



TURKS AND CAICOS ISLANDS

CHAPTER 5.01
IMMIGRATION ORDINANCE
and Subsidiary Legislation

Revised Edition
showing the law as at 31 August 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

IMMIGRATION ORDINANCE

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Ordinance 13 of 1992 .. in force 1 November 1992 (L.N. 62/1992)

Amended by Ordinances: 8 of 1994 .. in force 25 February 1994

19 of 1994 .. in force 18 July 1994

4 of 1997 .. in force 15 November 1997 (L.N. 26/1997)

5 of 2002 .. in force 19 April 2002 (L.N. 13/2002)

Amended by Legal Notice: 10/2002 .. in force 12 April 2002 (L.N. 10/2002)

Amended by Ordinance 2 of 2004 .. in force 30 January 2004

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CHAPTER 5.01
IMMIGRATION ORDINANCE

*(Ordinances 13 of 1992, 8 of 1994, 19 of 1994, 4 of 1997,
5 of 2002 and 2 of 2004 and Legal Notice 10/2002)*

AN ORDINANCE TO REGULATE IMMIGRATION AND FOR CONNECTED PURPOSES.

Commencement

[1 November 1992]

PART I

PRELIMINARY

Short title

1. This Ordinance may be cited as the Immigration Ordinance.

Interpretation

2. (1) In this Ordinance—

“authorized port” means a port designated as an authorized port under section 5;

“Belonger” means a person who has Belonger status under section 3;

“Board” means the Turks and Caicos Islands Immigration Board established under Part V;

“British Dependent Territories citizen” means a person who is a British Dependent Territories citizen by virtue of the British Nationality Act, 1981; *(Inserted by Ord. 4 of 1997)*

“child” means a person who has not attained the age of 18 years and who is the child, stepchild, or lawfully adopted child of any person and the fact that a person’s parents are not or have not been married to one another shall be left out of account in establishing whether the person is the child of those parents; and accordingly that person shall be treated as if those parents are or have been married to one another; *(Amended by Ord. 5 of 2002)*

“Director” means the Director of Immigration referred to in section 36 and includes any person for the time being lawfully exercising the functions of that office;

“disembark” has the meaning given in subsection (3);

“embark” means embark in a ship or aircraft and includes attempting to embark;

“full age” means not less than 18 years;

“gainful occupation” means the occupation of a person in any capacity in any undertaking, profession, trade or business for or in the expectation of profit, gain or reward in cash or kind or for any other form of consideration;

“Governor”, unless the context otherwise requires, means the Governor in Cabinet;

“immigration officer” includes the Director, the Chief Immigration Officer and any immigration officer;

“Islands” means the Turks and Caicos Islands; (*Inserted by Ord. 19 of 1994*)

“lien”, in relation to any ship, means a maritime lien;

“member of the crew”, in relation to a ship or aircraft, means any person actually employed in the working or service of the ship or aircraft, including the master of the ship or the commander of the aircraft;

“Minister” means the Minister responsible for immigration;

“passenger” means any person arriving in or departing from the Islands in any ship or aircraft other than as a member of the crew;

“Permanent Residence Certificate” means a certificate issued under section 15;

“permanent resident” means a person who holds a Permanent Residence Certificate issued under this Ordinance;

“police officer” has the meaning ascribed thereto by the Police Force Ordinance;

“port” includes airport;

“reside”, with its grammatical variations and cognate expressions, means being physically present, and, in relation to a period of time, means being physically present during that period except for reasonable periods of absence for the purposes of holidays, business or medical attention;

“Residence Permit” means a permit issued by the Board under section 25;

“ship” means every description of vessel used in navigation however propelled;

“Stop List” means the list maintained by the Director under section 59;

“Work Permit” means a permit issued under section 25.

(2) A person arriving in the Islands by ship or aircraft shall for the purposes of this Ordinance be deemed not to enter the Islands unless and until he disembarks, and on disembarkation at a port shall further be deemed not to enter the Islands so long as he remains in such area, if any, at the port as may be approved for this purpose by an immigration officer; and a person who has not otherwise entered the Islands shall be deemed not to do so as long as he is detained or temporarily admitted or released while liable to detention under the powers conferred by section 42. (*Inserted by Ord. 19 of 1994*)

(3) In this Ordinance, “disembark” means disembark from a ship or aircraft; and except in subsection (2)—

- (a) references to disembarking in the Islands do not apply to disembarking after a local journey from a place in the Islands; and
- (b) references to embarking in the Islands do not apply to embarking for a local journey to a place in the Islands.

(Inserted by Ord. 19 of 1994)

(4) Except in so far as the context otherwise requires, references in this Ordinance to arriving in the Islands by ship shall extend to arrival by any floating structure, and “disembark” shall be construed accordingly; but the provisions of this Ordinance specially relating to members of the crew of a ship shall not by virtue of this provision apply in relation to any floating structure not being a ship. *(Inserted by Ord. 19 of 1994)*

Acquisition of Belonger status

3. (1) For the purposes of this Ordinance, a person acquires Belonger status if he—

- (a) was born in the Islands, and at the time of his birth at least one of his parents had Belonger status; or
- (b) was born outside the Islands and—
 - (i) at least one of his parents had Belonger status at the time of his birth; and
 - (ii) at least one of his parents was born in the Islands; or
- (c) was born outside the Islands and lawfully adopted in the Islands by a person who had Belonger status at the time of his adoption; or
- (d) has been granted Belonger status by the Governor under subsection (4); or
- (e) is the dependent child of a person to whom any of the foregoing paragraphs apply; or
- (f) has been granted a Certificate of Belonger Status by the Governor under subsection (2); or
- (g) has acquired Belonger status under—
 - (i) section 2(2) of the *(repealed)* Immigration (Control) Ordinance; or
 - (ii) section 2(2) and 2A of the *(repealed)* Immigration Ordinance.

(Amended by Ord. 4 of 1997 and L.N.10/2002)

(2) The Governor shall grant a Certificate of Belonger Status to an applicant who is a person to whom none of paragraphs (a) to (e) of subsection (1) apply, and who is the spouse of a person to whom any of those paragraphs apply, if he is satisfied that—

- (a) the applicant has lived with his spouse for a period of not less than 5 years ending with the date of application for a Certificate

of Belonger Status, or would have done so but for the death of the spouse; and

(b) on the date of the application—

- (i) the applicant is not living apart from his spouse under a decree of a competent court or deed of separation; or
- (ii) where the spouse has died, the applicant has not remarried or has remarried another Belonger.

(Inserted by Ord. 4 of 1997)

(3) An application for the grant of a Certificate of Belonger Status may be made to the Minister in the manner prescribed in Schedule 2. *(Inserted by Ord. 4 of 1997)*

(4) Except as provided in subsection (2), the grant of Belonger status to a non-Belonger is a privilege which shall only be granted in exceptional circumstances, and accordingly where the Governor considers that any person has made an outstanding contribution to the economic and social development of the Islands, he may grant him a Certificate of Belonger Status. *(Substituted by Ord. 8 of 1994)*

(5) Before granting a Certificate of Belonger Status to any person, the Governor shall cause a notice of his intention to grant Belonger Status to any person to appear in two consecutive issues of a local paper circulating in the Islands and shall include a photograph of such person to appear therewith. *(Substituted by Ord. 8 of 1994)*

(6) A Certificate of Belonger Status shall—

- (a) be evidence of the grant of Belonger status;
- (b) be given under the public seal and signed by the Governor;
- (c) be in the form set out in Schedule 1;
- (d) be notified in the *Gazette*.

(7) The Governor shall furnish the Minister, the Director, and the Secretary of the Board with a copy of every Certificate as soon as practicable after it has been granted.

Burden of proof on Belonger

4. When any question arises under this Ordinance whether or not a person is a Belonger or is entitled to any exemption under this Ordinance, it shall lie on the person asserting it to prove that he is.

PART II
CONTROL OF ENTRY

Authorized ports

5. The Governor may by Notice published in the *Gazette*, designate any port of the Islands as an authorized port for the purposes of this Ordinance and may in such Notice specify in respect of a port so designated, the limits of that port as an authorized port.

Leave to enter

6. (1) Except as otherwise provided by this Part, a person who is not—

- (a) both a British Dependent Territories citizen (holding a passport or other evidence of British Dependent Territories citizenship) and a Belonger; or
- (b) a permanent resident,

shall not enter the Islands from any place outside the Islands unless given leave to do so by an immigration officer in accordance with this Part. (*Substituted by Ord. 4 of 1997*)

(2) Entry into the Islands shall be from an authorized port or such other place as an immigration officer may in his discretion in any particular case allow.

Immigration officer may give leave to enter

7. (1) Subject to this Ordinance, upon being satisfied that a person complies with the general entry requirements set out in Schedule 3, an immigration officer may give leave to any person to enter and remain in the Islands—

- (a) for such period as he may determine in accordance with subsection (2); and
- (b) subject to such restrictions on gainful occupation as he may impose.

(2) The period for which an immigration officer may give to any person leave to remain in the Islands under subsection (1) shall be—

- (a) where a person produces a permit issued to him under sections 11 or 25 to remain in the Islands, the period specified in the permit;
- (b) where a person does not produce to the immigration officer a permit and is a *bona fide* visitor, a period not exceeding 30 days which may be extended, on application to the Director, for a further period or periods not exceeding six months in aggregate from the date of the most recent entry:

Provided that the Director for good reason may reduce any period given under this paragraph.

(3) In exercising his powers under this section, an immigration officer shall have regard to the provisions of this Ordinance and to any regulations governing entry and residence in the Islands as may be prescribed.

(Amended by Ord. 19 of 1994)

Exemption for members of crew and persons in-transit

8. (1) Notwithstanding section 6 and subject to subsection (2), the following persons may enter the Islands without leave—

- (a) a member of the crew of a ship or an aircraft at an authorized port in the Islands, who disembarks (otherwise than for the purpose of being discharged) at any time while the ship or aircraft remains at that port; or
- (b) a person who disembarks from an aircraft at an airport designated for the purpose under the Banking (Special Provisions) Ordinance, for the purpose of transacting business within the in-transit area of that airport as defined by Order made under section 7 of that Ordinance, and who as soon thereafter as may be, departs from the Islands:

Provided that until the departure of the aircraft such person shall remain within the in-transit area or within such other limits as may be authorized for the purpose by an immigration officer.

(2) An immigration officer may at any time give notice to any person on board any ship or aircraft prohibiting him from disembarking without the leave of an immigration officer.

Entitlement to enter

9. (1) Notwithstanding this Part, if a person satisfies an immigration officer that he belongs to any of the following classes of persons—

- (a) persons enjoying relevant diplomatic, consular or other similar privileges by or under any Ordinance or in accordance with any recognised international practice;
- (b) serving members of any of Her Majesty's Forces on duty in the Islands;
- (c) persons employed in the service of the Government of the Islands;
- (d) persons employed in the service of any country engaged upon official duties in the Islands;

the immigration officer shall give such person leave to enter and remain for the duration of his mission or tour of duty, as the case may be.

(2) Where an immigration officer gives leave to enter to any person under subsection (1), he shall also grant leave to enter and remain on the same terms to the accompanying spouse and any dependent children of such person whether they are travelling together or separately.

(Amended by Ord. 19 of 1994)

Appeal against officer's refusal to give leave to enter

10. (1) Where any person is refused leave to enter the Islands by an immigration officer, he may within 14 days from the date of refusal appeal in writing to the Minister against the refusal.

(2) The Minister may confirm the decision of the immigration officer or may direct the officer to give leave to enter on such terms as the Minister considers appropriate.

Temporary Work Permits

11. (1) An application for a temporary work permit may be made to the Director in the prescribed form.

(2) Subject to such conditions as may be prescribed or as he may impose, the Director may grant to an applicant, who satisfies the prescribed conditions, a temporary work permit for a period of 10 days, which may be extended in accordance with this section.

(3) An application for an extension of a temporary work permit may be made to the Director in the prescribed form.

(4) Subject to such conditions as may be prescribed or as he may impose, the Director may extend a temporary work permit for such period not exceeding 42 days from the date of first issue as he considers appropriate.

(Substituted by Ord. 4 of 1997)

PART III

RESIDENCE AND EMPLOYMENT IN THE ISLANDS

Restriction on residence

12. Except for a Belonger or a permanent resident, a person shall not remain in the Islands after the expiration of the period during which he is permitted to remain in the Islands by the immigration officer unless such person is in possession of a valid permit issued under sections 11 or 25. *(Amended by Ord. 4 of 1997)*

Restriction on engaging in gainful occupation

13. (1) Subject to subsection (3), no person shall engage in any gainful occupation in the Islands unless such person—

- (a) is a Belonger;
- (b) is the spouse of a Belonger living together with the Belonger;
- (c) is a permanent resident whose certificate of permanent residence authorizes such person to engage in gainful occupation;
- (d) is within the classes of persons specified in section 9(1); or

(e) is in possession of a valid work permit issued under sections 11 or 25. (*Amended by Ord. 4 of 1997*)

(2) No person, whether on his own behalf, or on behalf of another, shall employ any other person whether under a contract of employment or a contract for services who, under subsection (1), is prohibited from engaging in any gainful occupation. (*Amended by Ord. 4 of 1997*)

(3) The Governor may by order published in the *Gazette* and subject to such conditions and restrictions as he deems fit to impose, exempt any person or category of persons from the requirements of subsection (1).

Permanent Residents

Application for permanent residence

14. (1) An application for permanent residence may be made to the Governor in the prescribed form.

(2) An applicant shall provide the Governor with any further information that the Governor may require in the particular case.

(3) The Governor may require an applicant to attend personally before him for an interview.

(4) If an applicant fails to provide such information as may be required by the Governor or fails to attend for an interview when required to do so, the Governor may refuse the application.

Governor may grant Permanent Residence Certificate

15. (1) If, on an application for permanent residence made by a person of full age and capacity, the Governor is satisfied that the applicant meets the prescribed requirements, he may grant him a Permanent Residence Certificate.

(2) A Permanent Residence Certificate may be made subject to such conditions as may be prescribed or as the Governor may impose, including, without prejudice to the generality of the foregoing, a condition that the applicant shall not engage in any gainful occupation.

(3) On the application of the holder, the Governor may vary any endorsement on his Permanent Residence Certificate.

(4) For the purposes of this section, “gainful occupation” shall not include occupations in the arts specified by the Governor.

Endorsement on Certificate of names of spouse and children

16. (1) When a Permanent Residence Certificate is granted under section 15 to any person, the Governor may then or on a subsequent application in the prescribed form, endorse the Certificate as applying to the spouse and any dependent child of that person ordinarily resident with him.

(2) Any endorsement under subsection (1) may be made subject to such conditions as the Governor may deem fit to impose, including without prejudice

to the generality of the foregoing, a condition that the spouse or dependent child, as the case may be, shall not engage in any gainful occupation without a permit issued by the Board under section 25.

Duration of Permanent Residence Certificate

17. Unless and until a Permanent Residence Certificate is revoked pursuant to section 19, it shall remain valid for the duration of the lifetime of the holder.

Entitlement to grant of Permanent Residence Certificate to spouse of deceased holder

18. (1) Where a Permanent Residence Certificate is endorsed as provided in section 16(1) and the holder predeceases the spouse, the spouse may apply, within a period of 12 months from the death of the holder, to the Governor for the grant of a Permanent Residence Certificate.

(2) Where an application is made under subsection (1), the Governor shall grant a Permanent Residence Certificate to the applicant free of charge, and may endorse it as applying to any dependent child of the applicant ordinarily residing with him.

(3) Subject to subsection (4), a Permanent Residence Certificate granted under subsection (2) shall be granted subject to a condition that the applicant shall not engage in any gainful occupation.

(4) On the application of the holder of a Permanent Residence Certificate issued under this section, the Governor may vary any endorsement on the Certificate.

(Inserted by Ord. 4 of 1997)

Governor may revoke a Permanent Residence Certificate

19. Subject to section 21 the Governor may revoke a Permanent Residence Certificate on the ground that the person to whom it was granted—

- (a) has shown himself by act or speech to be disloyal or disaffected towards Her Majesty;
- (b) has during any war in which Her Majesty was engaged, unlawfully traded or communicated with an enemy or been associated with or engaged in any business that was to his knowledge carried on in such manner as to assist an enemy in that war;
- (c) has been convicted of a criminal offence in any country and sentenced to a term of imprisonment of not less than 12 months;
- (d) has been convicted on more than one occasion of more than one offence against this Ordinance in any period of 5 years;
- (e) has obtained such Certificate by means of fraud, false representation or concealment of any material fact;
- (f) has become unable to support himself and his dependents;

- (g) except where authorized by an endorsement on his Certificate, has subsequent to the grant of the Certificate ordinarily resided outside the Islands for a continuous period of 5 years or more;
- (h) has breached a condition endorsed on his Certificate requiring him to take up residence in the Islands within a certain period of time;
- (i) having been granted a Certificate containing an endorsement prohibiting him from engaging in any gainful occupation, has engaged in a gainful occupation.

Revocation of an endorsement on a Permanent Residence Certificate

20. Subject to section 21 the Governor may revoke an endorsement on a Permanent Residence Certificate on the ground that—

- (a) any condition to which the endorsement is subject has not been fulfilled;
- (b) the holder has engaged in a gainful occupation other than that authorized by the endorsement on his Certificate;
- (c) the person named, having been named as the spouse of a permanent resident—
 - (i) is living apart from the permanent resident under a decree of a competent court or under a deed of separation; or
 - (ii) has ceased to be married to the permanent resident by reason of dissolution or annulment of the marriage; or
- (d) the person named having been named as a dependent child, has attained the age of 18 years.

Permanent resident to show cause why his Certificate or an endorsement thereon should not be revoked

21. (1) Before revoking a Certificate under section 19 or an endorsement under section 20, the Governor shall, by notice in writing, inform—

- (a) the holder; and
- (b) where it is proposed to revoke the endorsement of the name of the spouse, the person so named,

of the grounds on which it is proposed to revoke the Certificate or endorsement, as the case may be, and shall give any person so informed the opportunity to make representations.

(2) A notice given under subsection (1) shall state that within 60 days of service of the notice, the person to whom the notice is addressed may make representations in writing to the Governor concerning the matter, and the Governor shall not determine the matter without considering any representations received within that period of 60 days.

Decision of Governor final

22. (1) A decision of the Governor made pursuant to section 15 refusing a grant of a Permanent Residence Certificate or granting a Certificate subject to conditions, shall be final and shall not be reviewed or enquired into by any court.

(2) Any person aggrieved by a decision of the Governor revoking a Permanent Residence Certificate under section 19 or revoking an endorsement on a Permanent Residence Certificate under section 20, may appeal against that decision to the Supreme Court.

(3) Provisions may be made by rules of court with respect to the procedure to be followed on appeals to the Supreme Court pursuant to subsection (2).

(Substituted by Ord. 8 of 1994)

Residence and Work Permits

Application for permit

23. An application for a Residence Permit or Work Permit may be made to the Board in the prescribed form.

Board may require applicant to furnish additional particulars

24. (1) Without prejudice to any other provision of this Ordinance, any person applying for a Residence Permit or a Work Permit under section 23 may be required by the Board—

- (a) to furnish it with such evidence of good character in respect of himself and his dependants as the Board may consider necessary;
- (b) to furnish the Board with medical certificates with respect to himself and his dependants certified by medical authorities acceptable to the Board and with such particulars as the Board may consider necessary;
- (c) to satisfy the Board that he is able to maintain himself and his dependants in the Islands;
- (d) to provide—
 - (i) in the case of a person wishing to remain in the Islands for purposes other than engaging in gainful occupation, an undertaking, in writing that he will not engage in any gainful occupation in the Islands; or
 - (ii) in the case of a person wishing to remain in the Islands for the purpose of engaging in any gainful occupation, full particulars of such occupation;
- (e) to furnish such particulars (whether of the same kind as those hereinbefore referred to or not) as the Board may consider material to the application.

(2) If an applicant fails to furnish the Board with any of the particulars it has requested pursuant to subsection (1), the Board may refuse the application.

Board may grant Residence or Work Permit

25. If on an application for a Residence Permit or a Work Permit made by a person of full age and capacity, the Board is satisfied that the applicant fulfils the prescribed requirements for such a permit, the Board may in its discretion grant him a Residence Permit or a Work Permit, as the case may be.

Permit to reside or to engage in gainful occupation

26. A permit granted under section 25 may authorize a person to—

- (a) remain in the Islands for the period specified in the permit otherwise than for the purpose of engaging in any gainful occupation; or
- (b) remain in the Islands for the period specified in the permit for the purpose of engaging in the gainful occupation specified in the permit.

Conditions of permits

27. (1) A permit granted under section 25—

- (a) may be limited in duration to the period specified in the permit;
- (b) shall be granted subject to such conditions or restrictions which may be prescribed;
- (c) shall be subject to any special conditions or restrictions which the Board may impose in respect of any particular person.

(2) Any condition or restriction imposed under the provisions of paragraph (b) or (c) of subsection (1) shall be set out in the permit.

Board may vary conditions and duration of permit

28. On an application being made in the prescribed form by the holder of a permit granted under section 25, and subject to the provisions of this Ordinance relating to such permit, the Board may vary any special conditions or restrictions endorsed on the permit and it may extend the duration of the permit or may renew it. (*Amended by Ord. 4 of 1997*)

Grant, extension or renewal of permit shall not give rise to right, or expectation to further permit, extension or renewal

29. Where a permit is granted under section 25 in respect of the gainful occupation or residence of a person the earlier gainful occupation or residence of whom had been authorized by a previous permit, or where a permit is extended or renewed under section 28, such grant or extension or renewal shall not give rise to any right to, or any expectation of a right to, any further new permit or extension or renewal of an existing permit thereafter, and the Board may in any case refuse an application for such further new permit, extension or renewal

without any right arising to the applicant concerned to appeal against such refusal either to the Minister or to the Supreme Court on the grounds that the previous grant or extension or renewal gave a right or expectation of any right to a further new permit or extension or renewal of an existing one. (*Inserted by Ord. 4 of 1997*)

Board may revoke a permit

30. Subject to section 31, the Board may revoke a permit issued under section 25 if the Board is satisfied that in respect of a permit holder other than a person who is married to a Belonger and is living together with the Belonger—

- (a) the person to whom it is granted has failed to comply with any condition or restriction to which it is subject;
- (b) the person to whom it is granted has failed to pay any fee payable by or under this Ordinance in respect of it;
- (c) the person to whom it is granted has been convicted of an offence against this Ordinance;
- (d) the person to whom it is granted is in any respect no longer a fit and proper person to hold it;
- (e) it is in the public interest to revoke it; or
- (f) a deportation order has been made under section 62(2) in respect of the person to whom it is granted.

(Amended by Ord. 4 of 1997)

Permit holder to show cause why permit should not be revoked

31. (1) Before revoking a permit under section 30, the Board shall give to the permit holder notice in writing of its intention to revoke the permit and the reasons for it.

(2) A notice given under subsection (1) shall state that, within 30 days of service, the permit holder may make representations in writing to the Board concerning the matter and the Board shall not determine the matter without considering any representations received within that period of 30 days.

Appeals Against Decisions of the Board

Appeal to Minister

32. Any person aggrieved by a decision of the Board—

- (a) refusing to grant his application for a Residence or Work Permit;
- (b) imposing any condition or restriction on his permit;
- (c) refusing to vary any term, condition or restriction of his permit;
- (d) refusing to extend the duration of his permit; or
- (e) revoking his permit,

may appeal in writing to the Minister within a period of 30 days following notification to him of the decision appealed against.

Appeal to Minister suspends execution of Board's decision

33. An appeal to the Minister shall have the effect of—

- (a) suspending the execution of the decision of the Board, where the appeal is under section 32(b);
- (b) suspending the refusal to extend the duration of a permit, where the appeal is under section 32(d);
- (c) suspending a revocation, where the appeal is under section 32(e),

until the Minister shall have given his decision on the appeal.

Powers of Minister on appeal

34. The Minister may confirm the decision appealed against, or—

- (a) direct the Board to grant the permit applied for on such terms and conditions as he considers appropriate;
- (b) direct the Board to cancel any condition or restriction it imposed on a permit;
- (c) direct the Board to vary any condition or restriction it imposed on a permit;
- (d) direct the Board to extend the duration of a permit;
- (e) direct the Board to restore a permit it has revoked on such terms and conditions as he considers appropriate;

and the Board shall comply with any such direction.

Minister's decision final

35. The decision of the Minister on an appeal under section 32 shall be final and shall not be reviewed or enquired into by any court.

PART IV

IMMIGRATION OFFICERS

Director of Immigration

36. (1) There shall be a Director of Immigration whose office shall be a public office and who shall be responsible, subject to the general direction and control of the Minister, for the management and administration of the department responsible for immigration and, subject to the provisions of this Ordinance, for the general administration of this Ordinance.

(2) A person who is not a Belonger shall not be qualified for appointment as Director.

(3) In the performance of his functions, the Director shall be assisted by immigration officers whose posts shall be public offices.

Minister may give directions

37. Subject to this Ordinance, the Minister may from time to time give to the Director or any immigration officer general or special directions, not inconsistent with the provisions of this Ordinance, as to the exercise or performance of their powers, discretions or functions under this Ordinance.

Powers of Immigration Officers

Power of immigration officers to examine persons on entry

38. (1) An immigration officer may board, and without search warrant may search, any ship or aircraft for the purposes of exercising his functions under this Ordinance.

(2) An immigration officer may examine any person who has arrived in the Islands by ship or aircraft for the purposes of establishing—

- (a) whether he is or is not a Belonger or a permanent resident;
- (b) if he is not a Belonger or a permanent resident, whether he may or may not enter the Islands without leave;
- (c) if he may not enter without leave, whether he should be given leave and for what period and on what conditions (if any), or should be refused leave.

(3) Any such person may be examined also by the Government Medical Officer.

(4) Any such person on being examined by an immigration officer or the Government Medical Officer may be required to submit to further examination.

Power of immigration officers to examine unlawful entrants

39. (1) An immigration officer may examine any person whom he reasonably suspects—

- (a) of having entered the Islands unlawfully; or
- (b) of being in the Islands in breach of any condition or restriction of his permit to enter or reside in the Islands.

(2) A person on being examined by an immigration officer under this section may be required to produce any documents in his possession, custody or control.

Directions for the removal of persons refused leave to enter

40. (1) Where a person arriving in the Islands is refused leave to enter, an immigration officer may, subject to subsection (2) give directions to—

- (a) the master of the ship or commander of the aircraft in which such person arrived in the Islands, requiring him to remove that person immediately from the Islands in that ship or aircraft;
- (b) the owners or agents of such ship or aircraft, requiring them to remove such person immediately from the Islands in any ship or aircraft specified in the directions, being a ship or aircraft of which they are owners or agents;
- (c) those owners or agents requiring them to make arrangements for the removal of such person from the Islands in any ship or aircraft bound for a country or territory so specified in the directions, 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 Islands; or
 - (iv) a country or territory to which there is reason to believe he will be admitted.

(2) A person in respect of whom directions are given under subsection (1) 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.

(3) Where an immigration officer refuses leave to enter to any person and the immigration officer gives directions under this section, any person to whom such directions are given shall comply with the directions.

(4) Where an immigration officer refuses leave to enter to any person under Part II and that person is detained pending the implementation of directions given under this section, the local representative, or if there is no local representative, the master, commander, owner or agent of the ship or aircraft from which that person disembarked shall be financially responsible for any public charges reasonably incurred in respect of such person's maintenance during any such detention.

Directions for the removal of unlawful entrants

41. (1) If any person—

- (a) is found in the Islands after entering in contravention of this Ordinance;
- (b) has been permitted to enter after having disembarked from a ship or aircraft of which he was a member of the crew subject to a condition that he should leave the Islands by a specified ship or aircraft or within a specific period, but fails to comply with that condition or is reasonably suspected of intending so to fail;

- (c) has entered the Islands after having disembarked from a ship or aircraft of which he was a member of the crew under section 8(1) without leave of the immigration officer, but fails to leave with that ship or aircraft from the port where he had entered, or is reasonably suspected of intending so to fail,

section 40 shall apply to him as if he had been refused leave to enter by an immigration officer.

(2) If any person enters the Islands from a ship or aircraft on which he was a stowaway, section 40 shall thereupon apply to him as if he had been refused leave to enter by an immigration officer:

Provided that in any such case section 40(1)(c) shall be deemed to include a reference to the country in which that person stowed away.

Detention of persons liable to examination or removal

42. (1) A person who may be required to submit to examination under subsections (2), (3), and (4) of section 38 and under section 39 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.

(2) A person in respect of whom directions may be given under sections 40 or 41 may be detained under the authority of an immigration officer pending the giving of directions and pending his removal in pursuance of any directions given.

(3) 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 this section; but if an immigration officer so requires, the master of a ship or commander of an aircraft shall prevent from disembarking in the Islands, any person who has arrived in the Islands in the ship or aircraft and been refused leave to enter, and the master or, as the case may be, the commander, may for that purpose detain him in custody on board the ship or aircraft.

(4) The master of a ship or commander of an aircraft, if so required by an immigration officer, shall prevent from disembarking in the Islands or before the directions for his removal have been fulfilled, any person placed on board the ship or aircraft under section 40(2), and the master, or as the case may be, the commander, may for that purpose detain him in custody on board the ship or aircraft.

(Inserted by Ord. 19 of 1994)

Persons liable to be detained may be arrested without warrant

43. A person liable to be detained under section 42 may be arrested without warrant by an immigration officer or a police officer. *(Inserted by Ord. 19 of 1994)*

Places of detention

44. (1) Persons may be detained under section 42 in such places as the Minister may direct (when not detained in accordance with section 42 on board ship or aircraft).

(2) Where any person may be detained under section 42, any immigration officer, police officer or prison officer, or any person authorised by an immigration officer, may take all such steps as may be reasonably necessary for photographing, measuring, or otherwise identifying him.

(3) Any person detained under section 42 may be taken in the custody of a police officer, or of any 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 Islands.

(4) A person shall be deemed to be in legal custody at any time when he is detained under section 42 or is being removed in pursuance of subsection (3).

(Inserted by Ord. 19 of 1994)

Temporary admission or release of persons liable to detention

45. (1) A person liable to detention or detained under section 42 may, under the written authority of the Director, be temporarily admitted to the Islands without being detained or be released from detention; but this shall not prejudice a later exercise of the power to detain him.

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

(Inserted by Ord. 19 of 1994)

Financial responsibility for unlawful entrants

46. (1) In any case where a person enters the Islands by ship or aircraft in contravention of any of the foregoing provisions of this Ordinance then, without prejudice to any other provision of this Ordinance, the local representative of such ship or aircraft shall be financially responsible for any public charges reasonably incurred in respect of such person's maintenance, including any detention, while in the Islands and his subsequent repatriation, removal or deportation therefrom.

(2) Where a person enters the Islands without leave, and the Director directs his removal from the Islands, any money found in his possession shall be used to defray the costs of his removal.

Boarding of ships or aircraft

47. Where any officer of the Royal Navy or any Customs Officer or police officer has reasonable grounds for believing that any person on board any ship or aircraft which is in the territorial waters of the Islands is landing or preparing to land in the Islands in contravention of this Ordinance, he may board such ship or

aircraft and exercise the powers conferred on an immigration officer under section 38.

PART V

THE TURKS AND CAICOS ISLANDS IMMIGRATION BOARD

Establishment of the Board

48. For the purposes of this Ordinance there shall be established a Board to be called the Turks and Caicos Islands Immigration Board.

Functions of the Board

49. The Board shall exercise general supervision and control over matters connected with the entry of persons into the Islands for the purposes of residence and employment and shall be responsible for the issue of Residence and Work Permits.

Constitution of the Board

50. (1) The Board shall consist of the following—

- (a) a Chairman, who shall be appointed by the Governor acting in accordance with the advice of the Minister;
- (b) the Director of Immigration;
- (c) the Commissioner of Labour;
- (d) the Permanent Secretary, Finance or his representative;
- (e) four other members appointed by the Governor acting on the advice of the Minister.

(Amended by Ord. 4 of 1997)

(2) A person shall be disqualified from appointment as a member if he is not a Belonger, or is a member of the Cabinet or the House of Assembly.

(3) The Chairman or an appointed member, unless he sooner resigns or is removed from office, shall be appointed for such term not exceeding three years as may be specified in the instrument of appointment and may from time to time be reappointed.

(4) The Chairman and members who are not officials shall be paid such remuneration as the Governor may determine.

(5) The Governor may at any time without cause terminate the appointment of the Chairman and appointed members.

(6) The Chairman or any appointed member may at any time resign with immediate effect by giving notice in writing to the Governor and from its receipt by the Governor he shall cease to be a member.

Meetings of the Board

51. (1) The Board shall meet at least once in each month and on such other occasions as, in the opinion of the Chairman, may be necessary or desirable in the public interest.

(2) The Chairman shall preside at all meetings of the Board, and in his absence from a meeting, the members present shall appoint one of their number to preside.

(3) Four members shall form a quorum at any meetings of the Board.

(4) At a meeting of the Board all questions shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the member presiding shall have a casting vote.

(5) The Board may with the approval of the Minister make rules regulating its proceedings.

Secretary of the Board

52. (1) The Governor acting on the advice of the Minister shall appoint any public officer to be the Secretary of the Board.

Amended by Ord. 2 of 2004)

(2) The Secretary shall—

- (a) attend all meetings of the Board but shall not vote on any matter or question before the Board;
- (b) prepare minutes of the meetings of the Board;
- (c) keep a record of the proceedings and decisions of the Board;
- (d) receive applications for permits under section 23;
- (e) sign and issue on behalf of the Board all permits or notices;
- (f) attend to such other duties as the Chairman of the Board may require.

(3) As soon as is practicable after every meeting of the Board the Secretary shall furnish the Minister with a copy of the minutes of meetings and proceedings of the Board.

Minister to issue directions to the Board

53. The Minister may from time to time give directions in writing to the Board with respect to—

- (a) policy and the implementation of policy;
- (b) the furnishing of reports, documents, papers and information to the Minister;
- (c) its functions either generally or with respect to a particular matter,

and the Board shall give effect to such directions.

Board to consult with Government

54. The Board shall, to the greatest possible extent consistent with the performance of its duties under this Ordinance, consult with departments, branches and agencies of Government.

Powers of Board

Power of Board to summon and examine witnesses

55. (1) For the purpose of discharging its functions under this Part, the Board may—

- (a) summon any person connected in any material way with a matter or question before the Board to attend to give evidence relating to such matter or question;
- (b) administer oaths or affirmations;
- (c) examine on oath, affirmation or otherwise any person attending before the Board and require such person to answer all questions put to him by the Board;
- (d) seek and obtain the advice of any person on any matter or question before the Board.

(2) A person who has been summoned by the Board under subsection (1)(a) and who, without reasonable excuse—

- (a) fails to attend;
- (b) refuses or fails to be sworn or to make an affirmation; or
- (c) refuses, fails to answer or does not answer truthfully a question that he is required to answer under subsection (1)(c),

commits an offence and is liable on summary conviction to a fine of \$1,000 or to a term of imprisonment of three months or to both.

Preservation of confidentiality of information obtained by Board

56. (1) A member of the Board and a person who is lawfully connected with any business of the Board shall regard and deal with any information relating to the business of any other person which he has obtained by virtue of such membership or connection as secret.

(2) A member of the Board and a person referred to in subsection (1) shall not disclose or allow to be disclosed any information referred to in subsection (1) to anyone not lawfully entitled thereto.

Power of Board to exempt from certain requirements of applications for permits

57. If the Board is satisfied, upon sufficient reason being given by or on behalf of an applicant in a particular case, that it is not reasonably practicable to

comply with the prescribed requirements for applications for a Residence or Work Permit, the Board may in its discretion waive any such requirements and nevertheless consider and determine the application.

Financial provisions

58. Any expenses of the Board incurred in the performance of its functions under this Ordinance, shall be payable out of money appropriated by the House of Assembly for the purpose.

PART VI

STOP LIST: PROHIBITED IMMIGRANTS: DEPORTATION AND PROVISIONS RELATING TO THE REMOVAL OF PERSONS FROM THE ISLANDS

Stop List

59. (1) Where the Director is satisfied that any person—

- (i) other than a person who is both a British Dependent Territories citizen and a Belonger; or
- (ii) other than a permanent resident,

who is for the time being outside the Islands—

- (a) is a person who has, while in the Islands conducted himself in an undesirable manner; or
- (b) is a person whose entry into the Islands in the opinion of the Director appears undesirable in view of information or advice received from any source which the Director considers reliable;

the Director may cause that person's name to be entered on a list to be called “the Stop List” to be maintained by him, whereupon such person shall be prohibited from entering the Islands. (*Amended by Ord. 4 of 1997*)

(2) In the exercise of his special responsibilities under the Constitution the Governor may, in his discretion, require the Director to include or remove from the Stop List the name of such person as the Governor thinks fit, and the Director shall forthwith comply with such requirement.

Distribution of copies of Stop List, etc., to shipping agents

60. The Director may cause copies of the Stop List, or notification of the entry in or removal of any name from the Stop List, to be given to the agents or representative of ships or aircraft ordinarily calling at the Islands or to *bona fide* travel agencies.

Prohibited immigrants

61. In the exercise of his special responsibilities under the Constitution, the Governor may, by order published in the *Gazette*, declare any person or class of persons to be prohibited immigrants, and thereafter such person or class of persons shall be prohibited from entering the Islands.

Procedure where deportation is desirable

62. (1) A person—

- (i) who is not both a British Dependent Territories citizen and a Belonger; or
- (ii) who is not a permanent resident,

shall be liable to deportation from the Islands if he—

- (a) has remained in the Islands contrary to any provision of this Ordinance, and the Director has recommended that he be deported;
- (b) has been convicted of any offence against this Ordinance or of an offence against any other Ordinance and the court so convicting that person has recommended that he be deported;
- (c) is a person whose presence in the Islands would in the opinion of the Director or the Board be undesirable and not conducive to the public good and the Director or the Board, as the case may be, has recommended that he be deported; or
- (d) is a person whose presence in the Islands would in the opinion of the Governor, acting in his discretion in the exercise of his special responsibilities under the Constitution, be undesirable and not conducive to the public good.

(Amended by Ord. 4 of 1997)

(2) The Governor may make an order (hereinafter referred to as a “deportation order”) requiring such person to leave the Islands within the time fixed by the deportation order and thereafter to remain out of the Islands.

(3) Where the Governor makes a deportation order in respect of any person, he may further order that the spouse and dependent children of that person be deported.

(4) Notwithstanding subsection (1), a deportation order shall not be made in respect of any person who is the spouse of a Belonger and who is living together with the Belonger unless—

- (a) that person has been convicted of a criminal offence and sentenced to not less than 12 months imprisonment; and
- (b) the court which has convicted such person has recommended deportation.

(Amended by Ord. 4 of 1997)

(5) The Governor shall not be required to assign any reason for the making of a deportation order and his decision to make such an order shall be final and shall not be reviewed or enquired into by any court.

(6) Where a deportation order is made in respect of a person who immediately before the making thereof was lawfully within the Islands under the provisions of this Ordinance, a copy of the order shall be served upon him by an immigration officer or police officer.

Removal of persons subject to deportation orders

63. (1) Any person in whose case a deportation order has been made may, under the authority of the Director, be placed on board any ship or aircraft which is about to leave the Islands and the master of the ship or the commander of the aircraft shall, if so required by the Director or an immigration officer, take such steps as may be necessary for preventing the person from disembarking before the ship or aircraft leaves the Islands, and may for that purpose detain the person in custody on board the ship or aircraft.

(2) The Director or an immigration officer may give directions to the master of any ship or commander of any aircraft which is about to leave the Islands, requiring him to afford to any person in whose case a deportation order has been made and to his dependants, if any, a passage to any port specified in the directions (being a port to which the ship or aircraft is to call in the course of its voyage) and proper accommodation and maintenance during the passage.

(3) The Governor may, if he thinks fit, apply any money or property belonging to any such person as aforesaid in payment of the whole or any part of the expenses of or incidental to the voyage from the Islands and the maintenance until departure of the person and his dependants, if any.

(4) Subject to subsection (3) any person in whose case a deportation order has been made may be detained, under the authority of the Director, until he is dealt with under subsection (1), and a person in whose case a recommendation for deportation has been made by the court shall, (unless the court in any case where the person is not sentenced to imprisonment, otherwise directs) be detained until the Governor makes a deportation order in his case or directs him to be released.

Lien on ship or aircraft landing passengers contrary to this Ordinance

64. (1) If a passenger enters or attempts to enter in the Islands, or does any act preparatory to entering the Islands to the knowledge of the master of a ship or the commander of an aircraft by which such passenger arrived and such entry is, or would be, in contravention of any provision of this Ordinance, the master or commander commits an offence and such ship or aircraft shall be subject to a lien in favour of Her Majesty for the sum of \$1,500 in respect of each such passenger so entering, attempting to enter or making preparation to enter and the amount so charged may be sued for and recovered by the Director in the Supreme Court.

(2) Any immigration officer or police officer, acting under instructions of the Permanent Secretary, Finance, shall detain, by force if necessary, any ship or aircraft charged with the payment of any sum under this section:

Provided that such detainer shall cease upon payment to the officer detaining such ship or aircraft, or the person placed by him in actual charge of such ship or aircraft, of all sums charged upon such ship or aircraft, being arrested under the process of the Supreme Court issued in any action for the recovery of the sums.

(3) For the purpose of any action for the recovery of any sum charged upon an aircraft under this section, such aircraft shall be deemed to be a ship and the law relating to Admiralty actions *in rem* shall apply to such action accordingly.

(4) Where the sum charged upon a ship or aircraft under this section exceeds the value of such ship or aircraft, it shall be lawful for the Supreme Court on the application of the Director to order the forfeiture of the ship or aircraft.

Lien to cease if passenger returned on board

65. If a passenger enters the Islands from any ship or aircraft contrary to this Ordinance, and such passenger is, on the complaint of the master or commander, apprehended and conveyed on board such ship or aircraft under sections 40 or 41, the lien arising under section 64 on the entry of such passenger shall cease to exist on his being so conveyed on board as aforesaid, but shall revive if such passenger again enters contrary to this Ordinance.

Power of Governor to remit lien

66. In the event of any ship or aircraft becoming subject to a lien in respect of any passenger under section 64, the Governor may, either before or after any suit has been commenced for the recovery of such amount, remit the whole or such part thereof as he shall deem expedient, and order the release of such ship or aircraft on such terms and conditions as he shall think fit.

PART VII

CRIMINAL PROCEEDINGS; OFFENCES AND PENALTIES

Unlawful entry and similar offences

67. (1) If any person—

- (a) in contravention of section 6(1) knowingly enters the Islands without leave;
- (b) in contravention of section 6(2) knowingly enters the Islands from an unauthorized port;

- (c) having been granted leave to enter under section 7 without reasonable excuse fails to observe a restriction or condition of the leave;
- (d) in contravention of section 12 knowingly remains in the Islands beyond the time permitted by the immigration officer or the Board;
- (e) in contravention of section 13(1) engages in any gainful occupation;
- (f) without reasonable excuse fails to comply with any directions given under section 40(4);
- (g) without reasonable excuse discloses or allows to be disclosed information contrary to section 56(2);
- (h) being a person whose name appears on the Stop List, knowingly enters the Islands;
- (i) being a member of a class of persons declared prohibited immigrants under section 61, knowingly enters the Islands;
- (j) contrary to a deportation order made by the Governor under section 62(2) knowingly enters the Islands; or
- (k) without reasonable excuse fails to observe any restriction or condition imposed on his Permanent Residence Certificate or on his Residence or Work Permit, as the case may be;

he commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of two years or to both; and if the offence is a continuing one to a further fine not exceeding \$100 for every day or part of a day on which the offence has continued.

(2) If any person, in contravention of section 13(2), employs a person prohibited by section 13(1) from engaging in any gainful occupation, he commits an offence and—

- (a) is liable to a fine of \$10,000 or to a term of imprisonment of two years or to both;
- (b) if the offence is a continuing one, is liable to a further fine not exceeding \$100 for every day or part of a day on which the offence has continued;
- (c) if he is convicted of a second or subsequent offence under this subsection and he holds at the time of the offence a business licence issued under the Business Licensing Ordinance, the court before which he has been convicted may, in addition to any other penalty it may impose, order the suspension of the business licence for such period not exceeding six months as it considers appropriate in the circumstances, and it shall cause a copy of the order to be sent to the Permanent Secretary, Finance.

(Amended by Ord. 4 of 1997)

(3) A person whose licence has been suspended under subsection (2), and who carries on any business in or from within the Islands during the period of suspension commits an offence, and is liable on summary conviction to a fine of \$2,000 or to imprisonment for nine months or to both. (*Inserted by Ord. 4 of 1997*)

Making false statements, furnishing false information

68. (1) A person who, in connection with any application for a Certificate of Belonger Status, Permanent Residence Certificate, or Residence or Work Permit, knowingly makes any false or misleading statement or knowingly furnishes any false or misleading information, commits an offence and is liable upon summary conviction to a fine of \$1,000 or to a term of imprisonment of six months, or to both.

(2) If any person without any lawful authority, alters any certificate or document issued under this Ordinance, or uses for the purpose of this Ordinance or has in his possession for such use any forged, altered or irregular certificate, passport, visa or other document, he commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of twelve months, or to both.

Assisting illegal entry

69. (1) In this section the following definitions shall apply—

- (a) “unlawful entrant” means a person entering or seeking to enter in contravention of this Ordinance or in contravention of a deportation order or the Stop List and includes a person who has so entered;
- (b) in subsection (3) but not subsection (4), “owner” in relation to a ship or aircraft which is the subject of a hire-purchase agreement includes the person in possession of it under the agreement, and also includes a charterer;
- (c) in subsection (4) “operating weight” means in relation to an aircraft the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances, in accordance with the certificate of airworthiness in force in respect of the aircraft.

(2) Any person knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the Islands of anyone whom he knows or has reasonable cause for believing to be an unlawful entrant, commits an offence and is liable on summary conviction to a fine of \$15,000 or to a term of imprisonment of three years or to both. (*Amended by Ord. 4 of 1997*)

(3) If a person convicted of an offence under subsection (2) is, at the time of the offence—

- (a) the owner or one of the owners of the ship or aircraft, used or intended to be used in carrying out the arrangements in respect of which the offence is committed;

(b) a director or manager of a company which is the owner or one of the owners of any such ship or aircraft; or

(c) master of such ship or commander of such aircraft,

then subject to subsections (4) and (5), the court before which he is convicted may order the forfeiture of the ship or aircraft.

(4) A court shall not order a ship or aircraft to be forfeited under subsection (3) on a person's conviction, unless—

(a) in the case of a ship, it is less than 500 tons gross tonnage or, in the case of an aircraft it is of less than 5,700 kilogrammes operating weight; or

(b) the person convicted is at the time of the offence the owner or one of the owners, or a director or manager of a company which is the owner or one of the owners, of the ship or aircraft.

(5) A court shall not order a ship or aircraft to be forfeited under subsection (3) where a person claiming to be the owner of the ship or aircraft or otherwise interested in it applies to be heard by the court, unless an opportunity had been given to him to show cause why the order should not be made.

Harbouring

70. Any person who knowingly harbours any person who is in the Islands in contravention of this Ordinance commits an offence and is liable on summary conviction to a fine of \$10,000 or to imprisonment for a period of two years or to both. (*Amended by Ord. 4 of 1997*)

Immigration officers to have powers of police officers

71. An immigration officer investigating any offence or alleged or suspected offence under this Ordinance, shall have all the powers, privileges, protection and authority conferred by law on a police officer for and in relation to the investigation of an offence. (*Inserted by Ord. 19 of 1994*)

Powers of arrest

72. If any immigration officer or police officer has reasonable cause to suspect that any person has committed an offence under this Ordinance and if it appears to him to be necessary to arrest such person immediately in order to secure that the ends of justice for the purposes of this Ordinance are not defeated, he may arrest such person without warrant, whereupon the provisions of section 31 of the Magistrate's Court Ordinance shall apply in every such case. (*Inserted by Ord. 19 of 1994*)

Customs officers to aid immigration officers

73. It shall be the duty of every customs officer to aid and assist generally in carrying out the provisions of this Ordinance, and if any contravention of, or failure to comply with, any of the provisions of the Ordinance shall become

known to any customs officer, it shall be his duty to report the same forthwith to an immigration officer. (*Inserted by Ord. 19 of 1994*)

Evidence by certificate

74. In any proceedings for an offence under this Ordinance, a certificate signed by or on behalf of the Director and stating—

- (a) that, on any date, a person was or was not the holder of a Certificate of Belonger Status, Permanent Residence Certificate, a Residence Permit or a Work Permit granted under this Ordinance;
- (b) the date of issue and expiration of such a Permanent Residence Certificate, Residence Permit or Work Permit;
- (c) the conditions or restrictions to which such Permanent Residence Certificate, Residence Permit or Work Permit is subject, and any endorsements thereon;

shall be evidence of the facts stated, and a certificate stating that any of the matters mentioned and purporting to be signed by or on behalf of the Director, shall be presumed to be so signed unless the contrary is proved.

Offences by corporations

75. Where a person convicted of an offence against this Ordinance is a body corporate, then every person who, at the time of the commission of the offence, was a managing director, manager, secretary or other officer of the body corporate, shall be deemed to have committed that offence unless he proves that the offence was committed without his knowledge or that he exercised all reasonable diligence, having regard to his office, to prevent the commission of the offence.

Court's power to recommend revocation etc.

76. (1) Where under section 30(c) a person convicted of an offence is liable to have his permit revoked on the recommendation of the court, any court having power to sentence him may recommend that his permit be revoked.

(2) Where under section 62(1)(b) a person convicted of an offence is liable to be deported on the recommendation of the court, any court having power to sentence him may recommend that he be deported.

Presumption of gainful occupation

77. Where, in any proceedings under section 67(1)(e) or 67(2), it is proved that a person engaged in any occupation, in any capacity, undertaking, profession, trade or business at a time when he was not the holder of a Work Permit or a Permanent Residence Certificate authorizing him to engage in that gainful occupation, it shall be presumed unless the contrary is proved—

- (a) that that person engaged in that occupation, at that time, for or in the expectation of profit, gain or reward in cash or in kind, or for some other form of consideration; and

- (b) where the proceedings are under section 67(2) and it is proved that that person engaged in any gainful occupation which either benefited the defendant, or engaged in such occupation under his direction and control, that that person was in the employment of the defendant.

PART VIII

REGULATIONS

Power to make regulations

78. The Governor may make regulations for carrying out or giving effect to this Ordinance and without prejudice to the generality of the foregoing may make regulations—

- (a) prescribing anything which is to be, or may be, prescribed under this Ordinance;
- (b) prescribing the fees to be paid in respect of any matter or thing done under this Ordinance or any regulations;
- (c) exempting any person or category of persons from the requirement to pay any fees payable under this Ordinance or any regulations;
- (d) remitting the fees payable by any person or category of persons under this Ordinance or any regulations;
- (e) providing penalties for contraventions of any regulations under this Ordinance.

Governor may amend Schedules

79. The Governor may, by Order, amend, repeal or replace the Schedules.

Transitional

80. Where a permanent resident dies before 15 November 1997 and his Certificate is endorsed as applying to his spouse, the spouse may apply on or before 15 November 1998 to the Governor for a Permanent Residence Certificate, and the provisions of section 18 of the Immigration Ordinance shall apply as if the application had been made under that section.

SCHEDULE 1

(Section 3)

CERTIFICATE OF BELONGER STATUS

Form of Certificate of Belonger Status

Turks and Caicos Islands



THE IMMIGRATION ORDINANCE

Certificate of Belonger Status

THIS IS TO CERTIFY THAT
of
has with effect from this day been granted Belonger status for all purposes of the
Immigration Ordinance.

Given this day of20..... .

.....
GOVERNOR

SCHEDULE 2*(Section 3(2))***APPLICATION FOR CERTIFICATE OF BELONGER STATUS
BY A SPOUSE OF A BELONGER**

1. Application for a Certificate of Belonger Status shall be in Form 1 of this Schedule.
2. The application shall be accompanied with—
 - (a) a non-refundable fee of \$300;
 - (b) two recent photographs of the applicant; and
 - (c) a marriage certificate or other evidence of marriage.
3. The Minister may require the applicant to furnish him with such information as he considers relevant to the application.

FORM 1

*Application for Certificate of Belonger Status by a Spouse of a Belonger**Turks and Caicos Islands**THE IMMIGRATION ORDINANCE***APPLICATION FOR A CERTIFICATE OF BELONGER STATUS
BY A SPOUSE OF A BELONGER**

1. Name in full:
2. Address and telephone number:
3. Occupation:
4. Date and place of birth:
5. Nationality:
6. Passport number, place and date of issue:
7. Full name of spouse:
8. Date and place of birth of spouse:
9. Nationality of spouse:
10. Date and place of marriage:
11. Date of first entry into Turks and Caicos Islands:

12. Where have you lived in the past five years ?

.....

.....

13. Please give details of your place(s) of residence during that period:

.....

14. Please give dates of absences from the Islands during that period:

.....

.....

DECLARATION BY APPLICANT: I, (*name of applicant*),
of (*address*), hereby declare that the
information I have given in this application is true to the best of my knowledge and belief, and I
make it, knowing that if I have made any false or misleading statements I am liable to be
prosecuted under section 68 of the Immigration Ordinance.

Signed by: Date:

Witnessed:

DECLARATION BY SPOUSE OF APPLICANT: I, (*name
of spouse*), of (*address*), hereby
declare that I have read the particulars contained in this application and that the particulars are
true to the best of my knowledge and belief, and I make this declaration, knowing that I am
liable to be prosecuted under section 68 of the Immigration Ordinance.

Signed by: Date:

Witnessed:

SCHEDULE 3*(Section 7)***GENERAL ENTRY REQUIREMENTS**

1. Before granting a permit to enter the Islands, the immigration officer shall satisfy himself that a person—

- (a) is not likely to behave in a manner prejudicial to the peace, order or good government of the Islands;
- (b) is not suffering from mental disorder nor is a mental defective;
- (c) is not suffering from any contagious or infectious disease which, in the opinion of a government medical officer, makes his presence in the Islands dangerous to the community;
- (d) is not a person who is reasonably believed to have come to the Islands for any immoral purpose, or who being a woman or girl, is not reasonably believed to be a prostitute or to have come to the Islands for the purpose of prostitution;
- (e) has not been convicted in any place of murder or an offence punishable in the Islands with imprisonment for a term of 3 years or more and who by reason of such conviction is deemed by the immigration officer to be undesirable;
- (f) is not a person whose name is for the time being on the Stop List;
- (g) is not a person or a member of a class of persons declared to be prohibited immigrants by the Governor under section 61;
- (h) is not a person whose presence in the Islands would in the opinion of the Director be undesirable and not conducive to the public good;
- (i) is capable of supporting himself and his dependants, if any, during such time as he may be permitted to remain in the Islands;
- (j) is not the dependant of any person who is precluded from being given leave to enter by reason of any of the provisions of this Schedule.

2. For the purposes of paragraph 1, an immigration officer may require a person—

- (a) to furnish him with medical certificates with respect to himself and his dependants as he considers necessary;
- (b) to furnish him with evidence of good character in respect of himself and his dependants;
- (c) to furnish him with evidence of his ability to maintain himself and his dependants in the Islands;
- (d) to furnish him with such other particulars as he considers material to the consideration of any application.

IMMIGRATION REGULATIONS
ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title
2. Interpretation
3. Duty to give notice of arrival of ship or aircraft
4. Inward passenger and crew manifest
5. Control of entry from ships or aircraft
6. Entry and departure card
7. Duty of persons arriving or departing to produce passports, etc
8. Entry clearance
9. Outward passenger and crew manifest
10. Duty to report failure of persons to continue journey
11. Duty of employer to inform Director of cessation of employment
12. Duty of employee to inform Director of cessation of employment
13. Cancellation of certificate or permit
14. Deposit
15. Permanent residents
16. Residence Permits
17. Work Permits
18. Temporary Work Permits
19. Labour Clearance
20. Appeal against Commissioner of Labour refusal to issue labour clearance
21. Powers of Minister on appeal
22. Fees

SCHEDULE 1: Entry and Departure Card

SCHEDULE 2: Permanent residents

**Part A: Applications for Permanent
Residence Certificates**

Part B: Forms:

Form 1: Application for a Permanent Residence
Certificate

Form 2: Permanent Residence Certificate

Form 3: Form of Permanent Resident Identification
Card

Form 4: Form of Undertaking to grant a Permanent
Residence Certificate

SCHEDULE 3: Residence Permits

Part A: Applications for Residence Permits

Part B: Forms:

Form 1: Application for a Residence Permit

Form 2: Form of Residence Permit

Form 3: Form of Resident's Identification Card

SCHEDULE 4: Work Permits

Part A: Applications for Work Permits (Self-Employed
Persons)

Part B: Applications for Work Permits (Employed Persons)

Part C: Forms:

Form 1: Application for a Work Permit

Form 2: Form of a Work Permit (Self-Employed
Persons)Form 3: Form of a Work Permit (Employed
Persons)Form 4: Form of a Work Permit Holder's
Identification Card

SCHEDULE 5: Application for a Temporary Work Permit

SCHEDULE 6: Labour clearance

SCHEDULE 7: Fees Non-visa Countries

SCHEDULE 8: Fees

IMMIGRATION REGULATIONS – SECTION 78

*(Legal Notices 42/1992, 9/1994, 53/1994,
2 /1996, 45/1996, 16/1997, 14/1998, 34/2001, 47/2001, 6/2002 ,
16/2002, 17/2002, 35/2004, 11/2005, 13/2006, 10/2008 and 10/2009)*

Commencement

[1 November 1992]

Short title

1. These Regulations may be cited as the Immigration Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Belonger business” has the meaning assigned to that expression in section 2(3) of the Business Licensing Ordinance; *(Inserted by L.N. 13/2006)*

“certificate” means a Permanent Residence Certificate, issued by the Governor under the Ordinance;

“Islands” means the Turks and Caicos Islands;

“Ordinance” means the Immigration Ordinance;

“permit” means a permit issued by the Board under the Ordinance, whether a Residence Permit or a Work Permit.

Duty to give notice of arrival of ship or aircraft

3. (1) It shall be the duty of the local agent or representative of every ship or aircraft arriving in the Islands to give not less than 24 hours notice of the arrival of the ship or aircraft to the Director, and, if so required, to furnish such particulars as he may then have in his possession regarding the passengers and crew on board such ship or aircraft.

(2) Any person who, without reasonable excuse, fails to comply with subregulation (1) or with any requirements duly given thereunder, commits an offence and is liable on summary conviction to a fine of \$2,000.

Inward passenger and crew manifest

4. (1) The master of every ship or the commander of any aircraft in the Islands and, if so required by an immigration officer, the local agent or representative of any such ship or aircraft, shall, as soon as practicable after the arrival of such ship or aircraft, and before any passenger or member of the crew has entered in the Islands, deliver to an immigration officer a list showing separately—

- (a) the names and particulars of the passengers on board and of the passengers whose journey by that ship or aircraft is to be completed in the Islands;
- (b) the names and particulars of the members of the crew; and
- (c) the names and particulars of any other person (including persons rescued at sea and stowaways) on board the ship or aircraft:

Provided that an immigration officer may allow any person on board any ship or aircraft to enter without prejudice to any other provision of these Regulations, before such lists are duly delivered.

(2) Any person who fails to comply with any requirement duly given under subregulation (1) commits an offence and is liable on summary conviction to a fine of \$1,000.

Control of entry from ships or aircraft

5. (1) It is an offence for the master of any ship or commander of any aircraft to cause or allow any passenger, or member of the crew, or other person on board the ship or aircraft, to enter in the Islands before permission generally to enter has been given by an immigration officer.

(2) Any person convicted of an offence against subregulation (1) is liable on summary conviction to a fine of \$1,500:

Provided that it shall be a good defence for a person charged with an offence under this regulation to prove that any such entry took place in an emergency, and was, at the earliest time practicable, notified to an immigration officer.

Entry and departure card

6. (1) Every passenger, other than a Belonger, arriving in or departing from the Islands shall complete and deliver to an immigration officer an entry and departure card in the form set out in Schedule 1, and shall deliver one copy on arrival to an immigration officer and shall retain the other copy until immediately before his departure from the Islands when he shall deliver it to a person authorized by the Director to accept the same.

(2) It shall be the duty of the owner of the ship or aircraft in or from which any passenger embarks or disembarks, to provide such passengers at such owner's expense with the entry and departure card.

(3) Any person who in completing the prescribed declaration knowingly makes any false statement or representation commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of six months or to both.

Duty of persons arriving or departing to produce passports, etc

7. (1) Every person intending to enter in or, as the case may be, depart from the Islands shall, if required to do so by an immigration officer, produce for inspection—

- (a) a passport, visa, or document evidencing nationality or identity, or a document evidencing permission to enter any country, in his possession;

(b) a ticket, or some other means of travelling to some other country which he will be able to enter, in his possession.

(2) Any person who fails to comply with any such requirement commits an offence and is liable on summary conviction to a fine of \$500.

(3) If any person without lawful authority, alters any certificate or document issued or made under these Regulations, or uses for the purpose of these Regulations or has in his possession for such use any forged, altered or irregular certificate, passport, visa or other document, he commits an offence and is liable on summary conviction to a fine of \$2,000 or to a term of imprisonment of six 6 months or to both.

Entry clearance

8. (1) Except for the nationals of the countries and territories specified in Schedule 7, all other foreign nationals and stateless persons shall produce to an immigration officer a passport or other identity document endorsed with an entry clearance which shall take the form of a Turks and Caicos Islands visa, issued for the purpose for which they seek entry, and shall be refused leave to enter if they have no such current visa.

Provided that nationals of countries and territories not specified in Schedule 7 who hold a valid Work or Residence Permit may be granted leave to enter the Turks and Caicos Islands without a Turks and Caicos Islands visa. (*Inserted by L.N. 11/2005*)

Provided further, that nationals of countries and territories not specified in Schedule 7 who are lawful residents of the United Kingdom, United States of America or Canada, or who are holders of a valid visa permitting their travel to any of those three countries, may be granted leave to enter the Turks and Caicos Islands without a Turks and Caicos Islands visa. (*Inserted by L.N. 11/2005*)

(2) Applications for entry clearance shall be made from outside the Islands to the nearest British High Commission, Embassy or Consulate, or to the Director of Immigration, Grand Turk, or to the Turks and Caicos Islands representative at the Turks and Caicos Islands office in London, England, or New York, United States of America. (*Inserted by L.N. 14/1998 and amended by L.N. 11/2005*)

Outward passenger and crew manifest

9. (1) The local representative of every ship or aircraft departing from the Islands shall, if so required by an immigration officer, furnish to the Director at the time of, or immediately after, the departure of the ship or aircraft, lists showing separately—

- (a) the names and particulars of the passengers on board the ship or aircraft;
- (b) the number of passengers on board the ship or aircraft;
- (c) the names and particulars of the members of the crew of the ship or aircraft; and
- (d) the names and particulars of any other person on board the ship or aircraft.

(2) Any person who fails to comply with any requirement duly made under subregulation (1) commits an offence and is liable on summary conviction to a fine of \$1,000.

Duty to report failure of persons to continue journey

10. (1) Where any ship or aircraft arrives in the Islands from a place outside, carrying any person whose destination is outside the Islands but who fails to continue his journey in such ship or aircraft in circumstances which raise a reasonable presumption that the person has remained in the Islands, the person in charge of the ship or aircraft or the agent thereof shall, as soon as practicable, notify an immigration officer of the failure of such person to continue the journey.

(2) Any person in charge of any ship or aircraft, or any agent, who wilfully fails, or without reasonable excuse neglects, to notify an immigration officer of the failure of a person to continue a journey as required by subregulation (1), commits an offence and is liable on summary conviction to a fine of \$1,000.

Duty of employer to inform Director of cessation of employment

11. (1) Where a Work Permit (Employed Persons) is endorsed with a condition permitting the holder thereof to be employed in a gainful occupation by an employer, and such holder thereafter ceases to be employed by that employer, it shall be the duty of—

- (a) the employer, if he is a person resident within the Islands; (b) the principal officer, manager, or director of the employer resident within the Islands, if the employer is a company registered in the Islands; or
- (c) the principal manager, servant or other representative in the Islands of the employer if then resident outside the Islands;

to inform the Director in writing within 14 days that such permit holder has ceased to be so employed by that employer.

(2) Any person who fails to comply with the requirements of subregulation (1) commits an offence and is liable on summary conviction to a fine of \$1,000.

Duty of employee to inform Director of cessation of employment

12. (1) Where a Work Permit (Employed Persons) is endorsed with a condition permitting the holder to be employed in a gainful occupation by a particular employer and such holder thereafter ceases to be so employed by that employer before the expiry of the permit, it shall be the duty of such holder, within seven days of ceasing to be so employed, to present his permit to the Director for cancellation and such permit shall be deemed to have been cancelled with effect from the expiration of that period of seven days but without prejudice to the power of the Board to extend the duration of the permit under section 28 of the Ordinance.

(2) The holder of a permit who fails to comply with the requirements of subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.

Cancellation of certificate or permit

13. (1) Where any permit has ceased to be valid, or where a certificate or a permit has been revoked under sections 19 or 30 of the Ordinance, as the case may be, the Director shall require the holder thereof, if within the Islands, to deliver up such

certificate or permit for cancellation, and shall upon receipt of the same, cancel it by writing down on the face thereof the word, "Cancelled".

(2) Where the endorsement of any certificate has been revoked under section 20 of the Ordinance, the Director shall require that the certificate or permit, as the case may be, shall be forwarded to him by the holder and shall strike out the endorsement by writing across the same the words, "Endorsement cancelled", and shall thereupon return the same to the holder.

Deposit

14. (1) The Board may, on the issue of any permit, require a sum not exceeding \$1,500 to be deposited with the Director in respect of each such permit.

(2) Every such deposit may if necessary, be used to defray any expenses incurred or likely to be incurred by the Government in connection with the detention, maintenance, medical treatment or removal from the Islands of the holder of the permit or his dependants.

(3) Every such deposit shall, if not used as provided in this regulation, be refunded to the depositor if the Director is satisfied that he and his dependants have left the Islands permanently, or that he has been granted a certificate, or if for any other reason the deposit is no longer required.

Permanent residents

15. Schedule 2 has effect with respect to permanent residents.

Residence Permits

16. Schedule 3 has effect with respect to Residence Permits.

Work Permits

17. Schedule 4 has effect with respect to Work Permits.

Temporary Work Permits

18. Schedule 5 has effect with respect to Temporary Work Permits.

Labour Clearance

19. Where, pursuant to these Regulations, the Commissioner of Labour is informed of the making of an application for a Work Permit, extension or a renewal thereof and he is satisfied that the requirements for advertising and Belonger preference have been met, he shall issue a Labour Clearance in the form prescribed in Schedule 6. (*Inserted by L.N. 14/1998*)

Appeal against Commissioner of Labour refusal to issue labour clearance

20. Any person aggrieved by the decision of the Commissioner of Labour not to issue a Labour Clearance may appeal in writing to the Minister within 14 days following notification to him of the decision appealed against. (*Inserted by L.N. 10/2009*)

Powers of Minister on appeal

21. The Minister may confirm the decision appealed against or direct that the Commissioner of Labour issue the Labour Clearance applied for and the Commissioner of Labour shall comply with any such direction. (*Inserted by L.N. 10/2009*)

Fees

22. Schedule 8 has effect with respect to fees.

SCHEDULE 1

(Regulation 6)

ENTRY AND DEPARTURE CARD



Turks and Caicos Islands
Immigration Department
International Embarkation
Disembarkation Card



Welcome to the Turks and Caicos Islands

PLEASE PRINT CLEARLY

Mr. Mrs. Ms. Miss. _____
Last Name/Surname

First/Given Name

City State

Postal /Zip Code Country

Country of Citizenship: _____

Date of Birth: ____/____/____
Day Month Year

Flight # / Ship # _____

IMMIGRATION STAMP

Intended length of stay # of nights: _____

Signature _____

TO BE COMPLETED BY VISITORS ONLY		
PURPOSE OF BUSINESS: <input type="checkbox"/> Vacation/Pleasure <input type="checkbox"/> Scuba Diving <input type="checkbox"/> Visiting	<input type="checkbox"/> Friends/Relatives <input type="checkbox"/> Honeymoon <input type="checkbox"/> Business	<input type="checkbox"/> Seeking Employment <input type="checkbox"/> Taking up Employment <input type="checkbox"/> Other
HOW DID YOU LEARN OF THE TURKS & CAICOS ISLANDS? <input type="checkbox"/> Magazine (title) _____ <input type="checkbox"/> Referral <input type="checkbox"/> Travel Agent <input type="checkbox"/> Other <input type="checkbox"/> Website <input type="checkbox"/> TV		
BOOKING METHOD: <input type="checkbox"/> Travel Agent <input type="checkbox"/> Internet <input type="checkbox"/> Other <input type="checkbox"/> Check if you wish to receive information on Turks & Caicos. Email address _____		
OCCUPATION <input type="checkbox"/> Legislator/Snr. Official Manager <input type="checkbox"/> Professional <input type="checkbox"/> Technician/Associate <input type="checkbox"/> Professional <input type="checkbox"/> Clerical/Sales <input type="checkbox"/> Craftsman <input type="checkbox"/> Service Worker <input type="checkbox"/> Manual Worker <input type="checkbox"/> Student <input type="checkbox"/> Homemaker <input type="checkbox"/> Retired <input type="checkbox"/> Other		
INTENDED ADDRESS IN TURKS & CAICOS ISLANDS: <input type="checkbox"/> Hotel/Guest House <input type="checkbox"/> Apartment/Condo <input type="checkbox"/> Private Home Name/Address _____ Telephone _____		HAVE YOU VISITED THE TURKS & CAICOS ISLANDS IN THE PAST? __ Yes. _____ times __ No.

PLEASE PRINT CLEARLY &
RETAIN THIS CARD FOR DEPARTURE

Name

Citizenship

Date of Birth: ____/____/____
Day Month Year

IMMIGRATION STAMP



For official use only

Immigration Officer Case Notes:

Secondary:

This document constitutes the lawful holder's authority to remain in the Turks and Caicos Islands in accordance with Schedule 1, Regulation 6, Section 78 of the Immigration Ordinance.

Flight # / Ship # _____

EXIT STAMP

The holder shall:

- (A) **Retain it until his/her departure from the Islands**
- (B) **Produce it to a Constable or Immigration Officer if called upon to do so.**
- (C) **Surrender it to an Immigration Officer at the time of his/her departure.**

**For Immigration enquiries please go to the nearest Immigration Office or e-mail
immigration@gov.tc**

(Amended by L.N. 35/2004 and substituted by L.N. 10/2008)

SCHEDULE 2

(Regulation 15)

PERMANENT RESIDENTS

PART A: APPLICATION FOR A PERMANENT RESIDENCE CERTIFICATE

1. An application for a Permanent Residence Certificate may be made by or on behalf of an applicant to the Governor in Form 1 of Part B of this Schedule and shall contain the particulars required therein.

2. The application form shall be accompanied with—

- (a) the appropriate fee set out in paragraph 2(2)(a) of Schedule 8;
- (b) two recent passport-sized photographs of the applicant;
- (c) evidence of the applicant's good character;
- (d) evidence of the applicant's good health.
(Amended by L.N. 6/2002)

3. (1) The requirements for the grant of a Permanent Residence Certificate under section 15(1) of the Immigration Ordinance are, in the case of an applicant who applies for it, as follows—

- (a) the requirements specified in any one of subparagraphs (2)(a) to (j);
(Amended by L.N. 16/2002)
- (b) that he is of good character;
- (c) that he is in good health;
- (d) that his intentions are such that, in the event of a certificate being granted to him, his home or (if he has more than one) his principal home will be in the Islands; and
- (e) that he is capable of supporting himself and his dependents in the Islands.

(2) The requirements referred to in subparagraph (1)(a) are—

- (a) (i) he has held a work permit as a self-employed person for a period of not less than five years ending with the date of his application for a certificate;
- (ii) he has been ordinarily resident in the Islands for a period of not less than five years;
- (iii) he has invested—
 - (A) not less than \$200,000 in a business in the island of Providenciales; or *(Amended by L.N. 16/2002)*
 - (B) not less than \$75,000 in a business in the islands of Grand Turk, Salt Cay, South Caicos, Middle Caicos or North Caicos; and
- (iv) he has been actively involved in the running of his business;

- (b)
 - (i) he has held a work permit as a skilled worker for a period of not less than five years ending with the date of his application for a certificate;
 - (ii) he has been ordinarily resident in the Islands for a period of not less than five years; and
 - (iii) he has invested—
 - (A) not less than \$200,000 in a business or a home for himself and his dependents in the island of Providenciales; or (*Amended by L.N. 16/2002*)
 - (B) not less than \$75,000 in a business or a home for himself and his dependents in the islands of Grand Turk, Salt Cay, South Caicos, Middle Caicos or North Caicos;
 - (c) not being a person who belongs to a profession as defined in paragraph 1 of Schedule 8, he has held a work permit as a skilled worker for a period of not less than ten years ending with the date of his application for a certificate; (*Inserted by L.N. 16/1997*)
 - (d)
 - (i) he has held a work permit as an unskilled worker for a period of not less than six years ending with the date of his application for a certificate;
 - (ii) he has been ordinarily resident in the Islands for a period of not less than six years; and
 - (iii) he has invested—
 - (A) not less than \$200,000 in a business or a home for himself and his dependents in the island of Providenciales; or (*Amended by L.N. 16/2002*)
 - (B) not less than \$75,000 in a business or a home for himself and his dependents in the islands of Grand Turk, Salt Cay, South Caicos, Middle Caicos or North Caicos;
 - (e) he has held a work permit as an unskilled worker for a period of not less than ten years ending with the date of his application for a certificate;
 - (f) having been given an undertaking by the Governor under paragraph 8 he has invested—
 - (i) not less than \$500,000 in a business or a home for himself and his dependents in the island of Providenciales; or (*Amended by L.N. 16/2002*)
 - (ii) not less than \$125,000 in a business or a home for himself and his dependents in the islands of Grand Turk, Salt Cay, South Caicos, Middle Caicos or North Caicos; and
- does not seek to engage in any gainful occupation;
- (g) having been given an undertaking by the Governor under paragraph 8 he has invested—

- (i) not less than \$500,000 in an enterprise in the island of Providenciales in respect of which a development order was made by the Governor under the Encouragement of Development Ordinance; (*Amended by L.N. 16/2002*)
- (ii) not less than \$150,000 in an enterprise in the Island of Providenciales that is a Belonger business engaged in the development of condominiums or hotel accommodations in respect of which a development order was made by the Governor under the Encouragement of Development Ordinance; or (*Inserted by L.N. 13/2006*)
- (iii) not less than \$125,000 in an enterprise in the islands of Grand Turk, Salt Cay, South Caicos, Middle Caicos or North Caicos in respect of which a development order was made by the Governor under the Encouragement of Development Ordinance; or
- (h) having been given an undertaking by the Governor pursuant to paragraph 9, he has invested not less than \$50,000 in an authorised investment in the islands of Grand Turk, Salt Cay, South Caicos, Middle Caicos or North Caicos;
- (i) having been the dependent child of a permanent resident, he has, at the date of the application ceased to be a dependent child by virtue of his having attained the age of 18 years ;or
- (j) he does not meet the requirements of one of subparagraphs (a) to (i) but has become assimilated into the life and affairs of the Islands. (*Inserted by L.N. 16/2002*)

4. A Permanent Residence Certificate shall be in Form 2 of Part B of this Schedule.

5. There shall be issued to every permanent resident a Permanent Resident Identification Card which shall be in form 3 of Part B of this Schedule. (*Inserted by L.N. 14/1998*)

6. Subject to paragraph 7, a Permanent Residence Certificate granted under section 15(1) of the Immigration Ordinance, if permitting the permanent resident to engage in gainful occupation, shall restrict the permission to a specified occupation.

7. (1) A permanent resident who has resided in the Islands for a period of not less than ten years may apply to the Governor for permission to engage in gainful occupation without any limitation or restriction.

(2) If the Governor is satisfied that the applicant has resided in the Islands for a period of not less than ten years ending with the date of his application under subparagraph (1), and has not been convicted of an offence against the Immigration Ordinance or these Regulations, he may endorse the Certificate with permission to engage in any gainful occupation without any limitation or restriction. (*Amended by L.N. 16/2002*)

8. (1) The Governor may, on the application of a person, declare investment under paragraph 3(2)(f) or 3(2)(g) to be an authorised investment for the purposes of this paragraph if he is satisfied that the business or home or enterprise respectively will have a substantial and beneficial impact on the social and economic development of the respective Islands.

(2) Where the Governor makes a declaration under subparagraph (1) he shall have the declaration published in the *Gazette*.

(3) A person wishing to invest in accordance with paragraph 3(2)(f) or 3(2)(g) may apply to the Governor for an undertaking that on production of satisfactory evidence that investment was so made, the Governor would grant the person a Permanent Residence Certificate with or without the right to engage in gainful employment.

(4) The Governor may if he thinks fit grant the undertaking to the applicant.
(*Inserted by L.N. 16/2002*)

9. (1) The Governor may, on the application of any person, declare any investment in a business venture in the islands of Grand Turk, Salt Cay, South Caicos, Middle Caicos and North Caicos to be an authorised investment for the purposes of this paragraph if he is satisfied that the business venture will have a substantial and beneficial impact on the social and economic development of those islands; and the Governor shall cause such a declaration to be published in the *Gazette*.

(2) A person desirous of investing not less than \$50,000 in an authorised investment may apply to the Governor for an undertaking that on production of satisfactory evidence that such an amount was so invested, the Governor would grant such person a Permanent Residence Certificate with or without the right to engage in gainful employment; and the Governor may, if he thinks fit, grant such an undertaking to the applicant.

PART B: FORMS

Form 1: Application for a Permanent Residence Certificate

TURKS AND CAICOS ISLANDS
IMMIGRATION ORDINANCE

APPLICATION FOR A PERMANENT RESIDENCE CERTIFICATE

1. Name in full of applicant:
2. Present address and telephone number:
3. Permanent address:
4. Occupation:
5. Place of birth:
6. Date of birth:
7. Nationality at birth:
8. Present nationality:
9. Passport No.:
10. Place and date of issue:
11. Are you a resident of the Turks and Caicos Islands?

Yes ☐ No ☐

12. If the answer is yes, how long have you been a resident?
.....
13. Please give the date(s) of any period(s) of absence(s) from the Turks
and Caicos Islands during your stay as a resident
.....
.....
14. If a permanent residence certificate were to be granted to you, would
your home or if you have more than one your principal home, be in the
Islands?
15. If your spouse intends to reside with you, please answer the following
questions:
 - (a) Spouse's full name:
 - (b) Spouse's place of birth:
 - (c) Spouse's date of birth:
 - (d) Spouse's nationality:

16. If you have any dependent children, please give the following information in respect of each child:

<i>Full Name</i>	<i>Sex</i>	<i>Date of Birth</i>	<i>Place of Birth</i>
1.
2.
3.

17. Do you have any criminal convictions recorded against you?
If yes, please give the date of conviction, the place of conviction, the offence and the penalty.

<i>Date</i>	<i>Place</i>	<i>Offence</i>	<i>Penalty</i>
1.
2.
3.

18. Please give the names and addresses of three referees who are not related to you, and who have known you for at least three years:

1.
2.
3.

19. If you are holding or have held a work permit, please attach a photocopy of the permit.

Declaration: I, (*full name of applicant*)
hereby declare that the information I have provided in this application is true to the best of my knowledge and belief and I make it knowing that if I have made any false or misleading statements I am liable to be prosecuted under the Immigration Ordinance.

Signed by: Date:

In the presence of:

(Amended by L.N. 16/2002)

Form 2: Permanent Residence Certificate

TURKS AND CAICOS ISLANDS
IMMIGRATION ORDINANCE

PERMANENT RESIDENCE CERTIFICATE

This is to certify that
of

having satisfied the conditions of the Immigration Ordinance in that behalf
is hereby declared to be entitled to reside permanently in the Islands, and to
enjoy the rights and privileges accorded by the said Ordinance to a
permanent resident subject only to the provisions of the said Ordinance and
to any conditions or restrictions endorsed herein.

Given this day of 20

.....
GOVERNOR

*Form 4: Form of Undertaking to Grant
a Permanent Residence Certificate*

TURKS AND CAICOS ISLANDS
IMMIGRATION ORDINANCE

**UNDERTAKING TO GRANT A
PERMANENT RESIDENCE CERTIFICATE**

WHEREAS
of
has on the day of 20
applied for a Permanent Residence Certificate in the Investors category/
Entrepreneurs category*:

WHEREAS the said
has undertaken to invest the sum of \$ in an approved
enterprise:

AND WHEREAS the said
satisfies the requirements of paragraphs 3(2)(a)(i) and (iii)/3(2)(b)(i) and
(iii)* of Schedule 2:

NOW THEREFORE I,
Governor of the Turks and Caicos Islands, hereby undertake within a period
of years from the date hereof to grant the said

..... a
Permanent Residence Certificate in the category of Investors/ Entrepreneurs*
if the said satisfies me that he/she has expended the sum
of \$ on an approved enterprise, the construction of
which has been completed.

GIVEN this day of 20.....

.....
GOVERNOR

** Delete whichever is inapplicable*

SCHEDULE 3

(Regulation 16)

RESIDENCE PERMITS

PART A: APPLICATIONS FOR RESIDENCE PERMITS

1. An application for a Residence Permit may be made by or on behalf of an applicant to the Board in Form 1 of Part B of this Schedule and shall contain the particulars required therein.

2. (1) Subject to subparagraph (2), the application form shall be accompanied with the following:

- (a) a non-refundable administrative fee of \$50;
- (b) the fee set out in paragraphs 2(2)(d) and 4 of Schedule 8;
- (c) two recent passport-sized photographs of the applicant;
- (d) evidence of the applicant's financial standing;
- (e) evidence of the applicant's good character;
- (f) evidence of the applicant's good health;
- (g) an undertaking in writing that the applicant while resident in the Islands will not engage in any gainful occupation.

(2) Where an application is made by or on behalf of the spouse of a Belonger, the requirements of subparagraphs (1)(b) and (1)(d) to (g) shall not apply.

3. (1) Subject to subparagraph (2), an applicant must show to the satisfaction of the Board—

- (a) that in the Islands, he owns, rents, or has available for his own use a house, condominium or an apartment;
- (b) that neither he nor any of his dependents intend to engage in any gainful occupation; and
- (c) that he can maintain himself and his dependents for the duration of his residence in the Islands without engaging in any gainful employment.

(2) Subparagraph (1) shall not apply to an application made by or on behalf of the spouse of a Belonger.

Conditions attached to a Residence Permit

4. (1) Subject to subparagraph (2), a Residence Permit is subject to the following conditions, which shall be endorsed on the Permit—

- (a) a condition that the holder shall not engage in any gainful occupation;
- (b) a condition that the holder shall ordinarily reside in the Islands; and
- (c) such other conditions as the Board may impose.

(2) Subparagraph (1) shall not apply to a Permit which is granted to the spouse of a Belonger.

5. (1) The holder of a Residence Permit may apply to the Board to vary any condition imposed by the Board under paragraph 4(1)(c) of this Schedule.

(2) Where the Board varies a condition pursuant to an application under subparagraph (1), the Permit shall be endorsed accordingly.

6. (1) A Residence Permit shall be in Form 2 of this Schedule.

(2) Subject to subparagraph (3), a Residence Permit may be granted for such period not exceeding three years as the Board may determine, and, where the Permit is granted for a lesser period, it may be renewed for such period or periods not exceeding three years from the date of issue.

(3) A Residence Permit granted to the spouse of a Belonger shall be valid for five years.

7. Where an applicant has indicated in his application form that his spouse and dependent children intend to reside with him in the Islands and has provided particulars regarding them in his application form, then, if the Board grants the Permit, they may endorse it to authorize the spouse and dependent children to reside with the applicant in the Islands for the duration of the Permit but shall not authorize the spouse and dependent children to engage in any gainful employment.

8. There shall be issued to every resident (other than a permanent resident) a Resident's Identification Card which shall be in Form 3 of Part B of this Schedule. *(Inserted by L.N. 14/1998)*

PART B: FORMS

Form 1: Application for a Residence Permit

TURKS AND CAICOS ISLANDS
IMMIGRATION ORDINANCE

Application for a Residence Permit

1. Name in full of applicant:
2. Present address and telephone number:
3. Permanent address:
4. Occupation:
5. Place of birth:
6. Date of birth:
7. Nationality:
8. Passport No.:
9. Place and date of issue:
.....
10. Please give places of residence in the past five years:
.....
.....
.....
.....
.....
11. Please give date(s) of previous visit(s) to the Islands:
.....
.....
.....
12. If your spouse intends to reside with you in the Islands, please answer the following questions:
 - (a) Spouse's place of birth:
 - (b) Spouse's date of birth:
 - (c) Spouse's nationality:

13. If you have any dependent children, please give the following information in respect of each child:

<i>Full Name</i>	<i>Sex</i>	<i>Date of Birth</i>	<i>Place of Birth</i>
1.
2.
3.

14. Do you have any criminal convictions recorded against you? If yes, please give the date of conviction, the place of conviction, the offence, and the penalty:

<i>Date</i>	<i>Place</i>	<i>Offence</i>	<i>Penalty</i>
1.
2.
3.

Declaration: I, (*full name of applicant*) hereby declare that the information I have provided in this application is true to the best of my knowledge and belief and I make it knowing that if I have made any false or misleading statements I am liable to be prosecuted under the Immigration Ordinance.

Signed by: Date:

In the presence of:

Form 2: Form of Residence Permit

FRONT PAGE (PAGE ONE)

The following shall appear on the front of the permit:

TURKS AND CAICOS ISLANDS RESIDENCE PERMIT

This permit must be available for presentation to an immigration officer, a police officer or the Labour Commissioner on demand.

Loss or damage to this permit should immediately be reported to the Secretary of the Immigration Board.

When travelling, it is advisable to keep this permit with your passport to facilitate your passage through immigration.

Any condition or restriction specified in this permit must be strictly adhered to.

INSIDE FRONT PAGE (PAGE TWO)

The following shall appear on the inside front page:

Permit No:

Immigration reference:

Issued to: (*Holder's full name*)

Date:

Valid until:

*This permit authorizes the holder (and his dependents *) to reside in the Turks and Caicos Islands otherwise than for the purpose of engaging in gainful occupation.*

Any extension to the period or duration of this permit must be authorized by the Immigration Board and endorsed hereon.

This permit may be cancelled if the holder engages in any gainful employment.

** Delete if not applicable*

Fee paid \$ Date:

Signed by:

(SECRETARY, IMMIGRATION BOARD)

PAGE THREE

The following shall appear on page three:

Photograph of Holder

Holder's signature:

EXTENSIONS

1. Valid until:

Fee paid: \$ Date of payment:

Authorized by:

(SECRETARY, IMMIGRATION BOARD)

2. Valid until:

Fee paid: \$ Date of payment:

Authorized by:

(SECRETARY, IMMIGRATION BOARD)

Form 3: Form of Resident's Identification Card

FRONT

TURKS AND CAICOS ISLANDS GOVERNMENT <i>IMMIGRATION DEPARTMENT</i>	
RESIDENT'S IDENTIFICATION CARD	
<div></div>	
Card Number	
<div>PHOTO</div>	Name: _____
	Expiry date: _____
	_____ Authorising Signature

BACK

<p><i>TURKS AND CAICOS ISLANDS GOVERNMENT</i> IMMIGRATION DEPARTMENT</p> <p>This is to certify that the holder has been duly authorised to reside in the Turks and Caicos Islands until the date specified overleaf.</p>
--

SCHEDULE 4

(Regulation 17)

WORK PERMITS

PART A: APPLICATIONS FOR WORK PERMITS (SELF-EMPLOYED PERSONS)

1. An application for a work permit by a self-employed person may be made by or on behalf of an applicant to the Board in Form 1 of Part C of this Schedule, and shall contain the particulars required therein.

2. The application form shall be accompanied with—

- (a) the fee set out in paragraphs 2 (2)(e) and 4 of Schedule 8;
- (b) two recent passport-sized photographs of the applicant;
- (c) evidence of the applicant's financial standing;
- (d) evidence of the applicant's qualifications and experience;
- (e) evidence of the applicant's good character;
- (f) evidence of the applicant's good health.

(Amended by L.N. 6/2002)

3. The applicant must show to the satisfaction of the Board—

- (a) that there is a genuine need in the Islands for his skills, his services or investment;
- (b) that he will bring money of his own which he will put into his business;
- (c) that he has the necessary qualifications and experience in the field in which he proposes to establish himself; and
- (d) that he is able to support himself and his dependents.

Conditions attached to Work Permits (Self-Employed Persons)

4. A Work Permit (Self-Employed Persons) is subject to the following conditions which shall be endorsed on the permit—

- (a) a condition that the holder shall not engage in any gainful occupation other than that endorsed on his permit;
- (b) a condition that the holder shall ordinarily reside in the Islands for the duration of the permit; and
- (c) such other conditions as the Board may impose.

5. (1) The holder of a Work Permit (Self-Employed Persons) may apply to the Board to vary any condition imposed by the Board under paragraph 4 (c) of this Schedule.

(2) Where the Board varies a condition pursuant to an application under subparagraph (1), the permit shall be endorsed accordingly.

6. (1) A Work Permit (Self-Employed Persons) shall be in Form 2 of Part C of this Schedule.

(2) A Work Permit (Self-Employed Persons) may be granted for such period not exceeding five years as the Board may determine, and may be renewed. (*Substituted by L.N. 9/1994*)

7. Where an applicant has indicated in his application form that his spouse and dependent children intend to reside with him in the Islands and has provided particulars regarding them in his application form, then, if the Board grants the permit, they may endorse it to authorize the spouse and dependent children to reside with the applicant in the Islands for the duration of the permit but shall not authorize the spouse and dependent children to engage in any gainful employment.

PART B: APPLICATIONS FOR WORK PERMITS (EMPLOYED PERSONS)

8. (1) An application for a Work Permit (Employed Persons) may be made to the Board in Form 1 of Part C of this Schedule and shall contain the particulars requested therein.

(2) The application shall be lodged by the employer on behalf of the person he is employing.

(3) The application shall be accompanied by—

- (a) the fee set out in paragraph 2(2)(e) of Schedule 8;
- (b) two recent passport-sized photographs of the applicant;
- (c) evidence of the applicant's good character;
- (d) evidence of the applicant's good health;
- (e) a description of the work which the applicant is expected to perform; and
- (f) a covering letter from the employer explaining why he requires the services of the applicant.

(*Amended by L.N. 6/2002*)

9. No person who is the holder of a Temporary Work Permit shall apply for and obtain a Work Permit (Employed Persons) until three months have expired following the date of expiry of the Temporary Work Permit. (*Inserted by L.N. 11/2005*)

10. The employer must show to the satisfaction of the Board that—

- (a) (i) he has made every effort to recruit a Belonger to fill the position; and
 - (ii) he has placed an advertisement for the position in two consecutive issues of a local newspaper circulating within the Islands; and
 - (iii) no suitably qualified Belonger has applied for the position; and
- (*Amended by L.N. 9/1994*)
- (b) he has informed the Commissioner of Labour of his intentions to recruit the applicant for the position, and that the Commissioner is satisfied that the requirements for advertising and Belonger preference have been met and that he has issued a Labour Clearance in respect of the applicant.

Conditions attached to Work Permits (Employed Persons)

11. A Work Permit (Employed Persons) is subject to the following conditions which shall be endorsed on the permit—

- (a) a condition that the holder shall not change his employer;
- (b) a condition that the holder shall not engage in any gainful occupation other than that endorsed on his permit;
- (c) a condition that the holder shall ordinarily reside in the Islands; and
- (d) such other conditions as the Board may impose.

12. (1) The holder of a Work Permit (Employed Persons) may apply to the Board to vary any condition imposed by the Board under paragraph 10(d) of this Schedule.

(2) Where the Board varies a condition pursuant to an application made under subparagraph (1), the permit shall be endorsed accordingly.

13. (1) A Work Permit (Employed Persons) shall be in Form 3 of Part C of this Schedule.

(2) A Work Permit (Employed Persons) may be granted—

- (a) in respect of a skilled worker, for such period not exceeding five years as the Board may determine and may be extended or renewed;
- (b) in respect of an unskilled worker, for such period not exceeding three years, as the Board may determine, and may be extended or renewed.
(*Substituted by L.N. 9/1994 and amended by L.N. 14/1998*)

14. Where an applicant has indicated in his application form that his spouse and dependent children intend to reside with him in the Islands and has provided particulars regarding them in his application form, then, if the Board grants the permit, they may endorse it to authorize the spouse and dependent children to reside with the applicant in the Islands for the duration of the permit, but shall not authorize the spouse and dependent children to engage in any gainful employment.

15. There shall be issued to every employed person a Work Permit holder's identification card which shall be in Form 4 of Part C of this Schedule. (*Inserted by L.N. 14/1998*)

16. The Board shall not extend or renew a Work Permit (Employed Persons) unless it is satisfied that the applicant has informed the Commissioner of Labour of his intention to seek an extension or renewal of his permit and that the Commissioner is satisfied that the requirements for advertising and Belonger preference have been met and that he has issued a Labour Clearance in respect of the applicant. (*Inserted by L.N. 14/1998*)

17. (1) Subject to subparagraph (2), a Work Permit (Employed Persons) shall automatically expire in circumstances where the holder of the permit has resigned from his employment or where his employer has dismissed him with effect from the date of resignation, or, as the case may be, the dismissal.

(2) In the event of such circumstances, the Director of Immigration, may, on the application of the holder of a Work Permit, permit him to reside in the Islands for a period not exceeding 30 days (which shall not be subject to extension or renewal) following the date of expiry of the permit.

(Inserted by L.N. 14/1998)

PART C: FORMS

Form 1: Application For A Work Permit

TURKS AND CAICOS ISLANDS
IMMIGRATION ORDINANCE

APPLICATION FOR A WORK PERMIT

(SELF-EMPLOYED PERSONS)/(EMPLOYED PERSONS)*

(*Delete whichever is inapplicable)

1. Name in full of applicant:
2. Present address and telephone number:
3. Permanent address:
4. Occupation:
5. Place of birth: 6. Date of birth:
7. Nationality:
8. Passport No.:
9. Place and date of issue:
10. Please give your place(s) of residence in the past five years:
.....
.....
.....
.....
11. When did you last visit the Islands?
.....
12. If your spouse intends to reside with you in the Islands please answer the following questions—
 - (a) Full name of your spouse:
 - (b) Spouse's place of birth:
 - (c) Spouse's date of birth:
 - (d) Spouse's nationality:
13. If you have any dependent children, please give the following information in respect of each child:

<i>Full Name</i>	<i>Sex</i>	<i>Date of Birth</i>	<i>Place of Birth</i>
1.
2.
3.

14. Do you have any criminal convictions recorded against you? If yes, please give the date of conviction, the place of conviction, the offence, and the penalty.

<i>Date</i>	<i>Place</i>	<i>Offence</i>	<i>Penalty</i>
1.
2.
3.

15. If the application is for a Work Permit (Employed Persons) please answer the following additional questions—

- (a) Name of employer:
- (b) Address of employer:
- (c) Please give a brief description of the work you will be engaged in—
.....
.....
.....
.....
- (d) When will your employment commence?
- (e) When will your employment end?

16. If the application is for a Work Permit (Self-Employed Persons), please give the following information—

- (a) The proposed name of the business:
- (b) The proposed address of the business:
- (c) A brief description of the business activity:
.....
.....
.....
.....
.....

Declaration: I, (full name of applicant)
hereby declare that the information I have provided in this application is
true to the best of my knowledge and belief and I make it knowing that if I
have made any false or misleading statements I am liable to be prosecuted
under the Immigration Ordinance.

Signed by: Date:

In the presence of:

Declaration by Employer*: I,
(full name of employer) declare that the particulars provided by the
applicant in paragraph 15 hereof are correct and that the applicant shall be
in my employment as stated therein.

Signed: Dated:

** Declaration required only in the case of an application for a Work Permit
(Employed Persons).*

Form 2: Form of Work Permit (Self-Employed Persons)

FRONT PAGE (PAGE ONE)

The following shall appear on the front of the permit:

**TURKS AND CAICOS ISLANDS
WORK PERMIT (SELF-EMPLOYED PERSONS)**

This permit must be available for presentation to an immigration officer, a police officer or the Labour Commissioner on demand.

Loss or damage to this permit should immediately be reported to the Secretary of the Immigration Board.

When travelling, it is advisable to keep this permit with your passport to facilitate your passage through immigration.

Any condition or restriction specified in this permit must be strictly adhered to.

INSIDE FRONT PAGE (PAGE TWO)

The following shall appear on the inside front page:

Permit No:

Immigration reference:

Issued to: (*Holder's full name*)

Date:

Valid until:

*This permit authorizes the holder to engage in gainful occupation in the Turks and Caicos Islands in managing a business known as,
.....(Name of business), from premises situate at,
..... (Address of business).*

[This permit further authorizes the spouse and dependent children of the holder to reside in the Islands for the duration of the permit, provided they do not enter into any gainful employment.]*

Any extension to the period or duration of this permit must be authorized by the Immigration Board and endorsed hereon.

This permit may be cancelled if the holder does not comply strictly with any condition or restriction endorsed on this permit.

** Delete if not applicable.*

Fee paid: \$ Date:

Signed by:

(SECRETARY, IMMIGRATION BOARD)

PAGE THREE

The following shall appear on page three:

Photograph of holder

Holder's signature:.....

EXTENSIONS/ENDORSEMENTS

1. Valid until:

Fee paid: \$ Date of payment:.....

Authorized by:

(SECRETARY, IMMIGRATION BOARD)

2. Valid until:

Fee paid: \$ Date of payment:

Authorized by:

(SECRETARY, IMMIGRATION BOARD)

Form 3: Form of Work Permit (Employed Persons)

**TURKS AND CAICOS ISLANDS
WORK PERMIT (EMPLOYED PERSONS)**

Permit No:
Issued to:
Ref No:
Fee:

PHOTO

1. The holder of this permit whose photograph appears above, is hereby authorised until the of 20 to enter, re-enter and remain in the Turks and Caicos Islands and there to engage in the occupation ofin the employment of

2. The following persons being the spouse and dependent children of the permit-holder have permission to reside with the holder during the currency of this permit.

- (a)
(b)
(c)

3. This permit does not confer any entitlement to, or preference in connection with, the granting of any application for the renewal hereof. Applications for extension or renewal are all considered on their own merits and in light of circumstances existing at the relevant time.

4. This permit is subject to the following conditions—

- (1) that the holder will not be allowed to transfer from one employer to another during the term of this permit except in special extenuating circumstances and with the approval of the Immigration Board;
- (2) without the prior consent of the Director of Immigration the holder's authority to remain in the Islands ceases in the event that the permit is revoked, expires or if employment is terminated;
- (3) that the holder shall not be permitted to have dependents or relatives not named on this permit, enter and remain or reside with the holder without prior approval of the Immigration Board;
- (4) that the holder shall not be employed other than by the employer or employers named without the prior approval of the Immigration Board.

FAILURE TO COMPLY WITH ANY TERMS AND CONDITIONS RENDERS THIS PERMIT
SUBJECT TO REVOCATION BY THE IMMIGRATION BOARD.

Signed
SECRETARY OF THE IMMIGRATION BOARD

Date of Issue.....

Form 4: Form of Work Permit Holder's Identification Card

FRONT

TURKS AND CAICOS ISLANDS GOVERNMENT IMMIGRATION DEPARTMENT	
WORK PERMIT HOLDER'S IDENTIFICATION CARD	
<div>PHOTO</div>	<div>Card Number</div>
	Name: _____
	Expiry date: _____
	_____ Authorising Signature

BACK

TURKS AND CAICOS ISLANDS GOVERNMENT IMMIGRATION DEPARTMENT
This is to certify that the holder has been duly authorised to engage in the occupation of
_____ (occupation)
and is employed with
_____ (name and address of employer)

SCHEDULE 5

(Regulation 18)

APPLICATION FOR A TEMPORARY WORK PERMIT

1. An application for a Temporary Work Permit may be made by or on behalf of an applicant to the Director.
 2. The application shall be accompanied with the fee specified in Schedule 8.
 3. An applicant for a Temporary Work Permit shall provide the Director with such information as the Director may require which shall include, but shall in no way be limited to, information regarding the purpose of his proposed visit to the Islands, his proposed contact in the Islands, the nature of his business and the duration of his proposed visit.
 4. An application for an extension or renewal of a Temporary Work Permit may be made by or on behalf of an applicant to the Director. *(Substituted by L.N. 11/2005)*
-

SCHEDULE 6

(Regulation 19)

**TURKS AND CAICOS ISLANDS
LABOUR DEPARTMENT**

LABOUR CLEARANCE

To:

A Labour Clearance is hereby issued for the work permit application made on behalf of the following person(s) for—

- (a) Renewal of work permit
- (b) New work permit

1. Name:

.....

Job Description:

.....

Nationality: Passport No.: Imm. File No.:

2. Name:

.....

Job Description:

.....

Nationality: Passport No.: Imm. File No.:

3. Name:

.....

Job Description:

.....

Nationality: Passport No.: Imm. File No.:

N. B. (a) You are advised that the issue of a Labour Clearance does not in any way constitute approval to commence employment.

(b) You are required to advertise this post (and show proof of advertisement) at least one month before submitting application for renewal.

.....
COMMISSIONER OF LABOUR

SCHEDULE 7

(Regulation 8)

**COUNTRIES AND TERRITORIES WHOSE NATIONALS OR CITIZENS
DO NOT REQUIRE VISAS FOR THE TURKS AND CAICOS ISLANDS**

Anguilla	Israel	Solomon Islands
Antigua and Barbuda	Italy	South Africa
Argentina	Ivory Coast	Spain
Australia		Sri Lanka
Austria	Japan	St Helena
Bahamas	Kenya	St Kitts and Nevis
Bahrain	Kiribati	St Lucia
Bangladesh	Korea South	St Vincent and the Grenadines
Barbados	Kuwait	Surinam
Belgium	Lesotho	Swaziland
Belize	Liechtenstein	Sweden
Bermuda	Luxembourg	Switzerland
Bolivia	Malawi	Syria
Botswana	Malaysia	Taiwan
Brazil	Maldives Isles	Tanzania
British Virgin Islands	Malta	Tonga
Brunei	Mauritius	Trinidad and Tobago
Bulgaria	Mexico	Tunisia
Canada	Monaco	Turkey
Cayman Islands	Montserrat	Tuvalu
Chile	Nauru	Uganda
China	Netherlands	United Arab Emirates
Costa Rica	New Zealand	United Kingdom of Great Britain and Northern Ireland
Cyprus	Nicaragua	United States of America
Denmark	Nigeria	United States Pacific Territories
Dominica	Norway	Uruguay
Ecuador	Oman	Vanuatu
Fiji	Pakistan	Vatican City
Finland	Panama	Venezuela
France	Papua New Guinea	Vietnam
Gambia	Paraguay	Yemen
Germany	Peru	Western Samoa
Ghana	Poland	Zaire
Greece	Portugal	Zambia
Grenada	Qatar	Zimbabwe
Guyana	San Marino	
Hungary	Saudi Arabia	
Hong Kong	Senegal	
Iceland	Seychelles	
India	Sierra Leone	
Irish Republic	Singapore	

(Amended by L.N. 11/2005)

SCHEDULE 8

(Regulation 22)

FEES

Interpretation

1. In this Schedule—

“artisan” means any occupation in which the person concerned possesses a particular skill with his hands and includes the occupation of bricklayer, joiner, mason, carpenter, plumber and all occupations of a comparable level of skill but does not include any occupation falling within any other definition contained in this paragraph if that occupation is not specifically mentioned in this definition;

“assistant manager” means any person, a substantial part of whose duties, is to assist a manager in the day to day charge of any business or branch of a business in the Islands;

“domestic servant” means any occupation in which the person concerned is employed in washing or cleaning duties in or about any dwelling-house, hotel, office or restaurant;

“manager” means a person left or placed in day to day charge of any business or branch of a business in the Islands;

“profession” means the profession of accountant, architect, attorney-at-law, dentist, engineer, physician, surgeon, surveyor, or veterinary surgeon and any other avocation generally or usually described as being a professional avocation, the holder of which is qualified by examination or admission by a professional institute or university overseas to practise the avocation in the country in which such institute or university is situate but does not include a minister of religion.

Fees

2. (1) Where any certificate or permit is refused, there shall be refunded to the applicant or such other person as may appear to the Director to have paid the fee, such fee as was paid in relation to the application less the amount set out as not refundable below. *(Amended by L.N. 34/2001)*

(2) Fees in respect of certificates and permits issued under the Ordinance shall be payable as follows—

Permanent Residence Certificates

(a) where the certificate is issued—

- (i) to a self-employed person who satisfies the requirements of paragraph 3(2)(a) of Schedule 2, a fee of \$50,000 of which \$500 shall not be refundable; *(Amended by L.N. 34/2001)*
- (ii) to a skilled worker who satisfies the requirements of paragraph 3(2)(b) or 3(2)(c) of Schedule 2, a fee of \$30,000 of which \$300 shall not be refundable; *(Amended by L.N. 34/2001)*

- (iii) to an unskilled worker who satisfies the requirements of any one of paragraphs 3(2)(d) or (e) of Schedule 2, a fee of \$8,000 of which \$150 shall not be refundable; (*Amended by L.N.s 34/2001 and 47/2001*)
 - (iv) to an investor who satisfies paragraph 3(2)(f) of Schedule 2, a fee of \$15,000 of which \$200 shall not be refundable; (*Inserted by L.N. 47/2001*)
 - (v) to an investor who satisfies the requirements of any one of paragraphs 3(2) (g) or (h) of Schedule 2, a fee of \$10,000 and a non-refundable administrative fee of \$100; (*Amended by L.N.s 47/2001 and 6/2002*)
 - (vi) to a former dependent child who satisfies the requirements of paragraph (3)(2)(i) of Schedule 2, a fee of \$5,000 or such lesser amount as the Governor may determine in a particular case and a non-refundable administrative fee of \$100; (*Amended by L.N.s 6/2002 and 16/2002*)
 - (vii) to a person who satisfies the requirements of paragraph 3(2)(j) of Schedule 2, a fee of \$5,000 or such lesser sum as the Governor may determine in a particular case and a non-refundable administrative fee of \$100. (*Inserted by L.N. 16/2002*)
- (b) in addition to the fee specified in subparagraph (2)(a), where a certificate permits the permanent resident to engage in a specified gainful occupation, there shall be payable on the issue of a certificate and annually thereafter on the anniversary of the issue of the certificate, the same fee that would, but for the grant of a certificate, have been payable in respect of a work permit; (*Substituted by L.N. 9 of 1994*)
- (c) where a certificate permits the permanent resident to engage in gainful employment without any limitation or restriction, no annual fee shall be payable; (*Substituted by L.N. 9 of 1994*)

Residence Permits

- (d) a basic annual fee of \$1,000 shall be payable for each Residence Permit valid for a year, but where the period of validity of a permit or its renewal is for a lesser or greater period than a year, then the fee shall be calculated with reference to Table A below; (*Amended by L.N. 34/2001*)

Work Permits

- (e) the basic annual fee specified in subparagraph (2)(f) for a Work Permit shall be payable for each permit valid for a year, but where the period of validity of a permit or its renewal is for a lesser or greater period than one year, then the fee shall be calculated with reference to Table A below;

- (f) the basic annual fee for a Work Permit shall be—
- (i) Where the permit authorizes gainful occupation in any trade (other than that specified in (v) and (vi) below) \$7,000;
(Amended by L.N.s 34/2001 and 47/2001)
 - (ii) Where the permit authorizes gainful occupation in any profession, or as director or secretary of any company carrying on business within the Islands, (not being an exempted company under the Companies Ordinance), \$7,000;
(Amended by L.N.s 34/2001 and 47/2001)
 - (iii) Where the permit authorizes gainful occupation as a manager of, or in a managerial capacity in any business or as a general manager of a hotel with more than fifty rooms \$7,000;
(Amended by L.N.s 34/2001 and 47/2001)
 - (iv) Where the permit authorizes gainful occupation as an architectural draftsman, heavy plant operator or para-legal \$5,000;
(Amended by L.N.s 34/2001 and 47/2001)
 - (v) Where the permit authorizes gainful occupation as an accountant in a hotel with fifty or less rooms, computer analyst, computer programmer, general manager of a hotel with fifty or less rooms or self employed masseur \$3,500;
(Inserted by L.N. 47/2001 and amended by L.N. 6/2002)
 - (vi) Where the permit authorizes gainful occupation as a dive instructor, personal secretary, radio engineer, radio or television producer or resident manager of a hotel \$3,000;
(Inserted by L.N. 47/2001)
 - (vii) Where the permit authorizes gainful occupation as an assistant manager, boat captain, cable linesman, chef, clerk, dive master, editor, executive secretary, foreman, maitre d'hotel, medical technologist, pharmacist, physiotherapist, radiographer, security chief, supervisor, technician, typist or word processor operator \$2,500;
(Inserted by L.N. 47/2001)
 - (viii) Where the permit authorizes gainful occupation as an air conditioner mechanic, airport host, boat mechanic, bricklayer, cabinet maker, carpenter, cook in hotel or restaurant, croupier, dice dealer, electrician, joiner, landscaper, mason, mixologist, night auditor, pastry chef, plumber, ramp worker, receptionist, roofer, slot machine mechanic or steel worker \$2,000;
(Inserted by L.N. 47/2001)
 - (ix) Where the permit authorizes gainful occupation as an aircraft pilot, baker, baggage handler, bell captain, butcher, dental nurse, journalist, lifeguard, masseur other than self employed masseur, mechanic, medical nurse, midwife, painter, restaurant captain, restaurant host, saucier, security officer, surgical nurse, tile-layer or veterinary nurse \$1,500;
(Inserted by L.N. 47/2001)

- (x) Where the permit authorizes gainful occupation in an occupation broadly similar in skill to any in subparagraph (iv) to (iv) \$2,500;
(Inserted by L.N. 47/2001)
- (xi) Where the permit authorizes gainful occupation as a barber, cosmetologist, diver, driver of light vehicles, fisherman, gardener, greenkeeper, labourer, lecturer, musician recording engineer, seamstress, tailor or teacher \$1,000;
(Amended by L.N.s 34/2001 and 47/2001)
- (xii) Where the permit authorizes gainful occupation as a bellman, pool attendant, pool bar attendant, public area supervisor or store clerk \$500;
(Inserted by L.N. 47/2001 and amended by 6/2002)
- (xiii) Where the permit authorizes gainful employment as a barman, bellman, dancer, domestic servant, housekeeper, kitchen helper, launderer or waiter..... \$300;
(Amended by L.N. 34/2001 and 47/2001)
- (xiv) Where the permit authorizes gainful occupation as a conch peeler \$250;
and
(Inserted by L.N. 17/2002)
- (xv) Where the permit authorizes gainful occupation as a farmer \$100;
and
(Inserted by L.N. 47/2001)
- (g) in subparagraph (f) \$100 of each fee shall not be refundable.
(Inserted by L.N. 47/2001)

Table A

Period of validity of permit	Fee payable
Not exceeding three months	basic fee x 0.25
Exceeding three months but not exceeding six months.....	basic fee x 0.50
More than six months but less than one year	basic fee x 1.00
More than one year but less than two years.....	basic fee x 2.00
More than two years but less than three years	basic fee x 3.00

Emergency and Temporary Work Permits

3. There shall be payable upon the issue of an Emergency Work Permit or a Temporary Work Permit a fee of \$500. *(Amended by L.N. 34/2001)*

Fee for accompanying dependents

4. Where the Board authorizes the accompanying dependents of a permit holder to reside in the Islands for the duration of the permit, the following fees shall be payable,

- (a) the spouse \$150
(Amended by L.N. 34/2001)
- (b) each child \$50
(Amended by L.N. 34/2001)

Fee for the issue of a Certificate of Belonger Status to a Spouse of a Belonger

5. There shall be payable upon the issue of a Certificate of Belonger Status under section 3(2) of the Ordinance, a fee of \$300. *(Substituted by L.N. 14/1998)*

Exemptions from fees

6. A permit issued to the spouse of a Belonger, or to a minister of religion, or to a missionary teacher, shall be exempt from payment of the fees set out in paragraph 2.

Fee for the issue of Clearance Certificates

7. There shall be payable upon the issue of a Clearance Certificate by the Commissioner of Labour pursuant to paragraph 10(b) of Schedule 4, a fee of \$25. *(Inserted by L.N. 45/1996)*

Entry clearance fee

8. There shall be payable upon the issue of a visa pursuant to regulation 8, a fee of \$100.
(Inserted by L.N. 14/1998 and Amended by L.N. 34/2001)

Identification card fee

9. There shall be payable upon the issue of a Permanent Resident Identification Card, a Resident's Identification Card, or a Work Permit Holder's Identification Card, a fee of \$20.
(Inserted by L.N. 14/1998)

Attendance fees for immigration officers

10. (1) An attendance fee of \$15 an hour, or part thereof, shall be payable by the operators or agents of ships or aircraft requiring the attendance of an immigration officer at ports and airports outside the normal working hours specified in subparagraph (2).

(2) The normal working hours for immigration officers below the rank of Deputy Director of Immigration shall be as follows—

(a) Mondays to Thursdays: 8 a.m. to 4.30 p.m.

(b) Fridays: 8 a.m. to 4 p.m.

(both excluding public holidays)

(Inserted by L.N. 53/1994)

Extension of visitor's permission to be in Islands

11. There shall be payable upon the issue of an extension of a visitor's permission to be in the Islands, a fee of \$50.

(Inserted by L.N. 34/2001)

AUTHORISED IMMIGRATION PORTS – SECTION 5

(Legal Notice 13/1997)

The following ports have been declared to be authorised ports for the purposes of the Immigration Ordinance—

- | | |
|----------------|---|
| GRAND TURK | - South Dock |
| | - Grand Turk International Airport |
| PROVIDENCIALES | - South Dock |
| | - Turtle Cove Marina |
| | - Caicos Marina and Shipyard, Juba Salina |
| | - Leeward Going Through Marina |
| | - Providenciales International Airport |
| SOUTH CAICOS | - The docks at Cockburn Harbour |
| | - South Caicos International Airport |
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