel Registration Number)

Country of Registration

(Country where vessel registered)

Agent or Owner (where applicable)

(Name of Agent for the vessel or where no Agent, name of Owner)

Scheduled Departure Date

(Date of scheduled departure of vessel or aircraft (based on local time of departure location))

Scheduled Departure Time

(Time of scheduled departure of vessel or aircraft (based on local time of departure location))

Scheduled Arrival Date

(Date of scheduled arrival of vessel or aircraft (based on local time of arrival location))

Scheduled Arrival Time

(Time of scheduled arrival of vessel or aircraft (based on local time of arrival location))

Last Place/Port of Call of Vessel or Aircraft

(Vessel or Aircraft departed from this last place/port of call to go to “place/port of vessel or aircraft initial arrival”)

Place/Port of Vessel or Aircraft’s Initial Arrival

(Place/port in the country of destination where the vessel or aircraft arrives from the “last place/port of call of vessel or aircraft”)

Subsequent Place/Port of Call within the country/domestic space

(Subsequent place/port of call within the country)

Number of Persons on board

(Total number of passengers, crew on board)

Place/Port of Onward Foreign Destination

(For departure from Antigua and Barbuda)

Data relating to each individual on board

Core Data Elements of the Official Travel Document

Official Travel Document Number

(Passport or other official travel document number)

Issuing State or Organisation of the Official Travel Document

(Name of the State or Organisation responsible for the issuance of the official travel document)

Official Travel Document Type

(Indicator to identify type of official travel document)

Expiration Date of Official Travel document

(Expiration date of the official travel document)

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Surname/Given Name(s)

(Family name and given name(s) of the holder as it appears on the official travel document.)

Nationality

(Nationality of the holder)

Date of Birth

(Date of birth of the holder)

Gender

(Gender of the holder)

SCHEDULE 2

DOMESTIC SPACE COUNTRIES

Antigua and Barbuda
Barbados
Dominica
Grenada
Guyana
Jamaica
St. Kitts and Nevis
Saint Lucia
St. Vincent and the Grenadines
Trinidad and Tobago.”.

Passed by the House of Representatives on
this 31st day of January, 2007.

Passed by the Senate on this 25th day
of January, 2007.

D. Giselle Isaac-Arrindell,
Speaker.

Hazlyn M. Francis,
President.

Yvonne Henry,
Acting Clerk to the House of Representatives.

Yvonne Henry,
Acting Clerk to the Senate.