

STATES OF JERSEY



IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND IMMIGRATION ACT 2014: EXTENSION OF CERTAIN SECTIONS TO JERSEY

Lodged au Greffe on 10th June 2015
by the Chief Minister

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to signify, pursuant to Article 31(1)(b)(i) of the States of Jersey Law 2005, whether they agree that a request be made to Her Majesty in Council for the making of an Order in Council that would extend to Jersey, with appropriate exceptions, modifications and adaptations, the provisions of –

- (a) sections 27 and 42 of the Immigration, Asylum and Nationality Act 2006;
- (b) section 67 of, and Schedule 8 and Parts 1 and 10 of Schedule 9 to, the Immigration Act 2014,

as summarised in the Report of the Chief Minister dated 10th June 2015.

CHIEF MINISTER

REPORT

Executive summary

1. The purpose of this Proposition is to request the States to consider whether to agree to the extension to Jersey of certain provisions of the following Acts of the United Kingdom –
 - (a) the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”);
 - (b) the Immigration Act 2014 of the United Kingdom (“the 2014 Act”).
2. The main purpose in doing so is to widen powers in Jersey to implement embarkation controls. The legislation will introduce powers to enable carrier and port operator staff to play a role in carrying out these checks on passengers departing to places outside of the Common Travel Area (which consists of the United Kingdom, Channel Islands, the Isle of Man and Republic of Ireland). This will help develop an efficient exit checks system to protect the Public from crime, terrorism and illegal immigration, whilst disrupting legitimate passenger traffic as little as possible.

As Jersey is part of the Common Travel Area, it is required to maintain the same standard of Immigration control as the United Kingdom Government.

Embarkation controls – the change in the United Kingdom

3. The 2014 Act received Royal Assent on 14th May 2014. Section 67, together with Schedule 8, provides for the Secretary of State to enable third parties, including carrier and port operator staff, (as “designated persons”), to undertake embarkation checks on passengers departing from the United Kingdom. Schedule 8 also contains powers to direct carriers and port operators to make arrangements for a designated person to conduct embarkation checks. There are some small consequential provisions in Parts 1 and 10 of Schedule 9 that are relevant also in this respect.

The effect in Jersey

4. Section 67 and Schedule 8 (along with the minor consequential provisions in Schedule 9) as extended to Jersey in their adjusted form would empower the Minister for Home Affairs (“the Minister”) to make designations of persons in relation to embarkation checks undertaken in Jersey, in the same way as the Secretary of State is enabled to designate persons in relation to embarkation checks undertaken in the United Kingdom.
5. There would, however, be a requirement for the Minister to inform the Lieutenant-Governor of any such designation (or of any variation or withdrawal of such a designation).
6. The Minister would similarly be empowered to direct –
 - (a) an owner or agent of a ship or aircraft, or
 - (b) a person concerned in the management of a port,

to make arrangements for designated persons to exercise a specified function, or a function of a specified description, in relation to persons of a specified description.

7. The effect in practice will be that powers of examination, currently only exercisable by an immigration officer, will be exercised to a limited extent by a designated person in relation to persons leaving Jersey.

These provisions will allow those who currently have a role in outbound passenger processes to be designated and trained to perform the basic checks required to establish a passenger's identity, to collect the data necessary to identify threats, persons of interest, and to confirm departure.

It is not intended that designated persons should exercise any other powers of an immigration officer such as powers of search or detention.

The legislation will enable the Minister for Home Affairs to direct a carrier or port operator to make arrangements for a designated person to exercise those powers. It will also create an offence for non-compliance with any such direction.

The 2006 Act

8. Sections 27 and 42 of the 2006 Act would also be extended. Section 27 made 2 substantive changes to Schedule 2 to the Immigration Act 1971 as it had effect in the United Kingdom. (Schedule 2 makes administrative provisions as to control of entry, etc. to the United Kingdom.) Section 27 of the 2006 Act –
 - (a) brought together the provisions on detention and examination of passports and other documents produced by passengers, or found on them, while being examined under Schedule 2 and provided that the same conditions should govern detention and examination for all documents; and
 - (b) provided a new power for immigration officers to require passengers being examined under Schedule 2 to provide biometric information (such as fingerprints) for the purpose of ascertaining whether a passenger in question was the rightful holder of the passport or other document he produced.
9. Section 42 of the 2006 Act amended paragraphs 3 and 16 of Schedule 2 (under which an immigration officer is able to examine departing passengers to establish nationality and identity). The effects of the amendments in the United Kingdom were –
 - (a) to extend the powers of examination on embarkation to cover 3 new kinds of information. An immigration officer was given the power to examine an embarking passenger, not only for the purpose of establishing whether he was a British citizen, and if not, his identity, but also to establish whether –

- (i) his entry to the United Kingdom was lawful,
 - (ii) he had complied with any conditions of leave to enter or remain in the United Kingdom, and
 - (iii) his return to the United Kingdom was prohibited or restricted;
- (b) to enable an immigration officer to require a person to submit to further examination by giving him written notice that he must do so;
 - (c) to introduce the power for a person to be detained under the authority of an immigration officer where he had been required to submit to further examination on embarkation. The detention could only be for a maximum of 12 hours pending the completion of the further examination;
 - (d) to make clear that paragraph 21 of Schedule 2, which makes provision for temporary admission, did not apply to detention of departing passengers. As detention is permitted only for a maximum of 12 hours, the power to grant temporary admission was not necessary.
10. The extension of both of these sections to Jersey would have the like effects in this jurisdiction. In practice, what these changes mean is that they will extend the powers of an immigration officer in Jersey in examining embarking passengers.

The statutory provisions as extended

11. Section 27 of the Immigration Act 1971 as extended to Jersey¹ provides for certain offences by persons connected with ships or aircraft or with ports (mainly failing to comply with immigration formalities and directions). Schedule 2 to the 1971 Act, as extended, makes administrative provisions as to control of entry, etc. to the Island. It is these provisions of the 1971 Act that the intended Order in Council would amend.
12. Section 27 and Schedule 2, as each has effect in Jersey, are set out in the **Appendix** to this report with the amendments that are intended to be made. (Note: the text as shown in the Appendix may not be replicated in exactly the form shown, because the text of the draft Order in Council has yet to be finally settled with legal advisers; but the substantive effect of the provisions as extended will still have to be consistent with this Report.)

10th June 2015

Financial and manpower implications

There are no resource implications arising from this legislation.

¹ By the Immigration (Jersey) Order 1993

**THE IMMIGRATION ACT 1971 (SECTION 27 AND SCHEDULE 2)
AS EXTENDED TO JERSEY**

Section 27: Offences by Persons Connected with Ships or Aircraft or with Ports

A person shall be guilty of an offence punishable [with a fine] or with imprisonment for not more than six months, or with both, in any of the following cases –

- (a) if, being the captain of a ship or aircraft, –
 - (i) he knowingly permits a person to disembark in the [Bailiwick of Jersey] when required under Schedule 2 or 3 to this Act to prevent it, or fails without reasonable excuse to take any steps he is required by or under Schedule 2 to take in connexion with the disembarkation or examination of passengers or for furnishing a passenger list or particulars of members of the crew; or
 - (ii) he fails, without reasonable excuse, to comply with any directions given him under Schedule 2 or 3 or under the Immigration and Asylum Act 1999 with respect to the removal of a person from the [Bailiwick of Jersey];
- (b) if, as owner or agent of a ship or aircraft, –
 - (i) he arranges, or is knowingly concerned in any arrangements, for the ship or aircraft to call at a port other than a port of entry contrary to any provision of Schedule 2 to this Act; or
 - (ii) he fails, without reasonable excuse, to take any steps required by [a direction] under Schedule 2 for the supply to passengers of landing or embarkation cards; or
 - (iii) he fails, without reasonable excuse, to make arrangements for or in connection with the removal of a person from the [Bailiwick of Jersey] when required to do so by directions given under Schedule 2 or 3 to this Act or under the Immigration and Asylum Act 1999; or
 - (iiia) he fails, without reasonable excuse, to comply with a direction under paragraph 5B of Schedule 2; or
 - (iv) he fails, without reasonable excuse, to comply with any other requirement imposed by or under Schedule 2, and
- (c) if, as owner or agent of a ship or aircraft or as a person concerned in the management of a port, he fails, without reasonable excuse, to take any steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated.

(ca) if as a person concerned in the management of a port he fails, without reasonable excuse, to comply with a direction under paragraph 5B of Schedule 2.

(d) * * * * *

SCHEDULE 2

ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY, ETC.

PART I

GENERAL PROVISIONS

1. Immigration Officers and Medical Inspectors

- (1) Immigration officers for the purposes of this Act shall be appointed by the Minister for Home Affairs⁽²⁾ with the concurrence of the Lieutenant-Governor and, with such concurrence, the Minister for Home Affairs may arrange for the employment of officers of customs as immigration officers under this Act and aliens officers appointed in pursuance of the Loi (1937) sur les Étrangers⁽³⁾ shall be deemed to have been duly appointed immigration officers under this paragraph for the purposes of this Act.
- (2) The medical officer of health and his deputy shall be medical inspectors for the purposes of this Act.
- (3) In the exercise of their functions under this Act, immigration officers shall act in accordance with such directions as may be given them –
- (a) by the Lieutenant-Governor, as respects the entry of persons into the Bailiwick, the period for which such persons may remain and matters incidental thereto;
- (b) by the Minister for Home Affairs as respects any other matters;
- and medical officers shall act in accordance with such instructions as may be given them by the Minister for Home Affairs.]
- (4) An immigration officer or medical inspector may board any ship [or aircraft] for the purpose of exercising his functions under this Act.
- (5) An immigration officer, for the purpose of satisfying himself whether there are persons he may wish to examine under paragraph 2 below, may search any ship [or aircraft] and anything on board it, or any vehicle taken off a ship or aircraft in which it has been brought to the [Bailiwick of Jersey].

(2) References to “the Committee” in the original are now required to be construed as references to “the Minister for Home Affairs”, and have been adjusted accordingly in this text.

(3) Tome VII, page 194.

2. Examination by Immigration Officers, and Medical Examination

- (1) An immigration officer may examine any persons who have arrived in the [Bailiwick of Jersey] by ship [or aircraft] (including transit passengers, members of the crew and others not seeking to enter the [Bailiwick of Jersey]) for the purpose of determining –
 - (a) whether any of them is or is not <a British citizen>; and
 - (b) whether, if he is not, he may or may not enter the [Bailiwick of Jersey] without leave; and
 - (c) whether, if he may not –
 - (i) he has been given leave which is still in force,
 - (ii) he should be given leave and for what period or on what conditions (if any), or
 - (iii) he should be refused leave.
- (2) Any such person, if he is seeking to enter the [Bailiwick of Jersey], may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.

2A. Examination of Persons who arrive with Continuing Leave

- (1) This paragraph applies to a person who has arrived in the [Bailiwick of Jersey] with leave to enter which is in force but which was given to him before his arrival.
- (2) He may be examined by an immigration officer for the purpose of establishing –
 - (a) whether there has been such a change in the circumstances of his case, since that leave was given, that it should be cancelled;
 - (b) whether that leave was obtained as a result of false information given by him or his failure to disclose material facts; or
 - (c) whether there are medical grounds on which that leave should be cancelled.

- (3) He may also be examined by an immigration officer for the purpose of determining whether it would be conducive to the public good for that leave to be cancelled.
- (4) He may also be examined by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.
- (5) A person examined under this paragraph may be required by the officer or inspector to submit to further examination.
- (6) A requirement under sub-paragraph (5) does not prevent a person who arrives –
 - (a) as a transit passenger,
 - (b) as a member of the crew of a ship or aircraft, or
 - (c) for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.
- (7) An immigration officer examining a person under this paragraph may by notice suspend his leave to enter until the examination is completed.
- (8) An immigration officer may, on the completion of any examination of a person under this paragraph, cancel his leave to enter.
- (9) Cancellation of a person's leave under sub-paragraph (8) is to be treated for the purposes of this Act * * * as if he had been refused leave to enter at a time when he had a current entry clearance.
- (10) A requirement imposed under sub-paragraph (5) and a notice given under sub-paragraph (7) must be in writing.

3.

- (1) An immigration officer or designated person may examine any person who is embarking or seeking to embark in the Bailiwick of Jersey for the purpose of determining whether he is a British citizen and, if he is not a British citizen, for the purpose of establishing –
 - (a) his identity
 - (b) whether he entered Jersey lawfully;
 - (c) whether he has complied with any conditions of leave to enter or remain in Jersey;
 - (d) whether his return to Jersey is prohibited or restricted.

- (1A) If a person is examined under sub-paragraph (1) (whether by an immigration officer or designated person), an immigration officer may require the person, by notice in writing, to submit to further examination by the immigration officer for a purpose specified in that sub-paragraph.
- (2) So long as any Order in Council is in force under section 3(7) of this Act, an immigration officer may examine any person who is embarking or seeking to embark in the Bailiwick of Jersey for the purpose of determining –
- (a) whether any of the provisions of the Order apply to him; and
 - (b) whether, if so, any power conferred by the Order should be exercised in relation to him and in what way.

4. Information and Documents

- (1) It shall be the duty of any person examined under paragraph 2, 2A or 3 above to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of that or any other person's functions under that paragraph.
- (2) A person on his examination under paragraph 2, 2A or 3 above by an immigration officer, or on his examination under paragraph 3 above by a designated person, shall, if so required by an immigration officer or designated person –
- (a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship; and
 - (b) declare whether or not he is carrying or conveying or has carried or conveyed documents of any relevant description specified by the immigration officer or designated person, and produce any documents of that description which he is carrying or conveying.
- In paragraph (b), "relevant description" means any description appearing to the immigration officer or designated person to be relevant for the purposes of the examination.
- (3) Where under sub-paragraph (2)(b) above a person has been required to declare whether or not he is carrying or conveying or has carried or conveyed documents of any description –
- (a) he and any baggage or vehicle belonging to him or under his control; and
 - (b) any ship, aircraft or vehicle in which he arrived in the [Bailiwick of Jersey],

may be searched with a view to ascertaining whether he is doing or, as the case may be, has done so by an immigration officer or a person acting under the directions of an immigration officer: Provided that no woman or girl shall be searched except by a woman.

- (4) Where a passport or other document is produced to or found by an immigration officer in accordance with this paragraph the immigration officer may examine it and detain it—
- (a) for the purpose of examining it, for a period not exceeding 7 days;
 - (b) for any purpose, until the person to whom the document relates is given leave to enter the Bailiwick of Jersey or is about to depart or be removed following refusal of leave or until it is decided that the person does not require leave to enter;
 - (c) after a time described in paragraph (b), while the immigration officer thinks that the document may be required in connection with proceedings in respect of an offence.
- (4A) Where a passport or other document is produced to a designated person in accordance with this paragraph, the designated person –
- (a) may examine it and detain it; and
 - (b) must deliver any detained passport or document to an immigration officer as soon as reasonably practicable.
- (4B) If a passport or document is delivered to an immigration officer in accordance with sub-paragraph (4A)(b), sub-paragraph (4) applies as if the immigration officer had detained the document (and, accordingly, the immigration officer may continue to detain it in accordance with sub-paragraph (4)(a), (b) or (c)).
- (5) For the purpose of ascertaining that a passport or other document produced or found in accordance with this paragraph relates to a person examined under paragraph 2, 2A or 3 above, the person carrying out the examination, or any immigration officer or designated person, may require the person being examined to provide information (whether or not by submitting to a process by means of which information is obtained or recorded) about his external physical characteristics (which may include, in particular, fingerprints or features of the iris or any other part of the eye).

5.

[The Lieutenant-Governor may by direction] make provision for requiring –

- (a) passengers disembarking or embarking in the [Bailiwick of Jersey], or any class of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards, and
- (b) passengers embarking in the Bailiwick of Jersey, or any class of such passengers, to produce to a designated person, if so required, embarkation cards,

in such form as the [Lieutenant-Governor] may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to those passengers.⁽⁴⁾

5A. Designated persons

- (1) In this Schedule “designated person” means a person designated by the Minister for the purposes of this Schedule.
- (2) A designation under this paragraph is subject to such limitations as may be specified in the designation.
- (3) A limitation under sub-paragraph (2) may, in particular, relate to the functions that are exercisable by virtue of the designation (and, accordingly, the exercise of functions under this Schedule by a designated person is subject to any such limitations specified in the person’s designation).
- (4) A designation under this paragraph –
 - (a) may be permanent or for a specified period;
 - (b) may (in either case) be withdrawn; and
 - (c) may be varied.
- (5) The power to designate, or to withdraw or vary a designation, is exercised by the Minister.
- (5A) When the Minister makes, withdraws or varies a designation under this paragraph, he shall inform the Lieutenant-Governor.
- (6) The Minister may designate a person under this paragraph only if the Minister is satisfied that the person –

⁴ Note the transitional provision in Part 10 of Schedule 9 to the Immigration Act 2014 (as extended) in relation to directions made under this paragraph before the coming into force of Part 1 of Schedule 8 to that Act (as extended).

- (a) is capable of effectively carrying out the functions that are exercisable by virtue of the designation;
 - (b) has received adequate training in respect of the exercise of those functions; and
 - (c) is otherwise a suitable person to exercise those functions.
- (7) In this Schedule “Minister” means the Minister for Home Affairs.

5B. Directions to carriers and operators of ports, etc.

- (1) The Minister may direct –
- (a) an owner or agent of a ship or aircraft; or
 - (b) a person concerned in the management of a port,
- to make arrangements for designated persons to exercise a specified function, or a function of a specified description, in relation to persons of a specified description.
- (2) A direction under this paragraph must specify –
- (a) the port where; and
 - (b) the date (or dates) and time (or times) when,
- a function is to be exercised under the arrangements.
- (3) A direction under this paragraph must be in writing.
- (4) A direction under this paragraph may specify a description of persons by reference, in particular, to –
- (a) the destination to which persons are travelling;
 - (b) the route by which persons are travelling;
 - (c) the date and time when the persons are travelling.
- (5) In this paragraph –
- “function” means a function under this Schedule;
- “specified” means specified in a direction under this paragraph.

6. Notice of Leave to Enter or of Refusal of Leave

- (1) Subject to sub-paragraph (3) below, where a person examined by an immigration officer under paragraph 2 above is to be given a limited leave to enter the [Bailiwick of Jersey] or is to be refused leave,

the notice giving or refusing leave shall be given not later than <twenty-four hours> after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing leave is not given him before the end of those <twenty-four hours>, he shall (if not <a British citizen>) be deemed to have been given <leave to enter the [Bailiwick of Jersey] for a period of six months subject to a condition prohibiting his taking employment> and the immigration officer shall as soon as may be give him written notice of that leave.

- (2) Where on a person's examination under paragraph 2 above he is given notice of leave to enter the [Bailiwick of Jersey], then at any time before the end of <twenty-four hours> from the conclusion of the examination he may be given a further notice in writing by an immigration officer cancelling the earlier notice and refusing him leave to enter.
- (3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the [Bailiwick of Jersey], that notice may at any time be cancelled by notice in writing given him by an immigration officer; and where a person is given a notice of cancellation under this sub-paragraph <and the immigration officer does not at the same time give him indefinite or limited leave to enter, he shall be deemed to have been given leave to enter for a period of six months subject to a condition prohibiting his taking employment and the immigration officer shall as soon as may be give him written notice of that leave.>
- (4) Where an entrant is a member of a party in charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph shall be duly given if delivered to the person in charge of the party.

7. Power to Require Medical Examination After Entry

- (1) This paragraph applies if an immigration officer examining a person under paragraph 2 decides –
 - (a) that he may be given leave to enter the [Bailiwick of Jersey]; but
 - (b) that a further medical test or examination may be required in the interests of public health.
- (2) This paragraph also applies if an immigration officer examining a person under paragraph 2A decides –
 - (a) that his leave to enter the [Bailiwick of Jersey] should not be cancelled; but
 - (b) that a further medical test or examination may be required in the interests of public health.

- (3) The immigration officer may give the person concerned notice in writing requiring him –
 - (a) to report his arrival to such medical officer of health as may be specified in the notice; and
 - (b) to attend at such place and time and submit to such test or examination (if any), as that medical officer of health may require.
- (4) In reaching a decision under paragraph (b) of sub-paragraph (1) or (2), the immigration officer must act on the advice of –
 - (a) a medical inspector; or
 - (b) if no medical inspector is available, a fully qualified medical practitioner.

8. Removal of Persons Refused Leave to Enter and Illegal Entrants

- (1) Where a person arriving in the [Bailiwick of Jersey] is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) below –
 - (a) give the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the [Bailiwick of Jersey] in that ship or aircraft; or
 - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
 - (c) give those owners or agents * * * directions requiring them to make arrangements for his removal from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the direction to a country or territory so specified, being either –
 - (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) a country or territory in which he embarked for the [Bailiwick of Jersey]; or
 - (iv) a country or territory to which there is reason to believe that he will be admitted.

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

9.

- (1) Where an illegal entrant is not given leave to enter or remain in the [Bailiwick of Jersey], an immigration officer may give any such directions in respect of him as in a case within paragraph 8 above are authorised by paragraph 8(1).
- (2) Any leave to enter the [Bailiwick of Jersey] which is obtained by deception shall be disregarded for the purposes of this paragraph.

10.

- (1) Where it appears to the [Lieutenant-Governor] either –
 - (a) that directions might be given in respect of a person under paragraph 8 or 9 above, but that it is not practicable for them to be given or that, if given, they would be ineffective; or
 - (b) that directions might have been given in respect of a person under paragraph 8 above <but that the requirements of paragraph 8(2) have not been complied with>;

then the [Lieutenant-Governor] may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 8(1)(c).

- (2) Where the [Lieutenant-Governor] may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the [Lieutenant-Governor] to any country or territory to which he could be removed under sub-paragraph (1).
- (3) The costs of complying with any directions given under this paragraph shall be defrayed by the [Minister for Home Affairs].

11.

A person in respect of whom directions are given under any of paragraphs 8 to 10 above may be placed, under the authority of an immigration officer or the Lieutenant-Governor, on board any ship or aircraft in which he is to be removed in accordance with the directions.

12. Seamen and Aircrews

- (1) If, on a person's examination by an immigration officer under paragraph 2 above, the immigration officer is satisfied that he has come to the [Bailiwick of Jersey] for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of any leave he gives that person to enter the [Bailiwick of Jersey] by requiring him to leave the [Bailiwick of Jersey] in a ship or aircraft specified or indicated by the notice giving leave.
- (2) Where a person (not being <a British citizen>) arrives in the [Bailiwick of Jersey] for the purpose of joining a ship or aircraft as a member of the crew and, having been given leave to enter as mentioned in sub-paragraph (1) above, remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so, an immigration officer may –
 - (a) give the captain of that ship or aircraft directions requiring the captain to remove him from the [Bailiwick of Jersey] in that ship or aircraft; or
 - (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are owners or agents; or
 - (c) give those owners or agents directions requiring them to make arrangements for his removal from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either –
 - (i) a country of which he is a national or citizen, or
 - (ii) a country or territory in which he has obtained a passport or other document of identity, or
 - (iii) a country or territory in which he embarked for the [Bailiwick of Jersey], or
 - (iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the [Bailiwick of Jersey] to join, or
 - (v) a country or territory to which there is reason to believe that he will be admitted.

13.

- (1) Where a person being a member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2 above, the

immigration officer may limit the duration of any leave he gives that person to enter the [Bailiwick of Jersey] –

- (a) in the manner authorised by paragraph 12(1) above; or
- (b) if that person is to be allowed to enter the [Bailiwick of Jersey] in order to receive hospital treatment, by requiring him, on completion of that treatment, to leave the [Bailiwick of Jersey] in accordance with arrangements to be made for his repatriation; or
- (c) by requiring him to leave the [Bailiwick of Jersey] within a specified period in accordance with arrangements to be made for his repatriation.

(2) Where a person (not being <a British citizen>) arrives in the [Bailiwick of Jersey] as a member of the crew of a ship or aircraft, and either –

- (A) having lawfully entered the [Bailiwick of Jersey] without leave by virtue of section 8(1) of this Act, he remains without leave beyond the time allowed by section 8(1), or is reasonably suspected by an immigration officer of intending to do so; or
- (B) having been given leave limited as mentioned in subparagraph (1) above, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so;

an immigration officer may –

- (a) give the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the [Bailiwick of Jersey] in that ship or aircraft; or
- (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the [Bailiwick of Jersey]; being a ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
- (c) give those owners or agents directions requiring them to make arrangements for his removal from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either –
 - (i) a country of which he is a national or citizen, or
 - (ii) a country or territory in which he has obtained a passport or other document of identity, or

- (iii) a country in which he embarked for the [Bailiwick of Jersey], or
- (iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the [Bailiwick of Jersey], or
- (v) a country or territory to which there is reason to believe that he will be admitted.

14.

- (1) Where it appears to the [Lieutenant-Governor] that directions might be given in respect of a person under paragraph 12 or 13 above, but that it is not practicable for them to be given or that, if given, they would be ineffective, then the [Lieutenant-Governor] may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 12(2)(c) or 13(2)(c).
- (2) Where the [Lieutenant-Governor] may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the [Lieutenant-Governor] to any country or territory to which he could be removed under sub-paragraph (1).
- (3) The costs of complying with any directions given under this paragraph shall be defrayed by the [Minister for Home Affairs].

15.

A person in respect of whom directions are given under any of paragraphs 12 to 14 above 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.

16. Detention of Persons Liable to Examination or Removal

- (1) A person who may be required to submit to examination under paragraph 2 above 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.
- (1A) A person whose leave to enter has been suspended under paragraph 2A may be detained under the authority of an immigration officer pending –
 - (a) completion of his examination under that paragraph; and
 - (b) a decision on whether to cancel his leave to enter.

- (1B) A person who has been required to submit to further examination under paragraph 3(1A) may be detained under the authority of an immigration officer, for a period not exceeding 12 hours, pending the completion of the examination.
- (2) If there are reasonable grounds for suspecting that a person is someone in respect of whom directions may be given under any of paragraphs 8 to 10 or 12 to 14, that person may be detained under the authority of an immigration officer pending –
 - (a) a decision whether or not to give such directions;
 - (b) his removal in pursuance of such directions.
- (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 paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the [Bailiwick of Jersey] any person who has arrived in the [Bailiwick of Jersey] in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody on board the ship or aircraft.
- (4) The captain of a ship or aircraft, if so required by an immigration officer, shall prevent from disembarking in the [Bailiwick of Jersey] or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15 above, and the captain may for that purpose detain him in custody on board the ship or aircraft.
- (4A) * * * * *

17.

- (1) A person liable to be detained under paragraph 16 above may be arrested without warrant by a [police officer] or by an immigration officer.
- (2) [If the Bailiff is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under this paragraph is to be found on any premises, he may grant a warrant authorising any immigration officer or [police officer] to enter, if need be by force, the premises named in the warrant for the purposes of searching for and arresting that person.

18.

- (1) Persons may be detained under paragraph 16 above in such places as the [Attorney General for Jersey] may direct (when not detained in accordance with paragraph 16 on board a ship or aircraft).

- (2) Where a person is detained under paragraph 16, any immigration officer [police officer] or prison officer, or any other person authorised by the [Attorney General for Jersey], may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying.
- (2A) The power conferred by sub-paragraph (2) includes power to take fingerprints.
- (3) Any person detained under paragraph 16 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 [Bailiwick of Jersey], or where he is required to be for any other purpose connected with the operation of this Act.
- (4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) above.

19.

- (1) Where a person is refused leave to enter the [Bailiwick of Jersey] and directions are given in respect of him under paragraph 8 or 10 above, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived * * * shall be liable to pay the [Minister for Home Affairs] on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person for any period (not exceeding 14 days) after his arrival while he was detained or liable to be detained under paragraph 16 above.
- (2) Sub-paragraph (1) above shall not apply to expenses in respect of a person who, when he arrived in the [Bailiwick of Jersey], held a <certificate of entitlement> or a current entry clearance or was the person named in a current work permit; and for this purpose a document purporting to be a <certificate of entitlement> entry clearance or work permit is to be regarded as being one unless its falsity is reasonably apparent.
- (3) If, before the directions for a person's removal under paragraph 8 or 10 above have been carried out, he is given leave to enter the [Bailiwick of Jersey], no sum shall be demanded under sub-paragraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.
- [(4) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.]

20.

- (1) Subject to the provisions of this paragraph, in either of the following cases, that is to say, –
- (a) where directions are given in respect of an illegal entrant under paragraph 9 or 10 above; and
 - (b) where a person has lawfully entered the [Bailiwick of Jersey] without leave by virtue of section 8(1) of this Act, but directions are given in respect of him under paragraph 13(2)(A) above or, in a case within paragraph 13(2)(A), under paragraph 14;

the owners or agents of the ship or aircraft in which he arrived in the [Bailiwick of Jersey] * * * shall be liable to pay the [Minister for Home Affairs] on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person for any period (not exceeding 14 days) at any time after his arrival while he was detained or liable to be detained under paragraph 16 above.

- (1A) Sub-paragraph (1) above shall not apply to expenses in respect of an illegal entrant if he obtained leave to enter by deception and the leave has not been cancelled under paragraph 6(2) above.
- (2) If, before the directions for a person's removal from the [Bailiwick of Jersey] have been carried out, he is given leave to remain in the [Bailiwick of Jersey], no sum shall be demanded under sub-paragraph (1) above for expenses and incurred in respect of that person and any sum already demanded and paid shall be refunded.
- [(3) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person concerned to and from the place where he is detained or accommodated.]

21. Temporary Admission or Release of Persons Liable to Detention

- (1) A person liable to detention or detained under paragraph 16(1), (1A) or (2) above may under the written authority of an immigration officer, be temporarily admitted to the [Bailiwick of Jersey] 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 [Bailiwick of Jersey] by virtue of this paragraph, he shall be subject to such restrictions as to residence <, as to his employment or occupation> and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.
- (2A) The provisions that may be included in restrictions as to residence imposed under sub-paragraph (2) include provisions of such a description as [the Lieutenant Governor may direct].

(2B) The [directions] may, among other things, provide for the inclusion of provisions –

(a) prohibiting residence in one or more particular areas;

(b) * * * * *

(2C) The [directions] may provide that a particular description of provision may be imposed only for prescribed purposes.

[(2D) The power to give directions conferred by this paragraph includes a power to make different provision for different cases.]

(3) Sub-paragraph (4) below applies where a person who is at large in the [Bailiwick of Jersey] by virtue of this paragraph is subject to a restriction as to reporting to an immigration officer with a view to the conclusion of his examination under paragraph 2 or 2A above.

(4) If the person fails at any time to comply with that restriction –

(a) an immigration officer may direct that the person's examination shall be treated as concluded at that time; but

(b) nothing in paragraph 6 above shall require the notice giving or refusing him leave to enter the [Bailiwick of Jersey] to be given within twenty-four hours after that time.

22. * * * * *

23. * * * * *

24. * * * * *

25. * * * * *

25A. Entry and Search of Premises

(1) This paragraph applies if –

(a) a person is arrested under this Schedule; or

(b) a person who was arrested by a [police officer] (other than under this Schedule) is detained by an immigration officer under this Schedule.

(2) An immigration officer may enter and search any premises –

(a) occupied or controlled by the arrested person; or

(b) in which that person was when he was arrested, or immediately before he was arrested,

for relevant documents.

- (3) The power may be exercised –
 - (a) only if the officer has reasonable grounds for believing that there are relevant documents on the premises;
 - (b) only to the extent that it is reasonably required for the purpose of discovering relevant documents; and
 - (c) subject to sub-paragraph (4), only if a senior officer has authorised its exercise in writing.
- (4) An immigration officer may conduct a search under sub-paragraph (2) –
 - (a) before taking the arrested person to a place where he is to be detained; and
 - (b) without obtaining an authorisation under sub-paragraph (3)(c),

if the presence of that person at a place other than one where he is to be detained is necessary to make an effective search for any relevant documents.
- (5) An officer who has conducted a search under sub-paragraph (4) must inform a senior officer as soon as is practicable.
- (6) The officer authorising a search, or who is informed of one under sub-paragraph (5), must make a record in writing of –
 - (a) the grounds for the search; and
 - (b) the nature of the documents that were sought.
- (7) An officer searching premises under sub-paragraph (2) –
 - (a) may seize and retain any documents he finds which he has reasonable grounds for believing are relevant documents; but
 - (b) may not retain any such document for longer than is necessary in view of the purpose for which the person was arrested.
- (8) But sub-paragraph (7)(a) does not apply to documents which the officer has reasonable grounds for believing are items subject to legal privilege.
- (9) “Relevant documents” means any documents which might –
 - (a) establish the arrested person’s identity, nationality or citizenship; or

- (b) indicate the place from which he has travelled to the [Bailiwick of Jersey] or to which he is proposing to go.
- (10) “Senior officer” means an immigration officer not below the rank of chief immigration officer.

25B. Searching Persons Arrested by Immigration Officers

- (1) This paragraph applies if a person is arrested under this Schedule.
- (2) An immigration officer may search the arrested person if he has reasonable grounds for believing that the arrested person may present a danger to himself or others.
- (3) The officer may search the arrested person for –
 - (a) anything which he might use to assist his escape from lawful custody; or
 - (b) any document which might –
 - (i) establish his identity, nationality or citizenship, or
 - (ii) indicate the place from which he has travelled to the [Bailiwick of Jersey] or to which he is proposing to go.
- (4) The power conferred by sub-paragraph (3) may be exercised –
 - (a) only if the officer has reasonable grounds for believing that the arrested person may have concealed on him anything of a kind mentioned in that sub-paragraph; and
 - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (5) A power conferred by this paragraph to search a person is not to be read as authorising an officer to require a person to remove any of his clothing in public other than an outer coat, jacket or glove; but it does authorise the search of a person’s mouth.
- (6) An officer searching a person under sub-paragraph (2) may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to another person.
- (7) An officer searching a person under sub-paragraph (3)(a) may seize and retain anything he finds, if he has reasonable grounds for believing that he might use it to assist his escape from lawful custody.

- (8) An officer searching a person under sub-paragraph (3)(b) may seize and retain anything he finds, other than an item subject to legal privilege, if he has reasonable grounds for believing that it might be a document falling within that sub-paragraph.
- (9) Nothing seized under sub-paragraph (6) or (7) may be retained when the person from whom it was seized –
 - (a) is no longer in custody, or
 - (b) is in the custody of a court but has been released on bail.

25C. Searching Persons in Police Custody

- (1) This paragraph applies if a person –
 - (a) has been arrested under this Schedule; and
 - (b) is in custody at a police station.
- (2) An immigration officer may, at any time, search the arrested person in order to ascertain whether he has with him –
 - (a) anything which he might use to –
 - (i) cause physical injury to himself or others,
 - (ii) damage property,
 - (iii) interfere with evidence, or
 - (iv) assist his escape; or
 - (b) any document which might –
 - (i) establish his identity, nationality or citizenship, or
 - (ii) indicate the place from which he has travelled to the [Bailiwick of Jersey] or to which he is proposing to go.
- (3) The power may be exercised only to the extent that the officer considers it to be necessary for the purpose of discovering anything of a kind mentioned in sub-paragraph (2).
- (4) An officer searching a person under this paragraph may seize and retain anything he finds, if he has reasonable grounds for believing that –
 - (a) that person might use it for one or more of the purposes mentioned in sub-paragraph (2)(a); or
 - (b) it might be a document falling within sub-paragraph (2)(b).

- (5) But the officer may not retain anything seized under subparagraph (2)(a) –
 - (a) for longer than is necessary in view of the purpose for which the search was carried out; or
 - (b) when the person from whom it was seized is no longer in custody or is in the custody of a court but has been released on bail.
- (6) The person from whom something is seized must be told the reason for the seizure unless he is –
 - (a) violent or appears likely to become violent; or
 - (b) incapable of understanding what is said to him.
- (7) An intimate search may not be conducted under this paragraph.
- (8) The person carrying out a search under this paragraph must be of the same sex as the person searched.
- (9) “Intimate search” has the same meaning as in section 28H(11).

25D. Access and Copying

- (1) If a person showing himself –
 - (a) to be the occupier of the premises on which seized material was seized; or
 - (b) to have had custody or control of the material immediately before it was seized,

asks the immigration officer who seized the material for a record of what he seized, the officer must provide the record to that person within a reasonable time.
- (2) If a relevant person asks an immigration officer for permission to be granted access to seized material, the officer must arrange for that person to have access to the material under the supervision of an immigration officer.
- (3) An immigration officer may photograph or copy, or have photographed or copied, seized material.
- (4) If a relevant person asks an immigration officer for a photograph or copy of seized material, the officer must arrange for –

- (a) that person to have access to the material under the supervision of an immigration officer for the purpose of photographing or copying it; or
 - (b) the material to be photographed or copied.
- (5) A photograph or copy made under sub-paragraph (4)(b) must be supplied within a reasonable time.
- (6) There is no duty under this paragraph to arrange for access to, or the supply of a photograph or copy of, any material if there are reasonable grounds for believing that to do so would prejudice –
- (a) the exercise of any functions in connection with which the material was seized; or
 - (b) an investigation which is being conducted under this Act, or any criminal proceedings which may be brought as a result.
- (7) “Relevant person” means –
- (a) a person who had custody or control of seized material immediately before it was seized; or
 - (b) someone acting on behalf of such a person.
- (8) “Seized material” means anything which has been seized and retained under this Schedule.

25E.

Section 28L applies for the purposes of this Schedule as it applies for the purposes of Part III.

26. Supplementary Duties of those Connected with Ships or Aircraft or with Ports

- (1) The owners or agents of a ship or aircraft employed to carry passengers for reward shall not, without the approval of the [Lieutenant-Governor], arrange for the ship or aircraft to call at a port in the [Bailiwick of Jersey] other than a port of entry for the purpose of disembarking passengers, if any of the passengers on board may not enter the [Bailiwick of Jersey] without leave or for the purpose of embarking passengers unless the owners or agents have reasonable cause to believe all of them to be <British citizens>.
- (1A) Sub-paragraph (1) does not apply in such circumstances, if any, as the [Lieutenant Governor may direct].
- (2) The [Lieutenant-Governor] may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers in any port in the [Bailiwick of Jersey] and specifying the conditions and

restrictions (if any) to be observed in any control area; and where by notice given to any owners or agents a control area is for the time being designated for the embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, at the port outside the control area and that any conditions or restrictions notified to them are observed.

- (3) The [Lieutenant-Governor] may also from time to time give to any persons concerned with the management of a port in the [Bailiwick of Jersey] written notice designating control areas in the port and specifying conditions or restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions as notified to him are observed.

27.

- (1) The captain of a ship of aircraft arriving in the Bailiwick of Jersey –
- (a) shall take such steps as may be necessary to secure that persons on board do not disembark there unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the Bailiwick of Jersey without leave by virtue of section 8(1) of this Act; and
 - (b) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.
- (2) The Lieutenant-Governor may by Direction require, or enable an immigration officer to require, a responsible person in respect of a ship or aircraft to supply –
- (a) a passenger list showing the names and nationality or citizenship of passengers arriving or leaving on board the ship or aircraft;
 - (b) particulars of members of the crew of the ship or aircraft;
- (3) Directions under sub-paragraph (2) may relate –
- (a) to all ships or aircraft arriving or expected to arrive in the Bailiwick of Jersey;
 - (b) to all ships or aircraft leaving or expected to leave the Bailiwick of Jersey;

- (c) to ships or aircraft arriving or expected to arrive in the Bailiwick of Jersey from or by way of a specified country;
 - (d) to ships or aircraft leaving or expected to leave the Bailiwick of Jersey to travel to or by way of a specified country;
 - (e) to specified ships or specified aircraft.
- (4) For the purposes of sub-paragraph (2) the following are responsible persons in respect of a ship or aircraft –
- (a) the owner or agent; and
 - (b) the captain.
- (5) Directions under sub-paragraph (2) –
- (a) may specify the time at which or period during which information is to be provided;
 - (b) may specify the form and manner in which information is to be provided; and
 - (c) may require information to be provided to the immigration officer or as the immigration officer directs

27A. * * * * *

27B. Passenger information or service information

- (1) This paragraph applies to ships or aircraft –
- (a) which have arrived, or are expected to arrive, in the [Bailiwick of Jersey]; or
 - (b) which have left, or are expected to leave, the [Bailiwick of Jersey].
- (2) If an immigration officer asks the owner or agent (“the carrier”) of a ship or aircraft for passenger information or service information, the carrier must provide that information to the officer or as the officer directs.
- (3) The officer may ask for passenger information or service information relating to –
- (a) a particular ship or particular aircraft of the carrier;
 - (b) particular ships or aircraft (however described) of the carrier; or
 - (c) all of the carrier’s ships or aircraft.

- (4) The officer may ask for –
 - (a) all passenger information or service information in relation to the ship or aircraft concerned; or
 - (b) particular passenger information or service information in relation to that ship or aircraft.
- (5) A request under sub-paragraph (2) –
 - (a) must be in writing;
 - (b) must state the date on which it ceases to have effect; and
 - (c) continues in force until that date, unless withdrawn earlier by written notice by an immigration officer.
- (6) The date may not be later than six months after the request is made.
- (7) The fact that a request under sub-paragraph (2) has ceased to have effect as a result of sub-paragraph (5) does not prevent the request from being renewed.
- (8) The information must be provided –
 - (a) in such form and manner as the [Lieutenant Governor] may direct; and
 - (b) at such time as may be stated in the request.
- (9) “Passenger information or service information” means such information relating to the passengers carried, or expected to be carried, by the ship or aircraft as may be specified [by the Lieutenant Governor].
- (9A) “Service Information” means such information relating to the voyage or flight undertaken by the ship or aircraft as may be specified by the Lieutenant-Governor.
- (10) * * * * *
- (11) * * * * *

27C. Notification of Non-EEA Arrivals

- (1) If a senior officer, or an immigration officer authorised by a senior officer, gives written notice to the owner or agent (“the carrier”) of a ship or aircraft, the carrier must inform a relevant officer of the expected arrival in the [Bailiwick of Jersey] of any ship or aircraft –
 - (a) of which he is the owner or agent; and

- (b) which he expects to carry a person who is not an EEA national.
- (2) The notice may relate to –
 - (a) a particular ship or particular aircraft of the carrier;
 - (b) particular ships or aircraft (however described) of the carrier;
or
 - (c) all of the carrier’s ships or aircraft.
- (3) The notice –
 - (a) must state the date on which it ceases to have effect; and
 - (b) continues in force until that date, unless withdrawn earlier by written notice given by a senior officer.
- (4) The date may not be later than six months after the notice is given.
- (5) The fact that a notice under sub-paragraph (1) has ceased to have effect as a result of sub-paragraph (3) does not prevent the notice from being renewed.
- (6) The information must be provided –
 - (a) in such form and manner as the notice may require; and
 - (b) before the ship or aircraft concerned departs for the [Bailiwick of Jersey].
- (7) If a ship or aircraft travelling to the [Bailiwick of Jersey] stops at one or more places before arriving in the [Bailiwick of Jersey], it is to be treated as departing for the [Bailiwick of Jersey] when it leaves the last of those places.
- (8) “Senior officer” means an immigration officer not below the rank of chief immigration officer.
- (9) “Relevant officer” means –
 - (a) the officer who gave the notice under sub-paragraph (1); or
 - (b) any immigration officer at the port at which the ship or aircraft concerned is expected to arrive.
- (10) “EEA national” means a national of a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as it has effect for the time being.

28.	*	*	*	*	*
29.	*	*	*	*	*
30.	*	*	*	*	*
31.	*	*	*	*	*
32.	*	*	*	*	*
33.	*	*	*	*	*