

# CHAPTER 145

## IMMIGRATION ACT

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• Act • Subsidiary Legislation •

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### ACT

Act No. 26 of 1969

### Amended by

Act No. 3 of 1972

Act No. 31 of 1978

Act No. 24 of 1986

Act No. 9 of 2002

Act No. 6 of 2007

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## CHAPTER 145 IMMIGRATION ACT

### **An Act to impose restrictions on immigration and to regulate the deportation of aliens.**

[Act No. 26 of 1969 amended by Act No. 3 of 1972, Act No. 31 of 1978, Act No. 24 of 1986, Act No. 9 of 2002, Act No. 6 of 2007.]

[29th November, 1969.]

#### **1. Short title**

This Act may be cited as the Immigration Act.

#### **2. Interpretation**

(1) In this Act—

“alien” means a person who is not a citizen of Grenada;

“convicted person” means a person in respect of whom any court certifies to the Minister that he or she has been convicted, either by that court or by any inferior court from which his or her case has been brought by way of appeal, of any offence punishable with imprisonment otherwise than only in default of payment of a fine;

“dependant”, in relation to a person, means—

- (a) the wife of such person provided she is not living apart from him or her under a decree of a competent court or a deed of separation;
- (b) the child or step-child, under the age of sixteen years, of such person;
- (c) an adopted child under the age of sixteen years, having been adopted by such person in a manner recognised by law;

“deportation order” means an order made under section 26;

“destitute person” means a person who is, or is likely to be, a charge upon public funds by reason of mental or bodily health or insufficiency of means to support himself or herself and his or her dependants, if any;

“Minister” means the Minister responsible for immigration;

“person charged” means a person in respect of whom it is alleged that there are grounds for making a deportation order or restriction order or security order under this Act, and includes a person in respect of whom such an order has been made;

“prescribed” means prescribed by regulations made under section 39;

“prohibited alien” has the meaning assigned by section 4;

“restriction order” means an order made under section 27;

“security order” means an order made under section 28 requiring the person in respect of whom it is made to give security with or without sureties in such amount and for such

time as may be therein specified to keep the peace and to be of good behaviour, or indemnifying public funds for all costs, charges and expenses incurred in this regard, or providing for both such purposes, as may be appropriate in the circumstances;

“undesirable person” means a person who is or has been conducting himself or herself so as to be a danger to peace, good order, good government, or public morals;

“vessel” means any ship, vessel, sloop, boat or other floating craft, or any aircraft, of whatever description.

(2) For the purposes of this Act—

- (a) a person enters Grenada if he or she arrives by vessel from a place outside Grenada with the intention of disembarking in Grenada or if he or she disembarks in Grenada;
- (b) a person embarks from Grenada if he or she leaves by vessel for a place outside Grenada with the intention of disembarking in that place or if he or she disembarks in that place;
- (c) except where the context otherwise requires a reference in this Act to entering or embarking shall be construed as including a reference to attempting to enter or embark.

### **3. Immigration officers**

(1) There shall be a Chief Immigration Officer and also immigration officers for all or any specified parts of Grenada for the purpose of carrying out the provisions of this Act.

(2) Any member of the Police Force may, if so authorised by the Chief Immigration Officer and subject to his or her directions, act as an immigration officer.

(3) For the purpose of performing his or her duties under this Act an immigration officer shall have the powers of a police constable and may board and search any vessel arriving in Grenada.

### **4. Prohibited aliens**

(1) Except with the authority of the Minister and subject to such conditions as to duration and place of residence, occupation, or any other matter or thing as the Minister may think expedient, an immigration officer shall not grant leave to an alien to enter Grenada if the alien is a prohibited alien that is to say—

- (a) a person who is likely if he or she entered Grenada to become a public charge by reason of infirmity of body or mind or who is not in possession of sufficient means to support himself or herself and such of his or her dependants as he or she shall bring with him or her to Grenada;
- (b) a person of unsound mind or a mentally defective person;
- (c) a person certified by a medical practitioner to be suffering from a contagious or infectious disease which makes his or her entry into Grenada undesirable;
- (d) a person who, not having received a free pardon, has been in any country convicted of an offence for which a sentence of imprisonment has been passed and who for this reason appears to be an undesirable person;
- (e) a prostitute or a person who may be living on or receiving or may have lived on or received the proceeds of prostitution;
- (f) a person who, from information or advice received from the government of any other country through official or diplomatic channels, is deemed by the Minister to be an undesirable inhabitant of or visitor to Grenada;

- (g) a person or class of persons deemed by the Minister on economic grounds, or on account of living standards or habits, to be an undesirable inhabitant of Grenada;
- (h) the dependant of a prohibited alien:

Provided that an immigration officer may grant a temporary permit for a prohibited alien to enter Grenada for a period not exceeding forty-eight hours.

(2) The decision of the Minister under subsection (1)(f) and (g) shall not be brought into question in any court.

(3) Notwithstanding anything contained in this Act, the Minister may prohibit the entry of any alien into Grenada.

## **5. Passports and visas**

(1) A person entering Grenada without a passport shall be deemed to be a prohibited alien unless and until he or she establishes his or her identity and nationality to the satisfaction of an immigration officer.

(2) In this section, the expression “passport” means a passport furnished with a photograph and duly issued not more than five years before the date of arrival, or some other document establishing identity and nationality to the satisfaction of an immigration officer:

Provided that the Minister may by regulations order that the passport of a national of all or any foreign countries shall not be accepted unless it bears the visa of a diplomatic or consular officer of Grenada or, where Grenada is not represented by such an officer, by a diplomatic or consular officer of the country that acts on behalf of Grenada in the country of issue.

(3) A visa shall show the purposes for which the holder of the passport seeks to enter Grenada.

(3A) A person who is a citizen of any Member State of the Organisation of Eastern Caribbean States may establish his or her identity and nationality by producing an identity card, in the form of a Driver’s Licence or National Identification Card of the Member State with a photograph, which has been duly issued or renewed and is valid for the period of the person’s intended stay in Grenada.

(4) The certificate constituting the visa shall bear a reference number that refers to the numbered entry in a register kept for the purpose of recording the grant or issue of visas.

(5) An alien who is in Grenada otherwise than in accordance with the provisions of this Act shall be deemed to be a prohibited alien and may be dealt with as such.

(6) The Minister may by regulations exempt any alien or class of aliens from the provisions of this section.

## **6. Power of immigration officers to give directions**

(1) Where leave to enter Grenada is refused to an alien an immigration officer may, subject to subsection (2), give directions—

- (a) to the master of the vessel in which the alien arrived in Grenada requiring him or her to remove the alien from Grenada in that vessel;
- (b) to the owners or agents of the vessel requiring them to remove the alien from Grenada in any vessel specified in the directions, being a vessel of which they are the owners or agents;
- (c) to the said owners or agents requiring them to make arrangements for the removal of the alien from Grenada in any vessel bound for a country specified in the directions being either—

- (i) the country of which the alien is a national or in which he or she embarked for Grenada, or
- (ii) a country to which there is reason to believe that the alien will be admitted,

and for securing his or her passage to that country.

(2) No direction shall be given under this section in respect of an alien after the expiration of two months from the date on which he or she last arrived in Grenada.

(3) An alien in respect of whom directions are given under subsection (1) may be placed under the authority of an immigration officer on board any vessel in which he or she is to be removed in accordance with the directions.

(4) An alien to whom leave to enter Grenada is refused may be detained under the authority of an immigration officer pending the giving of directions in his or her case under subsection (1) and pending his or her removal in pursuance of directions so given; and where such alien is on board a vessel he or she may, under the like authority, be removed therefrom for detention under this subsection.

## **7. Who are not prohibited aliens**

The following persons or classes of persons shall not be prohibited aliens for the purposes of this Act namely—

- (a) members of Her Majesty's regular naval, military or air forces;
- (b) persons in the service of the Government;
- (c) persons who are duly accredited to Grenada by or under the authority of Her Majesty or the government of a foreign State, or the wife, family, staff or servants of any such persons;
- (d) any other specified persons or classes of persons to whom this section may be applied by the Minister by Order.

## **8. Temporary permits for sick persons**

(1) Notwithstanding section 4(1)(c), an immigration officer may, with the consent of a medical practitioner, grant a permit for an alien suffering from a contagious or infectious disease to remain in Grenada temporarily for the purpose of treatment, subject to such conditions as the medical practitioner may deem necessary for the protection of the community.

(2) The grant of a permit under this section shall not prevent a subsequent decision that the alien is a prohibited alien on another ground.

(3) On the conclusion of his or her treatment, or at such earlier time as may be specified in the permit or communicated to him or her by the immigration officer, the alien shall present himself or herself in person to the immigration officer for examination.

## **8A. Duty to provide advance passenger information**

(1) In this section—

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

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

“domestic space” means the countries listed in the Second Schedule;